U.S. Congress

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

THIRD SESSION OF THE SEVENTY-FIFTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME 83—PART 1

JANUARY 3, 1938, TO JANUARY 27, 1938

(Pages 1 to 1186)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.

DEPOSITED BY THE
UNITED STATES OF AMERICA
MAY 16 1938

Congressional Record

SEVENTY-FIFTH CONGRESS, THIRD SESSION

SENATE

MONDAY, JANUARY 3, 1938

The 3d of January being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the third session of the Seventy-fifth Congress commenced this day

The Senate assembled in its Chamber at the Capitol.

JOHN N. GARNER, of Texas, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., of the city of Washington, offered the following

PRAYER

Eternal God and Heavenly Father, who art the Goal of all our striving, the Satisfaction of all our desire: Grant that, with responsive hearts and enfranchised eyes, we may apprehend Thee everywhere and see the unseen in the seen as our thoughts take wing and rise and float, secure above earth's mystery, through the avenue of prayer, all radiant with Thy glorious promises. Another year, with its joy and pain, its hopes and fears, has passed to its rest in Thine eternity; and, though it was saddened and stained in its going from us, by the passions of our world's workaday life, we beseech Thee to purify our hearts and to strengthen our wills on this new day of golden opportunity as we rededicate our lives to the service of our country and our God.

Let Thine abundant blessings be upon our President, our Vice President, the Members of the Congress, the Judiciary, and all who share the responsibility of government, and be with Thy children everywhere, for we can never pass beyond Thy care.

Give to us all the gladness that is Thine, and link our days each to each with the thread of Thy purpose; and accept them as an offering for Thy kingdom and Thy glory. Through Jesus Christ our Lord. Amen.

LIST OF SENATORS BY STATES

Alabama.—John H. Bankhead and Mrs. Dixie Bibb Graves.
Arizona.—Henry F. Ashurst and Carl Hayden.
Arkansas.—Mrs. Hattie W. Caraway and John E. Miller.
California.—Hiram W. Johnson and William Gibbs McAdoo.
Colorado.—Alva B. Adams and Edwin C. Johnson.
Connecticut.—Augustine Lonergan and Francis T. Maloney.
Delaware.—John G. Townsend, Jr., and James H. Hughes.
Florida.—C. O. Andrews and Claude Pepper.
Georgia.—Walter F. George and Richard B. Russell, Jr.
Idaho.—William E. Borah and James P. Pope.
Illinois.—J. Hamilton Lewis and William H. Dieterich.
Indiana.—Frederick Van Nuys and Sherman Minton.
Iowa.—Guy M. Gillette and Clyde L. Herring.
Kansas.—Arthur Capper and George McGill.
Kentucky.—Alben W. Barkley and M. M. Logan.
Louisiana.—John H. Overton and Allen J. Ellender.
Maine.—Frederick Hale and Wallace H. White, Jr.
Maryland.—Millard E. Tydings and George L. Radcliffe.
Massachusetts.—David I. Walsh and Henry Cabot Lodge, Jr.
Michigan.—Arthur H. Vandenberg and Prentiss M. Brown.
Minnesota.—Henrik Shipstead and Ernest Lundeen.
Mississippi.—Pat Harrison and Theodore G. Bilbo.
Missouri.—Bennett Champ Clark and Harry S. Truman.
Montana.—Burton K. Wheeler and James E. Murray.
Nebraska.—George W. Norris and Edward R. Burke.
Nevada.—Key Pittman and Patrick McCarran.
New Hampshire.—Fred H. Brown and H. Styles Bridges.
New Jersey.—A. Harry Moore and W. H. Smathers.
New Mexico.—Carl A. Hatch and Dennis Chavez.
New York.—Royal S. Copeland and Robert F. Wagner.
North Carolina.—Josiah William Bailey and Robert R. Reynolds.
North Dakota.—Lynn J. Frazier and Gerald P. Nye.
Ohio.—Robert J. Bulkley and Vic Donahey.
Oklahoma.—Elmer Thomas and Josh Lee.
Oregon.—Charles L. McNary and Frederick Steiwer.
Pennsylvania.—James J. Davis and Joseph F. Guffey.
Rhode Island.—Peter G. Gerry and Theodore Francis Green.
South Carolina.—Ellison D. Smith and James F. Byrnes.
South Dakota.—W. J. Bulow and Herbert E. Hitchcock.
Tennessee.—Kenneth McKellar and George L. Berry.
Texas.—Morris Sheppard and Tom Connally.
Utah.—William H. King and Elbert D. Thomas.
Vermont.—Warren R. Austin and Ernest W. Gibson.
Virginia.—Carter Glass and Harry Flood Byrd.
Washington.—Homer T. Bone and Lewis B. Schwellenbach.
West Virginia.—Matthew M. Neely and Rush D. Holt.
Wisconsin.—Robert M. La Follette, Jr., and F. Ryan Duffy.
Wyoming.—Joseph C. O'Mahoney and Harry H. Schwartz.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk (Emery L. Frazier) called the roll, and the following Senators answered to their names:

Adams	Donahey	Lonergan	Reynolds
Ashurst	Duffy	Lundeen	Russell
Bailey	Ellender	McAdoo	Schwartz
Bankhead	Frazier	McCarran	Schwellenbach
Barkley	George	McGill	Sheppard
Berry	Gibson	McKellar	Shipstead
Borah	Gillette	McNary	Smith
Brown, Mich.	Glass	Maloney	Steiwer
Bulkley	Graves	Miller	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Byrd	Hayden	Moore	Truman
Byrnes	Herring	Murray	Tydings
Capper	Hitchcock	Neely	Vandenberg
Caraway	Holt	Norris	Van Nuys
Chavez	Johnson, Colo.	Nye	Wagner
Clark	King	O'Mahoney	Walsh
Connally	La Follette	Pepper	Wheeler
Copeland	Lewis	Pittman	White
Davis	Lodge	Pope	
Dieterich	Logan	Radcliffe	

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business by reason of service on a subcommittee of the Judiciary Committee of the Senate.

Mr. LEWIS. I announce that the junior Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are detained from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the junior Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from New Hampshire [Mr. BROWN], the senior Senator from Rhode Island [Mr. GERRY], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Oklahoma [Mr. LEE], the Senator from Louisiana [Mr. OVERTON], the Senator from New Jersey [Mr. SMATHERS], and the senior Senator from Oklahoma [Mr. THOMAS], are unavoidably detained.

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] is detained from the Senate on official business.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY submitted the following resolution (S. Res. 212), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. McNARY the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. McNARY submitted the following resolution (S. Res. 213), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. LEWIS submitted the following resolution (S. Res. 214), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

INVESTIGATION OF OPERATIONS OF TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, I ask unanimous consent to introduce a joint resolution, and ask that the clerk read it at the desk. At the conclusion of its reading I ask that it be referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution (S. J. Res. 239) authorizing the Federal Trade Commission to make an investigation of the Tennessee Valley Authority was read the first time by its title, the second time at length, and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, etc., That the Federal Trade Commission is hereby authorized and directed to make an investigation of the operations of the Tennessee Valley Authority with a view of ascertaining:

(1) Whether said Authority is carrying out with reasonable economy and efficiency the provisions of the Tennessee Valley Authority Act, approved May 18, 1933, and the amendatory act, approved August 31, 1935.

(2) Whether the work of said Authority has been handicapped or interfered with in any way by any internal dissension among members of the board of said Tennessee Valley Authority; if so, the cause, if any, of such dissension, and what effect it has had upon the work of said Authority.

(3) Whether any member of said board is holding office in violation of subsection H, section 2, of said act; and whether any member of said board has given aid or assistance, either directly or indirectly, to private power companies in suits for injunctions instituted by said private power companies.

(4) What suits, if any, have been instigated by private power companies in State and Federal courts praying for injunctions against the activities of said board; what effect, if any, said injunctions have had upon the carrying out of said act according to its terms; what disposition has been made up to date of said injunction suits; what has been the expense to said Tennessee Valley Authority in defending said suits; what has been the disposition of said suits in the superior courts to which said cases have been appealed from the lower courts; and what has been the loss in revenue to said Authority on account of said suits.

(5) What has been the financial loss to the municipalities and farm organizations which have been prevented by said suits from purchasing electric power of said Authority.

(6) What has been the effect upon the personnel and the organization perfected by the board under said act by the prosecution of said injunction suits, or by the action of any member of said board in giving air or assistance to private power companies therein.

(7) What have been the activities, if any, of the private power companies, in attempting by the expenditure of money, the institution of legal proceedings, or other means and methods, to prevent municipalities and farm organizations in the Tennessee Valley from buying electric power of said Authority.

(8) What efforts, if any, have been made by private power companies to prevent municipalities or farm organizations desiring to purchase power of said Authority from acquiring title to their distributing systems.

(9) To what extent, if any, have the public interests been injured or jeopardized by the activities of the private power companies in attempting to prevent the board from carrying out the provisions of said act.

The Federal Trade Commission shall make its report to the Congress immediately after said investigation has been concluded, and in said report said Commission shall make such recommendations as it may deem proper, including any recommendations as to the desirability of any change in any of the provisions of said Tennessee Valley Authority Act.

SEC. 2. There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $200,000, to be available until expended, which sum shall be available for expenditure as the Federal Trade Commission may direct, for expenses and all necessary disbursements, in carrying out the provisions of this resolution or in defending any litigation necessary in aid of the powers conferred hereunder.

LEAVE OF ABSENCE FOR SENATOR WHITE

Mr. WHITE. Mr. President, I have been designated by the President of the United States as chairman of the delegation of the United States to attend the International Radio Conference soon to be held. I therefore ask unanimous consent that I may have leave of absence from the sessions of the Senate during the period of the conference and for such time as may be necessary in going to and returning therefrom.

The VICE PRESIDENT. Is there objection? The Chair hears none, and leave of absence is granted the Senator from Maine.

RECESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 12 o'clock and 15 minutes p. m.) took a recess until 12:45 o'clock p. m., when it reassembled, and the Vice President resumed the chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, informed the Senate that a quorum of the House of Representatives had assembled and that the House was ready to proceed with business.

The message also informed the Senate that a committee of three Members had been appointed by the Speaker, on the part of the House of Representatives, to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House had assembled and that Congress was ready to receive any communication that he might be pleased to make, and that the Speaker had appointed Mr. RAYBURN, Mr. DOUGHTON, and Mr. SNELL the members of the committee on the part of the House of Representatives.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 29), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 3d day of January 1938, at 1:30 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY and Mr. McNARY advanced to the center aisle, and

Mr. BARKLEY said: Mr. President, the committee appointed by the Vice President to notify the President of the United States that the Senate is in session has performed that duty. The President advised the committee that he would communicate with the two branches of the Congress at a session to be held later in the day.

JOINT MEETING OF THE TWO HOUSES

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 29) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 3d day of January 1938, at 1:30 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

RECESS

Mr. BARKLEY. I ask unanimous consent that at 1:15 o'clock today the Senate assemble and proceed to the Hall of the House of Representatives in order to hear the message of the President of the United States.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I now ask unanimous consent that the Senate stand in recess until 1:15 o'clock p. m.; and, for the information of the Senate, I wish to say that after the President's message shall have been delivered it will be necessary for the Senate to reassemble in order to hear a veto message which the President has indicated he will send with reference to a Senate joint resolution.

The VICE PRESIDENT. At that time probably there will be an opportunity to introduce bills.

Mr. BARKLEY. Yes; if it is desired to do so.

The VICE PRESIDENT. Without objection, the Senate will stand in recess until 1:15 o'clock p. m.

Thereupon (at 12 o'clock and 47 minutes p. m.) the Senate took a recess until 1:15 p. m., when it reassembled, and the Vice President resumed the chair.

JOINT MEETING OF THE TWO HOUSES

The VICE PRESIDENT. In accordance with the concurrent resolution previously agreed to, the Senate will now proceed to the Hall of the House of Representatives to participate in a joint session with the House to receive the annual message from the President of the United States.

Mr. BARKLEY. Mr. President, that is with the understanding that, following the joint session, the Senators will return here for a session of the Senate.

The VICE PRESIDENT. The understanding is that when the joint session shall have been concluded the Senators will return to the Senate Chamber.

The Senate, preceded by the Sergeant at Arms (Chesley W. Jurney), the Vice President, and the Secretary (Edwin A. Halsey), proceeded to the Hall of the House of Representatives.

ANNUAL ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The address of the President of the United States, this day delivered at a joint meeting of the two Houses of Congress, is printed on page 8 of today's RECORD.

LEGISLATIVE SESSION

The Senate having returned to its Chamber (at 2 o'clock and 25 minutes p. m.), it reassembled, and the Vice President took the chair.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bill and joint resolution:

On December 21, 1937:

S. 3114. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River between Colbert County and Lauderdale County, Ala.

On December 22, 1937:

S. J. Res. 67. Joint resolution conferring jurisdiction upon the Court of Claims to hear and determine the claim of the estate of John F. Hackfeld, deceased.

JOINT RESOLUTION INTRODUCED

Mr. WAGNER introduced a joint resolution (S. J. Res. 240) authorizing the erection of a memorial to the late Guglielmo Marconi, which was read twice by its title and referred to the Committee on the Library.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President on December 22, 1937, had approved and signed the act (S. 3114) to extend the times for commencing and completing the construction of a bridge across the Tennessee River between Colbert County and Lauderdale County, Ala.

CLAIM OF ESTATE OF JOHN F. HACKFELD, DECEASED—VETO MESSAGE (S. DOC. NO. 126)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying joint resolution, referred to the Committee on the Judiciary and ordered to be printed, as follows:

To the Senate:

I return herewith without approval Senate Joint Resolution 67, conferring jurisdiction upon the Court of Claims to hear and determine the claim of the estate of John F. Hackfeld, deceased.

The estate of John F. Hackfeld seeks to assert against the United States a claim for approximately $7,000,000 arising out of a wartime seizure and subsequent sale of certain property by the Alien Property Custodian. The basis of the claim is an allegation that the Alien Property Custodian sold the property for an inadequate price. The joint resolution under consideration would confer jurisdiction on the Court of Claims to hear and determine the claim, and in addition would waive certain defenses that the Government would otherwise interpose, including the defense of prior settlement.

Aside from the question of general policy, whether special legislation should be enacted to permit a reopening and reconsideration of sales made by the Alien Property Custodian, when through lapse of time the Government would be seriously handicapped in securing evidence in its behalf, there are special circumstances that make the approval of the present resolution inadvisable.

The question that is now being raised by the Hackfeld estate was advanced by Mr. Hackfeld in a suit decided by the California State courts some years ago, and to which both Mr. Hackfeld and the Alien Property Custodian were parties. It was held after a full trial on the merits that the price realized by the Alien Property Custodian was adequate. It thus appears that the claimant has had his day in court and has already secured a judicial determination of the issue which it is now endeavoring to interpose. No reason appears why legislative action should be taken to permit a reopening and a retrial of the matter in another forum.

Similarly, there appears to be no warrant for waiving the defense of prior settlement which would be directed to the merits and which the Government would otherwise have a right to assert.

Moreover, pursuant to the terms of a Senate resolution adopted several years ago, the Court of Claims has been investigating the claim and will in due course render to the

Senate a report on all the pertinent facts. Whether as a matter of grace any further consideration should be given to this claim is a question that may well be deferred until that time.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 3, 1938.*

ADJOURNMENT TO WEDNESDAY

Mr. BARKLEY. I move that the Senate adjourn until noon on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Wednesday, January 5, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 3, 1938

This being the day fixed by the twentieth amendment of the Constitution for the annual meeting of the Congress of the United States, the Members of the House of Representatives of the Seventy-fifth Congress met in their Hall, and at 12 o'clock noon were called to order by the Speaker, Hon. WILLIAM B. BANKHEAD, a Representative from the State of Alabama.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following

PRAYER

Oh, Thou art love, knowledge, and power over all; we bring to Thee our thanksgiving and praise. Thou hast disclosed the heart of the Eternal in the glory of the Advent; we bow our heads and hearts in humble gratitude; we wait at Thy footstool with the boldness of divine love. As the Congress has a vital part in shaping our country's destiny and even molding its fate, Almighty God, if ever we needed Thee, it is now. Bring us all into the solemn realization of our duty; reveal Thyself; may we be brave, pure, and true in those decisions that build up good government and make for the moral structure of the Republic. We beseech Thee to give the Congress power to reason rightly and justly for all our fellow citizens. May we stand forth in the fullness of humanity; when life and brotherhood meet, a radiant thing is born. Let the choicest gifts of Thy mercy be upon our President, our Speaker, and the entire membership. Infinite God, hover over this torn world with the word of Thy truth, with the magic of Thy love, and with the virtue of Thy cross, and save it with a peace that knows no war and with honest treaties that know no treason. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL

The SPEAKER. The Clerk will call the roll to ascertain if there is a quorum present.

The Clerk called the roll, and the following Members answered to their names:

[Roll No. 1]

Aleshire	Bolleau	Clark, Idaho	Cummings
Allen, Del.	Boland, Pa.	Clark, N. C.	Curley
Allen, Ill.	Boren	Clason	Daly
Allen, La.	Boyer	Claypool	Delaney
Allen, Pa.	Boykin	Cluett	Dempsey
Anderson, Mo.	Bradley	Cochran	DeMuth
Andresen, Minn.	Brewster	Coffee, Nebr.	DeRouen
Andrews	Brown	Coffee, Wash.	Dickstein
Arends	Buck	Colden	Dies
Arnold	Buckler, Minn.	Cole, N. Y.	Dingell
Ashbrook	Buckley, N. Y.	Collins	Dirksen
Atkinson	Bulwinkle	Colmer	Disney
Bacon	Burch	Connery	Ditter
Barden	Burdick	Cooley	Dixon
Barry	Byrne	Cooper	Dondero
Barton	Caldwell	Cox	Dorsey
Beam	Cannon, Mo.	Crawford	Doughton
Beiter	Cannon, Wis.	Creal	Douglas
Bell	Carlson	Crosby	Dowell
Biermann	Cartwright	Crosser	Doxey
Bigelow	Casey, Mass.	Crowe	Drew, Pa.
Binderup	Champion	Crowther	Driver
Bland	Chandler	Culkin	Duncan
Bloom	Church	Cullen	Dunn
Eaton	Jenks, N. H.	Mitchell, Ill.	Schuetz
Eberharter	Johnson, Luther A.	Mitchell, Tenn.	Schulte
Eckert	Johnson, Lyndon	Moser, Pa.	Scott
Edmiston	Johnson, Minn.	Mott	Scrugham
Eicher	Johnson, Okla.	Mouton	Secrest
Engel	Johnson, W. Va.	Murdock, Ariz.	Seger
Englebright	Jones	Murdock, Utah	Shafer, Mich.
Evans	Kee	Nelson	Shanley
Faddis	Kelly, Ill.	Nichols	Shannon
Farley	Kelly, N. Y.	Norton	Sheppard
Fernandez	Kennedy, Md.	O'Brien, Ill.	Short
Fish	Kennedy, N. Y.	O'Brien, Mich.	Simpson
Fitzgerald	Kenney	O'Connell, R. I.	Sirovich
Fitzpatrick	Keogh	O'Connor, Mont.	Smith, Conn.
Flannagan	Kerr	O'Connor, N. Y.	Smith, Va.
Flannery	Kinzer	O'Day	Smith, Wash.
Fleger	Kirwan	O'Leary	Smith, W. Va.
Fletcher	Kitchens	O'Malley	Snell
Forand	Kniffin	O'Neal, Ky.	Snyder, Pa.
Ford, Calif.	Knutson	O'Neill, N. J.	Somers, N. Y.
Ford, Miss.	Kocialkowski	O'Toole	South
Frey, Pa.	Kopplemann	Oliver	Sparkman
Fries, Ill.	Kramer	Owen	Spence
Fuller	Kvale	Pace	Stack
Fulmer	Lambertson	Palmisano	Starnes
Gamble, N. Y.	Lambeth	Parsons	Steagall
Gambrill, Md.	Lamneck	Patman	Stefan
Garrett	Lanham	Patrick	Sullivan
Gavagan	Lanzetta	Patterson	Sumners, Tex.
Gearhart	Larrabee	Patton	Sutphin
Gehrmann	Lea	Pearson	Swope
Gifford	Leavy	Peterson, Fla.	Taber
Gilchrist	Lemke	Peterson, Ga.	Tarver
Gildea	Lesinski	Pfeifer	Taylor, Colo.
Gingery	Lewis, Colo.	Phillips	Taylor, S. C.
Goldsborough	Lewis, Md.	Pierce	Taylor, Tenn.
Gray, Ind.	Long	Plumley	Terry
Gray, Pa.	Lord	Poage	Thom
Green	Lucas	Polk	Thomas, N. J.
Greenwood	Luce	Powers	Thomas, Tex.
Gregory	Luckey, Nebr.	Quinn	Thompson, Ill.
Griswold	Ludlow	Ramsay	Tinkham
Guyer	Luecke, Mich.	Ramspeck	Tobey
Gwynne	McAndrews	Randolph	Tolan
Hafnes	McClellan	Rankin	Towey
Halleck	McCormack	Rayburn	Transue
Hamilton	McFarlane	Reece, Tenn.	Treadway
Hancock, N. Y.	McGranery	Reed, Ill.	Umstead
Hancock, N. C.	McGrath	Reed, N. Y.	Vincent, B. M.
Hart	McGroarty	Rees, Kans.	Vinson, Fred M.
Harter	McKeough	Reilly	Vinson, Ga.
Havenner	McLaughlin	Rich	Voorhis
Healey	McLean	Richards	Wadsworth
Hendricks	McMillan	Rigney	Wallgren
Hennings	McReynolds	Robertson	Walter
Hildebrandt	McSweeney	Robinson, Utah	Warren
Hill, Wash.	Maas	Robsion, Ky.	Weaver
Hobbs	Magnuson	Rockefeller	Wene
Hoffman	Mahon, S. C.	Rogers, Mass.	Wigglesworth
Holmes	Mansfield	Rogers, Okla.	Wilcox
Hook	Mapes	Romjue	Williams
Hope	Martin, Colo.	Rutherford	Withrow
Houston	Martin, Mass.	Ryan	Wolcott
Hunter	Mason	Sabath	Wolfenden
Imhoff	Massingale	Sacks	Wolverton
Izac	Maverick	Sadowski	Woodruff
Jacobsen	May	Sanders	Woodrum
Jarman	Mead	Satterfield	Zimmerman
Jarrett	Meeks	Sauthoff	
Jenckes, Ind.	Merritt	Schaefer, Ill.	
Jenkins, Ohio	Michener	Schneider, Wis.	

The SPEAKER. On this roll 378 Members have answered to their names. A quorum is present.

REPRESENTATIVES-ELECT

The SPEAKER laid before the House the following communication from the Clerk of the House.

The Clerk read as follows:

JANUARY 3, 1938.

The SPEAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Certificates of election in due form of law of the following Representatives-elect to the Seventy-fifth Congress to fill vacancies have been filed in this office, viz:

District and State	Representative-elect	Predecessor
Fifth Oklahoma	Gomer Smith	Robert P. Hill.
Eleventh Massachusetts	Thomas A. Flaherty	John P. Higgins.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

Mr. SMITH and Mr. FLAHERTY appeared at the bar of the House and took the oath of office prescribed by law.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that it may be in order at any time during this day, Monday, January 3, 1938, to move to recess the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NOTIFICATION TO THE PRESIDENT

Mr. RAYBURN. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 387

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and Congress is ready to receive any communication that he may be pleased to make.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Chair appointed as a committee to notify the President Mr. RAYBURN, Mr. DOUGHTON, and Mr. SNELL.

NOTIFICATION TO THE SENATE

Mr. DOUGHTON. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 388

Resolved, That the Clerk of the House inform the Senate that a quorum of the House has appeared and that the House is ready to proceed with business.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed the following resolutions:

Senate Resolution 213

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Senate Resolution 212

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that in compliance with the foregoing resolution the Vice President had appointed as said committee on the part of the Senate Mr. BARKLEY and Mr. MCNARY.

HOUR OF MEETING

Mr. O'CONNOR of New York. Mr. Speaker, I offer the following resolution, which I send to the desk and move its adoption.

The Clerk read as follows:

House Resolution 389

Resolved, That the hour of daily meeting be at 12 o'clock meridian.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. RAYBURN. Mr. Speaker, your committee, appointed to join a like committee on the part of the Senate, to notify the President of the United States that a quorum of the two Houses is present and ready to receive any communication he may make, has performed that duty. The President asked us to say that he would communicate with the Congress in person at 1 o'clock and 30 minutes p. m. today.

JOINT SESSION OF THE HOUSE AND SENATE

Mr. RAYBURN. Mr. Speaker, I offer the following concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 29

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 3d day of January, 1938, at 1:30 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

DUKE POWER CASE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for half a minute to make an announcement.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I am glad to announce to all Members of the House who are interested in the power question that the Supreme Court of the United States has just upheld the Government in the Duke Power case. [Applause.]

RECESS

Mr. RAYBURN. Mr. Speaker, I move that the House now stand in recess, subject to the call of the Speaker.

The motion was agreed to; and accordingly (at 12 o'clock and 37 minutes) the House stood in recess.

AFTER RECESS

The recess having expired, the House (at 1 o'clock and 19 minutes p. m.) was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 29. Concurrent resolution providing for a joint session of Congress for the purpose of receiving the President's message.

JOINT MEETING OF THE SENATE AND HOUSE

At 1 o'clock and 20 minutes p. m., the Doorkeeper, Mr. J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speake , and the Members of the Senate took the seats reserved for them.

The VICE PRESIDENT. On the part of the Senate, the Chair appoints the Senator from Kentucky [Mr. BARKLEY], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oregon [Mr. MCNARY] as a committee on the part of the Senate to conduct the President into the Chamber.

The SPEAKER. On behalf of the House, the Chair appoints the gentleman from Texas [Mr. RAYBURN], the gentleman from North Carolina [Mr. DOUGHTON], and the gentleman from New York [Mr. SNELL] as a like committee on the part of the House.

At 1 o'clock and 25 minutes p. m. the Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President entered the Chamber and took the seats reserved for them in front of the Speaker's rostrum.

At 1:30 o'clock p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk amidst prolonged applause.

The SPEAKER. Senators and Representatives, I have the distinguished honor of presenting the President of the United States.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 458)

The PRESIDENT. Mr. Speaker, Mr. President, Members of the Senate and of the House of Representatives, in addressing the Congress on the state of the Union present facts and future hazards demand that I speak clearly and earnestly of the causes which underlie events of profound concern to all.

In spite of the determination of this Nation for peace, it has become clear that acts and policies of nations in other parts of the world have far-reaching effects not only upon their immediate neighbors but also on us.

I am thankful that I can tell you that our Nation is at peace. It has been kept at peace despite provocations which in other days, because of their seriousness, could well have engendered war. The people of the United States and the Government of the United States have shown capacity for restraint and a civilized approach to the purposes of peace, while at the same time we maintain the integrity inherent in the sovereignty of 130,000,000 people, lest we weaken or destroy our influence for peace and jeopardize the sovereignty itself.

It is our traditional policy to live at peace with other nations. More than that, we have been among the leaders in advocating the use of pacific methods of discussion and conciliation in international differences. We have striven for the reduction of military forces.

But in a world of high tension and disorder, in a world where stable civilization is actually threatened, it becomes the responsibility of each nation which strives for peace at home and peace with and among others to be strong enough to assure the observance of those fundamentals of peaceful solution of conflicts which are the only ultimate basis for orderly existence.

Resolute in our determination to respect the rights of others, and to command respect for the rights of ourselves, we must keep ourselves adequately strong in self-defense.

There is a trend in the world away from the observance both of the letter and the spirit of treaties. We propose to observe, as we have in the past, our own treaty obligations; but we cannot be certain of reciprocity on the part of others.

Disregard for treaty obligations seems to have followed the surface trend away from the democratic representative form of government. It would seem, therefore, that world peace through international agreements is most safe in the hands of democratic representative governments—or, in other words, peace is most greatly jeopardized in and by those nations where democracy has been discarded or has never developed.

I have used the words "surface trend," for I still believe that civilized man increasingly insists, and in the long run will insist, on genuine participation in his own government. Our people believe that over the years democracies of the world will survive, and democracy will be restored or established in those nations which today know it not. In that faith lies the future peace of mankind.

At home, conditions call for my equal candor. Events of recent months are new proof that we cannot conduct a National Government after the practice of 1787, or 1837, or 1887, for the obvious reason that human needs and human desires are infinitely greater, infinitely more difficult to meet, than in any previous period in the life of our Republic. Hitherto it has been an acknowledged duty of government to meet these desires and needs; nothing has occurred of late to absolve the Congress, the courts, or the President from that task. It faces us as squarely, as insistently, as in March 1933.

Much of trouble in our own lifetime has sprung from a long period of inaction—from ignoring what fundamentally was happening to us, and from a time-serving unwillingness to face facts as they forced themselves upon us.

Our national life rests on two nearly equal producing forces—agriculture and industry—each employing one-third of our citizens. The other third transports and distributes the products of the first two or performs special services for the whole.

The first great force, agriculture—and with it the production of timber, minerals, and other natural resources—went forward feverishly and thoughtlessly until Nature rebelled, and we saw deserts encroach, floods destroy, trees disappear, and soil exhausted.

At the same time we have been discovering that vast numbers of our farming population live in a poverty more abject than that of many of the farmers of Europe, whom we are wont to call peasants; that the prices of our products of agriculture are too often dependent on speculation by nonfarming groups; and that foreign nations, eager to become self-sustaining or ready to put virgin land under the plow, are no longer buying our surpluses of cotton and wheat and lard and tobacco and fruit as they had before.

Since 1933 we have knowingly faced a choice of three remedies: First, to cut our cost of farm production below that of other nations—an obvious impossibility in many crops today unless we revert to human slavery or its equivalent.

Second, to make the Government the guarantor of farm prices and the underwriter of excess farm production without limit—a course which would bankrupt the strongest government in the world in a decade.

Third, to place the primary responsibility directly on the farmers themselves, under the principle of majority rule, so that they may decide, with full knowledge of the facts of surpluses, scarcities, world markets, and domestic needs, what the planting of each crop should be in order to maintain a reasonably adequate supply which will asssure a minimum adequate price under the normal processes of the law of supply and demand.

That means adequacy of supply but not glut. It means adequate reserves against the day of drought. It is shameless misrepresentation to call this a policy of scarcity. It is in truth insurance before the fact instead of Government subsidy after the fact.

Any such plan for the control of excessive surpluses and the speculation they bring has two enemies. There are those well-meaning theorists who harp on the inherent right of every free-born American to do with his land what he wants—to cultivate it well—or badly; to conserve his timber by cutting only the annual increment thereof—or to strip it clean, let fire burn the slash, and erosion complete the ruin; to raise only one crop—and if that crop fails, to look for food and support from his neighbors or his Government.

That, I assert, is not an inherent right of citizenship. For if a man farms his land to the waste of the soil or the trees, he destroys not only his own assets but the Nation's assets. Or if by his methods he makes himself, year after year, a financial hazard of the community and the Government, he becomes not only a social problem but an economic menace. The day has gone by when it could be claimed that Government has no interest in such ill-considered practices and no right through representative methods to stop them.

The other group of enemies is perhaps less well-meaning. It includes those who for partisan purposes oppose each and every practical effort to help the situation, and also those who make money from undue fluctuations in crop prices.

I gladly note that measures which seek to initiate a government program for a balanced agriculture are now in conference between the two Houses of the Congress. In their final consideration I hope for a sound, consistent measure which will keep the cost of its administration within the figure of current Government expenditures in aid of agriculture. The farmers of this Nation know that a balanced output can be put into effect without excessive cost and with the cooperation of the great majority of them.

If this balance can be created by an all-weather farm program, our farm population will soon be assured of relatively constant purchasing power. From this will flow two other practical results: The consuming public will be protected against excessive food and textile prices, and the industries of the Nation and their workers will find a steadier demand for wares sold to the agricultural third of our people.

To raise the purchasing power of the farmer is, however, not enough. It will not stay raised if we do not also raise the purchasing power of that third of the Nation which receives its income from industrial employment. Millions of industrial workers receive pay so low that they have little

buying power. Aside from the undoubted fact that they thereby suffer great human hardship, they are unable to buy adequate food and shelter, to maintain health, or to buy their share of manufactured goods.

We have not only seen minimum-wage and maximum-hour provisions prove their worth economically and socially under Government auspices in 1933, 1934, and 1935, but the people of this country, by an overwhelming vote, are in favor of having the Congress—this Congress—put a floor below which industrial wages shall not fall, and a ceiling beyond which the hours of industrial labor shall not rise.

Here again let us analyze the opposition. A part of it is sincere in believing that an effort thus to raise the purchasing power of lowest paid industrial workers is not the business of the Federal Government. Others give "lip service" to a general objective, but do not like any specific measure that is proposed. In both cases it is worth our while to wonder whether some of these opponents are not at heart opposed to any program for raising the wages of the underpaid or reducing the hours of the overworked.

Another group oppose legislation of this type on the ground that cheap labor will help their locality to acquire industries and outside capital, or to retain industries which today are surviving only because of existing low wages and long hours. It has been my thought that, especially during these past 5 years, this Nation has grown away from local or sectional selfishness and toward national patriotism and unity. I am disappointed by some recent actions and by some recent utterances which sound like the philosophy of half a century ago.

There are many communities in the United States where the average family income is pitifully low. It is in those communities that we find the poorest educational facilities and the worst conditions of health. Why? It is not because they are satisfied to live as they do. It is because those communities have the lowest per capita wealth and income; therefore the lowest ability to pay taxes; and therefore inadequate functioning of local government.

Such communities exist in the East, in the Middle West, in the far West, and in the South. Those who represent such areas in every part of the country do their constituents ill service by blocking efforts to raise their incomes, their property values, and therefore their whole scale of living. In the long run the profits from child labor, low pay, and overwork inure not to the locality or region where they exist but to the absentee owners who have sent their capital into these exploited communities to gather larger profits for themselves. Indeed, new enterprises and new industries which bring permanent wealth will come more readily to those communities which insist on good pay and reasonable hours, for the simple reason that there they will find a greater industrial efficiency and happier workers.

No reasonable person seeks a complete uniformity in wages in every part of the United States; nor does any reasonable person seek an immediate and drastic change from the lowest pay to the highest pay. We are seeking, of course, only legislation to end starvation wages and intolerable hours; more desirable wages are and should continue to be the product of collective bargaining.

Many of those who represent great cities have shown their understanding of the necessity of helping the agricultural third of the Nation. I hope that those who represent constituencies primarily agricultural will not underestimate the importance of extending like aid to the industrial third.

Wage and hour legislation, therefore, is a problem which is definitely before this Congress for action. It is an essential part of economic recovery. It has the support of an overwhelming majority of our people in every walk of life. They have expressed themselves through the ballot box.

Again I revert to the increase of national purchasing power as an underlying necessity of the day. If you increase that purchasing power for the farmers and for the industrial workers—especially for those in both groups who have least of it today—you will increase the purchasing power of the final third of our population—those who transport and distribute the products of farm and factory and those of the professions who serve all groups. I have tried to make clear to you, and through you to the people of the United States, that this is an urgency which must be met by complete and not by partial action.

If it is met; if the purchasing power of the Nation as a whole—in other words, the total of the Nation's income—can be still further increased, other happy results will flow from such increase.

We have raised the Nation's income from $38,000,000,000 in the year 1932 to about $68,000,000,000 in the year 1937. Our goal, our objective, is to raise it to ninety or one hundred billion dollars.

We have heard much about a balanced Budget, and it is interesting to note that many of those who have pleaded for a balanced Budget as the sole need now come to me to plead for additional Government expenditures at the expense of unbalancing the Budget. As the Congress is fully aware, the annual deficit, large for several years, has been declining the last fiscal year and this. The proposed Budget for 1939, which I shall shortly send to the Congress, will exhibit a further decrease in the deficit, though not a balance between income and outgo.

To many who have pleaded with me for an immediate balancing of the Budget by a sharp curtailment or even elimination of Government functions, I have asked the question, "What present expenditures would you reduce or eliminate?" And the invariable answer has been, "That is not my business; I know nothing of the details, but I am sure that it could be done." That is not what you or I would call helpful citizenship.

On only one point do most of them have a suggestion. They think that relief for the unemployed by the giving of work is wasteful, and when I pin them down I discover that at heart they are actually in favor of substituting a dole in place of useful work. To that neither I nor, I am confident, the Senators and Representatives in the Congress will ever consent.

I am as anxious as any banker or industrialist or businessman or investor or economist that the Budget of the United States Government be brought into balance as quickly as possible. But I lay down certain conditions which seem reasonable and which I believe all should accept.

The first condition is that we continue the policy of not permitting any needy American who can and is willing to work to starve because the Federal Government does not provide the work.

The second is that the Congress and the Executive join hands in eliminating or curtailing any Federal activity which can be eliminated or curtailed or even postponed without harming necessary Government functions or the safety of the Nation from a national point of view. The third is to raise the purchasing power of the Nation to the point that the taxes on this purchasing power—or, in other words, on the Nation's income—will be sufficient to meet the necessary expenditures of the National Government.

I have hitherto stated that, in my judgment, the expenditures of the National Government cannot be cut much below $7,000,000,000 a year without destroying essential functions or letting people starve. That sum can be raised and will be cheerfully provided by the American people, if we can increase the Nation's income to a point well beyond the present level.

This does not mean that as the Nation's income goes up the Federal expenditures should rise in proportion. On the contrary, the Congress and the Executive should use every effort to hold the normal Federal expenditures to approximately the present level, thus making it possible, with an increase in the Nation's income and the resulting increase in tax receipts, not only to balance future Budgets but to reduce the debt.

In line with this policy fall my former recommendations for the reorganization and improvement of the administrative structure of the Government, both for immediate Executive needs and for the planning of future national needs. I renew those recommendations.

In relation to tax changes, three things should be kept in mind. First, the total sum to be derived by the Federal Treasury must not be decreased as a result of any changes in schedules. Second, abuses by individuals or corporations designed to escape taxpaying by using various methods of doing business, corporate and otherwise—abuses which we have sought, with great success, to end—must not be restored. Third, we should rightly change certain provisions where they are proven to work definite hardship, especially on the small businessmen of the Nation. But speculative income should not be favored over earned income.

It is human nature to argue that this or that tax is responsible for every ill. It is human nature on the part of those who pay graduated taxes to attack all taxes based on the principle of ability to pay. These are the same complainants who for a generation blocked the imposition of a graduated income tax. They are the same complainants who would impose the type of flat sales tax which places the burden of government more on those least able to pay and less on those most able to pay.

Our conclusion must be that, while proven hardships should be corrected, they should not be corrected in such a way as to restore abuses already terminated or to shift a greater burden to the less forunate.

This subject leads naturally into the wider field of the public attitude toward business. The objective of increasing the purchasing power of the farming third, the industrial third, and the service third of our population presupposes the cooperation of what we call capital and labor.

Capital is essential; reasonable earnings on capital are essential; but misuse of the powers of capital or selfish suspension of the employment of capital must be ended, or the capitalistic system will destroy itself through its own abuses.

The overwhelming majority of businessmen and bankers intend to be good citizens. Only a small minority have displayed poor citizenship by engaging in practices which are dishonest or definitely harmful to society. This statement is straightforward and true. No person in any responsible place in the Government of the United States today has ever taken any position contrary to it.

But, unfortunately for the country, when attention is called to, or attack is made on specific misuses of capital, there has been a deliberate purpose on the part of the condemned minority to distort the criticism into an attack on all capital. That is willful deception but it does not long deceive.

If attention is called to, or attack made on, certain wrongful business practices, there are those who are eager to call it "an attack on all business." That, too, is willful deception that will not long deceive.

Let us consider certain facts:

There are practices which most people believe should be ended. They include tax avoidance through corporate and other methods, which I have previously mentioned; excessive capitalization, investment write-ups, and security manipulations; price rigging and collusive bidding, in defiance of the spirit of the antitrust laws by methods which baffle prosecution under the present statutes. They include high-pressure salesmanship, which creates cycles of overproduction within given industries and consequent recessions in production until such time as the surplus is consumed; the use of patent laws to enable larger corporations to maintain high prices and withhold from the public the advantages of the progress of science; unfair competition, which drives the smaller producer out of business locally, regionally, or even on a national scale; intimidation of local or State government to prevent the enactment of laws for the protection of labor by threatening to move elsewhere; the shifting of actual production from one locality or region to another in pursuit of the cheapest wage scale.

The enumeration of these abuses does not mean that business as a whole is guilty of them. Again, it is deception that will not long deceive to tell the country that an attack on these abuses is an attack on business.

Another group of problems affecting business, which cannot be termed "specific abuses," gives us food for grave thought about the future. Generically such problems arise out of the concentration of economic control to the detriment of the body politic—control of other people's money, other people's labor, other people's lives.

In many instances such concentrations cannot be justified on the ground of operating efficiency but have been created for the sake of securities profits, financial control, the suppression of competition, and the ambition for power over others. In some lines of industry a very small numerical group is in such a position of influence that its actions are of necessity followed by the other units operating in the same field.

That such influences operate to control banking and finance is equally true, in spite of the many efforts, through Federal legislation, to take such control out of the hands of a small group. We have but to talk with hundreds of small bankers throughout the United States to realize that, irrespective of local conditions, they are compelled in practice to accept the policies laid down by a small number of the larger banks in the Nation. The work undertaken by Andrew Jackson and Woodrow Wilson is not finished yet.

The ownership of vast properties or the organization of thousands of workers creates a heavy obligation of public service. The power should not be sought or sanctioned unless the responsibility is accepted as well. The man who seeks freedom from such responsibility in the name of individual liberty is either fooling himself or trying to cheat his fellowmen. He wants to eat the fruits of orderly society without paying for them.

As a nation we have rejected any radical revolutionary program. For a permanent correction of grave weaknesses in our economic system we have relied on new applications of old democratic processes. It is not necessary to recount what has been accomplished in preserving the homes and livelihood of millions of workers on farms and in cities, in reconstructing a sound banking and credit system, in reviving trade and industry, in reestablishing security of life and property. All we need today is to look upon the fundamental, sound economic conditions to know that this business recession causes more perplexity than fear on the part of most people and to contrast our prevailing mental attitude with the terror and despair of 5 years ago.

Furthermore, we have a new moral climate in America. That means that we ask business and finance to recognize that fact, to cure such inequalities as they can cure without legislation, but to join their Government in the enactment of legislation where the ending of abuses and the steady functioning of our economic system call for Government assistance. The Nation has no obligation to make America safe for incompetent businessmen or for businessmen who fail to note the trend of the times and continue the use of machinery of economics and practices of finance as outworn as the cotton spindle of 1870.

Government can be expected to cooperate in every way with the business of the Nation provided the component parts of business abandon practices which do not belong to this day and age and adopt price and production policies appropriate to the times.

In regard to the relationship of government to certain processes of business to which I have referred, it seems clear to me that existing laws require reconstruction. I expect, therefore, to address the Congress in a special message on this subject, and I hope to have the help of business in the efforts of government to help business.

I have spoken of labor as another essential in the three great groups of the population in raising the Nation's income. Definite strides in collective bargaining have been made, and the right of labor to organize has been nationally recognized. Nevertheless, in the evolution of the process difficult situations have arisen in localities and among groups. Unfortunate divisions relating to jurisdiction among the workers themselves have retarded production within given industries, and have, therefore, affected related industries.

The construction of homes and other buildings has been hindered in some localities, not only by unnecessarily high prices for materials but also by certain hourly wage scales.

For economic and social reasons, our principal interest for the near future lies along two lines: First, the immediate desirability of increasing the wages of the lowest paid groups in all industry; and second, in thinking in terms of regularizing the work of the individual worker more greatly through the year—in other words, in thinking more in terms of the worker's total pay for a period of a whole year rather than in terms of his remuneration by the hour or by the day.

In the case of labor, as in the case of capital, misrepresentation of the policy of the Government of the United States is deception which will not long deceive. In both cases we seek cooperation. In every case power and responsibility must go hand in hand.

I have spoken of economic causes which throw the Nation's income out of balance; I have spoken of practices and abuses which demand correction through the cooperation of capital and labor with the Government. But no government can help the destinies of people who insist on putting sectional and class-consciousness ahead of general weal. There must be proof that sectional and class interests are prepared more greatly than they are today to be national in outlook.

A government can punish specific acts of spoliation; but no government can conscript cooperation. We have improved some matters by way of remedial legislation. But where in some particulars that legislation has failed we cannot be sure whether it fails because some of its details are unwise or because it is being sabotaged. At any rate, we hold our objectives and our principles to be sound. We will never go back on them.

Government has a final responsibility for the well-being of its citizenship. If private cooperative endeavor fails to provide work for willing hands and relief for the unfortunate, those suffering hardship from no fault of their own have a right to call upon the Government for aid; and a government worthy of its name must make fitting response.

It is the opportunity and the duty of all those who have faith in democratic methods as applied in industry, in agriculture, and in business, as well as in the field of politics, to do their utmost to cooperate with government—without regard to political affiliation, special interests, or economic prejudices—in whatever program may be sanctioned by the chosen representatives of the people.

That presupposes on the part of the representatives of the people, a program, its enactment and its administration.

Not because of the pledges of party programs alone, not because of the clear policies of the past 5 years, but chiefly because of the need of national unity in ending mistakes of the past and meeting the necessities of today, we must carry on.

I do not propose to let the people down.

I am sure the Congress of the United States will not let the people down.

Thereupon, at 2 o'clock and 20 minutes p. m., the President retired from the Hall of the House.

At 2 o'clock and 22 minutes p. m. the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. RAYBURN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HOMER P. SNYDER

Mr. SNELL. Mr. Speaker, it is with very deep regret that I announce to the Members of the House the death of one of our former colleagues, on December 30, 1937, at his home at Little Falls, N. Y., the Honorable Homer P. Snyder.

Mr. Snyder represented the Thirty-third Congressional District of New York in this House for a period of 10 years. He came to the House at the same time I did, in the Sixty-fourth Congress. I was a very close friend of Mr. Snyder. I have kept up that friendship since he retired from Congress, and it certainly caused me great grief when I heard of his sudden death. He was a man who performed outstanding service in the House, was loved and respected by men on both sides of the aisle. I think probably his most outstanding service was in connection with his work as chairman of the Committee on Indian Affairs. There he did a real constructive work.

I know that you are all saddened to hear of his death, and it grieves me to announce that my old friend has crossed the river from which no voyager returns.

LEAVE OF ABSENCE

Mr. BUCK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUCK. Mr. Speaker, at the opening of the special session it was my unfortunate duty to announce that my colleague the gentleman from California [Mr. COSTELLO], owing to a severe accident which he received on his way to attend the session, would be unable to be present during the session.

It is now my duty again, Mr. Speaker, to ask that his leave of absence be extended indefinitely on account of the same injuries, from which, I am happy to say, he is slowly recuperating at Walter Reed Hospital. I know that we shall miss his constructive advice during this session until he returns, and that we all wish him as speedy and successful a recovery as possible.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MENALCUS LANKFORD

Mr. HAMILTON. Mr. Speaker, it is with painful regret that I announce to the House the death at his home in Norfolk, Va., on Monday, December 27, of the Honorable Menalcus Lankford, who for two terms was an honored Member of this body. Mr. Lankford served in the Seventy-first and Seventy-second Congresses. He was a member of the Naval Affairs Committee. During his incumbency in Congress he served faithfully and well the constituency he represented. There are many Members of the House who will remember well his happy disposition and his congenial companionship.

Mr. Lankford was held in highest esteem by all who knew him. His death occurred suddenly. The Christmas celebration found him happily among his friends at Norfolk. He retired Sunday night after Christmas apparently in the best of health. Announcing early the next morning the need of a physician, his life passed almost before medical aid could be summoned. His funeral, one of the most largely attended in the late history of his adopted city of Norfolk, took place from Freemason Street Baptist Church and burial occurred in Forrest Lawn Cemetery, Norfolk.

Mr. Lankford is survived by his widow, the former Miss Nancy Waddill, of Richmond, daughter of the late Judge Edmund Waddill, Jr., of the United States circuit court of appeals, the latter having been once a Member of this House.

I ask unanimous consent for insertion in the RECORD at this point of three editorial tributes to the memory of Mr. Lankford, one of these being personal and from my own newspaper, the Portsmouth (Va.) Star; another being a tribute by Mr. Douglas Gordon, the cultured editor of the Norfolk Ledger-Dispatch; and the third a tribute by Mr. Louis I. Jaffe, the distinguished editor of the Norfolk Virginian-Pilot.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The editorials follow:

[From the Portsmouth (Va.) Star of December 27, 1937]

MENALCUS LANKFORD

The sudden passing at his Norfolk home this morning of Menalcus Lankford, twice Representative in Congress from the Second Congressional District of Virginia, came as a sudden shock to the entire community. In his death has been taken a valuable citizen—one who served unselfishly and to his utmost for the betterment of those among whom he lived.

Kind of heart, lovable of disposition, patient, and always desirous of helping mankind, Mr. Lankford was a man among men whose living made the world better and whose passing leaves a place among men difficult of filling.

Native of Southampton County, Va., Mr. Lankford as a youth came to Norfolk to live, the son of a distinguished father, the late Dr. Livius Lankford. Educated in the schools of Norfolk, he received his bachelor of arts degree from the University of Richmond and his bachelor of laws degree from the University of Virginia, beginning the practice of law at Norfolk in 1906.

In the World War he served as an ensign in the United States Naval Air Service. Since the war his activities in the American Legion have been outstanding.

His influence during his incumbency as a Member of Congress was largely credited with the appointment to the Federal bench of Judge Luther B. Way, the present distinguished senior judge of the United States Court for the Eastern District of Virginia, and by whom, upon his retirement from Congress, Mr. Lankford was invited to the responsible position of referee for the Norfolk-Portsmouth division of the bankruptcy court. This position Mr. Lankford was filling at the time of his death.

Mr. Lankford, as the only southern Republican Member of the Seventy-first and Seventy-second Congresses, was quite close to the Hoover administration and held strong influence at the White House during his congressional incumbency. Of him, President Herbert Hoover frequently gave warm words of praise. Mr. Lankford stood out in Republican convention to the very last for the 1936 renomination of President Hoover for the Presidency.

In the civic life of Norfolk as well as our own civic life the generous heart of "Mack" Lankford will be missed among all people. His passing brings a loss that the entire Tidewater community will feel.

[From the Norfolk (Va.) Ledger-Dispatch of December 28, 1937]

MENALCUS LANKFORD

This entire section of Virginia was shocked by the death of Menalcus Lankford, and hundreds of men and women of this community and of other communities in Virginia and elsewhere are grieved by the death of "Mack" Langford. For the public man, the man of affairs, the former Representative, the official, was admired and respected; the man himself was loved.

It is not open to question, we think, that he was the most popular man, the man cordially liked by most people, in Norfolk and in the whole of this general community. He should have been, as he was, for, while he never in his life set out to be popular, he never neglected an opportunity to be helpful, kindly, and generous to all whom he found it possible to serve. Whatever a man's station, or lack of station, whatever his unimportance, he was assured of kindly treatment and, if possible, of help from the inexhaustible store of Mack Lankford's interest in humankind.

When he represented the Second Congressional District in the House of Representatives—a Republican Representative from Tidewater Virginia—Democrats who had waged political war with him were as warmly welcomed by him in Washington as were lifelong members of his own party. They were all his constituents, regardless of party or factional affiliations, so much his constituents that no member of the opposing party who called upon him for help or guidance in Washington ever had cause to feel that he was a member of the opposing party. And he was one of the most valuable Representatives this district has ever had.

And none of this was attributable to a desire to be liked, to a purpose to continue in public life, to an inclination to exalt himself. It was all private kindliness and public helpfulness, because the spirit of the man impelled him to be kind, and because his conception of duty compelled him to be helpful.

It was not mere good-fellow popularity that distinguished Menalcus Lankford; that alone is a light and inconsiderable thing. He was a delightful companion as he was a well-loved comrade to many a man. But that was only one side of him. He had played football as a youth with the earnestness of the pure amateur, and when it was right and proper in his later life—as it had been when he took examinations for his degrees—he was as grave and serious and thoughtful as ever a man nneed be.

No. The liking, the popularity, that enveloped Menalcus Lankford was the warm feeling that flowed from all who knew him to a man who never intentionally hurt another, to a man who did countless things to help others, to a man who smiled rather than frowned, but who went through the whole of his life lending the efforts of a sound mind in a sound body to the advancement of causes to which he gave allegiance—school, college, university, church, city, State, and county.

He will be missed as few men are missed, for he was of the salt of the earth.

[From the Virginian-Pilot of December 28, 1937]

MENALCUS LANKFORD

When the Second District voted, in November 1928, to send Menalcus Lankford to Congress as its first Republican Representative in 30 years, he had already spent some 20 years as a member of the Norfolk bar. It was the personal and professional reputation built up by him in this 20-year period, and not information that was not common property, that enabled the Virginian-Pilot to say on the morning after his election that in Mr. Lankford "the district will have a Representative of the highest integrity and one whose tact, urbanity, and friendliness are certain to make for his popularity."

Because this prediction was realized and because Mr. Lankford made his 4-year service in Congress a stepping stone to a wider participation in communal affairs and to an ever-expanding dedication to the public service, that his untimely death yesterday has brought the community a special sorrow. The city has lost a mind and heart peculiarly dedicated to its welfare. Its citizens have lost a friend and coworker who labored with them in many public causes—religious and charitable, civic and fraternal, commercial, historical, and recreational. It could be said of him as truly as of any of his contemporaries that no one ever went to him with an appeal for a worthy cause without enlisting his sympathy or active help.

The political revolt of 1928's holy war enabled Mr. Lankford to break a 30-year Democratic monopoly that he had twice before attacked without success, but he kept himself aloof from and unspotted by the bigotry that ruled that historic campaign. That was remembered to his credit in a nonpartisan testimonial dinner that followed his congressional victory. It dulled the sharpness of the counterattack that the Democrats launched 2 years later, enabling him to win reelection in his own right at a time when nationally his party was in retreat under the impact of the deepening depression and the prevalent belief of the day that the Hoover administration was, at least in part, responsible for it.

The qualities that distinguished Mr. Lankford in private life earned him the people's respect and confidence as a Member of Congress. An unaffected friendliness was among the most notable of these qualities and something like a religious consecration to duty. The office to which he was elected became to him in a true sense a public trust which he fulfilled with a singleness of purpose and with an attention to detail that the electors of this district will long remember to his credit.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LUCKEY of Nebraska, for 5 days, on account of official business.

To Mr. CHAPMAN (at the request of Mr. FRED M. VINSON), until further notice, on account of illness in his family.

To Mr. HARTLEY (at the request of Mr. SEGER), for 3 days, on account of illness.

To Mr. RABAUT, for 5 days, on account of illness.

To Mr. DEEN, indefinitely, on account of illness.

To Mr. WELCH, for 3 days, on account of important business.

To Mr. COSTELLO (at the request of Mr. BUCK), indefinitely, on account of illness.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 31 minutes p. m.) the House adjourned until tomorrow, Tuesday, January 4, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. MARTIN'S subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, January 4, 1938. Business to be considered: Hearing on sales-tax bills, H. R. 4722 and H. R. 4214.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

COMMITTEE ON THE JUDICIARY

The Special Bankruptcy Subcommittee of the Committee on the Judiciary will continue a public hearing on the Frazier-Lemke bill (S. 2215) to amend section 75 of the Bankruptcy Act, in the Judiciary Committee room at 346, House Office Building, on Wednesday, January 5, 1938, at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

904. A letter from the Clerk of the House of Representatives, transmitting a list of reports to be made to Congress by public officers during the Seventy-fifth Congress (H. Doc. No. 463); to the Committee on Accounts and ordered to be printed.

905. A letter from the Attorney General of the United States, transmitting the Rules of Civil Procedure for the District Courts of the United States (H. Doc. No. 460); to the Committee on the Judiciary and ordered to be printed.

906. A letter from the secretary, board of directors, Tennessee Valley Authority, transmitting the fourth annual report of the board of directors of the Tennessee Valley Authority (H. Doc. No. 461); to the Committee on Military Affairs and ordered to be printed, with illustrations.

907. A letter from the Secretary of Agriculture, transmitting the first of the reports dealing with existing conditions with respect to nonuniformity of motor-vehicle traffic laws in effect in the several States and the District of Columbia (H. Doc. No. 462); to the Committee on Roads and ordered to be printed, with illustrations.

908. A letter from the Chairman, Securities and Exchange Commission, transmitting the Third Annual Report of the Securities and Exchange Commission to the Congress; to the Committee on Interstate and Foreign Commerce.

909. A letter from the Chairman, Interstate Commerce Commission, transmitting the Fifty-first Annual Report of the Interstate Commerce Commission to the Congress; to the Committee on Interstate and Foreign Commerce.

910. A letter from the Chairman, Interstate Commerce Commission, transmitting a copy of the final valuation of the properties of the carrier subject to the act, Valuation Docket No. 1202, Petition of the Valvoline Oil Co., in the matter of the valuation of its pipe lines; to the Committee on Interstate and Foreign Commerce.

911. A letter from the Secretary of the Interior, transmitting one copy of legislation passed by the Municipal Council of St. Thomas and St. John and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

912. A letter from the Secretary of War, transmitting the draft of a bill to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924, which the War Department presents for the consideration of the Congress with a view to its enactment into law; to the Committee on Expenditures in the Executive Departments.

913. A letter from the Acting Secretary of Interior, transmitting one copy of legislation passed by the Municipal Council of St. Croix at a meeting held November 16, 1937, and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

914. A letter from the Secretary of War, transmitting herewith 866 reports of inspections of disbursements made by officers of the Army, which inspections were made by the Inspector General's Department during the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

915. A letter from the Postmaster General, transmitting the report of operations of the Postal Savings System for the fiscal year ended June 30, 1937 (H. Doc. No. 464); to the Committee on the Post Office and Post Roads and ordered to be printed.

916. A letter from the National Munitions Control Board, transmitting the annual report of the National Munitions Control Board (H. Doc. No. 465); to the Committee on Foreign Affairs and ordered to be printed, with illustrations.

917. A letter from the Acting Secretary of the Treasury, transmitting a report showing refunds of internal revenue in excess of $500 approved by the Bureau of Internal Revenue during the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

918. A letter from the Attorney General, transmitting a list of suits arising under the act of March 9, 1920 (41 Stat. 525), authorizing suits against the United States in admiralty involving merchant vessels, in which final decrees were entered against the United States, exclusive of cases on appeal; to the Committee on Claims.

919. A letter from the Chairman, Federal Communications Commission, transmitting the Third Annual Report of the Federal Communications Commission covering the fiscal year ended June 30, 1937; to the Committee on Interstate and Foreign Commerce.

920. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 325 items, among the archives and records of the Department of the Treasury which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

921. A letter from the Archivist of the United States, transmitting a list of papers, consisting of two items, among the archives and records of the Department of Justice, which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

922. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 392 items, among the archives and records of the Department of the Navy, which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

923. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 58 items, among the archives and records of the Department of the Interior, which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

924. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 1,495 items, among the archives and records of the Department of Agriculture, which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

925. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 20 items, from the archives and records of the United States Tariff Commission, which the Commission has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

926. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 249 items, among the archives and records of the Veterans' Administration, which the Administration has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

927. A letter from the Acting Secretary of the Treasury, transmitting a report of rental collections on account of public buildings and sites, privileges, and ground rent, under the control of the Treasury Department, outside of the District of Columbia, for the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

928. A letter from the Acting Secretary of the Treasury, transmitting reports from the Department of Commerce and the War Department relative to money received during the

fiscal year ended June 30, 1937, which was not paid into the general fund of the United States Treasury, and the payments, if any, made from such money during such fiscal year; to the Committee on Expenditures in the Executive Departments.

929. A letter from the Acting Secretary of the Treasury, transmitting an itemized report of expenditures mades in connection with Pershing Hall in Paris, France; to the Committee on Expenditures in the Executive Departments.

930. A letter from the Attorney General, transmitting a list of suits arising under the Public Vessel Act of March 3, 1925 (43 Stat. 1112), in which final decrees were entered, exclusive of cases on appeal; to the Committee on Claims.

931. A letter from the Acting Secretary of the Treasury, transmitting a report of the receipts and expenditures made during the fiscal year ending June 30, 1937, from the working capital fund established for the operation of the industrial activities at the United States Public Health Service Hospital, Lexington, Ky.; to the Committee on Expenditures in the Executive Departments.

932. A letter from the Attorney General, transmitting the Annual Report of the Department of Justice for the fiscal year ended June 30, 1937; to the Committee on the Judiciary.

933. A letter from the Acting Comptroller General of the United States, transmitting a report of the work of the General Accounting Office for the fiscal year 1937; to the Committee on Expenditures in the Executive Departments.

934. A letter from the Chief Clerk, Court of Claims of the United States, transmitting a statement of all judgments rendered by the Court of Claims for the year ended December 4, 1937, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims; to the Committee on Claims.

935. A letter from the President, Board of Commissioners of the District of Columbia, transmitting the report and recommendations of the committees having had under consideration the act entitled "An act to provide additional revenue for the District of Columbia, and for other purposes" (H. Doc. No. 470); to the Committee on the District of Columbia and ordered to be printed.

936. A letter from the Chairman, United States Tariff Commission, transmitting the Twenty-first Annual Report of the United States Tariff Commission (H. Doc. No. 397); to the Committee on Ways and Means and ordered to be printed.

937. A letter from the Administrator, Veterans' Affairs, transmitting the Annuel Report of the Administrator of Veterans' Affairs for the fiscal year ended June 30, 1937 (H. Doc. No. 380); to the Committee on World War Veterans' Legislation and ordered to be printed.

938. A letter from the Electric Home and Farm Authority, transmitting the second annual report covering operations from July 1, 1936, to June 30, 1937, inclusive; to the Committee on Banking and Currency.

939. A letter from the legislative representative, Veterans of Foreign Wars, transmitting a report for the fiscal year ending August 31, 1937, including a full and complete report of receipts and expenditures; to the Committee on Military Affairs.

940. A letter from the Public Printer, United States Government Printing Office, transmitting the report of the Public Printer, covering the work of the Government Printing Office for the fiscal year ended June 30, 1937; to the Committee on Printing.

941. A letter from the Assistant Secretary of Commerce, transmitting part 2 of the annual report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1937; to the Committee on Merchant Marine and Fisheries.

942. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to amend section 6 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," so as to authorize the Secretary of the Navy to discharge enlisted men of the Fleet Naval Reserve when sentenced by a court of competent jurisdiction to imprisonment in a penitentiary; to the Committee on Naval Affairs.

943. A letter from the Secretary of War, transmitting a draft of a bill entitled "A bill to provide for the exchange of land in the Territory of Alaska," which the War Department presents for the consideration of the Congress with a view of its enactment into law; to the Committee on Military Affairs.

944. A letter from the Acting Comptroller General of the United States, transmitting a list of officers of the Government who were on June 30, 1937, delinquent in payment of their accounts to the Government; to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VINSON of Georgia: A bill (H. R. 8789) to amend a provision in the Naval Appropriation Act approved July 1, 1902 (32 Stat. 680), relative to payment of commuted rations of enlisted men; to the Committee on Naval Affairs.

Also, a bill (H. R. 8790) to provide for civilian naval training, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 8791) to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service; to the Committee on Naval Affairs.

Also, a bill (H. R. 8792) to extend privileges of the Navy post exchanges to officials and employees of the United States Court for China; to the Committee on Naval Affairs.

By Mr. RANKIN (by request): A bill (H. R. 8793) to amend certain laws and veterans' regulations affecting World War veterans and their dependents, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BLAND: A bill (H. R. 8794) to provide for terms of the district court at Newport News, Va.; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 8795) to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. MAAS: A bill (H. R. 8796) to authorize the erection of a domiciliary building and to provide appurtenances thereto at the existing Veterans' Administration facility, Fort Snelling, Minn.; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 8797) to provide flight training for certain retired officers of the Navy and Marine Corps; to the Committee on Naval affiairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States with reference to their resolution dated December 22, 1937; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWELL: A bill (H. R. 8798) granting an increase of pension to Eliza J. Rowland; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 8799) to provide for the reinstatement of First Lt. William B. Blaufuss, United States Army, retired, to the active list of the Regular Army as a first lieutenant; to the Committee on Military Affairs.

Also, a bill (H. R. 8800) for the relief of Milton Augustus Roberson; to the Committee on Naval Affairs.

Also, a bill (H. R. 8801) for the relief of George W. German; to the Committee on Naval Affairs.

Also, a bill (H. R. 8802) for the relief of Beulah Bell Nolte and George C. Nolte; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8803) granting a pension to Rebecca Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8804) granting an increase of pension to Bailey Carson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3685. By Mr. CURLEY: Petition of the Capital District Typothetae, of Albany, N. Y., urging repeal of the undistributed-profits tax; to the Committee on Ways and Means.

3686. Also, petition of the nonpartisan employers of Troy, N. Y., urging repeal of undistributed-profits tax; to the Committee on Ways and Means.

3687. Also, petition of the United Federal Workers of America, Internal Revenue Local No. 47, endorsing House bill 8428, introduced by Congressman BIGELOW, and Senate bill 3051, introduced by Senator LOGAN, providing for the hearing and disposition of civil-service appeals from discriminatory treatment by superiors in the Federal service; to the Committee on the Civil Service.

3688. By Mr. LAMBERTSON: Petition of Mary Hixson and 20 other members of the Carson Club, Hiawatha, Kans., urging that all American ships and troops be withdrawn from the war zone in China that we might not engage in a foreign war; to the Committee on Military Affairs.

3689. Also, petition of Mrs. Otto Stunz and 12 others, of Hiawatha, Kans., asking that our American citizens be ordered out of China unless they wish to remain at their own risk, our warships be withdrawn from Chinese waters, and that the Ludlow and Capper referendum on war be instituted; to the Committee on Military Affairs.

3690. By Mr. RICH: Petition of the Williamsport (Pa.) Local, No. 1117, Brotherhood of Painters, Decorators, and Paperhangers of America, supporting the Black-Connery labor bill; to the Committee on Labor.

3691. By Mrs. ROGERS of Massachusetts: Petition of the City Council of New Bedford, Mass., favoring House Resolutions 354 and 355, directing the United States Tariff Commission to investigate the differences in the costs of production of domestic articles and of any like or similar foreign articles in cotton cloths; to the Committee on Interstate and Foreign Commerce.

3692. By the SPEAKER: Petition of representatives of business in Green Island, N. Y., relative to the undistributed-profits tax; to the Committee on Ways and Means.

3693. Also, petition of representatives of business establishments in Springfield, Mass., relating to the undistributed-profits tax; to the Committee on Ways and Means.

3694. Also, petition of the Brotherhood of Painters, Decorators, and Paperhangers of America, relating to a Nationwide movement against war; to the Committee on Foreign Affairs.

3695. Also, petition of the Disabled American Veterans of the World War, third district, Department of California, relating to a great injustice done the disabled emergency officers by the unjust insertion of the causative factor into the regulations governing the applications of the so-called Economy Act to the cases of World War emergency officers who are disabled; to the Committee on Military Affairs.

3696. Also, petition of the employees of the Stevens Linen Works and citizens of the towns of Webster and Dudley, relative to the economic welfare of our people; to the Committee on Ways and Means.

3697. Also, petition of the United States Live Stock Sanitary Association, relating to the protection of livestock in the United States; to the Committee on Agriculture.

3698. Also, petition of the Belknap County Commissioners, Laconia, N. H., relative to the proposed General Welfare Act (H. R. 4199); to the Committee on Ways and Means.

3699. Also, petition of the members of the ship's committee of the American steamship *Southern Cross*, relating to American merchant marine; to the Committee on Merchant Marine and Fisheries.

3700. Also, petition of the Council of the City of Cincinnati, relating to the Wagner housing program; to the Committee on Banking and Currency.

3701. Also, petition of the Tuscaloosa County Agricultural Association, Tuscaloosa, Ala., petitioning consideration of their resolution with reference to agricultural legislation; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 4, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

May we recognize in Thee, Almighty God, a loving father; inspire us with that trust which a child has toward his earthly parent. Do Thou keep very near us; cleanse us from all fear and arm us with that strength which is the shield of true manhood. Without presumption, without haste, and without confusion, may we keep the pathway of patriotic service. Grant that the claims of truth and brotherhood may abound in the presence of the divine Teacher. By distrust we fail; by faith we rise; by the vision of the false we become disobedient; by the vision of noble things we are made upright. Heavenly Father, we pray Thee, make us strong in understanding, of even temper, and full of hope, giving attention to wise manliness of stature and of true, heroic worth before our fellow countrymen. In the name of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following communication:

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I have the honor to inform you that I have this day transmitted to the Governor of the Commonwealth of Pennsylvania my resignation as Member of Congress from the Thirty-third Congressional District of Pennsylvania, said resignation to be effective on January 3, 1938, at 9:30 a. m.

Respectfully yours,

HENRY ELLENBOGEN.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on today, after the disposition of the business on the Speaker's table, I may be permitted to address the House for 30 minutes.

The SPEAKER. Will the gentleman include in his request the disposition of the legislative program for the day?

Mr. PATMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks unanimous consent that on today, after the disposition of the matters on the Speaker's table and the legislative program for the day, he may be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. SANDERS asked and was given permission to extend his own remarks in the RECORD.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address I delivered over the radio last Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by the Postmaster General at the dedication of the Auburn, N. Y., post office.

Mr. RICH. Mr. Speaker, reserving the right to object—and I am not going to object—I see we are starting again in this session to have inserted in the RECORD speeches of the Postmaster General and the chairman of the Democratic National Committee. His speeches take up more space in the

RECORD than the remarks of any Member of Congress. We are not only doing this, Mr. Speaker, but we are having requests to insert newspaper articles. I wonder whether the Members on that side are going to permit everything to go in the RECORD that Members of Congress may want to have inserted, and thus cause the RECORD to be anything but a record of the proceedings of the Congress. This is not the right thing to do.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, if I understand correctly, the gentleman is a member of the Joint Committee on Printing.

Mr. RICH. I am, and I have tried my best to keep these things out, but I cannot do it.

Mr. RAYBURN. Several times since last January I have made the suggestion that the Joint Committee on Printing should establish a rule with reference to what should go in the RECORD, but it does not seem we will get such a rule. I may repeat to the gentleman the statement I have made so many times, that I do not believe newspaper articles, newspaper editorials, or speeches made by people outside of public life, and so forth, should go in the RECORD. However, I do not feel like protecting the RECORD here and denying Members on either side of the aisle an opportunity to insert such matters in the RECORD when we know that if it is not done here it will be done in another body. I do not believe it is fair to the Members of the House of Representatives for me or any other Member to stand here and object to these requests, when we know the matters are going in the RECORD anyway.

Mr. RICH. May I say to the majority leader I agree with him 100 percent. We have taken up the matter with the chairman of the Committee on Printing of the Senate, but we cannot get the Senate to act. I am hopeful that by bringing this matter before the House of Representatives it will get back to the Senate, which may take some action to conform to the ideas of the Members of the House who are on the Joint Committee on Printing. The gentleman from North Carolina [Mr. LAMBETH], who is one of the finest men in the House of Representatives, has tried to eliminate this practice but he cannot get the Senate to act. I am hopeful that by bringing this matter to the attention of the House it will appear in the RECORD and be called to the attention of the Senate, and that the Senate will do something about it.

Mr. RAYBURN. Hope springs eternal.

Mr. SNELL. Reserving the right to object, Mr. Speaker, may I ask the gentleman from New York [Mr. MERRITT] if the Postmaster General in this speech explains the deficit in the Post Office Department for last year, which amounts to approximately $45,000,000, although we were told throughout the year that the Department was running at a very nice profit.

Mr. MERRITT. If the gentleman will read this speech after it is placed in the RECORD, he will find it contains many interesting historical and Republican facts pertaining to Auburn and its vicinity.

Mr. SNELL. There is no reference to the question in which I am interested?

Mr. MERRITT. I may also call to the attention of the gentleman from New York that the Postmaster General makes reference to the tremendous amount of business done by parcel post in this particular district.

Mr. SNELL. There is no reference whatever to the deficit?

Mr. MERRITT. As a matter of fact, I do not believe there is a deficit.

Mr. SNELL. He admits there is a deficit of $45,000,000, although we have been continually told the Department has been running at a profit.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by Hon. Harold L. Ickes, Secretary of the Interior.

Mr. RICH. Reserving the right to object, Mr. Speaker, I wonder whether the Secretary is going to repent of some of the things he stated the other day about the 60 families, when he attempted to show the American people there are only 60 families in this country in control of business. This is the most ridiculous and asinine statement ever made by a public official.

Mr. MAVERICK. Whatever he said, it is important and concerns the Government. It ought to be in the RECORD; it should not be suppressed.

Mr. THOMAS of New Jersey. Reserving the right to object, Mr. Speaker, I believe it will be a very good idea to have this speech in the RECORD word for word.

Mr. MAVERICK. Every word will be in the RECORD, and I am glad the gentleman is willing for it to appear.

Mr. THOMAS of New Jersey. Then every Member of the Congress can read every word of it and really understand it the way it should be understood.

Mr. MAVERICK. Yes; and I hope the gentleman will understand it.

Mr. THOMAS of New Jersey. I say this because I think this is one of the worst speeches ever made by a member of any party.

Mr. MAVERICK. I hope it will help the gentleman. Whether it is the worst or the best, it ought to be read in full by every American, including the gentleman.

Mr. FISH and Mr. O'CONNOR of New York rose.

Mr. FISH. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman if he will not also insert in the RECORD the speech made by Robert H. Jackson, an Assistant Attorney General?

Mr. MAVERICK. Sure. We will do that in just a moment if no one objects and thereby suppresses it.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, what I want to find out is what happened to the other 340 families? When I was being brought up I believed that all the wrong in the country was in the "400," and now they are down to 60.

Mr. KNUTSON. Times have been getting harder.

Mr. O'CONNOR of New York. What has happened to the other 340?

Mr. MAVERICK. I may say to the gentleman there has been a greater concentration of wealth since he was a boy in New York. The "upper 400," as I understand it, are society people in New York City. Anyhow, we will admit that there are some big fortunes in the country; they are worth reading about.

Personally, I do not think any class of people in this country are sacred—whether 60 or 400, or thousands, the truth should be known.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WADSWORTH. I object, Mr. Speaker.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein four speeches by the Honorable Robert H. Jackson.

Mr. KNUTSON. I object, Mr. Speaker.

Mrs. O'DAY. Will the gentleman withhold his objection a moment?

Mr. KNUTSON. I will withhold the objection.

Mrs. O'DAY. I think the members of the gentleman's party will want to refer probably to this speech from time to time, and this would be a great convenience to them.

Mr. KNUTSON. I do not believe the members of "the gentleman's party" will want to refer to any nightmare speech such as Mr. Jackson delivered.

The SPEAKER. Does the gentleman from Minnesota object?

Mr. KNUTSON. It seems we want to make it a campaign document, so I withdraw my objection, Mr. Speaker.

Mr. SNELL. Mr. Speaker, reserving the right to object, I would like to ask the gentlewoman from New York if she is sure the President approves of this speech and wants it in the RECORD?

Mrs. O'DAY. I have not communicated with the President about it.

Mr. SNELL. From what he said yesterday, I would not think he approved of it.

Mr. WADSWORTH. Mr. Speaker, reserving the right to object, is this the Jackson speech?

Mrs. O'DAY. Yes.

Mr. WADSWORTH. In view of the uncertainty surrounding its reliability, I think I shall object, Mr. Speaker.

The SPEAKER. Objection is heard.

PERMISSION TO ADDRESS THE HOUSE

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes following the remarks of the gentleman from Texas [Mr. PATMAN].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Ludlow resolution by including a letter written to me and my answer thereto.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein a statement by the Secretary of the Interior advising that the President had approved the Colorado-Big Thompson reclamation project.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein a radio speech on slum clearance which I delivered over station WBNY last Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. IGLESIAS and Mr. MEAD asked and were given permission to extend their own remarks in the RECORD.

THE PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

HENRY FISCHER

The Clerk called the bill (H. R. 1835) for the relief of Henry Fischer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay to Henry Fischer, the foster father of Edward R. Fischer (A. S. 3465043), late corporal, Fifteenth Service Company, Signal Corps, United States Army, all such installments of money remaining unpaid on the insurance policy (XC–66180) which he would be entitled to receive, and in the same manner as though the said Henry Fischer were within the restricted permitted class of beneficiaries for war-risk insurance.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Line 10, after the word "were", strike out the balance of the paragraph and insert "entitled to inherit the deceased veteran's estate under the laws of descent and distribution of the State of Minnesota."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOLIET NATIONAL BANK AND COMMERCIAL TRUST & SAVINGS BANK OF JOLIET

The Clerk called the bill (H. R. 3232) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War.

Mr. BARDEN and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

DEWITT F. M'LAURINE

The Clerk called the bill (H. R. 5006) for the relief of DeWitt F. McLaurine.

Mr. BARDEN and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

EMPLOYEES OF MINNEAPOLIS STEEL & MACHINERY CO. AND OTHERS

The Clerk called the bill (H. R. 5781) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.

Mr. HANCOCK of New York and Mr. BARDEN objected, and the bill was recommitted to the Committee on Claims.

MRS. GEORGE ORR

The Clerk called the bill (H. R. 8021) for the relief of Mrs. George Orr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. George Orr, of Tuckerton, N. J., widow of George Orr, late an employee of the Consular Service of the United States, the sum of $5,500, such sum representing 1 year's salary of her deceased husband, who died while in the Foreign Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This disposes of the Private Calendar. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

A FEW MEN CONTROLLING A FEW BANKS CONTROL THE WEALTH OF THE NATION

Mr. PATMAN. Mr. Speaker, yesterday the President of the United States, commenting on the concentration of economic control, control of other people's money, other people's labor, other people's lives, stated:

In many instances such concentrations cannot be justified on the ground of operating efficiency.

And further:

We have but to talk with hundreds of small bankers throughout the United States to realize that, irrespective of local conditions, they are compelled in practice to accept the policies laid down by a small number of the large banks of the Nation. The work undertaken by Andrew Jackson and Woodrow Wilson is not finished yet.

PRIVATE PROFIT SYSTEM

Mr. Speaker, I agree with what the President said in another part of his speech—that we should have the private profit system in this country. If we abolish private profit, we abolish what has built this country in time of peace and has assisted in saving it in time of war. We must have private profit. The American people owe about thirty-six and one-half billion dollars national debt. That debt is going to be paid, regardless of private profit; that is, liquidated and disposed of. The social-security fund, the railroad retirement fund, and many other different funds built up by the Government will gradually and eventually acquire all the outstanding Government obligations. Then the American people will pay interest on those obligations as now, but that interest will go to poor and unfortunate people, the aged, and those in distress instead of to a few banks and to the Government bondholders of the Nation.

PEOPLE OWE TWO HUNDRED BILLION IN DEBTS

So the Federal debt is going to be disposed of in a way that will be satisfactory to all American people, but all the American people owe $170,000,000,000 in addition to the national debt. That is represented by debts owed by States, counties, cities, political subdivisions, school districts, road districts, and others; also installment purchases, the corporate debt, and all other notes and accounts owed by the

American people, aggregating about $170,000,000,000. There is only one way that this enormous debt and tax burden can be liquidated, and that is through the private-profits system, and whenever anyone advocates abolishing private profit he might just as well advocate destroying our Government, because the debts cannot be paid or liquidated without the private-profits system. To advocate abolishing private profit is to advocate repudiation of all debts—National, State, local, corporate, individual, and all other debts.

CONCENTRATION OF WEALTH AND POWER IN BANKS

I have had occasion to study the concentration of wealth in banks, something that the President mentioned yesterday.

I have before me a chart. It is my contention, and reliable publications bear me out in this, that 30.88 percent of the banking resources of this Nation—almost one-third—are owned by 24 leading banks in this country. Thirteen of these banks are in New York City. The others are located in some of the larger cities of the country. These 24 leading banks, out of 16,000 banks, own approximately one-third of the banking resources of this Nation.

CONCENTRATION OF BANKING RESOURCES IN LEADING COMMERCIAL BANKS

As of June 30, 1936, there were 15,988 State and National banks with total resources in the amount of $67,525,335,000. Through the control exercised by these banks over the credit facilities of the country, their importance in our economic life cannot be overemphasized.

Moody's Manual for Banks for 1937 reports the resources of each of the larger banks. From a review of this tabulation it is apparent that there is a decided concentration of banking resources in the larger commercial banks. From this list the 24 largest banks were selected, each reporting resources in excess of $350,000,000. In the study of corporations the tabulation was prepared showing assets as of January 1, 1930, and December 31, 1936. A similar tabulation was prepared for the banks, as shown on the following page, showing the resources of each bank and totals as of December 31, 1929, and December 31, 1936, and the number of officers and directors as at December 31, 1936.

List of banks in the United States with resources in excess of $350,000,000 in the order of their size at Dec. 31, 1936

	Officers	Directors	Resources Dec. 31, 1929 (millions)	Resources Dec. 31, 1936 (millions)
1. Chase National Bank (New York)	63	25	$1,714,829	$2,562,182
2. Guaranty Trust Co. (New York)	42	23	2,017,119	2,086,979
3. National City Bank (New York)	36	19	2,206,241	1,904,800
4. Bank of America National Trust & Savings Association	20	25	1,055,113	1,430,337
5. Continental Illinois National Bank & Trust Co.	29	21	1,176,603	1,232,513
6. Bankers Trust Co. (New York)	34	20	817,977	1,079,173
7. First National Bank of Chicago	45	25	365,559	991,280
8. Central Hanover Bank & Trust Co. (New York)	34	23	769,259	979,309
9. First National Bank of Boston	28	25	703,347	756,202
10. Manufacturers Trust Co. (New York)	29	25	608,226	748,564
11. Irving Trust Co. (New York)	27	23	865,980	728,677
12. Chemical Bank & Trust Co. (New York)	32	20	423,172	686,676
13. Security First National Bank (Los Angeles)	54	25	610,683	649,173
14. First National Bank of the City of New York	9	10	568,425	648,019
15. Bank of the Manhattan Co.	30	14	506,939	570,538
16. J. P. Morgan & Co., Drexel & Co.	[1] 19	19	[2]	550,338
17. Philadelphia National Bank	13	24	358,423	497,392
18. New York Trust Co.	15	19	401,665	444,556
19. National Bank of Detroit	15	14	[2]	442,803
20. Union Trust Co. of Pittsburgh	10	14	217,786	386,913
21. Mellon National Bank (Pittsburgh)	7	23	192,501	380,895
22. Cleveland Trust Co.	38	25	316,508	380,070
23. Corn Exchange Bank Trust Co. (New York)	16	15	298,483	360,262
24. Northern Trust Co. (Chicago)	33	8	69,395	355,701
Total	678	484	16,164,233	20,853,352
Comparable figures, 21 banks [4]			16,094,838	19,504,510
Total resources, all banks			72,038,566	67,525,335
Percent of total resources in 21 large banks			22.34	28.88

[1] Partners.
[2] No report made public.
[3] Organized Mar. 24, 1933.
[4] Eliminating J. P. Morgan & Co., National Bank of Detroit, and Northern Trust Co., Chicago.

It will be noticed that the resources of the 24 banks increased more than four and one-half billion dollars during the depression. These 24 largest banks are located—13 in New York City, 2 in California, 3 in Illinois, 1 in Massachusetts, 3 in Pennsylvania, 1 in Michigan, and 1 in Ohio.

The relationship of these banks to all banks and banking resources as of June 30, 1936, is shown as follows:

Relation of 24 largest commercial banks to all commercial banks

Class of banks	Number of banks	Total resources	Percent of total
1. Resources exceeding $350,000,000	24	$20,853,352,000	30.88
2. All other banks	15,964	46,671,983,000	69.12
3. Total	15,988	67,525,335,000	100.00

From the above summary it is shown that over 30 percent of all commercial banking resources is in the hands of 24 banks out of a total of 15,988, or less than sixteen-hundredths of 1 percent of all banks. Reference to the previous tabulation indicates there was a trend toward increased concentration of banking resources for the period 1930–36.

As in the case of corporations the banking control exercised by these banks extends beyond the resources in their own hands since many of the smaller banks have banking relationships with the larger banks and are subject to their control in many ways.

These 24 banks are controlled by 484 directors, but from a practical standpoint, as in the case with boards of directors of other corporations, many directors are not generally active in the affairs of the banks.

The above number is also reduced by duplications resulting from interlocking directorates. Therefore, it may be assumed that the actual control of these banking resources is concentrated in the hands of a relatively few men.

The relationships among the 24 leading banks were studied, and it was found that further concentration exists in this group, as evidenced by interlocking directorates.

In order to show the trend of banks and banking resources from 1919 through 1936, a statistical table was prepared. This table shows that from the peak year of 1921 the number of banks decreased one-half, while banking resources increased from $49,721,000 to $67,525,000, and that the resources of the average bank increased from $1,612,000 to $4,223,000.

TWENTY-FOUR BANKS HAVE ENORMOUS POWER

From the preceding data it is apparent that (1) there is a concentration of banking resources in the 24 leading commercial banks, (2) that there is a further community of interest as indicated by the interlocking directorates in the leading banks, (3) that there is a well-established trend toward fewer and larger banks, and (4) that the trend is more rapid and consistent with banks than with nonfinancial corporations.

We have further concentration of banking control as shown by interlocking directorates. If you study the directorates of these 24 leading banks you will see that the directorates of 1 interlock with those of the other 23; you will find an interlocking relationship between these 24 leading banks that own and control approximately one-third of the entire banking resources of the 16,000 banks. These 24 banks have $20,000,000,000 in assets, or 30.88 percent. The other 15,964 banks in the Nation own 69.12 percent; and, as I told you before, those 24 banks are in very few cities, 13 of them being in one city.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a short question?

Mr. PATMAN. I shall gladly yield to the gentleman from New York.

Mr. SNELL. Could the gentleman tell us how many stockholders there are in these 24 banks throughout the United States?

Mr. PATMAN. It is really not relevant, in view of the fact that very few of the stockholders have power and influence over the control of the banks. I think it is more material to know who controls these banks rather than who owns

them. That has been one of the troubles—a large number of people owning them, but a few controlling. The question I am talking about is control and not necessarily ownership.

Mr. SNELL. Would not the gentleman favor the House by putting in the RECORD in connection with his speech the number of stockholders there are in these banks?

Mr. PATMAN. I shall not object to the gentleman's doing it. If he wants, he may insert it right in connection with my remarks.

Mr. SNELL. The gentleman having studied this question, I suppose has this information, and I think he should tell the people of the country what a wide distribution of stockholders there is in these banks.

Mr. PATMAN. I was not studying the wide distribution of ownership. What I was interested in principally was the matter of control. If 99 percent of the people own the banks and 1 percent control them, the country is just about as bad off as if the 1 percent both owned and controlled.

Mr. SNELL. I think the people are entitled to the full picture.

ONE HUNDRED AND SEVENTY-FIVE CORPORATIONS OWN 58.8 PERCENT OF ALL CORPORATE WEALTH

Mr. PATMAN. If the gentleman will wait until I get through I think he will be convinced.

As shown by this other chart, 175 nonbanking corporations own 22.1 percent of the entire wealth of the Nation. That is not corporate wealth; that means the entire wealth of the Nation; they own 58.8 percent of the corporate wealth. One hundred and seventy-five corporations own approximately 25 percent of all the wealth in America.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a further question at this point?

Mr. PATMAN. Yes; I yield for a question.

Mr. SNELL. How many stockholders are there in these 175 corporations, and how widely distributed are the stockholders throughout the United States?

Mr. PATMAN. The gentleman knows as well as I that the stockholders have very little control over the corporations.

Mr. SNELL. I do not know that.

Mr. PATMAN. The evil about which I am talking is the evil of control in the hands of a few. I do not blame the gentleman for defending corporate wealth like this.

Mr. SNELL. I am not interested in any of them; I want only to get information.

Mr. PATMAN. It is a good argument for the gentleman to make, but it is not important in connection with my discussion; so I will not yield further unless the gentleman wants to ask a question directly in line with my speech.

Mr. SNELL. I think it is very important in connection with the gentleman's speech. If he wants to furnish us with a complete picture of the situation he should give the number of stockholders in these corporations.

Mr. PATMAN. If the gentleman desires to insert that in the RECORD it will be perfectly all right with me.

Mr. SNELL. I have not made the study the gentleman claims he has made. If he wants to, he can give the entire picture to the people.

Mr. PATMAN. That is an excuse and not a reason.

Mr. SNELL. No; it is no excuse at all.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. COCHRAN. Will the gentleman advise the House what he means when he speaks of the wealth of the Nation?

Mr. PATMAN. The entire wealth of the Nation, $300,000,000,000 and more. Of this amount these 175 corporations own and control approximately one-quarter, one-quarter of the entire wealth of the entire Nation, of all the people.

Mr. COCHRAN. Everything?

Mr. PATMAN. Everything, which is over $300,000,000,000.

Mr. COCHRAN. Where does the gentleman get his figures?

Mr. PATMAN. I obtained these figures from reliable sources, I assure the gentleman. Moody's Manual and many others were consulted.

Mr. COCHRAN. Will the gentleman state what these reliable sources are?

REFERENCE MATERIAL

Mr. PATMAN. In connection with the study, the following material has been reviewed:

(1) The Modern Corporation and Private Property. Berle and Means.

(2) The Internal Debt of the United States. Evans Clark.

(3) Concentration in American Industry. Harry W. Laidler.

(4) Statistical Abstract of the United States, 1935.

(5) Lords of Creation. Frederick Lewis Allen.

(6) Moody's Manual of Banks—Insurance—Real Estate—Investment Trusts, 1930, 1936.

(7) Moody's Manual of Steam Railroads, 1930, 1936.

(8) Moody's Manual of Public Utilities, 1930, 1936.

(9) Poor's Industrial Manual, 1930, 1936.

(10) Poor's Register of Directors, 1937.

(11) National Income of the United States, 1929, 1935.

(12) National Wealth and Income, Federal Trade Commission, 1926.

(13) The New Freedom. Woodrow Wilson.

(14) Weeds of Wall Street. Wickwire.

(15) Other People's Money. Brandeis.

Several of the above books have bibliographies listing additional reference material on this subject.

The gentleman from New York will see this speech in the RECORD tomorrow morning, and if he sees a misstatement in it I hope he will correct it, but he will not find one single misstatement.

Mr. SNELL. Will the gentleman give the country the whole picture and not part of it?

Mr. PATMAN. I will permit the gentleman to bring up the excuses. I am giving the reasons.

Mr. MOTT. Will the gentleman give the names of those corporations also?

Mr. PATMAN. The 175 corporations that own approximately one-fourth of the entire wealth of the Nation are interlocked. They are nonfinancial or not banking corporations. But they are interlocked with the 24 leading banks that own approximately one-third of all the banking resources of this Nation. Therefore, when you put the two together you can see there is considerable power and influence placed in the hands of a few people who control a few banks and a few large corporations.

Mr. MOTT. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Oregon.

Mr. MOTT. I intend to read the gentleman's speech together with his extensions, but will the gentleman put into the RECORD the names of the 175 corporations?

Mr. PATMAN. Yes. The names of 175 corporations in the United States, and the amount of their assets as of December 31, 1929, and as of December 31, 1935, are inserted in the CONGRESSIONAL RECORD in a speech that I made on the floor of the House, June 15, 1937, and may be found in the CONGRESSIONAL RECORD of that date.

Relationship of assets of 175 major nonbanking corporations to corporate and national wealth

	Jan. 1, 1930	Dec. 31, 1936
Assets of 175 major nonfinancial corporations	$72,620,800,000	$70,822,500,000
Wealth of nonfinancial corporations	$135,000,000,000	$120,000,000,000
Percent 175 corporations	53.8	58.7
National wealth	$385,000,000,000	$320,000,000,000
Percent 175 corporations	18.9	22.1

From the above it is apparent that there is a decided concentration of assets in the hands of 175 major nonfinancial corporations, and there is no indication that the trend toward further concentration will not continue.

The relationship of the companies listed to our everyday living is sometimes difficult to comprehend. Figures alone do not tell the complete story.

PEOPLE COMPELLED TO PATRONIZE LARGE CONCERNS

These great companies represented in the previous list form the very framework of American industry. The individual must come in contact with them constantly. He may own an interest in one or more of them. He may be employed by one of them. At least he is continually accepting their services.

If he travels any distance, he is almost certain to ride on one of the great railroad systems whose engines have been constructed by the American Locomotive Co. or the Baldwin Locomotive Works. The car in which he rides was probably made by the American Car & Foundry Co. or one of its subsidiaries, unless he is enjoying the services of the Pullman Co. The rails were supplied by one of the major steel companies. If he travels by automobile, probably the car was manufactured by General Motors, Chrysler, or Ford, and his tires supplied by Firestone, Goodrich, Goodyear, or United States Rubber Co. Even if the individual stays in his own home in comparative isolation and privacy, his electricity and gas are probably furnished by one of the major public-utility systems, the aluminum in his kitchen utensils by the Aluminum Co. of America, his electric refrigerator by General Motors, General Electric, or Westinghouse, and the chances are the Crane Co. has supplied his plumbing fixtures and the American Radiator & Standard Sanitary Corporation his heating equipment. He usually buys some of his groceries from the Great Atlantic & Pacific Tea Co., a company that in 1930 expected to sell one-eighth of all the groceries in this country. The cans which contain his food may have been made by the American Can Co. or Continental Can Co. His sugar was refined by one of the major companies, such as American Sugar Refining Co.; his meat was probably prepared by Swift, Armour, or Wilson; and his crackers put up by the National Biscuit Co. The newspaper he reads may be printed on International Paper Co. paper, and the radio he uses will almost of necessity be made under the license of the Radio Corporation of America. If he goes to a movie, he probably will see a Paramount, Fox, or Warner Bros. picture taken on Eastman Kodak film in a theater controlled by one of these producing groups. If he smokes cigarettes, he will usually find himself smoking one of the many brands put out by one of the Big Four tobacco companies.

In studying the growth of the corporate system and the concentration of wealth in corporations there are other phases that may be considered.

CONCENTRATION OF WEALTH SILENT PROCESS

The concentration of wealth in a few corporations is a silent process. Generally little public attention is focused in the gradual acquisition of one corporation by another, and the objectives that individuals may have in building and expanding these major corporations are not realized until the results have been accomplished. It is the essence of evolutions of the more silent sort that they are not recognized until they are far advanced. This was the case with the so-called industrial revolution, and is the case with the corporate revolution through which we are at present passing.

CONTROL BY MINORITY OF INTEREST

Frequently in these major corporations ownership is so widely scattered that working control can be maintained with but a minority interest. Separation of ownership and control becomes almost complete, and not even a substantial minority interest exists, as in the American Telephone & Telegraph Co. In the case of both minority control and management control the separation of ownership from control has taken place, and a large body of security holders has been created who exercise virtually no control over the wealth which they or their predecessors in interest have contributed to the enterprise.

The corporate system further commands attention because its development is progressive as its features become more marked and as new areas come, one by one, under its sway. Economic power in terms of control over physical assets is apparently responding to a centripetal force tending more and more to concentrate in the hands of a few corporate managements. At the same time beneficial ownership is centrifugal, tending to divide and subdivide, to separate into smaller units. In other words, ownership continually becomes more dispersed—the control and power formerly joined to it, increasingly concentrated.

SUMMARY

Summarizing this section dealing with concentration of assets in nonbanking corporations, the following conclusions may be drawn:

First. There exists a decided concentration of nonfinancial corporate wealth in the major corporations.

Second. The assets of the 175 companies out of a total of 300,000 represent approximately one-fifth of the national wealth and one-half of nonfinancial corporate wealth.

Third. The control exercised by the 175 corporations extends beyond the assets owned due to the number of smaller corporations and others who buy from and sell to them.

Fourth. The trend continues toward further concentration in this field.

Fifth. The control of this wealth is in the hands of less than 2,000 active directors and officers.

Sixth. The assets of the 175 major corporations extend into every State in the Union and directly affect the economic welfare of every section of this country.

INTERLOCKING RELATIONSHIP BETWEEN THE 24 BANKS THAT OWN ABOUT ONE-THIRD OF BANKING RESOURCES AND THE 175 CORPORATIONS THAT OWN 58.8 PERCENT OF THE CORPORATE WEALTH OF THE NATION

Here is a chart known as the wheel of wealth which shows the 484 directors in the 24 leading banks, these 24 leading banks owning approximately one-third of the banking resources of the Nation. There are 16,000 banks in all. There are 484 directors in the 24 banks, and this wheel shows how those directors interlock with the directors of the 175 corporations that own approximately 25 percent of all the wealth of the Nation and 58.8 percent of the entire corporate wealth of the Nation.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. Will the gentleman inform us whether the 24 leading banks include the 12 Federal Reserve banks?

Mr. PATMAN. They do not, because the 12 Federal Reserve banks are not necessarily in the picture so far as the question I am now discussing is concerned.

I have here the total number of banks from the year 1919. This chart shows how the number has gone down. I have here also a statement showing the resources of the banks, which is very convincing that the banks are becoming fewer in number while the resources of the few are becoming greater. In other words, the trend has been in the direction of fewer and larger banks with greater power and control in the hands of these 484 directors who have charge of 24 banks which own and control one-third of the banking resources of the Nation.

Mr. GIFFORD. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. May I ask the gentleman if he will not correct his statement and say that the resources of the banks have greatly decreased in the last few years?

Mr. PATMAN. I am not yielding for a speech, and I hope the gentleman will not take my time.

Mr. GIFFORD. Does the gentleman challenge my suggestion?

Mr. PATMAN. I am yielding for a question. If the gentleman desires to ask me a question, make it brief and I shall be glad to answer.

Mr. GIFFORD. I will be glad to get the gentleman's views on the question whether the resources of those banks have increased. I claim they have decreased.

Mr. PATMAN. Some have decreased and some have increased. During the depression the resources of these 24 banks have increased from $16,000,000,000, at the time the depression started, to more than $20,000,000,000 in 1936. In other words, their resources have increased during the depression almost 25 percent. The big banks have become greater and more powerful. They have more resources and more influence. The smaller banks, many of them, have been crushed to the wall.

During the 12 years of Mr. Mellon's reign in this country we lost almost one-half of our banks. There were 30,000 when he started and there were approximately 15,000 left when he and his policies went out. In other words, there were remaining one-half and we lost the rest during a period of little more than 12 years. We want to change that trend.

We want to give the smaller banks an opportunity instead of giving all the power to a few of the larger and more powerful banks.

Number of banks and total resources, by years, from 1919 to 1936

Year	Total number of banks			Total banking resources (millions)			Average resources per bank (thousands)
	State	National	Total	State	National	Total	
1919	21,028	7,785	28,813	$25,966	$20,800	$46,766	$1,623
1920	21,923	8,030	29,953	29,191	22,197	51,388	1,716
1921	22,705	8,143	30,848	29,413	20,308	49,721	1,612
1922	22,302	8,197	30,499	28,809	19,815	48,624	1,594
1923	22,084	8,229	30,313	32,081	21,613	53,694	1,771
1924	21,350	8,115	29,465	33,641	22,063	55,704	1,891
1925	21,122	8,016	29,138	36,679	23,832	60,511	2,077
1926	20,289	8,000	28,289	39,106	24,894	64,000	2,262
1927	19,597	7,828	27,425	40,047	25,699	65,746	2,397
1928	18,965	7,734	26,699	41,866	27,574	69,440	2,601
1929	18,357	7,575	25,932	43,645	29,022	72,667	2,802
1930	17,298	7,316	24,614	44,690	27,348	72,038	2,927
1931	15,865	6,935	22,800	42,686	28,126	70,812	3,106
1932	13,882	6,373	20,255	38,468	24,662	63,130	3,117
1933	11,513	5,887	17,400	31,727	22,302	54,029	3,105
1934	10,903	5,422	16,325	32,621	23,902	56,523	3,462
1935	10,742	5,431	16,173	34,372	26,061	60,433	3,737
1936	10,614	5,374	15,988	37,822	29,703	67,525	4,223

The possible effect on our economic system of this concentration of the control of credit has from time to time engaged the study of many men prominent in the affairs of our Nation, and the following excerpts are taken from various writings and reports:

In 1909, Woodrow Wilson, in his New Freedom, maintained that as a result of the concentration of the credit system in the hands of the few we had become "the most highly controlled and dominated government in the civilized world." This subject was commented on from time to time by men prominent in public affairs; and as a result of these comments, and the general situation existing, Congress appointed the Pujo investigating committee in 1912, with Samuel Untermyer as counsel. After extended investigation, this committee issued its report analyzing the financial control of the Nation as the committee then saw it. It directed attention to the First National Bank of New York; National City Bank of New York; Lee Higginson & Co., of Boston; Kidder-Peabody & Co.; and Kuhn, Loeb & Co. as the most active agents in bringing about concentration of credit control.

According to this committee, the internationally known banking firm of J. P. Morgan & Co. was head and shoulders above the other giants of finance. Following the investigation the committee issued charts showing that the firm members of Morgan & Co. and its allied banks held at the time of the hearings—

(1) One hundred and eighteen directorships in 34 banks and trust companies, having total resources of $2,679,999,000 and total deposits of $1,983,000,000.

(2) Thirty directorships in 10 insurance companies, having total assets of $2,293,000,000.

(3) One hundred and five directorships in 32 transportation systems, having a capitalization of $11,784,000,000; total mileage of 150,200.

(4) Sixty-three directorships in 23 producing and trading corporations, having a total capitalization of $3,339,000,000.

(5) Twenty-five directorships in 12 public-utility corporations having a total capitalization of $2,150,000,000.

The committee's report and recommendations created a stir, but of the specific recommendations enacted the restraint of interlocking directorates was the most important. As a result, on January 1, 1914, Morgan & Co. announced their retirement from a number of directorates. As a result of this investigation, the previous work of the National Monetary Commission formed a basis for the Federal Reserve Act, passed in 1914. Some of the proponents of the Federal Reserve System at that time wanted one central bank. Because, however, of the fear of centralization, 12 Federal Reserve banks were thought to be best, and these were created. Each of these banks has most of the attributes of a central bank. Such a decentralized system, it was thought, would tend to divest the Money Trust in Wall Street of much of its power. Experience has shown, however, that the Federal Reserve System has not arrested the movement toward concentration of credit control.

This view was also expressed in 1930 by Congressman McFadden, chairman of the Committee on Banking and Currency, who said:

> We find that the concentration of Nation-wide banking assets under the control of these big banks (possibly in New York and Chicago) or their affiliates has become so important as to overshadow the entire Federal Reserve System of operations. One naturally begins to wonder whether or not some of these larger banks or groups may not entirely dominate the election of officers and directors of many of the Federal Reserve banks and so be a factor in the determination of changes in the Federal Reserve policies which are made from time to time by the Federal Reserve Board.

From the date of the Pujo investigation until 1930 concentration continued. So at the beginning of 1930, 250 banks held resources of $33,400,000,000 out of total bank resources in this Nation of $72,000,000,000. Thus, 1 percent of the banks of the country directly controlled more than 46 percent of the total national resources. (Testimony of John W. Pole, Comptroller of the Currency.)

At the beginning of 1930, 24 New York banks, or less than one-tenth of 1 percent of the total, had combined resources of about $10,800,000,000, or 15 percent of the total resources of the banks of the Nation, while their capitalization of nearly $700,000,000 is almost comparable in total to that of 20,000 country banks situated in towns of 10,000 population or less. (Grief B. Hazlewood, president, American Banking Association.)

Concentration recently had been greatly advanced through the rapid consolidation of the key banks in the country, through the development of chain and branch banking, investment trusts, industrial activities of private banks, and other means. The unit bank is fast fading from the scene, and America bids fair sooner or later to follow the example of Canada, England, and other countries in the concentration of all banking power in the comparatively few gigantic central banking institutions. (Joseph Lawrence, Banking Concentration in the United States, 1931.)

SUMMARY

(1) Twenty-four leading banks control approximately one-third of all banking resources.

(2) The control of the 24 banks is in the hands of 484 directors, many of whom are not normally active in the affairs of the banks.

(3) There is a community of interest between certain groups of the leading banks, as evidenced by interlocking directorates.

(4) In the period from 1930 to 1936 there was an increased concentration of banking resources in the major banks.

(5) During the period from 1921 to 1936 the total number of commercial banks decreased from 30,848 to 15,988, while resources increased from $49,721,000 to $67,525,000. The resources of the average bank increased from $1,612,000 to $4,223,000 during this period.

Mr. GIFFORD. May I ask the gentleman why he said that the Federal Reserve banks were omitted? Does he not know that the 12 Federal Reserve banks fully control those which he mentioned?

Mr. PATMAN. They certainly do not control them. They come nearer controlling the principal activities of the Federal Reserve System. Furthermore, I was interested in what the President said about Woodrow Wilson yesterday. Had it been left to Woodrow Wilson two things would not have been inserted in the Federal Reserve Act.

One, the open-market committee would not be composed of a large number of the biggest bankers in this country, who have the power to work in their own selfish and greedy interests to the detriment of the interests of the people at large and to the detriment of the smaller banks.

Two, the private bankers would not be put upon the board of any Federal Reserve bank. That is inconsistent. You might just as well have the railroad owners control freight rates through the Interstate Commerce Commission, or the

biggest businessmen in the country as members of the Federal Trade Commission to regulate business, or the owners of the radio put on the Federal Communications Commission, as to have the bankers, who are privately and selfishly interested in their own welfare and their institutions' welfare, control the Federal Reserve banks.

Mr. DIRKSEN. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is it not true that so far as the number of banks is concerned today it is the policy, directly or indirectly, of the Treasury and the F. D. I. C. to discourage an increase in the number of banks in the country?

Mr. PATMAN. Not of good, sound banks; no.

Mr. DIRKSEN. It is not a question of good, sound banks.

Mr. PATMAN. Yes; it is.

Mr. DIRKSEN. It is not. It is a question of whether they want two banks in a town or only one.

Mr. PATMAN. The gentleman has asked a question and I have answered it.

Mr. DIRKSEN. We do not want generalities. We want a specific answer to the question.

Mr. PATMAN. And I say no; they are not discouraging sound banks.

Mr. DIRKSEN. That is at variance with the exact truth, because I have had instances in the Central West where they have discouraged the setting up of another bank in a town that was already supplied with a bank.

Mr. PATMAN. I presume another bank was not needed and therefore if another was put in, both of them would become unsound.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentleman refers to the resources of banks, especially the resources of the so-called large banks. Does a bank itself have any resources except the deposits of millions of depositors?

Mr. PATMAN. Is the gentleman referring to deposits as something actually material, actually tangible, or just fictitious pieces of paper?

Mr. O'CONNOR of New York. I am referring to credits.

Mr. PATMAN. Then the gentleman is referring to something fictitious.

Mr. O'CONNOR of New York. Well, all right.

Mr. PATMAN. All right; go ahead.

Mr. O'CONNOR of New York. When the gentleman speaks about the resources of banks being used, he is referring to the depositors' money?

Mr. PATMAN. Part of it. Part of it is the depositors' money. Most of it is.

Mr. O'CONNOR of New York. Take any one of those banks and tell us what resources the bank itself has, as distinguished from the deposits of its millions of depositors.

Mr. PATMAN. Let me take up one other point. I should like to yield to all of you, but I just cannot do it and make this speech in 30 minutes.

Take, for instance, the matter of the deposits, which was brought up just now. I have here a chart, which required months of time to prepare, and I hope to insert it in the CONGRESSIONAL RECORD at some time. Three years were picked out—one year a good year, 1929, another a poor year, 1933, and another a better year, 1935.

I am talking now from the standpoint of demand deposits. I want to show you the business of this country is determined largely by the demand deposits in banks, which represent the business of the country.

In New York, where the deposits are large, the per capita retail distribution runs up to $400 in good times and down to $250 in bad times. In Mississippi, South Carolina, and other States, in the best of times the per capita distribution will run up to $150 and in bad times down to $75.

This chart shows in good years how much is purchased per capita from food stores, general merchandise, apparel stores, the automotive group, furniture and household, lumber, building, drug stores, cigars, fuel, and jewelry by the people in each State. It shows how much is purchased in the good year and how much in the poor year and how much in the good year again.

If you study this chart you will find the amount of business done in each group and by each branch of industry is determined by the amount of demand deposits in that particular State. Therefore, demand deposits have something to do with business in this country, and you cannot have concentration of wealth and continue to have good business in the 48 States. You cannot do it.

Mr. FISH. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may be permitted, at the conclusion of his time, to proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. MCLAUGHLIN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Kentucky.

Mr. MAY. I have not had the pleasure of hearing all the remarks of the gentleman, but I understood the gentleman to make the statement that no private banker could be a member of any of the committees of the Federal Reserve System. The gentleman understands, does he not, that the private banks of the country own all the stock in the Federal Reserve System and are the people who make up the Federal Reserve System? In view of this, does the gentleman believe they ought not to have some representation in the System?

Mr. PATMAN. The gentleman has asked me if they should not have some representation because they own part of the stock.

Mr. MAY. They own all of it.

Mr. PATMAN. They own $132,000,000 in stock. In fact, compared to the amount of business done by these banks, I look upon that as a mere subterfuge, as just an excuse, hardly any capital at all compared to the billions of dollars of business done each year by the 12 Federal Reserve banks. They are not operating on the $132,000,000, I may say to the gentleman from Kentucky; they are operating on the credit of this Nation. They are operating because they are able to give a mortgage on your property, a lien upon your income, and a mortgage upon all the property of all the people in this Nation. This is why they are operating, and the 24 leading banks owning almost one-third of all the banking resources of the Nation get the benefit of this credit through the Federal Reserve System.

Mr. MAY. Will the gentleman yield further?

Mr. PATMAN. For just a question. I have only a little time.

Mr. MAY. As a matter of fact, the Federal Reserve Act requires them to operate on that particular capital. That is all the capital they have.

Mr. PATMAN. That is very true; it is all the capital required. They do not need any capital since they have the Government's credit behind them.

Mr. VOORHIS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. For a question; yes.

Mr. VOORHIS. The point has been brought out here that a great many of the assets of the banks consist of deposits. If this be true, then does not the gentleman agree the power of these 24 banks, based upon their control over both money and credit belonging especially to other people, is even more dangerous than it would be if they actually did control that amount of assets of their own?

Mr. PATMAN. I thank the gentleman for his contribution to my speech and I agree with him.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield for one question?

Mr. PATMAN. I cannot yield now, gentlemen.

Mr. ROBSION of Kentucky. Will the gentleman yield for a correction of one matter here?

Mr. PATMAN. If I have made a misstatement, I will let the gentleman correct me, but I do not yield to correct any mistake of anybody else in my own time.

Mr. ROBSION of Kentucky. The gentleman spoke about deposits as assets; those are liabilities of a bank and not assets.

Mr. PATMAN. Well, they are on both sides of the ledger.

FINE WORK OF DEPARTMENT OF JUSTICE

I have before me here a speech made by the Honorable Homer Cummings, the Attorney General of the United States, on the question of the unsolved problem of monopoly before a meeting of the Associated Grocery Manufacturers of America on November 29, 1937, and I invite your attention to a few significant statements he makes. In talking about the enforcement of the antitrust laws he says:

In fact, this administration during the 4½ years of its existence has instituted more antitrust suits than were commenced in any comparable period theretofore.

Mr. Cummings said further:

The trend toward an undue concentration of wealth and economic control is unmistakable. It is estimated that in 1929 200 nonfinancial corporations controlled 49.2 percent of the assets of all such corporations. In 1933 the percentage had increased to 56. Reports from the Bureau of Internal Revenue for 1933 indicate that nearly one-third of all the property passing by death was found in less than 4 percent of the estates. The studies made by the Brookings Institution in its 1929 report indicate that 6,000,000 families had incomes of less than $1,000 annually, and that 36,000 families in the high-income brackets received as much of our national income as 11,000,000 families with the lowest incomes. Reliable statistical information discloses that large numbers of industrial units have totally disappeared and that there has been a progressive elimination of the small-business man as a factor in American life.

If this is what democracy comes to, then we must amend our ways or confess judgment in the face of the world.

Mr. Cummings, in his speech, said further:

ENFORCEMENT

Despite the difficulties and uncertainties to which I have alluded, there still remains an extensive area within which antitrust proceedings, even under existing laws and procedure, may be highly fruitful. This we have demonstrated by many successful actions dealing with such matters as unfair methods of competition, harmful restraints of trade, and ruthless suppression of small business by unethical methods. In fact, this administration, during the 4½ years of its existence, has instituted more antitrust suits than were commenced in any comparable period theretofore. Necessarily, we in the Department of Justice take the law as we find it and enforce it to the utmost of our ability and resources. This is our plain and inescapable duty. This we have done, and this we will continue to do.

Nevertheless, it is literally impossible, with the limited personnel of the Antitrust Division, to give attention to every complaint or to prosecute all the cases that ought to be brought to the attention of the courts.

Roughly speaking, it costs the Government not less than $100,000 per year to prosecute one sharply contested antitrust suit. Under the conditions that now prevail, it is only by working under extreme pressure that we are able to investigate the most urgent of current complaints and keep three or four large cases moving simultaneously. Moreover, the Department of Justice should be supplied with a staff especially qualified for economic analysis. Practically all of the difficult antitrust cases involve intricate economic and business problems. Manifestly, no suit against an American enterprise should be instituted without the most careful preliminary investigation. No responsible person would desire the Department to file suits on popular rumor and suspicion, without adequate check or preparation, and without an eye to ultimate results.

My proposition is that the Antitrust Division of the Department of Justice should be more adequately implemented. Laws do not operate in vacuo. They do not achieve their results automatically. There must be behind them the driving force of the Government.

It is idle to pass new laws or to revise old ones without realizing that their administration is fully as important as their formulation; and that to enact ambitious laws and not to provide the means of their enforcement is to "keep the word of promise to our ear and break it to our hope."

* * * * * * *

Monopolistic practices could undoubtedly be more clearly defined. This would be helpful in the interest of enforcement, and would be a protection to those who honestly endeavor to comply with the law. Consideration might well be given to an increase in the authority of the Federal Trade Commission as an advisory body.

This is a pretty good record, and the Department has not had much money to enforce the antitrust laws. It requires, roughly speaking, Mr. Cummings states, about $100,000 a year to prosecute one sharply contested antitrust suit, and let me tell you how they are often hindered in the prosecution of these antitrust suits.

HOW DEPARTMENT OF JUSTICE WAS HINDERED IN ONE CASE

In 1912 there was a suit brought against the Aluminum Co. of America. For some reason it was brought in a district court at Pittsburgh, Pa. The suit did not amount to much, it did not involve much, and the corporation came in and agreed to a consent decree. It was entered of record in 1912, a long time ago. No one thought anything about this consent decree. It has been sleeping ever since, it has been dormant, it has been dead; but the Attorney General who is now charged with not enforcing the antitrust laws attempted almost a year ago to bring a suit in the State of New York against a large number of corporations involving the Aluminum Co. of America for violating the antitrust laws of this country, and what happened? This is something heretofore unknown in the history of the courts. A judge at Pittsburgh, without any notice to the Attorney General and without any hearing, entered an order in Pittsburgh restraining the Attorney General of the United States—something never before undertaken—from proceeding further against the Aluminum Co. of America or Mr. A. W. Mellon, although he was not a party to one of the charges, in any other court in America except in his court at Pittsburgh, Pa.

This aroused my curiosity, and I looked into it and I discovered that in 1921 there was a judicial vacancy in this court, which had in 1912 entered the consent decree against the Aluminum Co. of America, and Mr. Andrew W. Mellon, the principal owner of the Aluminum Co. of America, recommended a man for judge to fill the vacancy, and upon his endorsement this man was appointed judge. His name is Judge Gibson. This was back in the days of Harding, when the Ohio gang had much to do with the administration.

So they appointed Mr. Gibson judge, and nothing happened until 1937, 16 years later, in the early part of the year, when the Attorney General's Department attempted to enforce the law against this concern in another city for another violation, involving different individuals and different corporations entirely, and this judge enters an order which says in effect, "You must prosecute this corporation before me in my court, and in no other court of this land."

This has hindered the Antitrust Division, and what was necessary to overcome this? The Department of Justice had to take advantage of what is known as the expediting statute by getting three judges over at Philadelphia before whom to appeal from this decree. They appealed to the expediting court, and if you will read their decision, you will find no complimentary reference in the decision of the expediting court concerning this district judge. They overruled him unanimously and said he was wrong in restraining the Attorney General of the United States, but even then they were not through. They take all the time they can and they hinder the Antitrust Division as much as possible. Then Chief Justice Hughes' son, the chief counsel for the Aluminum Co. of America, brings the case before the United States Supreme Court, and only recently was that Court compelled to uphold unanimously the expediting court in Philadelphia and overrule the judge in Pittsburgh.

So there was almost a year's time during which the Attorney General had been restrained in the prosecution of the laws of our country in a way that this judge had no right on earth to exercise. The Department has been hindered and delayed in many other ways.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from New York.

Mr. FISH. The gentleman has made a study of banks and monopolies. Can the gentleman tell the House why it is that the banks, and particularly the big banks in New York, no longer pay any interest on their deposits?

Mr. PATMAN. I consider that a serious mistake that was made by the Congress, and the gentleman is a member of the Banking and Currency Committee, and knows about it.

Mr. FISH. I would like to have the gentleman state the facts.

Mr. PATMAN. A law was passed which makes it unlawful for banks to pay interest on demand deposits. I do not care how much they want the money, or need it, or what kind of trade can be made with their competing banks, it is unlawful, a violation of the law, for them to pay any interest on demand deposits, and by reason of that law—it was

placed in the bill in conference, and it did not come from this House but came from the other body—they saved themselves a vast sum of money. When our conferees met the Senate conferees they had to agree to that provision, or we could not have insured bank deposits. The plea then was, "Do not kill the bill; if you do you will kill the provisions insuring the deposits in banks," and we had to swallow it, and I presume the gentleman swallowed it also and voted for it.

Mr. FISH. But it came from this administration, did it not?

Mr. PATMAN. I presume the gentleman voted for it.

Mr. FISH. Can we not undo that?

Mr. PATMAN. Yes; we can, and we should, at least to some extent.

Mr. FISH. And while the gentleman is studying this question of monopoly, will he also look into the question of life-insurance companies loaning money and asking 6-percent interest rate on those loans?

Mr. PATMAN. There is where the banks have been ungrateful. I am very glad that the gentleman brought that out. This administration not only bailed out the banks, many of them, through the R. F. C. by furnishing money, digging into the people's money for them, but it furnished $300,000,000 out of the $339,000,000 necessary to insure the deposits in all the banks of this country, furnished practically all of it. The banks should be grateful for that, but many of them are not. The Democrats had to vote for this law to which the gentleman has referred, or they would have had to vote against the insuring of bank deposits, but in that law were these two significant provisions. One was that hereafter it shall be unlawful to pay interest on demand deposits. That saved the banks of this Nation a quarter of a billion dollars—billion dollars, not million dollars—a year. Another provision, that the interest rates on time deposits would be fixed, and they have been fixed in a way that the banks of this country were saved a quarter of a billion dollars—not million—a year, and through those two provisions they were saved $500,000,000 a year on those two items, enough to pay annually all of their employees and the officials in all of the banks in this country, 16,000 of them. One would think that there would be a little gratitude in the hearts of the people who have been dealt with so generously as that, and many of them are grateful, but some of them are not.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. For a question.

Mr. MAY. By what authority do banks charge these extra charges such as a service charge and a lot of other charges that require a man to pay about 14-percent interest?

Mr. PATMAN. I wish I had time to go into that, but I have not.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. For a question.

Mr. GIFFORD. The gentleman talks about this control. Will he not tell us just where he would put it?

Mr. PATMAN. The control of money and credit?

Mr. GIFFORD. Yes.

Mr. PATMAN. Yes; I will do that. Let the gentleman read H. R. 7230, a bill sponsored by 160 Democratic Members of this House and favored by all the Progressives and a number of the Republicans. We would have the Government own the 12 Federal Reserve banks, as proposed in this bill, and would take these bankers off the open-market committee, just like I would take railroad owners off the Interstate Commerce Commission if they were on it and it were within my power.

Mr. GIFFORD. But that means that the President would appoint these men who would run this business, and who know so much less than the 24 who know so much about it.

Mr. PATMAN. But they would be appointed subject to confirmation by the Senate. I know there are two schools of thought. One school of thought—and I presume the gentleman belongs to that school—is that the people who run the banks should control the money system of the Nation. I am not in accord with that view, because they are promoting their own selfish interest, and people who are promoting their own interests will become selfish, and they soon become greedy and soon become racketeers, and sometimes even highjackers, and we want to save them from themselves and from the other people.

Mr. GIFFORD. Is it not better to have these men who know about things than to put it in the hands of what you might call fanatics?

Mr. PATMAN. Some of these bankers would call them fanatics, because they have a selfish interest in it. Some bankers know less about the monetary system than many who are not bankers. They want to control money to suit themselves and profit themselves, just like the railroad owners would like to control the Interstate Commerce Commission. If they had the power and the right, they would fix the rates to favor themselves, and I presume the gentleman would, if he owned the railroads and was on the Interstate Commerce Commission, because there is a little selfishness in all of us.

Mr. CRAWFORD. Referring back to the situation with reference to the guaranty of bank deposits and the elimination of interests on time deposits, may I submit this question: Does the gentleman believe that the banks of the United States would continue to purchase the direct obligations of the Government carrying rates of interest from 1¾ up to 2¾ percent if the banks had to pay interest of 2 percent or nearly that on demand deposits; in other words, if you eliminate the objection which the gentleman made a few minutes ago, taking away from banks the right to pay an interest rate, is it not true that you would eliminate the possibility of the Government to sell its direct obligations in the present situation?

Mr. PATMAN. It is possible it would affect the interest rates. However, a bank can lend several dollars to every one it has in reserve. If it should pay 2 percent and loan the same money six times at 4 percent it would be out $2 on every hundred annually and receive $24 for the use of the credit based upon that money each year. I am not so much interested in restoring interest rates on all deposits as I am on those of counties, States, and cities, those that are charged by law with receiving interest on their deposits. I think they, at least, should be restored. If the banks paid interest on deposits they would be more anxious to make loans. As it is, they do not have much incentive.

SPEECH BY HON. ROBERT H. JACKSON

I notice in the speech that was made by Mr. Robert Jackson, Assistant Attorney General of the United States, before the American Political Science Association at Philadelphia, December 29, 1937, that he said this:

> I know too much about big business to attack labor for its struggle to get a decent wage or to blame it for this recession. Labor has had nowhere near the percentage advance that big business has given to its own darlings. Labor would be happy, I am sure, to get increases only in the same proportion and at the same time as managers of big business increase their own salaries.

He said:

> I dislike to be personal, but it is a matter of public record that Mr. Sloan, of General Motors, received in 1934 a compensation of $201,473.75. In 1935 it was advanced to $374,505. In 1936 it was advanced again to $561,311.

Was labor advanced that way? No. As prices were increased labor received just a small percentage. When the laboring man received $1 it looks as though Mr. Sloan and his crowd we are talking about received several. Let us see:

> Mr. Knudsen received in 1934, $211,128.53. It was advanced in 1935 to $374,475, and it was advanced again in 1936 to $507,645. Of course, the executive, like the laborer, is worthy of his hire.
>
> What does big business mean when it asks for Government cooperation? Does it mean the sort of cooperation that was given to it under the Hoover administration? We can think of no other. Then let us look at big business' own record under the "cooperative" administration of President Hoover and under the "hostile" administration of President Roosevelt.
>
> In 1932 three building-material companies lost approximately $3,000,000; in 1936 those same companies made a gross profit of approximately $9,000,000.
>
> In 1932 two mail-order houses lost eight million; in 1936 they made a profit above fifty million.

In 1932 three chemical companies made a profit of $27,000,000; in 1936 they increased that profit to $96,000,000.

In 1932 three farm-implement companies lost $15,000,000; in 1936 they made a profit of $44,000,000.

In 1932 four steel companies lost $82,000,000; in 1936 they made $70,000,000.

In 1932 two automobile companies lost $11,000,000; in 1936 they made a profit of $301,000,000.

In the face of those astounding profits under the present administration big business will never be able to convince the American people that it has been imposed upon, destroyed, or even threatened. It has merely been saved from ruin and restored to arrogance.

Mr. Jackson, in this speech, said further:

The unvarnished truth is that the Government's recovery program has succeeded nowhere else so effectively as in restoring the profits of big business. Labor has had no such advance. The small merchant has had no such prosperity. The small manufacturer has had no such advantage.

The only just criticism that can be made of the economic operations of the New Deal is that it set out a breakfast for the canary and let the cat steal it; it did not sufficiently guard recovery from the raids of the monopolist. One group in the United States that has no cause for complaint is the big-business group.

It is this sort of thing which makes their assault upon the administration and their general strike against the Government so unjustifiable. A few nights ago Joseph P. Kennedy, one of the ablest industrial statesmen and political statesmen in the United States, stood up and told his associates in business to stop their "bellyaching." It is refreshing to know a man who can put in good Kipling language the whole philosophy of big business. Its attitude to government is a chronic bellyache.

Many of the present leaders of big business are a hang-over. They are repeating with the same dismal results the threatening tactics they tried on Theodore Roosevelt during the "rich man's panic" that they precipitated in rebellion against his reforms.

It is time they reread the famous answer he made in October 1907 in Iowa, which is the only answer a self-respecting administration can make to a "strike of capital":

"* * * At intervals during the last few months the appeal has been made to me not to enforce the law against certain wrongdoers of great wealth because to do so would interfere with the business prosperity of the country. Under the effects of that kind of fright which, when sufficiently acute, we call panic, this appeal has been made to me even by men who ordinarily behave as decent citizens. One newspaper which has itself strongly advanced this view gave prominence to the statement of a certain man of great wealth to the effect that the so-called financial weakness 'was due entirely to the admitted intention of President Roosevelt to punish the large moneyed interests which had transgressed the laws.' I do not admit that this has been the main cause of any business troubles we have had, but it is possible that it has been a contributory cause. If so, friends, as far as I am concerned, it must be accepted as a disagreeable but unavoidable feature in a course of policy which as long as I am President will not be changed * * *."

THE RECORD

The profit record of big business under the "cooperative" administration of President Hoover and under the "hostile" administration of President Roosevelt

	Profit (+) and deficit (−)	
	1932	1936
Building materials:		
United States Gypsum Co	+$1,599,416	$5,328,114
Johns-Manville	−2,829,062	4,188,787
Certain-teed Products	−1,600,077	[1] −791,550
Glass:		
Pittsburgh Plate Glass	−60,737	13,321,834
Owens-Illinois Co	+2,007,386	10,099,131
Mail-order houses:		
Montgomery Ward	−5,686,784	[2] 13,527,310 [3] 20,198,914
Sears, Roebuck	−2,543,651	[4] 21,519,218 [5] 30,660,119
Chemicals:		
E. I. duPont de Nemours Co	+26,234,779	89,884,450
American Cyanamid Co	+349,725	4,454,930
Monsanto Chemical Co	+1,012,698	4,605,593
Communications: Western Union	−842,596	7,200,000
Heavy machinery:		
Fairbanks, Morse	−2,547,231	2,252,941
Briggs Manufacturing Co	−1,798,470	10,411,076
Worthington Pump Co	−1,998,287	248,497
Mesta Machine Co	+327,871	4,266,904
Farm implements:		
International Harvester	−7,582,879	29,760,372
J. I. Case Co	−2,611,082	3,063,281
Deere & Co	−5,167,104	11,601,306
Textiles:		
American Woolen Co	−7,269,822	1,929,983
Ludlow Manufacturing Associates	−400,632	1,918,845

[1] Deficit. [2] Jan. 31, 1936. [3] Jan. 31, 1937. [4] Jan. 29, 1936. [5] Jan. 1, 1937.

THE RECORD—continued

The profit record of big business under the "cooperative" administration of President Hoover and under the "hostile" administration of President Roosevelt—Continued

	Profit (+) and deficit (−)	
	1932	1936
Amusements: Radio-Keith-Orpheum	−$10,695,503	$2,485,911
Steel:		
United States Steel Corporation	−71,175,705	50,583,356
Crucible Steel Co	−3,613,616	3,120,356
National Steel Corporation	+1,662,920	12,541,842
Jones & Laughlin Corporation	−7,910,149	4,129,600
Other metals:		
Anaconda Copper Mining Co	−16,855,870	15,881,830
American Smelting & Refining Co	−4,506,175	17,131,036
Motors:		
Chrysler Corporation	−11,254,232	62,110,543
General Motors Corporation	+165,000	238,705,193
Oils:		
Phillips Petroleum Co	+775,766	17,875,489
Sun Oil Co	+4,198,046	7,563,554
Electrical supplies: Westinghouse Electric	−8,615,398	15,099,291

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. My time is limited, but I yield for a question.

Mr. MAY. To what extent are the large profits of 1936 mentioned by the gentleman affected by mass production as compared with the smaller figures of 1932?

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to insert in my speech such excerpts from these speeches I have read from as I consider to be material to the speech I am making.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SADOWSKI. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. SADOWSKI. The gentleman has mentioned the high salaries that have been received by these automobile executives. Does the gentleman know what it would amount to in an hourly wage increase to the workers in these automobile factories?

Mr. PATMAN. I am not acquainted with that.

Mr. SADOWSKI. I will tell the gentleman. It would amount to about 3 cents an hour increase to the wage workers in these factories.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House the gentleman from New York [Mr. REED] is recognized for 20 minutes.

Mr. MAVERICK. Will the gentleman yield for a unanimous-consent request?

Mr. REED of New York. I yield to the gentleman from Texas.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COFFEE of Washington. Will the gentleman yield for a unanimous-consent request?

Mr. REED of New York. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief address by Francis Gorman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. MAVERICK. Mr. Speaker, reserving the right to object, may I say that another Member asked unanimous consent this morning to put a speech of a Cabinet member in the RECORD, but could not get it. Now, it seems the gentleman will get permission to include this speech. I think he should get permission, but we ought to establish a policy.

Mr. SNELL. Mr. Speaker, reserving the right to object, who is this man?

Mr. COFFEE of Washington. He is president of the International Textile Workers of America.

Mr. SNELL. Mr. Speaker, I object.

Mr. COFFEE of Washington. Mr. Speaker, I make the point of order that the gentleman's objection came too late.

The SPEAKER pro tempore. The gentleman from Texas reserved the right to object.

Mr. MAVERICK. Mr. Speaker, I merely wanted to show that a Republican got a long statement of a former member of the Cabinet, a Republican, in the RECORD, but that Republican objects to Democrats putting in important statements of present members of the Cabinet. That seems nonsensical. I withdraw my objection.

Mr. SNELL. I made another one. If you are fussy about this, we will watch you. You better be fair and generous about this proposition. If you want to be fussy, we can be, too.

Mr. MAVERICK. I thank the gentleman for his advice and I will humbly take it. It is very kind of the gentleman to advise me and tell me of his fairness and generosity.

But I think it worth while to remark that this "fussiness" referred to by the gentleman has been all on the Republican side, and generosity does not concern the subject. I do not oppose the gentleman from Washington having Mr. Gorman's speech in the RECORD. I believe that it should be in the RECORD if a Member of Congress, Republican or Democrat, believes it is of enough public importance to be included; also, Mr. Gorman is a man who says things worth hearing.

However, the point is, Republicans objected to my inserting a speech by the Secretary of the Interior, Mr. Ickes, and also objected to inserting a speech by Hon. Robert Jackson which was offered by the lady from New York [Mrs. O'DAY]. What sense is there in objecting to such insertions? I can see none. Is it because the Republicans disagree? Is it because they do not want the truth to be known?

Today a Republican offered some matter that did not seem important to me; but he is a Congressman who had some purpose in getting this information before the public, and neither I nor any other Member of Congress objected. But I offer a speech of a member of the Cabinet of the United States, and the power of objection is used by a Republican to suppress this speech.

In the name of common sense, why? It will undoubtedly appear in the RECORD anyhow, on introduction in the Senate; thus it will not be suppressed in the end. Then what can we say to the objection? Nothing; it seems to me but an exhibition of Republican petulance.

There is something of much more importance. It merely means that we are continually knocking the prestige of the House of Representatives. We deny an ordinary privilege to ourselves which is always exercised by the Senate. We accomplish nothing by it; in fact, it does harm.

As far as I am concerned, I think this quibbling over printed matter in the RECORD is small stuff. The cost in comparison to the rest of the expense of government is practically nothing. The CONGRESSIONAL RECORD, dull though it may be, serves a purpose. It is really the only "daily paper" where the fullest freedom of speech actually exists.

As to the Ickes speech, there has been considerable distortion of it, and in any event a great deal of editorial and radio comment about it. Therefore the full, complete, unadorned speech ought as a matter of right and common sense be in the official records of this country and in the CONGRESSIONAL RECORD, so reference can be made to it.

The SPEAKER pro tempore. Under a previous special order the gentleman from New York [Mr. REED] is recognized for 20 minutes.

Mr. REED of New York. Mr. Speaker, I firmly believe that our Nation has suffered more from New Deal experimentation than it has from the effects of the post-war insanity, a malady that has brought so many countries to the brink of revolution and ruin. Throughout the struggle to master the depression the great middle-class people—a group that embraces all those who by their labor, thrift, and enterprise have sought to be self-supporting and law-abiding—have looked to the administration for safe and constructive leadership. In this they have been disappointed.

Hitherto the President has been bitter, vindictive, unreasonable, and abusive to the very group to whom he must look and upon whom he must depend for the continued employment of those who now hold positions and for the restoration of employment to those who are now unemployed. The doctrine of hate may serve the purpose of one who aspires to dictatorial power—in fact, such is the technique of foreign dictators—but the incitement to class hatred and violence has no place under our form of government.

Cooperation of all the people under responsible leadership is the method by which a government such as ours should meet and solve its social and economic problems, not by means of violence and hatred directed by one class against another. The latter policy is destructive of free government. To hear the President abuse and pillory the businessmen of this country, as he did in his message of January 1936, as "selfish interests" and creatures of "entrenched greed" was, I am sure, a disappointment even to his partisan friends. The intemperate use to which the President put his high office revealed a reckless side to his character which is anything but reassuring to thoughtful citizens.

At the very time when President Roosevelt should have utilized his tremendous personal popularity and the prestige of his office to inspire national good will and confidence, this he failed to do, but instead he suffered and permitted the destructive and venal elements in society to resort to violence against both persons and property. Never before has the doctrine of class hatred and open warfare been proclaimed and encouraged by an administration as a means to attain its ends. The seeds of discord having been thus sown and carefully cultivated and nourished by every irresponsible mouthpiece of the administration, the harvest could yield nothing but a crop of disorder, uncertainty, and fear. The present depression has followed as a logical consequence of all of these policies, accentuated in its spread and intensity as a result of the enactment of the most unwise legislation ever placed upon the statute books of this country.

Mr. Speaker, the President, now seeking refuge from the consequences of his own defective policies, recently had two of his most vitriolic and irresponsible mouthpieces divert attention from the major cause of the depression by the delivery of inflammatory speeches calculated to make certain businessmen the scapegoats for this depression. The people did not react to these demagogic attacks as the President expected they would; therefore we find a note of conciliation in this particular message, but we are informed that another message is to follow.

Mr. Speaker, inasmuch as the spokesmen of the President have raised the issue of high prices as the cause of the depression, it is pertinent to inquire who has been most insistent that prices be raised?

Until I heard monopolies excoriated for committing such a crime I had been laboring under the delusion that the real objective of the President, even as far back as 1933, was to "raise the price level of commodities." I had come to believe that such was his purpose, because of his own statements that such was his avowed determination. Did he not say on May 4, 1933, that—

> We have sought through moderate and wise measures to increase the volume of trade, to give employment to the unemployed, and to effect a broad elevation of commodity prices.

And again on October 22, 1933, he said:

> I repeat what I have said on many occasions, that ever since last March the definite policy of the Government has been to restore commodity price levels.

This is plain English, Mr. Speaker, but the President in the same speech made some reservations as to just when he expected to reach his goal.

Obviously—

Said the President—

and because hundreds of different kinds of crops and industrial occupations in the huge territory that make up this Nation are

involved, we cannot reach the goal in only a few months. We may take 1 year or 2 years or 3 years.

If the rise in prices is responsible for the depression, as the spokesmen of the President would have the public believe, then the administration should gracefully accept its share of the responsibility. This must be so, because only yesterday the President reminded us that—

In every case power and responsibility must go hand in hand.

Mr. Speaker, as I understand it, the Silver Purchase Act, which, by the way, has just been extended by Executive action, was proclaimed by the President to be for the purpose of "raising commodity prices."

It is unthinkable that it had any other significance—surely not political, except to raise prices.

The devaluation of the gold dollar, so it was urged at the time, was to raise commodity prices.

I am almost certain that had not high prices been coincident with the depression the President would have thrilled the Nation with the words, "We planned it this way."

But on this question of monopolistic prices the administration does not present this issue with clean hands. What about legislative measures creating monopolies, the purpose being to raise the price level? I refer to the Guffey Coal Act, the National Recovery Act, the Petroleum Control Act, the Sugar Control Act, and the undistributed-profits provision of the 1936 Revenue Act.

Mr. Speaker, permit me to respectfully remind the President and also to call to the attention of the chosen prosecutor of monopolies to something which in their excitement over the depression they have overlooked. It is this: Except for the time that the Antitrust Acts were suspended by the President under the N. R. A., these laws have been and they still are in full force and effect. These acts are available to the President and to his prosecutor, and exclusively for their use, whenever they can find time to utilize them.

Mr. Speaker, it is too bad that these laws were overlooked and neglected by this administration until after this depression was so far advanced. If the statutes for prosecuting trusts are defective and baffling to the prosecutor, why has the administration waited 5 years to remedy these defects? As the President says, "Power and responsibility must go hand in hand."

I believe that the whole country yesterday was in a state of high tension and expectation, awaiting the suggestions of the President to bring us out of the present depression. Now, what did he offer in this message to inspire hope? The only two proposals that he stressed were the pending farm bill and the reconsideration of the defeated wage and hour bill.

Once before I recall and I am sure that the people of this country will recall that the President recommended farm measures calculated to produce scarcity and not abundance. The national income to which the President refers cannot be brought about by producing less. We had an example of this under a prior farm bill. A most devastating blow to one of our largest agricultural products, namely, cotton, resulted from the farm program proposed by the President. It lost to the cotton grower his world market.

Next to this, the importation of farm products, driving the price down in our domestic market, is inflicting most serious injury to the agriculturists.

Coupled with all this is a program that has raised prices of agricultural products to a point where it is almost impossible for the American farmer to sell in the world market. To be specific, the United States is the highest cost-production nation in the world, and, as I said a few days ago on the floor of this House, England comes next and other countries follow with still lower costs of production until we get to one of the lowest and one of our greatest competitors—Japan.

If it be true as has been claimed by the administration that the hope of the farmer is in remaining in the world market, it is self-evident that this cannot be done under any program that raises our cost of production far above that of our foreign competitors.

It is obvious to any person who will face the facts that the only market that is left open to the American farmer is the domestic market and unless that market is protected from foreign imports every proposal of the President is absolutely futile.

What I have said with reference to foreign competition destroying any program that proposes to raise the prices of commodities in this country applies to American labor, as well. What would be the use of shorter hours and larger pay in the watch industry where foreign competition is now forcing a 4-day week. Look at these figures:

Number of watch movements imported:	
First 10 months of 1936	1,584,913
First 10 months of 1937	2,325,996

What would a minimum wage and shorter hours mean to the workers in the pottery business, many of whom are now on the relief rolls because Japan has taken the market for their products? Surely it is not to be expected that this industry will survive as a result of a wage and hour bill when the standard wage in this industry has been 70 cents an hour and the wages in the same line of employment in Japan are 37 cents a day.

How long will the glass business survive at 90 cents an hour with a 6-hour day when the same type of glass is made and shipped into this country by Japan at a day wage which only equals an hour wage here?

By limiting the hours of work and fixing the minimum pay of our industrial workers the President contends that their purchasing power will be increased. He asserts that the national income will be increased. He declares that the national income has increased from $38,000,000,000 in 1932 to about $68,000,000,000 in the year 1937. But let us not forget that in this period there has been an inflation in prices. In terms of the 1932 dollar the national income in 1937 is $50,600,000,000, instead of sixty-eight billion. The president says that we can raise the national income to ninety or one hundred billion. Will this be done by further devaluing the dollar?

The President seems to believe that the proposed wage and hour legislation will increase the national income and thus increase the purchasing power of American labor. Is this the case? Let us remember that real national income is not measured in terms of dollars but in terms of goods and services produced by American industry and agriculture. The more goods and services we produce in this country the greater will be the real national income of the American people. The wage and hour legislation will reduce the amount of work that the American worker can do. The amount of goods produced will not be as great as they are at present and we will be using our productive capacity for fewer hours each day. The cost of production will be increased. The increase in the cost of production of our goods invites greater competition from abroad and at the same time it will reduce the export market for American goods. All in all, in terms of real national income it is difficult to see how this legislation will benefit the American workingman.

The idea that this Nation under the high-cost production policy, suggested by the President, can create a national income of a hundred billion dollars is preposterous and pure fantasy. The only conclusion that can be drawn is that he still entertains the belief that national wealth can be increased by a further devaluation of the dollar. Surely no person who has any familiarity with economic laws believes that any such goal can be reached by the pending farm bill or by the enactment of a wage and hour bill.

It is evident that the President does not believe it can be done, otherwise he would not ignore the promises he has made for the last 5 years to balance the Budget and come before this Congress with the admission that it cannot be balanced.

The President asks business for cooperation. I have not forgotten the last "breathing spell" which was interrupted by one of the most vicious taxes ever placed upon the statute books. This was the President's answer in the spring of 1936 to those who expected to breathe easily for a while. I refer to the undistributed-profits tax which is one of the major contributing causes of this depression.

The President has never given credit to the businessman for the foresight and good business practice of setting aside from earnings a substantial sum to meet the hazards of business which include, of course, depressions. The President seems to have overlooked the fact that from 1920 on business had been prudent in setting aside reserves. It was these reserves amounting to over $34,000,000,000 which were utilized to keep hundreds of thousands of men employed and to pay dividends that were not earned during the depression, thus reducing the problem of relief and unemployment.

But the tax imposed in 1936 on undistributed profits has forced corporations to forego business prudence and has forced them to pay out the earnings instead of setting up a reserve to meet the very depression we are now in. It has thrown hundreds of thousands of men out of employment, and the end is not yet.

In view of the injury which has been done to the workingman and to industry by this indefensible tax the President, if he had wished to cooperate with the small business concerns of the country, would have made the repeal of this tax the first item of business at the special session of Congress.

But instead of doing this he sought to force through a wage and hour bill and other legislation that by no stretch of the imagination could possibly give employment to the unemployed. Worse than this, he ignored the problem presented by this tax—and wholesale unemployment is the result.

The President says he is not going to "let the people down."

I believe he has had the people "up in the air" too long already, and that if he would permit them to come down and stand on firm ground his prayer for cooperation would be answered. [Applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Minnesota.

Mr. KNUTSON. According to the best available figures, American industry paid out for labor and material during the depression years 1929 to 1933, $29,000,000,000 more than they took in. They could not have done that if they had not had an ample reserve.

Mr. REED of New York. That was in addition to the billions of dollars which they paid out from reserves.

Mr. KNUTSON. If the gentleman will remember that in 1933 the dollar equaled 100 cents, it not having been devalued at that time; that is another thing. If we take 40 percent from $60,000,000,000, we will find that the income of the country today is only $36,000,000,000.

Mr. REED of New York. Well, that increase in wealth is brought about through the process of the devaluation of the dollar.

Mr. CRAWFORD. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Michigan.

Mr. CRAWFORD. What the gentleman has stated today hits the nail on the head, in my opinion. I have been thinking along this line and I want to see if the gentleman agrees with me. Any time we participate in activities such as the P. W. A., the N. R. A., the A. A. A., and any kind of relief, does that not result in putting up prices, or supporting prices, and holding back production that should be coming on behind?

Mr. REED of New York. I may say to the gentleman that if Congress had not put on the statute books the undistributed-profits tax, but had permitted new industries to develop, and if we had given business the incentive to go ahead and expand its enterprises as it desired to do, we would not be in the situation in which we find ourselves at this time. We can never solve this problem along the lines of P. W. A. and all that. It just cannot be done. There is one way, and only one way, by which the unemployed can be put to work. There is only one way by which we can move forward and not obstruct economic conditions, and that is to repeal such laws as may hinder business so that business may go ahead and employ people, expand, and produce goods. We have heard from the administration time and again on this floor that what we need to bring about prosperity is the recapture of our foreign markets. Everyone knows we lost the foreign market as a result of the program of the present administration.

Mr. CRAWFORD. Pushing up prices, for instance?

Mr. REED of New York. We are the highest production-cost country in the world. Great Britain comes next. These two countries have a first mortgage on every bit of property they own of $100,000,000,000. Most of the countries wiped out their internal debts. Take Japan, for instance, with devalued currency and her low labor cost, with her people living on a little rice and a little fish, but having the same technological improvements we have, with her people working for from 20 to 37 cents a day—how can we meet this competition and high cost of production? That country sends her goods over here to our market and displaces our labor. You have seen recently labor having bonfires with which to burn Japanese goods. Labor realizes it is being put out of work and today our laboring men are on short hours because of the importation of those things which ordinarily would be manufactured by our own labor.

Mr. CRAWFORD. Is it not true that the wealth of Japan is increasing by leaps and bounds through the production of goods and the movement of those goods into world markets at whatever price the world will give?

Mr. REED of New York. Certainly; and Japan is moving those goods at low rates in her own bottoms. I am not going into the question of trade treaties today, but I am going to do so very soon. I am going to show how the workingmen of this country are being raped and how agriculture is being ruined by such tactics.

Mr. BEITER. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from New York.

Mr. BEITER. The gentleman is usually fair in his statements, but in his opening remarks he attacked the President and said that the President had attacked business, leaving the impression that the President was opposed to all big business, which is not the fact, because in his statement yesterday the President said:

> The overwhelming majority of businessmen and bankers intend to be good citizens. Only a small minority have displayed poor citizenship by engaging in practices which are dishonest or definitely harmful to society.

Mr. REED of New York. I have read that message forward and backward. The reason he made his mild statement was because of the unfavorable reaction in this country to the vitriolic attacks of his Cabinet member. [Applause.]

[Here the gavel fell.]

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DR. JOHN W. SUMMERS

Mr. HILL of Washington. Mr. Speaker, it is with deep regret that I announce to the Members of this body the death September 25, 1937, of Dr. John W. Summers, of Walla Walla, Wash. He served the people of the Fourth Congressional District faithfully for 14 years and many of you older Members will remember his genial smile and sterling character.

Although I differed with him in political faith, I had a high regard for him as a man and as an opponent. He never stooped to personalities in the several campaigns in which we engaged and I was glad to reciprocate in this respect.

In closing, I want to say that he was one of the pioneers in urging the development of the Columbia Basin, and, with others, laid the foundations for that greatest of modern projects, the Grand Coulee Dam.

He was ever the friend of agriculture and reclamation.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a very short editorial published in the Sunday Star in connection with the Public Works Administration.

Mr. SNELL. Mr. Speaker, reserving the right to object, in line with the suggestion of the majority leader made earlier today I am going to object to any editorials being inserted in the RECORD.

Mr. BEITER. Will the gentleman from New York reserve his objection?

Mr. SNELL. Yes.

Mr. BEITER. Can the gentleman tell me whether the Senate is still in session? If it is, I will go over there and have the Senate asked to put this matter in the RECORD.

Mr. SNELL. I do not care anything about the Senate. I am doing this on my own responsibility.

The SPEAKER. The gentleman from New York objects.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 7 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, for some 10 years I have been a pupil of the gentleman from Texas [Mr. PATMAN]. I fear, however, that he does not feel I am an apt pupil. I would ask you to read some of his addresses of 8 and 10 years ago. I believe he has changed very much more than I.

A good deal of what the gentleman from Texas said this afternoon was leading up to one thing, and I want to ask you to keep it in mind. Do away with those people who know and now control. Give their places to a politically appointed board, to be selected by a President, who will thereby have full control, and let those have complete power who know but little about economics by comparison with those who now use the Nation's wealth for the Nation's benefit, even though there are undoubtedly exceptional instances in which there is misuse.

Have we not of late had lessons enough? His argument seemed to favor small units. Let us divide the holdings of Knudsens and the Sloans and have many little manufacturing plants, each official thereof receiving a fair salary, and then pay very, very high prices for the products which you buy. Let him continue to poison your minds against anything which is big, but let him tell you also how much of Mr. Sloan's money the Government has taken through income taxes and the further toll to be taken at his death.

How they have tried today to get into the RECORD the Ickes and the Jackson speeches. Perhaps you read these verses, which appeared in an early edition, as I did. I am familiar with that grand old hymn, the Recessional. I wish the peals of the organ could be joined with the words of this poem. Let me read it to you.

When Jacksons rant and Ickes rage,
  And hymns of hate prolong our night;
When sawdust saviors strut our stage,
  And statesmanship turns black to white * * *.
Lord God of Hosts, be with us yet,
Lest we forget—lest we forget.

When pride of power and mad desire
  Give impulse to our ruthless will;
When crazed ambition's frenzied fire
  Incites to pillage, rape, and kill * * *.
O Lord of Hosts, be with us yet,
Lest we forget—lest we forget.

Shall we forget our glorious past? Sacrifice all the gains we have made in 150 years? Curse all those who have built us up to where we are? Nail to the cross all big things? The Federal Reserve bank has been completely in harmony with this administration. It has taken care of the administration's borrowings and financial troubles. About 2 months ago open-market operations were discontinued at a time when they were badly needed. Was it not with the entire approval of the administration? It is governmental influence and dictation which has caused most of our financial troubles. Let us keep our feet on the ground, think straight, and not be led astray by those who would rail at things and try to make us believe what simply is not so. [Applause.]

WILLIAM A. RODENBERG

Mr. KNUTSON. Mr. Speaker, on September 10 last, while Congress was in adjournment, there passed away in a hospital at Alpena, Mich., a former colleague who served in this House for 20 years with distinction and fidelity. I refer to the Honorable William A. Rodenberg, of Illinois.

Mr. Rodenberg and his wife had gone to Fairview, Mich., for a visit at the summer home of former Senator and Mrs. James A. Reed, and while there he met with a distressing accident which 10 days later resulted in his death.

Mr. Rodenberg was born near Chester, Randolph County, Ill., October 30, 1865; attended the public schools and was graduated from Wesleyan College, Warrenton, Mo., in 1884; engaged in teaching for 7 years; attended the St. Louis Law School; was admitted to the bar in 1893 and commenced practice in East St. Louis the same year. Mr. Rodenberg was a delegate to the Republican national convention in St. Louis in 1896 and at Chicago in 1908, 1916, and 1920. At the latter convention he was chosen because of long personal friendship and his matchless eloquence to place in nomination for the Presidency Hon. Frank O. Lowden.

Mr. Rodenberg was elected to the Fifty-sixth Congress, March 4, 1399, and in 1901 was appointed a member of the Civil Service Commission by President McKinley and served until April 1, 1902, when he resigned. He then resumed the practice of law in East St. Louis and was elected to the Fifty-eighth and to the four succeeding Congresses, March 4, 1903–March 3, 1913, but was swept out of office in the tidal wave of 1912 which resulted from the schism in the Republican Party. However, he came back stronger than ever 2 years later and served in this body without interruption until March 3, 1923, when he voluntarily retired to private life.

I think that I may safely say that Mr. Rodenberg was one of the outstanding Members of this House. He had a fine mind and his fund of information seemed limitless. He was particularly helpful to new Members and his big heart embraced all humanity. The world will never know of his many benefactions. He took a genuine delight in helping those who were less fortunate. Besides a host of friends, a number of whom are yet Members of this body and the Senate, he left to mourn his untimely death his faithful wife, Mary Ridgway Rodenberg, and two sons, William Ridgway Rodenberg, who is a successful lawyer with offices in Washington and Chicago, and Robert Ridgway Rodenberg, a well-known newspaperman.

Peace to his ashes.

EXTENSION OF REMARKS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement of the former Secretary of State, Henry L. Stimson, on the Ludlow resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent that on Monday, January 10, after disposition of business on the Speaker's desk and the completion of the legislative program for the day, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mrs. HONEYMAN (at the request of Mr. RAYBURN), for 1 week, on account of official business.

To Mr. COLE of Maryland (at the request of Mr. KENNEDY of Maryland), indefinitely, on account of illness.

To Mr. HULL (at the request of Mr. BOILEAU), for today, on account of illness.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, with respect to the program for the remainder of the week, I may say to those present and for the RECORD that on tomorrow the Calendar of Committees will be called, and the Committee on Interstate and Foreign Commerce would be reached with a rather important bill, but one member of the subcommittee that worked on this bill, the gentleman from Kentucky [Mr. CHAPMAN], had the great misfortune this morning to lose his father. The committee is very anxious to go along with the bills it has reported, but in deference to the gentleman from Kentucky [Mr. CHAPMAN] and his interest in this measure they are not going to claim their time tomorrow, and it is presumed the Committee on the Merchant Marine and Fisheries will be reached. I hope it will be agreeable to the House for the Committee on the Merchant Marine and Fisheries to have the call on tomorrow; and I therefore ask unanimous consent, Mr. Speaker, that on the following Wednesday, when, of course, the gentleman from Kentucky [Mr. CHAPMAN] will be back, it may be in order to allow the Committee on Interstate and Foreign Commerce to have the call.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, tomorrow, of course, will be Calendar Wednesday, and I may say it is the intention to take up the independent offices appropriation bill on Thursday for general debate. I have talked with the minority leader and the gentleman from Virginia [Mr. WOODRUM], the chairman of the subcommittee, and I understand the gentleman from Virginia expects to ask for Thursday and Friday for general debate and begin reading the bill for amendment on either Monday or Tuesday of next week.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a certain comment by a businessman on the outlook for industry and business in 1938.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 5, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

The Special Bankruptcy Subcommittee of the Committee on the Judiciary will continue a public hearing on the Frazier-Lemke bill (S. 2215) to amend section 75 of the Bankruptcy Act, in the Judiciary Committee room at 346 House Office Building, on Wednesday, January 5, 1938, at 10 a. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MARTIN'S subcommittee of the Committee on Interstate and Foreign Commerce will meet at 10 a. m. Wednesday, January 5, 1938, to continue hearings on H. R. 4722 and H. R. 4214, sales bills.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-length bill.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 11, 1938, at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

945. A letter from the Secretary of the Treasury, transmitting report of payments of salary, commission, bonus, or other compensation compiled from income returns filed for the calendar year 1936; to the Committee on Ways and Means.

946. A letter from the Clerk of the House of Representatives, transmitting a report for the period from July 1, 1936, to June 30, 1937, both inclusive, giving names of statutory and contingent-fund employees of the House and their respective compensations, including clerks to Members; the expenditures from the contingent fund and from certain specific appropriations; to the Committee on Accounts.

947. A letter from the Secretary of the Interior, transmitting a report of the War Minerals Commission covering the period December 1, 1936, to November 30, 1937, inclusive; to the Committee on Expenditures in the Executive Departments.

948. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a report of the government of the District of Columbia for the year ended June 30, 1937; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 8805) to abolish the War Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 8806) to repeal certain provisions of the Emergency Banking Act of 1933, and for other purposes; to the Committee on Banking and Currency.

By Mr. HILDEBRANDT: A bill (H. R. 8807) to provide for the classification of star routes, the employment and compensation of star-route mail carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CITRON: Resolution (H. Res. 390) regarding monopolies and price fixing in basic materials necessary for construction of homes and buildings; to the Committee on Rules.

By Mr. MAVERICK: Resolution (H. Res. 391) creating a select committee of the House of Representatives to investigate all affairs of the Tennessee Valley Authority; to the Committee on Rules.

By Mr. COLLINS: Joint resolution (H. J. Res. 548) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 549) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MAVERICK: Joint resolution (H. J. Res. 550) authorizing the Federal Trade Commission to make an investigation of the Tennessee Valley Authority; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 8808) to place Herbert L. Lee, formerly a captain in the Field Artillery Corps, United States Army, on the emergency officers' retired list; to the Committee on Military Affairs.

By Mr. CARLSON: A bill (H. R. 8809) granting a pension to Rebecca J. Reynard; to the Committee on Invalid Pensions.

By Mr. LORD: A bill (H. R. 8810) for the relief of the widow and children of James Patrick Mahar; to the Committee on War Claims.

By Mr. RANDOLPH: A bill (H. R. 8811) granting a pension to Marcellus W. Mace; to the Committee on Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 8812) granting a pension to Josie Justus; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 8813) granting an increase of pension to Clara I. Mullen; to the Committee on Invalid Pensions.

By Mr. RICH: A bill (H. R. 8814) granting a pension to Maud Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8815) granting a pension to Orvey Raymond Fry; to the Committee on Invalid Pensions.

By Mr. RIGNEY: A bill (H. R. 8816) for the relief of Herbert F. Wascher; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3702. By Mr. CASE of South Dakota: Resolution of the Department of South Dakota, Regular Veterans' Association, through George Spindler, commander, and Marco Milazzo, adjutant, Hot Springs, S. Dak., urging a just and equitable disability pension for those disabled in line of duty and for their dependents; to the Committee on Pensions.

3703. Also, petition of A. V. Hall, Thor Olsen, Seth Johnson, and 21 other residents of Kennebec, S. Dak., protesting against the levying of any excise or processing taxes on primary food products; to the Committee on Ways and Means.

3704. Also, resolutions of the South Dakota State legislative board, Brotherhood of Locomotive Firemen and Enginemen, relative to the dropping of railway lines for other star-route carriers; to the Committee on the Post Office and Post Roads.

3705. Also, resolution of the Industrial Employes' Union, Inc., Local 20, District 10, Rapid City, S. Dak., urging appropriate action be taken to protect American workmen in their rights to affiliate with such labor organizations as they may desire and to bargain collectively with employers through representatives of their own choosing, without interference or dictation by any governmental agency; to the Committee on Labor.

3706. By Mr. COLDEN. Assembly Joint Resolution No. 52, passed by the Legislature of the State of California and filed with the secretary of state of that State June 1, 1937, urging the enactment of legislation providing that Federal aid to State veterans' homes be increased over the present allowance of $120 per year per capita, but not in excess of one-half of the per capita cost of maintaining a veteran; and a resolution passed at the national convention of the American Legion held in New York City on September 20, 21, 22, and 23, 1937, asking that Federal aid in such cases be increased to $240 per capita per annum; to the Committee on Appropriations.

3707. Also, resolution adopted by the District Council, No. 4, of the Maritime Federation of the Pacific Coast, San Pedro, Calif., urging that the Federal Government cooperate with State and local authorities in providing relief for unemployed and needy nonresident seamen, such provision being necessary because of the inability of such seamen to establish legal residence, due to the migratory nature of their calling; to the Committee on Appropriations.

3708. Also, resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., regarding the policy of the Federal Government of granting Federal aid to the Nation-wide plan of conservation projects, including flood control and water conservation; to the Committee on Appropriations.

3709. Also, petitions containing the names of 76 citizens of Los Angeles, Calif., urging favorable consideration of House bill 8540, which would provide for the establishment of a national lottery; to the Committee on the Judiciary.

3710. By Mr. DIXON: Petition of the Ohio House of Representatives of the Ninety-second General Assembly, memorializing President Franklin D. Roosevelt and Congress to continue the Works Progress Administration in Ohio; to the Committee on Appropriations.

3711. By Mr. MERRITT: Petition of the Chamber of Commerce of the Borough of Queens, N. Y., strongly urging upon the President and the Congress the repeal of the undistributed-profits tax and the capital-gains tax; that the Budget must be balanced within the next year through sound economies in the Federal Government; that the Wagner National Labor Relations Act be revised and clarified, its terms made equitable, thus fostering better relations between employer and employee; that the so-called wage and hour bill be dropped; that Congress must revest itself with such of its constitutional rights and powers as were abrogated in the name of emergency; and that Government and business must foster mutual respect and confidence, each for the other; to the Committee on Ways and Means.

3712. Also, petition of the Chamber of Commerce of the Borough of Queens, N. Y., strongly urging upon the President and the Congress the repeal of the undistributed-profits and capital-gains taxes; that the Budget must be balanced within the next year through sound economies in the Federal Government; that the Wagner National Labor Relations Act be revised and clarified, its terms made equitable, thus fostering better relations between employer and employee; that the so-called wage and hour bill be dropped; that Congress must revest itself with such of its constitutional rights and powers as were abrogated in the name of emergency; and that Government and business must foster mutual respect and confidence, each for the other; to the Committee on Ways and Means.

3713. By Mr. SANDERS: Petition of citizens of Longview and Pittsburg, Tex., protesting against the entrance of the United States into any foreign wars; to the Committee on Foreign Affairs.

3714. By Mr. WIGGLESWORTH: Petition of the Wollaston Post, No. 295, the American Legion, Quincy, Mass., opposing the proposed war referendum resolution; to the Committee on the Judiciary.

3715. By the SPEAKER: Petition of the United Federal Workers of America, district organization committee, Washington, D. C., requesting consideration of their resolution dated December 17, 1937; to the Committee on Indian Affairs.

SENATE

WEDNESDAY, JANUARY 5, 1938

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Thou, who art the life of mortal men, the light of the faithful and the strength of those who labor: Be very near to us this day, in our heart and about our path, that we may find joy in the doing of our work. Grant to Thy servants here grace to withstand whatever temptations may beset them, to the strengthening of character, so that where men's hearts fail them for very fear we may bring hope and courage. Give us the passionate will to remove all that hinders the highest development of Thy children, and wisdom to search out and destroy the causes of injustice and social wrong.

At this hour we pause to commend to Thine especial care our brother-beloved, upon the commemoration of whose natal day but yesterday men paid grateful tribute. Watch over him, dear Father, as his days increase; bless and guide him wherever he may be, keeping him unspotted from the world, and in his heart may Thy peace, which passeth understanding, abide all the days of his life. Through Jesus Christ our Lord. Amen.

JOSEPH F. GUFFEY, a Senator from the State of Pennsylvania; PAT HARRISON, a Senator from the State of Mississippi; JOHN OVERTON, a Senator from the State of

Louisiana; and WILLIAM H. SMATHERS, a Senator from the State of New Jersey, appeared in their seats today.

THE JOURNAL

The Chief Clerk (John C. Crockett) proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. BARKLEY, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1835. An act for the relief of Henry Fischer; and

H. R. 8021. An act for the relief of Mrs. George Orr.

CALL OF THE ROLL

Mr. LEWIS. It being apparent that a quorum is not present, I ask that the roll be called in order to secure a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	Logan	Pope
Ashurst	Ellender	Lonergan	Radcliffe
Bailey	Frazier	Lundeen	Reynolds
Bankhead	George	McAdoo	Russell
Barkley	Gibson	McCarran	Schwartz
Berry	Gillette	McGill	Schwellenbach
Borah	Glass	McKellar	Sheppard
Bulkley	Graves	McNary	Shipstead
Bulow	Guffey	Maloney	Smathers
Byrd	Harrison	Miller	Smith
Byrnes	Hatch	Minton	Steiwer
Capper	Hayden	Moore	Thomas, Utah
Caraway	Herring	Murray	Townsend
Chavez	Hitchcock	Neely	Truman
Clark	Holt	Norris	Tydings
Connally	Johnson, Colo.	Nye	Vandenberg
Copeland	King	O'Mahoney	Van Nuys
Davis	La Follette	Overton	Wagner
Dieterich	Lewis	Pepper	Walsh
Donahey	Lodge	Pittman	Wheeler

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Washington [Mr. BONE] is absent because of a death in his family.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the junior Senator from Oklahoma [Mr. LEE], and the senior Senator from Oklahoma [Mr. THOMAS] are unavoidably detained from the Senate.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business, by reason of service on a subcommittee of the Judiciary Committee of the Senate.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

EIGHTIETH ANNIVERSARY OF BIRTH OF SENATOR GLASS

Mr. BYRD. Mr. President, it has been an inspiring privilege to me to serve in the Senate with one of the really great men whom Virginia has sent to this body. My beloved and distinguished colleague [Mr. GLASS] was 80 years old yesterday. I am grateful for the opportunity to express to him our appreciation of his character and accomplishments as a statesman and of his admirable and endearing qualities as a man.

For over a half century Senator GLASS has been making a record worthy of high praise, while for the last few months he has been trying to preserve his poise amid the compliments and laudations that have come to him from every section of the country. Universities and colleges throughout the land have conferred degrees on this man who never matriculated at a college; magazines and newspapers have reviewed his public services and placed him among the great statesmen of our country. Throughout all the praise Senator GLASS has remained the sincere, modest, and straightforward man he has always been.

This is not the occasion to recall in detail the great services that my colleague has rendered Virginia and his country. I shall not attempt to analyze or measure the strength and brightness of his intellect, the aptness and assurance of his mind, the sharpness and brilliance of his wit; but I wish on this anniversary of his birth rather to emphasize the high character of this man whom my State has so often delighted to honor; a character that has been proof alike against the trials of dark times and the temptations of happier times.

This character appears to have been carved out of the unblemished granite of truth and loyalty and sincerity that hates deceit and detests a lie. In the soul and brain of his dynamic personality have been forged at white heat clear convictions on politics and life that Senator GLASS refuses to compromise. These convictions constitute the compass by which he guides his ship of life, and so he keeps the ship true to the course of high honor and good conscience, whether the weather be foul or fair.

Samuel Butler said a long time ago that "every man's work is always a picture of himself." If this be true, then, in the long perspective of the work of CARTER GLASS, his countrymen will observe an enlightened vision that has enabled him to find the way of right service and a strong honesty that has kept him steadfastly on that way.

I know that I voice the feelings of every Member of the Senate when I say to CARTER GLASS: May the Lord bless and keep you here another 80 years to serve your country in straight thinking and high action; may the Lord make His face to shine upon you, give you the grace and happiness you deserve in this life, and ultimately the peace eternal for which all of us pray in the life to come.

Mr. President, I move that the Senate extend its congratulations to Senator GLASS.

The VICE PRESIDENT. The question is on the motion of the junior Senator from Virginia [Mr. BYRD] that the Senate extend its congratulations to the senior Senator from Virginia [Mr. GLASS].

The motion was unanimously agreed to.

Mr. McKELLAR. Mr. President, yesterday was the anniversary of the birth of a very distinguished and much-beloved Member of this body.

I first knew CARTER GLASS in 1911, when I became a Member of the House of Representatives. He was at that time a member of the Banking and Currency Committee of the House, and most active in all of its affairs. He spoke very infrequently; but when he did speak, he commanded the attention of all, and always had something to say.

He was a strong Woodrow Wilson man in the campaign of 1912, when most of his colleagues were for Underwood. When President Wilson came into office in 1913, the two principal subjects of legislation stressed by him were a revision of the tariff and a revision of the banking system. The latter legislation went to the Banking and Currency Committee, of which Senator GLASS became chairman in 1913.

Perhaps no bill that ever passed the Congress received more accurate and detailed attention than this bill—creating the Federal Reserve System—received in the committee. This is shown by the debate which followed, in which members of the committee, of course, took the leading part. It will be seen from perusing the RECORD that almost every word in this famous law was gone over by the committee, Senator GLASS taking the lead all the way through and being the financial expert who guided the bill to passage.

With that knowledge of how the bill was passed in the House, I was greatly amused to read long afterward the attempt of Col. E. M. House to claim credit for this bill. I remember joking Senator GLASS about Colonel House's claim,

and it turned out that up to the time of the passage of the bill Senator GLASS had met Colonel House but once, and their talk was about a wholly different subject. To my personal knowledge Senator GLASS was the guiding genius of that bill and deserves credit for its passage, and will always receive credit from the American people for its passage.

I learned to know and admire Senator GLASS in the House. I knew him afterward when he was Secretary of the Treasury, and he was a wonderful Secretary of the Treasury. I do not believe we ever had a greater Secretary of the Treasury than Senator GLASS, and we have had some great men in that office.

Later on he came to the Senate, first by appointment, and then by election by the people of Virginia. During practically the entire time he has been in the Senate it has been my pleasure to serve on the Appropriations Committee with him. For the past 5 years he has been chairman of that committee. As the chairman of the committee and as a member of the committee I have never known a fairer or a more just or a more courteous man in a high place. He and I have frequently differed, but in his treatment of me, and I believe in his treatment of other members of the committee, he has uniformly been as gentle a man as I have ever known. He fights for what he believes right, of course; but what man who is worth anything does not fight when the occasion arises? And there is no better fighter in this body than Senator GLASS. He stands by his principles. He stands by his guns. He says what he believes it is right to say, and he does those things which he believes it to be right to do; and in so conducting himself he not only has the respect of his committee and of this body, but also the respect, esteem, and admiration of the American people, whether they agree with him or not.

Senator GLASS is not large in physical stature, but in mental stature he is a giant. He does not talk often, but when he does talk he is a titan in debate.

Senator GLASS is not a college man, but he has so highly educated himself that he has received more honorary degrees from colleges—most of them leading colleges—than has any other Member of this body. He makes no effort at politics, and yet he is stronger in politics in his State than is any other man. He is not a lawyer; he does not boast of being a historian; and yet I doubt if any man in this body has a better knowledge of the history of our country, of our Government, and of the principles of law and justice on which it is founded, than has Senator GLASS. He started life without a cent, but by his pluck and energy, his vim, industry, honesty, and uprightness, he has accumulated a fortune of which any man might be proud.

He not only believes in his country, and in Virginia most of all, but also he believes in his God; and a more sincerely Christian gentleman it would be difficult to find. His place in American politics and in American statesmanship, and his place in the affections of the people, are unique, and must be a source of great pride to him.

Speaking for myself, after 27 years of association with this distinguished Virginian, I say with all truth and sincerity that I not only admire and respect Senator GLASS for his great ability and his great eloquence when he seeks to use it, but also I love him as a man and as a friend. I wish for him many more years of life and service to his country.

Mr. McADOO. Mr. President, I rise on this happy occasion to pay a brief tribute to my old friend and colleague, CARTER GLASS, of Virginia, on the eightieth anniversary of his birth.

I came to Washington in 1913 as a greenhorn in politics. I have remained so since; but during all of my strenuous career I have noticed certain political landmarks in the form of individual statesmen who have attracted my attention and my admiration.

It was at the beginning of the Wilson administration in 1913 that I first met CARTER GLASS, then chairman of the Committee on Banking and Currency of the House of Representatives. Shortly after the inauguration of President Wilson I was asked by him to get in touch with Mr. GLASS. I had not known him theretofore. I found, to my great delight, that I was in the company of a man of incisive intellect, of immense intellectual power, of unbounded energy, and of profound knowledge of the problems with which he was dealing.

At that time Mr. GLASS presented to me a tentative draft of the Federal Reserve Act. In my capacity as Secretary of the Treasury it was my duty to cooperate with him in trying to have the necessary financial legislation enacted by the Congress. As I went along with him, I was constantly impressed by his unselfish devotion to the public interest—a force that motivated his every action—and by his desire always to cooperate in every possible way to serve the general welfare. I think no single individual in this country is entitled to more credit than CARTER GLASS for the enactment of that great financial measure.

When I resigned as Secretary of the Treasury, the President of the United States paid me the great compliment of asking me to suggest the name of a suitable successor to that great office. I presented the name of CARTER GLASS, and he was appointed.

I was very much interested in what Mr. GLASS said to me when I told him that I had authority from the President to extend the invitation to him. He said that he felt utterly unqualified for the duties of any administrative office, because the only experience he had had in public life was as a legislator; that he thought it would be an imposition on the country if he should assume duties for which he did not deem himself fitted. I disabused him of that impression to such an extent, at least, that he finally accepted the office which he subsequently filled with great credit. He resigned about 1 year later because he had the opportunity of coming to the Senate. When I was a Cabinet officer I felt, of course, that the Senate was a distinctly inferior body, and I could not understand why Mr. GLASS wanted to leave a position of such distinction as membership in the Cabinet to become a Member of this "inferior" organization. I wish to say, now that I am a Member of the Senate, that my views have entirely changed, and that my present conviction is that no Cabinet officer should ever be considered superior to any individual Senator, much less the superior of the Senate itself.

My friend Mr. GLASS and I have not always agreed about public questions since we have been Members of this body. I need not be specific about that, but I have always admired his independence and his patriotic devotion to the public interest. I have formed for him a profound affection which nothing can shake. I would permit him to use his magnificent eloquence, with all the acerbity that he could command, in denouncing me or saying anything he chose to say about me, whether flattering or otherwise, and it would not in the slightest degree impair the deep affection and esteem in which I hold him. More than that I cannot say of any man.

Mr. President, so long as honor is acclaimed as a virtue—and I think honor among men is one of the noblest of all human virtues—so long as courage is respected and admired, and so long as intellectual integrity is a power in the affairs of men, the name of CARTER GLASS will continue to shine with the undimmed effulgence of the stars.

Mr. LEWIS. Mr. President, it is possibly familiar to my colleagues that in the famous Midlothian campaign waged by Gladstone he was 80 years of age. He was antagonistic to Sir Robert Peel and Disraeli. The result of that campaign is now recorded in history as the display of the supreme intellect of a master leader of political thought and liberty of men. The age ripened judgment and gave force to contention.

It is evident that the world has assumed that at a certain age wisdom ripens and becomes strengthened. In Greece in the era of Pericles a man had to be 60 years of age before he could become a candidate for the very high office which we speak of here as the Senate.

Mr. President, the eminent gentlemen, our colleagues, paying tribute to the distinguished Senator from Virginia, have voiced their personal opinion as to his merits and his

qualifications. In matters of statecraft and legislation I am not able always to concur with the distinguished Senator from Virginia, and I do not allude now to anything which may reflect merely praise or criticism of his public attitude toward legislation. I beseech the Senate to allow me to recall to them that there have been times in America when the public reputation of this great body has been called into question, when it has been greatly smirched with the accusation of Senators having purchased their seats in this body, and of legislation produced under influences not commendable in a spirit of honesty or of high legislative character.

Therefore, sir, in this comment I turn to this distinguished Virginian and invite him to consider that his country views him as the example of public probity, and that integrity in high office so needed for the welfare of our country is exhibited by him in all the performances of his life, and especially in his legislative career.

It may be said that the example of our distinguished colleague serves as something to be emulated, and those who may come into this body in after years will realize that by him these standards are set, and that this honorable body prays that they may continue to illumine and influence the course of coming Members. In behalf of that high integrity, that great probity, that character of decency, honesty, and cleanliness of life, let us behold that we can apply the ancient scriptural supplication, while we pray to the great Master:

Remove not the ancient landmark which thy fathers have set.

Mr. COPELAND. Mr. President, I wish to say a word about our colleague the senior Senator from Virginia [Mr. GLASS], with whose views I have found myself invariably in full accord.

In the writings of Henry Thoreau are many wise sayings. I find in his journal these words:

If within the old man there is not a young man, within the sophisticated, one unsophisticated, then he is but one of the Devil's angels.

Mr. President, our colleague is youthful in spirit and outlook. In everything, he has the transparency of a boy in the sophisticated soul of an old man, or at least the soul of a man of the world. Therefore, as I see it, he is not one of the "Devil's angels," but is one of God's nobility.

I pray our colleague may live to become in time really old. But I can see in him no apparent symptoms of age or approaching age. God bless CARTER GLASS, the possessor of perennial youth.

Mr. BYRNES. Mr. President, since 1911 it has been my pleasure to serve with the senior Senator from Virginia, CARTER GLASS. I suppose that during that period I must have served with more than 2,000 men, because of the changing personnel of the House of Representatives and of the Senate. I know of no man out of all that number who has had a clearer conception of the principles of government and who has voted more consistently in accordance with his convictions upon public questions than has our beloved colleague.

The junior Senator from Virginia [Mr. BYRD], in making the motion that the Senate congratulate his colleague, referred to the modesty of Senator GLASS. Only a few weeks ago some of his friends, knowing that January 4 was his birthday, approached him requesting the privilege of tendering him a dinner. With characteristic modesty he declined. He was sincere in believing that no such honor should be shown him. Never once did he think that in honoring him we would be honoring ourselves.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a story of the life of CARTER GLASS, written by Franklyn Waltman, which appeared in the Washington Post on Sunday last.

The PRESIDING OFFICER (Mr. CLARK in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of January 2, 1938]

CARTER GLASS CARRIES ON FIGHT FOR DEMOCRACY AT 80—JEFFERSON PRINCIPLES GUIDE NOTED VIRGINIAN—STATESMAN REACHES MILESTONE ON TUESDAY—NOTED VIRGINIAN, REFUSING ANY PUBLIC CELEBRATION, IS ACCLAIMED BY COLLEAGUES AND NATION FOR DEVOTION TO COUNTRY'S IDEALS—COURAGE AND INTEGRITY HAVE DIRECTED SENATOR THROUGH LONG PUBLIC CAREER; POWER AND EXPEDIENCY FAILED TO SWERVE HIM

(By Franklyn Waltman)

CARTER GLASS, father of the Federal Reserve System, former Secretary of the Treasury, 17 years a Senator from Virginia and now widely regarded as America's elder statesman, will be 80 years old Tuesday.

Refusing to permit his friends to arrange any public celebration to mark the fourscore years which he has lived, Senator GLASS, however, will not be able to escape the tributes of his Senatorial colleagues on Tuesday and the acclaim of an appreciative Nation for a man who has served his country well.

Senator GLASS will be acclaimed, not alone because he has reached a milestone in life that few men achieve; nor because he is the oldest Member of the Senate and one of the few octogenarians to sit within its portals; nor because he is a greatly beloved figure in Washington where he has spent 35 years of his life in the public service.

He will be acclaimed for all these things, but he also will be acclaimed for his personal and political courage and for his profound sense of honor and integrity in his public and personal life. He will be acclaimed because he represents the embodiment of the virtues of courage and independence which are rare in American political life.

CONVICTIONS HELD ABOVE EXPEDIENCY

Never bowing the knee nor stifling his own convictions to gain the favor either of those in high places or those holding the power of the ballot, Senator GLASS has become, as the years have passed him, a sturdier and doughtier fighter on behalf of American institutions and the precepts of Jeffersonian democracy.

And as those passing years have turned what was once a mop of red hair to a thinning grayness and have increased the physical frailty of a figure never robust, the inner honesty and courage of this octogenarian has appeared to shine out from him with an increasingly clearer light.

As a boy his unflinching courage won for him the nickname of "Pluck" GLASS. As a man his disdain for demogoguery and the blandishments of those who would sacrifice principle to expediency won for him the practically unanimous support of the people of his beloved State of Virginia and the admiration of a Nation. He bears with pride President Roosevelt's characterization of him as "an unreconstructed rebel."

Senator GLASS, as President John Stewart Bryan, of William and Mary College, 2 years ago, wrote to him in notifying him he had been selected for an honorary degree, has "reached a position of distinction and eminence which has placed you above the power of others either to add to your honor or to detract from your fame." Those who honor him, honor themselves.

HAS WITNESSED AMERICA'S GROWTH

Born in Lynchburg on January 4, 1858, Senator GLASS has lived a span of years covering more than one-half the existence of the Nation. He came into the world on the eve of the bloody conflict that almost tore the Nation asunder. He witnessed America grow from an agrarian community to a world power. In the sunset of his life, when most men, if living, have retired from the field of action, he remains one of the most vigorous defenders of those things which made America great.

A voice that for many years remained silent and even now is raised but rarely has today a power to command attention throughout the Nation as great as that of the President and greater potency than any other in bringing Members of the Senate into that Chamber and holding them there in quiet, respectful attention.

And with it all Senator GLASS has an overwhelming modesty which causes him to deprecate his own importance and shun the social life of the Nation's Capital for the simpler and quieter life of his Montview farm near Lynchburg, where he can give free rein to his pet hobby of breeding prize cattle.

Yet CARTER GLASS is not antisocial. In small, unpretentious groups no man is better company. His fine sense of humor has endeared him to all who know him, especially to his colleagues in the Senate, where he is loved as well as respected. As a young man his joy was to witness cockfights and in later years he has been a devotee of big-league baseball and boxing matches. His radio favorites are Gang Busters and Amos 'n' Andy.

Along with such predilections, Senator GLASS is a deeply religious man, has never used tobacco or alcohol, and only once in his life has uttered a profane word. That was when the late Huey P. Long supplied strong provocation for the epithet hurled at him. Otherwise, "dad bum" is the extent of Senator GLASS' profanity, although he can impart an intensity of expression to those words beyond the achievement of many men using more robust language.

A FIGHTER SINCE YOUTH

CARTER GLASS' origin and early environment instilled in him his rugged individualism and his rebellious streak against trends growing too strong for him to turn back. As a boy and man he was forced to fight for everything he has achieved, including the re-

spect universally accorded to him. He has no use for paternalism because he never had any need for it. Not only has he conquered the world about him, but he has overcome the obstacles imposed by poor health.

His forbears were rugged Scotch-Irish stock. His father, Robert Henry Glass, became known far and wide through Virginia for his courage and independence as a small-town newspaper editor. When the Southern States seceded from the Union the father became a Confederate officer. At the conclusion of the war he had been spared to his family, but the conflict and the ensuing reconstruction period all but wiped out his material possessions.

MOTHER DIED WHEN CARTER WAS 2

Senator GLASS' mother, Augusta Christian Glass, died when he was 2 years old and he was raised by a sister 10 years older. The father could not afford a preparatory school and college education for his son, but, in order to keep an eye on him, apprenticed him at the age of 14 years to the Lynchburg Daily Republican, of which the elder Glass was editor.

But the lack of a formal education never daunted "Pluck" GLASS. Except for the indulgence of a weakness for gumdrops, he hoarded his small wage for the purchase of books and later in the newspaper office—the best of all universities—he became not alone learned but scholarly. Today he is one of the country's foremost monetary and banking authorities, has by far the most pungent and polished literary style of any Member of the Senate, wears an honorary Phi Beta Kappa key, and holds more honorary degrees than any other Member of that body. He has the ability today to dispute with scholars the age-old controversy of whether Francis Bacon wrote William Shakespeare's works.

Serving his apprenticeship in newspaper work as a "printer's devil" on the Lynchburg Daily Republican and the Petersburg Post—of which his father also was editor—CARTER GLASS worked for 3 years as a clerk in the auditor's office at Lynchburg of the Atlantic, Mississippi & Ohio Railroad. The experience trained him in the practicalities of business, but the smell of printer's ink brought him back to the newspaper office.

But this time it was to lead him into the newsroom. In 1880, at the age of 22 years, he became a reporter on the Lynchburg News, and later became its editor. Eight years later he had an opportunity to purchase the newspaper for $13,000—but he had only $6 in cash. A relative endorsed his unsecured note for the $13,000, and he became a newspaper publisher.

By hard work and frugality he paid off the debt within a few years. He brought success to his newspaper by building up its news columns at a time when it was the fashion to concentrate attention on the editorial page. Subsequently CARTER GLASS purchased the Lynchburg Virginian and the Lynchburg Advance. He merged the first into his News as Lynchburg's morning newspaper and published the Advance as the city's evening paper. And as such they are published today, under the direct management of the Senator's two sons, Powell Glass and Carter Glass, Jr., and his nephew, Robert Glass.

MARRIED TO SCHOOL TEACHER IN LYNCHBURG

Hard-working reporter, GLASS found time in which to court an attractive young school teacher, Miss Aurelia Caldwell, of Lynchburg, and on January 12, 1886, they were married. When her husband rose to prominence on the national political stage, Mrs. Glass remained in the background, preferring her home circle to social activities and the political arena. They had five children, a boy who died in childhood, the two sons now in charge of the newspapers, and two daughters, now Mrs. John Boatwright, of Danville, Va., and Mrs. Isaac Digges, of New York City. Mrs. Glass, at the age of 76 years, died last June, 17 months after celebrating her golden wedding anniversary.

With ownership of the Lynchburg newspapers Mr. GLASS became one of the city's influential figures. He became active in politics, not through any desire to hold office but because his neighbors constantly called on him to serve them. From 1881 to 1901 he served as clerk of the Lynchburg City Council.

In 1892 Mr. GLASS went to his first Democratic national convention as a delegate from Virginia. He has been a delegate to every Democratic national convention since that time and at several he was proposed as his party's Presidential candidate. He served as chairman of the resolutions committee at the 1920 convention in San Francisco.

Paradoxically, in view of Mr. GLASS' orthodox monetary views in recent years, he was a staunch supporter of William Jennings Bryan and his proposal for the free coinage of silver at a ratio of 16 to 1 in the 1896 convention, which nominated the Great Commoner for the Presidency. But then CARTER GLASS had not made the exhaustive study of money and finance which made him the authority on that subject that he is.

NOMINATED VIRGINIA'S GOVERNOR IN 1897

In 1897 at the Virginia Democratic convention Mr. GLASS placed in nomination for Governor the name of J. Hodge Taylor. The speech won the nomination for Mr. Taylor and CARTER GLASS' influence commenced to reach around the State. In 1899 the Democrats of Lynchburg insisted that he run for the State senate and he reluctantly agreed but on the condition that if elected he would support whatever measures he regarded as wise for the State despite any contrary view his constituents might hold.

He was elected without making a further utterance. He never deviated from that principle, though he has been a candidate many times. Indeed, CARTER GLASS campaigned only twice for election, once in 1902 for a seat in the House of Representatives when last-minute opposition riled him, and for the Senate in 1912 when he unsuccessfully undertook to buck the Swanson-Martin-Ryan machine, the Tammany Hall of Virginia.

In 1901 he was nominated without his knowledge as a delegate to the Virginia Constitutional Convention and elected while seriously ill at Watkins Glen, N. Y. Indeed, at this time so frail was Mr. GLASS' health that his family feared he would be a semi-invalid. But he never permitted his physical frailties to prevent him from fulfilling whatever obligations had been thrust on him.

WROTE LITERACY TEST INTO STATE CHARTER

Not only did he take an active part in the revision of the Virginia State charter but he wrote into it a literacy test which would permit Negroes to vote on the same terms as literate whites. The next year when a vacancy occurred in the House of Representatives for the Lynchburg district of Virginia, again there was a demand that CARTER GLASS be a candidate.

He did and was elected. Arriving in Washington he was assigned to the House Banking and Currency Committee. Taking the post seriously, he started to read books on money and banking. The money stringency of 1907 whetted his interest and soon he was one of the best-informed members of the committee. For the next few years agitation for reform of the country's banking and monetary system was one of the live issues.

In 1912 Woodrow Wilson was elected to the Presidency on a pledge, among others, to carry out an effective banking reform. Meanwhile Representative GLASS had become chairman of a House Banking and Currency Subcommittee charged with the duty of holding hearings on proposed banking reform legislation. Thus much of the task of fulfilling the Wilson pledge fell on the Virginian.

Representative GLASS did not wait for inauguration of the Wilson administration. As soon as Wilson was elected in November 1912 he went to work formulating the regional system of reserve banks which later emerged as the Federal Reserve System. In December he conferred with Wilson at Trenton and accepted several revisions in the tentative measure proposed by the President-elect. By the time Wilson entered the White House GLASS had far advanced the preliminary drafting of a banking reform bill.

FATHERED FEDERAL RESERVE BANK BILL

Subsequently he was named chairman of the House Banking and Currency Committee and fought the measure through to passage in December 1913. In the 10 years of Representative GLASS' service in the House prior to 1913 he had made only four speeches, consuming about 2 hours. In opening the debate on the proposed reserve bank bill he spoke for hours, delivering an explanatory speech of some 15,000 words.

Into that speech went the results of Representative GLASS' 10 years of intensive study of banking and currency systems and proposals. A more authoritative address has never been delivered in the House. He took up criticisms offered against the bill by bankers and others, and rapier thrusts demolished them one by one, much to the amazement of his House colleagues, who never suspected the oratorical power of the diminutive Virginian.

One of Representative GLASS' hecklers was Bob Henry, of Texas, an ardent critic of the Federal Reserve proposal. The Virginian several times savagely squelched the Texan. It was of these encounters that the story is told of one of the House colleagues urging Mr. GLASS to "give him hell, Carter," and of the Virginian replying:

"Why waste dynamite when insect powder will do the work as well?"

The story, however, is not accurate. The phrase, "Why waste dynamite when insect powder would do?" was used by Henry Watterson, famed editor of the Louisville Courier-Journal, in an editorial of advice and support to Representative GLASS, as the latter asserts in his book, An Adventure in Constructive Finance.

Incidentally that work, inspired by Mr. GLASS' irritation over the claims of Prof. Charles Seymour, of the paternity of the Federal Reserve System, for Col. Edward M. House, is a classic of caustic sarcasm and illustrates CARTER GLASS' keen ability in political debate at its best.

President Wilson recognized Mr. GLASS as the father of the Federal Reserve Act and so did WILLIAM GIBBS MCADOO, then Secretary of the Treasury. The documentary proof of that fact is overwhelming and today there is none with the hardihood to challenge the Glass paternity. And as predicted by Wilson at the time, CARTER GLASS' contribution to the establishment of the Federal Reserve System gained him an enduring fame.

NAMED SECRETARY OF THE TREASURY

The legislation and the System set up under it have weathered the economic storms of the last 20 years far better than even its most ardent friends dared to hope. Not only did that System function as it had been devised to do during the stress of the World War, but it tided the country over the depression of 1921 and with a few amendments carried the United States safely through the economic catastrophe which broke over the country in 1929.

As a reward for the sponsorship of the Federal Reserve legislation President Wilson named Representative GLASS Secretary of the Treasury in December 1918, to succeed Mr. MCADOO, who resigned that post at the end of the World War. He directed the Treasury and the fiscal operations of the Federal Government during a period as difficult as any in the history of the country.

Although the World War was over, the Treasury still was required to carry out extensive deficit financing. Secretary GLASS' major achievement was the successful flotation of the $4,500,000,000 Victory Loan at a favorable interest rate with an oversubscription totaling $750,000,000. Suddenly, in December 1919, the Secretary of the Treasury's old political adversary, Senator Thomas S. Martin, of Virginia, died, and Governor Davis indicated a desire to name Mr. GLASS to the vacancy.

TOOK SEAT IN SENATE IN 1920

The latter was willing, but accepted the appointment on the condition that he remain in the Treasury until pending business could be disposed of and President Wilson find a successor. Finally, on February 2, 1920, he took his seat in the Senate and immediately undertook a defense of the Treaty of Versailles and American entry into the League of Nations.

Senator GLASS, ever since he fought at the Baltimore convention to swing the Virginia delegation behind Woodrow Wilson for the Presidential nomination, had been a great admirer of the war President. Indeed, at times he came close to idolizing Wilson. His greatest tribute to Wilson, however, came slightly less than 2 years ago when he arose in the Senate to defend the dead President's name against aspersions cast on it by Senators GERALD P. NYE and BENNETT C. CLARK in their fight on behalf of neutrality legislation.

For several days in January, 1936, Wilson had been accused in the Senate of leading the country into the World War because the banks wished to save their foreign loans to the allied governments. It was charged that Wilson had knowledge of the secret treaties which the Allies had made among themselves before American entry into the war, but had disavowed such knowledge.

WITH IMPASSIONED SPEECH HE DEFENDS WILSON

Angered by these accusations against Wilson, GLASS finally arose in the Senate and beating his knuckles on his desk until they bled and in a voice he had difficulty in controlling gave the accusers of the dead President an unprecedented tongue lashing. He said he rose as a "more or less intimate friend of the late Woodrow Wilson and as a former member of his official family in order to respond to the shocking assault made upon his character and the attempted impeachment of his integrity and his veracity.

"This I shall do in unmistakable terms and, but for the limitations of the rules of the Senate, in phraseology which I am not accustomed to use," he asserted.

"If it were permissible in the Senate to say that any man who would asperse the integrity and veracity of Woodrow Wilson is a coward, if it were permissible to say that his charge is not only malicious but positively mendacious, that I would be glad to say here and elsewhere to any man, whether he be a United States Senator or not, because the charge would be not only destitute of decency but it would be such a shocking exhibition as never has happened in the 35 years I have served in the Congress of the United States.

"In that period no President of the United States, however bitter his adversaries, however uncompromising their antagonism, has ever been charged on the floor of the Senate with having deliberately falsified in a matter of importance. * * *

DENIES HOUSE OF MORGAN INFLUENCED WILSON

"What a subtle and mean attempt to have it appear that Woodrow Wilson was compelled by the House of Morgan to drag this Nation into the World War and to sacrifice the lives of our boys! No one who ever associated with Woodrow Wilson, no one who ever had any access to the man's thoughts would ever have the audacity to suggest that his sympathies were with the great banking interests of this country, and that he took us into the war in order to save the paltry dollars of the Wall Street interests. * * *

"Oh, the miserable demagogy, the miserable and mendacious suggestion that the House of Morgan altered the neutrality course of Woodrow Wilson. * * * I will never vote another dollar to anybody or any committee, any one of whose members is so insensible to every consideration of decency as to stand on the Senate floor and bitterly assail two dead men who are honored by this entire Nation. * * *

"And now, Mr. President, lest I should infringe those rules which I always obey, perhaps I should better desist, because what I feel like saying here, or anywhere else, to the man who thus insults the memory of Woodrow Wilson is something which may not be spoken here or printed in the newspapers or uttered by a gentleman."

Sandwiched in between these denunciatory phrases of Wilson's detractors, Senator GLASS answered the contentions made against the war President, as 90 Senators listened to him in fascinated silence. That speech marked the end of the investigations of the Nye Munitions Committee, for the Senate refused it further funds.

In the years of Republican control in Washington, Senator GLASS was found chiefly fighting along with the Senate Democrats. But long before his colleagues sensed the disastrous course which the Nation was pursuing he became alarmed. He raised his voice in the Senate to warn against the huge volume of foreign loans and in 1928 he angrily denounced the complacent attitude of the Federal Reserve authorities toward what was going on in Wall Street. Repeatedly he warned that the mounting volume of brokers' loans were barometers of financial disaster and charged that the lending of bank funds for "stock market gambling" was a perversion of the Federal Reserve System.

Finally the Reserve authorities took action, but it was too late, and much that Senator GLASS predicted came to pass in October 1929. Meanwhile he opposed the Hawley-Smoot tariff bill, which on one occasion he described as constituting "moral insensibility as well as economic insanity." When peanut growers in Virginia demanded he support tariff protection for them, he tartly replied he was not "a peanut politician."

Even though he was a prohibitionist, Senator GLASS became outraged over the activities and behavior of Bishop James Cannon. The latter's efforts, which proved successful, to carry Virginia for the Republicans in 1928 incensed this Virginia Democrat, and he relentlessly pursued the Methodist churchman until he succeeded in bringing about an expose of his handling of campaign funds by a Senate committee.

DRAFTED LAWS STRENGTHENING FEDERAL RESERVE

After the stock-market crash and as the economic depression commenced to deepen, Senator GLASS came to the conclusion that the Federal Reserve Act required tightening. He conducted a lengthy and searching investigation into the break-down of the Nation's financial markets, concluded that the security affiliates of the large banks were not only "lawless" but a menace to the country, and drafted legislation requiring their divorce from commercial banks, along with other reforms.

He undertook to get action on this measure in the last short session of Congress in the Hoover administration, but was blocked by a filibuster conducted by the late Senator Huey P. Long. This measure also had attached to it Senator ARTHUR VANDENBERG'S deposit insurance provisions; and had Senator GLASS succeeded in getting the bill enacted, it is possible it would have contributed some stability to the Nation's banking structure early in 1933 and have prevented the banking panic which marked the end of the Hoover administration.

In the fall of 1932, during the Hoover-Roosevelt campaign, Senator GLASS delivered a classic political philippic. It was the highlight of that campaign and has been regarded as one of the finest political addresses made in any Presidential campaign in recent years; and in the text and circumstances of that speech is the explanation why Senator GLASS feels so bitter about the New Deal.

He left an ill bed to make that address to the country, so indignant did he become over the contentions of President Hoover and other Republican spokesmen that had it not been for them the country would have slipped off the gold standard in 1932 and by their charges of Democratic radicalism. Senator GLASS fumed so over these statements that his physician, Admiral Cary T. Grayson, agreed to his demand that he be permitted to make a speech on the theory that it would be better to let the patient "get the poison out of his system."

In tones which dripped with vitriol Senator GLASS laid down a scorching assault on the Republican fiscal policies and the Hoover contentions, demonstrating beyond all doubt that the country had not been in any danger of being forced from the gold standard, and arguing that the economic condition of the Nation resulted directly from the policies pursued by the Republicans.

"To speak with suitable restraint," he asserted at the outset, "I may say that neither Hans Christian Anderson nor Karl Grimm, in appealing to the fancies of children, ever overtaxed his imagination as President Hoover repeatedly has done in his endeavor to regain the lost favor of the American people."

An hour later he brought his philippic to a close with these words:

F. D. R. ENTHUSIASTIC OVER HIS SPEECH

"We shall not make impossible promises and then proceed to break them. We shall not employ Lydia Pinkham political pills nor psychological poultices as a cure for the maladies of the country. We shall not rely upon transient devices and mere temporary remedies for serious situations; but, holding fast to sound Jeffersonian principles and applying tested orthodox processes, we shall hope to rescue the Government and the country from the unendurable confusion and distress into which Republican maladministration has thrust us. So serious is the situation that only by the help of Almighty God can this be done."

Gov. Franklin D. Roosevelt went into an ecstasy of enthusiasm over that speech the next day. He lauded it as the best speech of the campaign, hurriedly wrote Senator GLASS his hearty congratulations, and publicly endorsed it in his next campaign speech.

And yet within 6 weeks of his inauguration President Roosevelt abandoned the gold standard and embarked on many of the policies which Senator GLASS in that speech had so caustically denounced. This, however, was not exactly a sudden surprise to the Virginian. After Mr. Roosevelt's election there were rumors that he was considering monetary experimentation. So when Mr. Roosevelt offered Senator GLASS an appointment as Secretary of the Treasury, the Virginian asked for specific assurances as to the orthodoxy of the President-elect. Such assurances were not forthcoming, and Senator GLASS declined the appointment.

But Senator GLASS did not realize until April of 1933 the extent to which Mr. Roosevelt proposed to desert traditional Democratic policies for "Lydia Pinkham political pills" and "psychological poultices." When that fact became evident the Virginian became as indignant as he had become over Republican misrule, despite the fact that he cherished and still does today a warm personal affection for President Roosevelt.

Finally when the so-called Thomas inflation amendment to the A. A. A. bill was under consideration in the Senate Senator GLASS,

again suffering physical disabilities, arose to utter the words that marked an open break between him and the New Deal.

It was one of the most dramatic scenes ever to occur in the Senate. As the Virginian commenced to speak, in a low, solemn voice, every Member of the Senate sat facing him. The galleries were jammed with spectators and a silence in which the dropping of a pin literally could be heard enveloped the Chamber. Obviously, Senator GLASS was laboring under a severe strain, for he always had been a loyal and ardent Democrat, and it was not easy to break with his party.

"The newspapers of yesterday and today," he said, "have stated that the senior Senator from Virginia has created a sensation by disagreeing with the President. The implication is, of course, that any Senator who now preserves his intellectual integrity and consistently maintains the views which he has privately and publicly expressed for many years is creating a sensation. I wrote with my own hand that provision of the national Democratic platform which declared for 'a sound currency, to be preserved at all hazards.'

"I was unable because of illness to make more than one speech during the entire Presidential campaign," he continued, speaking slowly, and in a low voice, as with more regret than resentment. "In that one speech, with all the righteous indignation that I could summon and in terms, perhaps, of some bitterness, I reproached the then President of the United States and the Secretary of the Treasury for saying that this country was within 2 weeks of going off the gold standard.

"The reaction to that speech—and I do not say it in any boastful way—was that I now have bound in excess of 5,000 telegrams and letters from people, mostly strangers to me, commending that utterance. The first telegram in the first bound volume is one from Franklin D. Roosevelt, now President of the United States, who said the speech was to him an inspiration.

DISSECTED MEASURE SECTION BY SECTION

"In his public utterances at Brooklyn and at other places he textually commended that part of the speech which so bitterly criticized his political adversary and competitor for suggesting that this country was in imminent danger of going off the gold standard.

"This simple recital will indicate that I have not deserted anybody or any party in opposing the bill. I am simply consistently maintaining an attitude of earnest conviction on public questions, which is more important to me than the favor of party or potentate."

He went on to dissect the measure, section by section, and to point out its fallacies and dangers, finally concluding with the statement that he would vote against its passage, even if every other member of the Senate voted for it.

"I may have regrets," he said, "but I shall never make apologies for acting upon my own convictions and conscience."

On that day, historians of the future may conclude, started the disruption of the Democratic Party which now has assumed such large proportions. Now there are many Democrats who stand by CARTER GLASS' side, but on that day back in April 1933 he was a lonely figure. Only 11 Members of the Senate voted against the Thomas amendment and only 3 were Democrats—BAILEY, of North Carolina, and BULKLEY, of Ohio, in addition to GLASS, of Virginia. And for many months thereafter Senator GLASS was a lonely figure in the Senate, yet ever treated with respect.

But that did not bother the Virginian. He supported the President—indeed, fought for him—when he regarded the administration as adhering to its party platform and Democratic policies, such as his valiant fight to have the Senate sustain Mr. Roosevelt's veto of the independent offices appropriation bill in 1934. But he opposed every New Deal measure that he regarded as contrary to Democratic doctrine and good sense.

No New Deal proposal, however, so aroused the fighting instincts of Senator GLASS as did the President's proposal for reorganization of the Supreme Court. Confessedly he spoke out against that proposal in a Nation-wide radio broadcast "from the depths of a soul filled with bitterness," characterizing it as "a proposition which appears to me destitude of moral sensibility and without parallel since the foundation of the Republic."

Senator GLASS charged the President with seeking to crowd into the Supreme Court "a lot of judicial marionettes to speak the ventriloquisms of the White House" and he gave as his profound conviction the belief that "no threat to representative democracy since the foundation of the Republic has exceeded in its evil portents this attempt to pack the Supreme Court of the United States and thus destroy the purity and independence of this tribunal of last resort."

The circulation of that speech in pamphlet form has now totaled more than 700,000 copies—and demands for it are still being received.

In April 1934, in an interview published in the Post, Senator GLASS said:

"The New Deal, taken all in all, is not only a mistake; it is a disgrace to the Nation, and the time is not far distant when we shall be ashamed of having wandered so far from the dictates of common sense and common honesty."

The day he envisioned on that occasion now seems to be approaching. But CARTER GLASS is indifferent as to whether the future vindicates him. His comfort in life is that he always has been true to himself and his convictions and that he can look any man in the eye and say, as he has said in the Senate, "I shall never make apologies for acting upon my own convictions and conscience." Of such stuff is the man made and for that he is honored on his eightieth birthday.

Mr. BYRNES. Mr. President, the story of the life of Senator GLASS should be an inspiration to every American boy. It will be a source of interest to every American, because every one of his countrymen is proud of his career.

I am glad that the motion to congratulate Senator GLASS comes from his colleague the junior Senator from Virginia, for while the Nation regards Senator GLASS as a citizen of the Nation, yet he has represented the State of Virginia and a district of that State for many, many years. Throughout the history of this Republic, Virginia has given to the public service many great men, but Virginia has never given to the Nation for public service any man who has shown greater patriotic devotion or has exhibited greater loyalty to the State of Virginia than has CARTER GLASS.

Mr. BULKLEY. Mr. President, I rise to express very briefly my felicitations to the senior Senator from Virginia [Mr. GLASS] on the occasion of the eightieth anniversary of his birth, and to express also on this occasion my very genuine personal affection for him and my very deep admiration of his character and public service.

Senator GLASS is one of the few very great men with whom I or any of us here have had the opportunity to work. More than 25 years ago I had the privilege of serving under his leadership when he was chairman of the subcommittee and later chairman of the full Committee on Banking and Currency of the House of Representatives during the formulation and enactment of the Federal Reserve law. Association and friendship with him have been to me in a very real sense an inspiration as well as a source of happiness throughout all these years.

Mr. McNARY. Mr. President, men of great influence and of superb intellectual powers are rarely spared to reach the age of fourscore years. It was a popular philosopher who years ago said:

> The good die first,
> And they whose hearts are dry as summer dust
> Burn to the socket.

Our friend, the illustrious Senator from Virginia, falls in neither of these categories. His heart is as green and bounteous as the rich meadowlands of the Old Dominion State. His life has been exemplary; his achievements have been manifold; and, with the Republicans of this country and the public generally, I join in wishing him continued health and happiness.

Mr. VANDENBERG. Mr. President, I wish to join the able and distinguished Republican leader in emphasizing the fact that admiration for CARTER GLASS is not limited to his own side of the aisle or to his own section of the country, or to his own particular political group in the public life of the United States.

Nothing we say here or do here can add to the public stature of this brilliant octogenarian who now contributes his convincing proofs that utility in life is bounded by no arbitrary limitations on the calendar.

The distinguished senior Senator from Virginia will always be remembered as one of the great public servants of his or any other age. He has attended to that in his own time and in his own good way. It is not necessary that one should always agree with his views in order to respect his superb candor, his intellectual honesty, and his implacable selflessness.

He is equally the scholar and the realist. He is the partisan, but he is always the patriot. He is 80 years old, but he is equally 80 years young.

The Senate cannot honor him in any degree comparable to the honor which he and his character and service do the Senate.

I present my affectionate compliments to a great American citizen and to a great friend.

In conclusion of my brief remarks, I ask unanimous consent that an editorial entitled "A Virginia Senator," which appeared in this morning's issue of the New York Times, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A VIRGINIA SENATOR

Senator GLASS didn't want any fuss made about the anniversary of his birthday yesterday, but so strong and great a public character cannot escape the regard and affection in which not only his colleagues, with and among whom he has fought so sturdily, but most Americans, irrespective of party, hold him. He has won respect and renown by no arts of the politician. In a country that laughs at the affected shyness of candidates notoriously hankering for place he is the man whom office has always sought. He was abed in a New York hospital when he was chosen a member of the Virginia Senate. To the House of Representatives, the Treasury, the Senate, he came without lifting a finger in his own behalf.

He can shut up, and has for long periods of time. It has been his way to study and master questions before he talks about them. Gab for gab's sake he has never learned in all his years in the chambers where it runs on forever. His most salient characteristic is independence. He stays in his party, but criticizes, opposes, and records his vote against policies which he regards as unsound, unconstitutional, and dangerous. It is to the lasting honor of Virginians that they have upheld his steady allegiance to his convictions, and kept him in the Senate to its glory and that of Virginia.

Mr. GLASS' notion of the obligation of a Senator to his constituents is the same as Burke's about the duties of a member of Parliament: "He owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion." Mr. GLASS has put it even more strongly. He has said that a public man who asks only "whether a thing is popular or unpopular, instead of seeking to know whether it is right or wrong, is a coward to begin with and a menace always."

That amid all the blare of radio and the bitterness of political professional cursers such a man as Mr. GLASS should stand so high in national esteem speaks well for the people of the United States. Health and long active years to him yet, and in the host of congratulants he must not forget the newspapers, proud of the veteran newspaperman.

Mr. BARKLEY. Mr. President, the great agnostic, Robert G. Ingersoll, in one of his flights of eloquence and one of his plays upon words stated that "life is a narrow vale between the cold and barren peaks of two eternities."

I have never been willing to accept that definition, because, while we do not know much about the past out of which we have come, and know still less about the future toward which we are headed, I have never been willing to believe that either the past or the future is a cold and barren peak. Certainly it could not be true of the Senator from Virginia, CARTER GLASS, in whose honor we have spoken briefly today.

Someone has said that age is a quality of mind. While the ravages of time do leave their mark upon our physiques, in the case of the Senator from Virginia they have certainly left no mark upon the character of his mind.

When I was a young man I thought that 50 years was a long span of life, and that any man who was 50 years of age was old enough to die. Recently Mr. Pitkin has written a book entitled "Life Begins at Forty." I am now in a position to supplement that by saying that life begins at 60, and Senator GLASS happily can say today, as he could have said yesterday, "Life begins at 80."

When I came to the House of Representatives in the spring of 1913 I found there an interesting group of men who had been Members of the House, and others who came in on the landslide which made Woodrow Wilson President of the United States. Among those already there was CARTER GLASS, of Virginia, who became chairman of the Committee on Banking and Currency. The senior Senator from Missouri [Mr. CLARK], who now occupies the chair, though he was not then a Member of the House but occupied the position of Parliamentarian under his distinguished father, then the Speaker, will recall the fight we had in the Democratic caucus when we were considering the proposed Federal Reserve Act.

I remember especially the persistent effort made by certain statesmen who were Members of the House at that time to make everything on the face of the earth eligible as a basis for currency, and I recall how the distinguished Senator from Virginia, then the chairman of the Committee on Banking and Currency of the House, designated such currency as "corn tassel" currency, and fought it persistently and successfully; so that it was kept out of the bill in the caucus, as it was kept out on the floor of the House and in the enactment of the Congress. From that time until this I have known the Senator from Virginia, and most of the time been associated with him, either in the other House or in this body. Without regard to whether or not we always agree with his particular philosophy or with his particular attitude toward details of life, there is no man in public life today, from Virginia or from any other State, who enjoys a wider measure of respect and admiration and affection than does the Senator from Virginia.

I wish for him not only long service in this body, but long life, and I wish for him during the remainder of it and at the end that peace of mind and heart that passeth all understanding.

Let me in conclusion quote a sentence from Faustus, as expressed by Christopher Marlowe:

Stand still, you ever-moving spheres of heaven, that time may cease, and midnight never come.

Mr. GIBSON. Mr. President, I count it a rare privilege to have an opportunity to pay tribute in behalf of the people of my State to a distinguished son of the Old Dominion as he passes the eightieth milestone of his life's journey.

The Senate has been the scene of the labors of many great men who defended and nurtured this Nation until it became a leader in world's thought and action, but no one of them has served his country with greater fidelity, more steadfast courage, patriotism, and zeal than has the senior Senator from Virginia. As a member of the legislature of his native State, as a Member of the National House of Representatives, as Secretary of the Treasury, striving to bring about financial stability after the World War, and as a Member of this body, he has to his credit an outstanding record of constructive service.

A unique yet lovable character, he has been and is a great, farseeing statesman in whom the people have absolute confidence. In political life none has been more true to honest convictions of heart and mind.

I extend to the senior Senator from Virginia the congratulations and best wishes of the people of Vermont.

Mr. DAVIS. Mr. President, this is the eightieth anniversary of the birth of a man who started from scratch and won his way to the top in public service, and whose fidelity and honest integrity have justly earned for him the many affectionate tributes which his colleagues and associates have paid to him today. His life is an inspiration to the youth of America, and demonstrates the fact that under our democratic form of government the field is open to all aspiring young people.

CARTER GLASS is not old today. At 80 years he is active in body and alert in mind. When he speaks his contemporaries give a listening ear.

May God grant CARTER GLASS many more years of active service to the country of his birth.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that at the conclusion of the morning business, including the reading of the President's Budget message, the calendar shall be called for the consideration of unobjected bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 1835. An act for the relief of Henry Fischer; to the Committee on Finance.

H. R. 8021. An act for the relief of Mrs. George Orr; to the Committee on Foreign Relations.

RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS

The VICE PRESIDENT laid before the Senate a letter from the Attorney General received from him on the 3d instant, transmitting, pursuant to law, a copy of the rules of civil procedure for United States district courts, as approved by the Supreme Court, which, with the accompanying document, was referred to the Committee on the Judiciary.

REPORT OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, pursuant to law, his annual report on the state of the finances for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Finance.

ANNUAL REPORT OF THE ATTORNEY GENERAL

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, transmitting the annual report of the Department of Justice for the fiscal year ended June 30, 1937, which was referred to the Committee on the Judiciary.

SUITS UNDER THE PUBLIC VESSEL ACT

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, submitting pursuant to law, a list of suits arising under the Public Vessel Act of March 3, 1925 (43 Stat. 1112), in which final decrees were entered, exclusive of cases on appeal, which was referred to the Committee on the Judiciary.

ADMIRALTY SUITS AGAINST THE UNITED STATES

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, submitting, pursuant to law, a list of suits arising under the act of March 9, 1920 (41 Stat. 525), authorizing suits against the United States in admiralty involving merchant vessels in which final decrees were entered, and so forth, which was referred to the Committee on the Judiciary.

REPORT OF ACTING COMPTROLLER GENERAL

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report of the work of the General Accounting Office for the fiscal year 1937, with recommendations for legislation deemed necessary to facilitate the prompt and accurate rendition and settlement of accounts, and concerning other matters relating to the receipt, disbursement, and application of public funds, and looking to greater economy and efficiency in public expenditures, which, with the accompanying report, was referred to the Committee on Banking and Currency.

DELINQUENT ACCOUNTS OF FEDERAL OFFICERS

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report showing officers and administrative offices of the Government delinquent in rendering or transmitting their accounts to the proper offices in Washington during the fiscal year ended June 30, 1937, and whether the delinquency was waived, together with a list of officers who, upon final settlement of their accounts, were found to be indebted to the Government and had failed to pay the same into the Treasury of the United States, which, with the accompanying report, was referred to the Committee on Claims.

REPORT OF FEDERAL ALCOHOL ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the Federal Alcohol Administration, transmitting, pursuant to law, the Administration's annual report for the year 1937, which, with the accompanying report, was referred to the Committee on Finance.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission for the year ended October 31, 1937, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

ANNUAL REPORT OF THE VETERANS' ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report of the activities of the Veterans' Administration for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Finance.

ANNUAL REPORT OF THE TARIFF COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Tariff Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Finance.

REPORT OF THE SECURITIES AND EXCHANGE COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Banking and Currency.

ANNUAL REPORT OF FEDERAL COMMUNICATIONS COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

REPORT ON FOREST ROADS AND TRAILS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on the appropriations for forest roads and trails for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

ANNUAL REPORT OF THE PUBLIC PRINTER

The VICE PRESIDENT laid before the Senate a letter from the Public Printer, transmitting, pursuant to law, the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Printing.

REPORT OF SECRETARY OF THE SENATE (S. DOC. NO. 127)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1937, which, with the accompanying report, was ordered to lie on the table and to be printed.

ANNUAL REPORT OF ELECTRIC HOME AND FARM AUTHORITY

The VICE PRESIDENT laid before the Senate a letter from the president of the Electric Home and Farm Authority, transmitting, pursuant to law, the annual report of the Authority, covering operations from July 1, 1936, to June 30, 1937, which, with the accompanying report, was referred to the Committee on the Judiciary.

ANNUAL REPORT OF NATIONAL MEDIATION BOARD

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1937, including the report of the National Railroad Adjustment Board, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a letter from the president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the official operations of government of the District of Columbia for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

SURVEY AND STUDY OF TAX STRUCTURE OF THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a letter from the president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, a survey and study of the tax structure of the District, with recommendations for legislation to provide additional revenue,

together with a statement showing the operation of the District general fund for the fiscal years of 1937, 1938, and 1939, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

ANNUAL REPORT OF THE ARCHIVIST

The VICE PRESIDENT laid before the Senate a letter from the Archivist, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on the Library.

ANNUAL REPORT OF TENNESSEE VALLEY AUTHORITY

The VICE PRESIDENT laid before the Senate a letter from the board of directors of the Tennessee Valley Authority, transmitting, pursuant to law, a report of the activities of that Authority for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

DESTITUTION AMONG ALASKAN NATIVES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to law, a report covering expenditures for the relief of destitution among Alaskan natives for the fiscal year 1937, which, with the accompanying report, was referred to the Committee on Appropriations.

VIOLATION OF WATER RIGHTS IN CLEAR LAKE WATERSHED, CALIFORNIA

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a preliminary report on a proposed investigation of violations of water rights through the construction of dams and other works on the Clear Lake watershed in the State of California, which, with the accompanying report, was referred to the Committee on Irrigation and Reclamation.

AMENDMENT TO THE ALASKA RAILROAD RETIREMENT ACT

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to grant employees of the Alaska Railroad certain retirement and beneficiary rights under the act of June 29, 1936, which, with the accompanying papers, was referred to the Committee on Civil Service.

LAWS OF MUNICIPAL COUNCILS IN VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate letters from the Secretary and the Acting Secretary, Department of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Croix and the Municipal Council of St. Thomas and St. John at recent meetings, which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

RELIEF FOR DISBURSING AND OTHER OFFICERS OF INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide relief for disbursing agents and other officers of the Department of the Interior where disallowances are made by the General Accounting Office in connection with expense vouchers for travel by air, which, with the accompanying paper, was referred to the Committee on Claims.

STUDY AND RESEARCH OF TRAFFIC CONDITIONS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting his report and recommendation on the study and research of traffic conditions and measures for their improvement and cooperation with other agencies, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

JUDGMENTS OF COURT OF CLAIMS (S. DOC. NO. 129)

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting, pursuant to law, a statement of judgments rendered by the Court of Claims for the year ended December 4, 1937, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims, which, with the accompanying statement, was referred to the Committee on Appropriations and ordered to be printed.

GAS ENGINE & POWER CO. ET AL. *v.* UNITED STATES

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk, Court of Claims of the United States, transmitting, pursuant to law, notice of dismissal by the court of the case *Gas Engine & Power Co. and Charles L. Seabury & Co., Consolidated, of New York,* v. *the United States* (Cong. No. 15007), for want of prosecution, which was referred to the Committee on Claims.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 128)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, pursuant to law, report of the National Forest Reservation Commission for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry and ordered to be printed, with illustrations.

FINAL VALUATION OF PROPERTIES OF VALVOLINE OIL CO.

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, copy of the final valuation of pipe lines belonging to the Valvoline Oil Co., which, with the accompanying valuation docket, was referred to the Committee on Interstate Commerce.

REPORT OF GORGAS MEMORIAL INSTITUTE

The VICE PRESIDENT laid before the Senate a letter from the chairman of the board of directors of the Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting, pursuant to law, a report of the institute for the year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Interoceanic Canals.

CLAIM OF FEDERAL LAND BANK OF BERKELEY, CALIF., AND A. E. COLBY

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF NATIONAL MUNITIONS CONTROL BOARD

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Munitions Control Board, transmitting, pursuant to law, the Board's annual report for the year ended November 30, 1937, which, with the accompanying report, was referred to the Committee on Foreign Relations.

PERSHING HALL, PARIS, FRANCE, EXPENDITURE REPORT

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, an itemized report of expenditures made in connection with Pershing Hall, in Paris, France, during the fiscal year ended June 30, 1937, and from June 30, 1937, to November 30, 1937, which, with the accompanying report, was referred to the Committee on Military Affairs.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Chesapeake & Potomac Telephone Co., of Washington, D. C., transmitting, pursuant to law, a report of the company's operations for the year 1937, the results of the operations for December of that year being estimated, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORTS OF THE LIBRARIAN OF CONGRESS

The VICE PRESIDENT laid before the Senate a letter from the Librarian of Congress, transmitting, pursuant to law, his annual report, together with the report of the Register of Copyrights, both for the fiscal year ended June 30, 1937, which, with the accompanying reports, was referred to the Committee on the Library.

REPORT OF WAR MINERALS RELIEF COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the War Minerals Relief Commission from December 1, 1936, to November 30, 1937, which was referred to the Committee on Mines and Mining.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, Agriculture, Navy, Justice, and Interior and the Veterans' Administration and the Tariff Commission which are not needed in the conduct of business and have no permanent value nor historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives of the State of Georgia, which was referred to the Committee on Agriculture and Forestry:

Whereas the food value of cottonseed oils and peanut oils are of immense importance to the people of the United States, and besides otherwise forms a large part of the shortenings and margarines consumed by the people; and

Whereas there are certain Federal statutes that demand special taxes and special licenses and other severe restrictions against the sale and use of articles of food aforesaid: Now, therefore, be it

Resolved, That the Congress of the United States be urged to repeal the Federal statutes which now fix special taxes and licenses and other severe restrictions against the sale and use of food products made of cottonseed oil and peanut oil; be it further

Resolved, That the clerk of the house is instructed to forward a copy of this resolution to each Member of Congress and Senate from the State of Georgia and a copy to the United States House of Representatives and a copy to the United States Senate.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on Education and Labor:

Resolution memorializing President Franklin D. Roosevelt and Congress to continue the Works Progress Administration in Ohio

Whereas the need for the continuance of relief to the unemployed in Ohio is almost as great today as it was at the time the Works Progress Administration was created; and

Whereas the cessation of the Works Progress Administration at the present time would work undue hardship on those who are being employed through this agency; and

Whereas through the Works Progress Administration many public improvements, additions, and betterments of a lasting and beneficial nature are being carried to completion: Therefore be it

Resolved by the House of Representatives of the Ninety-second General Assembly, That we hereby memorialize President Franklin D. Roosevelt and the Congress of the United States to continue the Works Progress Administration in Ohio as a means of affording relief to those unemployed who are able to work on public projects; and be it further

Resolved, That the clerk of the house transmit a copy of this resolution to President Franklin D. Roosevelt, to Vice President John N. Garner, the 2 United States Senators and the 24 Members of Congress from Ohio, and to the Clerk of the United States Senate and the Clerk of the United States House of Representatives.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Winfield Industrial Union Council, Alabama, favoring the enactment of House bill 8248, to provide for the hearing and disposition of employee appeals from discriminatory treatment by superiors in the Federal service, which was referred to the Committee on the Civil Service.

He also laid before the Senate a resolution adopted by the crew of the steamship *Southern Cross*, protesting against the enactment of legislation based on the Railway Labor Act which would control labor relations between maritime unions and ship operators, which was referred to the Committee on Commerce.

He also laid before the Senate a letter in the nature of a petition from Mrs. J. Frank Pierce, of Washington, D. C., praying that the United States refrain from engaging in war, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Board of Supervisors of Milwaukee County, Wis., favoring the enactment of legislation increasing appropriations and contributions to the county of Milwaukee to defray its expense in handling naturalization cases, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the district organizing committee of the United Federal Workers of America, C. I. O., protesting against the enactment of House bill 4368, to repeal section 12 of the law commonly known as the Indian Reorganization Act of June 18, 1934, which was referred to the Committee on Indian Affairs.

He also laid before the Senate the petition of the American Polish Citizens Club, Inc., of San Francisco, Calif., requesting that the Post Office Department issue a postage stamp in honor of General Krzyzanowski in commemoration of his faithful discharge of duties to the United States, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the Council of the City of Cincinnati, Ohio, favoring the enactment of the so-called Wagner housing bill, which was ordered to lie on the table.

He also laid before the Senate the memorial of Alfio Sgandurra, of Columbus, Ohio, remonstrating against the enactment of the bill (S. 69) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars, which was ordered to lie on the table.

Mr. WALSH presented a resolution adopted by the Quincy (Mass.) Taxpayers Association, Inc., requesting that every effort be made to balance the Budget and protesting against any increase in taxation, which was referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as presently constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which were referred to the Committee on Banking and Currency.

REPORT OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. HATCH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3105) to amend the Commodity Exchange Act, as amended, to extend its provisions to wool and other agricultural commodities traded in for future delivery, reported it with amendments and submitted a report (No. 1301) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHEELER:

A bill (S. 3157) to empower the President of the United States to create new national forest units and make additions to existing national forests in the State of Montana; to the Committee on Agriculture and Forestry.

By Mr. NcNARY:

A bill (S. 3158) for the relief of C. J. Dumbolton; to the Committee on Claims.

A bill (S. 3159) for the relief of Charles A. Russell; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3160) to provide for the exchange of land in the Territory of Alaska; to the Committee on Military Affairs.

A bill (S. 3161) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department (with accompanying papers); and

A bill (S. 3162) to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924 (with accompanying papers); to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3163) for the relief of Miriam E. Benjamin; to the Committee on Claims.

By Mr. BERRY:

A bill (S. 3164) for the relief of Jesse Stokes Bowling, Jr.; to the Committee on Finance.

A bill (S. 3165) granting a pension to Alexander Hamric; to the Committee on Pensions.

By Mr. HATCH:

A bill (S. 3166) to amend section 2139 of the Revised Statutes, as amended; to the Committee on the Judiciary.

By Mr. HATCH and Mr. CHAVEZ:

A bill (S. 3167) to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241); to the Committee on Irrigation and Reclamation.

By Mr. ASHURST (by request):

A bill (S. 3168) relative to pledges by national banks to secure deposits; to the Committee on the Judiciary.

By Mr. REYNOLDS:

A bill (S. 3169) to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., a portion of the marine hospital reservation not needed for marine hospital purposes," approved July 10, 1912, and being Public, No. 221 (S. 6603); to the Committee on Public Buildings and Grounds.

By Mr. WALSH:

A bill (S. 3170) to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto," approved June 7, 1934; to the Committee on the Judiciary.

A bill (S. 3171) for the relief of William Server Rhodes, chief boatswain's mate, United States Navy, retired; and

A bill (S. 3172) to amend section 6 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," so as to authorize the Secretary of the Navy to discharge enlisted men of the Fleet Naval Reserve when sentenced by a court of competent jurisdiction to imprisonment in a penitentiary; to the Committee on Naval Affairs.

By Mr. LEWIS:

A bill (S. 3173) providing for the reappointment of Maj. Harry A. Musham, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. NYE:

A bill (S. 3174) to provide that crops needed for seeding purposes during 1938 shall be released from the liens required by the act providing for crop loans for the year 1937; to the Committee on Agriculture and Forestry.

By Mr. COPELAND:

A bill (S. 3175) for the relief of the widow and children of James Patrick Mahar; to the Committee on Claims.

By Mr. McCARRAN:

A joint resolution (S. J. Res. 241) to pay Federal employees regular salary for December 24, 1937; to the Committee on Appropriations.

COMPLETION OF GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. McKELLAR. I introduce a bill to be referred to the Committee on Post Offices and Post Roads. It is a bill to authorize the acquisition of lands for the completion of the Great Smoky Mountains National Park, and is introduced on behalf of the Senator from North Carolina [Mr. REYNOLDS] and myself.

The VICE PRESIDENT. Without objection, the bill will be received and referred to the Committee on Post Offices and Post Roads.

The bill (S. 3176) to authorize the acquisition of lands for the completion of the Great Smoky Mountains National Park was read twice by its title and referred to the Committee on Post Offices and Post Roads.

RELIEF OF OFFICERS AND SOLDIERS OF THE VOLUNTEER SERVICE—AMENDMENT

Mr. BULKLEY submitted an amendment intended to be proposed by him to the bill (H. R. 2904) for the relief of officers and soldiers of the Volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, which was ordered to lie on the table and to be printed.

ORDER FOR REFERENCE OF NOMINATIONS AND TREATIES

On motion by Mr. BARKLEY, it was

Ordered, That on calendar days of the present session of the Congress when no executive session is held, nominations or treaties received from the President of the United States may, where no objection is interposed, be referred, as in executive session, to the appropriate committees by the Presiding Officer of the Senate.

THE BUDGET (H. DOC. NO. 399)

The PRESIDING OFFICER (Mr. BULKLEY in the chair) laid before the Senate a message from the President of the United States, transmitting the Budget of the United States Government for the fiscal year ending June 30, 1939, which was read, referred to the Committee on Appropriations, and ordered to be printed.

(For Budget message of the President see p. 60, House proceedings in today's RECORD.)

ITEM VETO

Mr. VANDENBERG. Mr. President, in one section of the President's message—and that is the only section I comment upon at the moment—the President urgently recommends the creation, as promptly as possible, of the right of "item veto," which is to say, the right on the part of the Executive to discriminate when he confronts an appropriation bill and not be forced to take all or nothing.

I not only completely concur in the President's belief that the "item veto" is necessary if the Executive is to have any comprehensive or effectual power to aid economy, but I carried on a considerable correspondence with the Executive upon this subject during the summer and early fall of last year. At the press conference in the White House yesterday the President indicated the desire that my correspondence with him upon the subject should be made public. It has been given out jointly by the able Senator from Kentucky [Mr. BARKLEY] and myself during the past few moments. In order to complete the record for the benefit of the Congress itself, I ask unanimous consent that the correspondence may be printed in the RECORD at this point in these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The correspondence is as follows:

CORRESPONDENCE ON THE SUBJECT OF THE "ITEM VETO" BETWEEN PRESIDENT ROOSEVELT AND SENATOR VANDENBERG, RELEASED FOR PUBLICATION AT THE SUGGESTION OF THE PRESIDENT

EXHIBIT A

(Letter from Senator VANDENBERG to President Roosevelt)

AUGUST 19, 1937.

Hon. FRANKLIN D. ROOSEVELT,
President of the United States, Washington, D. C.

MY DEAR MR. PRESIDENT: I want you to know that I completely agree with your criticism of legislative riders on tax and appropriation bills. Regardless of the merits or demerits of any such riders—and I do not enter that phase of the discussion at the moment—the manifest fact remains that this practice robs the Executive of legitimate and essential freedom of action in dealing with legislation.

It seems equally obvious to me this essential freedom of action is lacking in respect to appropriation bills if the Executive must

accept or reject an appropriation bill in its entirety. I do not see how there can be effective Executive action upon an appropriation bill unless it can be considered by the President in its separate factors.

These observations lead me respectfully to suggest the advisability of studying an amendment to the Constitution to provide for the so-called item veto in respect to appropriation and tax bills. The item veto has been discussed in Congress off and on for nearly 50 years. Numerous such constitutional amendments have been offered. I presented an item-veto amendment in the last and present sessions of Congress.

I should be very much interested in knowing your reaction to an earnest effort to write an item-veto amendment into the Constitution.

With sentiments of great respect, I beg to remain, with warm personal regards and best wishes,

Cordially and faithfully,

Senator A. H. VANDENBERG.

EXHIBIT B

(Letter from President Roosevelt to Senator VANDENBERG)

THE WHITE HOUSE,

En Route to Wendover, Wyo., September 24, 1937.

Hon. ARTHUR H. VANDENBERG,

United States Senator, Grand Rapids, Mich.

MY DEAR SENATOR VANDENBERG: Your letter of August 19 in regard to a constitutional amendment authorizing the Executive to veto items in general appropriation and tax bills interested me greatly. It is true that the item veto would spare the Executive the occasional embarrassment of signing a general appropriation or tax bill containing undesirable features in order to have necessary legislation. The evil of intermingling wise and unwise expenditures or tax provisions—like that of "riders"—is one, it seems to me, with which the resources of Congress are adequate to deal. If there were a public opinion condemning such legislation strong enough to carry a constitutional amendment, it ought to be reflected in the action of Congress.

I understand that 39 States have had satisfactory experience with the item veto in general appropriation acts. During my 4 years as Governor of New York I came to the conclusion that the right to veto items in general appropriation acts met with general favor on the part of the legislature and of the public.

It seems to me, therefore, that it is appropriate at least to discuss the subject.

I am grateful to you for writing me in regard to the proposal to amend the Constitution and appreciate your expression of approval as to my action in calling attention to the unfairness of shackling the Executive in acting on legislation.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. VANDENBERG. Mr. President, I desire to say one thing more. I wish to call the attention of the able Senator from Arizona [Mr. ASHURST], the chairman of the Committee on the Judiciary, to the fact that since January 6, 1937, his committee has had before it Senate Joint Resolution 6, which I introduced at that time, and which proposes an amendment to the Constitution of the United States to provide for the precise thing which the President now so urgently recommends. I suggest to the able chairman of the Judiciary Committee that if it be deemed wise to pursue the President's suggestion, the groundwork is laid in the joint resolution which now pends before his committee; and I trust it may have an early and appropriate hearing.

For the purpose of the RECORD, again I ask that the joint resolution be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. J. Res. 6) is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The President shall have power to disapprove any item or items of any general appropriation bill which shall have passed the House of Representatives and the Senate and have been presented to him for his approval, in the same manner and subject to the same limitations as he may, under section 7 of article I of this Constitution, disapprove as a whole any bill which shall have been presented to him.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress."

Mr. VANDENBERG. Finally, Mr. President, I desire to make one further request.

On August 29, 1936, I contributed to the Saturday Evening Post an article which described the history of the efforts to obtain an item veto during the past half century. It is a very interesting and illuminating story, and it is very significant. As the President indicates, the item veto now exists in 39 States of the Union and is available to 39 State executives by way of a weapon in the direction of essential economy. The history of the movement, the summary of the necessity, will perhaps be helpful in considering the pending constitutional amendment; and in conclusion I ask that this article from the Saturday Evening Post of August 29, 1936, may be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

HASH BY THE BILLION!—WANTED: A TAX-SAVING DIET

(By A. H. VANDENBERG, United States Senator from Michigan)

Some day we shall again have a President of the United States who will wish to economize. When this blessed event occurs, the bent-backed taxpayers of the Nation will wish such a President to be armed with all the weapons necessary to make his good intentions effective. One of these essential weapons is lacking. It requires a constitutional amendment. Despite my aversion to constitutional amendments, except utterly as a last resort, I have proposed one in this specific instance; and I propose, herein, to tell you why.

Some day we shall have a President of the United States who, while solemnly promising to reduce Federal expenditures by 25 percent, as in the case of the 1932 Democratic platform, will proceed with equal solemnity to make good upon his promise instead of spending, as in the present Roosevelt instance, as much in 3 years as Uncle Sam checked out of the Public Treasury in all the 124 years from Washington to Wilson. But when this long-sought hour of emancipation arrives—and it cannot be much longer postponed if even Santa Claus is to remain solvent—this welcome White House economist will need at least one added instrumentality which his arsenal now lacks.

He will need the power of the so-called "item veto." Until he gets it he will be very much at the mercy of any wastrel Congress which may persist in the present popular congressional habit of making hash out of every general supply bill which is an annual necessity to keep the regular and essential functions of government in operation. Until he gets it, these omnibus appropriation bills for the support of the Government will continue "to be defaced by items and provisions to meet private ends," as President Cleveland once mildly put it.

"The change seems a small one," said the eminent and prescient James Bryce, in his famous work, The American Commonwealth, who then added: "But its adoption would cure one of the defects due to the absence of Ministers from Congress." The proposed constitutional amendment is, indeed, a very simple thing; but wrapped within it is the whole romance—and the whole tragedy—of congressional appropriations, now running at the astronomical rate of ten billions a year. The story is as fascinating as it is expensive.

* * * * * * *

The President must take or leave every general-appropriation bill as a whole. He is allowed no discrimination, because the Constitution prescribes only one veto formula, and that formula requires total acceptance or rejection of any act of Congress as a unit. He must take hook, line, sinker, and bait, or he must give up fishing entirely. His hands are tied. Executive economy—this is an abstraction at the moment—is hamstrung. But executive economy may one day be the vital reliance of a tax-numbed citizenry.

Despite the high desirability of hand tying in the case of Chief Executives who like to take unto themselves a dynastic and tyrannical usurpation of the powers assigned by the Constitution to other branches of our theoretically checked and balanced system of government, this is one case where a little untying would be an excellent—indeed, an essential—thing. The only new Executive authority created would be a negative authority to stop expenditures. It is extremely doubtful whether anything very serious can ever happen to the American people by stopping expenditures. Despite the dubious utility of most constitutional amendments and the need for superlative caution in approaching any tampering changes in our great charter, this is one case where a change—unrelated in any aspect to the basic structure of our institutions—would increase the efficiency of administration and contribute to the possibility of wiser, safer, and less burdensome government.

AN AMENDMENT SOUGHT SINCE 1873

* * * * * * *

The Governors of 39 States possess the constitutional right of the item veto. It is lacking only in the State constitutions of Indiana, Iowa, Maine, Nevada, New Hampshire, North Carolina, Rhode Island, Tennessee, and Vermont. All other Governors possess the authority to reach into general appropriation bills, to reject objectionable items, and to require a two-thirds legislative reapproval if the executive protest shall be overridden. Thus these Governors possess a power denied to the President of the United

States under like circumstances. This has nothing to do with so-called States' rights—which is to say, powers reserved to the States and denied to the central Government. The item veto involves merely a ministerial function. If it trespasses at all, it trespasses only upon legislative spenders. The situations in which it would be utilized—whether by a National or a State executive are completely analogous. If it is desirable as a means to curb expenditures in 39 States, it is desirable as a means to curb infinitely larger central expenditures affecting all 48 States. Indeed, the national need is the greater in degree because the national appropriations are infinitely larger and more remote from the neighborly disciplines which exist in the lesser governmental units. The extent of this need will presently become self-evident.

There is nothing novel in this suggestion. It has been repeatedly asserted in previous eras. At least 45 congressional resolutions looking toward such a constitutional amendment have been presented in House or Senate since 1873, when President Grant submitted the specific challenge in his annual message. President Hayes, struggling with Congress over riders on appropriation bills, renewed the recommendations of his predecessor. President Arthur followed suit. Since 1889 kindred constitutional amendments have been introduced by Mr. Payson, of Illinois; Mr. Crain, of Texas; Mr. DeArmond, of Missouri; Senator Hill, of New York; Mr. Shafroth, of Colorado; Mr. Maxwell, of Nebraska; Mr. Foelker, of New York; Mr. Curry, of California; Senator Nelson, of Minnesota; Senator Overman, of North Carolina; Mr. Cantor, of New York; Mr. French, of Idaho; Mr. Bennet, of New York; Senator Johnson, of South Dakota; Mr. Emerson, of Ohio; Mr. Hulbert, of New York; and Mr. Sinnott, of Oregon. None of these resolutions ever came to vote. It may be fairly argued that this demonstrates their failure to appeal to the sum total of congressional wisdom. Or perhaps it merely argues that they failed to conquer congressional appetite. In any event, the situation in these earlier years lacked the mathematical impulse which exists today, because no one then remotely dreamed of a $10,000,000,000 Congress such as we confront today.

THE BUDGET LAW GOES ONLY HALFWAY

President Wilson had an unusually vigorous fling at the omnibus appropriation evil, because he faced it in all its sinister aspects—this theory that the President would hesitate to endanger the fiscal needs of the Government as a whole by rejecting an entire appropriation bill merely to procure the elimination of some few objectionable items from it. He declined any such invitation to hesitate. He rejected the hypothesis that he would be held accountable for the financial difficulties of the Government if he vetoed a general supply bill when too little time—or a belligerent congressional mood—would defeat its reenactment. He insisted that Congress itself would have to take such a responsibility; and he dared to veto three important financial measures, one of them only 3 days prior to the end of the congressional session. His courageous bluff worked. He got what he wanted. In each instance Congress amended the vetoed bills to meet his approval. But, as one historical authority has stated in this connection, "the risk involved in such procedure would not seem to merit its repetition." The basic question inevitably recurs: Why should such risks be necessary? Why should not the machinery of government itself permit the direct item veto?

With the adoption of the Budget law a decade and a half ago, the movement for the item veto largely subsided. The purpose of the Budget law was to create an Executive control upon Federal expenditures. It was the philosophy of the item veto constructively applied in advance. It has been of great advantage. But it has come to be progressively abused. Now we know that it only half meets our problem. The same sound reasoning which supports an Executive Budget to curb Federal expenditures in advance of congressional appropriations should support the item veto if and when the congressional appropriations subsequently ravish the Budget. One supplements the other. Without the item veto the Budget may too easily become an impotent wooden gun.

An economy-minded President, seriously intent upon tax conservation, can have a large and wholesome effect upon Congress through his power of example, and through his use of this Budget law, and by the persuasive authority of his party leadership. He can, of course, do much to save the public credit without the use of the item veto. By the same token, when the President himself is a lax economist, when he uses Government cash and credit as if they were manna from heaven, his Congress is well calculated to catch the contagious mood and to go their chief one or two or three better. * * * At such a malignant moment, the taxpayer of today and tomorrow—mostly tomorrow, because congenital spenders quickly exhaust Uncle Sam's immediately available resources—is as helpless and impotent as a rope of sand in a windstorm. Witness the past two sessions of the Seventy-fourth Congress, recently concluded, which so joyfully caught the Roosevelt spending habit that it upped its total appropriations to $20,000,000,000! * * * Our children will be hearing from it—in quarterly installments—for two generations to come.

But suppose the long-suffering taxpayer revolts? Such a thing as a tax strike, translated into ballots, is not unknown. There is always a last straw. Suppose this President, who is eminently psychic in his popular reactions, should suddenly decide to quit his supper-club tempo of spending, and to take his 1932 economy pledges out of moth balls. Or suppose another President were to seek seriously to balance the Budget. Either of them would still have Congress on his hands—a Congress which has been easily taught some very bad spending habits. He would still confront these omnibus appropriation bills in which millions of dollars in doubtful items hitch-hike upon these regular, annual, essential supply bills. What can he do about it? Precious little without the power of a discriminating item veto. As a result, he cannot exercise wholly effective responsibility. As a further result, he can, in the language of the street, pass the buck for his failure to exercise effective responsibility. Meanwhile, the people pay the freight.

Let's look at this problem as realists. Let's see what actually happens.

MOTHER HUBBARD LEGISLATION

The modern congressional appropriation bill is a cross between a mammoth catch-all, a grab bag, a jig-saw puzzle, and an omelet. Like an ancient Mother Hubbard, it inevitably covers everything. There were 12 of these typical major bills in the past expensive session of Congress, and the President in each instance was necessarily confined to one "yes" or "no" decision when he confronted it upon his Executive responsibility. In each instance he had to make an omnibus decision—an unavoidable impotence which would be galling beyond words to a sincere and discriminating economist. A quick survey of these bills presents the complete and unanswerable challenge. Incidentally, it snapshots the taxpayers' dilemma.

The bill H. R. 12098, approved May 15, 1936, carried a total of $116,452,195 for the State, Justice, Commerce, and Labor Departments. It contains about 25,000 words and includes four separate titles and 66 separate and distinct headings. It covers everything from the running expenses of the Supreme Court to State grants for maternal and child-health services; from the salary of the Minister to Liberia to the cost of an inquiry into food fishes; from the cash for making astronomic observations in Alaska to the expense of transporting the remains of deceased penal inmates to their homes; from armored motorcars for G-men to flood control in the lower Rio Grande. The President takes all or none. It became, in reality, the lengthened shadow of the good old pork-barrel technique. Congress long since learned that if you put a little something for each of 435 congressional districts in one appropriation basket, pretty nearly everybody will help carry the basket. Human nature is the same in as out of Congress. Without the item veto, the President confronts the same proposition when the basket is left on the White House porch. Indispensables mingle with dispensables. He must smile on everything, bad as well as good, or he must frown on everything, good as well as bad. Inevitably he smiles. Indeed, some White House smiles are notorious. But the taxpayer rarely musters even a sickly grin.

The bill H. R. 11418, approved June 4, 1936, carried a total of $173,565,606 for the Department of Agriculture and the Farm Credit Administration. It contains about 21,000 words and includes 2 titles and 41 separate and distinct headings. It covers everything from salaries for Henry Wallace and Rexford Guy Tugwell, top commissars in the new order, to the cash for safeguarding the sale of caustic poisons—which, I suppose, from some viewpoints may be analogous—from funds to pay for interpreting crop and livestock estimates to funds for controlling Japanese beetles, Mexican fruitflies, European corn borers, citrus cankers, gypsy moths, blister rust, and pink bollworms; from appropriations to map the life zones of insects to appropriations to map the weather; from the cost of motion pictures for farmers to the cost of a laboratory to test road materials; from soil-erosion bounties to fighting forest fires. The President takes all or none. If he happens to love spending—and some do—he won't care. But if he happens to love taxpayers, it is just too bad. President Roosevelt has vetoed 221 bills since taking office, including 1 real and 1 synthetic bonus veto—a record surpassed only by President Cleveland. But he has not vetoed a single general appropriation bill.

The bill H. R. 11581, approved June 23, 1936, carries a total of $43,523,910 for the District of Columbia, which is the point at which Senators and Representatives act as aldermen for the Capital City. It contains about 18,000 words and includes 94 separate and distinct headings. It covers everything from a lying-in asylum to the municipal morgue—in other words, from the cradle to the grave; everything from Anacostia to the Zoo. The President signs all or none. He has no more discretion than the victim of a footpad.

The bill H. R. 10630, approved June 22, 1936, carried a total of $114,579,357.05 for Secretary Ickes and his Interior Department. It contains about 26,000 words and includes 42 separate and distinct headings. But this does not tell the half of it, because some of the headings are as fatefully inclusive as a dictionary. Reclamation, for example, sprinkles money across a multitude of big and little projects, good, bad, and indifferent, which are born perhaps of merit, perhaps of politics, perhaps of congressional logrolling, perhaps of the urge to put Uncle Sam in the power business, perhaps of the exploded pump-priming theory of spending ourselves into prosperity. Irrigation and drainage are somewhat similarly ubiquitous and prodigal—at a time, by the way, when we are spending other millions to take other lands out of cultivation and out of competition.

The bill covers everything from Howard University to the Hawaiian National Park, from an insane institution in Alaska to an agricultural experiment station in the Virgin Islands, from Indians to war minerals relief—whatever that may be. The President signs all or none. He carries all hitchhikers with him or he leaves the car in the garage. If he likes hitchhikers—of voting age—he won't care. If he likes a balanced Budget he will be a sadder but wiser man.

ALL OR NOTHING

The bill H. R. 12527, approved June 3, 1936, carries a total of $526,546,532 for the Navy, in the sixth year of the Kellogg Peace Pact, which is purely parenthetical. It contains about 13,000 words and includes 36 separate and distinct headings, although there is greater homogeneity in this fraternity of battle than elsewhere. But it really decides, by the use of the congressional tax power, the whole problem of naval defense—whether we shall build more capital ships, whether we shall look, rather, to the air, whether we shall have a treaty navy, what training stations we shall operate, whether we shall nationalize our ship-construction program. The President takes all of the bill or none of it; and he is scarcely a free agent, because, if he vetoes all, an obdurate Congress may leave him with no navy at all. That is the final vice of the system. Some of these appropriations are vital to the maintenance of government itself. It is easy to say that a President can toss this responsibility back to Congress with a general veto. But the fact remains that the President finally is the responsible administrator for these essential executive departments. He might take a spectacular chance with a general veto. But he ought to be able to do a specific job with an item veto. He should not face Hobson's choice.

The bill H. R. 11035, approved May 15, 1936, carries a total of $572,446,844 for the Army, also in the sixth year of the Kellogg Peace Pact, but of this sum $189,341,985 is for nonmilitary purposes. It is another Gargantuan bill containing about 17,000 expensive words and including 53 separate and distinct headings. Like the Navy bill, its appropriations are essentially policy-making decisions—whether we shall enlarge the standing Army, as is the present case, whether we shall continue citizens' military training camps, what we shall do with the Reserve Officers' Training Corps, how we shall treat the National Guard. But it is the nonmilitary end of the bill which can most easily affront economy, because it is here that we get the river and harbor projects and the flood-control projects; and it is here that Members of Congress since time immemorial have had their field day. It is here, for example, that the Quoddy tidal power dream and the Florida Canal fiasco would have again found nourishment if Congress, in a distinct reversal of usual form, had not set its face against them.

Under these latter circumstances it may be something of a nature fake at the moment to plead for a more effective Executive veto when it is the Executive who spends and the Congress which saves. The present Executive is, of course, the greatest spender of all time. But exceptions do not disprove the rule. The rule stands. The President should not be required to take all or nothing—to risk the possibility of no Army whatever in return for a little courage in stopping some fake scheme to make a seaport out of inland Podunk.

The bill H. R. 9863, approved March 19, 1936, carries a total of $2,889,751,905 for the executive offices and sundry sprawling independent executive bureaus, boards, and commissions. It is in comparatively short form, because it contains only 9,000 words; but it is distinctly "long form" in its enormous total, and it covers 31 separate and distinct headings, and each one is rich in its bureaucratic potentialities and expenditures. Here the President gets his $75,000 salary, his $125,982 office staff, his $50,350 contingent fund, his $25,000 for traveling expenses, and his $143,098 for the Executive Mansion and grounds. But here also hungrily foregather the American Battle Monuments Commission, the Board of Tax Appeals, the Central Statistical Board, the Civil Service Commission—which, believe it or not, still lives—the Employees' Compensation Commission, the Communications Commission, the Power Commission, the Trade Commission, the General Accounting Office, the Interstate Commerce Commission, the Labor Relations Board, the Mediation Board, the Securities and Exchange Commission, the Tariff Commission, the Veterans' Administration, and others. Of course, the Veterans' Administration gets the lion's share, thanks to $421,920,000 for pensions and allowances, and to $1,730,000,000 for prepayment of the soldiers' bonus. Incidentally, it is sometimes amusing to note how the big and little things rendezvous together in these crazy-quilt affairs. Thus we read:

"Total, Veterans' Administration, $2,323,727,000: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes."

But this shows the delightfully helter-skelter fashion in which the legislative machinery grinds out its appropriation product.

The President takes all of it or leaves it all. He doesn't get his own pay unless he approves the pay for all the rest. It is "all for one and one for all," and Mr. John Q. Public pays the freight.

The bill H. R. 11691, approved April 17, 1936, carries a total of $23,314,428 for the National Legislature. It is relatively just a little one—again about 9,000 words. But it includes the Government Printing Office, the Library of Congress, the Botanic Garden, the Architect of the Capitol, and the Capitol Police; and it includes the "investigations" which the House and Senate persistently and perennially pursue. Again the President signs all or none.

The bill H. R. 10919, approved June 23, 1936, carries a total of $992,524,892 for the Treasury and Post Office Departments, the Farley end of it being about 75 percent. Now we are back among respectable figures again. The bill contains about 15,000 words and includes 32 separate and distinct headings. It includes everything from a really modest sum of only $2,000,000 for public-debt service—distinctly modest, considering the unprecedented activity in recent enlargements in the need for this service—to $48,000,000 for Mr. Farley's political postmasters; from public health to coast guard; from narcotics to alcohol; from income-tax gatherers to customs collectors; from the mint to air mail; from the Bureau of Engraving and Printing—where they make Mr. Farley's notorious special stamps and Mr. Morgenthau's widely circulated I O U's—to the R. F. D. All and sundry gather under the protecting tent of this one hospitable bill. The President takes it or leaves it as a whole. He has some chance to exercise discriminating control, through the Bureau of the Budget, when the original estimates are sent to Congress. He has none when they make their return trip from Congress to the White House. The latter is a one-way journey.

There yet remains the greatest catch-alls—the deficiency bills, so-called. The Government specializes in deficiencies, particularly in the present heyday of the great pay-off. Deficiencies have no terrors for spendthrifts. After everything conceivable has been detailed in the general and regular supply bills there always lingers an ultimate residue which neither the Executive appetite nor the congressional imagination could foresee. Sometimes real emergencies are precipitously involved. Sometimes it is to refinance profligate Federal spenders who never tried or, in any event, ultimately failed to cut their garment to their cloth. Sometimes it is just a happy afterthought, some new excuse to bash in a corner of the Treasury. But it always is hash—real hash—a mixture of left-overs. We had this particular hash three times during the past fiscal year. The whole system of appropriations, as a matter of fact, is a hash system.

REDUCING MADE DIFFICULT

H. R. 8554, approved August 12, 1935, covered 20,000 words and 91 separate and distinct headings and cost $272,901,516.60. H. R. 10464, approved February 11, 1936, covered 15,000 words and 50 separate and distinct headings and cost $368,232,062.64. H. R. 12624, approved June 22, 1936, covered 30,000 words—the grandaddy of them all—and 113 separate and distinct headings and cost $2,375,281,000. The latter bill also covered social security, relief, and work relief. Some hash! The President eats it all just as served up to him from Capitol Hill, or he eats none. Inevitably he must eat it all. In the recent Congress, the President has had such complete control of his legislative "rubber stamp" that most of this menu was chartered at the White House before Congress ever got the chance to register its complacent approval. But some day some President may want to diet. He ought to be allowed a reducing menu if he wants it. At least, the innovation should not be too difficult.

Of course, this inventory merely skims the surface of the problem. Wrapped within the 218,000 words which Congress used up in spending some $10,000,000,000 of other people's money during the fiscal year ending last June 30 were literally countless other items dealing with Uncle Sam's swollen pay rolls and with the ramifying alphabetical regimenters which the New Deal has spread out across a hitherto free country. For instance, it is said that there are at least 400 high-power press agents—with all their antennae—hidden within the boundaries of this golden dispensation to keep us adequately versed in the blessings of more-abundant life and adequately drugged against the burdens of more-abundant debt. Then there are innumerable ingenuous re-appropriations and re-reappropriations of previously unexpended balances which fatten the paymasters without too painful and too obvious notification to the men and women and children of today and tomorrow who must pay the bills. It is all very much of a headache for any inquisitive soul who wants really to know what is happening with the greatest cash register of all time.

I frankly doubt whether the comparatively little matter of an available item-veto power would have changed this present picture in any appreciable degree during the last three Roman-circus years. Most of the time an appropriating Congress has simply been keeping up with the Roosevelts. But a long-range view of the problem is something else. An abstract and impersonal analysis must promptly confess that without the power of item veto, any President, no matter how thrifty, is relatively powerless, in the final analysis, to cope with the appropriations tide.

A LEGISLATIVE BRAKE

It may be said that the President need not subsequently spend an appropriation, after legislation is completed, unless he wants to. But that begs the question. This is a government of laws, not of men—or ought to be. It is not a personal government, or shouldn't be, in which the President does what he pleases in spite of law. The protection of a democracy must rest in the law itself. Anything else is dictatorship, and dictatorship, no matter how nobly meditated or how temporarily advantageous, is not American.

Someone may say, however, that the item veto trends toward this precise aggrandizement of Executive authority. I deny it. The item veto does not give the President one single additional affirmative power. He cannot start anything as a result. He can only stop something long enough to focus the attention of the country on it, and long enough to force two-thirds of the House and Senate to agree to it in spite of him and his reasons, if they should persist in their adverse judgments. Its only harm, if any, would lie in the temporary delay while Congress and the country stop, look, and listen. I have never known any lives to be lost by obedience to this familiar injunction. There will be no governmental casualties under similar circumstances. On the other hand, a President who actually wants to economize—not merely in his

election platform but also in his subsequent Washington performance—will at least be able, through the medium of the item veto, to put wastrel responsibilities where they belong.

Upon this question of enlarged Executive power, it is interesting and illuminating to note the observations of the Chamber of Commerce of the United States in 1916:

"It is the intent of the Constitution that the President shall be free to give his independent judgment upon the merits of bills. Such judgment cannot now in all cases be exercised. To give him the right to do so can hardly be styled an enlargement of his powers. It would but give him the right to apply in a businesslike manner the power which he already possesses. One can hardly assume that the Constitution makers foresaw the practice of rivers."

Congress, of course, can restrict its own spending proclivities with rules which squint in the direction of protecting appropriation bills—precisely as the Senate, for example, already has certain rules which flirt with this objective. But it is coming more and more to be the fact that these protective rules are conveniently suspended whenever they collide with some infatuated purpose outside the rules. Congress could, by law, confine itself within the boundaries of the Executive Budget. But this would give the Executive too much and too conclusive power. Furthermore, no Congress can bind its successor. The only practical answer seems to be the item veto in the hands of a courageous President. Its mere existence will be even more salutary than its actual use. It will become a Treasury watchdog available to any administration which has any interest in having a Treasury watchdog around the Capitol premises.

The proposed constitutional amendment is a very simple thing. It is contained in Senate Joint Resolution 281, which I introduced on June 3, 1936, and which I shall reintroduce in the approaching Seventy-fifth Congress. It reads as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'SECTION 1. The President shall have power to disapprove any item or items of any general appropriation bill which shall have passed the House of Representatives and the Senate and have been presented to him for his approval, in the same manner and subject to the same limitations as he may, under section 7 of article I of this Constitution, disapprove as a whole any bill which shall have been presented to him.

"'SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress.'"

President Arthur said it all half a century ago:

"As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves. Thus as the bill becomes more objectionable it secures more support. The Constitution should be so amended as to give the President power to veto separate items of appropriation bills."

President Arthur said it all; but he did not remotely contemplate the magnified necessities which have overtaken his country in these respects in the present blighting era of the great play-off.

Mr. BORAH. Mr. President, I desire to ask the Senator a question.

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. BORAH. I take it from the Senator's remarks that it is conceded that a constitutional amendment is necessary to effectuate this objective.

Mr. VANDENBERG. The President's message indicates that he has not concluded in his own mind whether or not it is essential. So far as my own study is concerned, my answer to the Senator is that it is absolutely essential.

Mr. ASHURST. Mr. President, the able Senator from Michigan [Mr. VANDENBERG] spoke correctly when he said that on January 6, 1937, he introduced a Senate joint resolution proposing a constitutional amendment having for its purpose the authorization of what is briefly known as the item veto. Within 7 days thereafter, your humble servant, as chairman of the Senate Committee on the Judiciary, named the following subcommittee to consider the proposed amendment to the Constitution: Messrs. DIETERICH (chairman), MCGILL, HUGHES, AUSTIN, and STEIWER.

I seize this opportunity to request that subcommittee to convene at an early date and make a report to the main committee on the joint resolution.

I have never vexed the ears of the Senate respecting "Budget balancing," because all of us are sent here to get all we can and thus unbalance the Budget. Our constituents demand that we "unbalance" the Budget by securing appropriations. Only if and when Senator A or Senator X rises and says, "Mr. President, as to that particular appropriation for my State, I am opposed thereto," will we balance the Budget. If only, and when, the Senators from the State affected rise and object to appropriations for their State shall we have a balanced Budget.

But, Mr. President, fantastic as that may seem, it is going to happen. I agree with the Senator from Michigan that the item veto would assist in balancing the Budget, reducing expenditures, and eliminating unjust, unfair, and oppressive items of appropriations that are enacted into law.

It requires more temerity than I can pump up today to disagree with the able Senator from Idaho [Mr. BORAH] on a question of constitutional law, but it is due to myself to say that I believe the Executive possesses such power as that proposed to be conferred upon him. I may be one in a million who believes this, but after a study of years I am of the opinion that the Executive has that power. Nevertheless, I highly commend the President for refusing to attempt to exercise this power, the existence of which is so doubtful, and existence of which power 99 percent of the lawyers of the country would deny. I commend the President for refusing to exercise a power which treads upon such ground when it is so doubtful whether or not he has such power. I suggest a constitutional amendment to confer such power beyond any question.

Mr. VANDENBERG. Mr. President——

Mr. ASHURST. I yield to the Senator from Michigan.

Mr. VANDENBERG. It would be very inappropriate for me, as a layman, to discuss the constitutional question which the Senator submits.

Mr. ASHURST. The Senator from Michigan is a student of the Constitution.

Mr. VANDENBERG. I thank the Senator; but before this proposed constitutional amendment was suggested I sought the best legal advice available in this country, I think, with the exception of the Senator from Arizona.

Mr. ASHURST. Quite so.

Mr. VANDENBERG. There was an almost unanimous agreement that a constitutional amendment is required; and this conclusion is borne out by the legislative record since 1875, sustained in turn by a study made by the legislative counsel of the present Senate.

Mr. ASHURST. The Senator has spoken correctly. If we should submit the question to lawyers, I doubt if we should find in America 500 who would sustain my view; and, of course, I may be wrong. I have discovered, Mr. President, that I have been wrong on some occasions. In other words, I am a rare bird in that I do not know it all. I cling to my ground, but I shall not tire the Senate now or in the future with my reasons for thinking the President possesses such power. Suffice it to say that no President, so far as I know, has ever attempted to exercise such power; and I repeat that I commend President Roosevelt for his refusal to exercise this power, the existence of which is so doubtful.

Mr. BORAH. Mr. President——

Mr. ASHURST. I yield to the Senator from Idaho.

Mr. BORAH. Simply for my own information, I desire to ask the Senator upon what particular constitutional provision he bases his theory.

Mr. ASHURST. The President has power to veto an appropriation bill. If he has the power to veto such a bill, he has the power to veto a part thereof—the whole is greater than any part. If a man in the exercise of power can lift a hundred pounds, he can lift 20 pounds. I know that lawyers generally will think that is specious; but I believe it to be sound, and I had hoped to see the time when some President would test the question; but in the present excited condition of the country I think it would be well to submit the matter by constitutional amendment. Whenever in any case there

is doubt as to whether an official—be he executive, legislative, or judicial—possesses a certain power, the proper way to deal with the matter is to seek that power through a constitutional amendment.

Mr. BORAH. I agree with the concluding remarks of the Senator.

Mr. ASHURST subsequently said: Mr. President, resuming the discussion of the item veto, I am moved to make a further observation. If the country knew of the many million dollars President Franklin D. Roosevelt has saved to the taxpayers by vetoing bills passed by Congress proposing to pay stale claims, claims of doubtful merit, dubious claims, and many claims with respect to which the parties involved have had their day in court, the taxpayers would be inclined to thank Franklin D. Roosevelt. I recall one stale or dubious claim passed by Congress that was vetoed by the President, which had possibilities of expenditure of $90,000,000, which sum of money was saved to the people by the Roosevelt veto. President Roosevelt has vetoed more bills than has any other President, with the possible exception of President Grover Cleveland.

Mr. KING. I believe President Roosevelt's vetoes have exceeded President Cleveland's.

Mr. ASHURST. The able Senator from Utah [Mr. KING], upon whose accuracy I long ago learned to rely, suggests that President Roosevelt has vetoed even more bills than did President Cleveland. However, it will be remembered that President Cleveland's vetoes were largely of small items of individual pension appropriations. I do not say that in derogation of any veto. I am saying that those Senators and other public officials who cry out against excessive public expenditures ought to remember with gratitude the hundreds of millions of dollars President Roosevelt has saved to the people by vetoing stale, doubtful, dubious claims.

On last Monday the President vetoed one claim bill calling for an appropriation of $7,000,000. I do not characterize it as a stale, doubtful, or dubious claim. But the veto of Monday last was of a claim's bill concerning which the parties had had their day in court.

We hear the fulminations of those who think taxes are heavy; and they are heavy; they ought to be changed, and they will be changed, I hope; but let us be fair enough—and I know that Senators are—to remember that it is Franklin D. Roosevelt in the White House who has saved millions of dollars which would otherwise have been paid out in stale, doubtful, and dubious claims. Let us pay honor and tribute to whom they may be due.

With the exception of the soldiers' bonus and one or two other bills no one has attempted resuscitating or passing over the President's veto any other vetoed claims bills, which is a token that such claims are doubtful, stale, and dubious. So when Congress stops passing bills of such character, stops reviving old claims, we shall receive a part of the thanks we ought to give to the President for trying to save the people's money.

Mr. KING. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. KING. I wish the Senator were absolutely correct in respect to his last observation. There is a doubtful and, some contend, dubious claim calling for about fifteen or twenty million dollars which the President vetoed, and which passed the House, and has been reported favorably by the Committee on Claims, and is now on the calendar. I held it up at the last session, and I hope to hold it up again. The President gave a very sound reason for vetoing it; and I hope that the Senate, if the bill shall come to a vote, will sustain the President.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. COPELAND. Does the Senator from Arizona have in mind the claim dealt with in the last veto message of the President?

Mr. ASHURST. I stated that I did not characterize that claim as dubious, doubtful, or stale, but did say it was a claim concerning which the parties had had their day in court.

Mr. COPELAND. Someone reminded me that I introduced the bill covering this claim.

Mr. ASHURST. I should be inclined to vote for it if the Senator did.

Mr. COPELAND. I did it at the instance of a former Member of this body. I had no personal interest in it; but I wish to say for myself that if an American citizen considers himself aggrieved and that he has suffered a great loss by reason of what he feels to be some unjust action of officials of the Government, it seems to me that such a matter may properly be considered by the Senate to see whether or not that man may not have his day in court.

Regarding this particular veto, I observe that the President said the claimant had had his day in court. I think that is what the Senator had in mind; but the statement that satisfies me with the veto is the last paragraph of the veto message.

Mr. ASHURST. Will the Senator read it?

Mr. COPELAND. In which the President said:

> Moreover, pursuant to the terms of a Senate resolution adopted several years ago, the Court of Claims has been investigating the claim and will in due course render to the Senate a report on all the pertinent facts. Whether as a matter of grace any further consideration should be given to this claim is a question that may well be deferred until that time.

I am in the fullest accord with that statement of the President, but I could not fail to say that, in my judgment, there are many just claims pending against the United States, in furtherance of which the claimants have a right to present their contention in court, and have a right to establish their grievance, if there is actually a grievance. It was that which I wanted to say; and I am sure the Senator has in mind that to a just claim it is proper for the Senate to give consideration and, if it so decides, to permit the claim to go to the court for consideration.

Mr. ASHURST. Mr. President, the Senator from New York [Mr. COPELAND] has spoken well, and I should be unhappy if anything I have said would lead him or any other person to believe that I was stigmatizing this particular claim.

Mr. COPELAND. No, Mr. President; I did not think the Senator was stigmatizing that particular claim.

Mr. ASHURST. I may have voted for the bill. However, what I want to say is that I agree with the general scope of the speech of the able Senator from New York. Indeed, it was President Lincoln, who, in the midst of the Civil War, when the thunder of the guns was heard almost here at the Capitol, called attention to the need of a Court of Claims, or an additional membership in the Court of Claims, in order, as President Lincoln said, that citizens should have their claims considered, and he went on to say that it is just as right and fair and proper that the citizens' claims should be considered by some tribunal as it is that the Government should have its claims considered. That was not his language, but nearly so.

My point is that when persons have had their day in court, when there has been a judicial determination of a matter—and I have absolute confidence in our courts—then I commend the President for vetoing such claims bills.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. COPELAND. The Senator is so just and fair that I would not think for a moment of questioning his statement, but the particular claim to which reference is made was not tried in the Court of Claims. It was tried in a State court, and the claimant felt that if it had been tried in the Federal court, in the Court of Claims, the matter might have been cleared up there.

Having said that, I will add that in general I agree with what the Senator from Arizona has said.

Mr. ASHURST. Mr. President, lest at some future time when I argue for the payment of a claim, someone may seek to arraign me against myself, I will say that I now have in mind claims which ought to be paid. There is no reason for not urging the payment of the claim of the State of California which the Senate Committee on the Judiciary has five times recommended, namely, the reimbursement of the State of California of $6,000,000 in cash which she paid out of her treasury for the United States from 1861 to 1865, all the other States with similar claims having been paid.

I conclude by saying that in my judgment the President has exercised honest, fair, and courageous discrimination in vetoing these stale, doubtful, and dubious claims.

STATISTICS OF AMERICAN NATIONALS, ARMED FORCES, AND INVESTMENTS IN CHINA

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read Senate Resolution 210, submitted by Mr. STEIWER on December 20, 1937, as follows:

Resolved, That the Secretary of State is requested to transmit to the Senate at the earliest practicable time the following information, based upon the latest available statistics: (1) The approximate number of American nationals residing in the Republic of China; (2) the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed in said Republic; and (3) the approximate amount of American capital invested in said Republic and the names and addresses of the principal investors.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BARKLEY. Mr. President, I do not know just what is the object of the resolution. I have talked with the Senator from Oregon about it. The information which the resolution seeks can be obtained by a letter addressed to the Secretary of State, or by personal conference with him. Just what is the object in having the Senate call on the Secretary of State for information of this sort is a matter about which I am a little in the dark.

I am advised that the Senator from Oregon has not sought the information requested by the resolution in his capacity as a Senator, either in person or by letter. The Secretary of State does not object to furnishing the information; and I do not quite understand why it is necessary to adopt a resolution in order to obtain it when it is obtainable by any Senator who will go to the trouble to address a letter to the Secretary of State.

Mr. STEIWER. Mr. President, if the Senator will permit me to do so, I should like to state, just in a word or two, the purpose of the resolution. It requests the Secretary of State to transmit to the Senate certain information relating to the approximate number of American nationals residing in the Republic of China, the approximate number of officers and enlisted personnel of the Army, Navy, and Marine Corps stationed in China, and the approximate amount of American capital invested in the Chinese Republic.

I think all of that information is available to the Secretary of State, and could be readily furnished to the Senate upon request. I now come to the question raised by the Senator from Kentucky.

The reason for seeking the information by resolution instead of by some other means is to obtain an official statement which may be spread upon our records here, and which we may know comes from our own Secretary of State. There are numerous estimates in the public mind as to our investment in China. I have no means of knowing which figure is correct. I should not want to address the Senate on the basis of unofficial figures of which I could not be sure; and it seems to me it would be more satisfactory to all of us to have the information come officially from the department of our Government which is best advised in the premises.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. STEIWER. Certainly.

Mr. BARKLEY. The Senator intimates that he is going to address the Senate on the subject—and therefore the country through the channel of the Senate—when he receives the official information.

Mr. STEIWER. No, Mr. President.

Mr. BARKLEY. If and when the Senator delivers his address or makes any comment at all on the information which he seeks from the Secretary of State, is he going to take the position that the obligation of the Government of the United States toward its nationals in China depends upon their number, and not upon their situation with respect to their condition in China?

Mr. STEIWER. No; and possibly I did not speak accurately when I referred to addressing the Senate. I am of the impression that if the resolution can be agreed to and the information furnished, I shall have no further comment to make. If we cannot get the information officially, then indeed I may feel it my duty to make some comment in the premises.

I wish to assure my friend from Kentucky that my purpose in this matter is not mischievous but is to create an official record of some of the items which relate to our stake in China. If the Secretary can furnish us the information, I shall be perfectly content to let the record speak for itself. I only hope to take one step in the direction of peace. I am not suggesting the evacuation of our troops or of our nationals. I am suggesting nothing at all; but I think America would be served, and the cause of peace would be served, if the Senate would permit an official record to be made which would show that, after all, the stake which we have in China is not so great as some people have assumed. I know that such a course is in the interest of peace; and I hope the Senator from Kentucky will not object to the adoption of the resolution, because I feel certain that such action will render a service to our country.

Mr. BARKLEY. Mr. President, I shall not object to the consideration of the resolution, but in withholding my objection I wish to make it clear, as I tried to a while ago, that a communication from the Secretary of State to the Senator from Oregon on the subject would be just as official, just as accurate, and just as correct, as a communication to the Senate of the United States in response to the resolution. I wish to state also, following the suggestion of the Senator that he is anxious to know what our stake is in China, that that might have some bearing upon our obligation in respect to financial investments, although, as I said a moment ago, we owe the same duty to a single American anywhere in the world that we owe to a hundred or a thousand or half a million. The number of our nationals in China, of course, is not known to me, although I suppose there are several thousand there. If we owe any obligation to any of them we owe the same obligation to them all, and we owe the same obligation to any one of them that we might owe to all of them. So that while it might be true that the size of our financial stake in China would be worthy of consideration in determining what action we should take in regard to this matter, there is a human stake which I do not think rests upon the same basis as that upon which a financial stake would rest purely and simply as a financial stake, though I am not now attempting to pass upon the size or merits of our financial stake.

I shall not object to the adoption of the resolution, so far as I am concerned, but I think it is unfortunate that the Senator has presented it at this particular time, when our relationships in regard to the oriental situation are delicate, when they are being handled, as I think, most admirably and efficiently by the State Department and by the President, and when the action taken by the President in dealing with the situation it seems to me meets with the almost overwhelming approval of the American people.

I think it is unfortunate to inject here a suggestion, as this resolution undoubtedly does, that our course in the Orient is to be determined by the number of Americans who are carrying on their legitimate business or exercising their

legitimate rights under treaties which have existed between this country and China and other countries in the Orient for generations. In withholding any objection to the passage of this resolution, I desire it understood that I do not concede that the information, when received, will or should have a paramount effect upon the policy of our Government in dealing with the situation now existing in the Orient.

Mr. STEIWER. Mr. President, I do not care to differ with the Senator from Kentucky with respect to the philosophy which has just been expressed in the comment he has made. There may be something to the general position which he takes, and I am grateful to him that he is not objecting to the adoption of the resolution at this time.

Let me say again that my only purpose is to make a record, which I think will serve the welfare of this Republic and, if there is anything in the idea, it will be better served by an official record presented to the Senate of the United States by the Secretary of State than by a mere letter written by that official to the junior Senator from Oregon. Therefore, I should prefer, and I hope the Senator will indulge me in this, that we obtain the information in this way rather than in some other way.

Mr. KING. Mr. President, will the Senator yield?

Mr. STEIWER. I yield.

Mr. KING. If I understand the terms of the resolution, it calls for information as to the number of American citizens who are now in China. The Senator will recall that many of the large number of American citizens who were in China at the outbreak of hostilities, when the Japanese Government first violated treaties with China and invaded Chinese territory, have returned to the United States or are now en route to the United States. I suggest that the Senator amend his resolution so as to ask for the number who were in China at the time of the invasion of the Shanghai sector, and the number there now. I should like to know the number who have been driven out or who have been compelled to flee.

Mr. STEIWER. I have no objection to that suggestion, but before the amendment is made, let me call the attention of the Senator to the fact that the request is for the approximate number of American nationals residing in the Republic of China. Therefore, I think it means those having residence there, and that it would not be reduced by the number evacuated in recent months. Possibly that will answer the Senator's suggestion.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. STEIWER. I yield.

Mr. BORAH. I take it that the resolution is not to be construed as indicative of a purpose on the part of the Senator or anyone else to have the United States withdraw from China?

Mr. STEIWER. No, Mr. President. I merely seek light in this matter, and I do not want the resolution to imply any governmental purpose. I hope it is not so construed.

Mr. BORAH. I have no objection to the resolution insofar as it seeks to obtain information; but in voting for it or not voting, I should not want to be understood as entertaining the view that if the stake there is small we should get out. Whether it is small or large, I think we should stay there. If there ever was a time when we could have properly done otherwise, it is too late now.

Mr. STEIWER. I think the resolution does not imply any governmental purpose for the future.

Mr. BARKLEY. Mr. President, the second request made by the Senator calls for "the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed" in the Chinese Republic. I do not know whether or not that is a military secret. I do not know whether it is desirable that it should be made public. At least, there ought to be some saving clause which would permit the Secretary of State to exercise discretion as to whether he should make such information public. The usual form of resolution is that the information is to be furnished "if not inconsistent with the public interest." I do not find that language in the resolution.

Mr. STEIWER. I think the Senator's criticism is a very good one; and in respect to the second request, for "the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps," I ask unanimous consent that, after the numeral "2" in parenthesis, there be inserted the words "if not inconsistent with the public interest."

The PRESIDING OFFICER. The Senator modifies his resolution.

Mr. KING. Mr. President, will the Senator yield?

Mr. STEIWER. I yield the floor, since I believe I have said all I care to say, unless the Senator desires to propound a question.

Mr. KING. I was wondering whether there would not be some uncertainty upon the part of the Secretary of State in determining the meaning of the word "residing." Of course, it has a legal meaning, accepted by the courts; but we know that there are many Americans who are in China on business, who are residing there temporarily, who have been there for a few months or for a few years. They do not claim residence there. I know a large number, whom I met when I was in Shanghai and various other parts of China a year and a half ago. Some had been there a year, some several years, some a few months. Some were there for an uncertain period, clerks or business representatives. I was wondering just how the Secretary is to construe the word "residing" and what the Senator has in view in asking for information as to our nationals residing in China.

Mr. STEIWER. Perhaps the word "residing" is a little too restricted. The resolution was prepared by the legislative counsel of the Senate, and my attention had not been called to that particular word.

Mr. KING. I think the Secretary of State will find some difficulty, if the Senator will pardon me for suggesting it, in interpreting that word, because, repeating what I said a moment ago, there are a large number of Americans who have been in China for limited periods of time. Their stay there is very uncertain, depending upon the character of their business, upon the conditions existing there, and so on. So that if I were called upon, in view of my knowledge of the situation there, I would have difficulty in determining just what is meant by the word "residing."

Mr. STEIWER. Does the Senator from Utah suggest any amendment with respect to that?

Mr. KING. I am willing to let it go, and let the Secretary guess at it as best he can.

Mr. LEWIS. Mr. President, let me invite the attention of the Senator to the fact that on the face of the resolution the Secretary of State, who does not have charge of the War Department, is called upon to state "the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed" in the Republic of China. It must be evident to the able Senator that many Americans are there now who are not there as residents, who have been sent in as additional forces for the protection of Americans there. Therefore, that particular portion of the able Senator's resolution, it seems to me, must be addressed to those who have the knowledge of what we recognize as the permanent force, or those who are there as permanent protection, and the others who have been sent in to aid in that protection in the unfortunate controversy and situation of which we are now cognizant.

In my opinion, the resolution ought to go to a committee for investigation and an understanding. If the theory is to ascertain the number with a view of having them withdrawn, I wish to say for myself, before I vote on the resolution, that I have for days stood before this honorable body demanding that we withdraw our forces from China. I have continued to do that. I pointed out the reasons. I read the authorities, and particularly the report of General Hagood, formerly

of the Army, who was sent to China. I announced that if those forces were allowed to remain, some conflict might arise, something might happen, which, before we knew of it, would precipitate us into some difficulty, and we would be fortunate if we avoided conflict. Now that the conflict has come, there is but one position for America; she must remain in the discharge of her duty and the protection of that which our Government feels it is necessary to have regard for, and an attempt to step out now under some form of assault would be a species of treachery, treason, and cowardice which, under the circumstances, no American can approve.

For these reasons I call attention to the features of the resolution touching the Army and the Navy, information as to which could hardly come from the Secretary of State, unless our able friend from Oregon wishes to add that the Secretary shall ascertain the facts from the proper sources and report.

Mr. STEIWER. Mr. President, of course the information is in the possession of the military establishments of our Government; but the Senator from Kentucky talked with the Secretary of State about this matter, and advised that that officer had no objection to the resolution. I assumed, therefore, that he was in a position to furnish the information. I did not doubt that he would have the information and could furnish it to the Senate. If he cannot, of course, if he will so advise the Senate that would end that part of the request. But let me remind the distinguished Senator from Illinois that some part of our military force is kept in China, and is kept there under treaty, with which, of course, the Secretary has the fullest familiarity, and concerning that force he can advise this body.

Mr. LEWIS. My able friend refers to a treaty which grew out of the Boxer Rebellion, when we agreed to maintain a certain number of troops in China, the object at that time being to secure the release and to assure the escape of those Americans who might be there, through the port of Tientsin, on the water, which is a point from which they could be sent. But since those days aerial navigation has been developed, and the necessity of keeping those particular soldiers there for the purpose of aiding Americans to escape in case of another rebellion would not arise.

I agree with the Senator that a treaty touching the question does exist, but I call attention to the fact that it has no application.

I have stated my views on the resolution. I regard it as inapplicable since it cannot be complied with by the Secretary of State because of lack of jurisdiction; but I have no personal objection to it.

Mr. KING. Mr. President, I wish to suggest an amendment, and ask the Senator from Oregon if he will agree to it. I do not desire to interfere with prompt action on the resolution. I suggest that in the second subdivision of the resolution it call for a report as to "the approximate number of American nationals residing in the Republic of China on or about the blank day of blank, 1936, the number temporarily in China on said date, and the number now residing therein."

Mr. STEIWER. Mr. President, I have no objection to the suggestion, and am perfectly willing to accept it as a part of the resolution, with the understanding that the date be supplied by the clerk as of the date of the invasion.

Mr. KING. At Shanghai?

The PRESIDING OFFICER. To make matters clear, the clerk will state the amendment.

The CHIEF CLERK. On line 5 of the resolution, after the name "China", it is proposed to insert "on or about August 9, 1936, the number temporarily in China on said date and the number now residing therein."

Mr. VANDENBERG. Mr. President, I wish to ask the Senator from Utah [Mr. KING] a question. There is a law on the statute books which requires the President to do certain things when he finds that a state of war exists somewhere in the world. Thus far he has not found that a state of war exists in China, and yet the Senator from Utah is about to propose that Congress shall assert that China has been invaded.

Mr. KING. No.

Mr. VANDENBERG. Is not the Senator getting his wires crossed with the State Department's?

Mr. KING. Mr. President, I am afraid that the Senator from Michigan, who seldom if ever gets his wires crossed, misinterpreted my remarks. I did not state that there was an invasion. I intentionally omitted stating that there was an invasion. I specifically indicated a date when the Japanese troops landed upon Chinese shores at Shanghai. I did not state that there was an invasion, but that the troops landed upon that date. I am perfectly frank to say that I had in mind the date when the Japanese landed; and that date will be furnished.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Secretary of State is requested to transmit to the Senate at the earliest practicable time the following information, based upon the latest available statistics: (1) The approximate number of American nationals residing in the Republic of China on or about August 9, 1936, the number temporarily in China on said date, and the number now residing therein; (2) if not inconsistent with the public interest, the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed in said Republic; and (3) the approximate amount of American capital invested in said Republic and the names and addresses of the principal investors.

Mr. NYE. Mr. President, the resolution which the Senate has just adopted reveals a rather direct concern in the interests of Americans in China. Some days ago my interest was aroused in the extent of American investments in China and in Japan, and I addressed an inquiry concerning that matter to the Secretary of Commerce, Mr. Roper. This morning I received a response to my inquiry. I am sure the substance of the response would interest other Members of the Senate, and I ask that it may be incorporated in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 4, 1938.

Hon. GERALD P. NYE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am glad to comply with your request of December 28 by enclosing two memoranda prepared in the Finance Division of the Bureau of Foreign and Domestic Commerce. One of these relates to foreign investments in China, and includes a reference to available data on American investments in that country. The other summarizes American direct investments in Japan, as well as holdings in this country of Japanese bonds.

In view of the fact that reference is made in one of the memoranda to statistics which appear in the Bureau's publication The Balance of International Payments of the United States in 1933, I am enclosing a copy with the thought that it may be of collateral interest to you.

Sincerely yours,

DANIEL C. ROPER,
Secretary of Commerce.

FOREIGN INVESTMENTS IN CHINA

The latest official figures of American investments abroad on a bycountry basis are those published in the Balance of International Payments of the United States in 1933, pages 53 to 62. Insofar as China is concerned, the total remains practically the same as in 1933—$132,000,000. To this total, for some purposes, may be added (1) approximately $40,000,000 of Chinese obligations that have been in default since the World War; (2) from twenty-five to thirty million dollars to cover the properties of American citizens permanently residing in China; and (3) about $40,000,000 of properties of American missionary and charitable organizations.

Our estimate—$132,000,000—differs from the figures presented in the book by C. F. Remer, Foreign Investments in China, in those three particulars. The reasons for these differences are, respectively, (1) obligations long in default were not considered as live investments, and were excluded from our estimates; (2) domicile of ownership in the United States rather than nationality

was the basis of classification in the official estimates; and (3) the official estimates were confined to properties from which a pecuniary return was expected, thereby excluding missionary properties.

Professor Remer's book, published in 1932, is very thorough, and is particularly useful because it gives comparable figures for the investments of Great Britain, Japan, Russia, and France. It also gives a geographic break-down for the foreign business investments in China.

A few of the most useful facts from Professor Remer's book are given below for your convenience:

Total foreign investments in China in 1931 (exclusive of missionary and charitable investments), $3,242,500,000.

Direct (business) investments amount to 80.2 percent of this total—Government obligations, 19.8 percent.

The total investments are divided as follows: Great Britain, 36.7 percent; Japan, 35.1 percent; Russia, 8.4 percent; United States, 6.1 percent; and France, 5.9 percent. (The Japanese and Russian totals were changed by the sale, since 1931, by the latter to the former, of the Chinese Eastern Railway in Manchuria. This investment amounted to $210,500,000.)

The principal foreign direct investments in China, in millions of United States dollars, were divided geographically as follows:

	Great Britain	Japan	Russia	United States of America	Total
Shanghai	737.4	215.0	.....	97.5	1,049.9
Manchuria	.....	550.2	261.8	.....	812.0
Rest of China (including Hong Kong)	226.0	108.9	11.4	52.7	399.0
Total	963.4	874.1	273.2	150.2	2,260.9

The industrial break-down of the totals are as follows (in millions of United States dollars):

	Great Britain	Japan	Russia	United States of America	Total
Railway and shipping	134.9	204.3	[1] 210.5	10.8	560.5
Public utilities	48.2	15.6	.....	35.2	99.0
Mining	19.3	87.5	2.1	.1	109.0
Manufacturing	173.4	165.6	12.8	20.5	372.3
Banking	115.6	73.8	.....	25.3	214.7
Real estate	202.3	73.0	32.5	8.5	316.3
Import-export	240.8	183.0	12.2	47.7	483.7
Miscellaneous	28.9	71.3	3.1	2.1	105.4
Total	963.4	874.1	273.2	150.2	2,260.9

[1] Since the publication of Professor Remer's book, the Chinese Eastern Railway was sold by Russia to Japan.

AMERICAN INVESTMENTS IN JAPAN

American direct (business) investments in Japan are estimated at about $60,000,000—close to two-thirds of this total are manufacturing investments and the other one-third is trading or distribution investments, including the assets of American petroleum companies.

Japanese dollar bonds outstanding at the end of 1936 amounted to $316,000,000. National Government issues amounted to $141,000,000, municipal issues to $37,000,000, Government-guaranteed corporate issues to $46,000,000, and private corporate issues to $92,000,000. Most of the corporate issues were the obligations of electric power and light companies. Many of these dollar bonds have been bought from American owners by Japanese investors or by the issuing corporations without being retired or canceled. Accordingly the American holdings of Japanese bonds are estimated at about 50 percent of the total outstanding, or $158,000,000.

In addition to the direct investments and the bondholdings, amounting to $218,000,000, American missionary properties in Japan are variously estimated at $10,000,000 to $15,000,000.

THE O'MAHONEY-BORAH BILL—ADDRESS BY SENATOR O'MAHONEY

[Mr. BORAH asked and obtained leave to have printed in the RECORD a radio address delivered by Senator O'MAHONEY on Monday, January 3, 1938, on the subject of the O'Mahoney-Borah bill for Federal incorporation, which appears in the Appendix.]

FEDERAL INCORPORATION—ARTICLES FROM CHRISTIAN SCIENCE MONITOR

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an editorial by H. B. Elliston on the Federal incorporation of business, published in the Christian Science Monitor of December 27, 1937, and also two of a series of articles by Gustave Simons relative to the same subject matter and published, respectively, in the Christian Science Monitor of July 28 and July 29, 1937, which appear in the Appendix.]

THE PROBLEM OF BUSINESS—ADDRESS BY GOVERNOR EARLE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. George H. Earle, Governor of Pennsylvania, on the subject A Basic Problem and a Suggested Solution, which appears in the Appendix.]

CONSIDERATION OF THE CALENDAR

The PRESIDING OFFICER. The morning business having been concluded, under the unanimous-consent agreement entered into earlier in the day, the Senate will now proceed to the call of the calendar for the consideration of unobjected bills.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	Logan	Pope
Ashurst	Ellender	Lonergan	Radcliffe
Bailey	Frazier	Lundeen	Reynolds
Bankhead	George	McAdoo	Russell
Barkley	Gibson	McCarran	Schwartz
Berry	Gillette	McGill	Schwellenbach
Borah	Glass	McKellar	Sheppard
Bulkley	Graves	McNary	Shipstead
Bulow	Guffey	Maloney	Smathers
Byrd	Harrison	Miller	Smith
Byrnes	Hatch	Minton	Steiwer
Capper	Hayden	Moore	Thomas, Utah
Caraway	Herring	Murray	Townsend
Chavez	Hitchcock	Neely	Truman
Clark	Holt	Norris	Tydings
Connally	Johnson, Colo.	Nye	Vandenberg
Copeland	King	O'Mahoney	Van Nuys
Davis	La Follette	Overton	Wagner
Dieterich	Lewis	Pepper	Walsh
Donahey	Lodge	Pittman	Wheeler

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

The clerk will proceed to call the unobjected-to bills on the calendar.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as first in order.

Mr. KING and Mr. VANDENBERG asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2106) for the allowances of certain claims not heretofore paid, for indemnity for spoliations by the French, prior to July 31, 1801, was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The PRESIDING OFFICER (Mr. CLARK in the chair). The bill will be passed over.

The bill (S. 1760) to promote the safety of scheduled air transportation was announced as next in order.

Mr. BARKLEY. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce and for other purposes, was announced as next in order.

Mr. BARKLEY. Let that bill also go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

Mr. McNARY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

Mr. BARKLEY. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the bill the title of which has just been stated will be passed over.

The bill (S. 2482) to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where idustrial strife is in progress was announced as next in order, the resolution having been reported adversely from the Committee on Post Offices and Post Roads.

Mr. BARKLEY. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

MACK COPPER CO.

The Senate proceeded to consider the bill (S. 2707) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co., which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "determination", to insert "the invalidity of the lease"; and on page 2, line 5, after the word "Company", to insert:

Provided, That the measure of the damages sustained shall be the difference between the value of the land when taken, as already found by the court, and the value of the land when returned to the Mack Copper Co.

So as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States, notwithstanding the lapse of time, prior determination, the invalidity of the lease, or any statute of limitation, to hear and determine the claim of the Mack Copper Co. against the United States for just compensation for the damages and waste inflicted by the taking and use of certain real property owned by the Mack Copper Co. and situated in San Diego County, State of California, which real property was taken, used, and occupied by the United States as an Army cantonment, training camp, or for other military purposes during the period from on or about May 15, 1917, to on or about June 1, 1922, not heretofore paid by the United States to the Mack Copper Co.: *Provided*, That the measure of the damages sustained shall be the difference between the value of the land when taken, as already found by the court, and the value of the land when returned to the Mack Copper Co.

SEC. 2. That the Court of Claims of the United States, in the hearing and determination of any suit prosecuted under the authority of this act, is authorized, in its discretion, to use and consider as evidence in such suit, together with any other evidence which may be taken therein, the testimony and other evidence filed by Mack Copper Co. and the United States, respectively, in case No. D–134 on the docket of that court entitled "Mack Copper Co. against United States," wherein the court rendered a judgment on the 6th day of June 1927.

SEC. 3. From any decision or judgment rendered in any suit presented under the authority of this act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF PASSENGERS BY CANADIAN VESSELS—RECOMMITTAL

The joint resolution (H. J. Res 413) to permit the transportation of passengers by Canadian passenger vessels between ports or places in the United States on Lake Ontario and the St. Lawrence River was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of this measure.

Mr. COPELAND. Mr. President, I ask that the joint resolution go over for the moment.

Mr. KING. Let it be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the joint resolution will be passed over temporarily.

Mr. COPELAND subsequently said: Mr. President, I ask to return to Order of Business 953, being House Joint Resolution 413. I wish to say that this joint resolution, when it was presented, was intended to give to a Canadian line between Rochester, N. Y., and Alexandria Bay, the privilege to operate during last summer. The time having passed, I ask that the bill be recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 589) prohibiting the operation of motor vehicles in interstate commerce by unlicensed operators was announced as next in order.

Mr. KING. I also ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 177) consenting to an interstate compact relating to flood control in the Connecticut River Valley, was announced as next in order.

Mr. BARKLEY. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 178) consenting to an interstate compact relating to flood control in the Merrimack River Valley, was announced as next in order.

Mr. BARKLEY. I also ask that that joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1351) to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes, was announced as next in order.

Mr. GILLETTE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2904) for the relief of certain officers and soldiers of the Volunteer services of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after ratification of the treaty of peace of April 11, 1899, was announced as next in order.

Mr. KING. Mr. President, that bill has been vetoed by the President. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2791) to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable was announced as next in order.

Mr. McNARY. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7836) to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF AIR MAIL SERVICE

The bill (H. R. 6628) to permit the further extension of the Air Mail Service was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. HAYDEN. Mr. President, I should like to inquire of the Senator from Utah with respect to his objection. This bill is highly recommended by the Post Office Department and approved by the Bureau of the Budget. The measure passed the House last year, and it is essential that the proposed legislation be enacted at the present time if there are to be any extensions whatsoever in the Air Mail Service. As a matter of fact, as I understand the situation today, there are appropriations available that cannot be utilized because of the limitation on air mileage in the present law.

Mr. McKELLAR. That is correct, and it is necessary to have additional mileage authorized, or no new routes may be established.

Mr. KING. We have passed over two bills dealing with the Air Service, and I supposed there was some relationship between them. If there is none, I will be glad to have an explanation.

Mr. HAYDEN. There is no connection whatever between this measure and the bills the Senator has mentioned. The bill now under discussion merely increases from 32,000 to 35,000 the air-route mileage of the country and the total mileage from 45,000,000 to 52,000,000 miles.

Mr. BARKLEY. Mr. President, as I understand, without this proposed legislation the present number of air-miles under the Air Mail Service in the territory covered is "frozen"?

Mr. HAYDEN. Absolutely.

Mr. BARKLEY. And it is impossible to expand them under any conditions?

Mr. HAYDEN. That is correct.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6628) to permit the further extension of the Air Mail Service was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first sentence of subsection (f) of section 3 of the act entitled "An act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy," approved June 12, 1934, as amended (U. S. C., 1934 edition, Supp. II, title 39, sec. 469a (f)), is amended to read as follows:

"(f) The Postmaster General shall not award contracts for air-mail routes or extend such routes in excess of an aggregate of 35,000 miles, and shall not pay for air-mail transportation on such routes and extensions in excess of an annual aggregate of 52,000,000 airplane-miles."

BILLS PASSED OVER

The bill (S. 2206) to provide for the transfer of enlisted men of the Coast Guard to the Fleet Naval Reserve was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1355) for the relief of Lawrence E. Thomas was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

Mr. BARKLEY. Mr. President, the bill was reported by the Senator from Kansas [Mr. CAPPER], who is temporarily detained on important official business. I suggest that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EMPLOYMENT BY WORKS PROGRESS ADMINISTRATION

The joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry was announced as next in order.

Mr. SCHWELLENBACH. Mr. President, I should like to ask any Senator who has objection to the joint resolution if he will withhold it for a moment in order that I may discuss it briefly?

The Members of the Senate will remember that last spring when the question of appropriations for relief was before the Appropriations Committees of the House and the Senate, Mr. Hopkins, testifying before the committee, stated that, assuming private industry would take up the slack in employment at the same rate in the second half of 1937 and the first half of 1938 as in the first half of 1937, it would then be possible to handle the problems with which the Works Progress Administration was confronted with an appropriation of $1,500,000,000. Acting upon that assumption, the appropriation of $1,500,000,000 was made. There was included in that bill an amendment which was known as the Woodrum amendment, which required that, in order for the appropriation to become valid the Works Progress Administration should so divide up the money between the months as to make the $1,500,000,000 appropriation last throughout the fiscal year. As the result of that amendment in the bill under our present emergency situation, with unemployment increasing as it has—and testimony adduced before the committee headed by the Senator from South Carolina [Mr. BYRNES] showed increase in unemployment, as I remember, of something in excess of a million and a half during the last few months. We are facing in this country a very definite situation which cannot be evaded and which cannot be avoided. The President of the United States, in his message of Monday of this week, said:

> Government has a final responsibility for the well-being of its citizenship. If private cooperative endeavor fails to provide work for willing hands and relief for the unfortunate, those suffering hardship from no fault of their own have a right to call upon the Government for aid; and a government worthy of its name must make fitting response.

We are not making fitting response. It is a fact that, according to the report made by the administrator of the unemployment census, over 7,000,000 people are now unemployed in the United States. The situation which confronted the Appropriations Committee at the time of the adoption of the report recommending $1,500,000,000 for the present fiscal year has completely changed.

The purpose of the joint resolution which is now before us on the calendar is in effect to repeal the Woodrum amendment and make it possible for the Works Progress Administration to take care of those who are unemployed and who want to work, and who were described by the President in his message.

I may state that as soon as the legislative situation will permit the joint resolution is to be called up for consideration, I intend to make an effort to do that.

I ask unanimous consent to have inserted in the RECORD the text of the letter of Mr. Biggers, the administrator, outlining the figures shown by the unemployment census.

The PRESIDING OFFICER. Without objection, the letter referred to by the Senator from Washington will be printed in the RECORD.

The letter referred to is as follows:

[From the St. Louis Post-Dispatch]

TEXT OF ADMINISTRATOR'S LETTER OUTLINING FINDINGS OF UNEMPLOYMENT CENSUS—RETURNS OF REGISTRATION FORMS WERE EXCEPTIONALLY HIGH, BIGGERS SAYS, AND LESS THAN 6 PERCENT WERE REJECTED

WASHINGTON, *January 1, 1938.*

The text of Administrator John D. Biggers' letter to President Roosevelt telling of the result of the unemployment census follows:

"As administrator of the census of partial employment, unemployment, and occupations I respectfully submit this preliminary

report on unemployment as revealed by the voluntary unemployment registration, November 16 to 20, 1937, and our subsequent enumerative test census.

"Unemployment is difficult to measure. We approached this task with an appreciation of the difficulties but with a conviction that a knowledge of basic facts was a prerequisite to a sound solution of the unemployment problem.

"A voluntary registration of the unemployed was undertaken because it offered the possibility of getting the essential information more promptly and at less cost than a Nation-wide enumerative census. However, as you know, we recognized from the outset that sole reliance could not be placed upon this or any other voluntary registration. Therefore, we conducted an enumerative test census of 1,950,000 people, representing a cross section of the United States, in order to appraise the completeness and accuracy of our voluntary registration. This combination of voluntary and enumerative methods seemed to be the best procedure available within the limits of time and cost.

"REASONS FOR REJECTIONS

"The painstaking care with which the unemployment report cards were filled out surpassed all expectations. Careful checks in the field and in the process of tabulation resulted in rejection of less than 6 percent of all the cards sent in, although rejections of 10 to 20 percent had been anticipated. The principal reasons for rejection were inability to work, duplicate registrations, unknown at address given, and under or over the age limit, 15 to 74. Your faith in the willingness of the people to cooperate in any undertaking for their own good and that of the Nation was fully justified.

"The voluntary registration of those working for the W. P. A., N. Y. A., C. C. C., and on other emergency work who, for the purposes of this census, were asked to register as unemployed was:

"Male	1,662,444
"Female	339,433
"Total emergency workers	2,001,877

"All others classified as totally unemployed, able to work, and wanting work numbered:

"Male	4,163,769
"Female	1,657,266
"Totally unemployed workers	5,821,035

"Thus the voluntary registration of totally unemployed, including emergency workers, was 7,822,912, of which 5,826,213 were males and 1,996,699 females.

"HOUSE-TO-HOUSE CHECK

"The enumerative test census heretofore mentioned was taken in 1,864 areas, selected at random, and distributed throughout the United States approximately in proportion to population. This house-to-house canvass covered more than 1½ percent of the population of the United States and was made by the trained personnel of the Post Office Department during the week of November 29. The questions, however, applied to the employment status of those individuals at the time of the voluntary registration.

"The voluntary registration from the same identical areas have been compared with the results of this test census. According to a preliminary analysis for 1,455 areas, the voluntary registration was 72 percent of the number reported in the test census as totally unemployed, including emergency workers. The largest variation was among females. The percentage for males was 79 percent. These percentages of apparent completeness are regarded by the experts as exceptionally high for any type of voluntary registration, and are attributable to the efficiency with which the Post Office Department did its part of the job and to the exceptional support received from the press, the radio, the motion-picture industry, and the mayors' committees and other cooperating agencies in more than 4,000 cities and towns.

"TWO CLASSES OF JOBLESS

"In determining the true measure of unemployment, it is important to consider certain factors brought to light by the variation between the results of the voluntary census and the enumerative census.

"The unemployment may be divided into two classes. One class represents those regular workers for wages who always work, when work is available, regardless of their immediate economic status. Work to them is not only a means of livelihood but a habit of life. These unemployed are clearly a part of the regular labor market.

"There is also a second group, consisting of those who are not regular workers for wages, such as housewives, who seek wage jobs only when the family breadwinner is idle; daughters or sons, who take jobs through choice rather than necessity; unpaid family workers on farms and in family stores, who seek wage jobs only when family income needs augmenting; retired people who, because savings have been depleted, decide to enter the labor market again. To this class unemployment is a status depending on their current inclinations and temporary economic conditions.

"This second group made up of the occasional workers for wages might not take the trouble to respond to a voluntary registration but might readily be reminded to relate to a census enumerator their current inclination to work. For example, the proportion of women who reported themselves as unemployed was greater in the enumerative census than in the registration, though both exceed the percentage of women reporting as unemployed in the 1930 census. It is expected that our detailed analysis will throw further light on this and similar questions.

"NEITHER FIGURE ACCURATE

"Considering all of these factors, we do not claim provable accuracy for any one figure. The true number of those who considered themselves totally unemployed, able to work, and wanting work, in our opinion, lies between 7,822,912, the number who responded to the registration, and 10,870,000, the number indicated by the enumerative census.

"In formulating any program for reemployment of workers in industry, based upon the results of this census, a number of considerations must be borne in mind. For example, it is not to be assumed that because a certain number of people are jobless, the same number of jobs must be created to bring a return to normal conditions. When the usual family breadwinner is idle, two or perhaps more members of his family may enter the labor market. Conversely, when the breadwinner is satisfactorily reemployed, other members of the family may withdraw from the labor market.

"Then, too, you recognize, but it should perhaps be emphasized, that the number of people who reported themselves as unemployed should not be confused with the number of people who need financial assistance or relief. Many people consider themselves unemployed who are not financially compelled to work. Irrespective of their need, when they seek employment, they enter the labor market and compete with others who have jobs or vitally need jobs. They are, therefore, a factor in the unemployment problem though they may never seek relief.

"SUGGESTS ADDITIONAL SURVEY

"Our figures reflect the decline in unemployment during the earlier stages of the current business recession but not the subsequent trend. If you desire additional information beyond that obtainable from the usual statistical sources, it would be possible, with the cooperation of the Post Office Department, to make at any future date a cross-sectional enumeration of our test areas which should be of value to you and the Congress. This in addition to all the other work contemplated by us could be carried through well within the $5,000,000 budgeted for the purposes of this census.

"We will submit to you tomorrow another report showing the distribution by States of total unemployment as revealed by the voluntary census following which there will be made available a break-down of this information by counties and by cities of 10,000 and more population, all according to sex. Subsequently, we will give you a report on the extent of partial unemployment, National, State, county, and city, likewise according to sex.

"As the tabulation progresses we will report additional facts such as the age groups of the unemployed; their occupational classification; the kinds of business or industry in which they have worked and other related factors.

"Fully appreciating the vital importance of a reemployment program and the contributing value of this information the Bureau of the Census has cooperated with us by working three shifts a day, in order to expedite this work and permit the completion of our report to you at the earliest possible date, which will be by or before the end of March 1938.

"In concluding this initial and partial report, may I express my appreciation of the personal consideration which you have given to this undertaking and of the inestimable value of your counsel and support. I believe this undertaking will prove worth while not only because it provides new facts and figures about unemployment but because the wide popular consideration of this subject has focused the attention of the Nation upon the immediate necessity of formulating a long-range program of reemployment."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. KING. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMOUNT AND VALUE OF PRISON-MADE GOODS

The joint resolution (S. J. Res. 161) authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the purpose of furnishing information to the Congress regarding the amount of goods produced in State and Federal prisons, the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to collect information concerning the amount and value of all goods produced in State and Federal prisons, showing separately the amount and value of goods produced under the State-use, State-account, contract, and piece-price systems.

For the purpose of making this study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $20,000. The Commissioner of Labor Statistics is directed to submit the report to the Congress on or before May 1, 1938.

BILLS AND RESOLUTIONS PASSED OVER

The bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, was announced as next in order.

Mr. BARKLEY. Mr. President, does the Senator from Utah [Mr. KING] wish to have that bill considered? It seems to me it is an important measure, affecting as it does the transportation service of the District of Columbia; and it ought not to be passed under a unanimous-consent call of the calendar.

Mr. KING. If there is any objection, of course, I shall not insist on the consideration of the bill. I may say that it has passed the House, and has been unanimously reported from the Senate Committee on the District of Columbia.

Mr. BARKLEY. May we have an explanation of the bill?

Mr. GEORGE. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 205) providing for benefit payments to cotton producers with respect to cotton produced in 1937 was announced as next in order.

Mr. KING. I should like an explanation of the joint resolution.

Mr. VANDENBERG. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2900) to establish a fund for the insurance of mortgages securing loans for construction or reconditioning of domestic floating property used for commercial purposes was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6574) for the relief of E. W. Ross was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5431) for the relief of Cyrus M. Lasher was announced as next in order.

Mr. KING. Mr. President, does the Senator from Washington [Mr. SCHWELLENBACH] care to make an explanation of the bill? If not, I ask to have it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2190) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in woven or knitted fabrics, and in garments or articles of apparel made therefrom, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1233) for the relief of employees of the Indian Service for destruction by fire of personally owned property in Government quarters at the Pierre Indian School, South Dakota, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, was announced as next in order.

Mr. VANDENBERG. I ask to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservation, Calif., was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 167) requesting the Secretary of Agriculture to investigate flaxseed prices and matters affecting same was announced as next in order.

Mr. BARKLEY. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The joint resolution (S. J. Res. 201) for the relief of certain persons conducting farming operations whose crops were destroyed by hailstorms was announced as next in order.

Mr. VANDENBERG. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2985) for the relief of John F. Fahey, United States Marine Corps, retired, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2825) to enable the Department of Agriculture to prevent the spread of pullorum and other diseases of poultry and to cooperate with State official agencies in the administration of the National Poultry Improvement Plan, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill be passed over.

HENRIETTA WILLS

The Senate proceeded to consider the bill (H. R. 5639) for the relief of Henrietta Wills, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Henrietta Wills, of Springfield, Ohio, in full satisfaction of her claim against the United States for permanent injuries and damages received by her on the 29th day of May 1936, caused by being struck by a United States mail truck while she was standing on the sidewalk at the intersection of Lagonda Avenue and Laurel Street, Springfield, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, does the Senator from Wyoming [Mr. SCHWARTZ], who reported the bill, care to make an explanation of it?

Mr. SCHWARTZ. Mr. President, Henrietta Wills, the claimant in this bill, was standing on the sidewalk near a parked Government postal truck. When an effort was made by the driver to start the truck, the front wheel ran up on the sidewalk, causing the truck to collide with this lady, who received injuries for which $2,500 has been allowed.

Mr. KING. I have no objection to the consideration of the bill.

The bill was ordered to a third reading, read the third time, and passed.

MARY LOUISE CHAMBERS, A MINOR

The Senate proceeded to consider the bill (H. R. 5768) for the relief of Mary Louise Chambers, a minor, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Mary Louise Chambers, a minor, of Sweetwater, Tex., the sum of $2,000, in full satisfaction of all claims against the United States for injuries sustained by her through the negligence of Works Progress Administration employees when they left lumber piled and strewn about the yard of the home of A. B. Chambers, her father, in Sweetwater, Tex., and from which cause Mary Louise Chambers fell and sustained a broken leg on December 27, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or

received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, there are several measures on the calendar—the one to which reference has just been made, and the three succeeding ones—on which reports were made by the able junior Senator from Wyoming [Mr. SCHWARTZ]. I will ask the Senator generally whether he is familiar with all of the measures, and whether he regards them as worthy of our consideration.

Mr. SCHWARTZ. Mr. President, I reported each of the bills favorably, and I am familiar with the facts in each case.

Mr. KING. Do they grow out of torts or contracts?

Mr. SCHWARTZ. With one exception, they grow out of torts. There is one exception, a measure involving a small printing bill.

Mr. KING. Let us take them up in their order.

The PRESIDING OFFICER. The question is on the third reading and passage of House bill 5768.

The bill was ordered to a third reading, read the third time, and passed.

JUDD & DETWEILER, INC.

The bill (H. R. 5912) for the relief of Judd & Detweiler, Inc., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Judd & Detweiler, Inc., Washington, D. C., the sum of $150.75. The payment of such sum shall be in full settlement of all claims of Judd & Detweiler, Inc., against the United States for printing services rendered to the Federal Housing Administration, Washington, D. C., under unnumbered contract, consisting of proposal of Judd & Detweiler, Inc., dated November 17, 1934, and acceptance dated November 27, 1934.

Such sum represents a deduction made by the Comptroller General upon payment under the above contract to effect collection of a like amount paid to Judd & Detweiler, Inc., for printing services rendered the Farmers' Seed Loan Office, Washington, D C., under open-market purchase orders Nos. 15 (Reconstruction Finance Corporation) and 55 (Reconstruction Finance Corporation), dated March 8 and 15, 1932, respectively, on the ground that the work should have been performed at the Government Printing Office, or contracted for by the Public Printer instead of the Secretary of Agriculture: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

J. L. MYERS

The bill (H. R. 5989) for the relief of J. L. Myers was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to J. L. Myers, Texarkana, Tex.-Ark., the sum of $113.50. Such sum shall be in full satisfaction against the United States for the actual medical and other expenses incurred by the said J. L. Myers on account of personal injuries received by him, his wife, and minor son when his automobile was in collision, near Searcy, Ark., on December 31, 1935, with a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RALPH B. SESSOMS

The Senate proceeded to consider the bill (H. R. 5871) for the relief of Ralph B. Sessoms, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed, out of the appropriation for military and naval insurance, to pay to Ralph B. Sessoms the sum of $10,000. Such payment shall be in full settlement of all claims against the United States based on Government insurance policy No. T-4367266 in the amount of $10,000 issued to Lewis C. Sessoms, deceased (C-627929): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 7948) providing for the promotion of employees in the Customs Service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHAZKIEL (OR CHARLES) LEWKOWSKI

The bill (S. 993) for the relief of Chazkiel (or Charles) Lewkowski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Labor is authorized and directed to cancel the outstanding warrant of arrest, order of deportation, warrant of deportation, and bond in the case of the alien Chazkiel (or Charles) Lewkowski, husband of the lawfully resident alien Sulka Lewkowski and father of the lawfully resident aliens Icchok Lewkowski, Szejna-Malka Lewkowski, and Wolf Lewkowski; and if the said Chazkiel (or Charles) Lewokowski shall establish his present good moral character the Commissioner of Immigration and Naturalization shall in his case make a record of registry and issue a certificate of arrival in manner and form as authorized to be made by the act of March 2, 1929 (U. S. C., title 8, sec. 106 A), as if the said Chazkiel (or Charles) Lewkowski had entered the United States prior to June 3, 1921: *Provided*, That formal application and fee payments required by such act of March 2, 1929, shall not be held to be waived under this act.

HELENE LANDESMAN

The Senate proceeded to consider the bill (S. 2257) for the relief of Helene Landesman, which had been reported from the Committee on Immigration with an amendment, on page 1, line 7, after the word "not", to strike out "by reason of the nature, character, construction, or interpretation of certain testimony heretofore by her given" and to insert "notwithstanding any statements which she may have made in any visa application filed by her", so as to make the bill read:

Be it enacted, etc., That the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875; U. S. C., title 8, sec. 136-e), excluding from the United States aliens "who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude" shall not, notwithstanding any statements which she may have made in any visa application filed by her at the American Consulate General, Vienna, Austria, be held to warrant the exclusion of, or the withholding of quota immigration visa from, Helene Landesman, sister of the United States citizens Anna Katzman and Mina Briller, wife of the lawfully resident alien Joseph Landesman and mother of the lawfully resident alien Mary Landesman.

Mr. BARKLEY. Mr. President, may I ask the Senator from New York what sort of relief is sought in this case? These bills were referred to the Committee on Immigration.

Mr. COPELAND. Mr. President, this matter received the very serious consideration of the committee. The record shows that the husband of this woman obtained a nonimmigrant passport visa for temporary admission to the country. He stayed here for a number of years and married. Then the wife, who was about to have a child at a later date than the original trouble was noted, and who knew

about her husband's illegal presence in the United States, feared that it might be disclosed to the immigration authorities, and so she made application on her own account for admission to the country. Because of the technicalities in the case, the Department saw fit not to deal with the matter, but Department officials were present in the committee room when the bill was considered.

Mr. BARKLEY. I have no objection to the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPINA BACA KLEMENCIC

The bill (S. 1649) for the relief of Philipina Baca Klemencic was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Philipina Baca Klemencic heretofore issued on the grounds that in September 1924 admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of "crimes involving moral turpitude," and thereupon Philipina Baca Klemencic shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York City, N. Y., in September 1924. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by or any admission to citizenship ordered and certificate of naturalization heretofore issued to Philipina Baca Klemencic, which were predicated upon the claim of lawful admission to the United States for permanent residence in September 1924 shall hereafter be deemed valid unless the original 7-year period of validity of such declaration of intention has heretofore expired or Philipina Baca Klemencic has heretofore been found otherwise not eligible to such benefit under the naturalization laws.

PAY OF CHARMEN AND CHARWOMEN IN POST OFFICE DEPARTMENT

The bill (H. R. 7415) to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding any provision of the Classification Act of March 4, 1923, as amended, the rate of pay for charmen and charwomen in the custodial service of the Post Office Department shall be 55 cents per hour, and the rate of pay for head charmen and head charwomen shall be 60 cents per hour, effective upon the passage of this act.

THEODORE FIELDBRAVE

The bill (H. R. 4256) conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Northern District of California to hear, determine, and render judgment upon any suit in equity brought by Theodore Fieldbrave against the United States for the purpose of setting aside the default decree of the United States District Court for the Southern District of California rendered August 9, 1924, canceling the certificate of naturalization of such Theodore Fieldbrave.

SEC. 2. Such suit in equity may be instituted at any time within 6 months after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of any such suit shall be had and appeals from any judgment or decree entered therein shall be taken in the same manner as in the case of suits in equity over which such court has jurisdiction under paragraph (1) of section 24 of the Judicial Code, as amended.

ISADOR KATZ

The bill (H. R. 4569) for the relief of Isador Katz was considered, ordered to a third reading, read the third time, and passed, as follows:

Whereas Isador Katz came to the United States from Bremen, Germany, in 1926 and arrived at New York on the steamship *President Roosevelt* on October 29 of that year; and

Whereas prior to coming to this country he had exercised every effort of which he knew to procure an authoritative visa to his passport and had applied at the police station in Hamburg, Germany, to get information in this regard and had followed the advice and suggestions given; and

Whereas he believed that the visa he had procured was legal and authentic and had no reason to believe otherwise; and

Whereas after he had been in this country about 1 month he applied for a declaration of intention to become a citizen and recited in his application a request for a certificate of arrival; and

Whereas at the expiration of the necessary 5 years he submitted his application for final citizenship papers; and

Whereas he was later advised that the authorities were unable to locate his certificate of arrival and he was subsequently indicted for fraudulent entry on the basis of papers voluntarily submitted by him and was tried on this charge in the United States District Court for the Northern District of Texas sitting at Dallas in February 1934; and

Whereas he was acquitted at said trial of any knowledge of fraud or intention to deceive in the matter of his entry into the United States; and

Whereas he has relatives in this country who have long lived here and enjoyed excellent reputation; and

Whereas he was married in this country 10 years or more ago and he has three children of such marriage; and

Whereas he has been entirely self-supporting and has conducted a store in the city of Waxahachie, Tex., for several years and has given and is now giving employment to others; and

Whereas his life and conduct while in the United States have been above reproach; and

Whereas as a matter of justice the facts of his entry and his acquittal of charges of fraud in a Federal court attest the good faith of his entry and the rectitude of his life in this country; and

Whereas the facts of this case are such that no general law applies to afford the relief to which Isador Katz is entitled under the circumstances of his entry and efforts in good faith to become a citizen; and

Whereas the deportation of the said Isador Katz to Germany would under existing conditions impose hazards to which he should not be subjected in the light of his evident good faith: Therefore

Be it enacted, etc., That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Isador Katz heretofore issued on the ground that on October 29, 1926, admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of "crimes involving moral turpitude," and thereupon Isador Katz shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York, N. Y., on October 29, 1926. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by or any admission to citizenship ordered and certificate of naturalization heretofore issued to Isador Katz which were predicated upon the claim of lawful admission to the United States for permanent residence on October 29, 1926, shall hereafter be deemed valid.

The preamble was agreed to.

AMENDMENT OF IMMIGRATION ACT OF 1917—RECOMMITTAL

The bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, was announced as next in order.

Mr. RUSSELL. Mr. President, this bill was reported from the Committee on Immigration late in the last session at a time when I was absent on official business. There are several phases of the matter which I think should receive further investigation by the committee; and I therefore ask unanimous consent that the bill be recommitted to the Committee on Immigration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEKIZO TAKAHASHI

The joint resolution (H. J. Res. 141) to authorize the issuance to Sekizo Takahashi of a permit to reenter the United States was announced as next in order.

SEVERAL SENATORS. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CORONADO CUARDO CENTENNIAL

The joint resolution (S. J. Res. 204) authorizing the President to issue a proclamation with respect to commemoration

of the four hundredth anniversary of the journey and explorations of Coronado in western America, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas the year 1940 marks the four hundredth anniversary of the journey and explorations of Francisco Vasquez de Coronado, the Spanish explorer, whose discoveries in the years 1540, 1541, and 1542 gave to the world the first comprehensive knowledge of that part of western America now included within the United States of America, and including the States of Arizona, California, Kansas, New Mexico, Oklahoma, and Texas; and

Whereas the State of New Mexico, by legislative act, has created a corporation known as the Coronado Cuarto Centennial Corporation for the purpose of properly commemorating and observing, during the year 1940, the phenomenal accomplishments of its first explorer: Therefore be it

Resolved, etc., That the President is authorized and requested to issue a proclamation inviting all people of the United States to observe by appropriate ceremonies in schools and other suitable places the year 1940 as the four hundredth anniversary of the journey and explorations of Francisco Vasquez de Coronado in western America and inviting such people to participate in the Coronado Cuarto Centennial to be held during such year at various places of historic, cultural, and archeological interest throughout the States of New Mexico and Arizona and the Panhandle of Texas.

The preamble was agreed to.

RESOLUTION AND BILL PASSED OVER

The resolution (S. Res. 177) requesting recommendations from the Tariff Commission concerning rates of duty on textile imports was announced as next in order.

Mr. BARKLEY. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3022) to amend the law relating to appointment of postmasters was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LOANS TO FARMERS FOR CROP PRODUCTION AND HARVESTING

The Senate proceeded to consider the bill (S. 3043) to provide for loans to farmers for crop production and harvesting during the year 1938, and for other purposes, which was read, as follows:

Be it enacted, etc., That the Governor of the Farm Credit Administration, hereinafter in this act referred to as the Governor, is hereby authorized to make loans to farmers in the United States (including Hawaii and Puerto Rico), for fallowing, for planting, for cultivation, for production of crops, for harvesting of crops, for supplies incident and necessary to such production or harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such agencies, upon such terms and conditions, and subject to such regulations, as the Governor may prescribe.

SEC. 2. (a) No loan shall be made under this act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this act, and preference shall be given to the applications of farmers whose cash requirements are small.

(b) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production or harvesting, or both, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan, for the purchase or production of feed for livestock, a first lien upon the livestock to be fed.

(c) No loan made under the provisions of this act to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount: *Provided, however*, That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

(d) Each loan shall bear interest at the rate of 4 percent per annum.

SEC. 3. The proceeds of each loan made by the Governor under the provisions of this act shall be impressed with a trust for the purposes for which loans may be made under this act, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment, or the levy of an execution, until such proceeds have been used by the borrower for such purposes.

SEC. 4. (a) Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan.

(b) No fees for releasing liens given to secure loans made pursuant to this act, nor any other fee not specified herein, shall be paid from the funds herein authorized to be appropriated.

SEC. 5. (a) The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended.

(b) Such agents, officers, and employees, or any of them, and the agents, officers, employees, and facilities of the Farm Credit Administration available for use in connection with loans made under the provisions of this act or of prior crop production, seed, and feed loan acts of the same general character, may be used by the Governor to perform services for any institution operating under the supervision of the Farm Credit Administration, upon such terms and conditions as the Governor may determine; and such institutions are hereby expressly empowered to enter into agreements with the Governor for such purpose.

(c) For the purpose of carrying out the provisions of this act, and for collecting loans made under other acts of the same general character, including loans made by the Governor with funds appropriated by the Emergency Appropriation Act, fiscal year 1935, or the Emergency Relief Appropriation Act of 1935, the Governor is authorized also to use the facilities and services of any agency or corporation operating under the supervision of the Farm Credit Administration, and of any officer or employee of any such agency or institution, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses, and such agencies and institutions are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes and to perform the services provided for therein.

SEC. 6. (a) Except with the written permission of the Governor or his duly authorized representative, it shall be unlawful for any borrower to willfully use the proceeds of any loan—

(1) For any purpose other than those specified in the application therefor; or

(2) For the purposes of fallowing, or for the planting, production, or harvesting of any crops on, any land other than that described in his application for such loan.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this act.

(c) It shall be unlawful for any person to charge or accept a fee for preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this act.

(d) Any person violating any provision of this section of this act shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than 6 months, or both.

SEC. 7. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000,000 for the purpose of enabling the Governor to carry out the provisions of this act.

(b) The moneys appropriated in pursuance of subsection (a) of this section, any amounts collected for services rendered under section 5 (b), and all collections of principal and interest of loans made under this act may be used by the Governor for making loans under this act, and for all necessary administrative expenses incurred in connection with the making and collection of such loans.

(c) Expenditures for printing and binding necessary in carrying out the provisions of this act may be made without regard to the provisions of section 3709 of the Revised Statutes.

Mr. KING. Mr. President, I should like an explanation of the bill.

Mr. SMITH. Mr. President, from every State in the Union requests have come for favorable action upon this bill. Measures of this kind have been in operation now for about 8 years, and the legislation has been perhaps the most constructive and beneficial to the class of farmers affected by it of any legislation we have passed. What is proposed is not a gift. It is not a dole. It is a loan. The bill enables the beneficiaries of the legislation to keep their self-respect. They have paid back the loans, and are still paying them back, from States where the crops have been a complete failure. In subsequent years, when crops did come in, payments have been made in reduction of the indebtedness.

Mr. GEORGE. Mr. President, what is the amount authorized in the pending bill?

Mr. SMITH. The same as last year—$50,000,000.

Mr. GEORGE. Not exceeding $50,000,000.

Mr. SMITH. There has never been any opposition to the bill so far as I know.

Mr. McKELLAR. Mr. President, is it not also true that the loans have been paid back to a remarkable degree?

Mr. SMITH. To a most astounding degree, considering the class to which the beneficiaries of the bill belong.

Mr. GEORGE. Mr. President, I am quite sure the Senator from South Carolina knows that, so far as the cotton farmers are concerned, they are as badly in need of loans of this type for the present year as they have ever been at any time.

Mr. SMITH. Yes; and I desire to state to the Senator from Georgia that the farmers of his State and of mine and of several other States have paid back 100 percent of the loans.

Mr. NYE. Mr. President, year after year experience has revealed difficulty of repayment on the part of many farmers who have hoped to avoid the necessity of making loans in the following year. Under the terms of the present law the agency making the loan is required to take a lien upon all production that may be derived by reason of the planting. For example, this winter there are many farmers in my State who succeeded in producing enough of a harvest to provide at least for next year's seed, in spite of the severe drought condition that has prevailed; yet under the law the Farm Credit Administration is required to take the limited amount of grain the farmer has produced and thereby make it necessary for him to borrow again, whereas if he were permitted to retain the seed he could take care of his own requirements next spring.

With that knowledge in mind I offer the following amendment: On page 2, line 13, after the word "crops", I move to insert the following words:

Except so much thereof as shall be required for seeding purposes during the year 1939.

I wonder if the Senator from South Carolina would have any objection to including that amendment in the bill?

Mr. SMITH. I think that would be all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof was announced as next in order.

Mr. GILLETTE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over. That concludes the calendar.

AGRICULTURAL RELIEF

The PRESIDING OFFICER. Without objection, Senate bill 2787, Calendar No. 1347, being the Senate farm bill, will be indefinitely postponed, the House bill on the subject having been passed instead.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 29 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 6, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 5, 1938

DEPARTMENT OF LABOR

Isador Lubin, of the District of Columbia, to be Commissioner of Labor Statistics, Department of Labor.

INTERSTATE COMMERCE COMMISSION

Charles D. Mahaffie, of the District of Columbia, to be an Interstate Commerce Commissioner for a term expiring December 31, 1944. (Reappointment.)

UNITED STATES HOUSING AUTHORITY

Leon H. Keyserling, of New York, to be General Counsel of the United States Housing Authority.

J. Austin Latimer, of South Carolina, to be Director of Information, serving as Assistant to the Administrator of the United States Housing Authority.

COAST AND GEODETIC SURVEY

Edmund Leroy Jones, of Michigan, to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy) by promotion from aide, vice W. F. Malnate, promoted.

William Francis Malnate, of Massachusetts, to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy), by promotion from junior hydrographic and geodetic engineer, vice C. K. Green, promoted.

PUBLIC HEALTH SERVICE

Passed Assistant Dental Surgeon Hubert H. Martin to be dental surgeon in the United States Public Health Service, to rank as such from August 15, 1937.

The following-named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

John Hughes Chandler
John A. Lewis, Jr.
Wightman R. Duke
Dale C. Cameron
Charles G. Spicknall

The following-named assistant surgeons to be passed assistant surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

John R. Heller, Jr., October 15, 1937.
Charles S. Sample, Jr., October 24, 1937.
Arthur B. Price, November 3, 1937.
Henry A. Holle, November 1, 1937.
Anthony Donovan, December 20, 1937.
Paul E. Walker, December 1, 1937.
Harry C. Knight, December 1, 1937.
Theodore J. Bauer, December 1, 1937.
Thorburn S. McGowan, December 1, 1937.
Havelock F. Fraser, January 1, 1938.
John W. Kennedy, December 1, 1937.
Wilson T. Sowder, December 1, 1937.
John W. Hornibrook, December 1, 1937.
Roger E. Heering, December 3, 1937.
Seward E. Miller, December 1, 1937.
John E. Dunn, December 1, 1937.
Floyd A. Hawk, January 1, 1938.
Jonathan B. Peebles, Jr., January 1, 1938.
Edgar W. Moreland, January 1, 1938.
Eugene A. Gillis, December 15, 1937.

COAST GUARD OF THE UNITED STATES

The following-named officers in the Coast Guard of the United States, to rank as such from the dates set opposite their names:

TO BE LIEUTENANT COMMANDERS

Lt. William J. Austermann, October 7, 1935.
Lt. Arthur W. Davis, January 1, 1936.
Lt. Gaines A. Tyler, May 21, 1936.
Lt. Ira E. Eskridge, June 14, 1936.

Lt. Harry W. Stinchcomb, September 1, 1936.
Lt. Harold C. Moore, November 3, 1936.
Lt. Richard M. Hoyle, December 1, 1936.
Lt. Stanley J. Woyciehowsky, May 1, 1937.
Lt. Kenneth K. Cowart, May 1, 1937.

TO BE LIEUTENANTS

Lt. (Jr. Gr.) Donald M. Morrison, May 15, 1936.
Lt. (Jr. Gr.) Henry U. Scholl, May 15, 1936.
Lt. (Jr. Gr.) Christopher C. Knapp, May 16, 1936.
Lt. (Jr. Gr.) Joseph E. Madacey, May 21, 1936.
Lt. (Jr. Gr.) Roy E. Stockstill, June 14, 1936.
Lt. (Jr. Gr.) Elmer E. Comstock, June 16, 1936.
Lt. (Jr. Gr.) Elmer J. J. Suydam, July 23, 1936.
Lt. (Jr. Gr.) Harold B. Roberts, September 1, 1936.
Lt. (Jr. Gr.) Rufus E. Mroczkowski, September 25, 1936.
Lt. (Jr. Gr.) James Plakias, November 3, 1936.
Lt. (Jr. Gr.) James R. Hinnant, November 18, 1936.
Lt. (Jr. Gr.) Oscar C. B. Wev, December 1, 1936.
Lt. (Jr. Gr.) Ned W. Sprow, December 6, 1936.
Lt. (Jr. Gr.) William I. Swanston, January 1, 1937.
Lt. (Jr. Gr.) Richard C. Foutter, April 3, 1937.
Lt. (Jr. Gr.) William E. Creedon, May 1, 1937.
Lt. (Jr. Gr.) Henry A. Meyer, May 1, 1937.
Lt. (Jr. Gr.) Preston B. Mavor, July 1, 1937.

PROMOTIONS IN THE NAVY

MARINE CORPS

First Lt. Albert J. Keller to be a captain in the Marine Corps from the 24th day of December 1937.

Marine Gunner Tom Woody to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 8th day of October 1937.

Marine Gunner Glenn W. Black to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 11th day of November 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 5, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Not unto us, O Lord, not unto us, but unto Thy name give glory, for Thy mercy and for Thy truth's sake. The Lord hath been mindful of us and He will bless us. He will bless them that fear Him, both small and great; the Lord is merciful and gracious. Our Father, which are in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, in earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

ALICE HAYDEN

Mr. WARREN. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts, which I send to the desk.

The Clerk read as follows:

House Resolution 386

Resolved, That there shall be paid out of the contingent fund of the House to Alice Hayden, widow of Charles S. Hayden, late an employee of the House, an amount equal to 6 months' salary compensation and an additional amount not to exceed $250 to defray funeral expenses of the said Charles S. Hayden.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MR. WHELCHEL AND MR. DEEN

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to proceed for 1 moment.

The SPEAKER. Is there objection?

There was no objection.

Mr. PETERSON of Georgia. Mr. Speaker, I wish to announce that my colleague, Mr. WHELCHEL, of the Ninth Georgia District, will be unable to attend the sessions of Congress for an indefinite period due to injuries sustained in an automobile wreck last fall just previous to the convening of the extraordinary session of Congress. Mr. WHELCHEL is still confined to his home in Gainesville, Ga. I am glad to report, however, that he is improving nicely.

I wish also to announce that my colleague, Mr. DEEN, of the Eighth Georgia District, is indefinitely detained at his home in Alma, Ga., suffering from a severe illness with which he was attacked during the Christmas holidays.

It is the hope and wish of their colleagues from Georgia, and I am sure of all the Members of the House, that both these splendid gentlemen and able, diligent Congressmen will soon be fully restored to their health and able to return to their duties here.

SOLDIERS' BONUS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection?

Mr. RANKIN. Mr. Speaker, on yesterday Mr. Marriner S. Eccles, Chairman of the Federal Reserve Board, made a statement before a committee of the Senate to the effect that the present recession was caused by the payment of the soldiers' adjusted-service certificates in 1936, and at the same time recommended the spending of an extra billion dollars to restore prosperity.

It seems strange to me that Mr. Eccles would single out the World War veterans and contend that the amount paid to them in settlement of a just debt caused this "recession," when many times the amount paid the veterans has been spent for other purposes. No money that has yet been paid out by this administration did more good, dollar for dollar, than that paid to the veterans on their adjusted-service certificates. [Applause.]

It was not wasted; it was spent for food, for clothes, for shoes, and other necessities of life, the payment of debts, the lifting of mortgages on veterans' homes.

The truth of the business is that the one man most responsible for this recession is probably Mr. Marriner S. Eccles, if he is as influential with the Federal Reserve Board as he is supposed to be, and he need not try to pass this buck to the World War veterans. [Applause.] This recession is caused by a contraction of the currency, or the lack of a sufficient amount of circulating medium to carry on the business of the Nation. We can never pay the debt made on inflated prices and meet the expenses of this Government on the present price level. We can never hope to raise those price levels except through a reasonable controlled expansion of the currency. That can be done only through the Federal Reserve Board, so long as that Board retains its present power, unless the President of the United States should exercise the power granted to him by the Congress to issue $3,000,000,000 against the gold reserve we now have and put that money in circulation. The American people, and especially the American farmers, are now being crucified on a cross of gold. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, we have more than $10,000,000,000 of gold against which we could issue as much as $25,000,000,000 in currency, if necessary, under the present law. We do not need that amount, but we do need a reasonable amount. Our farmers are selling their products below the cost of production; seeing their homes swept away for debt, or sold for taxes. Our warehouses are bulging with manufactured articles, millions, unemployed, are tramping the streets looking for work because the volume of our circulating medium is not sufficient to raise commodity prices to their normal level and restore the purchasing power of 30,000,000 farmers throughout the United States.

Therefore, Mr. Speaker, if Mr. Eccles wants to help restore prosperity, let him snap out of his gold complex, stop listening to Wall Street bankers, and help to give us a reasonable, controlled expansion of the currency that will bring prosperity to the American people and especially to the American farmer, bring back normal conditions, without piling additional billions of dollars of debts onto the backs of the American people, to be passed on to our posterity.

If that is not done, Congress should take steps immediately to resume its power of coining money and regulating the value thereof, as provided by the Constitution of the United States, and then exercise that power by providing for the issuance of a sufficient amount of currency against our present gold reserve to restore prosperity to the American people without borrowing the extra billion dollars to which Mr. Eccles referred. [Applause.]

THE BUDGET (H. DOC. NO. 399)

The SPEAKER laid before the House the Budget message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered printed, as follows:

To the Congress of the United States:

Pursuant to provisions of law I transmit herewith the Budget of the United States Government for the fiscal year ending June 30, 1939, together with this message, which is a part thereof. The estimates have been developed after analysis of the revenues, obligations, and reasonable needs of the Government, and I recommend appropriations for the purposes specifically detailed herein.

In simple fairness to the Treasury of the United States I am confident that the Congress and the public will bear in mind certain fundamentals relating to the making of the National Budget.

The first step calls for the presentation, before the 15th of September, by every department and agency head, of estimates of appropriations for the fiscal year beginning the 1st day of the following July; in other words, at least 9 months before the spending of the money can begin. These estimates, carefully prepared by the Budget officers and other officials of each department and agency, are intended to represent what they consider the minimum needs of the work assigned to them by law.

Thereupon the Director of the Budget presents these totals to the President, who, without taking up the thousands of separate items, asks the Secretary of the Treasury for estimates of the total amount of tax receipts which the Government may obtain during the 12 months beginning 9 months later. This estimate by the Secretary of the Treasury is furnished him by civil-service experts who have long-standing experience with the whole subject of forecasting economic conditions in what may well be called the remote future. These experts properly call attention to the fact that they are asked to guess what the economic status—and therefore the tax receipts—will be during the fiscal year beginning the 1st of the following July.

If the forecast of tax receipts made by these experts, who are at least of equal competence with the experts of the largest banks and industrial corporations of the United States, show that the departmental estimates of expenditures will exceed the estimated tax receipts, the President instructs the Director of the Budget to make every possible effort as a result of his hearings to pare the departmental estimates in order to reduce the total.

During the months of November and December and after the hearings have been held by the Director of the Budget, he presents to the President the total estimates with his recommendations.

Again the President obtains from the Treasury Department a check-up on estimated revenue during the year beginning the following 1st of July. If the new report shows a probable falling off of revenue, he makes every effort with the assistance of the Director of the Budget to make further reductions before approving the final department and agency budgets.

It should be remembered that the laws provide that the departments and agencies shall carry out certain duties. By these laws, the President and the Director of the Budget are, in effect, prohibited from eliminating Government functions or curtailing them to the point of ineffectiveness.

The result is that the President and the Director of the Budget arrive at a figure for each department and agency which they believe to be the proper amount under which the functions required by law can be carried out with reasonable efficiency.

During the final 2 weeks of the calendar year, the President obtains once more from the Treasury Department its final estimates of tax revenues during the fiscal year which begins more than 6 months later.

Since the tax revenues from practically every major source depend on business conditions during that future fiscal year the Treasury's figures of necessity are based on a prophecy of business conditions beginning 6 months later and ending 18 months later.

Business concerns are more fortunate. They also lay out programs months and even a year and a half in advance. But their programs are flexible. They are controlled currently by the condition of business, which permits the making of necessary changes from month to month and even from week to week.

The affairs of the Government are not so flexible. The Budget reports are the administration's fiscal plan; and in the form adopted by the Congress during the winter and spring, it becomes practically a fixed program of expenditure which cannot be changed for many months even though economic conditions radically change the receipt side of the ledger.

While I reemphasize the difficulty of estimating the revenue of the Federal Government from 6 to 18 months before that revenue flows in, there is satisfaction in knowing that during the past 4 years the estimates of tax receipts thus made far in advance, have been infinitely more accurate as proven by the final result than in the preceding years. Estimates remain a prophecy; but our prophecies have been far better borne out by later events than prophecies of earlier years.

It is also worth while to call the attention of the Congress and the public to the fact that a very large proportion of our total expenditures represent fixed charges which cannot be reduced by Executive action. These charges are obligatory on the President and the Treasury, and include interest on the public debt, military and naval pensions, contributions to retirement funds and to the old-age reserve account, and many grants-in-aid to States.

Another class of expenditures, which, though subject to some measure of administrative control, does not afford opportunity for large reductions, is made up of those which carry on the normal, everyday operations of the Government. For example, the major part of the appropriations for the State Department is required to pay the reasonable salaries of consuls, diplomatic agents, secretarial staffs, and ministers who represent American interests in every part of the world.

The third type of expenditure is represented by the major effort of the Government to help the economic security of large groups of citizens in every part of the country who, for many reasons, definitely require some form of Government assistance. This includes various kinds of aid to save farms and homes from foreclosure, to furnish work relief for needy able-bodied unemployed, and to provide old-age pensions, unemployment insurance, and other assistance under the social-security program. Obligations such as these, though large in amount, can be reduced only by depriving a very large proportion of our population of benefits which modern civilization insists on.

The final category includes items of public expenditure for capital improvements—such as new highways, new river and harbor projects, new flood control, new public buildings, new reclamation projects, and other new public works. All of these items can be contracted or expanded to conform with the contraction or expansion of Government income.

This year I recommend that such items be curtailed. First, because expected Government income will be less, and second, because it has been amply demonstrated that they do not provide as much work as do other methods of taking care of the unemployed.

For example, we have appropriated as Federal aid to new permanent State highways almost $1,500,000,000 during the past 5 years; and an equal sum has been spent during the same period for constructing, repairing, and improving roads and streets by Federal agencies administering unemployment relief. These vast expenditures have put our highway systems far in advance of what would have been normal expansion. I do not propose eliminating Federal aid to highways, but I do ask that such aid be restored to approximately the predepression figures.

We have a great accumulation of unliquidated "matching" authorizations for aid to States running into the year 1940, but the States also should be encouraged to bring their highway budgets back to a more normal figure. Therefore I hope that the Congress will start at this session to cut down the actual appropriations used to match State funds.

For the 10 years up to June 30, 1933, the Federal Government spent an average of $40,000,000 a year for river and harbor improvements. During the past 5 years we have spent an average of over $100,000,000 a year. Meanwhile, a justified demand for greater protection against floods has developed. Flood protection is necessary and in this Budget I am curtailing the estimates for new river and harbor improvements in order to provide more money for flood emergencies.

Reclamation projects have been started which will call for future appropriations of nearly $600,000,000. It seems obvious to me and I hope it will be to the Congress, that no further projects should be authorized until projects now under construction have reached a substantial stage of completion.

During the past 5 years we have built more than 1,100 new Federal buildings—almost doubling the number of such buildings throughout the country. It is true that this saves the renting of buildings but to offset that saving we are paying in many cases far more for maintenance of these new buildings than we formerly paid for leasing private quarters. Except for meeting the problem of adequate housing for Government departments and agencies in the District of Columbia, I am strongly of the opinion that the public-building program should be restricted to the comparatively small number of projects where the capital investment will be returned through savings in annual operating costs.

Expenditures: The most important fact of this Budget is the reduction of $539,000,000 in the estimated expenditures for the fiscal year 1939. They amount to $6,869,000,000, compared with estimated expenditures during the current fiscal year of 1938 of $7,408,000,000.

It is hoped that this fact will not be overlooked. It is fair to say that this estimated reduction may, by force of circumstances, become smaller because of future events which today cannot definitely be foretold. I refer specifically to the possibility that due to world conditions over which this Nation has no control I may find it necessary to request additional appropriations for national defense. Furthermore, the economic situation may not improve—and if it does not, I expect the approval of Congress and the public for additional appropriations if they become necessary to save thousands of American families from dire need.

Revenues: During the first 10 months of the calendar year 1937 business conditions improved materially and it was the consensus of opinion in Government and in business circles that the improvement would be maintained in 1938. There was every reason to expect that the revenues for the fiscal year 1939 would be greater than the expected revenues for 1938 and that with a reduction in the cost of relief, the total expenditures for 1939 would greatly decline. That was the basis for our expectation of a balanced Budget for the fiscal year 1939.

The recent recession in business has changed that outlook. Today it is necessary to revise the estimates of revenues. They will be less than we had anticipated. They will, as far as we can tell, remain below our estimated necessary expenditures.

We hope that the calendar year 1938 will bring an improvement in business conditions and, therefore, in tax receipts. The Treasury, leaning to the conservative side, predicts some improvement over the present level but does not assume in its figures that business in the calendar year 1938 will reach as high a level as in the calendar year 1937.

The present estimate of revenue for the fiscal year 1939 is $5,919,000,000, compared with the present estimate of receipts for the fiscal year 1938 of $6,320,000,000—or, in other words, a falling off of $401,000,000.

Balance: The net result of these estimates of expenditures and receipts shows for the fiscal year 1939 a net deficit of $950,000,000, but it is fair to state at the same time that this deficit will be $138,000,000 less than the expected deficit in the current fiscal year. In other words, for the third year in succession we would continue to decrease the deficit.

It will be of interest to compare the major classes of receipts and expenditures for the fiscal years 1931 to 1939 as set forth in the following table:

Actual and estimated receipts and expenditures of the Government for the fiscal years 1931–39 (classifications include expenditures from both general and emergency funds)

[In millions of dollars]

	Estimated		Actual						
	1939	1938	1937	1936	1935	1934	1933	1932	1931
RECEIPTS									
Internal revenue:									
Income tax	2,414.2	2,692.9	2,157.5	1,426.6	1,099.1	818.0	746.2	1,057.3	1,860.4
Miscellaneous internal revenue	2,190.1	2,279.5	2,181.2	2,009.6	1,657.2	1,469.6	858.2	503.7	569.4
Unjust enrichment tax	10.0	5.0	5.9						
Taxes under Social Security Act	508.8	571.0	252.2						
Taxes upon carriers and their employees	116.9	150.3	.3						
Processing tax on farm products				76.6	521.4	353.0			
Customs	390.4	415.3	486.4	386.8	343.4	313.4	250.8	327.7	376.6
Miscellaneous receipts	199.0	206.5	210.3	216.3	179.4	161.6	224.5	117.0	383.2
Total receipts	5,919.4	6,320.5	5,293.8	4,115.9	3,800.5	3,115.6	2,079.7	2,005.7	3,189.6
EXPENDITURES									
Regular operating expenditures:									
Legislative, judicial, and civil establishments:									
Legislative establishment	20.8	21.1	20.7	21.7	19.6	16.6	17.7	21.9	21.4
Department of Agriculture	124.9	150.0	176.1	122.9	71.1	62.7	72.2	98.0	71.5
Department of Commerce	44.5	41.2	40.3	44.3	39.0	30.8	41.7	48.1	56.9
Department of the Interior	95.2	122.6	112.4	78.5	74.4	49.9	55.8	63.4	60.6
Department of Justice	40.7	39.8	38.6	38.5	32.8	31.7	44.1	51.7	44.4
Department of Labor	17.5	24.5	30.7	26.9	18.6	12.7	13.7	14.7	12.2
Post Office Department (deficiency)	18.2	29.6	39.3	85.9	64.0	64.2	117.4	203.0	145.7
Department of State	16.3	17.6	17.1	17.2	18.7	12.0	13.8	16.7	15.3
Treasury Department	157.1	178.0	184.6	164.1	123.0	111.8	133.9	161.0	136.1
War Department (nonmilitary)	48.2	47.5	53.1	46.2	44.1	41.1	43.1	47.9	46.9
District of Columbia (United States share)	5.0	5.0	5.0	5.7	4.5	5.7	7.8	9.5	9.5
Independent offices and commissions	171.6	150.4	96.8	81.7	45.1	36.1	76.6	108.8	89.4
Subtotal	760.0	827.3	814.7	733.6	554.9	475.3	637.8	844.7	709.9
National defense	991.3	957.0	888.6	870.5	656.5	499.9	633.6	664.5	667.3
Veterans' pensions and benefits	538.6	573.7	1,128.2	2,348.6	605.9	554.1	848.9	972.8	942.6
Interest on the public debt	976.0	927.0	866.4	749.4	820.9	756.6	689.4	599.3	611.6
Other (refunds of receipts, settlement of war claims, etc.)	50.8	47.9	48.1	41.1	38.7	62.8	69.7	150.0	97.0
Total	3,316.7	3,332.9	3,746.0	4,743.2	2,676.9	2,348.7	2,879.4	3,231.3	3,028.4
Public works:									
Public highways	140.1	280.1	350.6	243.9	317.4	267.9	178.2	209.9	173.8
Tennessee Valley Authority	41.0	46.0	41.2	48.8	36.2	11.0			
Reclamation	60.4	69.5	52.3	49.9	40.9	24.8	25.2	26.3	13.9
Rivers and harbors, improvement	60.0	81.2	142.4	137.8	132.9	76.4	50.5	55.4	51.4
Flood control	63.9	71.2	54.6	52.3	38.7	48.1	39.7	29.2	37.8
Public buildings	53.2	74.4	76.3	71.9	58.1	78.7	105.7	86.2	67.6
Grants to public bodies, including administration	153.8	189.5	272.9	233.9	48.9	18.8			
Other	47.1	66.2	89.1	74.0	80.6	87.4	59.4	71.7	59.6
Total	619.5	878.1	1,079.4	912.5	762.7	613.1	458.7	478.7	404.1
Unemployment relief:									
Direct relief	35.9	126.8	184.3	591.7	1,914.1	715.8	350.7		
Work relief (W. P. A. and C. W. A.)	1,000.1	1,322.2	1,896.7	1,264.4	11.3	805.1			
Civilian Conservation Corps	230.0	310.0	385.8	486.3	435.5	331.9	8.8		
Total	1,266.0	1,759.0	2,466.8	2,342.4	2,360.9	1,852.8	359.5		
Loans (net)	68.0	* 47.9	* 307.1	* 180.8	102.1	819.5	911.8	404.0	235.4
Subscriptions to stock and surplus	5.0	45.6	47.1	88.9	156.7	820.9	71.9	627.0	3.0
Agricultural Adjustment Program	586.1	442.5	515.8	541.6	743.0	290.2			
Social security	813.2	658.7	447.7	28.4					
Railroad retirement	119.5	139.7	5.5	.3					
Supplemental items	75.0	200.0							
Total expenditures, exclusive of debt retirement	6,869.0	7,408.6	8,001.2	8,476.5	6,802.3	6,745.2	4,681.3	4,741.0	3,670.9
Net deficit	949.6	1,088.1	2,707.4	4,360.6	3,001.8	3,629.6	2,601.6	2,735.3	481.3
Gross public debt at the end of each fiscal year	38,528.2	37,603.6	36,424.6	33,778.5	28,700.9	27,053.1	22,539.7	19,487.0	16,801.3

* Excess of credits, deduct.

RECOMMENDATIONS

Appropriation item veto: An important feature of the fiscal procedure in the majority of our States is the authority given to the Executive to withhold approval of individual items in an appropriation bill, and, while approving the remainder of the bill, to return such rejected items for the further consideration of the legislature. This grant of power has been considered a consistent corollary of the power of the legislature to withhold approval of items in the budget of the Executive; and the system meets with general approval in the many States which have adopted it. A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one.

Commodity Credit Corporation: At present the funds for the operations of the Commodity Credit Corporation are provided through allocations from the Reconstruction Finance Corporation. Such losses as the Commodity Credit Corporation may sustain upon its commodity loans remain an indefinite charge against the Treasury until the liquidation of the Reconstruction Finance Corporation. In order to provide for an annual review of the operations of the Commodity Credit Corporation and of its annual net cost to the Government, I recommend the enactment by the Congress of legislation which will require an annual appraisal of the assets of the Corporation, and, as a means of providing funds to make and guarantee its loans, provide the Corporation with adequate capital and authorize the issuance by it of obligations guaranteed by the United States. Congress would be advised annually of the Corporation's net profit or loss and be in a position to make such appropriations as might be necessary to meet any annual impairment of the capital of the Corporation that would result from losses sustained upon its loans.

REVIEW OF THE FISCAL YEARS 1937 AND 1938, AND THE FISCAL PROGRAM FOR 1939

This review concerns itself with the cash actually received and paid out by the Treasury in the fiscal year 1937 with the estimates of receipts and expenditures for the fiscal year 1938, and with the fiscal program for 1939.

Fiscal year 1937

Receipts: Total general fund receipts for the fiscal year 1937 amounted to $5,293,840,237, which was $534,000,000 less than was estimated 1 year ago but a gain over 1936 of $1,178,000,000. The receipts from income taxes were $215,000,000 less than the estimate contained in the 1938 Budget, while miscellaneous internal-revenue taxes were $94,000,000 less.

It was believed last January that taxes on carriers and their employees would produce $134,552,000, but litigation delayed collection of these taxes, and only $345,088 was received in 1937. The tax on unjust enrichment produced only $5,886,836, as against Budget estimates of $82,000,000 a year ago, while the receipts from social-security taxes were $72,000,000 less than was estimated at that time. Customs and miscellaneous receipts, however, exceeded the amount anticipated a year ago by $40,000,000 and $18,000,000, respectively.

As pointed out in my message of April 20 last, the March 1937 tax returns brought to light certain defects in the present revenue law. As a result of these disclosures, committees of Congress have been considering corrective tax legislation; and I hope that there may be enacted at an early date such amendments to the revenue law as will maintain the revenue producing power of the present tax structure while correcting at the same time existing proven inequities.

Expenditures: The total expenditures for the fiscal year ended June 30, 1937 (exclusive of expenditures from postal revenues), amounted to $8,105,158,547, as compared with an estimate of $8,480,804,493 in the Budget submitted a year ago. This latter estimate included an amount of $404,525,000 for statutory debt retirement, while the actual expenditures for this purpose were $103,971,200. Thus, excluding debt retirement, the expenditures for the fiscal year 1937 were $75,092,146 less than the estimate for that year contained in the 1938 Budget. The total expenditures for recovery and relief were $3,014,589,913, as against an estimate of $3,114,689,700. Revolving funds showed a net credit of $243,569,165, which was $84,963,435 less than the previous Budget estimate of $328,532,600. Transfers to trust accounts totaled $872,386,048, while the estimates for this purpose amounted to $842,235,300. For the operation and maintenance of the regular departments and establishments of the Government, including interest on the public debt, there was expended $4,357,780,551, while the amounts estimated for these purposes totaled $4,417,887,093.

Deficit and public debt: The gross deficit for the fiscal year 1937 amounted to $2,811,318,311. Excluding $103,971,200 for statutory debt retirement, the net deficit was $2,707,347,111. The estimated net deficit, as contained in the Budget submitted a year ago, was $2,248,128,774. The increase in the net deficit is more than accounted for by the decline in receipts.

The increase in the gross public debt during the year amounted to $2,646,070,239, bringing the total gross debt on June 30, 1937, to $36,424,613,732.

Fiscal year 1938

Receipts: The income of the Federal Government during the fiscal year 1938 is expected to increase $1,026,673,000 over that of 1937, the increase of $1,101,573,000 in internal-revenue collections being partially offset by a reduction of $74,900,000 in other classes of receipts. The total revenues from all sources (exclusive of postal revenues) will amount to $6,320,513,000. This figure, however, is less by $973,100,000 than the estimate of revenues for 1938 contained in the Budget last year.

Income taxes are expected to produce $2,692,900,000 as compared with 1937 receipts of $2,157,526,981. Miscellaneous internal-revenue taxes will amount to $2,279,511,000 as compared with actual collections in 1937 of $2,181,217,856. The reenactment of legislation levying taxes upon carriers and their employees will produce $150,300,000 in 1938, whereas last year's receipts amounted to only $345,088. Taxes under the Social Security Act, levied on a 6-month basis in 1937, produced $252,160,840, and in 1938, on a full-year basis, will produce $571,002,000. The tax on unjust enrichment is estimated at $5,000,000, or $886,836 less than the receipts from this source in 1937. Customs duties are expected to yield $415,300,000 in 1938, whereas in 1937 they produced $486,356,599. Miscellaneous revenues are $2,411,030 less than last year, the estimate for the current year being $165,409,083; and from realization upon assets there will be derived a total of $41,090,917, or $1,432,505 less than in 1937.

Expenditures: The total expenditures (exclusive of expenditures from postal revenues) for the fiscal year 1938 are now estimated at $7,614,858,300. Included in this amount, however, are statutory debt retirements of $206,215,700. Eliminating debt retirement and the nonrecurring item of adjusted-compensation payments, the 1938 expenditures are expected to be about $35,900,000 less than last year. There is a decrease of $1,185,600,000 in expenditures for recovery and relief, the Agricultural Adjustment program, the Civilian Conservation Corps, and refunds of taxes, and an increase of $1,149,700,000 for the following purposes: $52,500,000 for the legislative, executive, and judicial offices, and the civil departments and agencies; $167,800,000 for the general public-works program; $89,700,000 for national defense; $2,300,000 for veterans' pensions and benefits; $90,900,000, principally for grants to States, under the Social Security Act; $60,600,000 for interest on the public debt; $280,100,000 for payments into the old-age reserve account and the railroad and Government employees' retirement funds; $200,000,000 for supplemental items; and $205,800,000 representing a reduction in revolving-fund credits.

Deficit and public debt: Excluding public-debt retirements, the net deficit for 1938 is now estimated at $1,088,129,600 as against an actual deficit in 1937 of $2,707,347,111. The gross public debt on June 30, 1938, is estimated at $37,603,646,918.

This, of course, does not take into account any future changes in the debt which may occur as a result of the Treasury policy with respect to the sterilization of gold.

Fiscal program for 1939

Receipts: The estimates of revenues for the fiscal year 1939, which are necessarily based on existing tax laws, amount to $5,919,437,000. This is $401,076,000 less than the anticipated receipts for 1938. With the exception of social-security taxes and realization upon assets, each major class of revenue shows a decline below the 1938 level. Income taxes are estimated at $2,414,200,000, or $278,700,000 less than for 1938. Total miscellaneous internal revenue will be $2,190,072,000, which is $89,439,000 less than in 1938. The taxes upon carriers and their employees are expected to total $116,900,000, a decline of $33,400,000 from 1938, which is due largely to the fact that the 1938 collections included 1937 accruals deferred by litigation. Social-security taxes will be $598,865,000, an increase of $27,863,000 over 1938. The tax on unjust enrichment will produce $10,000,000, as compared with $5,000,000 for 1938. Miscellaneous revenues show a total of $148,882,320, or less than the current year by $16,526,763. Realization upon assets is estimated at $50,117,680, an increase of $9,026,763 over 1938.

Expenditures: The expenditures contemplated for the fiscal year 1939 (exclusive of those from postal revenues) total $7,070,558,000. This includes $201,515,000 for statutory debt retirement, leaving $6,869,043,000 for other purposes, which is $539,600,000 less than the amount estimated for 1938. There are net increases of $52,917,000 in the regular activities of the civil departments and agencies which are more than accounted for by increases of $62,000,000 under the Rural Electrification Administration and the United States Maritime Commission. The general public-works program will require $404,026,500, or $73,957,000 less than for 1938. Expenditures for national defense are expected to be $54,847,000 greater than for 1938, reaching a total of $988,623,400 in the fiscal year 1939. On the other hand, the expenditures for veterans' pensions and benefits will decline from $573,682,800 for 1938 to $538,610,000 for 1939, because of the completion of payments of insurance claims on account of deaths occurring during the World War. Expenditures under the agricultural-adjustment program will increase $143,573,000 in 1939, due principally to the legislation enacted during the last regular session of Congress providing for subsidy payments to cotton producers.

The Civilian Conservation Corps, because of a contemplated reduction in the number of camps and reduced expenditures for cooperating agencies, will require $230,000,000, or $80,000,000 less than for 1938. Expenditures for administration and grants to States under the Social Security Act will reach a total of $338,230,000, which represents an increase of $66,525,000 in grants to States and a decrease of $1,991,000 in administrative expenses. The interest payments on the public debt will amount to $976,000,000, or $49,000,000 more than for 1938.

Expenditures for recovery and relief are estimated at $1,138,304,000, or $841,356,600 less than for 1938. The operations of the Social Security Act and the unemployment-compensation laws of the States have the effect of materially reducing our program for work relief. Moreover, operations under the new Housing Act will greatly assist in providing employment. We can also look to the regular public-works program to provide a certain amount of employment. With these aids and the assistance confidently expected from private industry, I hope that the foregoing amount for expenditure will be sufficient to meet the needs for 1939. An estimate of appropriation of $1,000,000,000 for this purpose is contained in the 1939 Budget.

Expenditures from revolving funds are expected to amount to $141,961,000, which represents, because of an excess of receipts of $37,778,200 in 1938, an increase in total expenditures of $179,739,200. For the old-age reserve account the estimate is $475,000,000, an increase of $90,000,000 over 1938. For the railroad retirement account $117,250,000 will be required, $20,286,000 less than for 1938. An accumulation of payments due in 1937 had to be met in 1938, whereas there will be no accumulation to be carried over into 1939. The amount for supplemental items is $75,000,000, which is $125,000,000 less than the amount now indicated for 1938.

Deficit and public debt: The net deficit for the fiscal year 1939 is $949,606,000, or $138,523,600 less than the deficit for the current year. The gross public debt on June 30, 1939, is estimated at $38,528,252,918. This does not take into account any changes in the debt which may occur as a result of the Treasury policy with respect to the sterilization of gold.

It should be pointed out, however, that the increase in the debt by reason of the deficit does not mean that the Treasury will borrow that additional sum on the market. There will be available during the fiscal year for investment in special issues of Government obligations the net sum of approximately $1,163,000,000, which represents investments of $600,000,000 from the old-age reserve account and the railroad and Government employees' retirement funds and $573,000,000 from the unemployment trust fund, and a reduction of $10,000,000 in investments held for account of the adjusted-service certificate fund. As a result of these investment operations, the Treasury financing for the fiscal year 1939 would be confined to refunding maturing obligations.

The following table shows the gross public debt at the end of the fiscal years 1936 and 1937 and the estimated gross debt at the end of the fiscal years 1938 and 1939:

[In millions of dollars]

	June 30, 1939 (estimated)	June 30, 1938 (estimated)	June 30, 1937	June 30, 1936
Market operations:				
Held by—				
Public (banks, insurance companies, trust companies, corporations, individuals, etc.)	30,240	30,519	30,677	29,408
Federal Reserve System	2,564	[1] 2,564	2,526	2,430
Governmental agencies	509	[1] 509	451	381
Government trust funds	1,300	1,260	1,212	933
	34,613	34,852	34,866	33,152
Special issues:				
Held by—				
Old-age reserve account	1,143	661	267	
Unemployment trust fund	1,538	965	312	19
Railroad retirement account	137	80		
Employees' retirement funds	432	371	316	280
Veterans' funds	515	525	538	127
Other	150	150	125	200
	3,915	2,752	1,558	626
Gross debt	38,528	37,604	36,424	33,778

[1] As of Dec. 1, 1937, and it is assumed for the purpose of this statement only that they will remain at these amounts throughout the fiscal years 1938 and 1939.

Appropriations: The appropriations and reappropriations recommended in this Budget, including those for the Postal Service, the District of Columbia, and probable supplemental items, total $7,973,843,219. The appropriations and reappropriations already made and prospective supplemental items for the same purposes total $8,629,921,393. This is a decrease of $656,078,174.

FRANKLIN D. ROOSEVELT.

JANUARY 3, 1938.

The SPEAKER. This is Calendar Wednesday.

Mr. RICH rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. This is Calendar Wednesday. Considerable time has been consumed in the reading of the Budget message. The Chair feels that the House should proceed with Calendar Wednesday business. The gentleman from Pennsylvania asks unanimous consent to proceed for 1 minute. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, listening to the President's message, I was very much interested to see if we were going to be able to cut down Government expenditures. This, however, is the fourth time the President has increased the estimate for the year 1937–38. He has certainly not shown us where we are going to get the money. If we analyze his statement for the year 1939 we find ourselves in a very deplorable situation so far as the Treasury is concerned. It is a statement that should receive much attention from each Member of the House of Representatives. Those who did not hear the message read will find it well worth their time to study. It is necessary that Congress economize in Government expenditures or you will be compelled to increase taxes in order to save this country from bankruptcy.

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

Mr. BLAND. Mr. Speaker, reserving the right to object, I understand this is for the purpose of making an announcement. I have stated that I would permit the gentleman to make it, but I shall object to any other request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WILLIAM R. JOHNSON

Mr. ALLEN of Illinois. Mr. Speaker, it is with deep regret that I announce to the Members of the House the death of one of our former colleagues, William R. Johnson, late Member of Congress from the Thirteenth Illinois District. Mr. Johnson was born in Rock Island, Ill., on the 15th day of May 1875, moving to Freeport, Ill., in 1879. He attended the public schools and the College of Commerce at Freeport. In 1901 he was appointed a member of the Capitol police force, serving as private, sergeant, lieutenant, and captain. In 1919 our deceased colleague was appointed superintendent of the folding room of the National House of Representatives. With the voluntary retirement of Hon. John C. McKenzie in 1924 the people of the Thirteenth Illinois District elected Mr. Johnson to represent them in Congress. He served from March 3, 1925, to March 3, 1933. He was a man who performed outstanding work in the House, loved and respected by men on both sides of the aisle. Particularly noteworthy was his service to his constituents. Any request by them was not too small for him to give his undivided attention. As a member of the Military Affairs Committee he performed much constructive work. He died January 2, 1938.

CALENDAR WEDNESDAY

The SPEAKER. The Clerk will call the roll of the committees.

The Clerk called the roll of the committees.

COAST GUARD SITES

Mr. BLAND (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, by authority of the Committee on Merchant Marine and Fisheries I call up the bill (H. R. 8236) authorizing the Secretary of the Treasury to exchange sites for Coast Guard purposes, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to exchange any land acquired by purchase, donation, exchange, or by any other method, as a site for the use of the Coast Guard for any other land which is determined by a board of Coast Guard officers, appointed by the Commandant, to be an adequate consideration for such exchange, subject to the approval of the Secretary: *Provided*, That the title to any land acquired in this manner by the Government shall be subject to the approval of the Attorney General: *And provided further*, That any conveyance by the Government under this act shall be by a quitclaim deed.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized to exchange the existing Coast Guard site located at Miami Beach, Dade County, Fla., commonly known as the House of Refuge property, for any other site located at Miami Beach, Dade County, Fla., which is determined by a board of Coast Guard officers, appointed by the Commandant, to be an adequate consideration for such exchange and suitable for Coast Guard purposes, subject to the approval of the Secretary: *Provided*, That the title to any land acquired in this manner by the Government shall be subject to the approval of the Attorney General: *And provided further*, That any conveyance by the Government under this act shall be by a quitclaim deed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes."

MERCHANT MARINE

Mr. BLAND. Mr. Speaker, by authority of the Committee on Merchant Marine and Fisheries I call up the bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to amend section 13 of the act of March 4, 1915, entitled 'An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea; to maintain discipline on shipboard; and for other purposes', approved June 25, 1936, as amended" (49 U. S. Stat. 1930; U. S. C., 1934 edition, Supp. 2, title 46, sec. 690), is hereby amended to read as follows:

"SEC. 8. (a) No provision of this act and no amendment made by this act shall apply to fishing or whaling vessels: *Provided, however*, That the provisions of law herein amended shall continue in effect, insofar as they are applicable to said vessels with like force and effect as if this act had not been passed.

"(b) The provisions of section 1 of this act, requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation shall not apply to the manning of yachts or unrigged vessels: *Provided, however*, That credit may be given for the time served on such yachts or unrigged vessels of 100 tons gross or upward, or on tugs, towboats, or decked fishing vessels and vessels in the United States Government service, except those navigating the smaller inland lakes, in computing the total length of service required by section 1 of this act for a certificate of service or efficiency.

"(c) The provisions of sections 2 and 4 of this act shall not apply to yachts or unrigged vessels.

"(d) Subsection (i) of section 3 of this act, as amended, is amended to read 'The provisions of this section shall not apply to fishing or whaling vessels, yachts, or unrigged vessels.'

"(e) The provisions of section 5 (b) of this act shall not apply to yachts."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 8 of the act of Congress approved June 25, 1936, as amended (U. S. C., 1934 edition, Supp. II, title 46, sec. 690; Public, No. 25, 75th Cong.), is hereby amended to read as follows:

"'SEC. 8. (a) No provision of this act and no amendment made by this act shall apply to fishing or whaling vessels. The provisions of law amended by this act shall continue in effect insofar as they are applicable to said vessels with like force and effect as if this act had not been passed.

"'(b) The provisions of section 1 of this act, requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation, shall not apply to the manning of yachts or unrigged vessels except seagoing barges. Notwithstanding the foregoing provision, credit may be given for the time served on yachts or unrigged

vessels of 100 tons gross or upward, or on tugs, towboats, or decked fishing vessels, and vessels in the United States Government service, except those navigating the smaller inland lakes, in computing the total length of service required by section 1 of this act for a certificate of service or efficiency.

"'(c) The provisions of sections 2 and 4 of this act shall not apply to yachts or unrigged vessels except seagoing barges.

"'(d) Subsection (i) of section 4551 of the Revised Statutes, as amended (Public, No. 25, 75th Cong.), is amended to read as follows:

"'"(i) The provisions of this section shall not apply to fishing or whaling vessels, yachts, or unrigged vessels."

"'(e) The provisions of section 5 (b) of this act shall not apply to yachts.

"'(f) When used in this section—

"'(1) The term "unrigged vessel" means any vessel that is not self-propelled;

"'(2) The term "seagoing barge" means any barge which may be expected to encounter and ride out the ordinary perils of the high seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the act of June 19, 1935 (U. S. C., 1934 edition, title 33, sec. 151).'"

Mr. BLAND. Mr. Speaker, I have a committee amendment which I offer as a substitute for the amendment just read by the Clerk.

The Clerk read as follows:

Substitute in lieu of the committee amendment the following:

"That the provisions of section 1 of the act of Congress approved June 25, 1936, as amended (U. S. C., 1934 edition, Supp. II, title 46, sec. 643), requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation shall not apply as to unrigged vessels, except seagoing barges, and that insofar as said provisions apply to tugs and towboats, the said provisions are hereby modified as follows:

"(a) Able seamen shall not be required in the deck crew of tugs and towboats on the bays and sounds connected directly with the seas, and every person may be rated an able seaman for the purpose of serving on tugs and towboats on the seas who is 19 years of age and upward and who has had at least 18 months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas; and

"(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 1 of said act which requires that an applicant for rating under that subsection shall produce to the inspector of the Bureau of Marine Inspection and Navigation definite proof of at least 6 months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said act to have such certificated men.

"Nothing in this section shall restrict or modify any of the other provisions of section 1 of said act which must be complied with before the certificates therein authorized can be granted.

"SEC. 2. That the provisions of sections 2 and 4 of the act aforesaid shall not apply to unrigged vessels except seagoing barges.

"SEC. 3. Provisions of section 4551 of the Revised Statutes of the United States, as amended, approved March 24, 1937 (Public, No. 25, 75th Cong.), shall not apply to unrigged vessels except seagoing barges.

"SEC. 4. That when used in this act—

"(1) The term 'unrigged vessel' means any vessel that is not self-propelled;

"(2) The term 'seagoing barge' means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 151)."

The substitute amendment was agreed to.

The amendment as amended by the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPUTATION OF ANNUITIES IN THE CANAL ZONE

Mr. BLAND. Mr. Speaker, I call up the bill (H. R. 7803) to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code relating to method of computing annuities, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of section 96 of title 2 of the Canal Zone Code is amended to read as follows:

"(1) A sum equal to $37.50 multiplied by the number of years of service, not to exceed 30 years, rendered (a) on the Isthmus of Panama, or (b) in the service of the United States in the Tropics; and."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING EFFICIENCY OF THE COAST GUARD

Mr. BLAND. Mr. Speaker, I call up the bill (S. 2575) to increase the efficiency of the Coast Guard, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any commissioned officer of the Coast Guard, who, in accordance with regulations prescribed by the Secretary of the Treasury, heretofore has been or hereafter may be placed out of the line of promotion, may, at his own request (a) if his commissioned service is 10 years or more, be placed upon the retired list with retired pay as prescribed by section 3 hereof, or (b) if his commissioned service is less than 10 years, resign from the Coast Guard with 1 year's pay computed at the rate of pay he was receiving on the date of his resignation.

SEC. 2. The Secretary of the Treasury, at the direction of the President, shall assemble annually a Coast Guard Personnel Board, to be composed of not less than three commissioned officers on the active list of the Coast Guard, to select the officers, if any, whom the Board determines should be retired or placed out of the line of promotion, and to make recommendations with respect thereto. The proceedings and decisions of the Personnel Board shall be transmitted to the Commandant of the Coast Guard for review. If the Commandant shall approve the recommendation of the Personnel Board, the officer concerned shall be notified in writing of the action taken in his case, and he shall be entitled to have his case reconsidered by such Board, if, within 30 days after he receives notice as aforesaid, he files with the Commandant a written protest of the action taken, or appears, either in person or by counsel, before the Personnel Board: *Provided*, That no case shall be twice reconsidered by the Personnel Board. If the Commandant shall disapprove the recommendation of the Personnel Board, he shall transmit the same with his recommendation to the Secretary of the Treasury for final action. If the Secretary of the Treasury shall concur in the decision of the Commandant, the case shall be terminated, and the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered. If the Secretary of the Treasury shall disapprove the recommendation of the Commandant and approve that of the Board, the officer concerned shall be notified as aforesaid, and shall be entitled to have his case reconsidered by the Personnel Board, subject to the same conditions as hereinbefore provided. At the expiration of 30 days after receipt by any officer concerned of notice of the action taken in his case, in the event no protest is filed or appearance made as provided in this section, the recommendation of the Personnel Board, as approved by the Commandant or by the Secretary of the Treasury, as the case may be, shall be laid before the President by the latter with his recommendation. In the event of the reconsideration of the case of any officer, the Personnel Board shall, after carefully considering additional evidence, if any, submit its supplemental report and final recommendation in the case to the Commandant, who shall transmit the same with his recommendations to the Secretary of the Treasury. The Secretary of the Treasury shall lay the same before the President accompanied by his recommendation in the case. When considering the record of any officer of the Coast Guard, the Personnel Board shall give major importance to reports upon the officer made, in accordance with regulations prescribed by the Secretary of the Treasury, by his seniors. The President may, in any calendar year, pursuant to any recommendation so laid before him:

(a) Place out of the line of promotion such number of lieutenant commanders on the active lists as will not exceed the whole number nearest to 2 percent of the officers in that grade as of January 1 of such year; except that such limitation shall not be construed to limit the number of lieutenant commanders who may be placed out of the line of promotion, in accordance with regulations prescribed by the Secretary of the Treasury, for failing to establish their mental, moral, and professional fitness for promotion, as required by existing law.

(b) Place upon the retired list such number of commissioned officers who have had 30 or more years of service as will not exceed the whole number nearest to 5 percent of the number of officers falling within that classification on January 1 of such year.

(c) Place upon the retired list any officer who has been placed out of the line of promotion and who has had 10 years or more of commissioned service.

SEC. 3. The annual pay of any officer who is retired under the provisions of this act shall be 2½ percent of his active-duty pay at the time of his retirement, multiplied by the number of years of his service: *Provided*, That the retired pay of any officer retired pursuant to this act shall not exceed 75 percent of his active-duty pay at the time of his retirement. Years of service, for the purpose of computing retirement pay under the provisions of this act, shall be computed in the same manner as is now or may hereafter be provided by law for the computation of years of service for voluntary retirement.

SEC. 4. The total number of officers retired involuntarily in any one calendar year pursuant to this act shall not exceed the whole number nearest to 1 percent of the total number of commissioned officers. The total number of officers who are permitted to resign from the Coast Guard with 1 year's pay or retire voluntarily pursuant to this act shall not exceed in any one calendar year the whole number nearest to 2 percent of the total number of commissioned officers.

SEC. 5. The provisions of this act shall be supplementary to, but shall not be construed to limit or supersede, existing laws relating to retirement, examination for promotion, and promotion of Coast Guard officers.

SEC. 6. The provisions of this act shall not apply to chief warrant officers.

Mr. PETTENGILL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, in 5 minutes it is, of course, impossible to cover this alleged terrible conspiracy to ruin the administration and the business of the country. In the last 2 or 3 weeks our ears have been assaulted with the charge that some 60 families have entered into a deep, dark conspiracy to discredit the administration and to liquidate the New Deal.

These big bad wolves no doubt have eaten many innocent Little Red Riding Hoods. But the present charge is silly on the face of things, as business men do not take a loss of 25 billion dollars in stocks, securities, inventories, and so forth, to discredit anybody. If business men do anything, they put business ahead of politics. If there were such a conspiracy we would have heard about it prior to the election a year ago, at which time business was at its highest point since 1932.

However, in the few minutes at my disposal I think it will be worth while considering what Leon Henderson, the chief economist for the W. P. A. and a very prominent official in N. R. A., has to say on this matter. I quote from his press release of December 15, 1937, issued shortly before certain recent attacks on business were made. This is what Mr. Henderson stated:

It is frequently said that the slump is due entirely to a lack of confidence on the part of the business community.

How can this be true in the face of overexpanded inventories: When a corporation is uncertain about the future, it does not buy materials, supplies, and new machinery.

The table below shows that the total value of inventories of 50 large companies——

That is the "big business" of this country—

increased steadily from 1932 right down to October first of this year.

But the most astounding thing revealed by the table is that inventories of these 50 companies on September 30, 1937, were larger than they were at the close of 1929, despite the fact that the 1929 price level was considerably higher.

How can it be presumed that these 50 great companies would build up huge inventories they did not expect to sell? How can it be supposed that they would enter into a conspiracy in this country for the purpose of destroying the market for these goods and leaving these inventories in their warehouses? These companies include General Motors, a Du Pont company, Chrysler, Pullman, and many others with assets running up to $100,000,000. If the 60 ferocious families control any business, these companies are certainly included.

Mr. Henderson goes on and states in conclusion:

The plain truth of the matter is that business in general had too much confidence and speculated in inventory buying. Business went blindly ahead even when many storm warnings were signaling that the great mass of consumers lacked purchasing power to take their goods off the market.

Mr. Speaker, that is the statement of the Chief Economist of the W. P. A., formerly a high administrative official in the N. R. A., which indicates very clearly that, in his judgment, there was the exact contrary of an attempt to discredit the present administration. Mr. Henderson is not a banker, industrialist, nor a scion of the 60 families. He is one of the wheel horses of the administration, and, in my judgment, must think Secretary Ickes and Mr. Jackson are ignorant of the facts.

Mr. SIROVICH. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from New York.

Mr. SIROVICH. I have noticed that in connection with the steel industry, because of the increases they gave labor, amounting to $125,000,000, at the same time the price of steel instead of being increased to measure up to the $125,000,000, was increased to the extent of some $327,000,000. Does not my distinguished friend, for whom I have a wholesome respect, feel that that sort of thing has contributed very materially toward the business recession of this Nation?

Mr. PETTENGILL. Without knowing whether the facts are as he has stated them, I agree with the gentleman from New York that some business has no doubt been at fault, serious fault, in marking up prices. But what I am discussing now is simply whether a conspiracy exists.

Mr. SNELL. Will the gentleman yield?

Mr. PETTENGILL. There has been too much raising of prices. I agree with that statement. But in the light of the fact that these companies have built up big inventories, how can anyone assume they did not hope to sell them? How can anybody expect, under those circumstances, that they entered into a conspiracy to destroy the market in which to sell their inventories? Anyone who accepts Mr. Henderson's figures and then believes this conspiracy nonsense will no doubt go to his grave asserting that Jonah swallowed the whale.

[Here the gavel fell.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BLAND. Mr. Speaker, reserving the right to object, and I shall not object, I would like to finish this bill. If the majority leader wants to permit the Members to speak later, all right.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from New York.

Mr. SNELL. In reference to the statement made by my colleague from New York [Mr. SIROVICH], I think it should be fairly stated that the increase in wages has not been the only increase so far as the cost of doing business under present conditions is concerned.

Mr. PETTENGILL. That is correct.

Mr. SNELL. What has been the increase in the taxes of the United States Steel Corporation and what has been the increase in other things they are forced to buy on the present market? Put those with it and I think the gentleman will find it makes a different picture.

Mr. PETTENGILL. I agree with the gentleman from New York.

Mr. SNELL. Tell them the whole story.

Mr. PETTENGILL. The tax item is materially contributing to the fact we are running into a consumers' strike today. I saw the figures of Westinghouse. Four years ago their tax item was two and a half million dollars. This year it will be $16,000,000, an increase of 600 percent, approximately. All of this comes between the producer and the ultimate consumer and results in raising prices and causing consumers' strikes. This for the reason that the consumer not only buys the goods but also has to pay these huge tax increases. Whenever he pays the tax, he has that much less money with which to buy more goods and finally he curtails buying and you have a consumers' strike.

Mr. ROMJUE. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Missouri.

Mr. ROMJUE. If I understand the gentleman, he is in accord with what Mr. Henderson says with reference to too much confidence?

Mr. PETTENGILL. Mr. Henderson said there was up until the 1st of October. Personally, I think there has been a growing lack of confidence in the long future, say goods to be paid for 5 or 10 years from now. That is why we have had a period of prosperity in consumers' goods, but a near depression for the past half dozen years in durable goods. We have been willing to buy gasoline but not houses, as the gentleman well knows.

Mr. ROMJUE. Then the gentleman and Mr. Henderson are in almost complete discord with the business interests of the country, because the press and the people of the country have stated there is no confidence in the administration, for which statement there is no justification, of course. The gentleman's statement is at variance with the claims made throughout the country.

Mr. PETTENGILL. Mr. Henderson said that up to October 1 there was too much confidence. He has not made that statement so far as the present time is concerned.

Mr. ROMJUE. But the clamor of people everywhere who were not in sympathy with the administration has been to the effect there has been destruction of confidence by business.

Mr. PETTENGILL. I am simply offering Mr. Henderson's statement in opposition to the theory that there is a conspiracy existing to destroy the purchasing power for these inventories.

Mr. HILL of Washington. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Washington.

Mr. HILL of Washington. The profits of any business are determined only after all overhead expenses are paid?

Mr. PETTENGILL. That is true.

Mr. HILL of Washington. The gentleman whom you have quoted will also tell you, if you will read his facts and statistics, that the profits of these corporations in 1937 were far above those of 1936. How does the gentleman account for that? The gentleman from New York can possibly account for it. The profits are larger now than they were a year ago.

Mr. SNELL. I can agree with that, because a year ago they were not making anything.

Mr. HILL of Washington. Certainly, they made more in 1936 than they did in 1933.

Mr. SNELL. Does not the gentleman want business to make a reasonable profit?

Mr. HILL of Washington. Certainly.

Mr. SNELL. Business is entitled to a profit and money now is the cheapest commodity on the market.

Mr. HILL of Washington. But they are making more now than they did in 1929.

Mr. PETTENGILL. We face a serious situation. Business, labor, farming, and Government argue to put pride, prejudice, and politics aside, inquire into mistakes, wherever and by whomsoever made, and then correct them as quickly and calmly as possible. This is no time for witch burning and alibi hunting.

[Here the gavel fell.]

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7486) was laid on the table.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that further business in order on Calendar Wednesday may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point by printing a letter addressed to the Speaker of the House by Mr. Tyler Page setting forth the turn-over in the membership of the House since the Sixty-third Congress. I think this information will in all probability be very interesting to the Members of the House, and particularly to those of us who have been here some time.

The SPEAKER. The gentleman from Texas asks unanimous consent to incorporate at this point in the RECORD a letter to which he has referred. Is there objection?

There was no objection.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK TO THE MINORITY,
Washington, D. C., December 27, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: Referring to your request for information concerning the turn-over in the personnel of the House from Congress to Congress I find that since the census of 1910 and the resultant apportionment which increased the membership of the House to 435 (the present number), the average change in personnel for 13 Congresses has been 96 plus a major fraction.

The new apportionment became effective beginning with the Sixty-third Congress (1913–15), when 149 new Members were elected. This number of new Members was exceeded by only one Congress, the Seventy-third, when 151 new Members entered the House.

The following table shows the number of new Members elected to each Congress from and including the Sixty-third Congress to the Seventy-fifth Congress (1913–39):

NEW MEMBERS

Congress:	
Sixty-third	149
Sixty-fourth	118
Sixty-fifth (World War)	69
Sixty-sixth	98
Sixty-seventh	102
Sixty-eighth	123
Sixty-ninth	71
Seventieth	57
Seventy-first	77
Seventy-second	76
Seventy-third	151
Seventy-fourth	95
Seventy-fifth	68
Total, 13 Congresses	1,254

Average, per Congress, 96 plus.

Members serving two terms (85), together with those serving their first (68), a total of 153, constitute 32.87 percent of the membership of the House, and these 153, together with 89 serving three terms, or a total of 242, constitute 24 more than a majority of the whole House, a percentage of 55.60. In other words, a majority of the House Members are serving either their first, second, or third terms. This result was brought about largely because of the addition of 151 new Members in the Seventy-third Congress, many of whom were elected to the two succeeding Congresses.

It is interesting to note in this connection that only 3 Members of the present Congress were in the House in 1907, 30 years ago, and but 1 of these [Mr. SABATH] has served continuously throughout that period of time. Also, that but 26 Members of the present Congress were Members in the World War Congress (65th) 20 years ago.

In the Senate one Senator only has served 30 continuous years [Mr. BORAH]; one 28 years; one 25 years; four 24 years; five 20 years (survivors of the World War Congress); and eleven more than 10 years but less than 20 years. Seven Senators have served 10 years, one 9 years, and two 8 years. Sixty-three Senators, or 65.62 percent of the Senate membership, entered that body at various times since 1930.

Very respectfully,

WM. TYLER PAGE.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein four speeches of Mr. Robert H. Jackson, the Assistant Attorney General.

The SPEAKER. The gentlewoman from New York asks unanimous consent to extend her remarks in the Appendix of the RECORD by incorporating four speeches by Mr. Robert H. Jackson. Is there objection?

Mr. PETTENGILL. Mr. Speaker, reserving the right to object, may I ask what four speeches these are?

Mrs. O'DAY. May I ask the gentleman to withhold his objection until I can explain that the gentleman to whom I refer is a constituent of mine. His remarks very seldom appear in the RECORD. I think it is customary to allow the insertion of such remarks in the RECORD.

Mr. PETTENGILL. I am very happy to join in the request of the gentlewoman from New York that the speeches be placed in the RECORD.

Mrs. O'DAY. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a brief letter from me to Senator BORAH, together with his reply.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short editorial appearing in the Star.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a brief address by Francis Gorman.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement by an eminent physician in New Jersey on the socialization of medicine.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I should like to submit a unanimous consent request, and if it does not meet with the approval of the majority leader I hope he will so state.

Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes at this time, in order to make a few comments on the Budget message.

The SPEAKER. If the gentleman from Massachusetts will withhold his request for a moment, the Chair has agreed to recognize the gentleman from Kentucky, the acting chairman of the Committee on Military Affairs [Mr. MAY], to ask unanimous consent for the consideration of a bill which he believes to be of considerable importance. The Chair will recognize the gentleman from Massachusetts immediately after this matter is disposed of.

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address by the Secretary of Agriculture, Mr. Henry A. Wallace.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

MILITARY AND NAVAL DEFENSIVE INSTALLATIONS

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1485) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes, and I also ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. O'MALLEY. Mr. Speaker, reserving the right to object, what is the content of the bill?

Mr. SNELL. Let the bill be reported so we may know what it is.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I wish the gentleman from Kentucky would explain briefly the necessity for considering the measure at this time, instead of having it brought up in the usual way.

Mr. MAY. Mr. Speaker, I shall be delighted to make such an explanation. As stated in the title, this is a bill to prohibit photographing or making sketches and maps of military posts and naval defenses. The bill was passed by the Senate some months ago, perhaps a year ago. A special request was made by the President that the Committee on Military Affairs report the bill, which was done during the last special session. The bill is of vital importance, and ought to be considered now.

Mr. BOILEAU. Have we not similar legislation on the statute books at this time?

Mr. MAY. Nothing covering this particular subject, that provides any penalty. I may say to the gentleman this bill is not aimed at any particular person, country, or section. It covers a subject which the President believes is of importance at this time.

Mr. BOILEAU. I have understood we have similar legislation on the statute books. I know practically every country in the world has similar legislation. We read in the papers every once in awhile about some American citizen being arrested in a foreign country for taking photographs or making sketches of fortifications. I have assumed we have similar legislation on the statute books of this country. Will the gentleman say definitely we do not have any legislation at the present time covering this general field?

Mr. MAY. No; I do not say that. I say this bill amends and strengthens existing legislation, and provides a penalty by both fine and imprisonment and thus makes existing law effective.

Mr. BOILEAU. That is what I want to know, and I think the House is entitled to such information before we act on the proposed legislation. In just what respect does it strengthen the present law, and what is the necessity for the legislation? We now have general legislation on the subject and I would like to know what particular phase of the legislation is dealt with in the proposal of the gentleman.

Mr. MAY. For the gentleman's information I say that it has come to the attention of the War Department and the President that numerous photographs have been made of the fortifications of the United States in Honolulu, Manila, and along the Pacific coast, and, of course, the gentleman is aware of the situation that exists in the East.

Mr. BOILEAU. Yes; but I would like to have information largely upon the question of whether or not we now have legislation that prohibits such action.

Mr. MAY. We do not have legislation covering these particular outlying posts that can be made effective for the reason that existing law provides no penalties for violation and without that the law is toothless and ineffective.

Mr. BOILEAU. Is that the only difference?

Mr. MAY. That is the material difference.

Mr. BOILEAU. The legislation now on the statute books applies to fortifications in continental United States and this proposed legislation extends that to the islands?

Mr. MAY. That is exactly the situation.

Mr. BOILEAU. That is the only purpose of the legislation?

Mr. MAY. That is right, except as I have already stated we are putting teeth in this bill.

Mr. EDMISTON. The gentleman is mistaken, I believe——

Mr. BOILEAU. The gentleman from West Virginia states that the gentleman from Kentucky is mistaken. I wonder what the fact is?

Mr. EDMISTON. This legislation applies to continental United States just the same as to the islands.

Mr. MAY. It applies to continental United States, but covers also the outlying possessions.

Mr. BOILEAU. The gentleman stated a moment ago—and I am wondering if the gentleman is in error in that respect—that the present law deals only with the United States, while the proposed law deals with the United States and the outlying possessions.

Mr. EDMISTON. The present law with respect to the United States is not strict enough to prohibit the photographing of our coast defenses.

Mr. BOILEAU. I want to get information as to whether or not the present law prohibits the photographing of the defense fortifications of this country.

Mr. EDMISTON. The present law prohibits it, but there is not any penalty. You cannot prevent anyone from making such photograph except a soldier can say, "Do not do that, Mister, move on."

Mr. BOILEAU. Is the only purpose of this proposal to provide a penalty?

Mr. EDMISTON. To provide a penalty and stop the taking of pictures of our national defenses, both in this country and in our possessions.

Mr. BOILEAU. That is all that is prohibited, and it is now contrary to law to take such photographs or sketches?

Mr. EDMISTON. But with no penalty provided.

Mr. BOILEAU. And the only difference is that the proposed legislation places a penalty upon such acts?

Mr. EDMISTON. That is right.

Mr. MAY. In other words, a penalty is provided; and a statute without a penalty, of course, is ineffective.

Mr. BOILEAU. And that is the only difference?

Mr. MAY. That is one difference, and also the law is extended to cover outlying possessions and the Panama Canal.

Mr. BOILEAU. Does not existing law prohibit the taking of such photographs?

Mr. MAY. Yes; but without penalty.

Mr. BOILEAU. Does present law prohibit the taking of such photographs in the outlying possessions?

The regular order was demanded.

Mr. BOILEAU. Mr. Speaker, I think we are entitled to know the situation, and if the regular order is insisted upon I shall object to the present consideration of the bill. The gentleman from Kentucky and the gentleman from West Virginia are making conflicting statements, and while I know there is no intention to deceive the Members of the House, I think we ought to have a clear-cut statement of what the proposal is. The gentleman from Kentucky states that the present law applies only to continental United States and does not provide a penalty. I understood the gentleman from West Virginia to say that the present law also prohibits the taking of these photographs in the Panama Canal, Hawaii, and so forth. Is that true?

Mr. EDMISTON. No; I think the gentleman misunderstood me.

Mr. BOILEAU. Then the only difference between the proposed legislation and existing law is that the present law prohibits the taking of these photographs and sketches only within continental United States, while this amendment extends that to the Panama Canal and Hawaii and other possessions, and provides a penalty.

Mr. EDMISTON. Both there and in the United States.

Mr. BOILEAU. Is that the only difference between existing law and this bill?

Mr. EDMISTON. That is correct.

Mr. MAY. The difference is that this bill provides a penalty of a fine of $1,000 and imprisonment, within the discretion of the court.

Mr. COLDEN. Reserving the right to object, Mr. Speaker, I want to say to the gentleman from Kentucky that in my town of San Pedro, Calif., is Fort MacArthur. The gate to that fort is open every day of the year as far as I know. I have driven in there hundreds of times without anybody stopping me and have taken visitors there. I have taken them to a spot where they could look over the big guns of that fort, and so far as I know there are very few, if any, restrictions as to taking pictures and things of that sort. A bill restricting or preventing that sort of thing, I believe, is quite necessary.

Mr. MAY. That is correct, and I appreciate the splendid contribution of the gentleman from California.

Mr. O'MALLEY. Mr. Speaker, I reserve the right to object. The gentleman says that the bill was passed in the Senate almost a year ago.

Mr. MAY. I was mistaken in that. It was on February 24, 1937, not yet a year.

Mr. O'MALLEY. Will the gentleman tell us, if this bill is so important, where it has been since February last?

Mr. MAY. It has been in the possession of the Military Affairs Committee of the House but their attention was not called to it during the last session except at the time the bill was reported out, and the President wrote a letter asking immediate consideration of it when he was on vacation down South and called attention to some very vital things that should be taken care of. I think the gentleman must be aware of what is going on in China.

Mr. O'MALLEY. Does the gentleman know whether the military authorities of this country were familiar with what has been going on during the last few weeks, whether they have known that this photographing and mapping has been going on for a long time and have failed to inform the House Committee on Military Affairs?

Mr. MAY. I do not know what knowledge the War Department had or that the Navy Department had, except in a general way. They had been trying with the existing statute to enforce the law as best they could, but there was no penalty attached to it and it was ineffective. This bill takes care of that situation.

Mr. O'MALLEY. But up to now they have been satisfied with the old statute?

Mr. MAY. The whole situation has changed in the last few months and these new conditions make this legislation more imperative, and I hope the gentleman will not object.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. SNELL. As I understand the object of this legislation, it is very pertinent and ought to be passed at once, and the only regret is that this legislation was not passed 4 or 5 years ago. The quicker it is done the better it will be for the country.

Mr. MAY. I am in thorough accord with the distinguished gentleman from New York.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after 30 days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this act it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall be punished as provided in the first section of this act.

SEC. 4. The term "aircraft" as used in this act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.

SEC. 5. The provisions of this act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto or not, and offenses under this act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 5, after the word "shall", insert the words "upon conviction", and on page 3, line 3, after the word "shall", insert the words "upon conviction."

The committee amendments were agreed to, and the bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I renew my request to address the House for 10 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

THE BUDGET

Mr. GIFFORD. Mr. Speaker, it has been my custom during the past 2 or 3 years, because of my position on the Expenditures Committee, to comment on messages pertaining to the Budget. I doubt if there is anyone who looked forward to the reading of this Budget message today with more interest than I, because for several years I have laid these messages in line on my desk for the sake of comparisons. I take these 10 minutes at this time because I desire my remarks to follow the Budget message presented a short while ago.

I shall perhaps later on extend my remarks, but I hope to say something that will induce you to read that Budget message very carefully.

Our interest can only be aroused sometimes by some startling statement or caricature. Of course, many of you saw the cartoon in this morning's Washington Post. It pictures a personified Budget message from the White House accompanied by the President, but there is another one following behind labeled "1933." The Budget message of today says to the President, "Don't look now, but I think we are being followed." They were indeed being followed. It was the specter of the 1933 Budget—carrying the language of your President at that time—and do not think that we Republicans will forget it. He said then:

For 3 long years the Federal Government has been on the road toward bankruptcy. Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

That was followed by a pledge to the American people that he would reduce the ordinary regular expenses of the Government 25 percent.

Mr. Speaker, what manner of man is this who could so change his views and his acts? We on the Republican side gave him full cooperation to carry out that pledge. We followed him consistently until he went in exactly the other direction. I stated here, just 1 year ago, that a $7,000,000,000 government had now been permanently established. That was the title of my remarks at that time. In the message of the day before yesterday the President himself said that our future Government will always cost us not less than $7,000,000,000, unless we curtail necessary expenses. Of course, much was not necessary under a former administration, but seems very necessary to the present regime. I can sympathize with him somewhat, because in March 1933, after a terrible 4 months' guessing what he might do for or to the country, we were in pretty bad shape. Lest I be too serious this quatrain taken from some magazine may illustrate the point:

She was pensive when he met her,
Sadness sat upon her brow,
But his checkbook made her happy,
And she is ex-pensive now.

The President has learned that having once begun giving checks he cannot stop; seemingly he has no desire to stop. I hope that these observations and pleasantries will at least induce you to check up on promises and estimates made in the Budget presentations during the past 5 years.

I was greatly amused this morning to read the statement by Mr. Eccles, who is your President's first and foremost adviser on financial matters. He practically controls the Federal Reserve Board and the banks of the country, does he not? How he has shocked the bonus-paying Members. He said that if the Federal Government would spend $1,000,000,000 more, now, in priming the pump we could end this recession in business. After expending some $8,000,000,000, each year, only a fraction additional, or $1,000,000,000, would seemingly be of little avail at this time. The only possible way might be a subsidy, pure and simple, to bribe business to go forward. Certainly no expenditure of only one billion to prime the pump by further discredited experiments of Government bureaus will ever bring it about. In 2 months business has dropped like a rocket, taken a drop that took 8 months in that avalanche of 1929. We are thankful that the gains of last week indicate that the rocket has slackened its headlong plunge. As yet, nothing but gasoline has been turned on the fire. Ickes and Jackson were pouring it on with genuine gusto. No one seems able fully to convince himself as to whether on Monday the President asked cooperation or demanded acquiescence. Today we are here to listen to his Budget message. I have here the estimates and the results of the past 6 years. The President promised us 2 years ago that in 1938 the Budget would surely be balanced, yet this morning he says it will be nearly $2,000,000,000 out of balance. He now says that in 1939 it will still be at least $900,000,000 out of balance—and, of course, he paints the picture in as favorable a light as possible. We may reasonably look for another two billion at that time.

Much of his message this afternoon was apologetic. How difficult to estimate 6 months or a year ahead! I shall ask you to scan the estimates given to us last year. We see that where he was to get millions from special sources, such as the unjust enrichment tax, he collected only thousands, and where he was to obtain millions from taxes on the carriers and their employees, he again received only thousands. It would seem to be an inexcusable estimate with which we were regaled the last 2 years.

And, in the light of those recent Budget messages, what confidence can you, I, and business have today in his estimate as to the true state of the Nation's financial outlook? What did he say today concerning the condition of the corporate devices set up and guaranteed by the Government? He does suggest that we appropriate to cover the huge losses by, or rather the diversion of the funds of, the Reconstruction Finance Corporation, to which I have so often referred.

We can well believe our President when he states that it is most difficult for him to make correct estimates so long ahead. Certainly he has demonstrated that.

When the President faced us day before yesterday he declared that he would never tolerate a dole, and that he was sure no legislator would dare favor one. Many of us dare to say that we could call it unemployment insurance, thereby relieving him wholly of the stigma of the more unpopular title. Certainly we have reason to believe that he himself believes in unemployment insurance, which is really just another name for idleness insurance. Yet he wishes to continue to spend dollars for relief out of which only 61 cents reaches the pockets of the reliefer. I know that this statement has been challenged, but Mr. Hopkins seems to have been forced to agree that the proper estimate was no more than 69 cents. Shall we continue that sort of public spending?

Because of a determined and prejudiced opinion, the President will pay no attention to the businessmen of the country, who advised him sometime ago at the conference at Warm Springs that direct relief was the better method, as proven by the experience of other nations. For this reason, I cannot help but think he has primarily a political mind, which at this particular time is most unfortunate for the country.

I hope none of you will be annoyed by my speaking as I have. I am trying to fulfill a duty imposed upon me.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. To the chairman of my Committee on Expenditures, always.

Mr. COCHRAN. Will the gentleman please advise the House where he gets his information in reference to the amount that does not go to the so-called relief employees of W. P. A.?

Mr. GIFFORD. I put that authority in the RECORD last year. One of the Members on your side rushed to the telephone and called up W. P. A. He came back to me and said that W. P. A. acknowledged that it was probably only 69 cents, but other investigators insist that 61 cents is the right figure.

Mr. COCHRAN. The record of my city, St. Louis, shows that the cost of administration of W. P. A. is less than 4 percent. For the State of Missouri, including the State office, around 5 percent. The gentleman talks about material. Is it not a fact that people get work in providing that material?

Mr. GIFFORD. Oh, yes; but at the moment we are discussing relief and not priming the pump.

Mr. COCHRAN. If the gentleman can bring one concrete suggestion before the committee, he knows he can always get consideration.

Mr. GIFFORD. I can bring plenty.

Mr. COCHRAN. The gentleman from Massachusetts is the ranking member of the committee, and the gentleman knows he can get a hearing before the committee just as soon as he brings to the committee facts that justify it.

Mr. GIFFORD. I know I cannot get a hearing on the shockingly wasteful and extravagant expenditures of this administration. Even facts carefully proven by Senator BYRD have no persuasive effect for an accounting.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Speaker, certain newspaper articles have appeared from which an inference might be drawn that the United States Constitution Sesquicentennial Commission and myself as Director General have been implicated in improper and corrupt practices. These imputations and implied charges are false and defamatory.

I am inquiring further into the matter with a view to requesting the Department of Justice to act, if necessary, in behalf of the Commission. I shall take any steps necessary to protect my own reputation. It is only fair to say that the writer of the original articles advises me today that he was misinformed and that he is so advising his newspaper.

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HEALEY. Mr. Speaker, I know it is with a sense of gratification that we have learned today of the overwhelming victory in the State of Alabama of our able and distinguished colleague, LISTER HILL. [Applause.] I think it is especially significant that our colleague [Mr. HILL], in the special session of this Congress, championed and voted for the wage and hour bill and that this measure was a vital issue in his successful campaign for United States Senator. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein a speech made by my colleague from Connecticut, Mr. HERMAN P. KOPPLEMANN, over WOL last evening, and also a short introduction by the chairman of the meeting.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. VOORHIS asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House for 10 seconds.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Speaker, I would like to amend the statement of my distinguished friend the gentleman from Massachusetts [Mr. HEALEY] regarding LISTER HILL's election by stating that Mr. HILL ran on a 100-percent Roosevelt platform. [Applause.]

ADJOURNMENT

Mr. BULWINKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Thursday, January 6, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

The special bankruptcy subcommittee of the Committee on the Judiciary will continue a public hearing on the Frazier-Lemke bill (S. 2215) to amend section 75 of the Bankruptcy Act in the Judiciary Committee room at 346 House Office Building on Thursday, January 6, 1938, at 2: 30 p. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MARTIN's subcommittee of the Committee on Interstate and Foreign Commerce will meet at 10 a. m. Thursday, January 6, 1938, to continue hearings on H. R. 4722 and H. R. 4214, sales bills.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 11, 1938, at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

949. A letter from the acting Secretary of the Department of Agriculture, transmitting one copy of the report on forest roads and trails for the fiscal year 1937; to the Committee on Roads.

950. A letter from the Librarian, Library of Congress, transmitting the Annual Report of the Library of Congress, together with the Register of Copyrights, for the fiscal year ended June 30, 1937; to the Committee on the Library.

951. A letter from the Acting Comptroller General of the United States, transmitting the report and recommendations to the Congress concerning the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby, against the United States with request that he lay the same before the House of Representatives; to the Committee on Claims.

952. A letter from The National Archives, transmitting the Third Annual Report of the Archivist of the United States, covering the fiscal year ended June 30, 1937; to the Committee on the Library.

953. A letter from the Secretary of War, transmitting a statement of appropriations of the preceding fiscal year (1937) for the War Department showing the amount appropriated under each specific head of appropriation, the amount expended under each head, also the amount covered into the surplus fund of the Treasury which is not required for expenditure, the balance in the Treasury and in the hands of disbursing officers on June 30, 1937, together with the estimated outstanding obligations against such balance and the estimated unobligated balance as of June 30, 1937; to the Committee on Expenditures in the Executive Departments.

954. A letter from the president, the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1937; to the Committee on the District of Columbia.

955. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill for the relief of disbursing officers of the United States and of officers and employees of the Department of the Interior who have suffered disallowances on account of airplane travel; to the Committee on Claims.

956. A letter from the Acting Secretary of the Interior, transmitting a statement of facts relative to certain reclamation projects provided for under the act of Congress of June 26, 1936 (49 Stat. 1975); to the Committee on Irrigation and Reclamation.

957. A letter from the chairman, board of directors, Gorgas Memorial Institute, transmitting the Annual Report of the Gorgas Memorial Laboratory for the period ended June 30, 1937 (H. Doc. No. 467); to the Committee on Foreign Affairs and ordered to be printed.

958. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1937 (H. Doc. No. 374); to the Committee on Ways and Means and ordered to be printed.

959. A letter from the Acting Director of the Bureau of the Budget, transmitting a list of persons employed in the Procurement Division, Public Works Branch, Treasury Department, and paid from appropriation "General administrative expenses, Public Works Branch, Procurement Division" during the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 8817) to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241); to the Committee on Irrigation and Reclamation.

By Mr. IZAC: A bill (H. R. 8818) to amend section 1001, title X, of the Social Security Act (Public, No. 271, 74th Cong.) to include needy individuals who are permanently crippled; to the Committee on Ways and Means.

By Mr. HAMILTON: A bill (H. R. 8819) to provide for the establishment of a major training and defense fleet to be maintained on the Atlantic coast, and to be known as the Atlantic Fleet; to the Committee on Naval Affairs.

By Mr. MAAS: A bill (H. R. 8820) to authorize the investigation, construction, and testing of the Chamberlain device; to the Committee on Naval Affairs.

By Mr. MITCHELL of Illinois: A bill (H. R. 8821) to amend the Transportation Act (title 49, sec. 3, (1) U. S. C.), so as to prohibit the segregation of interstate passengers on account of race, color, or religion; to the Committee on Interstate and Foreign Commerce.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 8822) providing for blue dress uniforms and black shoes for enlisted men of the Regular Army; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 8823) relative to pledges by national banks to secure deposits; to the Committee on the Judiciary.

Also, a bill (H. R. 8824) to permit appeals by the United States to the circuit courts of appeals in certain criminal cases; to the Committee on the Judiciary.

Also, a bill (H. R. 8825) to make the provisions of the Employees' Compensation Act applicable to civil officers of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 8826) to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States; to the Committee on the Judiciary.

By Mr. MOTT: A bill (H. R. 8827) authorizing an appropriation for the development of a naval air base at Tongue Point, Oreg.; to the Committee on Naval Affairs.

By Mr. COCHRAN: A bill (H. R. 8828) to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924; to the Committee on Expenditures in the Executive Departments.

By Mr. VINSON of Georgia: A bill (H. R. 8829) to amend section 6 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," so as to authorize the Secretary of the Navy to discharge enlisted men of the Fleet Naval Reserve when sentenced by a court of competent jurisdiction to imprisonment in a penitentiary; to the Committee on Naval Affairs.

By Mr. MAY: Resolution (H. Res. 392) authorizing the Committee on Military Affairs of the House of Representatives to investigate the Tennessee Valley Authority; to the Committee on Rules.

By Mr. DIES: Resolution (H. Res. 393) authorizing the Speaker of the House of Representatives to appoint a special committee to investigate monopolies; to the Committee on Rules.

By Mr. RAMSPECK: Joint resolution (H. J. Res. 551) providing compensation for certain employees; to the Committee on the Civil Service.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to consider their resolution, house resolution No. 117, dated December 20, 1937; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 8830) granting an increase of pension to Mary N. Washburn; to the Committee on Invalid Pensions.

By Mr. ARENDS: A bill (H. R. 8831) for the relief of Clifford Wilcox, a minor; to the Committee on Claims.

By Mr. COLE of New York: A bill (H. R. 8832) granting an increase of pension to Laura E. Lawrence; to the Committee on Invalid Pensions.

By Mr. CREAL: A bill (H. R. 8833) for the relief of Jesse O. Horning; to the Committee on Military Affairs.

By Mr. GINGERY: A bill (H. R. 8834) for the relief of Kenneth B. Clark; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 8835) for the relief of Fred H. Kocor; to the Committee on Claims.

By Mr. RAYBURN: A bill (H. R. 8836) for the relief of Chilton Craddock; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3716. By Mr. DIXON: Petition of the City Council of the City of Cincinnati, Ohio, requesting the Congress of the

United States to provide funds for the payment of the Federal Government's share of the assessment levied against property owners in the benefited district for the widening and improvement of East Fifth Street in Cincinnati, and to provide funds annually for the payment of boulevard light assessments along its property on the same basis as other property owners; to the Committee on Appropriations.

3717. By Mr. FORD of California: Resolution of the Board of Supervisors of the County of Los Angeles, protesting to the National Resources Committee toward having a cloud placed upon the worthiness and need of the flood control and water conservation projects of the county of Los Angeles as covered in the authorization bill of June 22, 1936, by the statements or action of any Federal agency not in possession of the true facts, and requesting that the National Resources Committee expunge the statements of Mr. White from the record of the Chicago meeting so that they may not later be encountered as an obstacle in the county's attempts to secure Federal aid for the completion of these projects on the same footing as all other communities in the United States having authorized projects under the same act; to the Committee on the Judiciary.

3718. Also, resolution of the Board of Supervisors of Kern County, Calif., urging that everything possible be done to expedite the start of construction work on the southern end of the Central Valley project, so as to provide much needed work for thousands of people now in need of jobs and to restore credit to lands now deprived of the same for lack of a stable water supply; to the Committee on Appropriations.

3719. By Mr. MERRITT: Resolution of the Greenpoint Post, No. 241, of the American Legion, Kings County, N. Y., protesting against the United States entering into reciprocal-trade agreements and concessions with Czechoslovakia or with any other foreign country which will permit foreign-made goods manufactured under prevailing foreign conditions of low wages and long hours to be sold in competition with American-made goods manufactured under conditions which permit the high American standard of living and labor; to the Committee on Foreign Affairs.

3720. By Mr. MURDOCK of Utah: Petition of the Uintah Basin Railroad League, Moffat Tunnel League; to the Committee on Interstate and Foreign Commerce.

3721. By Mr. SADOWSKI: Petition of Local No. 155, United Automobile Workers of America, Detroit, Mich., endorsing expansion of the Works Progress Administration, comprehensive minimum wages and maximum hours bill, farm legislation, housing program, regional Tennessee Valley Authority, and curbing of high monopoly prices; to the Committee on Appropriations.

3722. Also, petition of Local Union No. 58 of the International Brotherhood of Electrical Workers, Detroit, Mich.; to the Committee on Appropriations.

3723. By Mr. SUTPHIN: Petition of grand lodge officers of the grand lodge, Knights of Pythias of New Jersey, urging adoption of an amendment now before Congress exempting fraternal organizations from the provisions of the Social Security Act; to the Committee on Ways and Means.

3724. By the SPEAKER: Petition of the Board of Supervisors of Milwaukee County, Wis., petitioning consideration of their resolution dated December 14, 1937; to the Committee on Appropriations.

SENATE

THURSDAY, JANUARY 6, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

H. STYLES BRIDGES, a Senator from the State of New Hampshire, appeared in his seat today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, January 5, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2575) to increase the efficiency of the Coast Guard.

The message also announced that the House had passed the bill (S. 1485) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7158. An act to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended;

H. R. 7803. An act to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code relating to method of computing annuities; and

H. R. 8236. An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Dieterich	Lewis	Pepper
Ashurst	Donahey	Lodge	Pittman
Bailey	Duffy	Logan	Pope
Bankhead	Ellender	Lonergan	Reynolds
Barkley	Frazier	Lundeen	Russell
Berry	George	McAdoo	Schwartz
Borah	Gibson	McCarran	Schwellenbach
Bridges	Gillette	McGill	Sheppard
Brown, Mich.	Glass	McKellar	Shipstead
Bulkley	Graves	McNary	Smathers
Bulow	Guffey	Maloney	Smith
Byrd	Harrison	Miller	Steiwer
Byrnes	Hatch	Minton	Thomas, Utah
Capper	Hayden	Moore	Townsend
Caraway	Herring	Murray	Truman
Chavez	Hitchcock	Neely	Tydings
Clark	Holt	Norris	Vandenberg
Connally	Johnson, Colo.	Nye	Van Nuys
Copeland	King	O'Mahoney	Wagner
Davis	La Follette	Overton	Wheeler

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Maryland [Mr. RADCLIFFE] are absent because of deaths in their families.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the junior Senator from Oklahoma [Mr. LEE], and the senior Senator from Oklahoma [Mr. THOMAS] are unavoidably detained from the Senate.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent, on official business, by reason of service on a subcommittee of the Judiciary Committee of the Senate.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

PROHIBITION OF PHOTOGRAPHS, ETC., OF MILITARY AND NAVAL INSTALLATIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1485) to prohibit the making of photographs, sketches, or maps

of vital military and naval defensive installations and equipment, and for other purposes, which were, on page 2, line 5, after "shall", to insert "upon conviction", and on page 3, line 2, after "shall", to insert "upon conviction."

Mr. SHEPPARD. I move that the Senate concur in the House amendments.

The motion was agreed to.

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Naval Affairs, as follows:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the twenty-third annual report of the Committee covering the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 6, 1938.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals, as follows:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 5, 1938.*

REPORT OF NATIONAL LABOR RELATIONS BOARD

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1937, together with volume II of the decisions and a list of the personnel employed by the Board, which, with the accompanying report, was referred to the Committee on Education and Labor.

REPORT OF NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, pursuant to law, the annual report of the activities of the National Board for the Promoton of Rifle Practice for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Military Affairs.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, report of the Corporation for the month of November 1937, including statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying report, was referred to the Committee on Banking and Currency.

WIRE OR RADIO COMMUNICATION LEGISLATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, report on the subject of whether or not any new wire or radio communication legislation is required better to insure safety of life and property, which was referred to the Committee on Interstate Commerce.

LAWS OF MUNICIPAL COUNCIL OF ST. CROIX, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Croix at recent meetings, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

REPORT OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, transmitting, pursuant to law, a report of the expenditures under appropriations for the United States Court of Customs and Patent Appeals for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the Dearborn (Mich.) Pioneers Club, expressing confidence in the policies of Henry Ford, which was ordered to lie on the table.

Mr. BULKLEY presented a resolution of the House of Representatives of the State of Ohio, memorializing the President and Congress to continue the Works Progress Administration in Ohio, which was referred to the Committee on Education and Labor.

(See resolution printed in full when laid before the Senate by the Vice President on the 5th instant, p. 54, CONGRESSIONAL RECORD.)

Mr. SHEPPARD presented a resolution adopted by the Centerview Baptist Church Sunday School, of Jayton, Tex., favoring the enactment of House Joint Resolution 199, proposing an amendment to the Constitution of the United States to provide for a referendum on war, which was referred to the Committee on the Judiciary.

Mr. TYDINGS presented memorials of sundry citizens of the States of Maryland and Pennsylvania, remonstrating against the enactment of legislation imposing any excise or processing taxes on food products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which was referred to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

A bill (S. 3177) to provide for the appointment of an additional district judge for the district of New Jersey; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 3178) for the relief of Joy Montgomery (with accompanying papers); to the Committee on Claims.

A bill (S. 3179) granting a pension to Lettie N. Cooper (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3180) for the relief of E. W. Jones; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 3181) for the relief of Leslie Truax; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 3182) for the relief of L. D. Harper; to the Committee on Claims.

By Mr. DUFFY:

A bill (S. 3183) to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post, No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 3184) to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail; to the Committee on the District of Columbia.

By Mr. BULOW:

A bill (S. 3185) for the relief of Fred G. Davis; to the Committee on Claims.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7158. An act to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended; and

H. R. 8236. An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes; to the Committee on Commerce.

H. R. 7803. An act to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code relating to method of computing annuities; to the Committee on Interoceanic Canals.

PREVENTION OF AND PUNISHMENT FOR LYNCHING—AMENDMENT

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table and to be printed.

INVESTIGATION OF EXISTING PROFIT-SHARING SYSTEMS

Mr. VANDENBERG submitted a resolution (S. Res. 215), which was referred to the Committee on Finance, as follows:

Whereas the maintenance of the profit system is essential to the preservation of the competitive capitalistic system under which the United States has attained the largest measure of general economic welfare enjoyed by any people in the world; and

Whereas the exploration of all available means for extending the direct benefits of the profit system to the largest possible number of citizens is highly desirable and important:

Resolved, That the Senate Finance Committee, or any subcommittee thereof, is authorized and directed to make a complete study of and report upon all existing profit-sharing systems, between employers and employees, now operative in the United States with a special view (a) to the preparation of an authentic record of experience which may be consulted by employers who are interested in voluntarily establishing profit-sharing plans; (b) to the consideration of what advisable contribution, if any, may be made to the encouragement of profit sharing by the Federal Government, including the grant of compensatory tax exemptions and tax rewards when profit sharing is voluntarily established; (c) to the consideration of any other recommendations which may prove desirable in pursuit of these objectives.

Resolved further, For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, during the Seventy-fifth and succeeding Congressses; to employ such experts and clerical, stenographic, and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expense of the committee, or any duly authorized subcommittee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, or any duly authorized subcommittee thereof.

THE MEANING OF THE ROOSEVELT ADMINISTRATION TO THE PEOPLE—ADDRESS BY SENATOR LEWIS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address on the subject Meaning of the Roosevelt Administration to the People, delivered by Senator LEWIS on the evening of January 5, 1938, which appears in the Appendix.]

FEDERAL INCORPORATION—ARTICLES BY GUSTAVE SIMONS

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD two articles by Gustave Simons, published in the Christian Science Monitor, dealing with the subject of a Federal system of charters for corporations engaged in interstate commerce, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The VICE PRESIDENT. By order of the Senate, today the Senate is to proceed to the consideration of what is known as the antilynching bill.

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The clerk will state the amendment reported by the Committee on the Judiciary, which is in the nature of a substitute for the House bill and will be considered as an original bill for the purpose of amendment.

The CHIEF CLERK. It is proposed by the committee to strike out all after the enacting clause and insert the following:

That the provisions of this act are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment of the Constitution of the United States and for the purpose of better assuring under said amendment equal protection to the lives and persons of citizens and due process of law to all persons charged with or suspected or convicted of any offense within the jurisdiction of the several States. A State shall be deemed to have denied to any victim or victims of lynching equal protection and due process of law whenever that State or any legally competent governmental subdivision thereof shall have failed, neglected, or refused to employ the lawful means at its disposal for the protection of that person or those persons against lynching or against seizure and abduction followed by lynching.

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physcial violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided, however*, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

SEC. 4. Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has willfully neglected, refused, or failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this act.

SEC. 5. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured, or to his or her next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000 as monetary compensation for such injury or death: *Provided, however*, That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched: *And provided further*, That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further

proceedings against any other governmental subdivision which may also be responsible for that lynching.

(2) Liability arising under this section may be enforced and the compensation herein provided for may be recovered in a civil action in the United States district court for the judicial district of which the defendant governmental subdivision is a part. Such action shall be brought and prosecuted by the Attorney General of the United States or his duly authorized representative in the name of the United States for the use of the real party in interest, or, if the claimant or claimants shall so elect, by counsel employed by the claimant or claimants, but in any event without prepayment of costs. If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such a governmental subdivision. Any officer of such governmental subdivision or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly. The cause of action accruing hereunder to a person injured by lynching shall not abate with the subsequent death of that person before final judgment but shall survive to his or her next of kin. For the purpose of this act the next of kin of a deceased victim of lynching shall be determined according to the laws of interstate distribution in the State of domicile of the decedent. Any judgment or award under this act shall be exempt from all claims of creditors.

(3) Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this act may by order direct that such suit be tried in any division of such district as he may designate in such order.

SEC. 6. The essential purpose of this act being the furtherance of protection of the lives and persons of citizens and other persons against unlawful and violent interference with or prevention of the orderly processes of justice, and equal protection and due process of law, and against possible dereliction of duty in this respect by States, or any governmental subdivision thereof, or any officer or employee of either a State or governmental subdivision thereof. Therefore if any particular provision, sentence, or clause, or provisions, sentences, or clauses of this act, or the application thereof to any particular person or circumstance, is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. McKELLAR. Mr. President, I understand that the Senator from North Carolina [Mr. REYNOLDS] desires to discuss the bill at this time, but for the moment he is not in his seat. I therefore suggest the absence of a quorum.

Mr. LEWIS. Mr. President, may I tender an amendment before that is done?

Mr. McKELLAR. Yes; I withhold the suggestion for that purpose.

Mr. LEWIS. By consent of the Senator from Tennessee, allowing me to interrupt him, I call attention to page 7 of the bill. Beginning with line 9, I move to strike out of the committee amendment the following words:

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

The lines which I have just read, concluding the paragraph, I move to strike from the amendment of the committee.

The VICE PRESIDENT. The motion of the Senator from Illinois is in order and will be the pending question. The Senator from Tennessee [Mr. McKELLAR] suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hatch	McKellar
Ashurst	Connally	Hayden	McNary
Bailey	Copeland	Herring	Maloney
Bankhead	Davis	Hitchcock	Miller
Barkley	Dieterich	Holt	Minton
Berry	Donahey	Johnson, Colo.	Moore
Borah	Duffy	King	Murray
Bridges	Ellender	La Follette	Neely
Brown, Mich.	Frazier	Lewis	Norris
Bulkley	George	Lodge	Nye
Bulow	Gibson	Logan	O'Mahoney
Byrd	Gillette	Lonergan	Overton
Byrnes	Glass	Lundeen	Pepper
Capper	Graves	McAdoo	Pittman
Caraway	Guffey	McCarran	Pope
Chavez	Harrison	McGill	Reynolds
Russell	Shipstead	Thomas, Utah	Vandenberg
Schwartz	Smathers	Townsend	Van Nuys
Schwellenbach	Smith	Truman	Wagner
Sheppard	Steiwer	Tydings	Wheeler

The PRESIDENT pro tempore. Eighty Senators have answered to their names. There is a quorum present.

Mr. LEWIS. Mr. President, I have moved to strike out of the committee amendment to the bill the provision I have read, touching the question of gangsters, groups of lawbreakers, being exempted from the provisions of the bill, and also those involved in labor disputes. I desire to inform the Senate that our eminent colleagues who are sponsoring the bill accept the amendment, and from them there is no dispute or opposition to it. I therefore tender the amendment without burdening the Senate with having to read it again, or to repeat my statement regarding it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEWIS. I yield to the Senator from Texas.

Mr. CONNALLY. I desire to say to the Senator from Illinois that the authors of the bill have no right to exclude other Senators from discussing the amendment; and while I have high and eminent respect for the good faith and legal ability of the authors of the measure, I do not propose to see their bill emasculated practically without any discussion whatever. So I must ask the Senator to defer action upon the amendment until such time as he cares to address the Senate.

I also call the attention of the Senator to the fact that if his amendment should be adopted labor unions would come under the provisions of the bill; and if the Senator from Illinois brings labor unions and strikes within the jurisdiction of this antilynching bill he is going to meet with very serious objection in certain quarters.

Mr. LEWIS. Let me say to my able friend that he is quite right; it is his privilege to debate this amendment or any other feature of the bill. I am merely calling attention to the fact that since those who wrote the bill, as we understand, consent to have this provision removed from it, that fact excuses me from any further statement other than that which may arise as a result of inquiries from other Members of the Senate. My able friend from Texas has a right to debate the measure.

As to labor unions, I answer the Senator that the provision to which I am referring says:

Any "labor dispute," as that term is defined and used in the act of March 23, 1932.

I dare say my able friend from Texas will realize that that definition is merely to identify under that act the words "labor dispute."

I have submitted the suggestion. I will not burden the Senate with detailed argument. If the able Senator from Texas and others desire to address themselves to the measure, I shall ask for a vote later, and will not attempt to interrupt at this time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. BARKLEY. The criticism with respect to this provision which has been indulged in thus far has had application only to the wording with respect to gangsters. I do not believe there has been any criticism of the wording which would eliminate labor disputes from the provision about lynching or creating a mob, and I think that in considering the amendment offered by the Senator from Illinois the point made by the Senator from Texas is worthy of consideration, that it is questionable whether difficulties growing out of a labor dispute ought to be included in the bill. For that reason I hope the Senator will give further consideration to the matter. It will be easy to eliminate the language dealing with gangsters without eliminating that dealing with labor disputes.

Mr. LEWIS. Mr. President, I am pleased to inform the distinguished leader, the Senator from Kentucky, that I am informed by the Senator from New York [Mr. WAGNER] that, upon information from sources, it is both desired and consented to that this reference to labor disputes be eliminated. I do not know for whom he speaks, but, of course, I take his word.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator, not having any notice of this motion until this moment, that it would be embarrassing for me, at least, the way I see it, to vote on the motion. It would be a sad mistake, in my judgment, if we should enact this measure and find afterward that we had made it impossible for an organization of labor men to strike without being subjected to the penalties of the law which it is provided shall be inflicted upon a mob. I think we ought to hesitate before we adopt the amendment.

Mr. LEWIS. I am attracted by the observations of the Senator from Kentucky and the Senator from Nebraska, and I take the liberty of asking that this particular amendment pend at present, and I shall not press it to an immediate vote.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. CONNALLY. The Senator from Illinois has just suggested that he privately consulted the Senator from New York [Mr. WAGNER] and that certain influences which were interested have indicated that it is desirable to offer this amendment. Would the Senator from Illinois mind telling me who these mysterious, occult, insidious, and influential interests are which are dominating the Senate without disclosure of who they are or where they are from?

Mr. LEWIS. Mr. President, I am unable to anticipate that there are such things as subterranean and underground influences having control of any Member of the Senate, and as I have none of that occult power to detect such influences as are intimated by the able Senator from Texas I am compelled to say my information is from the two Senators—the Senator from Indiana [Mr. VAN NUYS] and the Senator from New York [Mr. WAGNER], who, I assume, have had their information from a proper and legitimate source, which I am unable to reveal, and I regard it as unnecessary that it should be revealed, further than to take their word.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. CONNALLY. The Senator denies any responsibility for this kind of influences, yet they seem to have been sufficiently potent to influence the Senator from Illinois in his course on the floor of the Senate, he openly and avowedly saying that because of these unknown yet mysterious influences he is willing to modify his own amendment. It would seem to me that the Senator, because of the prestige which he has on this floor and his long and distinguished career, ought at least to know who is pulling these secret strings which are influencing the Senator from Illinois. I care not who is influencing the Senator from New York and the Senator from Indiana, but the Senator from Illinois ought to unmask himself [laughter], legislatively at least, and tell us who it is who can pull a string in some dark chamber in the city and immediately have the Senator from Illinois pop up in his place in the Senate and modify his amendment, without knowing the names of the individuals who thus exert this potent, insidious, and, let me say, Mr. President, dangerous influence on the Senator from Illinois. [Laughter.]

Mr. LEWIS. Mr. President, I must confess I am so imbued with that natural propensity to appropriate to myself such compliments as can come from such eminent source that I cannot deny the statement that I am an influential Senator and that I am rising here with great prestige, as the able Senator from Texas is willing to say. But I desire to say to the Senator from Texas that, so far as I am concerned, I do not know that there are such influences as he intimates. I have never met them; no such influences have approached me; I am unconscious of their existence. I have heard from the able Senator from Indiana [Mr. VAN NUYS] and the able Senator from New York [Mr. WAGNER] the suggestion that those who are interested in that particular phase of the bill do not object to the amendment, and I include it because it is all a part of one paragraph. So far as I am concerned, if the able Senator from Nebraska and the able Senator from Kentucky feel that the language had best be left as it is, then for a while, until the Senators have discussed the matter, the amendment may go over. I have serious suspicion, by the portents I have gathered from the Senator from Texas, that there is yet discussion to come along on this bill. [Laughter.] For that reason I prefer having the amendment left for a vote at a subsequent time, after thorough contemplation of the subject.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. CONNALLY. Mr. President, the Senator refers to persons who are interested in this particular section of the bill. This is a bill to be enacted, if it shall be enacted, not in behalf of three or four individuals, but in behalf of the people of the United States; not some of them, but all of them; and to have an important measure determined by two or three men off in a cloakroom somewhere or in a telephone booth is to me a marvelous manifestation of the dignity of the United States Senate. I know that there are forms of intellectual radio control, remote control intellectually as well as on the waves of the ether; but I am wondering what kind of dynamo—intellectual dynamo, spiritual dynamo, moral dynamo—can send forth these intellectual ether waves which strike down Senators on the floor of the Senate and make them repudiate their own statements already expressed. What form of death ray is employed, death ray to sincerity of purpose, when someone in a chamber somewhere calls up the Senator from New York and tells him to express to the Senator from Illinois, like a manikin, the wishes of these gentlemen; and then the Senator from Illinois, by one degree still removed from the source of power, like another manikin, leaps to his feet on the floor of the Senate and repudiates what he said a moment ago.

Mr. LEWIS. Mr. President, the able Senator from Texas seems to have, by some gift, a capacity to anticipate conditions of which there is no evidence. However, I will concede that if there are any who have met in a telephone booth and come to conclusions respecting this proposed legislation, we would call that an assembly in close quarters. [Laughter.] If there also be those who can whisper through some unseen source along the trembling wires of uncertainty which we call the ether some message to the Senator from New York, I confess I know nothing of it, but I would envy one who could command from the great ethereal sources such communication.

I say to the Senator from Texas that I represent, with my eminent colleague, the city of Chicago, upon which this particular provision, by some accident, is asserted to make a reflection. I insist that the police powers of my State, the law officers and the peace officers, are able to enforce the laws in their community, and I feel that this particular provision is unworthy because it reflects on them; that it is unnecessary; that it is unjust. But as to the labor-dispute feature, I am unable to give further information to my able colleagues other than that both the distinguished Senators to whom I have referred, since it is all in a single clause, asked to have excluded the whole clause, rather than merely the portion I read concerning gangsters. It reflects on the city of Chicago, and that is my connection with the subject. But I cannot consent that there is that unseen and questionable source which is permeating in some silent manner this honorable body that can centralize itself by passing through the body of the Senator from New York [Mr. WAGNER] and be communicated to me as something in the nature of a new battery.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. LEWIS. I yield.

Mr. CONNALLY. The Senator from Illinois says that the provision on page 7, providing—

> That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers—

reflects on his constituents in the city of Chicago. I find no mention in the bill of Chicago by name. The authors of the bill say this is not a sectional bill, so there is no reference to

Chicago as such. If there is any reflection on the Senator's constituents, it is simply because he recognizes that the bill under its terms would cover more gangsters and more racketeers in Illinois and Chicago than in any other place. [Laughter.]

Mr. LEWIS. Mr. President, I must say that it has been reported that bands have passed through my city, though they have come from other sections of the country, some of them poorly endowed by their birth, as was disclosed at the time they were being hung in my community. [Laughter.] Nevertheless, I recall the splendid speech of the able Senator from Idaho [Mr. BORAH] alluding to that particular provision being left in the bill, and that the Senator from Tennessee [Mr. MCKELLAR] and others about me pointed out that there was an attempted exemption in behalf of those who are called "gangsters." It is because of this reflection upon my community, legitimately made by gentlemen who felt that way and believed that way, that I for one do not wish to have this provision remain in the bill, conscious as I am of the power of my community to preserve the peace and its willingness to preserve the honor of the law within themselves and within the State of Illinois.

I feel the matter should be left to a later time, until Senators may have time to discuss the question, if it interests them sufficiently to discuss it.

Mr. OVERTON. Mr. President, will the Senator from Illinois yield?

Mr. LEWIS. I yield.

Mr. OVERTON. I did not catch the purport of the amendment of the Senator from Illinois, and I desire to ask him whether his amendment is so worded as to include violations occurring between members of groups of lawbreakers. Does the Senator propose to strike out the word "not", in line 10, so that it will read "That 'lynching' shall be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers"?

Mr. LEWIS. I am moving to strike out the whole provision beginning with the word *"Provided"* and ending with the words "47 Stat. 70", because I regard the provision as unnecessary to the bill, and as it refers to those who, eminent Senators say, particularly apply to Chicago, I all the more desire to have it eliminated, as I regard it as a reflection on that community. As to the labor disputes, I leave them out, because Senators feel embarrassment might arise, and I take my cue in the matter from Senators who have given greater consideration to the bill, and I leave it for further discussion.

Mr. OVERTON. May I ask the Senator from Illinois whether the effect of his amendment would be that lynching would include violence occurring between gangsters and violence occurring in labor strikes or disputes? Is it the purpose of the amendment that gangsters will be included in the bill?

Mr. LEWIS. The purpose of the amendment is to strike this provision out so that we may leave it to the jurisdictional power of the sovereign State of Illinois and her peace officers at Chicago, if it be at Chicago, or any other locality where such bands might be found, to take care of themselves under the law.

Mr. OVERTON. Then, when it comes to the matter of gangsters, the Senator from Illinois, by his amendment, desires that any violence, or death, or mayhem occurring should be left to regulation by State authority?

Mr. LEWIS. Completely, to punish them by State authority.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. LEWIS. I yield to the Senator from South Carolina.

Mr. BYRNES. I wish to ask a question of the Senator from Illinois. Who is the author of the amendment?

Mr. LEWIS. Mr. President, may my colleague [Mr. DIETERICH] answer that question?

Mr. BYRNES. Mr. President, I only thought that action ought not to be taken if the author of the amendment was not present.

Mr. LEWIS. Mr. President, does the Senator from South Carolina mean the author of the amendment itself, or the maker of the motion to eliminate certain language from the bill? I ask my colleague [Mr. DIETERICH] to inform the Senator from South Carolina upon the subject concerning which he desires information.

Mr. DIETERICH. Mr. President, I may be able to throw a little light upon this particular amendment, because I think possibly in the subcommittee which considered this bill I was somewhat responsible for the insertion of this language. It was not inserted to protect any gangsters or any law violators. It was inserted to protect counties wherein gangsters might dispose of their victims.

The original bill contained a provision that the county itself in which the lynching took place should be responsible to the amount of $10,000 to the legal representatives of the person who met his death by violence; and in case the lynchers or the law violators or the gangsters should take their victims to a certain county, we do not want the legal representatives or the wives of those gangsters to have an action against such county for $10,000.

The text of the bill has been materially changed until that language is no longer necessary, and I join my colleague in saying that that particular language now should be excluded.

Much has been said in numerous speeches on the floor of the Senate to the effect that gangsters were protected by the provisions of the bill. The opposite is true. An attempt was made to protect against the payment of $10,000 the county wherein the gangsters might dispose of their victim.

Mr. LEWIS. Mr. President, I ask the able Senator from South Carolina [Mr. BYRNES] if that statement is responsive to his inquiry.

Mr. BYRNES. I was simply asking whether the author of the language was in the Senate Chamber, so that he might have an opportunity to present his views. That was all I desired to ask.

Mr. LEWIS. I take it my able colleague has indicated that he is the author, and, as such, that he assents to the motion.

Mr. HARRISON. Mr. President, will the Senator yield to me?

Mr. LEWIS. I yield with pleasure to the Senator from Mississippi.

Mr. HARRISON. I understand from what the Senator says that he wants to have stricken out merely the exception, so as to leave it to the sovereignty of his State to enforce these provisions against gangsters who may violate the law. I am right in that conclusion, am I not?

Mr. LEWIS. In one respect, yes. However, as my colleague has pointed out, the matters dealt with under this provision may occur in various counties, to the embarrassment of those counties, where no one who is guilty has been discovered. I believe I anticipate what is in the mind of my able friend the Senator from Mississippi. I think the query in his mind is, If this section should be eliminated on the ground that the sovereignty of the State should take care of these particular situations, why could not the situations covered by the whole bill in its provisions be made to rest on the sovereignty of the State itself and be handled by that sovereignty?

Mr. HARRISON. Mr. President, that is a very logical suggestion, and the Senator from Illinois is always logical.

Mr. LEWIS. I was seeing in the bright eyes of the Senator from Mississippi, and in his genial demeanor, that he thought he had found there was a trap to be sprung, and that he should spring it. [Laughter.]

Mr. HARRISON. Mr. President, if I am not correct, will the Senator give his reasons to the contrary?

Mr. CONNALLY. Mr. President, will the Senator give his reason for not entering the trap?

Mr. LEWIS. Mr. President, knowing the capacity of my friends the Senator from Mississippi and the Senator from Texas to squeeze one in an emergency, I am not going to rise to the emergency. [Laughter.]

Mr. HARRISON. The Senator from Illinois and the Senator from New York have been "confabbing." Does the Senator from New York [Mr. WAGNER] share the conclusions of the Senator from Illinois in this matter?

Mr. LEWIS. I understand that the Senator from New York does concur, but in what exact language he would express his concurrence I am unable to say. If the Senator from New York desires for a moment to express himself in response to my friend from Mississippi, I yield to him to enable him to do so.

Mr. WAGNER. Mr. President, the bill itself gives a very clear explanation of exactly what we are attempting to do. If the Senator will read section 2, he will find the offenses defined. I shall read it:

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act.

The provision is very clear and very simple, it seems to me.

Mr. HARRISON. Mr. President, one question, while the Senator is on his feet, if he will permit it, because this is the first time he has been on his feet in 5 or 6 weeks while this important matter has been before the Senate.

Mr. WAGNER. The Senator is mistaken in that particular statement, but it does not matter.

Mr. HARRISON. The Senator is specifically exempting gangsters from the operations of this Federal law? Is that correct?

Mr. WAGNER. No; that was not the purpose.

Mr. HARRISON. It might not have been the purpose, but that is what the wording does, does it not?

Mr. WAGNER. I tried to explain it to the Senate in the absence of the Senator from Mississippi. The Senator was not here sometime ago when I made the explanation.

Mr. HARRISON. No; I heard it. It was by reason of my dumbness that I could not understand.

Mr. WAGNER. No. But the Senator said a moment ago that this is the first time I rose to my feet with respect to this subject. The Senator is mistaken in that regard. I have spoken before with reference to this legislation. This question came up before and was discussed, because the Senator from Texas [Mr. CONNALLY] attributed to me the authorship of this particular exemption. At that time I tried to explain, without any ability to persuade, that I was in no way responsible for this particular amendment, but that the exemption was put into the bill by the Committee on the Judiciary. The purpose of it was, as the Senator from Illinois [Mr. DIETERICH] explained, to avoid fining or punishing a county within a State where an offense took place other than as provided in the bill.

I do not agree with that interpretation, because I think the definition set forth in section 2 is very clear, and defines as best as it can be defined, the crime of lynching. Without going into too legalistic a discussion now, I think that the crime of lynching is very well known, so that most anyone, layman or lawyer, can define just what we mean by "lynching." This legislation is drafted in the hope of preventing lynching from occurring where it has heretofore occurred.

Mr. HARRISON. Yes; but I asked the Senator if there was not written into the bill an exception as to these gangsters?

Mr. WAGNER. No; there was not.

Mr. HARRISON. I understood the Senator in a statement a moment ago to say that whatever exception there was had been written by him into the bill.

Mr. WAGNER. No; I said that the Judiciary Committee had itself inserted this exemption, so-called, into the bill, and the Senator from Illinois [Mr. DIETERICH] a moment ago explained the history of that provision, and why he, I think he said, suggested that it be inserted by the Committee on the Judiciary.

Mr. HARRISON. Does the Senator from New York agree with the Senator from Illinois that if the exception as written in the bill touching gangsters were stricken, it would give to the State of New York full jurisdiction, as it should have, over the enforcement of the law with reference to gangsters?

Mr. WAGNER. This bill does not deprive any State of the Union of its rights or interfere with it in the enforcement of its criminal law. The purpose of this bill is misunderstood. The bill is directed at the State itself only in case of violation of a mandate of the Federal Constitution; that is, when a State fails to give equal protection of the laws to all of its citizens. This bill does not interfere with the prosecution of anyone charged with the crime of lynching. Such prosecution is left entirely to the State. What this bill provides has been upheld in certain cases by the Supreme Court, even in cases where trials have taken place for State offenses in certain States.

The United States Supreme Court has said time and time again that the State acts only through its officials, and that the act of the officials is the act of the State. If State officials fail, through willful neglect or through conspiracy, to give equal protection to all the citizens of the State, that in itself is a violation of the Federal Constitution. The Supreme Court has said that time and time again.

But there are certain cases in connection with which legislation is needed to carry out that mandate of the Constitution.

The fifth section of the fourteenth amendment says that Congress may by appropriate legislation see to it—I am not quoting the exact words—that the fourteenth amendment is carried out and that the citizens within the States receive equal protection of the law at the hands of the State's officers. There will be no intervention by the Federal Government under the proposed legislation unless there shall occur willful neglect or some act of conspiracy. The intervention occurs when the officials of the county or State fail to give protection. This legislation is directed only against the officials or the county responsible for such neglect or conspiracy.

I was going to wait until a little later on, after I had heard from some of the distinguished lawyers of this body, before I attempt to consider the legal questions that will be raised. At present I have simply made a brief statement; later I intend to quote authorities from the records of the United States Supreme Court which will convince the Senator from Mississippi and every other Senator that this legislation complies fully with the requirements of the Constitution.

Mr. BYRNES and Mr. PEPPER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. I yield to the Senator from South Carolina.

Mr. BYRNES. Do I understand that with the elimination of this proviso the bill then would give jurisdiction over acts of violence occurring between members of groups of lawbreakers and acts of violence occurring during the course of picketing?

Mr. WAGNER. The bill will give jurisdiction over the crime which is defined in section 2 of the measure. That definition, I think, is very clear. It is understandable, I am sure, to the Senator and to anyone who wants to understand the provisions of the bill, and that, I think, is as complete an answer as one can make. One can play with words from now until doomsday, but this is a definition of lynching, and lynching is something which every person in the United States understands; and everyone, including every Senator in this body, wants to prevent it if they possibly can. I think this measure will ultimately eliminate lynching in this country. That is the reason I am advocating the measure.

Mr. BYRNES. Mr. President, the Judiciary Committee included this proviso:

That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing—

If we eliminate that proviso is it the intent to give jurisdiction over those offenses described in that proviso?

Mr. WAGNER. The proposed bill includes every offense which is enumerated in section 2 of the measure. I cannot make that clearer. If the Senator will read the bill he can determine for himself what particular type of offenses are included under the bill. I am attempting in this bill to deal with the subject of lynching.

Mr. BYRNES. The Senator would not want to express an opinion——

Mr. WAGNER. It has been mistakenly stated that this is an effort to invade the territories of States and to interfere with what is purely a State right, with which the Federal Government has no concern. Anyone who makes that statement has not, in my judgment, sufficiently studied the Federal Constitution and the guaranty that every person in the United States is given under that Constitution. It is only when a State violates a provision of the Federal Constitution that there is Federal intervention, just as in other cases. Take the Scottsboro case. There, without legislation, the United States Supreme Court put out its hand to protect a person who under the laws of a State had been prosecuted for a State offense, but who had not been accorded the equal protection of the laws of the State. So the Supreme Court, even without any legislation on the subject, took jurisdiction of the case. It said that person, like every other person in that particular State, was entitled to the equal protection of the law; that he did not receive a fair trial; and therefore that the Court had a right to intervene. That is, in effect, what the Court said. Later on I will cite all these cases.

Mr. BYRNES. I am simply asking——

Mr. WAGNER. I know the Senator is playing with words.

Mr. BYRNES. I am simply asking the Senator if he will say that, with the elimination of the proviso as proposed by the Senator from Illinois, the language in the bill as it will then remain will cover the offenses in the proviso? I am asking for the Senator's opinion.

Mr. WAGNER. The language of the bill will cover any person who is guilty of the offense which is set forth in section 2, whether he be called a racketeer, a gangster, or anything else, and whether he be of the white, Negro, or any other race. Any persons who are guilty of lynching as defined in the bill will come within the terms of the bill. Has the Senator studied the bill?

Mr. BYRNES. I have.

Mr. WAGNER. What we are dealing with, and then I shall conclude, because I cannot persuade the Senator——

Mr. BYRNES. I am not asking to be persuaded; I am asking the Senator a simple question.

Mr. WAGNER. I have answered the question.

Mr. BYRNES. If the Senator has answered, I certainly cannot possibly understand the answer.

Mrs. GRAVES. Mr. President, will the Senator from New York yield for a moment?

Mr. WAGNER. I yield.

Mrs. GRAVES. Inasmuch as the Senator mentioned the Scottsboro case, and that the Supreme Court of the United States intervened because the defendants were not sufficiently protected and ordered a new trial, does he not think that the existing law as it stands affords protection, since the Supreme Court has given protection to the persons involved in that case? Does not the law of the land as it prevails today cover the case and amply protect prisoners without any further legislation?

Mr. WAGNER. The distinguished Senator from Alabama is exactly correct about that in the particular case, and I will state why. It is because in that case a record was made of all the acts of injustice, so that the defendants who had not been accorded the equal protection of the law had a record upon which they could go to the Supreme Court and say to the Justices of that Court, "Read this record and then determine whether or not the fourteenth amendment of the Constitution has been complied with, and whether or not we were given the equal protection of the law." But when a person is lynched there is not any record made on which he can appeal to the United States Supreme Court. When the State officers deliberately give up a prisoner to a mob, which then lynches the prisoner, all protection is denied. The victim cannot go to the United States Supreme Court and say, "Read this record." There is no trial; there is nothing to go up to the Court. Therefore legislation is needed in order to afford protection in this particular case. That is the distinction between the two cases. I am very glad that the distinguished Senator asked me the question.

Mr. PEPPER. Mr. President, will the Senator from New York yield to me for a question?

Mr. WAGNER. I yield.

Mr. PEPPER. I will ask the Senator if I understood him correctly to say that the purpose of this bill is to give statutory protection to the civil rights guaranteed by the fourteenth amendment?

Mr. WAGNER. Yes; but it does more than that. What we are attempting to do, by appropriate legislation, is to assure the equal protection of the law to those who otherwise might be the victims of lynching. The reason, of course, why the public is aroused is that fewer than eight-tenths of 1 percent of the offenders who have been guilty of lynching have ever been brought to justice, and States, whose officials have been guilty of these offenses, have rarely been subjected to any disciplinary action. I understand there is a very recent case in which, in the absence of a statute, a family has brought an action against a State officer, and the Federal court has taken jurisdiction upon the ground that the officer's dereliction in connection with the lynching in that case was in violation of the fourteenth amendment.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. WAGNER. I yield.

Mr. PEPPER. If the Senator's answer to the first question, that this bill is designed to afford statutory protection to the civil rights guaranteed by the fourteenth amendment, is "yes," then I will ask him if he is not aware of the fact that the Senate, through a subcommittee of the Committee on Education and Labor, called the Committee for the Investigation of the Loss and Deprivation of Civil Rights, has for a period of several years engaged in the investigation of that subject, and whether or not this bill, designed for statutory protection of the civil rights guaranteed by the fourteenth amendment, is based upon the recommendations and findings of the Civil Liberties Committee of the United States Senate?

Mr. WAGNER. Is the question whether I know of the existence of that committee?

Mr. PEPPER. No. The question is whether this bill is based upon the recommendations and findings of the Senate's own committee dealing with the question of the deprivation of civil rights guaranteed to American citizens under the fourteenth amendment.

Mr. WAGNER. This bill was actuated by a long series of offenses in the form of lynching that have been committed.

Mr. PEPPER. Was the Senate's own committee which has been for years investigating the subject of the deprivation of civil rights consulted concerning this bill which is supposed to provide statutory protection through the civil rights guaranteed by the fourteenth amendment? Has it or has it not been consulted?

Mr. WAGNER. In the drafting of this proposed legislation?

Mr. PEPPER. Yes.

Mr. WAGNER. No.

Mr. PEPPER. It has not been consulted?

Mr. WAGNER. No.

Mr. PEPPER. Will the Senator yield to a further question?

Mr. WAGNER. Certainly.

Mr. PEPPER. The purpose of the bill, as I understand it, is to give protection, then, to particular civil rights and not to all civil rights guaranteed by the fourteenth amendment? Is that correct?

Mr. WAGNER. I do not think that is a fair statement of the situation.

Mr. PEPPER. May I ask the Senator another question?

Mr. WAGNER. The bill is a very simple proposition. Perhaps I had better state it in the affirmative. The bill is an effort to deal with a subject that in some jurisdictions in particular sections the State authorities have not dealt with, namely, the subject of lynching. As I previously stated, lynchings occur year after year and nobody is prosecuted, nobody is brought to book for the offense; or if so, only in rare instances. The records show that convictions occurred, I think, in less than eight-tenths of 1 percent of the recorded lynchings since 1900. There was an unfortunate occurrence of this kind in the Senator's own State, I understand, not so long ago. What we are trying to do is to deal with that particular subject in the hope of aiding the States, if I may say so, to prevent lynchings occurring within their jurisdictions.

Nothing could happen under this proposed legislation, I may say to the Senator, unless first there had been a lynching, and second, there had been willful neglect or conspiracy of some kind on the part of public officials in aid of the lynching. The bill, if enacted, would not interfere with the State's prosecution of those charged with the offense. Such prosecution is a proper State function, and is left entirely to the State. The Federal Government has no right to interfere with that particular function of the State. All that we say is that the fourteenth amendment requires every State to give equal protection of the law to all its citizens, and when a State violates that provision of the Constitution, the Federal Government has a right to intervene, for the sole purpose of punishing the subdivisions or officials of the State responsible for the denial of such equal protection.

Mr. PEPPER. Mr. President, will the Senator yield to one or more questions?

Mr. WAGNER. I yield.

Mr. PEPPER. I will ask the Senator if he is aware of the fact that some pictures were exhibited before the Senate Civil Liberties Committee purporting to show that police officers of the city of Chicago during the time of a labor strike in the vicinity of Chicago in the steel industry deliberately and without adequate provocation fired upon and killed a certain number of laboring people who were engaged in certain remonstrative activities at that time, and whether or not this bill, if the facts are as stated, would penalize the police of the city of Chicago and the county in which that deprivation of civil liberty occurred?

Mr. LEWIS. Mr. President, may I be pardoned——

Mr. WAGNER. Mr. President, the Senator from Illinois asks my permission that he may answer that question, and I am quite willing to yield to him.

Mr. LEWIS. I will occupy just a second, with the consent of my friends the Senator from New York and the Senator from Florida, to say that I, too, understood that there were certain pictures presented that disclosed a condition such as described by the Senator from Florida; but subsequent pictures, which were authentic, furnished to and now held by the committee, disclosed that those which were first represented were false and unjust to the city of Chicago and completely at variance with the truth.

Mr. PEPPER. Mr. President, aware of the prescience of my friend the very distinguished Senator from Illinois, I put the case hypothetically: If the first pictures were true, would this bill penalize criminally those police and penalize civilly the county in the State of Illinois in which that deprivation of civil rights occurred?

Mr. WAGNER. If the offense came within section 2 of this bill, of course, they would be prosecuted. If not, they would not be. I may say that the State of Illinois itself has a law which penalizes a county in which injury or death occurs as the result of mob violence.

Mr. PEPPER. Mr. President, the able Senator from New York is not only one of the authors of this bill but is an attorney of personal distinction and professional prestige, and I hoped he might give me an opinion as to whether or not the case which I hypothetically put would be covered within the provisions of the bill.

Mr. WAGNER. I am sure the Senator from Florida is a better lawyer than I am. He can answer that question as well as I can. If the offense came within the definitions of section 2 of the bill, of course the officials, if they were acting through the State, would be guilty of an offense. Whether or not the offense would come within this section I cannot tell. I know how easy it is to ask a hypothetical question including all sorts of facts. Ultimately the courts will have to determine what is within and what is without the section.

I know my objective. I know that what I am trying to do is to prevent lynching, because those are the cases in which there have not been prosecutions. In other cases there has never been any complaint raised that the States have been neglectful in enforcing their criminal laws over a long period of time without even ascertaining by trial whether the man was innocent or guilty. All I am seeking here is to insure, if I can, that in all these cases those guilty of an offense shall be apprehended and tried in the usual manner. As the Senator from Texas [Mr. CONNALLY] once said, the humblest person in the United States is entitled to a trial, and is to be deemed innocent until he is proven guilty. All I am trying to do is to see that the person charged with some sort of offense, however humble he may be, shall be duly tried in accordance with the laws of the State in which the offense was committed, instead of being taken out into a lot with witnesses to the number of five or six thousand men, women, and children, in some instances, and put to death without warrant of law.

I know that no one here would in any way countenance any such thing; but I say that instead of that procedure, let the man have his trial; and if, after a fair trial by a court, he is found to be guilty, very well; then at least he has been accorded the equal protection of the laws guaranteed by the Federal Constitution. That is all I am seeking to bring about.

Mr. CONNALLY. Mr. President, may I ask the Senator from Florida if the Senator from New York has not just said that in the case of a person in custody he wants to make it a crime to lynch him? In other words, in the case of a criminal who is charged with a crime the Senator from New York wants to make it unlawful to lynch him; but if a man is not a criminal, if he is just an ordinary citizen going about his business and pursuing his honest avocations, under this bill, the Senator from New York wants him to be exempt, so that he may be lynched. Is not that what he has just said? In other words, the Senator from New York does not want to make the law apply to anybody but criminals who are in custody. He wants it to be lawful under this bill to lynch a peaceable, law-abiding citizen, who is going about his business, wherever he may be found.

Mrs. GRAVES. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. Certainly.

Mrs. GRAVES. I think the Senator from New York errs in saying that the States do not prosecute those who are guilty, or presumably guilty of lynching, or from whose jurisdiction a prisoner may have been taken by a mob. I know as a matter of record that a number of States do prosecute such persons very vigorously. I know that in my own State within the past few years there has been one instance of lynching, and the case of the official of that county is now in court, and has been vigorously prosecuted. I presume the same thing is true of other States; so I simply wanted to correct the Senator from New York in saying that the States do not prosecute law violators for the crime of lynching.

Mr. CONNALLY. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. Certainly.

Mr. CONNALLY. Let me say to the Senator from Alabama that the Senator from New York probably had in mind the gangster killers in New York who have not been prosecuted.

Mr. PEPPER. Mr. President, I rose really for the purpose of making an inquiry, and I certainly am not going to take more than about a minute further of the Senate's time. I just happen to be one Member of this body, and a very little informed one, who wishes to make the situation clear, whether it is of importance to anybody besides the Senator

from Florida or not. That is, I cannot view this proposed legislation, I cannot observe the language of it, I cannot know the humanitarian sentiments which run through the heart of the Senator from New York, I cannot recognize the investigations and the public disclosures of the Senate's own Civil Liberties Committee—which has given the American people some of the most shocking instances of the general deprivation of sacred civil rights, not in one section of the country but in all sections, and not in one industry but in many industries, and not in one particular category but in numerous categories—without feeling that the authors of this bill have not earnestly tried to protect all of the important civil rights guaranteed by the fourteenth amendment. We and the people of the country are entitled to know whether or not the authors and advocates of the bill are honestly trying to protect the civil rights of the men who labor and are denied those rights, of the men who seek freedom of speech and of the press and are denied those rights, who seek the protection of their legitimate property interests and are denied those rights, and who even yearn for the protection of their lives and are denied those rights and are not offered any protection, nor is any honest effort made toward their protection by this particular legislation.

Mr. NORRIS. Mr. President, I desire the attention of the Senator from Illinois [Mr. LEWIS] and the Senator from New York [Mr. WAGNER]. I am anxious that there shall be no mistake here, as a result of which we may find, after the legislation is enacted—if it shall be enacted into law—that we have done in it something that nobody wanted to do.

The Senator from Illinois has moved to strike out of the bill this language:

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

I can see why there is reason for striking out of the bill the part of that language referring to racketeers and gangsters; but if we also strike out the exception included in the bill referring to labor disputes and any incident which may occur in connection with them, I am wondering whether we shall not wake up to find that we have made it impossible for labor to enjoy the privileges of the act of March 23, 1932.

In that act, subsection (c) of section 13, we find this language:

The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

I am sure neither the Senator from Illinois nor the Senator from New York—in fact, no Senator, I believe—wishes to do anything that would curtail this labor legislation, known as the act approved March 23, 1932. Inasmuch as this amendment is going over, and inasmuch as there seems to have been agreement that all of the language indicated by the Senator from Illinois should be stricken out, while the matter is still fresh in our minds and in the minds of the Senator from Illinois and the Senator from New York, I wanted to call their attention to the possible danger of striking out all of that language.

Mr. LEWIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. LEWIS. As I remarked earlier in the day, a feature was presented by the Senator from Kentucky [Mr. BARKLEY] and the Senator from Nebraska [Mr. NORRIS] as to the last part of my amendment which seems to have been overlooked in its operation. Since there is a basis for just such criticism as the able Senator from Nebraska has just illustrated, I prefer that my amendment shall be limited so as to begin with the word *"Provided"*, in line 9, and end with the word "racketeers", in line 13, wholly omitting all reference to labor, because it appears that if those words were included the amendment might be in conflict with what the Senator from Nebraska says is the spirit of the act which he has just read and brought to our attention.

Mr. NORRIS. Let me say to the Senator from Illinois that I have before me a copy of the bill; and, as I understand, the Senator would carry out his idea entirely if he would just strike out of the bill the language commencing after the word "occurring", in line 11, page 7, and ending with the word "occurring" in line 13. If that language were stricken out, the remaining language would read as follows:

Provided, however, That "lynching" shall not be deemed to include violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

Mr. LEWIS. The latter feature described by the Senator I desire to omit from my amendment, and leave it wholly as I have designated.

Mr. NORRIS. The Senator would accomplish that purpose, as I understand, if he sought to strike out only the words I have indicated, instead of striking out the further words to which I have referred.

Mr. LEWIS. I differ with the Senator slightly in this respect: I feel that we should strike out beginning with the word *"Provided"*, on line 9.

Mr. BARKLEY. Oh, no, Mr. President; that proviso should remain. The proviso must apply to labor disputes.

Mr. LEWIS. Oh, I beg pardon; the Senator is quite right.

Mr. NORRIS. The proviso would have to remain.

Mr. LEWIS. It would have to be there in order to define the other features. Yes; I answer the Senator from Nebraska, I feel that his suggestion is the correct one.

Mr. NORRIS. I hope, therefore, the Senator will modify his amendment accordingly.

Mr. LEWIS. A little later, when I tender it for a vote.

Mr. NORRIS. Yes; I do not care when it is done. I wanted to call the matter to the attention of the Senator now, so that later in the debate, if we should not all be here at the time, there would be an understanding as to what language should be stricken out.

Mr. LEWIS. I am grateful to the Senator for his suggestion, because I may have made an error in my amendment as originally proposed.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEWIS. Yes; I yield to my friend from Texas.

Mr. CONNALLY. As I understand, it is the Senator's purpose to exempt labor unions and labor activities from the bill. My question is, Will we not simply force the lynchers to join the union, to get a union card, and then go ahead and lynch?

Mr. LEWIS. The portion I am omitting from my amendment is simply that which refers to the matter of boycotting or the disputes of labor, because it is contained in a previous act, as read by the Senator from Nebraska, and therefore has been covered with completeness.

Mr. CONNALLY. I hope the Senator will not consider my questions impertinent.

Mr. LEWIS. Oh, no!

Mr. CONNALLY. I still ask, if the Senator's purpose is to exempt from antilynching laws those who belong to labor unions or who may engage in labor disputes, will we not simply force the lynchers, before they start out, to join the union and get out a card, and then go ahead and lynch?

Mr. LEWIS. Mr. President, I answer that the Senator is not disturbing me by his frequent interruptions. He adds great information and sheds profound light by any suggestion he offers. But I insist that my amendment merely excludes those who are defined in that provision which I seek to strike out because they are covered by previous enactment of law, and this would be tautology and unnecessary repetition. Therefore I limit my amendment to lawbreakers commonly designated as gangsters or racketeers, as that serves my purpose.

Now I must answer my friend. I am not aware of any labor union which would be willing to have in its membership or issue a card to those whom my amendment defines as gangsters and racketeers. Therefore I cannot assume that such conditions as the Senator intimates could ever exist, certainly not among such people as those in my State whom I represent.

Mr. CONNALLY. If that be true, the Senator does not need the amendment. If none of them would be guilty of the offense indicated, there would be no occasion to exempt them; because if they are innocent and do not do anything, there is no use in exempting them.

Mr. LEWIS. But there is the intimation that there might be such persons as would come within the designation among the constituency I represent.

Mr. CONNALLY. Is this the same constituency the Senator wanted to exempt earlier in the day because of the fact that the amendment was supposed to be directed to the gangsters of Chicago? Is this the same constituency which now, after the expiration of 30 minutes of the Senate's time, has been dry-cleaned and purified, and now represents the sublimation of all that is orderly and legal in gangsterism in Chicago, that only an hour ago was of such diabolical character that the Senator was concerned to exempt them from the operation of the law because he regarded it as a reflection on the State of Illinois?

Mr. LEWIS. Mr. President, I deeply regret that there is an element creeping into my able friend which can be described as torpidity and turgidity, and that such torpidity and turgidity prevent my friend from understanding my position discourages me and robs me of the privilege of further conference with him if he has desired it.

I now state that my proposition was wholly limited to those who were called gangsters because it was defined by Members of the Senate as applying to my city of Chicago, and I feel that if it be applied to my city, its people, in the execution of the laws and the administration of their sovereignty, would take care of them with due penalty.

As to the other part, relating to the labor question, I am eliminating that because it appears that it is unnecessary to include that particular branch. As the Senator from Nebraska has pointed out, it is covered in a previous law, making this a work of supererogation.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States;

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor;

H. R. 5912. An act for the relief of Judd & Detweiler, Inc.;

H. R. 5989. An act for the relief of J. L. Myers;

H. R. 6628. An act to permit the further extension of the Air Mail Service; and

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. REYNOLDS obtained the floor.

Mr. CONNALLY. Mr. President, the Senator from North Carolina is entitled to have a quorum present when he addresses the Senate, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Dieterich	La Follette	Pepper
Bailey	Donahey	Lewis	Pope
Barkley	Duffy	Lodge	Reynolds
Berry	Frazier	Lonergan	Russell
Borah	George	McAdoo	Sheppard
Bulow	Gibson	McGill	Smathers
Byrd	Graves	McKellar	Smith
Capper	Guffey	Miller	Townsend
Caraway	Harrison	Minton	Vandenberg
Clark	Hatch	Moore	Wagner
Connally	Hayden	Neely	
Copeland	Johnson, Colo.	Overton	

The PRESIDING OFFICER (Mr. LODGE in the chair). Forty-six Senators have answered to their names. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is it necessary, under the rules, that the roll be called a second time?

The PRESIDING OFFICER. It is the custom, the Chair is informed.

Mr. CONNALLY. I move that the Senate adjourn.

The PRESIDING OFFICER. The motion is in order. The question is on agreeing to the motion of the Senator from Texas.

Mr. CONNALLY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WAGNER. Mr. President, may I ask the Chair a question for information?

The PRESIDING OFFICER. The Senator will state the question.

Mr. WAGNER. If this motion is carried it will mean that it displaces the antilynching bill upon the calendar.

Mr. CONNALLY. Mr. President, I make the point of order that a motion to adjourn is not debatable, and this is debate.

Mr. WAGNER. I am making a parliamentary inquiry.

The PRESIDING OFFICER. The Chair does not consider that that is a parliamentary inquiry.

Mr. WAGNER. Very well. I wanted to be sure about that.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. WALSH's name was called). I announce the unavoidable absence of the senior Senator from Massachusetts [Mr. WALSH] on official business, and further announce that if present he would vote "nay" on this question.

The roll call was concluded.

Mr. BYRNES (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. HALE]. Not being advised as to how he would vote upon this motion if he were present, I transfer my pair with him to the junior Senator from Oklahoma [Mr. LEE], and will permit my vote to stand.

Mr. GIBSON. My colleague [Mr. AUSTIN] is absent on official business. On this question he has a pair with the junior Senator from Mississippi [Mr. BILBO]. If present, my colleague would vote "nay" on this question.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Maryland [Mr. RADCLIFFE] are absent because of deaths in their families.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Utah [Mr. KING], the Senator from Oklahoma [Mr. LEE], the Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr.

TYDINGS], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD]. I am advised that if present and voting the Senator from Virginia would vote "yea," and the Senator from Minnesota would vote "nay."

The result was announced—yeas 18, nays, 52, as follows:

YEAS—18

Bailey	Connally	McKellar	Russell
Bankhead	Donahey	Miller	Sheppard
Byrd	Ellender	Overton	Smith
Byrnes	George	Pepper	
Caraway	Graves	Reynolds	

NAYS—52

Adams	Gibson	Lonergan	O'Mahoney
Ashurst	Gillette	Lundeen	Pittman
Barkley	Guffey	McAdoo	Pope
Berry	Hatch	McCarran	Schwartz
Brown, Mich.	Hayden	McGill	Schwellenbach
Bulkley	Herring	McNary	Smathers
Bulow	Hitchcock	Maloney	Steiwer
Capper	Holt	Minton	Thomas, Utah
Clark	Johnson, Colo.	Moore	Townsend
Copeland	La Follette	Murray	Truman
Davis	Lewis	Neely	Vandenberg
Dieterich	Lodge	Norris	Van Nuys
Duffy	Logan	Nye	Wagner

NOT VOTING—26

Andrews	Burke	Harrison	Thomas, Okla.
Austin	Chavez	Hughes	Tydings
Bilbo	Frazier	Johnson, Calif.	Walsh
Bone	Gerry	King	Wheeler
Borah	Glass	Lee	White
Bridges	Green	Radcliffe	
Brown, N. H.	Hale	Shipstead	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. LEWIS], as modified; and the Senator from North Carolina [Mr. REYNOLDS] has the floor.

Mr. REYNOLDS. Mr. President, I send to the desk at this time a resolution which I have prepared and ask that it be read by the clerk.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of State, the Attorney General, and the Secretary of Labor are requested to transmit to the Senate, at the earliest practicable date, all information which may be in their possession and all information which may be in the possession of any of them with respect to the activities in the United States of persons (including diplomatic and consular representatives of foreign states) who have recently been engaged in or are now active in enlisting persons residing in the United States for service in the armed forces of any foreign state or of any faction in any foreign state where civil strife exists.

The PRESIDING OFFICER. Is there objection to the introduction of the resolution?

Mr. CLARK. I object.

Mr. REYNOLDS. Then, I ask that the resolution lie on the table.

The PRESIDING OFFICER. Without objection, the resolution will lie on the table.

Mr. REYNOLDS. Mr. President, I bring that resolution to the attention of the Members of this body at this time because I know that, of course, all of us are interested in the neutrality laws of our country, particularly those enacted at the first session of the present Congress. I bring the resolution to the attention of this body at this time because I recognize, as does our honorable President, that of all the people of the world we of this hemisphere, amongst the 2,000,000,000 inhabitants of the earth, are more thoroughly interested than are any others in keeping our skirts clear of any foreign entanglements or embroilments. Incidentally, I will say, I dictated the resolution which has just been read by the clerk at the desk, by reason of the fact that only a few days ago I observed in the columns of the press a very interesting article. It is from the Adirondack Enterprise, of the State of New York. I read the clipping, as follows:

[From the Adirondack Enterprise]

CONVICT PAROLED TO JOIN LOYALISTS

DANNEMORA, N. Y., December 27.—Adrian Alvarey Hevia, sentenced several years ago to a life term in Clinton Prison, obtained a parole because he wanted to be a soldier.

Hevia was granted his freedom from the grim north country prison, through intervention by the Spanish general consul, who explained that Hevia wanted to enlist in the Loyalist army.

Parole officials permitted his release on such grounds, and Immigration Inspector C. J. Leason escorted him to the Rouses Point, N. Y., customs office, on the first lap of his trip to Spain. Under ordinary circumstances, prison officials said the man would not have been eligible for parole before 1958.

That struck me as having considerable significance, Mr. President, because I have never heretofore heard of the immigration authorities and a consul general representing any foreign government in the United States together interesting themselves with the parole authorities of any Commonwealth for the purpose of securing the release of a prisoner from the penitentiary in order that he might be provided the opportunity of fighting in some foreign country. That interested me, because little incidents sometimes lead to large explosions whereby the country from which an individual in such circumstances might perhaps come would find itself in trouble.

We of the United States, of course, are daily casting our eyes across both the Atlantic and the Pacific; we are reading from time to time accounts of occurrences that are taking place, not only on Asiatic soil and in Chinese and Japanese waters, but we are likewise interested today in the civil war that is raging in Spain. We all know that if the world were not a little bit more backward about engaging itself in controversies than it was 20 or more years ago, the probabilities are that the world again today would be involved in a conflict that would cover a large portion of the earth. Regardless of where the sympathies of the American people may be, whether they are with the loyalists of Spain or with the rebels of Spain, we of the United States are desirous of keeping our skirts clear of anything that might lead to a situation damaging or dangerous as the result of the participation of any of our citizens in any of the wars or revolutions that are raging over the earth today.

Mr. President, in reference to this particular matter I wish to say that I should like to know whether or not the consul general of Spain was instrumental in bringing about the release of the prisoner concerning whom I have just read; and if so, whether or not his release was brought about as a result of an agreement entered into by the consul general of the Spanish loyalist government with the parole authorities of the State of New York or with representatives of the Immigration Department of the Government of the United States.

We all, of course, hope the day will soon come when the differences that have existed since July 18, 1936, in Spain between the two fighting forces there today will be composed. We hope that that strife will soon end, because we know that since July 18, 1936, when civil war began in Spain, almost 500,000 human beings have lost their lives.

I have been reading from time to time in reference to American citizens who for pay and because of sympathy for perhaps one side or the other in Spain have enlisted in Spain for the purpose of fighting for the side they espouse. I have felt at times that perhaps such enlistments might involve the Government of the United States, because, as you know, Mr. President, we endeavor as best we can and as reasonably we can to protect our citizens and look after their interests, regardless of the part of the world in which they may find themselves.

Mr. CHAVEZ. Mr. President——

Mr. REYNOLDS. I am glad to yield to my distinguished colleague from the State of New Mexico.

Mr. CHAVEZ. Does the Senator from North Carolina believe that it is the duty of the United States to protect those of its citizens who, of their own volition, go to foreign countries and take part in their affairs?

Mr. REYNOLDS. To be perfectly frank with the Senator, I do not believe it is the part of the duty of the United States to look after the interests of those of its citizens who leave its soil and join warring forces in foreign countries. As a matter of fact, however, I am rather of the opinion that when one volunteers and leaves the shores of America, as have many during the Spanish conflict, for the purpose of

joining either one side or the other in Spain or any other country he is still a citizen of the United States; that he has not given up his allegiance to the United States, regardless of the fact that he might have taken some sort of an oath to fight for the army with which he has become affiliated.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for an observation?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Mexico?

Mr. REYNOLDS. Yes; I am very happy to yield to the Senator from New Mexico.

Mr. CHAVEZ. I do not believe that the United States will get into any difficulties because one of its citizens goes to a foreign country and participates in its internal affairs. My concern is with citizens who have become naturalized in this country and yet seem to be more interested in the country from which they came than in the country which has given them their living. I believe that is of deep concern to the people of the United States.

What I am trying to impress upon the Senator from North Carolina is that when a subject or a citizen of any foreign government comes to the United States of America and becomes a citizen, his feelings or his state of mind, so far as the country of his parentage is concerned, should be set aside and that neutrality should end at the border of the United States; in other words, that the United States should be the first choice of that citizen. But it appears that there are many so-called citizens of the United States who are more concerned as to what is going on in the country from which they came than in the welfare of the country of their adoption wherein they are making a livelihood.

Mr. REYNOLDS. Mr. President, I wish to thank the Senator from New Mexico very much for his splendid contribution. Along that particular line, in reference to many naturalized American citizens who seem to be more thoroughly interested in the country from which they came or countries in which they have participated in wars or revolutions than in the country of their adoption, I have before me now, in pursuance of that observation, a newspaper clipping from the Daily Worker, which, I believe, is the official organ of the Communist Party in the United States. The clipping is dated December 20, 1937. It is headed "Lincoln Vets Organize at Parley," and reads as follows:

OUTLINE PURPOSES, NAME SLATE OF NOMINEES FOR OFFICES

The newest veterans' organization in the United States, the Veterans of the Abraham Lincoln Brigade, held its first organizational conference Saturday afternoon at the Mecca Temple, adopting a constitution and making nominations for the first slate of national officers.

The group is "open to all Americans who served in Spain in the International Brigade and who left Spain with the permission of the International Brigade."

I assume that those mentioned in this article from which I have just read were American citizens who left our shores in order to participate in that controversy, or, I should say, civil war in Spain. It appears that before they were permitted to return to America, their own country, they had to receive permission of the Spanish brigade, which, in my opinion, is an outrage. I read further from the article published in the Daily Worker:

Fifty leading veterans took part in the conference, which moved to build the new organization as a major force for peace and against fascism in the United States.

In other words, in view of the fact that this clipping comes from the Daily Worker, the mouthpiece and organ of the Communist Party in the United States, I take it that they were fighting in Spain for the Communists, the loyalist government.

I read further from this clipping:

OUTLINE PURPOSES

The functions of the organization, according to its constitution, are "to continue and promote friendly and helpful relations between its members; to assist the friends of the Abraham Lincoln Brigade in their work of providing the Americans in Spain with comforts and in their work of rehabilitation; to help to rally the support of the democratic people of America to the democratic people of Spain, fighting for their independence against Fascist invasion; to aid in every effective way possible the peace and anti-Fascist movement, and cooperate with any and all organizations working for peace and democracy and against fascism; to affiliate and cooperate with organizations formed in other countries by veterans of the International Brigade."

Ballots for election of national officers will be mailed to all veterans of the Lincoln Brigade in the county tomorrow and will be counted at the end of 2 weeks.

Paul Burns and Steve Nelson were the two candidates named for the post of commander, while Hy Stone, Steve Nelson, and Douglas Roach are running for adjutant commander.

Dennis Jordan, Steve Daduk, and Bill Wheeler are competing for the post of executive secretary, and Bob Klonsky is the sole candidate for publicity director.

Walter Garland and Bill Harvey are the candidates for treasurer.

A slate of 20 candidates for the national committee were put up, of whom 10 will be elected.

It was voted to empower the executive committee to confer honorary membership upon the nearest relative of Americans who fell fighting in Spain.

The first issue of the veterans' organ, the Volunteer for Liberty, was distributed at the conference.

Chapters of the veterans may be set up in any city where there are 10 or more members in residence, and elsewhere members are affiliated directly to State, regional, or the national organization.

The article which I have just read, as I stated—if I may be permitted to repeat—is from the Daily Worker, the mouthpiece and official organ of the Communist Party in the United States of America. We judge from that article that this daily organ of the Communists of America is encouraging the organization of veterans within the confines of the United States of America; veterans who, judging from all we can gather from our war correspondents and all we take from the pages of the periodicals of Europe, have fought upon Spanish soil for the Communists in old Spain, where, since July 18, 1936, as I stated a moment ago, a bloody revolution has raged in which almost half a million persons have lost their lives.

By the way, if I may be permitted to return to the observations made by my distinguished colleague from New Mexico [Mr. CHAVEZ] a moment ago in reference to the activities of those who have come from foreign lands, who have been delighted to assume the protection of the American flag, those who are still interesting themselves in what is going on in the country from which they came—that is the protest which the Senator is making by way of a very worthy observation—it was only night before last that I observed through the columns of one of our local Washington newspapers the fact that one of our committees of the National Congress had made, I believe, an investigation in regard to the activities of the Nazis in this country; and it was stated that within a few days those who were affiliated with Hitler's organization in America would number, no doubt, 8,000 active participants.

In this country today we find those who are actively standing on the side of China. We find those who are actively standing on the side of Japan. We find those who are interesting themselves in everything that is done by the dictator of Italy, Mussolini. After all that we have gone through, after all the billions of dollars we have spent in monkeying around with the peoples of the world, it does appear that there are still many, many persons in America who insist upon getting mixed up in some foreign entanglement, or who insist upon maintaining affiliations with the mother country, despite the fact that they are full-fledged American citizens.

It does not make any difference whether a man was born in this country or whether he became naturalized under the laws of the country; the flag of the United States provides him with the same protection.

Mr. President, I think the time has come when the American people should interest themselves in America first, last, and all the time. I think the time has come when Americans should quit fighting for other nations; when Americans should quit trying to police the world and trying to make a chief of police out of Uncle Sam; when Americans should give all their thought and time and attention to America, and to America alone; but it seems that we do not profit by experience.

You know, it is regrettable that the world is in the condition it is in today. When we see the people of Asia, of

central and of continental Europe not only preparing for war but warring, and see the billions of dollars that that is costing the millions of people of those respective countries, it does seem as if we would profit by their sorrows; but we do not.

Let us see what is going on upon the face of the earth.

Over yonder in China a war is raging. China, I believe, has a population of between 400,000,000 and 500,000,000 people. Nobody knows the exact number. It has been conservatively estimated that there are 400,000,000 people over there. China, as you know, is about two-thirds the size of the United States. Nanking, the northern capital of China, which a few weeks ago was captured by the Japanese, is one of the oldest walled cities of China, and was really an ancient city when Christ was a babe in the manger of Bethlehem. China, although it has had its civilization for thousands of years, is today the China of almost a thousand years ago, because in all of China there are only about 6,000 miles of railroad. To my mind, that is an appalling condition.

As you know, Mr. President, transportation in China is carried on today as it was carried on a thousand or more years ago, by the little canals and the sampans thereupon. It is an interesting country, it is true; but the thing that is interesting to the Japanese is this: Regardless of its age, the Chinese have not permitted the soil of their country to wash away as we have done in many parts of this country; and in China today we find many hundred square miles of virgin timber that have never been touched by the ax. Over there, as, of course, Senators know, in many of the great valleys, particularly in the neighborhood of Manchukuo—formerly called Manchuria—there is found the finest section of the world for the production of the soybean, which contains a great deal of nourishment, and is really fine food for the soldiers at the front. Over there in China they have immense deposits of copper ore and iron ore and great oil pockets that have never been touched, all of which are essential to any country which may wish to interest itself in industry.

Mr. TRUMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. REYNOLDS. I shall be very happy to yield.

Mr. TRUMAN. I ask the able Senator from North Carolina whether the present condition of China has not been brought about by the fact that China has always advocated the very policy which the Senator is now advocating for America; that is, to live within themselves, and not have any communication with the rest of the world. Is not that what has brought about China's present condition?

Mr. REYNOLDS. Yes and no. I answer the Senator's question in that way, Mr. President, for this reason—I cannot be criticized either way; but I answer "yes and no" for the reason that for many many years China has really lived within itself.

Mr. TRUMAN. And is not that just exactly what the able Senator is advocating for America?

Mr. REYNOLDS. Not at all. China lived within itself for many thousands of years, for that matter, and began to trade with the world only when those from other sections of the world insisted upon the Chinese opening up their doors. As a matter of fact, we might say the same thing of Japan. According to my recollection of history it was in 1853 when Japan opened her doors to trade with the outside world. At that time the Japanese nation was a hermit nation. The Japanese had never traded with the outside world. They were satisfied with their lot upon a few islands; but in 1853 our Government dispatched to Japanese waters an admiral by the name of Perry. If I am wrong, I wish some Senator would correct me. I am just stating the matter from my recollection. I am subject to correction, and I recognize that I am not infallible. But in 1853 we dispatched an admiral by the name of Perry to Japan with instructions that he should open up the gates of Japan to the commerce of the world, figuratively speaking, not literally speaking. We gave him instructions to the effect that if diplomatically he prevailed upon the little yellow men of the far-off islands to trade with the outside world, all right, but if he could not do it diplomatically he was physically to tear them open.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. REYNOLDS. I am very glad to yield.

Mr. NORRIS. I should like to ask the Senator if he thinks our action in giving such a command to the American admiral was right and if he approves it?

Mr. REYNOLDS. No; I do not.

Mr. NORRIS. I am glad to hear the Senator say that, because I have no doubt whatever—it seems to me fundamental—that if Japan did not want to trade with us or with anybody else, and wanted to live within herself, that was her right.

Mr. REYNOLDS. Absolutely.

Mr. NORRIS. But does not the Senator perceive a difference between Japan's saying, "We want to live within ourselves, and we do not want to trade with you," and Japan's saying, "You shall not trade with this other nation"?

Mr. REYNOLDS. A very great difference; and I thank the Senator immensely for that observation.

Mr. President, they did trade. Trade then began between the United States and Japan, according to my recollection of history; and I further recall that prior to the time we brought about trade relations between the United States and Japan, prior to our going there, other nations of the world had endeavored to prevail upon the little yellow men of the Orient to open up their gates and trade with the world; but they had not been successful. A few years after the Japanese opened up their gates to trade, along about 1860, unfortunately we found ourselves in the midst of civil strife, a civil war, one of the most unfortunate things that ever occurred in this country. From 1860 to about 1867 or 1868, or something like that, all the people of the United States were so busily engaged in internal matters that we ceased to trade with almost any other of the countries of the world. When the Civil War was over, however, and we went back there to resume our trade relations, we found that the Japanese had made tremendous progress, and that they had their merchant marine, their ships flying their flag on the seven seas of the earth, and all of the other nations were trading with them.

When Japan looked out of the window at the world and viewed the progress which had been made by all the civilized nations of the earth she was inspired by all she saw, and she began to make progress very rapidly. And, lo and behold, we find Japan not only making progress rapidly, but we find at the same time the birth rate keeping pace with her progress.

The acreage in Japan suitable to agricultural purposes is extremely limited. The area upon which her millions of people may find a livelihood is greatly restricted, and with her population increasing tremendously all the time, Japan of necessity had to become an industrial nation.

Many years ago Japanese were permitted to settle in almost any country of the world. As a matter of fact, there was a time when we permitted Asiatics to come to this country without any limitation, and according to my recollection, the Asiatic Exclusion Act was passed about 1882. The various countries of the world began to formulate and to pass immigration restriction laws. Then we find that within a few years the Asiatics were barred from this country. Our Government would not permit the Japanese any longer to come into our borders, and the other nations of the world would not permit the Japanese to enter their gates. As a result, the fast increasing population in Japan had to remain upon Japanese soil, and, in view of that fact, Japan, of necessity, from the standpoint of self-preservation, was forced to industrialize.

When any country industrializes, as all Senators know, that country must be possessed of the fundamentals of industry, and such fundamentals are iron, copper, timber, oil, cotton, and perhaps other agricultural and mineral products.

Mr. NEELY. And coal.

Mr. REYNOLDS. I thank the Senator from West Virginia for his contribution. He says coal is one of the essentials. West Virginia is a great coal-producing State, and some of the finest coal to be found upon the face of the earth comes from West Virginia. If it were the worst coal upon the face of the earth I would declare it the best, I think so much of the able representative from that State in the Senate.

Japan was not possessed of all the essentials I have mentioned. Japan has some virgin timber. Some of the finest forests I have seen anywhere I have observed in Japan. As I stand here today, Mr. President, I see in the rear of the Senate Chamber two of my distinguished colleagues from the other House of the United States Congress with whom, fortunately for me, I was in Japan in 1935, at which time we saw many of those fine virgin forests.

A nation which industrializes, of course, must have electricity produced by water power. Japan today has developed almost 95 percent of its potential horsepower. While, as I have said, Japan has some virgin timber, she has not enough for a great industrial nation. Japan has a population of about 69,000,000, and every inch of her land is intensively cultivated. As a matter of fact, a big ranch in Japan is about the size of the Senate Chamber. Japan produces some iron ore, but it is of a very poor grade. She produces a little copper ore, but not of very good quality. She has no fields upon which she can raise cotton. Even if she had the fields, the climate is not suitable to the production of cotton.

This brings us to the question of industrialization as it affects cotton. Japan industrialized, as she had to. She was forced to it. She had to make it possible for her millions upon millions of people, who reside upon a little bit of land, to make a living. She had to do the same thing England did years and years ago. She had to do the same thing Italy did just a few years ago. Japan industrialized.

It was a sad day for us in the United States and for the forty-odd-million people of the British Isles when Japan industrialized, because she became a very great competitor with the textile industry of America and the textile industry of the British Isles. She became such a great competitor with Great Britain that, as the records show, the textile operators of Great Britain were forced to dismantle many of their textile plants and move the spindles and other equipment to Bombay, Calcutta, and half a dozen other places in India where cotton is grown in order to compete with the Japanese textile industry.

The Japanese became more and more ambitious, and Japan decided that, regardless of what the world thought, she was going to take what she wanted; it did not make any difference whether it belonged to her or not; that she was going to war on somebody, and she has warred on China. She wanted to produce cotton. She had been buying cotton from us. I am sorry we do not sell her as much cotton as we used to. In 1935 we sold Japan about $115,000,000 worth of cotton, and of the $115,000,000 worth of cotton we sold her about $15,000,000 of finished cotton products were sent back to the United States, and of every $115 she sent to the people of the South who produced cotton in 1935 the American people gave back to the Japanese about $15.

Japan decided she wanted her own cotton fields, so she went into the finest portion of China and just took it. She grabbed off a piece of territory there now called Manchukuo, which is about the size of France and Germany, and in that territory there are today residing about 120,000,000 Chinamen.

Japan grabbed that territory for many reasons. She grabbed it because it is a section which produces soybeans. It is a section in which is found some virgin timber. It is a section in which some oil has been discovered. It is a section wherein there are mines, where are found gold, a little silver, some copper, and some coal.

Japan grabbed that territory not only for the reason I have stated but she grabbed it also because it was that portion of northern China closest to the border, recognizing, as she does, that the day will come when Japan will have a showdown with Russia. That show-down would be today, Mr. President, were it not for the fact that the Russian Government is afraid of internal revolution. The only reason upon the face of the earth that keeps Russia from striking at Japan today is that Russia is afraid of internal revolution.

In 1931, when Japan took over Manchuria, we had as our Secretary of State Mr. Stimson. We protested against that invasion by the Japanese. We protested against the conquest of that fine portion of China by the Japanese, and we let our protests be heard across the sea, where they could reach the ears of our British brothers, who today are clamoring and praying that we will draw their chestnuts out of the fire in China. Our brethren across the sea did not hear us, they did not heed our warning, they did not desire then to provide the United States of America with full cooperation in their protest against the seizure of lands in China. If they had done so, the probability is that what is taking place today in China would not be happening.

We all know that the Japanese have formulated in their minds a desire and an ambition to create what will be known as the Empire of the East. Japan expects to take over the greater portion of China. She has already run roughshod over Shanghai, the largest port of all Asia. She has gone northwest and has taken over the northern capital, Nanking. She is ambitious to go along the coast, and if Senators will follow the map with me in their minds we come to Hong Kong, an island owned by the British Government. From there Japan is desirous of proceeding northward up the river to Canton, a city of about a million inhabitants 70 miles above Hong Kong, and then back across, which will mean the greater part and the better part of all China.

Japan wants China for another reason, namely, that she may increase the production of cotton in China in order that it may be used in her innumerable textile mills to be found in Yokohama, in Tokyo, in Kobe, and in half a dozen other cities of the island empire.

Some very fine cotton is produced in China. I am happy to find here listening to me my two colleagues from Georgia the senior Senator [Mr. GEORGE] and the junior Senator [Mr. RUSSELL] from my sister State. They are intensely interested in the subject of cotton, and are concerned because they are interested in their constituents, believing, perhaps, as I do, that the day will come when we in North Carolina and they in Georgia will experience great difficulty in competing with the other cotton-producing countries of the world.

Japan wants to increase the acreage of cotton in China because Japan has already spent millions of dollars and invested millions of dollars, as we all know, in innumerable textile plants all over China, and she buys her cotton in China and ships it into the textile plants by trucks. It is not necessary for her to buy cotton in China and ship it by steamer to her plants in Japan. She has innumerable plants in China. Japan, the ambitious little yellow man of the Orient, in my humble opinion is not going to be content with chopping off the greater and the better portion of China. Japan's ambitions reach 1,400 miles farther. Japan's ambitions reach from Hong Kong, China, an island owned by the British Government, for a distance of 1,400 miles to Singapore, where East meets West.

Mr. President, is that true? Let us see. A year after I entered the United States Senate I made the prediction that the day would come when the ambitious yellow man of the Orient would attempt to seize the British-owned island of Hong Kong, and a greater portion of China than she seized in 1931, the year before I was elected to the United States Senate; and I wish to declare to the Senate that every single prediction I have made in regard to these matters has come true.

Let me remind Senators of something more recent. It was only a few days ago that I predicted that unless we withdrew our marines from Asiatic shores, unless we withdrew our gunboats from Chinese waters, a *Maine* incident would happen over there, which, if it would not involve us in war, would tremendously embarrass us. I made that statement 2 weeks ago on Saturday. On Sunday our gunboat, the *Panay*, was sunk in Chinese waters; and on Monday I took the floor of the Senate and reminded Senators of the fact that my prediction had come true. But I thank

God for America that that incident occurred the other day, and not 40 years ago; because if that incident, the sinking in Chinese waters of an American gunboat flying the American flag, had occurred 40 years ago, war would have been declared.

Mr. President, what happened 40 years ago? In the harbor of Habana—one of the most beautiful harbors in the world, only an hour's flight by airplane from Miami, Fla.—we had a battleship, the *Maine;* and one night it was sunk. Who sunk it we do not know. We perhaps never shall know. We went to war over it. Someone said to me the other day, "If we keep our battleships and gunboats over there, some of those Chinamen are going to blow up about a half dozen of our gunboats, and we will swear it was done by the Japanese, and then we will go to war."

I predicted several years ago, just after the Japanese took Manchuria, that the day would come when the Japanese would try to take Hong Kong. Let us see how near right I was in that prediction. The other day the Japanese had 40 planes over Canton. Already many times the Japanese have bombed from the air the city of Canton, which is only about 70 miles from Hong Kong, and thousands upon thousands of refugees are trickling down to and onto the island of Hong Kong. The British have been expecting this for a long time. They knew that the day would come when they would have trouble over there. Why do I make such a statement? I make it because there are men in this body who must of necessity substantiate what I say in regard to fortifications over there. What is it? During the past several years the British have expended a great deal of money in refortifying the island of Hong Kong. Why? Because they knew that the day was coming when the Japanese were going to try to take the island of Hong Kong in carrying out their ambition to create the empire of the Orient.

I shall go further, as I did a moment ago, and state that their ambitions, unfortunately for the civilized people of the world, do not end there. I stand here condemning the Japanese for the outlandish, outrageous murder that is being committed daily and hourly in China. Their ambitions will carry them further. Their ambition, which this hour carries them to Singapore, a distance of 1,400 miles from Hong Kong, carries them beyond that point. It carries them a distance of 2,400 miles from Hong Kong to Darwin in Australia.

Mr. President, we know the Japanese have their eyes set upon some of the islands of the Dutch East Indies. Why do I say that? Because today some of the finest and most valuable untouched oil pockets in the world are to be found in the Dutch East Indies. Those islands are almost in a line which extends from Hong Kong through the Dutch East Indies southward to Australia. That is the situation that exists there. Where it is going to stop no one knows. However, we know that the people of America are opposed to the unwarranted killing and murdering of innocent persons, many thousands of whom lie buried today in unmarked graves in the soil of Asia.

At Christmas time, when we all went home, I was thinking about all this. At that time of the year we talk about peace. That is a time when we should be friendly with all the people of the world. I then stopped to think of all the trouble that is taking place in the world, particularly in Japan and China. As I stated on the floor of the Senate the other day, of course, we are interested in what occurs over there.

By the way, I was reading a newspaper just a moment ago, while I was sitting in my chair here, and I saw the statement that we have not much money invested in China. One of my colleagues the other day introduced a resolution inquiring into the amount of capital we had invested in China and the number of American citizens we had over there, and so forth; and I saw that our Secretary of Commerce this morning revealed that the American people have only something like $140,000,000 invested in business enterprises over there, and in connection with missionary work about $40,000,000. In other words, all of the investment will not exceed the amount that I stated the other day on the floor of the Senate; that is to say, $250,000,000. Our investment in China will not go beyond that figure.

The article which I read in the newspaper this morning stated that the investment in China by the British was six times as much as the investment that we of America have over there. It is a great deal more than that. From the investigation I have made, from the information I have had furnished to me from time to time in the course of several years, I am inclined to believe that the British investment in China will run around a billion dollars. It has been estimated by some that it is two or three billion dollars. There is no way of getting the exact amount of it. We can only make estimates from time to time.

The investments maintained there by the British are a great deal more than the investments that we of this country have over there. We, of course, are not going to follow the American dollar around the world to protect it, because if we start to follow the American dollar around the world to protect it we are going to become the greatest travelers upon the face of the earth.

The other day I read in a newspaper that those who have invested in oil in Mexico, where they tapped some fine wells, are calling upon the American Government to provide them with some sort of protection. American dollars ought to be found everywhere, but the American investor must know that we are not going to permit him to involve us in war on account of the few dollars he has invested in foreign lands. I think he had better invest his dollars here.

Let us see what has taken place further. Italy is not a large country. As a matter of fact, the Italians have great need for land for the purpose of expansion. Until a few years ago, when we passed our immigration laws, thousands upon thousands of Italians came to this country yearly, without any restriction whatever upon immigration. After the passage of the Quota Act of 1924, immigration not only from Italy but from all other countries of the world was materially restricted, as we all know. But we could not pass any laws in this country that would reduce the birth rate in Italy or in any other country. The birth rate in Italy has continued to be just as great as heretofore. The difference is, however, that the excess population of Italy, which theretofore had been coming to the United States or going to other countries, no longer was allowed to emigrate from Italy, because the United States and other countries enacted certain immigration laws which prevented its coming into this and other countries.

As the result of its limited territory, Italy had of necessity, just like Japan, to become an industrial nation. Italy, like Japan, in order successfully to become an industrial nation, in order to feed her many millions of people, had to have certain essentials, such as timber, iron ore, oil, and all that sort of thing. Perhaps she needed cotton land. Italy went ahead and expanded. What did she do? She had a little old strip of land on the coast of Africa called Italian Somaliland. Italian Somaliland, as Senators will recall, is just below French Somaliland. The railroad leading from French Somaliland, the capital of which is Djibouti, up to the capital of Abyssinia, is about 450 miles in length. The ride is a very interesting one. If Senators ever get an opportunity to take that trip, I recommend that they take it. The country is very interesting.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I gladly yield to my friend the Senator from Washington.

Mr. SCHWELLENBACH. Will the Senator kindly explain to us whether this ride is as interesting as the one to "the little gem city of the mountains"?

Mr. REYNOLDS. Mr. President, I thank my beloved friend for that contribution, particularly because it again provides me an opportunity to speak of one of the most beautiful cities in the world. The city which my good friend from the great State of Washington has in mind is none other than my home city, Mr. President. My home city, as anyone may know who sits within the sound of my voice, either in this Chamber or in the gallery, is Asheville, N. C.,

located in the mountains of western North Carolina. It has a population of 50,000 people, and is only a stone's throw from the entrance to the Great Smoky Mountains National Park, a park which last year entertained more than 700,000 visitors—200,000 more visitors, Mr. President, than visited the Yellowstone National Park of Wyoming.

Yes; Asheville, N. C., sits 2,300 feet above the blue waters of the Atlantic, and it rests there beneath the shadows of Mount Mitchell, the highest peak east of the Rocky Mountains.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. I gladly yield, if it will provide me an opportunity to say more about one of the greatest States in the Union, North Carolina.

Mr. SCHWELLENBACH. I remember well that last fall, when the Senator was in Seattle, describing this gem city of the mountains, he said that Asheville was 2,900 feet above sea level. Has it come down since then, or was the Senator merely exaggerating a little for the benefit of my constituents in Seattle?

Mr. REYNOLDS. If my dear friend says that I said 2,900 feet, he is right. I was speaking then of one of the lower levels of my city. [Laughter.]

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from West Virginia?

Mr. REYNOLDS. I am delighted to yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, may I suggest that the able Senator from North Carolina has neglected to tell the Senate and the country that the Biltmore Industries in Asheville, N. C., make the best homespun wearing material in the world.

Mr. REYNOLDS. I am glad the Senator has mentioned that fact. Biltmore homespun, mentioned by the Senator, is one of our many industries there. The plant is owned and managed by one of our most distinguished citizens, Mr. Fred Seely, and the reputation of that cloth has found its way around the world. We have many interesting spots in Asheville, and I hope that all those who are hearing me today will be provided the gloriously delightful opportunity of sometime visiting the Gem City of the South. By the way, I believe it to be desirable to say something about Seattle, in view of the fact that my good friend the Senator from the State of Washington, who made mention of my city provided me with the opportunity of talking about North Carolina.

I have been to Seattle many times. I think it one of the garden spots of the earth, and I think that the people of the State of Washington are unusually fortunate in being represented by the able Senator who honors me with his presence today. Seattle is a city of hospitality. Mr. President, I recall that once upon a time there was a great traveler, and an unusually fine lecturer, a man who had a capacity of putting his thoughts down in written words so vividly that the reader had but to read them and he could fashion in his mind the places described as well as if he himself had been the traveler.

That man's name was Stoddard. Once upon a time in the city of Paris he was being honored and entertained by those who admired and respected him. After a banquet when he was speaking there he said, "Paris! Paris, a city preeminently of pleasure." So I say, "Seattle! Seattle, a city preeminently of generous hospitality." It is a beautiful place; one of the most interesting places I have ever visited in my life. It is delightfully situated, just south of Vancouver, the capital of British Columbia, and no finer roadway or more beautiful scenery can be found anywhere than is to be observed southward from Seattle to Portland, Oreg.

Now, Mr. President, getting back to the text, let us see what is taking place. I was going to refer to Ethiopia and Mussolini. The dictator of Italy had to industrialize his country in order to provide livelihood for some forty-five-odd-million members of the Italian family. He went into Ethiopia and conquered that country. He said that he had to fight Ethiopia because some of his sentries or patrolmen there in Italian Somaliland had been attacked by the Ethiopians. At any rate, he went in there and conquered Ethiopia. Of course, we are all aware, knowing the territory as we do, that it will be many years before he will ever have that country in such a condition that it will pay him for the amount of money invested in the conquest. He is going to have some cotton grown there, I will say to the Senators from Georgia, who continue to lend me their ears, for which I express my appreciation. He is now buying many thousand dollars worth of cottonseed from the producers of our country. Prior to the advent of Mussolini in Ethiopia cotton had been grown there. The Japanese had gone in there and had been producing poppy for the purpose of making opium, and had also cultivated considerable areas of cotton in Ethiopia. Now, Mussolini, the dictator, is going to find there virgin timber; he is going to find the great cotton plains; he is going to find pockets of oil; he is going to find everything that the Japanese know is to be found and have found in China.

The situation in Europe is very interesting. I can see, as a matter of fact, that it is peculiar. I can see the nations of the world before us now lining up against one another. Who are they and what is the situation? The press tells us, and we know, that Japan, Italy, and Germany are lined up together. Who is on the other side? Great Britain, Belgium, France, and Russia.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. REYNOLDS. I gladly yield.

Mr. RUSSELL. I should like to hear the Senator from North Carolina discuss the position in this line-up of the nations situated in the Balkans.

Mr. REYNOLDS. I will be glad to mention that. Let us vizualize in our minds the map of Europe. We find a strip of land that is not unlike our State of California. I refer to Italy. Right down the middle of Italy is a backbone in the form of a mountain. To one side of that strip of land is the Adriatic Sea. On the other side is what is known as the Mediterranean; to the north are the Italian Alps. Italy today would have been a communistic state had it not been for the fact that Mussolini marched upon Rome only a few hours before the communistic march was scheduled. Mussolini has obtained control of a kingdom that is just across the Adriatic, the kingdom of Albania. By having gained control of Albania he has made an Italian lake of the Adriatic Sea. To the east of Albania we find—and it is of interest to us in the world set-up—Yugoslavia, Rumania, and Czechoslovakia. The Italians are opposed to the Russian form of government. When the world line-up comes you will find, Mr. President, Italy and Germany arrayed against Russia.

Recall now with me the map of Europe. It will be found that between the northern portion of Italy and Germany there is a small country designated as Switzerland. When the line-up occurs, and when war takes place, Switzerland will no longer be able to maintain her neutrality, because there will not be any country there to be neutral. Germany and Italy will walk right over Switzerland, because Switzerland is right between them. By looking at the map of Europe it will be found that between Italy and Germany is little Switzerland. Then to the east are Austria and Hungary. Let us get the picture, so that I may explain to my good friend the junior Senator from Georgia in what direction the Balkan States will cast their die.

Mr. President, in northern Africa, from Casablanca following the shores of the Mediterranean, there is a roadway frequently traveled by American and other tourists, a roadway stretching across almost 4,000 miles to Port Said in Egypt. We find the Italian influence along the shores of the Mediterranean in northern Africa tremendously pronounced, despite the fact that those who control along those shores are not only Italians but French and British, and the Portuguese also have some influence there. Mussolini, the dictator, has posession of islands in the middle of the Mediterranean, and he has so well played his checkers that Italy today can destroy the life line of Great Britain any

minute she wants to. Mr. Eden, the Foreign Minister of Great Britain, knows just as well as I do or as does anyone else who knows anything about the situation that Italy today is in a position to destroy Britain any time she wants to do so.

That is a big statement for anyone to make. Let us see whether or not I can prove it. I say, Mr. President, that I can. What do we find in the Mediterranean? In the first place, the life line of Great Britain leads from London or Liverpool southward to Gibraltar. There it turns to the east and runs through the Mediterranean to Port Said. Then it proceeds through the Suez Canal into the Red Sea and the Indian Ocean to Bombay and Calcutta, in India, and then southward through the Dutch East Indies and Borneo, which is the only possession the British have in the Dutch East Indies; thence south to Brisbane, Melbourne, Sydney, in Australia, and Wellington in New Zealand. That is what is known as the life line of Great Britain. It is called the life line of Great Britain because over that line there are to be found riding the seas the ships that operate from Great Britain to all her possessions.

Great Britain today is more gravely endangered by the world situation than is any other nation upon the face of the earth. Great Britain today controls 25 percent of the earth's surface. Mussolini has won the war in Spain. We all know—there is no use beating around the stump—that Mussolini has been fighting in Spain. We all know that his general in charge there up to the present time has obtained control of about two-thirds of Spain. We all know that within the next 8 months the rebels will have won in Spain, and will have taken over all the government, including Madrid, the capital; and I am mighty sorry that they are destroying that beautiful city.

I have always liked Madrid. I think it has one of the most interesting museums in the world. I remember that I visited Madrid when I was quite a boy. I used very frequently to work my way across the ocean on cattle boats when I was a boy; and one of the first places I visited on my trips around the world was Madrid. I tramped from Lisbon, Portugal, across the mountains up to Madrid—a very interesting trip—and I remember that in the museum at Madrid I saw the tent which Columbus was supposed to have used in October 1492 when he discovered America. The art galleries there are really magnificent and worth while. I hope some of the art may be left for the eyes of the world. Anyway, we shall find that the rebels are going to win over there and take over all of Spain within about 8 or 9 months.

Then there is little Portugal. Portugal is just a little strip of country, but it has a beautiful port and a lovely city. I remember its Black Horse Square, and I remember Portugal particularly well because I went up to the palace of the King and went to the stables. I could not get in the palace. I was just a poor boy from North Carolina, and I went up to the stables to look at the horses, and, lo and behold, I found an old darky from North Carolina, who was one of the stable men, away over there in Portugal. I never was so glad to see anybody in my life. It was like coming home.

Portugal is a little bit of a country. Its population is less than the population of the city of Chicago. It is less than the population of the city of New York; and although Portugal is more dependent for its livelihood upon Great Britain than upon any other country in the world, although Portugal depends upon Great Britain for its living, the sympathies of the Portuguese are with the rebels of Spain. That is what I have been told by those who have been there since the revolution has been going on. Of course, all they have to sell in Portugal is a few fish and a little wine and some cork. I am told that Portuguese wine is very, very good; but those things are about all they have to sell. They sell most of them to Great Britain; but despite the fact that the Portuguese are dependent upon Great Britain their sympathies are with the rebels in Spain.

The islands in the Mediterranean, from Gibraltar to Port Said, are heavily fortified. I say to you today that any merchant ships or any portion of a fleet plying the waves of the Mediterranean between Gibraltar and Port Said could be stopped by the Italian island fortifications and their submarine bases. But suppose the Italians did not stop the vessels there; suppose they wanted to destroy the lifeline of Great Britain. At any time they wanted to do so, when a British ship got into the Suez Canal, the Italians could blow up the ship, and Great Britain knows it. If the Italians should miss the ship there—they might miss it, because Aden, in Arabia, is fortified by the British—if they should miss getting it there, Mr. President, and if the British ship got through the Suez Canal—and the Suez Canal is a part of the life line of Great Britain—there is the Italian territory of Eritrea on the right-hand side after you leave the Suez Canal and go southward through the Red Sea, and that has been heavily fortified by the Italians.

The British know that. They know it so well that within the past few months they have acquired property only a few miles from the capital of Trinidad, at Port-of-Spain. Why? They have acquired territory there for the purpose of building immense shipyards and drydocks. Why does Great Britain want to build them there? Why, Trinidad, Port-of-Spain, is only a few miles from our possessions. It is in the West Indies. This territory has been acquired because Great Britain knows that the day may come when the Suez Canal will be closed, and when it is closed she wants to use the Panama Canal.

The last time I was at Port-of-Spain, just last year, I went out to see the property which I had been advised had been acquired by Great Britain—an immense piece of property that the British have acquired there. The British know that the situation is as I have stated. We all know the great lion of Great Britain, or, as he is sometimes represented, Uncle John Bull, with his muscular neck and massive shoulders. Do you think he would let any little Italian slap him and kick him any time he wanted to? Never in the world. But that little Italian fellow has been slapping Uncle John Bull on one side and on the other and kicking him in the seat of the pants for years upon years. Great Britain has never submitted to so many insults in her whole previous existence as she has within the past few years. Why? Let us see.

Great Britain did everything in the world she could do to keep Mussolini from going into Ethiopia; did she not? She certainly did. She tried to call in all the facilities provided by the League of Nations. What did the British find? They found that they could not get the League of Nations to do anything. Senators will remember that in 1935, when the war in Ethiopia was at its height, the League of Nations were doing their very best to impose sanctions against Italy; and they knew that sanctions upon anything would not do any good unless they provided sanctions upon oil. Any nation that goes to war has to have oil, and a great deal of it.

In November of 1935 Mr. Anthony Eden, who was in charge of the foreign affairs of Great Britain, tried to get the members of the League of Nations to join in imposing sanctions on oil against Italy; and at that very time Mr. Anthony Eden did his level best to get the United States of America to join Great Britain and the other members of the League of Nations in sanctions against Italy on oil. That was in 1935; and Senators will remember that in November of 1935 there was more British naval tonnage in the Mediterranean, assembled around Alexandria on the northern coast of Africa, in Egypt, than has ever before during the history of the world at one time been in the Mediterranean.

Mr. CONNALLY. Since the Battle of the Nile, in Nelson's time.

Mr. REYNOLDS. I mean in peacetime, or even during Nelson's time. I beg to differ with the Senator; if he will look at the World Almanac, I think he will find that there was more tonnage there then. When the United States could not be prevailed upon to join in sanctions against Italy, or to become involved in any entanglements, in less than a week the British fleet moved out of the Mediterranean away from Alexandria.

Now, what do we find? We find that if and when the rebels conquer all of Spain—and I predict that they will do so—it is going to render Gibraltar almost useless. The

Rock of Gibraltar will have lost its usefulness. It will have outlived its usefulness as a result of the victory of the rebels of Spain, supervised by the Italian Government.

Why are the French so greatly interested in this thing? The French have possessions in northern Africa. Some of the finest wheat fields upon the face of the earth are to be found upon the soil of French possessions in northern Africa. The wheat raised there, as your geography will tell you, is sufficient to feed the whole of Europe if not a grain of wheat were raised in all of continental Europe. The French are vitally interested in that, because if at any time the Italians should desire to stop the transportation of anything from the French possessions in northern Africa to Marseilles, or other ports in France, the Italians could prevent it. So the French and the British are equally interested in their opposition to the march of the Italian Empire, because Mussolini is in a position to destroy the life line of Great Britain at any time he wants to do so, and under the present set-up Mussolini is in a position to stop the plying of any ships from the colonies in northern Africa to the ports of France at any time he wants to do so.

Now let us refer to Germany. Germany declared war in August of 1914. Germany was brought to her knees in defeat on April 6, 1917, when the United States entered the World War. That was the day on which Germany experienced defeat. It is an unfortunate thing, Senators, that we became involved in that war. It is an unfortunate thing for many reasons, perhaps; but I am not going to argue all of that. The armistice was declared on November 11, 1918. I am going to say a little something about that war, because I want our people to stay out of any other war.

Did you ever stop to realize that during our very brief participation in the World War, from April 6, 1917, until November 11, 1918, we had under arms and in uniform 4,400,000 men? Did you ever realize that our brief participation in that war has cost the American taxpayers to date $67,000,000,000?

President Calvin Coolidge once made the assertion, in the form of a prophecy, that before we finish paying the total cost of that war we shall have paid out $100,000,000,000; and that is true. But wars, as Senators know, are not paid for by dollars and cents in the currency of any country. War debts are liquidated only by the cruel tears that trickle down the cheeks of the mothers of the country; and we of America are not going to indulge in any other war until all the American mothers who lived during the days of our participation in the World War are dead. Were it not for the mothers who are living in America today and who remember our participation in the World War we would be at war right now; but thank God for them, and may they live many, many years to come. Today our former Allies owe us billions of dollars. At the end of the war, when we were considering the treaties in Paris, I believe it was estimated that they owed us $22,000,000,000. As a matter of fact, we wanted to help them. We felt sorry for them, and we cut the debt 50 percent, cut it down to eleven billion, but since then they have paid us little, and now all of them are swearing that we did not have a thing to do with winning the war.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. DUFFY. On the occasion of the dedication of some of the battle monuments in France late last summer Marshal Petain, who was one of the principal speakers, I believe at Montfaucon, gave testimony just to the contrary, stating that if it had not been for America's participation in the war the Allies would not have been successful.

Mr. REYNOLDS. Exactly. I think I saw him on the screen and heard his voice. He made the statement the Senator has repeated. It was the most diplomatic thing he ever did. He knows that we Americans are subject to flattery, and he thought that he would get us to cancel the war debt altogether, and I believe he thought that we are such simps they could get us to lend them more after we had canceled the debt.

Mr. DUFFY. If the Senator will yield further, I am not suggesting that he join the "Inconsistency Club," but I understood the Senator to say a moment ago that there was no one in Europe who had recognized or had stated that this Nation had any part in the winning of the war. I merely wanted to call the Senator's attention to the fact that a very distinguished leader who participated in the war seems to be of a contrary opinion and has not hesitated to give voice to that opinion in public.

Mr. REYNOLDS. I thank the Senator very much. Of course, I know that there are some intelligent people of Europe who are grateful for our participation, but I say the great masses of the people there do not think we had anything to do with the situation at all.

Mr. President, the American people hate war. If they can help it, they will not get into another war. The American people are peaceful. I was happy not long ago to hear from the lips of President Roosevelt, or to read that he said—I have forgotten which—that it is a fortunate thing that the people of the United States are spending their profits, their millions, indeed billions, upon peaceful progress rather than spending their money in preparation for another world war.

Ever since the Germans were overwhelmed they have had it in their minds to get even with France. Let us see what the situation is. Poland is between Germany and Russia. France has thought that she was going to be attacked some time in the future by the Germans in order to get even, so that the first thing the French did shortly after the war was to make friends with the Polish people. She loaned Poland money, billions of francs, and much of the heavy artillery for the frontier that has been manufactured in France since the end of the World War, up until a few years ago, has been sent to Poland. Why did the French do that? Because the French realized that Poland was right at the back door of Germany, and that whenever Germany attacked France, whenever Germany came out of the front door to attack France, the Polish people could come out of their front door and attack the Germans from their back door.

We find, however, that the Germans are pretty astute. The Germans have had agents in Poland for many years, and within the past few years the influence of the Germans in Poland has been so tremendous that of late France has not been making loans to Poland, and she has not been shipping the heavy artillery, or "frontier pieces," so to speak, to the borders of Poland adjoining Germany.

Right behind Poland is Russia. Russia has a population of nearly 180,000,000. Russia extends, on the one hand, from the Scandinavian countries of Norway, Sweden, Denmark, and Finland more than 4,000 miles to the Pacific, and from her capital at Moscow, weaving its way across the valleys and the great deserts, through tunnels under the mountains to the Pacific, runs the Trans-Siberian Railway; and, of course, there is a fairly good line of railway from Leningrad, old Petrograd, to Moscow.

Shortly after the World War we had soldiers in Russia. Why we ever sent any American soldiers to Russia I do not know; but, of course, we all are aware that we did try to give aid to the Whites during their contest with the Reds during the revolution in Russia.

Russia has become industrialized, and I think that is one mistake they have made. Russia is three times the size of the United States. It covers one-sixth of the earth's surface. It is essentially an agricultural country. Under the old Czars it was never anything but that. Everything Russia needed of an industrial nature was imported.

When war finally comes there will be an alliance between Japan, Italy, and Germany, and Russia will be lined up against them. Whether the fighting will begin on the Pacific at the Japanese end or whether it will begin on the German or Poland end no one can tell at the present time.

Let us look further at the map, covering that portion of the world from England to Yokohama, in Japan, which includes, of course, continental Europe and the Balkan States, which have been mentioned.

As I stated a moment ago, if we look at the map of Europe, we will find Italy and Germany separated only by the little country of Switzerland and by Austria, and to the right of Austria we find the Balkan States.

When we draw a line from the heel of the boot of Italy across to Hamburg, Germany, we find that the line goes right across Switzerland, and that to the left of that line is the lovely little country of Holland, with the beautiful cities of Amsterdam, Rotterdam, and The Hague. We find Belgium with its lovely capital of Brussels and its fine seaport, Antwerp. We find the British Isles, Ireland, and Scotland, with the great seaports of London and Liverpool. We find a marvelously lovely country, and of course a historic one, by the way, from London to Liverpool, a magnificent road, over which the motor will carry one by Oxford University, Warwick Castle, and Birmingham, the great center of the production of silverware. There is Kenilworth, and did not the novelist Sir Walter Scott write a book called Kenilworth? It is an old castle surrounded by a dry moat. Then there is Stratford on Avon, where William Shakespeare lived, where Anne Hathaway, a girl in whom he was interested, lived across the field, with a little path leading from his house to her door.

There is the lovely city of Chester. Then we get to Liverpool, and there, in the great square in the center of that city, we find sitting astride a prancing steed of copper, Lord Wellington, who defeated Napoleon at the Battle of Waterloo in 1815, I believe it was. If I go wrong in my dates I hope Senators will correct me.

We not only find on the left side of the line which I drew a moment ago the Netherlands, Belgium, France, the British Isles, but we find Spain, separated from France by the Pyrenees Mountains, and right on the border between Spain and France is the smallest republic in the world, called Andorra. It has a population of only about 5,000 people. The next smallest republic in the world is located in Italy. It has a population of 13,000. In addition to Spain being on the left side of that line, there is Portugal, with a population, as I stated a moment ago, of less than the population of either Chicago or New York.

When the line-up comes, I believe we will find Yugoslavia and Rumania with Japan, Italy, and Germany. In the first place, Mussolini has made an Italian lake out of the Adriatic Sea by gaining control of Albania. At the seaport of Albania he has spent many millions of dollars within the past few years in building drydocks and acquiring for himself one of the finest of ports to be found in any of those waters.

Again consulting the map we find that if Mussolini wanted to attack Russia—and when the war comes I think all of us believe the world will be involved—the attack could come from two directions. One attack would be through Poland by the Germans. They would follow substantially the same route that was followed by Napoleon when he entered Russia for the purpose of making a conquest. The other route would be from Italy across the Italian Adriatic lake to Albania, and then across Yugoslavia and Rumania into Russia north of Odessa on the Black Sea.

It is surprising to find how unprepared we are in comparison with other countries. I just happened to think of Rumania. Rumania has an army much larger than the army of the United States. Prior to the breaking out of the civil war in Spain, Spain had a standing army larger than the standing Army of the United States, despite the fact that Spain then had one commissioned officer to every six privates. I think Spain had something like 47,000 generals. There were more generals than there were in Mexico.

When the great world war of the future shall occur, in which certainly Russia, France, Great Britain, Italy, Germany, Japan, and innumerable other nations will become involved, it will be found that Russia will be attacked by the Italians through Yugoslavia and through Rumania, beginning with the portion of Russia north of Odessa, which will bring the attackers in line to make utilization of the railroad leading from Odessa on the Black Sea to Moscow. We shall find, on the other hand, that the Germans will attack, as I stated a moment ago, through Poland on to Leningrad and Moscow. I am very hopeful that we of the United States may be able to escape this world war which eventually will come.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. RUSSELL. Before the Senator leaves his able and interesting discussion of European affairs I hope he will give the Senate the benefit of his opinion with respect to the justice of the German demand for the return of its colonies, and also give us information that I know he has acquired by first-hand visits to the German colonies. It seems that all the present-day historians agree that that is one of the questions which potentially holds much danger for the peace of Europe and the world.

Mr. REYNOLDS. I thank the junior Senator for his interest.

Mr. President, I think that in Europe today a lot of horseplay is taking place. I think that in Europe today there is a great deal of brandishing of weapons and display of armament for the purpose of bluffing.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. CHAVEZ. Does the Senator mean that they are playing a little "bluff poker"?

Mr. REYNOLDS. They are playing bluff poker, absolutely.

Mr. CHAVEZ. With the deuce in the hole?

Mr. REYNOLDS. Yes.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina explain what he means by that expression?

Mr. BARKLEY. Mr. President, will the Senator go further into detail about that bluff-poker business? I fear that most Senators do not understand the meaning of the term.

Mr. RUSSELL. I was asking the Senator to explain it.

Mr. REYNOLDS. I shall be happy to do so, and to give Senators an actual demonstration of it immediately after the adjournment of the Senate. [Laughter.]

Mr. President, Germany today is as well prepared for war as she was at the time the Kaiser was so thoroughly interested in war in 1914. Germany has been making war preparations since the ending of that war. The German youth in the German Army today does not remember the trying times that began for Germany in 1914. All Senators who have visited Germany—and all the Senators I see here, who constitute most of the Senate, have visited Germany from time to time—know that every single square hundred yards of Germany is intensively cultivated. As one rides along the Rhine from Cologne toward Heidelberg, the city containing the great, famed university, one sees old feudal castles. It is a lovely country. There is not a single strip of land which is not under intense cultivation. Today I understand that in Germany they are rationing butter and fat and sugar. How true that is, I do not know. That is my understanding.

Germany lost her colonies. Those colonies were mandated to other countries. The one nation which profited out of the World War, and the only nation which profited out of it, was Japan. She declared for the Allies, and innumerable islands were mandated to her which had previously belonged to the Germans.

By the way, if I may be permitted to digress for just a moment, I will say that the Japanese agreed not to fortify any of those islands. I read a report somewhere to the effect that an investigation had been made and it was found that those islands had not been fortified. I shall take the responsibility of saying, Mr. President, that if today we were to declare war against Japan, in the first place, we should not even attempt an invasion of Japan without having 2,000,000 well-trained men in uniform and under arms; and if today we were to declare war against Japan, it would take us 2 years to land any troops in Japan or in China. Ask experts about that matter and see whether or not that is true. Why would it take us so long? Because first we should have to cut down deadly mines and defense weapons in a thousand and one places under the waters through which our transports and our ships would have to plow to land troops or arms or ammunition or supplies for troops.

Hitler says that he wants the German colonies back. I say that if Hitler gets back the old German colonies, that is not going to satisfy him. Before the World War, what had Germany done with her colonies? Had the nationals of Germany gone into possession of the land in the colonies in South Africa? Had they gone to the islands of the earth

that were then possessed by the Germans? They had not. Germany had island possessions all over the earth. She had them even in the South Seas. She had them in the waters of Asia. If I am not mistaken, she had one or several islands in the China Sea. So, if Great Britain does give the African colonies back to Germany, that is not going to satisfy Germany. She was not satisfied with them before the World War broke out in August 1914, and if she was not satisfied then she will not be satisfied now.

Some people say, "What is the answer to this question? How is war going to be prevented?" Since history began to be recorded I believe mention has been made of more than 3,000 wars. We are today witnessing war in China, witnessing war in Ethiopia, witnessing war in Spain; and within 3 years, certainly 5 years, we shall perhaps be witnessing another great war. I do not know what is to be done. However, I have gotten to the point where I am interested only in the 130,000,000 people of America. I think it is high time, Mr. President, that we devote our energies and our thoughts and our best efforts to the people of the United States of America and quit thinking about the people in other parts of the world. They are not thinking about us. The only time they give us a thought is when they perhaps can borrow money from us or get something out of us.

I recall that several years ago I sat in the Senate and looked with admiration upon that able statesman, the senior Senator from Illinois [Mr. LEWIS], who now occupies his chair in the Senate; and on this particular day he rose and said, " We people of America should turn our eyes southward with a view of getting the trade of the people who live to the south of us." Mr. President, since those words from his lips reached my ears I have constantly thought of that statement. It impressed me greatly then, because some years ago I was in South America visiting those countries; and I remembered from time to time having read of the great progress that those countries to the south of us were making; and I remembered that even at our back door our neighbor, Mexico, was making progress.

So I say, Mr. President, to those of our citizens who are simply brimful of energy, and who are seeking fights, let them devote their energies upon American soil, and let them fight the battles of the American people within the confines of the United States of America, and let them think in terms of America, as was suggested at the outset of my speech by the able Senator from the great State of New Mexico [Mr. CHAVEZ].

We are worrying about the trade we are about to lose in China. As is known, Mr. President, I believe our greatest customer is Great Britain, largely contributed to by our neighbors to the north in Canada. We very much dislike to lose the trade in China. We very much dislike to lose face by getting out of China. But I want to say, as I have said before, that I would much rather lose face than to lose American lives; and I say, let us lose face in the Orient if we must, but let us not lose any more American lives there.

I say, as the able Senator from the State of Illinois [Mr. LEWIS] said, and as has been said repeatedly, let us turn our eyes southward. Let us endeavor to get the portion of South American trade which has heretofore been enjoyed by Italy, Great Britain, Germany, and Japan. To the south of us lie 22 republics. To the south of us are to be found 130,000,000 people, as many as we have in the United States of America. To the south of us are people who recognize that the products of American industry are far superior to the products of the industry of any other country in the world. The people of South America look upon American manufactured products as No. 1, those of Great Britain as No. 2, those of Germany as No. 3, those of Italy as No. 4, and those of Japan as No. 5. The Italians have a very good trade there. Our trade in South America I believe has increased considerably within the past 3 or 4 months. I think the records of the Department of Commerce will show that statement to be true. That, of course, is largely attributable to the fact that the other countries have not been able to continue their commercial activity because they have been unusually active in preparing for war.

For instance, many of the great factories in Great Britain heretofore engaged in the manufacture of agricultural machinery, much of which was exported, particularly to South Africa and the great agricultural section between Capetown and Johannesburg, have been converted into munitions plants. So it is with Italy.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. REYNOLDS. Certainly.

Mr. CONNALLY. I wish to say to the Senator from North Carolina that I have been greatly interested in his illuminating and informative address on the foreign situation. I was wondering, however, if the Senator's attention had been called to the rather complex and intricate situation now existing in Palestine as between the Arab contenders, on the one hand, and those who are undertaking to establish a settlement under the Zionist movement, on the other, and the implications and reactions on other foreign countries because of Great Britain's activity in that particular area of the world's disordered affairs?

Mr. REYNOLDS. Yes; I have followed that situation with a great deal of interest. I recall that several of our colleagues were there last year investigating affairs.

By the way, I wish to say to the Senator from Texas that within the next week I propose to discuss some very interesting matters not only in relation to the Palestine section but in relation to Greece, Iran, Syria, Afghanistan, Arabia, Turkey, and that general section of the world which has had very little attention by Members of this body within the past several years. I am going to approach it from an angle which, I believe, will be somewhat different from that from which it has heretofore been approached.

Mr. CONNALLY. I crave the indulgence and favor of the Senator that he will advise the Senator from Texas when and if he is ready to make that address, because I am extremely anxious to be present and hear the Senator.

Mr. REYNOLDS. I shall be very happy to advise the Senator.

Mr. President, the Senator from Georgia [Mr. RUSSELL], who is always interested in his constituents, who is always interested in the old South, and always interested in the prosperity of the people of Georgia, has just suggested to me that the cotton situation is of great importance, on account of the competition being provided by the Japanese. It is of great importance, and I know of the interest of the Senator from Georgia, because in his State there are many cotton textile plants, as there are in my State, in the State of South Carolina, and in the State of the able Senator who is now presiding over the Senate, the Senator from Massachusetts [Mr. LODGE]. We are more vitally interested than is anyone else. North Carolinians, South Carolinians, the people of Georgia and those of Massachusetts are more vitally interested and more vitally affected today than are the people of any other section of the United States. Why is that so? Let us see. Our people in North Carolina, your people in Massachusetts, Mr. President, the people of the State of the Senator from Georgia, the people of my sister State of South Carolina are complaining that the textile plants are not running night and day. They cannot understand it. To my mind, it is the most understandable thing in the world. There is nothing intricate about it; there is nothing difficult to understand. One merely has to look around, one merely has to dig, not deeply or at length, into textile history. What do we find? Great Britain manufactured great quantities of textile goods. Great Britain, by the way, like Japan and Italy, had to become industrialized in order to provide a livelihood for her people. Great Britain established innumerable textile plants, providing work for millions of people in the textile industry alone. She sold her finished products to the world. She bought her cotton from India; she bought her cotton from the United States. Then the United States of America industrialized and went heavily into the textile industry. We built plants in the State of Massachusetts; we constructed

plants in the State of North Carolina, South Carolina, Tennessee, Georgia, and other political subdivisions of the country. Therefore, we began to compete with Great Britain.

Then there came the time when Japan had to industrialize. What did Japan do? She built many textile plants, in which modern machinery was installed. She bought her cotton from other nations of the world, transported it to her factories, and there, with cheap labor, turned out the finished products. Her competition with Great Britain became so keen that Great Britain had to move millions of spindles from the British Isles to India, right into the middle of the cotton fields, in order to compete with Japan.

Let us say, for the sake of the argument, that Great Britain, the United States, and Japan sold their products to the world. The world was the market. But let us see what has happened. The people of North Carolina, Massachusetts, Georgia became rich from the textile business, sending their finished products to all parts of the world. We sold where? We sold to China because the Chinese did not have any textile plants; we sold cotton goods to the Russians because during the time of the czars Russia had practically no textile plants; and we sold to Mexico because the Mexicans did not have any such plants.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. REYNOLDS. Certainly.

Mr. CONNALLY. I make the point that there is no quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	Minton	Steiwer
Bailey	Frazier	Murray	Thomas, Utah
Bankhead	Gibson	Neely	Townsend
Barkley	Hayden	Nye	Vandenberg
Bulow	Hitchcock	Overton	Van Nuys
Chavez	Lodge	Reynolds	Wagner
Connally	McKellar	Russell	
Copeland	McNary	Schwellenbach	
Davis	Miller	Sheppard	

Mr. LEWIS. The Senator from Utah [Mr. KING] is absent in attendance upon a funeral.

The PRESIDING OFFICER. Thirty-three Senators have answered to their names. There is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. LEWIS answered to his name when called.

Mr. NORRIS, Mr. LOGAN, Mr. BULKLEY, Mr. GUFFEY, Mr. CAPPER, Mr. ELLENDER, Mr. HATCH, Mr. MCGILL, and Mr. POPE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names, not a quorum.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators until a quorum is produced.

Mr. CONNALLY. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GIBSON (when Mr. AUSTIN's name was called). My colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business. If present, he would vote "yea" on this question. He is paired with the junior Senator from Mississippi [Mr. BILBO] on this question.

The roll call was concluded.

Mr. LEWIS. The Senator from Utah [Mr. KING] is absent in attendance upon a funeral.

The junior Senator from Rhode Island [Mr. GREEN] and the junior Senator from Delaware [Mr. HUGHES] are detained from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Maryland [Mr. RADCLIFFE] are absent because of deaths in their families.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The senior Senator from Florida [Mr. ANDREWS], the Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. HOLT], the Senator from Oklahoma [Mr. LEE], the Senator from Connecticut [Mr. MALONEY], the Senator from New Jersey [Mr. MOORE], the Senator from Flordia [Mr. PEPPER], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. BYRNES. I have a general pair with the senior Senator from Maine [Mr. HALE], which I transfer to the junior Senator from Oklahoma [Mr. LEE] and vote "nay."

The result was announced—yeas 44, nays 13, as follows:

YEAS—44

Adams	Gibson	Lundeen	Pittman
Barkley	Guffey	McAdoo	Pope
Bulkley	Hatch	McCarran	Schwellenbach
Bulow	Hayden	McGill	Steiwer
Capper	Hitchcock	McNary	Thomas, Utah
Chavez	Johnson, Colo.	Minton	Townsend
Copeland	La Follette	Murray	Tydings
Davis	Lewis	Neely	Vandenberg
Donahey	Lodge	Norris	Van Nuys
Duffy	Logan	Nye	Wagner
Frazier	Lonergan	O'Mahoney	Wheeler

NAYS—13

Bailey	Ellender	Miller	Russell
Bankhead	Graves	Overton	Sheppard
Byrnes	McKellar	Reynolds	Smith
Connally			

NOT VOTING—39

Andrews	Burke	Hale	Pepper
Ashurst	Byrd	Harrison	Radcliffe
Austin	Caraway	Herring	Schwartz
Berry	Clark	Holt	Shipstead
Bilbo	Dieterich	Hughes	Smathers
Bone	George	Johnson, Calif.	Thomas, Okla.
Borah	Gerry	King	Truman
Bridges	Gillette	Lee	Walsh
Brown, Mich.	Glass	Maloney	White
Brown, N. H.	Green	Moore	

So Mr. BARKLEY's motion was agreed to.

Mr. BARKLEY. Mr. President, in view of the fact that the roll call on this motion has indicated that a quorum is present, I ask that the order directing the Sergeant at Arms to procure the attendance of absent Senators be vacated.

Mr. CONNALLY. I object.

Mr. BARKLEY. I move that the order be vacated.

Mr. CONNALLY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business. He is paired with the Senator from Mississippi [Mr. BILBO]. If present and voting, my colleague would vote "yea."

Mr. BYRNES. I have a general pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from Oklahoma [Mr. LEE] and vote "nay."

Mr. TYDINGS. My colleague the junior Senator from Maryland [Mr. RADCLIFFE] is detained today and will be detained tomorrow and the next day because of a death in his family. I ask that this announcement may stand for the day.

Mr. BARKLEY. The senior Senator from Massachusetts [Mr. WALSH] and the junior Senator from Connecticut [Mr. MALONEY] are necessarily absent on official business. If present, they would vote "yea" on the question now pending.

Mr. LEWIS. The Senator from Rhode Island [Mr. GREEN] is absent on account of illness. The Senator from Delaware [Mr. HUGHES] is also detained by illness.

The Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The Senator from Washington [Mr. BONE] is detained from the Senate because of a death in his family.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The senior Senator from Florida [Mr. ANDREWS], the Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. HAYDEN], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. HOLT], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from Florida [Mr. PEPPER], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained.

The Senator from Utah [Mr. KING] is detained from the Senate attending the funeral of a friend.

The result was announced—yeas 44, nays 13, as follows:

YEAS—44

Adams	Frazier	Lundeen	Pittman
Barkley	Gibson	McAdoo	Pope
Bulkley	Guffey	McCarran	Schwellenbach
Bulow	Hatch	McGill	Stelwer
Capper	Hitchcock	McNary	Thomas, Utah
Chavez	Johnson, Colo.	Minton	Townsend
Copeland	La Follette	Murray	Tydings
Davis	Lewis	Neely	Vandenberg
Dieterich	Lodge	Norris	Van Nuys
Donahey	Logan	Nye	Wagner
Duffy	Lonergan	O'Mahoney	Wheeler

NAYS—13

Bailey	Ellender	Miller	Russell
Bankhead	Graves	Overton	Sheppard
Byrnes	McKellar	Reynolds	Smith
Connally			

NOT VOTING—39

Andrews	Burke	Harrison	Pepper
Ashurst	Byrd	Hayden	Radcliffe
Austin	Caraway	Herring	Schwartz
Berry	Clark	Holt	Shipstead
Bilbo	George	Hughes	Smathers
Bone	Gerry	Johnson, Calif.	Thomas, Okla.
Borah	Gillette	King	Truman
Bridges	Glass	Lee	Walsh
Brown, Mich.	Green	Maloney	White
Brown, N. H.	Hale	Moore	

So Mr. BARKLEY's motion was agreed to.

Mr. BARKLEY. Mr. President, I wish to call the attention of Senators, now that a quorum is present, not only to the desirability but the absolute necessity of Senators remaining in their places in the Senate. I feel compelled to call attention to this situation because we have today listened to one speech, a very entertaining and illuminating speech by the Senator from North Carolina [Mr. REYNOLDS]. He concluded his remarks, at least for the day, about 4 o'clock, and not many Senators were present, and all the delay of nearly an hour since that time has been because a quorum has not been present, and upon the first roll call and the second roll call a quorum was not developed.

It had been my purpose, and is still my purpose, to have the session today adjourn around 5 o'clock, and to have future sessions adjourn about that hour, provided we can transact some business between the hours of 12 and 5; but it might as well be understood now that if we are to meet each day and have one speech, to be finished around the hour of 4 o'clock, and then every other Senator is to complain that it is too late for him to begin a speech on the bill now the unfinished business, or any other subject, at that late hour, we will be here indefinitely if addresses are to be made at the rate of one speech a day on the pending measure.

I urge Senators to be present. The pending measure is before us because the Senate has wished that it should be before us. It is here because another body overwhelmingly passed it and sent it to the Senate, and a committee of the Senate has voted to report it favorably for consideration by the Senate, and by action of the Senate it has been made the unfinished business.

We are just beginning a new session of Congress, which we all hope to be able to conclude and adjourn at an early date, in late spring or certainly not later than early summer. I hope we may be able to adjourn the present session in May; and I think everyone connected with the Senate and the House, and everyone in the Government, and the country at large, would like to see the present session of Congress adjourn in May. I have the assurance of nearly every Member of the Senate on both sides that they will cooperate in order to bring about an early adjournment.

Mr. President, I do not blame those who are opposed to this bill for making the point of no quorum. I do not blame those who oppose this measure for taking every parliamentary advantage that is at their disposal in order to delay it or defeat it; but I do insist that Senators ought to be on the floor while this bill is under consideration in order that, simply because of their absence, advantage may not be taken of the fact that no quorum is here, and repeated roll calls asked for, making it necessary to order the Sergeant at Arms at this stage of the regular session of the Seventy-fifth Congress to go out and bring in Members who, it seems to me, owe it to their membership here and to the importance of this proposed legislation, whether they are for it or against it, to be here and try to maintain a quorum.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I may say that I heartily concur in the desire of the Senator from Kentucky that a quorum be maintained. It seems to me that since the Senate has ordered this bill to be considered, Senators have no right to make us stay here and endure the punishment unless they who are responsible for our being here also stay here and share the responsibility.

I heartily concur with the Senator from Kentucky. What those of us who are opposed to the bill are doing is simply to require a quorum of the Senate, which the Constitution—not we, but the Constitution—commands; and if it is a crime for a Senator to invoke the Constitution here in this Chamber, then we are guilty. So far as the Senator from Texas is concerned, this matter is the Senate's business, and it is the business of Senators to be here.

Mr. BARKLEY. I am glad to have the concurrence of the Senator from Texas. I do not desire to complain. I do not want to feel in the least out of patience with Senators who do not stay on the floor; but it is essential to keep a quorum here, and every Senator, whether for or against the bill, knows that it is essential and important that we keep a quorum here at all times. If we are not willing to do that, then, of course, those of us who are responsible for attempting to guide the conduct of the Senate's business will have to resort to other means than we otherwise would resort to in order to make progress with respect to the pending legislation.

I make these statements simply for the benefit of the Senate; and I hope from now on we shall have the cooperation of Members on both sides of the Chamber and on both sides of this controversial question in order that the public business may not be delayed simply because Senators will not remain on the floor of the Senate.

Mr. CONNALLY. Mr. President, will the Senator further yield to me?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I will say to the Senator, if I may be so bold as to suggest it, that he has one other alternative, and that is to ask that the measure be laid aside.

Mr. BARKLEY. Oh, yes; I realize that that is another alternative.

Mr. President, having said all I care to say on that subject, and the hour of 5 o'clock having almost arrived, I ask

unanimous consent that a very able and very illuminating address delivered by the senior Senator from Illinois over the Columbia Broadcasting System on the night of January 5, 1938, entitled "The Meaning of the Roosevelt Administration to the People," may be printed in the Appendix of the RECORD.

Mr. CONNALLY. Mr. President, reserving the right to object, will the Senator yield to me for a question?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Is this an address by the senior Senator from Illinois [Mr. LEWIS]?

Mr. BARKLEY. Yes.

Mr. CONNALLY. Is it on the antilynching bill?

Mr. BARKLEY. It is not.

Mr. CONNALLY. I suggest to the Senator from Kentucky that the junior Senator from North Carolina [Mr. REYNOLDS] was unavoidably called out of the Chamber because of an engagement. It is his purpose to continue his remarks tomorrow, so he has not really yielded the floor.

The PRESIDING OFFICER. The question is on the request of the Senator from Kentucky. Is there objection? The Chair hears none, and the address referred to will be printed in the RECORD.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; and

S. 2575. An act to increase the efficiency of the Coast Guard.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LODGE in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RULES TO GOVERN THE LIABILITY OF VESSELS WHEN COLLISIONS OCCUR BETWEEN THEM

Mr. BARKLEY. On behalf of the Senator from Nevada [Mr. PITTMAN] and upon the recommendation of the Senator from Washington [Mr. SCHWELLENBACH], the chairman of the subcommittee of the Committee on Foreign Relations, I ask unanimous consent that the injunction of secrecy be removed from Executive K, Seventy-fifth Congress, first session, an international convention for the unification of certain rules to govern the liability of vessels when collisions occur between them, and a protocol thereto, both signed at Brussels on September 23, 1910.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. BARKLEY. If there is no further business to be transacted this afternoon and no other speeches to be made, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until tomorrow, Friday, January 7, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 6 (legislative day of January 5), 1938

WORKS PROGRESS ADMINISTRATION

Will G. Metz, of Wyoming, to be State administrator in the Works Progress Administration for Wyoming.

APPOINTMENTS IN THE REGULAR ARMY

Brig. Gen. Percy Poe Bishop, United States Army, to be major general from January 1, 1938, vice Maj. Gen. Douglas MacArthur, United States Army, retired December 31, 1937.

Col. Jay Leland Benedict, Infantry, to be brigadier general from January 1, 1938, vice Brig. Gen. Percy P. Bishop, United States Army, who accepted appointment as major general January 1, 1938.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Howell Harrell, Infantry, with rank from November 1, 1933.

TO CHEMICAL WARFARE SERVICE

First Lt. Graydon Casper Essman, Infantry, with rank from June 13, 1936.

First Lt. Travis Ludwell Petty, Cavalry, with rank from June 12, 1937.

TO AIR CORPS

Second Lt. Gordon Harrison Austin, Field Artillery, with rank from June 12, 1936.

Second Lt. German Pierce Culver, Infantry, with rank from June 12, 1935.

Second Lt. Jackson Holt Gray, Infantry, with rank from June 12, 1936.

Second Lt. James Rutland Gunn, Infantry, with rank from June 12, 1936.

Second Lt. Harry Ripley Melton, Jr., Cavalry, with rank from June 12, 1936.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lt. Col. Louis Roberts Dougherty, Field Artillery, from January 1, 1938.

Lt. Col. Samuel Roland Hopkins, Field Artillery, from January 1, 1938.

To be lieutenant colonels

Maj. Otto Frederick Lange, Infantry, from January 1, 1938.

Maj. Harlan Leslie Mumma, Quartermaster Corps, from January 1, 1938.

Maj. Alexander Mathias Weyand, Infantry, from January 1, 1938, subject to examination required by law.

Maj. Walter David Mangan, Field Artillery, from January 3, 1938.

To be majors

Capt. Edgar Ambrose Jarman, Judge Advocate General's Department, from December 29, 1937.

Capt. William Giroud Burt, Infantry, from January 1, 1938.

Capt. Howard Webster Lehr, Infantry, from January 1, 1938.

Capt. Marshall Joseph Noyes, Corps of Engineers, from January 1, 1938.

Capt. Charles Manly Walton, Infantry, from January 1, 1938.

Captain Versalious Lafayette Knadler, Field Artillery, from January 1, 1938.

Captain Samuel Lyman Damon, Corps of Engineers, from January 1, 1938.

Capt. Thomas Cleveland Lull, Infantry, from January 1, 1938.

Capt. Leonard Sherod Arnold, Field Artillery, from January 3, 1938.

MEDICAL CORPS

To be colonel

Lt. Col. Henry Blodgett McIntyre, Medical Corps, from January 15, 1938.

To be lieutenant colonels

Maj. Martin Robert Reiber, Medical Corps, from January 15, 1938.

Maj. William Kenneth Turner, Medical Corps, from January 15, 1938.

To be major

Capt. Fletcher Emory Ammons, Medical Corps, from January 17, 1938.

To be captains

First Lt. Clifford Paul Michael, Medical Corps, from January 14, 1938.

First Lt. Oscar Samuel Reeder, Medical Corps, from January 14, 1938.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 6, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Give ear, O Shepherd of Israel, our souls waiteth patiently for Thee. Thou who art enthroned above the cherubim, stand forth and turn us again to Thee. Arise, O Lord, and lift up Thine hand and forget not the poor in their distresses. Open Thine heart and give attention unto their cries. Blessed are the pure in heart, for they shall see God. Heavenly Father, purity is the burden of Thy holy teaching. Let us seek purity of heart; let us seek for perfect sincerity; let us seek for a heart in which there is no evil desire to disturb and in which there is no room for evil design. Do Thou cleanse our hearts, that they may be innocent from the great transgression. May men everywhere be released from the power of temptation and from the coarseness of this world, and lift them up into the serene and transparent faith of the life that is to come. Hear our humble petition in the name of our Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States;

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor;

H. R. 5912. An act for the relief of Judd & Detweiler, Inc.;

H. R. 5989. An act for the relief of J. L. Myers;

H. R. 6628. An act to permit the further extension of the Air Mail Service; and

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5871. An act for the relief of Ralph B. Sessoms.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 993. An act for the relief of Chazkiel (or Charles) Lewkowski;

S. 1649. An act for the relief of Philipina Baca Klemencic;

S. 2257. An act for the relief of Helene Landesman;

S. 2707. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.;

S. 3043. An act to provide for loans to farmers for crop production and harvesting during the year 1938, and for other purposes;

S. J. Res. 161. Joint resolution authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons; and

S. J. Res. 204. Joint resolution authorizing the President to issue a proclamation with respect to commemoration of the four hundredth anniversary of the journey and explorations of Coronado in western America.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments:

The Department of Justice.
The Department of the Navy.
The Department of the Interior.
Veterans' Administration.
United States Tariff Commission.
The Department of the Treasury.
The Department of Agriculture.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following communication:

The Honorable WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the following committees of the House of Representatives: Claims, Roads, and Expenditures in the Executive Departments.

Respectfully yours,

W. S. JACOBSEN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

W. W. LARSEN

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, it is with profound sorrow that I announce the death of our former colleague, Hon. Wash Larsen, which occurred yesterday at his home in Dublin, Ga.

Judge Larsen served with distinction in the House for 16 years, representing the old Twelfth District. He first came to Congress in April 1917 and served continuously until his voluntary retirement in March 1933.

He was a faithful, conscientious Representative and one of those men who live and die for an ideal and for a principle. His nature was of such fine human and friendly quality no one ever regarded him as a stranger. Instinctively one felt the impulse to call him "Wash."

Prior to his election to Congress Judge Larsen had been a practicing attorney, secretary of the executive department for the State of Georgia, and judge of the superior courts for the Dublin circuit. While in the Congress he served as a member of the Roads Committee, the Committee on Merchant Marine and Fisheries, and lastly the Committee on Agriculture.

Born on a farm in south Georgia, he always had farm interests and knew the real problems of the farmer. To the people of his district, predominantly agricultural in character, he gave his first, best, and last devotion. He was indefatigable in his efforts to accomplish a just end in each and every undertaking.

Representing an adjoining district, with practically the same interests, I found it a pleasure to share with him the innumerable troubles and worries of our jobs. His genial personality and radiant optimism often helped to erase what seemed to be insurmountable barriers.

Retiring from Congress in March 1933 Judge Larsen was appointed regional manager for the emergency crop and

feed loan section of the Farm Credit Administration, with headquarters in Columbia, S. C. This offered splendid opportunity to continue his work for the farmers, and he filled the place with much credit until his resignation in 1936, when he returned to his own beloved farm in Twiggs County.

Not satisfied out of public life, however, he accepted an appointment as a member of our State commission on unemployment insurance last year and was serving in this position at the time of his death.

He has now embarked on that journey from which none returns. His friends and admirers will greatly miss him. Through 16 years of noble services in this House he indelibly carved his name upon the annals of our history, leaving to his descendants a rich heritage of a life well spent, and to his friends a priceless memory of wholehearted comradeship.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WADSWORTH] may address the House at this time for 15 minutes.

Mr. CARTWRIGHT. Mr. Speaker, will the gentleman withhold the request a moment?

Mr. SNELL. I withhold the request, Mr. Speaker.

FEDERAL-AID HIGHWAYS

Mr. CARTWRIGHT. Mr. Speaker, I have just introduced a bill to provide for continuation of well-established Federal-aid highway policies through the fiscal years 1940 and 1941. The amounts and other definite provisions are, of course, tentative and intended only to form a basis for consideration by the Roads Committee, which will follow the usual custom and hold extended hearings.

I am a strong advocate of economy, but believe reductions should be made in all agencies of the Government and not just make roads the goat.

I have proposed an authorization of $125,000,000 for primary roads for each of the fiscal years 1940 and 1941, to continue the policy of Federal aid at the same rate which has been in effect for the past several years. This is about equal to the cost of two battleships.

Similarly, $50,000,000 for each year is provided for the elimination of hazards at railroad grade crossings and $25,000,000 a year for secondary or feeder roads, including farm-to-market roads, Rural Free Delivery mail roads, and public-school bus routes.

Provision is made, tentatively, for continuation of development of highways, roads, and trails in forests, national parks, and parkways, and Indian reservations and public lands on the same basis as authorized in the Hayden-Cartwright Act of 1936 for the fiscal years 1938 and 1939.

Other sections substantially repeat provisions of the present law except that the District of Columbia is permitted to share in Federal aid, and the amount of forest-road funds for Alaska is made definite.

Highway development still lags far behind the steadily increasing demands of traffic. The number of motor vehicles operating on our highways has increased from about 3,500,000 20 years ago to about 29,000,000 today. It is necessary that new authorizations be made by this Congress if an orderly program of highway development is to be maintained and sufficient time allowed for adequate preparation and careful planning of work. State highway budgets must be prepared in advance of the sessions of the State legislatures, and the States must have definite knowledge of Federal-aid authorizations in order to make provision for their participation.

Users of the highways pay special taxes, in proportion to their use of the roads, which bring more than $300,000,000 a year into the Federal Treasury. The Federal Government can considerably increase its expenditures for roads and still not draw on its general tax funds, as the motoring public pays the entire bill in special taxes. The Congress has declared that such taxes are unfair and unjust unless used for the improvement of roads. If road expenditures are reduced the special taxes on road users should likewise be reduced. Are we going to let the motorists down?

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by Mr. Ickes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEMKE and Mr. DUNN asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. The gentleman from New York [Mr. SNELL] asks unanimous consent that the gentleman from New York [Mr. WADSWORTH] may address the House at this time for 15 minutes. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Speaker, I gather that the Committee on Appropriations has been somewhat delayed in bringing in the independent offices appropriation bill, and the gentleman from New York [Mr. SNELL] has asked me to take up a little time. Perhaps my taking it will result in the emptying of the Chamber. Who knows?

Like all Members of the House and, indeed, millions of our people, I listened to and have since read with the deepest interest the recent message of the President. More than that, I have done my level best, as doubtless has every Member of the House, to read everything he has said in his series of messages and public addresses during the last 4½ or 5 years. It is not my intention this morning to analyze or dissect to any considerable degree the message of the other day, but in reading over his words, as he has uttered them to the American people during the period of his administration, I am struck by one thing perhaps more than any other.

I am struck by an omission. I believe I am correct in saying that an examination of all Mr. Roosevelt's public papers and addresses will disclose the fact that never once has he used the word "thrift." Never once during the trying times through which we have been passing has the President appealed to either the Congress or the people in the interest of frugality.

To my mind, this is a very, very significant omission. Its implications are understandable at this very hour—or, at least, I believe they are. I may be old-fashioned, and I have often been charged with being that sort of person, but I have imbibed the conviction, after considerable experience in business and some in public life, that when an individual is hard pressed, when he is hard up, we will say, the first and most important quality which he should call to his own rescue, if he can summon it, is the quality of thrift. I believe not many persons will disagree with me when I state that when a man is down and wants to struggle to his feet again, necessarily, life being as it is, some sacrifices are expected of him by his family, by his neighbors, and by the community, and these sacrifices generally take the form, and rightly so, of a determined endeavor upon his part to save something, even though it be a little bit, in order to build himself back into a condition of security where finally he may meet his obligations and resume his normal activities.

I believe the same is true of the Nation. This Nation, in 1933—for causes which I shall not endeavor to develop—found itself down, in debt, hard up, with hundreds of thousands—yea, a few millions—unemployed.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. For a question.

Mr. O'CONNOR of New York. Before the gentleman reaches the point of thrift in the Nation, will the gentleman tell us what an individual contributes to society by putting money in a stocking or in a wooden barrel?

Mr. WADSWORTH. I am amazed the gentleman from New York should attribute to me any suggestion that true saving is accomplished when the money is hidden in a barrel or in a stocking.

Mr. O'CONNOR of New York. Let us say, unused in a bank. What does such a person contribute to his fellow men?

Mr. WADSWORTH. He contributes somewhat to his own security, but his saving would be more useful to himself and the community if he invested it in some legitimate enterprise. If, however, he is afraid of the future, he will hoard it. Somehow or other I have an idea, and again I am old-fashioned, that the individual citizen owes it not only to himself but to his family to contribute by his own efforts as much as possible to his security and not become dependent upon some higher power for his salvation.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Kentucky.

Mr. MAY. Speaking of the fund the citizen is supposed to have in a stocking or a trunk or somewhere in safety, I understand this to be comparable to the resources the Treasury has, or should have, if it has not, or which a corporation or other business usually has in a bank or somewhere else as a reserve for a rainy day.

Mr. WADSWORTH. I think it is not quite comparable, because when the saving is put in a stocking——

Mr. MAY. It is not subject to check.

Mr. WADSWORTH. I mean, when the saving is put in a stocking or some other hiding place, it is not put to a useful purpose.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I would prefer to proceed, if I may.

Mr. HOFFMAN. I just wanted to ask the gentleman about the billions of Government gold in the Kentucky hills, whether that is in a stocking or not?

Mr. WADSWORTH. Now, may we go back a little way and see what has happened? I may indulge in a recital of my own personal, alleged mental reactions. You and I all remember very well when the President was inaugurated on March 4, 1933. The country, as I have just said, was despondent and down. I, as well as a great many other men, rejoiced at the spirit of optimism which the President brought to Washington. I think it did us all a lot of good and did the country a lot of good for the time being. I, like not so many others, rejoiced at his announcement of an economy program, and I, like a majority of the Members of this House at that time, voted for the famous Economy Act, confident that the President meant to apply thrift in the conduct of government.

Not many months transpired before those of us who thought as I did at that time were bitterly disappointed when we awoke to a realization of the fact—and no one will deny it—that no thrift was to be employed. And we have had none of it since that time.

I voted, for example, for the emergency legislation affecting the banking system of the country, believing that it was an emergency situation which needed emergent direction. I realized, as many other Members realized, all Members, I believe, that a social calamity threatened the country in the matter of the foreclosure of mortgages, both on farms and in cities.

I gave my support to the H. O. L. C. and the Agricultural Credit Administration, not that I rejoiced that the Government was going into the business of lending money to private individuals—I greatly regretted the necessity for that, for it has definite dangers, but because I had made up my mind that private credit having been exhausted or frightened into hiding, it was the duty of the Government to come to the rescue, as it were, and extend its credit, at that time unimpaired, in saving us from a social calamity.

So these first four measures of the administration, I am bold enough to say, even in the presence of my Republican colleagues, were wise under the circumstances. My deep regret arises from the fact that these measures, instead of being extended and perfected, were in large measure forgotten in an attempt on the part of the President to completely reorganize, indeed revolutionize, the economic system of America. From that moment on, instead of conserving, the policy became one of spending. Frugality was never mentioned and has not been to this very day. Thrift has never been exercised as a quality in government, and that quality has never been appealed to amongst the individuals who make up the Nation. As time has gone on and we have seen these disturbing, experimental measures placed upon the statute books, one upon another, step by step the country has gone deeper into debt. Step by step taxes have gone higher and higher. It was openly stated, and has been repeated upon many an occasion, that the way to get us out of a depression was to spend our way out; not to save our way out but to spend our way out, and if we did not have the money at hand we should borrow it.

Sometimes I am tempted to believe that the President of the United States has no admiration for a saver, for a man or an institution that saves money and puts it aside in the interest of his or its security to meet a rainy day. By no other reason can I explain his dogged adherence to the tax upon undistributed surplus of corporations, a tax law which practically forbids a business concern in corporate form from saving any money. Sometimes I am tempted to believe, if we put all these measures together that have been placed upon the statute books, some of them to be declared unconstitutional by the Supreme Court, that it is the definite policy of this administration to prevent the American people from saving money in the conduct of their businesses.

I remember quite well a book written by the Secretary of Agriculture in which he sets forth as a theory, as a principle, that it is dangerous for a people to save too much money, because when money is saved in large quantities it is apt to be invested in unsound securities, and that investment result in a stock-market boom, speculation, and final collapse. And he agreed that government should so tax the people as to prevent undue savings. Of course, the Secretary of Agriculture forgets that the great stock-market boom of 1928 and 1929 was not financed by savings but was financed by borrowings. Multitudes borrowed money with both hands and bought stocks wildly. It was mass folly. But the antisaving philosophy underlies the Secretary's assertion, and I am convinced that same philosophy underlies the whole program of the Roosevelt administration.

Mr. Speaker, the time has come when we are paying the penalty, the penalty that inevitably follows the neglect of a people or a government to save. Our national debt is piling upward and upward. The President now admits that it will go $950,000,000 higher in the next fiscal year. Apparently there is no end in sight. He talks economy in one breath and then demands the passage of legislation which, if passed, will cost more money. In a desperate endeavor to keep the thing in control, he asks that he be given power through his subordinates or by delegation of power to control the business activity of hundreds of thousands and millions of people that they may not produce too much, that they may not work too long, according to the standards which he and his people see fit to erect. I am wondering if any private individual can ever lift himself from the slough of despondency with a philosophy of that kind. I am convinced that a nation cannot do so, no matter how strong its government, no matter how compelling. So today we see a renewal of the depression that plagued us in 1932 and 1933, a thing that in my judgment has been from the beginning of these policies absolutely inevitable. No government can go on spending more than it takes in any more than an individual can do so, and the artificial shots in the arm which may be administered to the body politic from time to time are but temporary in their effect, and generally the condition of the patient when the influence of the drug has expired is worse than it was before the doctor was called.

I do not mean to be unkind, but I am wondering if the present occupant of the White House has ever known or ever will know actually himself how a dollar is earned. I very

much doubt it. He is not alone in that regard. Many of us may be charged with the same shortcoming, but as we read and note the conflicting suggestions that come one upon another in this present time of stress, one begins to reach the conclusion that the administration is floundering in the economic field.

Not many days ago in a press conference the President indicated very clearly that the newspaper press was to blame for this present depression, in that the newspapers spread fear among the people. At another press conference the picture was changed, and it was asserted that the present troubles came as a result of the piling up of too large inventories in the manufacturing field. Then that was abandoned or put aside for the moment and the next thing was that the trouble all came from monopolies, and from that we went on into the 60-family discussion, and the speeches which were delivered by important members of his administration, with which you are all familiar. Since the delivery of the message here the other day, the President in a press conference—mind you, after denouncing the monopolies—indicated to the representatives of the press that he would like to cooperate with business in controlling production and prices—something absolutely contrary in spirit and intent to the antimonopoly suggestion. It seems to me that the President is hunting around for some cure-all, some temporary medicine or economic drug which he thinks or hopes will get us out of our troubles.

Conscious of my own fallability, I am convinced that we will never as a Nation extract ourselves from our present-day troubles, which are merely a repetition of the troubles of 1932 and 1933, progressing more rapidly, until we once more as a Nation, as a Government, adopt thrift as our motto. It is basic, it is fundamental. We must stop experimenting and get back to old-fashioned virtues. In doing so we will have to tread on hundreds of thousands, perhaps millions of toes—the toes of people who have been taught that the Government owes them a living, and who, of course, will resent a withdrawal in whole or in part of that Government support; but the time will come, my friends, when the Government can no longer go on doing these things, and then will come disillusionment. And if there is anything that I dread, it is wholesale disillusionment, spreading through a great multitude of people, disillusionment—a state in which they wake up to find that they are no better off, in fact, perhaps, worse off, than when the doctor first called.

A disillusioned multitude may be very, very dangerous to free institutions.

My plea to this administration and to this Congress would be to avoid that fate, courageously to face this situation and call upon the American people as well as their servants, the men in office and in power, to rededicate themselves to common sense, to thrift, that we may move out of this morass in which we have plunged ourselves by our own acts. [Applause.]

EXTENSION OF REMARKS

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made earlier today and to include in my remarks a letter from Senator Robert L. Owen.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a resolution from the Council of United States Veterans.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks and to incorporate therein a radio speech delivered by me.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an article by Hon. Felix T. Cotten, published in the Philadelphia Record, explaining the cause of the recession. I am not asking any time for myself at this moment because time has been allowed me on the independent offices bill and I expect to address the House tomorrow.

Mr. RICH. Mr. Speaker, reserving the right to object, it is about time we stopped the publication of newspaper articles in the RECORD.

Mr. GRAY of Indiana. Mr. Speaker, I have been in this Congress 12 years and this is the first time I have ever asked to place a newspaper article in the RECORD. How many has the gentleman put in?

Mr. RICH. I never put in any. The gentleman may put this one in and we will see what it is.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. CHANDLER. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent that the bankruptcy subcommittee of the Committee on the Judiciary may sit during the sessions of the House this afternoon and tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PANAMA CANAL

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 6, 1938.*

FURTHER MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Interstate and Foreign Commerce, and ordered printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the twenty-third annual report of the committee, covering the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 6, 1938.*

INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM, from the Committee on Appropriations, reported the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1662), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WIGGLESWORTH. Mr. Speaker, I reserve all points of order against the bill.

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions,

and offices for the fiscal year ending June 30, 1939, and for other purposes.

Pending that motion, Mr. Speaker, I ask unanimous consent that general debate shall continue throughout today and tomorrow, the time to be equally divided and controlled by myself and the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8837, the independent offices appropriation bill, 1939, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GREENWOOD.]

Mr. GREENWOOD. Mr. Chairman, I was very much interested in the remarks of my colleague from New York [Mr. WADSWORTH] in drawing the analogy on frugality and thrift between the individual or the head of a family and a nation. I approve the philosophy of his argument; in fact, I have tried to follow it myself in life; but I am sure he appreciates, as every one of us does, that handling the finances of a man's individual business or of his family is somewhat different from handling the financial program of a great nation engaged in so many activities, especially in time of emergency such as the one through which we have passed. A man may even indulge in these methods of frugality and save money until the hour of emergency and illness or tragedy fastens itself upon the family. He may then find all of his methods swept aside. In that hour the head of a family will do just what the executive or the legislative department of a nation will do—meet the tragic emergency for the time being with expenditures to take care of the unusual needs in the family; it may be illness, it may be the poverty of some particular child of the family, it may be death, it may be any kind of distress.

The present administration inherited from the administration of the gentleman from New York in 1933 just such emergency, tragic with starvation and poverty on every side, calling for emergency expenditures.

From that hour to this there has been a desire on the part of our Executive and of the committees of this Congress, including the appropriation committees, to cut down these emergency expenditures. However, we have appreciated at all times we could not do that at the sacrifice of the Nation when millions of men were out of employment, many of whom were starving.

You cannot use the ordinary methods of frugality, thrift, and saving under these circumstances. After all, we have brought about certainly a very substantial recovery—perhaps not a complete recovery—because we have lifted the annual wealth of this Nation from $38,000,000,000, as it was in 1933, to $68,000,000,000 this year. This recovery and increase in wealth, because of these expenditures, represents a good investment on the part of the Nation and constitutes a basis upon which we can derive the revenue with which to meet the expenditures that have brought about the debts which have been previously incurred.

It is true there is a slight recession or a slipping back. Economic and national affairs move in cycles. It may be that the farmers planted more of the soil-depleting crops than they should have planted in order to meet the emergencies of an individual budget. It may be that industry overreached itself and overproduced, expecting the Nation too soon to consume this overproduction. It may be that many other elements have entered into this present situation, including those who deal in stocks and bonds. It may be they have lifted at too high a rate of speed the value of these stocks and bonds in trading. There are perhaps a hundred elements that have brought about the present situation, but it is here and we must meet it. This administration should not be criticized because it has not been parsimonious in its expenditures, but should be praised because we made these unusual expenditures in an unusual manner and have spent wisely to help bring the country back to a normal condition.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 15 minutes to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Chairman, on May 4, 1936, the gentleman from New York [Mr. BLOOM] moved to suspend the rules and pass House Joint Resolution 525, to enable the United States Constitution Sesquicentennial Commission to carry out and put into effect certain approved plans, and for other purposes. This joint resolution authorized to be appropriated the sum of $200,000; and in moving to suspend the rules and pass the resolution the gentleman from New York said—and I quote from the RECORD of May 4, 1936:

> I want to impress upon the Members that ultimately this is not going to cost the Government one cent. After all expenditures are made there will be a profit in the Treasury of the United States of from a million and a half to two million dollars.

Beyond question this assurance given in the remarks of the Director General of the United States Constitution Sesquicentennial Commission on the floor of the House was a potent factor in causing the House to suspend the rules and pass the joint resolution.

On July 6, 1937, 14 months thereafter, the Committee of the Whole House on the state of the Union considered a new resolution, House Joint Resolution 363, to authorize an additional appropriation of $150,000 to further the work of the Commission, and to carry the celebration through to its conclusion.

I became interested at this point, and desiring to know more of how the money had been used, I secured time and interrogated the gentleman from New York [Mr. BLOOM]. The net result of my questions and the answers was that the spending of a third of a million dollars was to compile in printed form information about the Constitution and dispense it throughout the country.

I then referred to the remarks of the gentleman from New York in May 1936, namely, that there would ultimately be no cost to the Government but that there would be a profit in the Treasury from a million and a half to two million dollars from the Commission's operations, and I asked Mr. BLOOM:

> Does the gentleman still believe that?

His answer was:

> It is absolutely true.

I then asked:

> Is the gentleman willing to guarantee that?

He replied:

> Absolutely, and I will do more than that. I will pay all the expenses if you will give me half the profits.

Thereby he reaffirmed his remarks on May 4, 1936, and strengthened them. Yet despite this, a few moments later, in answering a Member from Virginia, he denied that they were going to make a million and a half dollars. I then referred him to his own words in his remarks on May 4, 1936, and read the pertinent excerpts from the RECORD of that date aloud in the House. His answer then was, "I did not say that." It was an amazing reversal and back-tracking of statements made the year before and confirmed to the House only 4 minutes before.

Later on during the debate I again secured the floor and interrogated the gentleman. I held before him the book, The Story of the Constitution, published by the Commission at Government expense. I pointed out that after the title of the book there appeared the name "BLOOM," and that on the inside flyleaf appeared the words, "Copyrighted by SOL BLOOM." He stated that the reason he had copyrighted the

book was that the Government was not permitted to copyright anything. Considerable concern was expressed at the copyright running to the individual, and I and others held that the copyright and all rights thereunder should be vested in the Commission and not in the gentleman from New York or his estate, should he pass away.

It now appears that Mr. BLOOM took cognizance of this feeling, because on July 31 last year, 25 days later, he assigned and conveyed to the United States Constitution Sesquicentennial Commission all his rights and title to the copyright of the book entitled "The Story of the Constitution," which assignment is recorded in the Copyright Division of the Library of Congress.

I said a moment ago that Mr. BLOOM, after protest from Members of the House, had transferred his right and title to the copyright on the book the Story of the Constitution to the Commission, and it is now so recorded; but I was astonished, however, to find that the gentleman had not gone far enough in making this transfer because there are other copyrights in his name on publications put out by the Constitution Commission and the Washington Bicentennial Commission, of which he is also Director General, consisting of copyrights on publications of dance music, song music, pageants and plays, and, in addition, still another group of copyrights on other paintings and publications. I include at this point a list thereof:

1. The Music of George Washington's Time, by John Tasker Howard, copyrighted November 21, 1931, by SOL BLOOM. Registration No. AA96857.

2. The George Washington Play and Pageant Costume Book, compiled by United States George Washington Bicentennial Commission, copyrighted by SOL BLOOM January 2, 1932. Registration No. AA96860.

3. Painting, We the People (an allegorical painting depicting the signing of the Constitution, 1787–1937), by Howard Chandler Christy, copyrighted November 15, 1936, by William Solomon. Registration fee paid by E. L. Fuegel, House Office Building.

4. Painting, Boy Scout and the Constitution of the United States of America, by Howard Chandler Christy, copyrighted December 3, 1936, by SOL BLOOM, House Office Building. Registration No. G24338.

5. Album of Military Marches; Music From the Days of George Washington, copyrighted November 21, 1931, by SOL BLOOM. No. AA96859.

6. Music From the Days of George Washington in Dance Music, copyrighted November 21, 1931, by SOL BLOOM. No. AA96858.

7. Painting, Washington the Mason. Description, Washington dressed in the Masonic regalia, large leather chair in back of him, drapery overhead. By Hattie E. Burdette. Copyrighted January 23, 1932, by SOL BLOOM. No. G7857. Remitter fee paid by Osborne Co., 759 Summer Avenue, Newark, N. J.

8. Print, George Washington, copyrighted October 9, 1931, by SOL BLOOM. No. K14781.

9. Washington and Uncle Sam, copyrighted February 11, 1932, by SOL BLOOM. No. K16172. Remitter of fee, Osborne Co., 759 Summer Avenue, Newark, N. J.

10. Published version of Washington the Mason, copyrighted February 11, 1932, by SOL BLOOM. Remitter fee paid by Osborne Co. No. K16173.

Within the last week there has appeared a series of articles in the columns of a reputable news syndicate, the Scripps-Howard papers, bringing to light certain features of the administration of the Commission, under the Director General, charging that Tammany backers of Representative BLOOM have been given the opportunity to share in the profits from the patriotic, educational enterprise he has conducted with public funds in the name of the United States Constitution Sesquicentennial Commission; that he had given two powerful Tammany leaders, James J. Hines and William Solomon, the opportunity to share in the profits from the sale of The Constitution and from the sale of a vast array of merchandise that the Commission is offering through publicity and advertising releases.

The article further charges that these Tammany leaders are directly responsible for keeping Mr. BLOOM a Member of the House; that they control West Side Manhattan and Harlem areas which lie in Mr. BLOOM's district.

Investigation of the matter has brought to light two features which are worthy of comment. The first concerns the painting made by Artist Christy called "We the People," facsimile of which appears on the cover of the book The Story of the Constitution. According to this article, Mr. Solomon, Tammany leader of Harlem and Mr. BLOOM's supporter, was given opportunity to make a little money from royalties derived from the use of copies of this official painting. Copies of this poster appeared on millions of pieces of merchandise, including the front cover of the book The Story of the Constitution. This poster is also used as the official emblem on all kinds of merchandise for sale by stores during the sesquicentennial celebration; that Mr. BLOOM arranged the sale of the painting to Mr. Solomon, took him to Mr. Christy's studio, showed him the painting, and while there Mr. BLOOM arranged for the sale of the canvas to Mr. Solomon; price is said to have been $1,300 to $1,400, a low price for the work in the opinion of those who ought to know and in the opinion of Mr. BLOOM. To substantiate this, the picture was copyrighted in the Library of Congress in the name of Mr. Solomon, and an employee of Mr. BLOOM or the Commission attended to the matter, paying the fee.

Since this investigation began interested parties have claimed that Mr. Solomon sold the rights back to the Commission a month ago, but yesterday it was still outstanding and copyrighted in his name in the Copyright Office of the Library of Congress.

The use of this picture was given to the Commission gratis, but opportunities for profit to Mr. Solomon came through two new corporations which were formed, which offered sale of the rights of the painting to stores and manufacturers and others who were interested. In addition one of these corporations proceeded to offer for sale not only all the rights to reproduce the painting but a full list of sesquicentennial merchandise, including leather-bound copies of Mr. BLOOM's Story of the Constitution, flags, desk sets, picture albums, jewelry, and various articles that could be sold in department stores during the sesquicentennial celebration. A catalog was sent out by one of these corporations setting forth in glowing terms the scope of the Commission's activities and stating that every man, woman, and child would participate and become active in the celebration and that as a result of this, an unusual opportunity presents itself to store owners throughout the country. Among excerpts from the catalog there appears the statement that all merchandise acquired is authorized and approved by the United States Constitution Sesquicentennial Commission, and after setting forth numerous sales arguments, adds the injunction in glowing terms, "Sell the Constitution," "Let the Constitution help you by suggesting a series of appropriate ceremonies for unveiling the shrine in your store," "Patriotic participation presents profitable promotion possibilities."

I will show you the catalog. Here it is with the caption "One Hundred and Fiftieth Anniversary of the Constitution," together with a proclamation by the President of the United States. There appear hereon the signatures of Franklin D. Roosevelt and Cordell Hull. Then it goes on and gives a list of the eminent commissioners. On every page, 14 in all, you will find these words, "Celebrate the one hundred and fiftieth birthday of the United States Constitution. Patriotic participation presents profitable promotion possibilities." Over 30 articles are pictured and described, each bearing the design of the Commission or a reproduction of the painting copyrighted by Solomon. At the bottom of each page you will find these words: "All merchandise offered, authorized, and approved by the United States Constitution Sesquicentennial Commission."

There is the commercial idea back of all this. This new corporation formed after Mr. Solomon and this group got into the picture put out this catalog and sent it to all stores throughout the Nation, which had been stimulated by this great advertising campaign of the United States Constitution Sesquicentennial Commission, the taxpayers paying the bill.

It utilizes the names of the President of the United States and Mr. Cordell Hull and the Commission, and its list of very distinguished members, to sell America in the name of the Constitution for financial gain in favor of this new corporation.

It is not only the financial profit which was made possible, which creates a sense of outrage, but even more, the fact that in this time of the one hundred and fiftieth anniversary of the signing of the Constitution, this great anniversary and that revered Constitution have been degraded by politicians utilizing them for gain.

Mr. BLOOM. Will the gentleman yield?

Mr. TOBEY. I cannot yield. If the gentleman will get me time I will yield.

Mr. BLOOM. I will get him time.

Mr. TOBEY. After I get through, I will yield to the gentleman.

Mr. BLOOM. If the gentleman wants to be fair, he will yield.

Mr. TOBEY. I want to be fair. When I finish I will answer questions, but not now, sir.

Mr. SNELL. Mr. Chairman, the gentleman from New Hampshire has not yielded.

Mr. BLOOM. Then you are not fair.

Mr. TOBEY. I am perfectly willing to yield to the gentleman at the end of my statement, but not now.

Mr. BLOOM. You are not being fair.

Mr. TOBEY. I am fair, but I know the gentleman.

Mr. BLOOM. That catalog——

Mr. TOBEY. Mr. Chairman, the gentleman has not the floor.

The CHAIRMAN. Does the gentleman from New Hampshire [Mr. TOBEY] yield?

Mr. TOBEY. I do not, and I so stated.

The CHAIRMAN. The gentleman from New Hampshire [Mr. TOBEY] will proceed.

Mr. TOBEY. Mr. Chairman, the other important feature, in my judgment, is that one Mr. Schenker submitted to Mr. BLOOM plans for educating the school children about the Constitution. This suggested the building of metal shrines displaying facsimiles of the Constitution, and the scheme finally was worked out to sell these shrines to schools throughout the country for $25 each. A manufacturing firm in Connecticut won the low bid to manufacture these at $20 each. The investigation indicates that $2.50 from each sale went to Messrs. Hines and Schenker, but from the standpoint of these gentlemen it is regrettable that the sales have not been such as to bring great joy or much income. They regretfully assert this.

Mr. Chairman, among the members of this Commission are the names of leading men of this country, men who are above reproach, and whose names have been a potent factor in giving the Commission its standing and confidence before the people. It is inconceivable that these men could have had any knowledge at all of much that has been going on, and had they been so informed they would have been entirely out of sympathy with such procedure.

This Commission was brought into being by an act of Congress. It has spent nearly one-third of a million dollars of the taxpayers' money, and in the light of what I have said, and what to me seem unethical practices which have been brought to light, and misalliances which have been formed, I for one will fight on this floor against any further appropriation of a single dollar to this Commission.

I believe that it is incumbent upon this House of Representatives, in justice to all the members of the Commission, to cause an investigation to be made to determine whether or not these fact that have been brought forth in these newspaper articles are true, and whether or not opportunities have been given for profit to any individuals or political groups.

To me there is much that is reprehensible in the whole matter. If these charges are true, such actions are as rats in the meal of democracy. The Constitution has been used to cloak a racket, and if the House does not look into the matter and satisfy itself as to the truth or falsity of these allegations, then, in my opinion, I and the other Members of the House are guilty of being accessories after the fact. Therefore, Mr. Chairman, I am filing a resolution calling for appointment of a committee to investigate these charges.

I now yield to the gentleman from New York, a very interested party. Does the gentleman now desire to interrogate me?

Mr. BLOOM. No; I am going to use my own time.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield to the gentleman from New York.

Mr. CULKIN. I am in sympathy with the gentleman's statement that the articles which have appeared in the News demand a congressional investigation. The gentleman seems to infer, or, at least, the House may infer from what the gentleman has stated here, that the Constitution has not only political but also commercial possibilities.

Mr. TOBEY. It is so exploited in this matter here.

Mr. BLOOM. Will the gentleman yield for a question?

Mr. TOBEY. Yes.

Mr. BLOOM. Is the catalog to which the gentleman has referred issued by the United States Constitution Sesquicentennial Commission?

Mr. TOBEY. It is not. It is put out by one of the corporations with which the gentleman is familiar, and to which I have referred in my address.

Mr. BLOOM. I want to be sure to get that on the record.

Mr. TOBEY. Let me make clear what is stated on this catalog. On the front page appears "One Hundred and Fiftieth Anniversary of the Constitution: A Proclamation," signed by Franklin D. Roosevelt and Cordell Hull. On an inside page appears "Celebrate the United States Constitution Sesquicentennial. Be patriotic. Build good will and make a profit."

Mr. BLOOM. I know all about it.

Mr. TOBEY. I am sure you do.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Chairman, yesterday I asked permission to address the House for 1 minute, and at that time I made this statement:

> Mr. Speaker, certain newspaper articles have appeared from which an inference might be drawn that the United States Constitutional Sesquicentennial Commission and myself as Director General have been implicated in improper and corrupt practices. These imputations and implied charges are false and defamatory.
>
> I am inquiring further into the matter with a view to requesting the Department of Justice to act, if necessary, in behalf of the Commission. I shall take any steps necessary to protect my own reputation. It is only fair to say that the writer of the original articles advises me today that he was misinformed and that he is so advising his newspaper.

Mr. TOBEY. Mr. Chairman, will the gentleman yield right there?

Mr. BLOOM. No; not until I get through.

Mr. TOBEY. Why is not the gentleman fair, then?

Mr. BLOOM. I will yield when I am through. You would not yield to me.

Let us play this game fairly, not according to politics, hate, spite, or anything else. Let us be fair in the matter. What I said yesterday in reply to the articles which have appeared in a few newspapers in this country I say today in answer to these articles and in answer to the gentleman from New Hampshire [Mr. TOBEY].

Let us see what there is to all this fight. It is evidently an attack on Tammany Hall and the members of Tammany Hall through my being elected from New York City through that organization.

At the proper time, when I have obtained all the evidence necessary to present to the Congress and all the information I believe the Congress should have with respect to this matter, I expect to ask, as is my right and privilege, that I be permitted to address the House and explain everything, bringing all the data with me. I have with me today only

a few papers, and I am going to read these letters and telegrams, which will show the truth with respect to these newspaper articles. Remember, these articles were in no other newspapers except the Scripps-Howard newspapers. No other newspaper in New York City even referred to them in any way. No newspaper in Washington except the News made any mention of the matter in any way, shape, or form.

I agree with the gentleman from New Hampshire that this Friedman catalog was despicable. I think it was terrible. I think it was one of the most outrageous things I ever heard of. That is what I think of the catalog the gentleman from New Hampshire [Mr. TOBEY] read to the Congress. To prove that I did not form this opinion today or yesterday or the day before, when the newspapers brought out this matter, let me read a telegram I sent to the man responsible for it when I was first notified of the existence of this catalog, and this telegram will show what I thought of it and what I was going to do.

My telegram is dated July 30, 1937, 6 months ago; time filed, 1:50 p. m.; and reads as follows:

MR. JOSEPH FRIEDMAN,
267 Fifth Avenue, New York, N. Y.:

You must—and, remember, I say "must"—not send out any catalogs or any advertising matter regarding any material manufactured or controlled or sold by or through the United States Constitution Sesquicentennial Commission, and you have no right to send out any advertising matter or catalog for goods manufactured by yourself that are either in part or in whole the property of or under the control of this Commission, without first receiving my written approval. Unless immediate assurance is given to this Commisison that you are going to stop sending out material, I shall place the matter in the hands of the Department of Justice. I told you and you promised me that all advertising matter of every kind would be submitted to me for my written approval before distribution of your goods or any other goods.

SOL BLOOM,
Director General,
United States Constitution Sesquicentennial Commission.

I do not know how the Members on the floor feel about being attacked in newspapers or by Members of the House, but this attack is with reference to a practice I have stopped. The catalog presented here today is one which was received by a newspaper or someone, and I stopped its publication as soon as I found out about it, which was 6 months ago. I think it was terrible to send it out. Could I have done more as your Director General? Could I have threatened this man more strongly than by saying I was going to put the Department of Justice on him? Let us be fair about this matter.

I want to tell some of the Republican Members who are smiling or grinning that this means a lot to me. For 68 years I have gone through this world, and no one has ever dared to say anything against me or my reputation. Laugh or smile, when you get on this floor and you are attacked the way I am being attacked today, you will not want anyone to smile in your face.

Now, let us get at the facts of this matter, and bear in mind I say, "Let us get at the facts."

On May 29, 1937, I wrote a letter to this same party:

I note your letter dated May 26th is addressed to Mr. Solmson. In the future please be advised that all mail should be addressed to the Director General of the Commission and not to an individual.

What I want to say is, that I notice that you sign your letter Sesquicentennial Merchandising Corporation. This I very strenuously object to, because the impression might be given out that you are directly connected with this Commission and this impression must be eliminated immediately.

Please be advised, furthermore, that your statement that you have exclusive rights for the reproduction of anything is in error. This Commission will see that you are protected on any merchandise that you get out, but the Government does not and cannot allow anyone to have exclusive rights on anything in which they are participating.

Could your Director General——

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BLOOM. Could I or anyone else have been more careful in seeing that the Commission was protected and that no communication should come to anyone except to me or to the Commission itself? These letters are not opened by me, but every letter is opened and read by the mail division and distributed to the proper department.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. GIFFORD. Will the gentleman tell us what arrangement was in existence between Mr. Friedman and yourself or the Commission?

Mr. BLOOM. None whatever. He was just the same as any other merchandising firm.

Mr. GIFFORD. I simply want to know if he had sought any arrangement or connection.

Mr. BLOOM. Absolutely none. Let me ask the gentleman this: If there were any connection between Mr. Friedman or anyone else and myself, would I have dared to threaten to put the matter in the hands of the Department of Justice? Would I have dared to write him letters of this kind? I am protecting the Commission in seeing that no one has any exclusive rights.

Mr. GIFFORD. The gentleman misunderstands me. The gentleman stated that he would be protected by the Commission in certain ways had he sought any favor from you.

Mr. BLOOM. No; but let me present the other letters, and then I will show the gentleman just what I have in mind.

This is written on June 7:

Replying to yours of June 2, in which you present me reasons for your action in incorporating under the name of the Sesquicentennial Merchandise Corporation, beg to advise that I am of the same opinion as expressed in my previous letter to you, that such procedure could not be approved, and your letter has in no wise changed my viewpoint.

In everything we do we are very careful to avoid any appearance whatsoever of commercialization in the activities or affiliations of the United States Constitution Sesquicentennial Commission.

I made myself plain in my first objection to your action, and I am not inclined to view the matter in any other way.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I would prefer not to yield at this time.

Mr. THOMAS of New Jersey. Have you the answers or the replies to those letters that you sent to these people?

Mr. BLOOM. Yes; because this is in answer to his letter in which he was trying to give me the reason he should use the name.

Mr. THOMAS of New Jersey. You have received the replies and have them in your files?

Mr. BLOOM. Yes; these are just some letters I happen to have with me.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Just let me finish this statement first.

That letter was June 7, and this letter is on June 23:

Your letter of June 22, 1937, acknowledged.

We would suggest that you submit all advertising matter, catalogs, or magazines which you propose having printed before you print them, so that there will be no occasion in the future for this Commission taking any exception to what you are doing.

This is for your own protection as well as ours.

Now, please remember that all of these letters were addressed to the Advertising Associates of America.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. ANDREWS. I think we would all be interested in knowing what was the original connection with this company.

Mr. BLOOM. No connection whatever, any more than with any other firm getting out commemoration articles. At every celebration, whether it is an inauguration of the President in Washington or anything else, there are certain firms that commercialize such things, and some of them get out very expensive things, like those that were gotten out in connection with the coronation in England.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BLOOM. They get this merchandise out to sell, and we could not stop them unless they misrepresented something. When this fellow started to use the name Sesquicentennial Merchandising Corporation, let me tell you that if the 435 Members of this body got up en masse against him they could not be more severe with him than I was. I stopped him. Certainly I stopped him; and I threatened that if he did not stop I would put the matter in the hands of the Department of Justice. This is shown by the telegram I have just read to you. Please remember this: I am going to make at the proper time, under my rights as a Member of this body, a complete statement.

But I want to say this: That the picture that was bought by Mr. Solomon from Mr. Christy was bought at my request. The Commission at that time did not have the money to buy the picture. We wanted to use the picture. Mr. Solomon bought the picture and he let me use it. It has never been in his possession from that time to this. We have it at the Commission headquarters. He allowed us to use it. It has been reproduced in practically every newspaper in the United States, not one cent being charged to the Government of the United States or to any newspaper. Certainly Mr. Solomon copyrighted the picture. It was his property. He paid Christy for it. The Government of the United States has used this picture from the day it left Mr. Christy's studio up to the present time, and it has never been out of the possession of the Government of the United States, all without a cent being charged. And now when they find out in the newspapers that reports have gone out that Tammany leaders have been making money on this—now that they have found out that no money has been made, that Solomon has not charged the Government one cent, that use of the picture has been free to the Government and the newspapers, then they say that the Tammany leaders are now protesting because they did not make any money out of it. That shows the absurdity of it, and this telegram and these letters and everything we have at the headquarters you gentlemen are welcome to see and examine. But I say this right now, that I have done everything under the sun to protect the Government of the United States, the Congress, and everybody else, and nothing was done that we could be criticized for. We cannot stop this political fight in New York City, but, Mr. Chairman, I should not be blamed for it or made the goat because some newspapers are opposed to Tammany Hall. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Chairman, in his remarks of yesterday the gentleman from New York said, and he repeated this morning, speaking of the newspaper articles, that it is only fair to say that the writer of the original articles confessed to him that he was misinformed and that he had so advised his newspaper. The gentleman from New York [Mr. BLOOM] was thereby trying to give the House the impression that the newspaper was wrong and admitted it. Mr. Chairman, I talked to that writer this morning, he came to me voluntarily, and he told me there was no truth in Mr. BLOOM's statement, and that, on the contrary, he takes nothing back, that his newspaper's story is all true, and he stands by it.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. WOODRUM. Mr. Chairman, I yield the gentleman from New York [Mr. BLOOM] 2 additional minutes.

Mr. BLOOM. Mr. Chairman, I really do not want to say what I am going to say now; but if the gentleman from New Hampshire insists on being a little too pressing in this matter, it might involve a Member of the House; and that should not be done, because I do not believe there is any truth in it. However, as long as the gentleman from New Hampshire wants to pursue this matter I shall go through with it. Does the gentleman want to pursue it?

Mr. TOBEY. I want to pursue it and have a committee appointed to go through the whole rotten mess and show up the racket.

Mr. BLOOM. Very well. Mr. Chairman, when this thing first came to my attention we tried to find out who this newspaper writer was. We tried to find out what this was all about, and we did find out something. Please remember that bids are handled by Mr. Henry West, whom many of you gentlemen know—a member of the Gridiron Club for 50 years, a former Commissioner of the District of Columbia, a gentleman above reproach, a gentleman no one could influence in any way.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. BLOOM. When this first came up I had Mr. West go to the newspaper agency that we thought was trying to get this story and told them to come down to the Commission and to go into everything; that we would tell them everything that they wanted to know.

The doors of my office are open to anybody who has legitimate business with me. I have never failed to see a newspaperman or anybody else with legitimate business who came to my office. This article was written in Washington, which is shown by the date line. The writer made no effort to see me prior to telegraphing it to his paper. Every Member of Congress will understand when I tell you that it is a cardinal rule of all conscientious newspapers to present both sides of any story at the same time where the interested party can give his side of it. It appears to me that this is a deliberate violation of newspaper ethics. It simply served the purpose of this newspaper to print the story without making a complete effort to get all of the facts. The truth of the matter is that the writer of this article was afraid to come to see me in advance because if he had come to see me I would have given him the facts and he would not have had any article.

This person who wrote these articles went up to Connecticut where the shrines are made and he mentioned the name of Mr. BRUCE BARTON, a Member of this House. He said that BRUCE BARTON ought to be at the head of the United States Constitution Sesquicentennial Commission; that "We are going to put SOL BLOOM out and put BRUCE BARTON in." I knew there was no truth in this. I know that that was just merely a feeler or something of that kind. The writer of this article came to my office Tuesday morning, which was the day the article was printed. Remember this article was wired to New York before he saw me. I saw him and had a talk with him at that time and I made an engagement for him to come to my office again on Wednesday morning, which he did.

Early Wednesday morning I called up the gentleman from New York [Mr. BARTON] and said, "Bruce, I want you at my office this morning at 10 o'clock." I said, "It is important that you be there."

When this writer came in I telephoned to the gentleman from New York [Mr. BARTON] and had him come up and meet this writer. I then told the story, and I told the gentleman from New York [Mr. BARTON] that I did not believe there was one word of truth in it, but I wanted to stop this writer from talking about it. I wanted this misrepresentation to be stopped as far as my colleague was concerned. That is why I brought the gentleman from New York [Mr. BARTON] to my office, and I faced the two of them.

"Oh," the writer said, "it just started in an offhand way."

"But," I said, "that is not the question. You did say that BRUCE BARTON ought to be at the head of this Commission, so they could advertise and sell these things with his great big advertising agency."

The whole thing, of course, was absolutely absurd as far as the gentleman from New York [Mr. BARTON] was concerned; so, when this writer left my office—and if you will

allow me to bring the witness on this floor I will prove it to you—he said as he left my office, "I am going back to New York right away and write a story, but I do not know whether my paper will print the story that I will write after getting this information and that will end it."

That is what he said as he left the office. A man who will write such things and say such things and use the name of a Member the way he used the name of the gentleman from New York [Mr. BARTON], of course, is apt to say anything. He did not come to me until about half past 10 Tuesday morning, when this article reached the street. When he thought it was on the street he rushed out of my office. He told me he rushed out in such a hurry because he wanted to get to his newspaper so as to change certain things that he had in there after he found out the information I had given him with reference to this matter; and he thought it would be embarrassing for him to be in my office when I learned that the article was already published.

Now, as far as SOL BLOOM is concerned, Mr. Chairman, or as far as this Commission is concerned, I am not afraid of any investigation by anyone, or any crowd of people, or the entire membership of this House. I welcome it; and let us have it right here on the floor, if you want to, so we can have all the information and everyone get it and get it right. That is all.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we are confronted with a situation that may lead us to a national crisis, a situation that deserves the consideration of every Member of the House of Representatives, and I make this statement after having listened earnestly and diligently to the reading of the President's Budget message to Congress on yesterday. Before speaking definitely with reference to the Budget message I shall preface my remarks by a few statements of fact as to where we have been as a nation, where we are at present as a nation, and where we are headed in the future as a nation if we continue the policies of the present administration so far as fiscal affairs are concerned.

WHERE WE HAVE BEEN AS A NATION

In the first place, we will look back over the history of this Nation and see what we accomplished in 150 years. We find that the United States today contains 6 percent of the world's area and 7 percent of the world's population. With this small area and this small number of people in comparison to the area and population of the world as a whole, let us see what the American people have been able to do and what is our position in comparison with nations of the world. At this time we find that the American people consume 48 percent of the world's coffee, 56 percent of the world's rubber. We consume 53 percent of the world's tin, 21 percent of the world's sugar, and we consume 69 percent of the petroleum produced in the world. The people of the United States consume 72 percent of the silk produced in the world and 36 percent of the coal that is produced in the world, 47 percent of the world's copper, and 42 percent of all the pig iron produced in the world. Some country, I would say.

The people of the United States of America operate 80 percent of all the motorcars produced in the world.

That means that for every 100 people in the United States there are 22 automobiles and for every 100 Canadians there are 11 automobiles. In other words, every 100 of our people operate 22 automobiles and every 100 Canadians operate 11. In France there are 5 automobiles per 100 of the population; in Great Britain and her provinces, 5 automobiles to every 100 of population; in Germany, 2 automobiles to the 100 of population; and in Italy, 1 automobile to each 100 of the population. The United States with this small number of people operates 60 percent of the world's telephones. The United States produces 60 percent of the wheat grown in the world and 55 percent of the cotton—one of the greatest agricultural countries in the whole world; a remarkable country and a great people; one of the best educated, and that is because we have the greatest school system in the various States.

In this country we operate over 33 percent of the railroads of the world. Our country produces 41 percent of the lead and 70 percent of the oil of the world. This country produces 52 percent of the copper, 51 percent of the pig iron, and 40 percent of the world's supply of coal.

According to the statement of the Federal Government dated January 3, the United States has on hand more than half of the world's supply of gold, or over $12,750,003,288.63.

The people of the United States have over 66 percent of the world's banking resources.

In other words, Mr. Chairman, the purchasing power of 7 percent of the world's population, or the population of this country, 130,000,000 people, is as great as the 500,000,000 people of Europe. That same population has a purchasing power greater than a billion Asiatics. No country can compare with our past prosperity.

Mr. SIROVICH. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York City.

Mr. SIROVICH. I was very much interested in the number of automobiles the gentleman mentioned in every country per 100. The gentleman mentioned that we had 22 per 100 in this country, which is about the largest ratio of any country in the world.

Mr. RICH. Much larger than any other country; 100 percent more than the largest of them.

Mr. SIROVICH. Does the gentleman think we have reached the saturation point, and that that might be a possible cause for the recession in the automobile industry?

Mr. RICH. I cannot say that. It is possible such a saturation point has or has not been reached, although I do not think so. I believe there is a great deal of opportunity for people in this country to have automobiles. We are using on the highways many that for safety sake should be on the scrap heap. They are dangerous to operate, many of them.

The point I want to bring to the attention of the Members of the Congress is that in 150 years of the capitalistic system, and that is the system this Nation has operated under, the United States has gone ahead and advanced. Any man who owns his own home is a capitalist. Any man who owns his own automobile is a capitalist. Any man who owns his own farm is a capitalist. Therefore, this capitalistic system that we have heard discussed so much by Members of the House of Representatives to me is the thing that has built this country to the point it has reached today. The capitalistic system is a system that we should foster and one that we should aid with proper legal limitations.

Mr. CRAWFORD. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Will the gentleman permit this observation, which is based on figures released only last week? It appears that 60 percent of the automobiles now on the road are used cars purchased by people with incomes of $30 per week or less; that on account of the recession and other troubles, people have stopped buying used cars, therefore, the agencies selling new cars cannot make a trade because their capital is tied up in used cars, which are not moving. That backs the entire proposition up to the manufacturer of the automobiles and forces him to close down.

Mr. RICH. I thank the gentleman for his contribution to my remarks.

WHERE WE ARE AT PRESENT AS A NATION

I want to continue and show just where we are today. Mr. Chairman, I am not trying in any way to cast any reflection on anyone because he might be a Democrat or because he might be a Republican. These are the plain facts, and we have to face them. If the Members of the House of Representatives are honest and conscientious they will find

this is the situation that faces us at the present time. If we have the ability, and I say this in kindness, we must do something differently from what we have been doing in the last 5, 6, or 7 years. We started out under the policy of the present administration by trying to regiment through the N. R. A., the A. A. A., and various other organizations. This is contrary to the spirit of our Constitution, by which we have permitted the people of our country to go ahead. When that opportunity is taken away from the American people they are going to retrench. There is no use in a man doing something or trying to do something that is prohibited by law. I believe the greater number of our American people are law-abiding citizens. They want to do the right thing. They want to obey the law. Therefore, if our laws are not right, it is your duty and my duty as Representatives in Congress to change that law.

When we take opportunity away from the individuals of this country we kill who? We kill the American people who have had the initiative to go ahead and do things. I contend that is wrong. If a man, by virtue of his ability to operate or conduct his business or his own affairs, makes too much money, we have a redress in the income tax or the inheritance tax and we can keep everybody on whatever level we desire. They are not going to run away and steal everything from the other man. The law will not permit that. America stands ahead of the other nations of the world in the ability of its people to produce and in the ability to accumulate so many things. The people of the United States stand head and shoulders above the people of all other nations in the progress they have made. The records prove it. They speak for themselves; and I do not make that statement because I want to gloat over the fact, but I make it because it is a statement of fact. I am for America first, last, and all the time.

Are we going to maintain our standards? Are we going to keep ourselves in the position of being a nation of prosperous people and a nation of intelligent people, the position we occupy today? If so, then we should do things differently than they are being done at the present time. We must first stop this spirit of class hatred that is permeating this administration.

We have tried to take care of the people of this country during the last 3 or 4 years by what we call priming the pump, a method of starting business. But it is going backward today. We have spent money foolishly. We did many things that should not have been done, and if you do not know that now, you will come to that realization very shortly, as soon as all the facts become known to the public.

In 1934 you spent $1,646,000,000; in 1935, over $3,000,000,000; in 1936, $4,025,000,000; in 1937, $972,000,000; in other words, a total of $10,000,000,000 priming the pump to put 10,000,000 people on industry pay rolls, but it can go so far and no further. Greater confidence to business is needed from its Government.

We talk about recession because we find that conditions are not as we had planned them, as was stated by the highest Government official we have. Last year when things were going better, we planned it so. What would he say today? You may say what you please about this being a recession. I think we are in one of the worst depressions we have been in since 1932, and that is only a few years ago. If you do not do things differently, there will be disaster. You may call it a recession now, but you will eventually call it what it is—a real depression. It is not going to lose its effect because you call a depression a recession. "A leopard cannot change its spots." A depression is what it is.

Mr. RANKIN. I understood the gentleman to say it was a depression.

Mr. RICH. It is a depression, and the gentleman will say so, too, very shortly if conditions become any worse than they are today, and I do hope that is not the case.

Mr. RANKIN. I understood the gentleman to say "a depression."

Mr. RICH. Yes; depression. The President appointed Mr. Biggers to take a census last November, which he did, and he reports 7,822,912 people registered as unemployed. He also states that the total may be as high as 10,870,000. Since he has taken this census a report has come out to the effect that probably two to three million more have been added to the list of unemployed.

This is a deplorable situation, and we ought to try to correct it. There is no use taking any more censuses to find out how many people are unemployed. If only 2,000,000 people are unemployed, it is 2,000,000 too many. What we should try to do now is regulate things so we can give these men jobs. However, you are not going to regulate things so men will be given jobs until you either change some of the laws you have passed or annul them altogether. You must restore confidence.

When the President read his message the other day he said, "What would you eliminate?" It is not difficult to tell him that. I would have been only too happy to have stood up and said, "Mr. Speaker, will the gentleman yield?" and told the President right to his face what he ought to eliminate and what laws we ought to change. He has never yet asked me for any advice, however.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Missouri.

Mr. ROMJUE. Will the gentleman tell us now what he would eliminate?

Mr. RICH. Yes; I am going to do that.

Mr. ROMJUE. Will the gentleman first tell us if he would eliminate the guaranty of bank deposits, the first act of the Democratic administration?

Mr. RICH. No. You have passed some good laws. I want to give you credit for anything you have passed which is good. Many of them, however, should be amended.

Mr. ROMJUE. I thank the gentleman.

Mr. RICH. There are a lot of them, however, to which you should give very serious consideration. Do not think for a minute I am trying now to harpoon the Democratic administration. I try to harpoon the Democratic administration when I know it is wrong, and I will stand here and harpoon the Republicans when they are wrong. I attended a meeting of the Committee on Appropriations this morning when an attempt was made to cut out all the appropriation for the N. L. R. B. I voted against doing so, although someone may say I was voting for the expenditure of Government money. I knew cutting out the appropriation was a foolish thing to do. What you should do is change the structure of the N. L. R. B. to give employers the same rights and the same opportunities you give the labor unions. When any law is one sided and does injustice to one class of people, it certainly will eventually do injustice to another class of people. It was to stop strikes but in the past 10 months we have had over 4,000 strikes—more than in any year in our history—involving 1,768,791 persons, and at a cost of 26,509,205 work days. When the N. L. R. B. was to cause strikes to cease. Should it not be changed? I believe you will agree with me in that it should be.

Mr. DEMUTH. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Pennsylvania.

Mr. DEMUTH. Does not the gentleman think our exchange system has again failed, and that this is a panic? Our private monetary system has again collapsed. Why try to deceive the people by calling it a recession when it is nothing but an old-fashioned monetary and exchange panic?

Mr. RICH. May I answer the question in this way. Any man who has worked and worked hard and saved a little money appreciates the fact he has a nest egg, as we call it. It is something he has earned, and he wants to save it in order to protect himself and his family against adversity or for use in future years, and he is going to be conservative

in deciding how he spends the money. You would do the same, every Member of this Congress would do it, and I would do it.

When a man who has tried to save sees there are no opportunities to invest money in business and make that capital work, and is afraid that if he does invest it the money is going to be lost, he would be a fool if he did invest his capital. If you think for a minute a man is going to be foolish enough to do this, you do not have any sense of personal responsibility. It just cannot be done, and it just will not be done. In my judgment, the man who does make such an investment would be a very foolish person. A wise investment is a good thing, a poor investment no person wants. People today have lost confidence in our public officials. That is the reason capital is on a strike.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Alabama.

Mr. PATRICK. I am not trying to interfere with the gentleman's statement, but the gentleman stated he has some suggestions to make.

Mr. RICH. Yes; if I am allowed to get to them.

Mr. PATRICK. I would suggest that we give the gentleman an opportunity to offer the suggestions he has in mind to help relieve the situation.

Mr. RICH. Fearing that my time is very short, I will start in on a few of the suggestions I have. First, I would repeal the undistributed profits tax. It would start improvements to manufactories and the installation of new machinery, thus putting many men to work in this manner, besides helping to make business solvent.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The gentleman has spoken about 15 or 20 minutes and has made a very wonderful statement, but he has as yet said nothing about where we are going to get the money.

Mr. RICH. I wish I had time to go into the question of "Where are you going to get the money?" I know I cannot tell you where you are going to get it, and I know this administration has not told you where you are going to get it, but if we continue on spending the way we are, we will bankrupt America. This I know and if the Congress does not know it then I would say this is certainly an incompetent Congress.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. No; I will not yield to anybody now. I will not have the time. I am sorry.

The President's Budget message yesterday revealed these facts for the fiscal year 1939:

Expenditures—$6,869,000,000.

Receipts—$5,919,400,000.

Net deficit—$949,600,000.

Debt total at end of year—$38,528,000,000.

For the 1938 fiscal year ending next June 30 he revised his figures to estimate:

Expenditures—$7,408,600,000.

Receipts—$6,320,500,000.

Net deficit—$1,088,100,000.

Debt total at end of year—$37,603,600,000.

A deplorable situation after he promised a balanced Budget for 1938. Four times he has revised his estimates for the year 1937–38 from a balanced Budget to the fourth revision of $1,088,100,000 debit. Now I want to say to you as I have said before when the books close on June 30 it will be a deficit of a billion and a half or more. A sorry situation. Mr. Roosevelt cannot show you where you will get the money. He does not know how.

Then you have established here in Washington more than 70 bureaus since this administration came into office. I am not going to have time to refer to the individual bureaus you have established, but I would cut out at least half of them. He stated many times in public we had too many yet he is the greatest offender in our history of his own criticisms. Read his record.

I would rearrange the capital-gains tax or amend that law so as to encourage investment in productive enterprise.

I would eliminate all Government competition with private enterprise and I would not care what the Government enterprise was. [Applause.]

I would reorganize the departments of the Government similar to Senator BYRD's proposal, and we could get 300,000 of employees off the pay roll in a fortnight and would not hurt the efficiency of the departments. I would stop these foolish and wasteful departments that mean little to the welfare of the Nation. We have many and they are duplications. I would stop Mr. Ickes from making speeches that create class hatred, as an administration mouthpiece, and Mr. Jackson doing the same in his speech on Strike of Capital, and Mr. Ickes trying to blame the depression on the veterans. All pure bunk. We need cooperation today of Government and business, and we need cooperation of business and labor. We need to work together. Keep American markets for American labor, American farmers, and American business.

Stop the reciprocal trade agreements. We only get the worst of it, as is shown by the increase of imports the past year. American business will not commit suicide. But it can and is being strangled to death by our recent laws and by taxation.

WHERE IS THE BREATHING SPELL?

I have heard more men who are in business, during the past 3 months, state that they could not see any future in business and that they were going to get out before they were compelled to lose all they have or go into bankruptcy. I received a pitiable letter today from a young businessman who is pleading for me to get him a loan of $3,700 or he will be compelled to quit business, he says, "Believe me, I have had enough headaches in business. I want to quit. If you cannot get me the loan, can you get me a job?" Gentlemen, that is the story. Why? Why? Why do we find ourselves there; we are taking opportunity away from men to do business. We harass them by regulation, we compel them to make too many reports, we tax them to the point of strangulation. We regiment the farmer, we want to tell him how he shall milk the cows and how many he can have, how much wheat he can plant, how many hogs and cattle he can raise, and what fields he can put in tobacco. Oh, it is a headache to the farmer who wants to work. It is a nightmare to the fellow who wants a job. It is almost suicide to the fellow, the manufacturer who creates jobs, and it is awful to the laborer who wants to work and have his independence.

Mr. Roosevelt thinks he knows. Poor fellow, never had experience; but his advisers never successfully worked either. They have no business experience. He never earned money by the sweat of his brow; he only has had political jobs; and as for balancing his finances, he never did and he never will. Take it from me, he does not know how.

His operation of a business enterprise to me would be like taking the night watchman of a large plant and making him general manager. No sense to it.

WHERE ARE WE GOING FROM HERE?

Members of Congress, you have the key to the situation. Will you continue to be a rubber stamp? Will you put through any legislation that comes before you if you do not believe it for the best interest of the country?

To the Appropriations Committee of the House, cut down your spending. To the Ways and Means Committee, be wise in your taxation. To all Members, be careful of your laws,

that they be for the best interest of all. Do not let selfishness chart your course.

Members of Congress, if you do that we can maintain our form of government and continue to make this the greatest country on the face of the earth. If you do not, you will lay up a debt that will crush the oncoming generations; it will bankrupt the Nation; and, remember, it will be your fault.

Congress, it is up to you. What will you have it?

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DEMUTH].

Mr. DEMUTH. Mr. Chairman, no doubt the many friends of Congressman LISTER HILL were happy to hear of his success in the recent primary election for the office of United States Senator from Alabama. [Applause.] It is of the greatest significance and importance to note Congressman LISTER HILL was one of the southern Representatives that voted for the wage and hour bill. He ran on a 100-percent Roosevelt New Deal platform. Many of the southern Congressmen contended that this vote would seriously interfere with his success at the election. It is now evident that it helped my friend LISTER HILL, and I do hope that it will be a guide to the other Representatives of the South.

The southern voters felt, no doubt, that LISTER HILL's vote on the wage and hour bill was in their best interest because they are intelligent enough to know that a vote the other way would be an implication that the people of the South are not the equal of our citizens of the North as regards to economic and social standing. The people of the South are intelligent enough to know that the success of the South depends upon the ability of the masses to maintain the proper economic and living standards. LISTER HILL's success should be a warning to certain Representatives of the South that their constituents will no longer tolerate the inference that their people are inferior to those of the North. That their people do not relish the opportunity of being exploited by the undesirable carpetbag industrialists from the North.

We must advance together as a Nation as nearly as possible every citizen on an equal basis with special privilege for none and equality for all our citizens. The South will go forward with wage and hour legislation and the Nation will advance hand in hand with it. [Applause.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I rise at this time to speak briefly in respect of one of the items in the bill which is now under consideration.

I rise to renew the appeal I have made on several occasions for a thoroughgoing investigation into the entire radio broadcasting field and to bespeak particular consideration by the Members of the House of the testimony embodied in the hearings in connection with the appropriation for the Federal Communications Commission.

It is unnecessary for me to repeat the arguments which I have heretofore made on this floor and elsewhere in advocating such an investigation. I have emphasized repeatedly the fact that Congress in enacting the Federal Radio Act and the Federal Communications Act sought to attain certain definite objectives. Among these objectives were the elimination of monopoly or the evils of monopoly, the elimination of private ownership or its equivalent in the channels of interstate and foreign transmission, and the elimination of undesirable trafficking in licenses.

I submit, Mr. Chairman, in the light of evidence available today that we have attained no one of these three objectives. On the contrary, virtual monopoly is at hand under the big three broadcasting chains of this Nation—Columbia, Mutual, and National. Private ownership in radio frequencies or its equivalent has not been thrown aside, and undesirable trafficking in licenses, with all the possibilities with which we have been familiar in other fields for the capitalization of earnings and profits to the detriment of the American people generally, has not been eliminated.

I submit that the record before your subcommittee this year indicates that little or no progress has been made toward these desired objectives; that, on the contrary, the conditions referred to have persisted.

Mr. Chairman, if the administration is sincere in its recent statements in regard to monopoly, here is a monopoly of the most dangerous kind under the complete control of the National Government. Here is a monopoly which may be fairly said to have been directly fostered by that Government. Surely the evils of this monopoly should be attacked and eliminated at the earliest possible moment.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for an observation?

Mr. WIGGLESWORTH. I yield briefly.

Mr. SIROVICH. Does my distinguished friend feel that it is for the best interest of the Nation that newspapers, magazines, periodicals, or publications should be in control of chains of radio stations throughout the Nation?

Mr. WIGGLESWORTH. I think that is a very fundamental question. I do not know that I am personally prepared to take a definite position in the matter. It is, of course, well known that the tendency of newspapers to acquire broadcasting stations in this country has very materially increased in recent years.

Last year, Mr. Chairman, I inserted in the CONGRESSIONAL RECORD certain tables which had been prepared by the Communications Commission. These tables gave the details as to assignments of radio frequencies and transfers of control in such frequencies made with the approval of the Commission. Instance after instance appeared in those tables of the transfer of licensed broadcasting stations for a consideration far in excess of the replacement cost of the station transferred. Other instances appeared of the transfer in the form of a lease for periods in excess of the original license, which, of course, is limited by law to a maximum of 3 years. The Members of the House will recall the transfer of station KNX, in Los Angeles, Calif., to the Columbia Broadcasting System, a station with physical assets, after deducting accounts receivable, cash, and goodwill, said to amount to about $63,000, a station transferred with the approval of the Commission for a consideration amounting to $1,250,000. Among the leases referred to was a lease for 7 years of a station with a replacement value of less than $500,000 for a total rental of something over $1,500,000; another lease for a period of 10 years, with an option of renewal for 10 years; and still another for a period of 99 years. Under leave to extend, I insert at this point two further tables prepared by the Commission bringing the same information down to date.

Applications for consent under sec. 310 of the Communications Act of 1934 for assignment of licenses granted by Federal Communications Commission for period from Dec. 8, 1936, to Dec. 15, 1937, inclusive

Station	Location	File No.	Assignor	Assignee	Original cost of fixed assets	Replacement cost of fixed assets	Total claimed value of physical and intangible assets	Station earnings		Consideration paid	Date granted by Commission
								Net profit or loss	Period		
KANS	Wichita, Kans	B4-AL-158	Charles C. Theis	The Kansas Broadcasting Co	$13,217.20	$13,993.31	$13,500.00	[1] $4,153.82	2 months	[2] $13,500.00	Mar. 2, 1937
KCMO	Kansas City, Mo	B4-AL-133	Lester Cox, Thomas L. Evans, and C. C. Payne.	KCMO Broadcasting Co	12,636.95	13,336.95	20,222.92	[1] 4,741.61	4 months	[2] 63,222.92	Dec. 15, 1936
KEHE	Los Angeles, Calif	B5-AL-168	Evening Herald Publishing Co	Hearst Radio, Inc	95,510.10	112,123.88	124,204.76	(4)	(4)	[2] 141,425.75	Apr. 20, 1937
KFBI	Abilene, Kans	B4-AL-170	The Farmers & Bankers Life Insurance Co.	Farmers & Bankers Broadcasting Corporation.	128,100.60	98,836.56	89,556.35	[1] 6,776.79	6 months	[2] 99,500.00	July 6, 1937
KGFX	Pierre, S. Dak	B4-AL-143	Dana McNeil, deceased	Ida A. McNeil, administratrix of the estate of Dana McNeil, deceased.	(5)	(5)	(5)	(5)	(5)	None	Mar. 26, 1937
KHUB	Watsonville, Calif	B5-AL-177	F. W. Atkinson, deceased	Anna Atkinson, executrix of the estate of F. W. Atkinson, deceased.	(5)	(5)	(5)	(5)	(5)	None	June 29, 1937
KIUP	Durango, Colo	B4-AL-124	C. Guy Shepard	San Juan Broadcasting Co	7,724.90	7,952.05	5,664.46	[1] 159.16	6 months	[2] 550.00	May 4, 1937
KONO	San Antonio, Tex	B3-AL-171	Mission Broadcasting Co	Eugene J. Roth, doing business as Mission Broadcasting Co.	19,159.29	(7)	16,278.15	3,001.64	do	(5)	May 25, 1937
KOVC	Valley City, N. Dak	B4-AL-155	George B. Bairey	KOVC, Inc	12,486.23	10,486.23	10,066.79	2,687.04	2 months	[2] 4,450.00	Apr. 9, 1937
KRNR	Roseburg, Oreg	B5-AL-164	Southern Oregon Publishing Co	News-Review Co	(9)	(9)	(9)	885.26	6 months	None	Mar. 16, 1937
KVOX	Moorehead, Minn	B4-AP-20	Robert K. Herbst	KVOX Broadcasting Co	[10] None	None	None	None	None	None	Sept. 7, 1937
WAAB	Boston, Mass	B1-AL-157	Bay State Broadcasting Corporation	Yankee Network, Inc	142,000.00	118,000.00	128,000.00	[1] 27,000.00	6 months	None	Jan. 26, 1937
WALA	Mobile, Ala	B3-AL-176	Pape Broadcasting Corporation, Inc	W. O. Pape, doing business as Pape Broadcasting Co.	(7)	(7)	(7)	(7)	(7)	(5)	July 30, 1937
WAPI	Birmingham, Ala	B3-AL-174	WAPI Broadcasting Corporation	Alabama Polytechnic Institute, University of Alabama and Alabama State College (board of control of radio broadcasting station WAPI).	(11)	(11)	(11)	(11)	(11)	None	July 6, 1937
WATL	Atlanta, Ga	B3-AP-17	J. W. Woodruff and S. A. Cisler, Jr	J. W. Woodruff, doing business as Atlanta Broadcasting Co.	(12)	(12)	(12)	(12)	(12)	None	Jan. 5, 1937
WBCM	Bay City, Mich	B2-AL-188	James E. Davidson	Bay Broadcasting Co	67,945.20	54,113.68	39,399.28	10,781.33	12 months	[2] 139,399.28	Oct. 5, 1937
WLWL	New York, N. Y	B1-AL-172	Missionary Society of St. Paul the Apostle.	Arde Bulova	132,514.52	116,100.52	68,877.14	22,504.92	12 years	275,000.00	May 4, 1937
WFLA	Clearwater, Fla	B3-AL-120	Clearwater Chamber of Commerce	Florida West Coast Broadcasting Co., Inc.	58,400.00	79,400.00	40,104.35	18,581.32	16 months	[13] 252,700.00	Aug. 18, 1937
WHBB	Selma, Ala	B3-AL-142	R. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, doing business as Selma Broadcasting Co.	Selma Broadcasting Co., Inc	14,292.70	14,292.70	11,986.61	[1] 631.07	9 months	[2] 12,000.00	[14] July 20, 1937
WICC	Bridgeport, Conn	B1-AL-156	Southern Connecticut Broadcasting Corporation.	The Yankee Network, Inc	127,663.10	77,514.00	66,142.05	23,274.32	6 months	None	Jan. 26, 1937
WMC	Memphis, Tenn	B3-AL-163	Memphis Commercial Appeal, Inc	Memphis Commercial Appeal Co	(7)	(7)	(7)	(7)	(7)	None	Mar. 16, 1937
WMFR	High Point, N. C	B3-AL-134	J. A. Hart and Wayne M. Nelson	Radio Station WMFR, Inc	7,399.71	(6)	4,227.98	524.86	6 months	[2] 9,900.00	Jan. 5, 1937
WMIN	St. Paul, Minn	B4-AL-182	Edward Hoffman, doing business as WMIN Broadcasting Co.	WMIN Broadcasting Co	25,447.99	(7)	17,007.02	1,470.00	7 months	[2] 10,000.00	Dec. 8, 1937
WSIX	Nashville, Tenn	B3-AL-137	Jack M. Draughon and Louis R. Draughon, doing business as 638 Tire and Vulcanizing Co.	WSIX, Inc	13,273.60	13,373.60	21,487.83	[1] 200.94	12 months	[2] 21,487.83	June 8, 1937
WSJS	Winston-Salem, N. C	B3-AL-178	Winston-Salem Journal Co	Piedmont Publishing Co	19,464.77	16,668.80	7,394.45	9,413.28	12 months	20,500.00	July 30, 1937
WSPD	Toledo, Ohio	B2-AL-129	Toledo Broadcasting Co	The Fort Industry Co	(5)	(5)	(5)	39,058.06	8 months	None	Jan. 5, 1937

[1] Deficit.
[2] Consideration consists of stock of assignee corporation.
[3] Consideration consists of: $43,000 in cash and interest of partners in station assets, net worth of which amounts to $20,222.92 in return for 600 shares of stock (100%) issued by assignee corporation.
[4] Not furnished; assignor is parent company of assignee.
[5] Consideration represents repayment to assignor of its investment in station.
[6] Not furnished; case of involuntary transfer of control; no consideration involved.
[7] Not furnished.
[8] Consideration involves a transfer of all station assets to sole stockholder of licensee corporation.
[9] Not furnished; no consideration involved; assignor is subsidiary of assignee company.
[10] This transaction involves the assignment of a construction permit from the individual permittee to a corporation entirely owned by him. There were no station assets.
[11] Not furnished; no consideration is involved; lease of station expired July 31, 1937; reassignment made to lessor.
[12] Application for assignment of license (B3-AL-123) approved Oct. 27, 1936, contemplated the assignment of this permit.
[13] Consideration paid in past due interest coupons or lawful bonds of the city of Clearwater which were purchased by assignee for cash consideration of $50,820.
[14] Action taken after formal hearing.

Applications for consent under sec. 310 of the Communications Act of 1934 to transfer control of licensee corporations, granted by Federal Communications Commission during period from Dec. 8, 1936, to Dec. 15, 1937, inclusive

Station	Location	File No.	Licensee corporation	Transferor	Transferee	Original cost, fixed assets	Replacement cost of fixed assets	Stock transferred (common)	Percent of total stock issued	Claimed value of stock transferred, including physical and intangible values
KFRO	Longview, Tex	B3-TC-113	Voice of Longview	Rogers Lacy	James R. Curtis	$13,062.19	$13,062.19	5,000	50	$2,519.23
KFYO	Lubbock, Tex	B3-TC-70	Plains Radio Broadcasting Co	Estate of Wilbur C. Hawk and Gene A. Howe.	Globe-News Publishing Co., Inc	(1)	(1)	498	99	(1)
KGNC	Amarillo, Tex	B3-TC-70	do	do	do	(1)	(1)	498	99	(1)
KGKY	Scottsbluff, Nebr	B4-TC-107	Hilliard Co., Inc	A. W. Hilliard	L. L. Hilliard	7,825.99	9,857.71	42	21	1,575.92
KVI	Tacoma, Wash	B5-TC-108	Puget Sound Broadcasting Co., Inc	Edward M. Doernbecher (deceased).	Laura M. Doernbecher, executrix of the estate of Edward M. Doernbecher, deceased.	(2)	(2)	996	79	(2)
KMPC	Beverly Hills, Calif	B5-TC-69	Beverly Hills Broadcasting Corporation.	Pacific Southwest Discount Corporation.	George A. Richards	44,572.27	48,225.00	1,000	100	37,459.15
KROC	Rochester, Minn	B4-TC-85	Southern Minnesota Broadcasting Co.	Stockholders (4 in number)	Gregory Gentling	15,298.11	(4)	909	51	15,466.18
KSTP	St. Paul, Minn	B4-TC-96	National Battery Broadcasting Co	Lytton J. Shields (deceased)	Present stockholders (3 in number)	(3)	(3)	1,500	75	(3)
KXL	Portland, Oreg	B5-TC-62	KXL Broadcasters	H. B. Read	T. W. Symons, Jr., and E. B. Craney.	16,061.50	9,574.00	222	89	19,000.00
WAZL	Hazleton, Pa	B2-TC-100	Hazleton Broadcasting Service, Inc	Mason-Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	5,000	100	(5)
WBRC	Birmingham, Ala	B3-TC-121	Birmingham Broadcasting Co., Inc	Marcellus D. Smith, Jr. (deceased)	Eloise H. Smith, executrix of estate of Marcellus D. Smith, Jr., deceased.	(3)	(3)	11¼	52	(3)
WCOP	Boston, Mass	B1-TC-84	Massachusetts Broadcasting Corporation.	Joseph M. Kirby (deceased) by Mary A. Kirby, administratrix.	Arde Bulova	52,877.05	51,385.05	3,000	60	3,200.00
WDEL	Wilmington, Del	B1-TC-99	WDEL, Inc	Mason Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	500	100	(5)
WEAU	Eau Claire, Wis	B4-TC-110	Central Broadcasting Co	Morgan Murphy	Elizabeth B. Murphy	(3)	(3)	60	40	(3)
WEST	Easton, Pa	B2-TC-101	Associated Broadcasters, Inc	Mason Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	5,000	100	(5)
WFIL	Philadelphia, Pa	B2-TC-91	WFIL Broadcasting Co	Lit Bros. Broadcasting System, Inc	Lit Bros	39,103.89	(4)	4,100	44.5	56,371.48
WFIL	do	B2-TC-93	do	WFI Broadcasting Co	Strawbridge and Clothier	39,103.89	(4)	3,526	38.3	48,517.48
WGAL	Lancaster, Pa	B2-TC-103	WGAL, Inc	Mason Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	5,000	100	(5)
WGCM	Gulfport, Miss	B3-TC-88	WGCM, Inc	Sam Gates	P. K. Ewing	6,718.22	5,188.03	280	100	4,900.00
WILM	Wilmington, Del	B1-TC-102	Delaware Broadcasting Co., Inc	Mason Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	606	100	(5)
WIRE	Indianapolis, Ind	B4-TC-78	Indianapolis Broadcasting, Inc	Wm. E. Vogelback and Douglas E. Kendrick.	Central Newspapers, Inc	72,316.30	57,269.00	6,167	66⅔	70,733.23
WJNO	West Palm Beach, Fla.	B3-TC-95	Hazlewood, Inc	Stockholders (4 in number)	Jay O'Brien	14,682.38	23,415.06	51	51	10,031.87
WKOK	Sunbury, Pa	B2-TC-111	Sunbury Broadcasting Corporation	The Sunbury Item, Inc	George W. Beck, Basse A. Beck, and Harry H. Haddon.	15,143.81	(4)	73	92	15,651.56
WLAK	Lakeland, Fla	B3-TC-75	Lake Region Broadcasting Co	E. L. Mack	J. P. Marchant	11,769.84	11,769.00	25	25	1,800.00
WMPS	Memphis, Tenn	B3-TC-87	Memphis Broadcasting Co	Memphis Commercial Appeal, Inc	Memphis Commercial Appeal Co	(5)	(5)	200	100	(5)
WORK	York, Pa	B2-TC-104	York Broadcasting Co., Inc	Mason Dixon Radio Group, Inc	J. Hale Steinman and John F. Steinman.	(5)	(5)	5,000	100	(5)
WPAR	Parkersburg, W. Va	B2-TC-79	Ohio Valley Broadcasting Corporation.	Harold McWhorter, Marion McDowell, and Wayne Von Gilder.	The Exponent Co	18,630.50	18,630.50	89	100	12,304.24
WPEN	Philadelphia, Pa	B2-TC-72	William Penn Broadcasting Co	Clarence H. Taubel	John Iraci	44,665.53	44,407.85	450	68	140,429.48
WRAX	do	B2-TC-73	WRAX Broadcasting Co	do	do			60	60	
WSVA	Harrisonburg, Va	B2-TC-76	Shenandoah Valley Broadcasting Corporation.	Marion K. Gilliam	Floyd Williams	(6)	(6)	20	8	(6)
WTMJ	Milwaukee, Wis	B1-TC-82	The Journal Co	Estate of Lucius W. Nieman	The Journal Co. and Faye McBeath	(7)	(7)	1,100	55	(7)

[See footnotes at end of table]

Applications for consent under sec. 310 of the Communications Act of 1934 to transfer control of licensee corporations, granted by Federal Communications Commission during period from Dec. 8, 1936, to Dec. 15, 1937, inclusive—Continued

Station	Location	File No.	Licensee corporation	Transferor	Transferee	Station earnings		Consideration paid	Date granted by Commission
						Net profit or loss	Period		
KFRO	Longview, Tex	B3-TC-113	Voice of Longview	Rogers Lacy	James R. Curtis	$2,234.80	6 months	$3,500.00	Sept. 7, 1937
KFYO	Lubbock, Tex	B3-TC-70	Plains Radio Broadcasting Co.	Estate of Wilbur C. Hawk and Gene A. Howe.	Globe-News Publishing Co., Inc.	[1]	[1]	None	June 8, 1937
KGNC	Amarillo, Tex	B3-TC-70	do	do	do	[1]	[1]	None	Do.
KGKY	Scottsbluff, Nebr	B4-TC-107	Hilliard Co., Inc.	A. W. Hilliard	L. L. Hilliard	2,594.61	12 months	2,100.00	Sept. 28, 1937
KVI	Tacoma, Wash	B5-TC-108	Puget Sound Broadcasting Co., Inc.	Edward M. Doernbecher (deceased)	Laura M. Doernbecher, executrix of the estate of Edward M. Doernbecher, deceased.	[2]	[2]	None	Oct. 12, 1937
KMPC	Beverly Hills, Calif.	B5-TC-69	Beverly Hills Broadcasting Corporation.	Pacific Southwest Discount Corporation.	George A. Richards	1,708.13	6 months	125,000.00	[3] May 4, 1937
KROC	Rochester, Minn	B4-TC-85	Southern Minnesota Broadcasting Co.	Stockholders (4 in number)	Gregory Gentling	7,126.76	do	15,466.85	Feb. 23, 1937
KSTP	St. Paul, Minn	B4-TC-96	National Battery Broadcasting Co.	Lytton J. Shields (deceased)	Present stockholders (3 in number)	[2]	[2]	None	Apr. 16, 1937
KXL	Portland Oreg	B5-TC-62	KXL Broadcasters	H. B. Read	T. W. Symons, Jr., and E. B. Craney.	527.27	6 months	19,000.00	[3] Mar. 9, 1937
WAZL	Hazleton, Pa	B2-TC-100	Hazleton Broadcasting Service, Inc.	Mason-Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WBRC	Birmingham, Ala	B3-TC-121	Birmingham Broadcasting Co., Inc.	Marcellus D. Smith, Jr. (deceased)	Eloise H. Smith, executrix of estate of Marcellus D. Smith, Jr., deceased.	[2]	[2]	None	Oct. 5, 1937
WCOP	Boston, Mass	B1-TC-84	Massachusetts Broadcasting Corporation.	Joseph M. Kirby (deceased) by Mary A. Kirby, administratrix.	Arde Bulova	[6] 1,613.64	5 months	4,200.00	Feb. 2, 1937
WDEL	Wilmington, Del	B1-TC-99	WDEL, Inc.	Mason Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WEAU	Eau Claire, Wis	B4-TC-110	Central Broadcasting Co.	Morgan Murphy	Elizabeth B. Murphy	[5]	[5]	None	Oct. 5, 1937
WEST	Easton, Pa	B2-TC-101	Associated Broadcasters, Inc.	Mason Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WFIL	Philadelphia, Pa	B2-TC-91	WFIL Broadcasting Co.	Lit Bros. Broadcasting System, Inc.	Lit Bros.	38,816.24	6 months	59,957.04	May 4, 1937
WFIL	do	B2-TC-93	do	WFI Broadcasting Co.	Strawbridge and Clothier	38,816.24	do	None	Do.
WGAL	Lancaster, Pa	B2-TC-103	WGAL, Inc.	Mason Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WGCM	Gulfport, Miss	B3-TC-88	WGCM, Inc.	Sam Gates	P. K. Ewing	[6] 711.44	6 months	3,500.00	Mar. 26, 1937
WILM	Wilmington, Del	B1-TC-102	Delaware Broadcasting Co., Inc.	Mason Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WIRE	Indianapolis, Ind	B4-TC-78	Indianapolis Broadcasting, Inc.	Wm. E. Vogelback and Douglas E. Kendrick.	Central Newspapers, Inc.	26,684.01	10 months	100,000.00	Dec. 19, 1937
WJNO	West Palm Beach, Fla	B3-TC-95	Hazlewood, Inc.	Stockholders (4 in number)	Jay O'Brien	5,670.33	7 months	18,360.00	June 29, 1937
WKOK	Sunbury, Pa	B2-TC-111	Sunbury Broadcasting Corporation.	The Sunbury Item, Inc.	George W. Beck, Basse A. Beck, and Harry H. Haddon.	[5]	[5]	7,300.00	Sept. 7, 1937
WLAK	Lakeland, Fla	B3-TC-75	Lake Region Broadcasting Co.	E. L. Mack	J. P. Marchant	[6] 2,011.60	6 months	2,500.00	Mar. 26, 1937
WMPS	Memphis, Tenn	B3-TC-87	Memphis Broadcasting Co.	Memphis Commercial Appeal, Inc.	Memphis Commercial Appeal Co.	[5]	[5]	None	Mar. 16, 1937
WORK	York, Pa	B2-TC-104	York Broadcasting Co., Inc.	Mason Dixon Radio Group, Inc.	J. Hale Steinman and John F. Steinman.	[5]	[5]	None	July 6, 1937
WPAR	Parkersburg, W. Va	B2-TC-79	Ohio Valley Broadcasting Corporation.	Harold McWhorter, Marion McDowell, and Wayne Von Gilder.	The Exponent Co.	5,285.07	6 months	18,600.00	Feb. 6, 1937
WPEN	Philadelphia, Pa	B2-TC-72	William Penn Broadcasting Co.	Clarence H. Taubel	John Iraci	16,483.50	do	83,500.00	[3] Sept. 21, 1937
WRAX	do	B2-TC-73	WRAX Broadcasting Co.	do	do				Do. [3]
WSVA	Harrisonburg, Va	B2-TC-76	Shenandoah Valley Broadcasting Corporation.	Marion K. Gilliam	Floyd Williams	[5]	[5]	None	Dec. 15, 1936
WTMJ	Milwaukee, Wis	B1-TC-82	The Journal Co.	Estate of Lucius W. Nieman	The Journal Co. and Faye McBeath	[4]	[4]	[7]	Dec. 28, 1936

[1] Not furnished since no consideration involved; application was for transfer of legal title to stock, transferee being equitable owner of stock transferred.
[2] Not furnished since no consideration involved; an involuntary transfer of control.
[3] Action taken after formal hearing.
[4] Not furnished.
[5] Not furnished since no consideration involved.
[6] Deficit.
[7] The Journal Co., which is engaged in the newspaper business, has gross assets of over $5,000,000, of which radio assets are less than $50,000 (balance sheet, Journal Co., year 1935). This sale of 1,100 shares for $3,500 per share was approved by county court for Milwaukee County by order dated Dec. 18, 1936.

Again, in those new tables you will find what appears to be instance after instance of transfers for a consideration far in excess of replacement cost. In the hearings in this connection you will also find reference to a transfer in the form of a lease providing for—and I quote—"indefinite continuation."

Mr. Chairman, I call upon the Commission, as I did a year ago, to justify the policy reflected in these tables if it can do so.

Year after year the Communications Commission comes before the Committee on Appropriations of this House. Year after year it indicates that important questions of policy are under consideration. Year after year there have been discussed such matters as the proper policy in respect to experimental licenses, the proper policy in respect to newspaper ownership of radio stations, to which the gentleman from New York [Mr. SIROVICH] has just referred, the proper policy in respect to a charge in the form of license fee or otherwise which might fairly be imposed on the holders of Federal licenses, licenses obtained without the payment of a single cent, licenses enabling the holders to command an annual income amounting to well over $100,000,000. No progress appears to have been made in a solution of these and other important matters of policy by the Commission.

Under leave to extend I insert at this point and in this connection a few quotations from the hearings last month before your subcommittee:

FEDERAL COMMUNICATION COMMISSION—CRAVEN ANSWERS CONCERNING INVESTIGATION

Page 1233:

Mr. HOUSTON. How do you determine whether a station which makes an application is essential in a community?

Mr. CRAVEN. I think that we will have to decide on a more definite policy with respect to that determination. It is my expectation that the Commission will study this in a very short time, leading to a better policy than we have had heretofore with respect to broadcasting.

Mr. DIRKSEN. Do you still seek to maintain, shall I say, an equitable relationship between the various zones into which the country is divided?

Mr. CRAVEN. It is my feeling that the entire broadcasting situation in the country will have to be thoroughly studied from the standpoint of the distribution of facilities, and also with respect to the economic phases of broadcasting which have not been hitherto thoroughly understood, and I feel that the Commission in the course of time will undertake such a study and be ready to report to Congress the results of it.

Page 1254:

Mr. DIRKSEN. When an application is made for a license, what do you require of a prospective broadcasting station by way of a statement of the personnel and of the interested parties.

Mr. CRAVEN. I think that at the present time we have discovered that our application blanks are not as complete as they should be, and we are in the process of getting out some blanks so that we can get some more positive information at the beginning.

Page 1236:

Mr. HOUSTON. May I ask you about your examiner positions? Are they pretty well up on this work?

Mr. CRAVEN. I think that the Commission at this time is absolutely snowed under in contemplation of the development of new policies.

Page 1239:

Mr. WIGGLESWORTH. We are still making no charge for any licenses for frequencies that the Commission approves, are we?

Mr. CRAVEN. That is true, and I think that that is a very basic matter of policy which the Congress should study, if it wants to change it.

Page 1241:

Mr. WIGGLESWORTH. The Commission itself is not in a position to make any recommendation in the matter of possible contributions by the broadcasting industry to the Federal revenues for the licenses which it receives?

Mr. CRAVEN. I thought that we had been asked to make one. I do not know whether or not. But my personal opinion is that Congress needs to study that very carefully, in the light of a proper communications policy.

Page 1241:

Mr. WIGGLESWORTH. It was stated on the floor that either the National Broadcasting Co. or the Columbia, I forget which, had paid something like $8,000,000 of cash dividends on an original investment of something like $1,500,000. Do you know whether that is a fair statement or not?

Mr. CRAVEN. I would not think that that is a fair statement, but I do know this, that it is necessary for this Commission, if it is going to regulate radio in the future, to study the economics of broadcasting. I have just been informed that we have no information as to dividends paid by licensees.

Page 1244:

Mr. WIGGLESWORTH. Now, what is the policy of the Commission at the present time in considering transfers in respect to allowing anything for good will or going concern, or whatever you want to call it?

Mr. CRAVEN. There has been no public statement as to a change in policy. I myself am tremendously anxious to have the other members of the Commission consider the matter from a public standpoint.

Page 1252:

Mr. WIGGLESWORTH. In a letter addressed to me on June 10, 1937, Mr. Ring, assistant chief engineer, states: "The Commission has no rules prohibiting stations from making commercial use of the time or power which they may be granted by an experimental authorization. In several cases it has appeared to this department that the experiments proposed to be carried forward were not bona fide." He also said that instructions have been asked from the broadcasting division on drafting a rule governing commercial operation under experimental grants, but that the engineering department has never recommended such a rule.

Mr. CRAVEN. I cannot make any statement as far as the Commission as a whole is concerned, but I have in mind requesting the other members of the Commission to adopt an entirely new policy with respect to experimental licenses.

Mr. WIGGLESWORTH. Is there any justification for the power (500,000 watts) in that particular station to which you are undoubtedly referring, WLW?

Mr. CRAVEN. I think that we have learned a whole lot and will learn much more in respect to having a station with that power. I think that we may have learned enough from it to know what to do.

Mr. WOODRUM. And what not to do.

Mr. CRAVEN. And what not to do.

Mr. WIGGLESWORTH. The Commission has taken no action in that respect?

Mr. CRAVEN. No; it has not granted it permanently, but I have a feeling that there will be a time coming when the whole subject will come up before the Commission.

Page 1253:

Mr. WIGGLESWORTH. Have you any views on the desirability or undesirability of increasing newspaper ownership of frequencies?

Mr. CRAVEN. That is another question that I think is very basic and involves a constitutional question, and I think that Congress will be the ultimate factor in the determination of that.

Mr. WIGGLESWORTH. It (the Commission) is not in a position to make any recommendation?

Mr. CRAVEN. Not at this time, but I think that we may have some data later on in that matter.

In passing, Mr. Chairman, I may mention the matter of program complaints, because it appears from the record that no less than 1,140 separate communications concerning complaints against the program service of radio stations have been received by the Commission since January 1, 1937. It is stated that a large number of individual complaints in all forms have been received by the Commission concerning the programs of broadcasting stations of which no record has been kept. Just what action has been taken does not appear. It is stated, however, that no licenses have been revoked and no renewal applications have been refused as a result of any of these complaints.

I call the attention of the Members of the House to the matter of charges against certain attorneys practicing before the Federal Communications Commission. The Commission recently found that the conduct of one attorney in preparing or causing to be prepared and causing to be sworn to and filed the applications of so-called dummy corporations, and his subsequent conduct relating thereto deceived and misled the Commission in its consideration of the applications. That attorney was suspended from practicing before the Commission for a period of 2 months, the Christmas holidays included. It is understood that the Commission found that another attorney in the same proceedings had been guilty of tampering with official records of the Commission by the interpolation of certain signed and notarized depositions into the files of the Commission. That attorney was reprimanded, the employee collaborating being transferred to another position in the Commission.

In answering the charges made in this connection it appears that one of the attorneys alleged that all acts and conduct, and I quote, "were in conformity with a prevalent and sanctioned practice before the Commission." The

record indicates that no investigation has been made by the Commission in the light of this assertion. It indicates further that no mention of the matter was made to the bar of the District of Columbia. It is understood that the reprimand referred to was withheld from publication entirely for a considerable time by decision of the Commission. It seems to me, Mr. Chairman, that action of this character on the part of the Commission is hardy calculated to allay the criticism to which it has been subject in recent years.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. CULKIN. People interested in this question were much encouraged, I think, by the transfer of Mr. McNinch from the Power Commission to the Communications Commission. Can the gentleman tell us whether or not his service there has been effective?

Mr. WIGGLESWORTH. I may say to the gentleman from New York that I have known Mr. McNinch for a number of years as Chairman of the Federal Power Commission. I have a high regard for his ability. I think that if he has been able to accomplish results they are not apparent in the testimony given on behalf of the Commission before the subcommittee in charge of the bill. It is fair to say, however, that he has not held his present position very long.

Mr. CULKIN. Just one further question, if the gentleman will permit. Has an investigation of the Commission been ordered by the Senate? I remember that Senator WHITE introduced some such resolution.

Mr. WIGGLESWORTH. Senator WHITE introduced a very comprehensive resolution looking to an investigation of the entire radio broadcasting field and its major problems. It was reported favorably by the Senate Committee on Interstate Commerce, I believe. What action is likely at this time under that resolution, in view of the fact that its author has been drafted for foreign service at the international conference on radio in Cairo next month, I am not in position to state.

The CHAIRMAN. The Chair notifies the gentleman from Massachusetts that he has consumed 15 minutes.

Mr. WIGGLESWORTH. I yield myself 5 additional minutes, Mr. Chairman.

Before concluding these observations I want to call particular attention to section 4 (b) of the Federal Communications Act of 1937, which provides that—

> No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this act, nor own stock, bonds, or other securities of any corporation subject to any of the provisions of this act. Such Commissioners shall not engage in any other business, vocation, or employment.

The section provides, in substance, that no member of the Commission or person in its employ shall be financially interested in any way in any company subject to the provisions of the Federal Communications Act. I submit, Mr. Chairman, that the testimony embodied in the hearings before your subcommittee and papers furnished in this connection indicate clearly that one of the present members of the Federal Communications Commission has failed in the past to comply with the clear intent, if not the actual letter, of that section of the act. The record indicates that when he assumed a high position in the employ of the Commission in 1935 he owned stock in several radio stations subject to the jurisdiction of the Commission, in one of which he had served as an executive. It further indicates that during a period of about a year and a half, while he was in the employ of the Commission, he received payments from these broadcasting stations amounting to about $25,000, the last payment being received on July 26, 1937, about a month before he was promoted to be a member of the Commission itself. The payments received represented the purchase price of the stock referred to, which was allegedly reassigned to the companies at the time he entered the employ of the Commission. They were made to one who had acted as his attorney, to whom his rights under contracts of repayment had been assigned. The attorney, it is understood, received the payments under a declaration of trust in his favor. The payments in large measure were made in cash and were placed in a tin deposit box.

The member in question takes the position that he did all he could to divest himself of his interest in the companies, and that he disqualified himself in respect to matters in which those companies were interested.

It appears to be a fact, however, that the payments were received in the manner and at the time indicated. It is also a fact that an official report by one of the Commission's examiners, now stated to have been in error, indicates that a part of the stock said to have been reassigned to the companies was in fact outstanding as late as June 8, 1937. It appears further to be the fact, Mr. Chairman, that applications for increase in power and for transfer of control of the broadcasting stations in question were under negotiation or before the Commission during a large part of the period referred to, that a hearing on these applications was held in May of 1937, and that a decision favorable to the companies was reached by the Commission in September 1937.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. I yield very briefly.

Mr. SIROVICH. Does the gentleman believe that the present radio monopoly about which he is talking has a vested right or a vested interest in the air today, although we license them for only 6 months?

Mr. WIGGLESWORTH. I do not think they are entitled to anything in the nature of a vested right. I am bound to confess, however, that under present practice there appear to be instances which come very near to what might be described as a vested right.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. Briefly.

Mr. REES of Kansas. The gentleman has made some rather strong statements as to apparent violations of the law. What, if anything, are we going to do here and now, in the way of resolutions or otherwise, to cure this situation? What should we do about it?

Mr. WIGGLESWORTH. There is a resolution pending before the Rules Committee, introduced by our beloved colleague, the late Congressman from Massachusetts, Mr. Connery, that has been pending for a very considerable period of time. I have not abandoned hope that the Rules Committee will see fit to report that resolution of investigation.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. McFARLANE. I desire to compliment the gentleman for the splendid work that he is doing on this matter and for his fine presentation of the facts in regard to the matters that he has just discussed. I am in hearty accord with him. I know from investigations that I have made of this subject that he is eminently correct in his statements, and it is just that much more reason why the Rules Committee should speedily report out the resolution of investigation. As the gentleman knows, I have a resolution pending to investigate this deplorable situation; in fact, the confirming authorities had the information that the gentleman has given in substance before this gentleman was appointed to the Federal Communications Commission.

Mr. WIGGLESWORTH. I thank the gentleman. I may say that at the time of the appointment in question, as the gentleman will recall, I introduced in the House a resolution designed among other things to ascertain information which now appears to be available.

Mr. McFARLANE. That is correct. It is unfortunate complete information was not made available at the time.

Mr. WIGGLESWORTH. Mr. Chairman, I may say in conclusion that the Members will find the particular testi-

mony bearing on this question at pages 1259 to 1264, and more particularly at pages 1266 to 1273 of the hearings on the bill under consideration. The matter, in my judgment, affords further and striking evidence of laxity in the administration of the Federal Communications Act.

As I understand it, there has been no real investigation or study in this field for some 10 or 12 years. If we are going to have proper regulation and efficient regulation in this tremendously important field in American life, it seems to me that a thoroughgoing investigation of the entire subject is imperative.

Mr. FITZPATRICK. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I desire to make a brief comment on the remarks of the gentleman from Massachusetts relative to the Communications Commission. I think everyone knows that for some time there has been a situation in the Communications Commission that called for a very close study, or perhaps investigation, or analysis—I like that word a little better than "investigation" when you are dealing with matters of this kind. The President, recognizing this fact, named as Chairman of the Commission a gentleman that I think every Member of the Congress who has come in contact with him holds in high esteem and perfect confidence—Mr. McNinch, formerly Chairman of the Federal Power Commission.

I believe it is only fair to give Mr. McNinch the opportunity to do the job that the President turned over to him, and I hope the Congress will permit that. I do not mean any whitewashing proposition or to put it to sleep, but the opportunity should be given him to clean up the Federal Communications Commission, if it needs to be cleaned up, and to correct these abuses that have been called to our attention.

With particular reference to the appointment of Commander Craven to the Communications Commission, may I say I do not know Commander Craven so very well personally. I knew him as a consulting radio engineer in Washington in the days of the old Radio Commission, and I think he is perhaps one of the outstanding authorities not only in America but in the world on the communication-by-air proposition. At the recent meeting of the South American countries seeking ways and means to settle our differences with those countries in the broadcasting field Commander Craven took the lead and will shortly be able to present to Congress and to the administration a suggested program that will relieve our difficulties.

The particular matters to which my friend from Massachusetts alludes have been thoroughly gone into. When Commander Craven was nominated as a member of the Federal Communications Commission these particular and specific instances to which the gentleman refers were gone into by a senatorial committee which investigated his nomination. The distinguished Senator from Maine, a minority member, and a man who is himself an authority on the subject, having served so long in the House on the Merchant Marine and Radio Committee, has taken an especial interest in this matter over there. He was a member of the senatorial committee that went into these matters very carefully. That committee examined Commander Craven at length; it examined his papers and his record; and you will find in the CONGRESSIONAL RECORD of August 1937 the debate on the floor of the Senate in which these very matters were brought out, discussed, and thoroughly considered before the Senate proceeded to formally confirm Commander Craven as a member of the Communications Commission.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Is it not also true that Commander Craven testified before our committee that he was receiving more than three times the salary in private employment that he now receives?

Mr. WOODRUM. I do not think there is any doubt about that.

I may say that in the new field of radio when you undertake to draw to the Government service men of such wide, comprehensive, and technical knowledge and experience, you cannot pull them out of the air. You cannot bring into the Government service a man who has had that vast experience unless, before coming to the Government service, he has had private business contacts. That is the only way in which the Government would have the opportunity to secure a man of that knowledge and experience. I know Commander Craven very pleasantly, and I believe he is a man of considerable attainments. It seems to me it is a little bit unfair, and I know my friend from Massachusetts is the last man in the world to be unfair, and it is unfortunate, after these matters have been brought up and considered many times, to continue to bring them up.

I suggest that the Members of the House who may be interested turn to the hearings held on the independent offices appropriation bill, page 1274, and before and after wherein they will find that Commander Craven was questioned at great length and in detail, and I would also suggest that the Members read the debate in the Senate August 21, 1937, at pages 12299–12303.

Mr. SIROVICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. SIROVICH. Does the chairman of the Subcommittee on Appropriations having to do with the independent offices appropriation bill believe it is to the best welfare of the Nation for one group to own 5, 10, 15, or 20 radio stations, and was that our intention when we passed the Davis amendment in 1927?

Mr. WOODRUM. We are dealing at this time with the question of adequacy of appropriations to do the job that is carried in the organic act. When we come to the question of broad national policy that is another matter.

Mr. SIROVICH. I would like the gentleman's viewpoint.

Mr. WOODRUM. I do not have a viewpoint to give the gentleman, because it is a wide question and I would not know how to answer it now. It is tied up with many "ifs" and "ands." As the distinguished gentleman from Missouri reminds me, that is a legislative matter. I do not wish to sidestep the gentleman's question.

Mr. SIROVICH. In other words, we cannot legislate in an appropriation bill?

Mr. WOODRUM. Sometimes we cannot—not unless we want to.

Mr. MEAD. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. MEAD. I think we are all in sympathy with the objective outlined by the gentleman from Massachusetts, but we are also in agreement with the suggestion of the chairman of the Subcommittee on Appropriations. This man who was recently appointed, and in whom we have explicit faith, will do a good job if we allow him the opportunity.

Mr. WOODRUM. I think so. I think the gentleman in question is fully qualified.

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, we have heard considerable discussion today about economy, and we will no doubt hear more about economy before this session is over. May I say at the outset that the distinguished chairman of our subcommittee, the gentleman from Virginia [Mr. WOODRUM], is a consistent and sincere advocate and supporter of economy. In most part I have followed the distinguished gentleman from Virginia. I desire sincerely to compliment the gentleman from Virginia on the fight he has made for economy, not only in this bill but for years past. To be perfectly frank about it, as a member of the independent offices subcommittee I went far beyond the gentleman from Virginia in suggesting further economies in government. I made several motions to cut further the appropriations in the pending independent offices bill below the Budget estimates. Although generally I have agreed with

and have followed the gentleman from Virginia, I find myself unable to do so in all instances. I know some will criticize this bill, and frankly I feel that it is open to criticism in some respects. The bill calls for the appropriation of a tremendous amount of money. However, as has been and will further be brought out as this discussion continues, a number of new activities have been brought under the independent offices bill.

I am going to direct my remarks to one item which will not be in keeping with the ideas of economy of my distinguished friend, the gentleman from Virginia. It is popular at this time to discuss and advocate economy and apply it to anything that you want to get rid of. I realize full well that it is unpopular to suggest raising the Budget estimate right now unless you want to build a battleship or two. So at the risk of being called a Treasury raider I want to discuss for a few minutes the alarming situation with reference to the Civilian Conservation Corps.

If you will turn to the report and to the bill, you will find the pending bill proposes to cut the appropriation next year for the Civilian Conservation Corps 35 percent. Although other departments of the Government are actually increased, the C. C. C. camps are cut more than $124,000,000 under the appropriation of last year. I am not one of those who feel some economies cannot be effected in the Civilian Conservation Corps. I was perfectly willing and suggested in the committee that the Civilian Conservation Corps take its pro rata cut along with the other departments of the Government. That seemed to be a fair proposal.

It was brought out at the hearings that at the present time, for example, captains are being used to a large extent as camp commanders, and that by using first lieutenants or second lieutenants in such positions perhaps two or three million dollars could be saved. While it is generally conceded an inexperienced lieutenant cannot possibly render the same type of service in handling these boys as an experienced officer, I was perfectly willing to go along with this proposed economy in order to do my part in helping to save every dollar possible.

Several other suggestions were made, and I agree such economies should be made. Probably in most instances the efficiency of the Civilian Conservation Corps would be impaired thereby, but in the fight for economy I was willing to go along with the suggestions. However, I cannot and will not go along with an attempt at one fell swoop to gut this bill and start on a planned program of eliminating the Civilian Conservation Corps. I warn you now that this bill, if permitted to go unchallenged with such an unreasonable cut, will mark the beginning of the end of the C. C. C. camps and the great worth-while program of the civilian conservation camps in the United States.

Mr. MASON. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Oklahoma. I am pleased to yield to the gentleman from Illinois.

Mr. MASON. Is not this cut of $124,000,000 in the C. C. C. appropriation the outstanding cut in the independent offices bill?

Mr. JOHNSON of Oklahoma. Oh, yes; it is not only the outstanding cut but substantially all of it.

Mr. MASON. Will the gentleman agree with me that the C. C. C. is the one activity of the Government that receives approbation from the people of the country on all sides, yet it is the one selected for this drastic cut?

Mr. JOHNSON of Oklahoma. The gentleman has expressed it much more aptly than I possibly could, and has stated what I was trying to say, that the C. C. C. camps have been selected or ferreted out to take the bulk of the cut, while other activities much less important are to receive little, if any, reductions, and while some are actually increased.

The C. C. C. camps, one activity of the New Deal the people approve in all sections, are being kicked out bag and baggage, with more than a 30-percent cut in this bill.

It has been said that 300 additional camps are to be eliminated by July 1. When Mr. Fechner, who has done a mighty good job, appeared before our committee he was a good soldier and said what he was expected to say, in most part. And yet, he did not hesitate to tell the committee that none of the 300 camps could finish their projects by next July. The fact is that the slashing of 600 camps within the past few months has all but demoralized the entire C. C. C. program. If this appropriation is allowed to stand it will complete the job of demoralizing the camps and that great program, and I again make the statement it marks the beginning of the end of the C. C. C. camps in the United States. Without quoting anyone connected with the C. C. C. camps, the committee got sufficient off-the-record evidence to justify every statement I make here today.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I thought I would get a rise out of the gentleman.

Mr. WOODRUM. The gentleman is introducing a lot of illegal evidence here. He is trying to prejudice my jury against me by introducing illegal evidence.

Mr. JOHNSON of Oklahoma. Whether the gentleman calls it illegal or not, the gentleman heard the evidence and was so impressed with it that the gentleman from Virginia suggested a compromise.

Mr. WOODRUM. Does not the gentleman believe we are bound by what appears in the printed hearings, not by what some bureau official may tell a Member of Congress?

Mr. JOHNSON of Oklahoma. I am perfectly willing to stand by the record. I can read into this record sufficient evidence to show that, if this bill is allowed to stand as it is, it will absolutely demoralize the C. C. C. camps. It would reduce the amount allowed for the meals of C. C. C. boys more than a million dollars next year. This is outrageous. Some of the departments were able to get millions of dollars of increased appropriations in order to give more jobs to more people, yet in the name of economy you propose to reduce substantially the meals given the C. C. C. boys.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Did not Major Fechner also testify the ration for the C. C. C. camps will still be 1 cent per day above the Army rations?

Mr. JOHNSON of Oklahoma. Yes; but he also pointed out that the C. C. C. boys are young and vigorous, and they are working. They eat more than the Army boys do. Also, the camps are in isolated districts and trucks must be used to transport the supplies. The cost is considerably more, so I am advised, than 1 cent above the cost of the Army rations, because this food must be taken 20, 30, or 50 miles out into the country. You propose, sir, in the name of economy, to take this saving out of what the boys eat. It is not only false economy but unreasonable and a bad precedent. I cannot believe the Congress will stand for it.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. The gentleman has been making a very interesting statement, and I agree with him to a large extent.

Mr. JOHNSON of Oklahoma. I thank the gentleman.

Mr. THOMAS of New Jersey. In going over this report I find most of the items show an increase over the last bill.

Mr. JOHNSON of Oklahoma. The gentleman is correct.

Mr. THOMAS of New Jersey. I notice if it had not been for the deduction from the C. C. C. appropriation the bill would probably show an increase of somewhere around $80,000,000.

If we took 10 percent off of every one of the items in the bill and only took 10 percent off of the C. C. C. appropriation, we still would have a larger reduction than we have at the present time in taking $124,000,000 off of the C. C. C. items.

Mr. JOHNSON of Oklahoma. The gentleman is correct. I suggest at the outset that I would not object to the C. C. C. taking its pro rata cut. But to cut the Civilian Conservation

Corps 30 to 35 percent and actually increase other governmental activities is to my mind not only unfair but absurd. I stand ready to reduce all governmental department functions and set-ups 10 percent or more. Economies can and must be effected in every department of government. We have too many overlapping bureaus of government; we have been hoping and praying for a reorganization bill that would correct a very embarrassing situation. The members of the committee know that for years and years the suggestion of having experts to go into the various departments to make investigations and suggest economies has been discussed. But that is as far as we seem to get. As one who has made considerable study of government, its many departments, and functions, I say to this body deliberately that, if each subcommittee of the Appropriations Committee were given an expert to go into each one of the departments and make proper investigations, Congress could undoubtedly save millions of dollars annually and improve the efficiency of government. But this is a mere gesture. It will not solve or even attempt to solve the problem with which we are faced. We cannot balance the Federal Budget by turning needy boys out of 300 Civilian Conservation camps.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Oregon.

Mr. PIERCE. Was it brought out fully to those who recommended this cut that five-sixths of this money goes back for relief?

Mr. JOHNSON of Oklahoma. Oh, yes; the committee had that information. I am pleased that the gentleman has raised that point. So that there will be no misunderstanding, your vote in this instance is a vote to throw these deserving but needy young men out of these camps and back on relief. When 50,000, 60,000, or perhaps 75,000 boys are turned out of these camps, where they are permitted to earn an honest living and learn something worth while, do not think for a minute that they will not resent it. They will watch your vote on this, as well as appropriations later, for battleships and other useless expenditures. Their parents, friends, and relatives will call for an explanation. Each enrollee, as you know, sends $25 a month home, and this keeps some family off of relief. These families will be back on relief and these boys will be riding on top of box cars and hitchhiking over the country looking for jobs they cannot find, as they were in those dark days of 1930, 1931, 1932, and 1933. So do not labor under the delusion that any great saving is actually to be made. These fine young men will eat someway, somehow. Crime will increase and so will the relief rolls. Let us not deceive ourselves.

Again, there is a growing demand on the part of the needy youth of America for work in the C. C. C. camps. A representative of the Labor Department appeared before our committee and told us that last September there were more than 30,000 boys in need who applied for places in these camps who were denied places because this Congress foolishly agreed to abandon several hundred camps. These 30,000 boys all qualified in every particular. Their "budgets" needed to be balanced. Every one of them was either on relief or on the border line. Some of them were too proud to go on relief. Thirty thousand applications, remember, were received that could not be taken care of, and these boys are wandering around now looking for jobs they cannot find.

The Labor Department also told us that at that time there were more than 135,000 boys between the ages of 17 and 23 who had applied for these places, and by January 1 it was estimated the number would be at least 140,000.

I saw in the paper this week that over in Boston the boys fought for an opportunity to apply for these places in the Civilian Conservation Corps, but were turned away.

I take the position that as long as there are needy young men who want to go to these camps, and as long as work is urgently needed to be done, these camps should not be ruthlessly abandoned right in the midst of a project in the name of some catchword like economy. I repeat that such a policy is false economy. [Applause.]

The gentleman from Virginia has quoted the record. I would like for you gentlemen to read the record. You will find that of the 300 camps and more that you are going to abandon, every one of them will be in the midst of a project. The record will bear out the statement that not one of them can finish its project by July next. We have $25,000 invested just in the setting up of each one of these camps. The camps run from 6 months to a year and a half and before the project is finished, like a clap of thunder from a clear sky, it is abandoned. There are instances where the sudden order to abandon the camp has left a dam half finished or several ponds of water that have been drained but could not be finished because, in the name of economy, we are told this whole program must be gradually strangled to death at the expense of human suffering.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the distinguished gentleman from New York.

Mr. SIROVICH. How much money will be saved for the Government of the United States on this economy bill at the expense of human misery of these boys the gentleman is talking about?

Mr. JOHNSON of Oklahoma. I will say to the gentleman that there will not be anything saved. It will have to be spent somewhere else.

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. STEFAN. Mr. Chairman, will the gentleman yield to me?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Nebraska.

Mr. STEFAN. On the question of how much will be saved, this $125,000,000 Congress is taking away from the C. C. C., plus the $220,000,000 from roads, will be applied to the big Navy fund of $600,000,000.

Mr. JOHNSON of Oklahoma. The gentleman has hit the nail on the head. That is the milk in the coconut. What is proposed to be done with this money? Let us talk frankly and straight from the shoulder and tell the truth about it. Why all this sudden desire to abandon the C. C. C. camps in the name of economy? Very soon we will be called upon to build at least two additional battleships. The last two the last Congress authorized will, if and when finished, 4 or 5 years hence, cost $60,000,000 each. One hundred and twenty-four million dollars will build two such battleships. Have we the unmitigated gall to say that in order to build battleships that all of us know are never used in actual warfare it is necessary to turn 75,000 boys out of the C. C. C. camps? Is that the program? Let us be plain and frank about the matter. I do not hesitate to say that in my judgment that is what is in the making. That is what it is proposed. I am in favor of taking care of the C. C. C. boys, balancing their budget, and I venture the suggestion that so long as we maintain the morale of the youth of America that no Nation is going to start trouble with the United States. The only thing we have to worry about is troubles within our own borders. [Applause.]

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. RANDOLPH. I have followed the gentleman's argument with interest. I believe as the gentleman believes. Aside from this matter of defense and the building of these two battleships, at a cost of $60,000,000 each, will the gentleman tell us in his opinion whether he believes in national defense or is against it, and whether it is a waste of money to spend such sums on battleships? Would it not rather be spent in the air?

Mr. JOHNSON of Oklahoma. I thank the gentleman for his contribution. I am a strong believer in reasonable national defense. I am not a believer in warfare except for defense. I do not favor our meddling in or even patroling foreign waters where we have no business. Let Americans who invest money in foreign countries do so at their own risk. Those briefly are my ideas. Now about battleships;

there is no use of our kidding ourselves or the country. Every informed person knows that battleships are obsolete, that they are built for show and bluff, that they are vulnerable, slow, and easy to hit, that it takes 5 years to build one of them, and then it is out of date and many times useless. Then within a few years it is abandoned or they take it out into the middle of the ocean and it is sunk in the name of peace. A few weeks ago I went down to Old Point Comfort, Va., and I saw an airplane carrier there with 110 bombers on it. I went all over it and through it, and I was told by a responsible authority that one airplane carrier, which carries 110 to 120 great bombers, could destroy the United States Navy in 24 hours if they could get it together or anywhere nearly together, and that they could fly to Washington and destroy the city in less time than it takes to tell it. I would favor additional airplane carriers, additional bombers, and additional coast defense, and additional air bases if necessary. I favor small, fast cruisers if they are needed for national defense, but it is absolutely foolish, silly, absurd, and sending bad money after worse to take $120,000,000 from the C. C. C. boys to build two clumsy battleships. Now, think that over and answer that tomorrow, Mr. Chairman.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. LUCAS. Am I correct in understanding that under this program some 300 camps will be abandoned?

Mr. JOHNSON of Oklahoma. There will, in fact, be considerably more than 300 camps abandoned if this program is carried out.

Mr. LUCAS. How many camps are there in the country?

Mr. JOHNSON of Oklahoma. At this time there is supposed to be left about 1,500 camps. Up until a few days ago there were 1,604 camps.

Mr. LUCAS. Where is the authority centered by virtue of which these camps are to be abandoned? Is that discretionary?

Mr. JOHNSON of Oklahoma. The Director of the Civilian Conservation Corps has such authority. It is discretionary with the Director, but he will, of course, depend on each sponsoring agency for his information. For instance, he would ask the Soil Conservation Service what camps could be abandoned with the least injury to the Service, and also the same from the Park Service, and so on.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. FITZPATRICK. Mr. Chairman, I yield the gentleman 3 minutes more.

Mr. LUCAS. In other words, if this program should go through and there are camps to be abandoned, the hearings show that those camps will be abandoned where they are least necessary throughout the country.

Mr. JOHNSON of Oklahoma. Yes; that is true. It is a sad fact, however, that our committee was very definitely advised that not a single one of these 300 camps would have finished its project by next July.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. MASSINGALE. From the gentleman's knowledge of the soil-conservation camp enrollees, is it not a fact that these enrollees come largely from those portions of the United States where the drought has wrought such havoc and the boys in those regions are forced to take these places because they cannot find employment in other portions of the country?

Mr. JOHNSON of Oklahoma. I would say generally that that is true; but, on the other hand, I was out in Nevada and my good friend Governor SCRUGHAM took me to Boulder Dam, and to the upper reaches there, and we visited a couple of C. C. C. camps where they were doing wonderful work. I went into one camp and found boys there from the heart of New York City. Other camps I visited had boys from Ohio. I recall that one camp out West had a goodly number of Hungarian boys. I talked to a number of those boys, and found that some were absolutely hungry before they got into the Civilian Conservation Corps; and, by the way, I was back in New York City during the last campaign as chairman of the speakers' bureau of the congressional campaign committee, and I went out one night in one of those communities and met the mother of one of those boys I met in Nevada, and she stood up there and, with tears in her eyes, said, "Mr. Congressman, when you see the President, tell him I don't know anything about the Republican Party or the Democratic Party or the tariff or many of the things that you have been talking about, but I do know something about these C. C. C. camps. My boy was without a job and I was hungry and did not have a job and I could not pay my rent. They were about to foreclose on what little property I had, and my boy had threatened to go out and steal, and said, 'Mother, if I wake up in jail, you will know that I was trying to get you something to eat.'" Then she added, "Last week my boy came back to me. They had made a stonemason out of him."

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield me 2 minutes to complete my story?

Mr. WOODRUM. I yield him 2 additional minutes.

Mr. JOHNSON of Oklahoma. That old lady told me that her son had secured a good job in New York City, that he was getting 80 and 90 cents an hour. She said: "The C. C. C. camps have made a real man out of my boy." Let me tell you gentlemen I have visited more than 100 C. C. C. camps in the United States; I have talked to these boys; I know how they feel about it; I know in how many cases it has meant the difference between their making a failure and getting a new lease on life. The good work these camps have done for more than 2,000,000 young men who have been enrolled in them cannot be measured in dollars and cents.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MASSINGALE. Has it not been the gentleman's observation that in our section of the country honest families who want to escape the dole and relief have really gotten more benefit out of the conservation service and the money that comes through their boys in that service than from probably all other relief agencies put together?

Mr. JOHNSON of Oklahoma. That is undoubtedly true; and since the gentleman has mentioned the dole, I am going to make a prophecy—and you gentlemen know how extremely interested I have been in the C. C. C. camps, how hard I have fought in the past to save them; how I have been to the White House with committees when the proposal was made to cut the number of C. C. C. camps—I make the prediction that if these 300 C. C. C. camps are abandoned that next year we will be called upon to abandon several hundred additional camps. I further predict that in their places we will have so-called transient camps, which might be called "flop houses." Of course, they can be operated more cheaply. The trained personnel will, of course, be kicked out. The educational program which has meant so much to the enrollees will likewise be abandoned, and a program that has been the pride of this administration will go down as a dismal failure. Then when the final story is written I am wondering if it will be any consolation to those who may be responsible, to say that it all happened in the name of economy. [Applause.]

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I am taking this time to make a few observations on some legislation pending before the House. I was informed today that my distinguished colleague from New York [Mr. SIROVICH] has introduced a resolution asking the Congress and the President to protest the racial persecution of minorities in Rumania. This resolution, I assume, will be sent to the Committee on Foreign Affairs, where it ought to have immediate consideration. There are in Rumania 1,500,000 Jewish people who constitute a minority race. There are likewise large numbers of Hungarians and Catholics who are also minorities. We

are familiar with the situation in Germany, where the Jewish people were outlawed and declassed; but in Germany there were only 600,000 Jews to a population of 60,000,000 or more Germans; whereas in Rumania there are only 19,000,000 people, and of these 1,500,000 are Jews. If this Rumanian outrageous and intolerant program goes through, it will mean that 8 percent of the population will be outlawed, will be declassed, will have no rights. Their property will be confiscated and they will be practically driven out of the country. In view of this tragic fact, which is possibly the most inhuman governmental act that has occurred in our day and generation—it is an example of man's inhumanity to man at its worst—we should seriously consider this resolution, and after deciding upon its merits take action upon it.

I see no reason at all, in the light of what has occurred, why the United States Government, standing as it does for fair and civilized treatment of human beings, regardless of race, color, or creed, throughout the world, and in accordance with numerous past precedents, should not act favorably upon the resolution. I hope the Congress will ask the President to protest to the Rumanian Government in the interest of humanity, justice, peace, and friendly relations between nations and urge that the civic and economic rights of their citizens of Jewish origin be protected and that racial and religious persecution be stopped.

Mr. SIROVICH. Will my distinguished colleague from New York yield for a question?

Mr. FISH. I yield.

Mr. SIROVICH. Permit me to congratulate the distinguished son of illustrious forebears who have served humanity loyally and faithfully, not only in our country, but throughout the civilized world. In the resolution which I have introduced in the House today calling upon Franklin Delano Roosevelt to intercede in the name of humanity against the shameful treatment accorded by the Rumanian Government to its religious and racial minorities, and, failing to receive adequate satisfaction, to bring about the severence of diplomatic relations between the Government of the United States and the Kingdom of Rumania, it might interest my colleague to know that on July 22, 1872, your distinguished grandfather, Hamilton Fish, who had been a Member of Congress of the United States from 1844 to 1846, Governor of the State of New York from 1849 to 1851, United States Senator representing the Empire State from 1851 to 1857, and Secretary of State under President Grant from 1869 to 1876, dispatched upon a similar occasion of violent religious persecution in Rumania, an official communication to all American diplomatic representatives stationed in Europe and stated:

> Although * * * as a rule we scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter (Rumania), the grievance adverted to is so enormous as to impart to it as it were a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

Since the time that your distinguished and eminent grandfather promulgated this doctrine of aid, comfort, and assistance to all unjust persecutions of minorities in any lands they may occur, it has been the established practice followed by the State Department and the Presidents of the United States. I congratulate the distinguished Member of Congress from the State of New York for following in the footsteps of his father who also served in Congress as well as the magnificent contribution of his grandfather, one of the most eminent Americans of our history, upon the altar of humanity. [Applause.]

Mr. FISH. A good deal has been said lately by administration authorities that they were considering bringing in a new wage and hour bill. I do not believe that there is any chance in this House to pass a wage and hour bill that sets up a commission or a board, whether it is composed of five members or of one member. The principle is the same, and there is no more difference than between tweedledee and tweedledum. Any board would mean more bureaucracy, more administrative agents, more Executive edicts, more regimentation; and, speaking I think for an overwhelming majority on this side, we are fundamentally opposed to that type of legislation. Speaking, however, for myself, and I believe at least for one-third of the Republicans, if not for a majority, we would welcome legislation based on the bill introduced in the name of the American Federation of Labor, which by legislation establishes minimum wages and maximum hours throughout the Nation in order to prevent the exploitation of men, women, and children under sweatshop hours and sweatshop wages. If you Members on the Democratic side are serious and sincere, I believe that this type of legislation could be adopted at this session of Congress without much difficulty; but it must be uniform and it must be by law and not by increased bureaucracy.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RAMSPECK. Does the gentleman believe that Congress can impose a wage upon an employer without regard to the value of the services rendered?

Mr. FISH. I believe such legislation can be written on a constitutional basis, and I do not believe it was disputed much in the House when the Green bill was under consideration providing a minimum uniform wage of $16 by law. Does the gentleman think that a minimum wage of $16 per week is too high to adopt throughout the length and breadth of the land?

Mr. RAMSPECK. No.

Mr. FISH. I may say to the gentlemen from the South on the Democratic side of the House, if you think you are alone on the proposition that your people are not receiving wages as high as $16 a week, you are mistaken. I have factories and sweatshops in my district that only pay $12. I know other districts in the North in which they pay only $6 a week. I want to do away with that kind of inhumanity to man and put an end to such intolerable conditions which affect adversely the health, the welfare, and the very lives of underpaid and underfed American citizens.

Mr. SIROVICH. Is that paid to women?

Mr. FISH. To men, women, and children. In New Jersey they pay even less.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. If the Congress has the power to delegate to some administrator or board the fixation of minimum wages, it undoubtedly has the constitutional and legal authority to fix minimum wages.

Mr. FISH. That is what I intended to say, if I did not do so. The point was not raised when that matter was brought up for consideration a month ago in the Congress. If we have the right to do one, we have the right to do the other. All I am trying to point out is if you are sincere and want action, it can be accomplished in this Congress, but it has to be done uniformly and by law. If such legislation is presented I can guarantee that at least one-third of the Republican votes will support it, if not a majority.

Mr. RAMSPECK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Georgia.

Mr. RAMSPECK. If the gentleman will look in the RECORD of December 14, 1937, page 1500, he will find therein the testimony of Mr. Robert Jackson on that particular question, in which he stated that he doubted very seriously whether we could pass a rigid minimum-wage law. There is no record, of course, of any such law ever having been passed in this country by a State. It all had to do with consideration by a board.

Mr. FISH. I may say to the gentleman I cannot agree today with the authority he suggests. Perhaps I would have a few weeks ago, but I have lost faith in Mr. Jackson since his recent remarks that wealth and capital were on a strike. If he had said that confidence had been locked out he might have been correct, but not that wealth and capital were on a strike or were trying to liquidate the New Deal, because they cannot liquidate the New Deal administration without liquidating themselves. When anyone makes a statement of that kind naturally you lose faith in him.

There is another piece of pending legislation I would like to make some observations on, and that is the Ludlow war referendum resolution.

During all the time I have been a Member of Congress I doubt if there has been any measure so viciously attacked and in such a misleading manner. What does the resolution propose? That is, after the amendments that Mr. LUDLOW and those who agree with him have been accepted. They propose to exclude the American Continent and attacks upon the high seas, two perfectly proper amendments. With those amendments what does the proposal of Mr. LUDLOW do? It merely gives the American people the right to vote on whether they want to keep out of foreign wars, nothing more or nothing less.

If you believe in our free institutions, if you believe in popular government and government by and with the consent of the people, is it not our duty to give the people the right themselves to say whether they want to keep out of foreign wars? Are we superior to them or are we their servants? For the life of me, I cannot see why there should be any opposition to this resolution. It will go back to the people to determine in convention or legislature in their own States whether they want this right or not. But why should we keep that right from those who will carry the muskets, from those who will pay the bills, and from the mothers and fathers of our country? Have they not more justification and more right to vote on that simple question whether they will go into a foreign war, join in alien blood feuds and ancient boundary disputes, whether they will police any other nation or whether they will quarantine any other nation. No one is more in favor of national defense than I am. This war referendum does not affect national defense. I am for a Navy second to none and will vote for it, but I believe in doing everything in my power to keep this country out of foreign wars. I know of no better way of accomplishing that than to give the people the right to vote upon the question themselves.

Mr. SIROVICH. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. SIROVICH. Will the distinguished gentleman state whether or not an attack by a foreign country on a South American country would be construed as an attack upon us?

Mr. FISH. I stated previously that Mr. LUDLOW and those who were backing the war referendum bill will offer an amendment to exclude the American Continent, which would include South America, Central America, and Canada; in other words, the entire continent. I think this amendment is necessary and wise for two reasons, first, because of the Monroe Doctrine, and second, because of the various treaties that have been entered into by this administration practically guaranteeing our support in case of foreign invasions.

Mr. SIROVICH. It would also exclude attacks on the high seas?

Mr. FISH. Yes. I made that definite statement a few minutes ago. I would not vote for the resolution without those provisions or if it jeopardized our national defense.

I believe the bill should be brought out on the floor. Those amendments will be offered, and then we can vote on the merits of the bill after a serious and, I hope, a fair and comprehensive debate.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. The gentleman's mention of the Ludlow amendment was the first I had heard about that particular feature. However, I read the gentleman's radio address in the CONGRESSIONAL RECORD in which he said he would propose an amendment to except from the referendum military or naval expeditions against the United States, which would wipe out the 3-mile limit, it seems to me, and make the world the limit in which we could get into a war. I am not saying I am opposed to that. It would appear to me the gentleman is proposing to offer an amendment to the Ludlow bill which would render it useless, even if the matter were submitted to the people.

Mr. FISH. That amendment has not been agreed to by the supporters of the bill, and I may not offer it. I may say that as far as the Ludlow resolution is concerned, I do not think it will stop war. However, I do believe it will be a deterrent and, if the people have this right which they ought to have, as they can use it themselves to keep out of unwarranted foreign wars. That is all I hope for. I do not want to interfere in any way with the national defense of our country.

Mr. COX. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Georgia.

Mr. COX. What would be the situation in case the Congress had referred the question of war to the people and the people had voted in the affirmative and, in the meantime, however, the situation had so changed that it might be handled through different channels? Would the obligation then be upon the Congress to proceed with the declaration of war?

Mr. FISH. Certainly not; if the war was settled in advance it would not make any difference after that. That to me is self-evident. You will find all kinds of arguments of that nature which seek to muddy the waters, but which actually mean nothing whatever. That is why I said in the beginning that there has been more misleading and unfair propaganda issued against the Ludlow resolution than any other measure in years. For that very reason it is only fair to vote to give the Congress the right to consider it and to provide a reasonable amount of debate so that both sides can be adequately presented.

This is a very important issue. It is nothing less or nothing more than, "Do you want to give the people the right to keep out of foreign wars?"

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I will yield briefly.

Mr. HARLAN. The big question before the House is whether or not we are to approve the Ludlow amendment. Is the gentleman in favor of this amendment?

Mr. FISH. I am for it, with amendments, and I want it brought out in the House. I cannot understand anybody trying to block its consideration. No one knows what form it will take until it is adopted by the House, when we vote on it on its merit. When a Member says we have no right to consider the resolution he is saying the American people have no right to consider it, but they ought to have this right if they want it, because we are nothing but the servants of the people back home.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield briefly?

Mr. FISH. Yes; I yield to the gentleman from Virginia.

Mr. WOODRUM. May I ask the gentleman a question, not to muddy the water, but because I really want the gentleman's answer. I know the gentleman has led a most commendable fight in the House and in the Nation against subversive foreign influences in this country. The gentleman has fought that fight valiantly and splendidly in this country. I ask the gentleman this question for information: Suppose the Ludlow resolution passes and the amendment is ratified by the States. It is now law. The question arises whether or not the American Government is going to engage in some foreign difficulty. What does the gentleman believe is going to happen in this country in the way of foreign influences being immediately set to work in every electorate and in every voting precinct in the country? Influence will be exerted and money will be spent in an attempt to influence the electorate of this country to take a stand for or against the proposition.

Mr. FISH. I will answer the gentleman's question. I am not afraid of that, because I believe in popular government. That is what happens every time we go into an election. The American people are accustomed to propaganda. What I am afraid of is foreign propaganda being used the way it was when we went into the World War, through the big bankers, the internationalists, and people who had commitments and financial interests in other nations and used their influence in the press which they controlled and in magazines, but more effectively in secret and in invisible ways. I am not afraid of propaganda if the entire electorate is going to vote on the question. We are all accustomed to

propaganda, especially those of us who go before the people in our congressional districts. Propaganda is always used against the gentleman from Virginia and against me when we are candidates for office, and it is part of our American system of popular government. I am much more afraid of the back-stair propaganda, of the kind of propaganda that is secret, that you cannot see. Invisible government is much more to be feared that works in the dark and on a few than open propaganda on the many. I have no fear whatever of any form of propaganda which is brought out in the open and can be openly met and answered by the American people on both sides of the issue.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. SIROVICH. One of the main contentions of those who are opposed to the Ludlow resolution, according to the letters I have received, is that if Congress and the 36 States of the Union approve this amendment a precedent will be established which will make it necessary for all major forms of legislation to be referred to the people for approval before becoming law. Does the gentleman believe such a contingency may arise in the future?

Mr. FISH. I am pleased the gentleman has raised that question. I will first answer the gentleman indirectly and then directly.

At the present time you hear of nothing but sneers from Mussolini and from Hitler that the American people are going to vote on the question of foreign wars. May I say to the Congress that if you want to set a world-wide example you can do it by approving the Ludlow amendment giving the people the right to vote on foreign wars. Once you set such an example the people of the other nations of the world will want the same right, whether they be in Italy, Germany, Soviet Russia, or any other country. You could not do anything better for world peace than approve the Ludlow amendment. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. SIROVICH. The gentleman has not answered my question with regard to the possible demand for a referendum on other major issues.

Mr. FISH. I believe the question of life and death, the question of whether American youth should sacrifice their lives for their country, is entirely different from whether we should have a farm bill or a tax bill. May I point out to the gentleman we are not elected upon a mandate as to war or peace. We do receive a mandate on farm legislation, on taxes, and so on, but there is no mandate from the people on the question of war. What objection can there be to going back to the people on this greatest of issues involving us in a foreign war, an issue which may mean the preservation of our own country and its institutions?

May I say further to the gentleman that if we adopt this amendment and keep out of foreign wars we will save our own free institutions and our republican form of government. Once we get into another foreign war and establish centralized regimentation—social, economic, and military—along the lines of fascism we may never return to our free institutions and popular government. That is something else to think about—in my opinion, a very important consideration.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I ask the gentleman if he believes an example of this kind as set by the American people would induce the peoples of other countries of the world to follow suit and begin to demand that they have some recognition when it comes to plunging their countries into foreign wars?

Mr. FISH. That is exactly what I believe, and I think that is exactly what I said.

Mr. RANKIN. I did not hear the gentleman, then.

Mr. FISH. I believe that would be the natural and logical result. If we give such a right to our people, the other people of the world will be demanding the same right, because they have far more fear of the horrors of war than we. I cannot conceive of any nation attacking the United States of America. I defy any Member of Congress to say any nation can land troops in America, or would even dare try it, as long as we have a strong navy.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I will yield briefly to the gentleman.

Mr. PIERCE. How far does the gentleman believe the citizens of Italy or Germany or even Russia would get in demanding such a right?

Mr. FISH. I do not believe they would get anywhere at the present time.

Mr. MASON. In demanding anything.

Mr. FISH. I do not believe they would get anywhere in demanding any popular rights at this time, but I submit that it will logically follow that if it works here they will be demanding such rights in the future. I agree with President Roosevelt, and I gladly agree with him, when he said the despotic forms of government, these autocracies and dictatorships of the Old World, will not last because they repudiate the rights of the people, and the time will come when they will follow our example and turn back to free institutions and to peace.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. FISH. I yield.

Mr. MARTIN of Colorado. I want to suggest that the gentleman should save what he has in that newspaper clipping for another speech, as it might anticlimax this one and spoil it.

Mr. FISH. I believe it will, with some of the Democrats, because I am going to quote a very well-known Democrat—Mr. John L. Lewis. [Laughter.]

Mr. SIROVICH. Who used to be a Republican.

Mr. FISH. Yes; but he has lost his wisdom and his cunning.

John L. Lewis declares that dangers threaten the Nation, and yet Congress does nothing about them. "Mills and plants • • • are closing down and turning men out," he told his steel workers' convention; "there are no adequate arrangements for relief and no prospects for other employment."

Mr. Lewis is strongly convinced that something must be done. He declares that no suggestions have been made except those from "the house of labor," and these are ignored.

And so on. I quote Mr. Lewis because, possibly, if I volunteered the same information it might be considered partisan.

Mr. SIROVICH. Or an anticlimax.

Mr. FISH. So I rise again, as I have done before in this Congress and in the special session, to ask, What does the administration propose in the way of a program of recovery? What plans has it to put back to work the 11,000,000 unemployed?

I listened with all the rest of the Congress to the President's speech the other day, a mild and conciliatory speech in comparison with some others we have heard recently, but nowhere in that speech does he mention the depression, the biggest issue in America today. Nowhere in that speech does he mention the 11,000,000 unemployed, and not mentioning the depression or the unemployed, naturally, he does not propose any program of recovery or suggest any plans to put the 11,000,000 Americans back to work.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SIROVICH. There is no depression—there is only a recession.

Mr. FISH. We have recently undergone a bombardment, a barrage of hatred and alibis. The administration, evidently, has entered into a conspiracy to unload this depression or repression upon some other group. First, it is the Congress, with a 4-to-1 majority, and that is laughed out of court. Then it is the press, and that does not go with the public.

Then it was the World War veterans, and that fell flat, and now they have succeeded in finding 60 men who are responsible for bringing about the depression and causing the unemployment of 11,000,000 people.

This concentration of wealth is given as the cause, and in the minute that is remaining I propose to answer that.

What are the facts? These 60 rich men, all having large fortunes, are squeezed dry with taxes, Federal taxes and State taxes. The Federal income tax on these big fortunes is 79 percent. In addition to this, there are State taxes all the way up to 15 percent in California. After that there are your real-estate taxes, your town and city taxes, your school taxes, your gasoline and sales taxes, and, finally, your dog taxes, and in some cases this represents 100-percent taxation.

Mr. SIROVICH. How about tax-exempt bonds?

Mr. FISH. This is the alibi that is being used to take the curse off the Roosevelt-made depression and to blame big business. It is even claimed that concentrated wealth endangers the country and has brought on this depression and has caused the unemployment of 11,000,000 men by going on a strike. It is not big business but the New Deal that has destroyed confidence, promoted class hatred, and spread fear and uncertainty throughout the Nation.

Mr. SIROVICH. The gentleman forgot to mention tax-exempt securities.

Mr. FISH. I will mention that in my next speech.

Mr. Jackson says there is a monopoly in the country. He does not specify where the monopoly is. He gave no bill of particulars. He could have said tax-exempt securities. This administration has issued $20,000,000,000 of tax-exempt securities. This is a monopoly in itself and creates a monopoly and permits the 60 rich families to avoid paying taxes. If you are going to talk monopolies, let us know where the monopolies are, and if there is not sufficient law, the Congress will provide such authority so that Mr. Jackson can perform his official duties and prosecute monopolies wherever they may exist.

All I say is this: Let us face the facts. Let the administration stop their stupid alibis and trying to place the blame for the Roosevelt depression on big business and instead try to restore confidence, revive employment, and put 11,000,000 Americans back to work. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. LAMNECK].

THE RESPONSIBILITY BELONGS TO CONGRESS

Mr. LAMNECK. Mr. Chairman, we are assembled in a session of Congress which I sincerely believe is to prove one of the most important ever convened in the history of the United States. What we do here not only will have a far-reaching influence on shaping the destiny of our Nation but also in deciding the fate of the world. For the world today looks to the United States for leadership in the wise solution of its domestic, political, and economic problems, as well as in furnishing guidance in international affairs. If we fail to solve our domestic problems, we shall at the same time fail to maintain our leadership internationally among the nations of the world. It is true, indeed, that the individual or the nation which cannot conduct an orderly household of its own likewise cannot point the way for larger groups.

Unquestionably responsibility for the solution of the problems confronting this Nation today reposes in the hands of Congress. For approximately 5 years Congress has yielded a leadership which rightfully belongs to it to other hands, and that leadership has failed in many major respects. I measure my words when I make this statement, and I make it with the deepest regret. I am a Democrat. I came to Congress determined, insofar as I could, to cooperate with the executive branch of the administration. I was hopeful, indeed, at the outset that the leadership which Congress and the country accepted would prove successful. As long as I could entertain a hope for this success I followed that leadership. But when the time came that I was convinced that this leadership was departing from the tried and true principles upon which our Government was founded and the application of which had made this country, despite all our present difficulties, the happiest and most prosperous in the world, then I ceased to go along. I still am a Democrat, but first of all I am an American citizen, devoted to the principles upon which this country was founded and has endured. As I see the light, I propose to adhere to these principles, for I believe that only through such adherence can the United States be saved for our people and the rest of the world.

Our principal problem today is to restore confidence in the commercial and industrial future of the United States. When that is done—and it can be done—money which is now gorging the banks and is being kept in hiding in other places because of the uncertainty of its holders of the soundness of investment in industrial enterprise in this, the richest country in the world, will start flowing back into the channels of trade. With that factories will start humming, building will be resumed on a wide scale, wholesale and retail trade will be accelerated, and our greatest national problem, that of providing work for the unemployed, will be solved.

This happy state of affairs can be brought about by a simple return to the fundamental principles of business on which this country was founded and under which it prospered for so many decades. It cannot be accomplished by a continuation of the policy of Congress submitting to the leadership of a handful of crackpots, whose weird schemes having failed now are engaged in a desperate effort to fix the responsibility for their failure on business. Neither the majority of Congress nor the majority of the sound-thinking people of the United States themselves believe this fantastic explanation of our present plight which has been broadcast to the world within the last 3 weeks.

Say what you will, there is no question but that the speeches of Messrs. Jackson and Ickes were trial balloons sent up to determine the gullibility of the people of the United States. Nobody who has even the most meager information has any doubt that these attacks were desperate attempts to find a substitute tune for Happy Days Are Here Again.

The immediate and practically unanimous disapproval of the Jackson-Ickes blasts was a heartening thing for the United States. It showed that the people of this country still have their feet on the ground and fundamentally are thinking straight. By their vehement disapproval of the Jackson-Ickes caterwauling, the people of the United States silenced these two foghorn-voiced advance guards of the red-herring brigade.

It is extremely unfortunate, with the pressing problems confronting the country, that all of this good time was given over to sending up trial balloons instead of devoting it to serious study of effective remedies. Bad as the situation is, it is not one which is impossible of solution. All that is needed to turn this country back into the channels of prosperity and happiness is to abandon pursuit of these quack cure-alls and return to common-sense remedies. Throw these cures and the foreign-minded specialists who prescribe them out of the window and substitute a diet of untrammeled American competition, and this country will soon be back on its feet, "rarin' to go."

I have no time for the man who simply criticizes a program and offers no substitute for it. Therefore, I propose now to take up in detail the problems that are confronting our Nation and to offer definite suggestions for their solution.

Initially, let us clear the atmosphere in regard to the underprivileged one-third of our population, and ways and means of making it prosperous.

Unfortunately, the impression has been created that the people's representatives in Washington are divided into two camps on this subject. The erroneous idea has gained currency, largely through promotional New Deal addresses, that the inner circle is exerting every effort, under a mandate from the voters, to restore the unfortunates of the country to prosperity, while everyone who has the temerity to question any sort of fantastic plan for dealing with the problem of returning prosperity is a tool of the wicked interests bent on crushing the very life out of this so-called one-third of our population.

So energetically have proponents promoted this idea that they finally have switched the facts around so as to make it appear that a major factor in the solution of this outstand-

ing national problem is the passage or defeat of the hodgepodge wage and hour bill, which recently was recommitted by the House.

The facts are that nobody ever has determined accurately how many persons would be affected by the wage and hour bill, either in its original or revised form. A careful search of the record reveals that only one definite figure as to the number of persons who would be affected by the proposed minimum wage of 40 cents an hour ever has been given. That figure came from Leon Henderson, economist, of the Works Progress Administration, on June 2, 1937. Then, quoting figures, the most recent of which were almost 3 years old, he said that he found that in 71 industries exactly 287,582 persons were receiving less than 40 cents an hour. When pressed for an estimate on the number of persons who would be benefited by enactment of a minimum wage of 40 cents an hour, he said that he hesitated to make a guess, but he thought it would be "something under 3,000,000." That figure did not take into consideration exemptions in the industrial field which later were provided in such wholesale quantities by amendments to the wage and hour bill, and also it included workers engaged in production of goods sold in intrastate trade who would not be affected by the measure as proposed. Since neither the Department of Labor, the endorsers of this bill, nor any other persons so heatedly demanding its passage have ever been able to say accurately how many persons would be affected, it ill behooves me to attempt an estimate. However, you may be quite sure that it is vastly under the top estimate of 3,000,000 made by Mr. Henderson, who was friendly to the proposed legislation. If the figure reached 1,000,000, I should be surprised, indeed. This, you will agree, is a very small percentage of the total labor force of almost 53,000,000 persons in the United States. It represents less than 1 percent of our population.

The argument is advanced by friends of this legislation that its passage would create more jobs, but there are informed persons who unreservedly disagree with this opinion. For instance, Dr. Charles F. Roos, former director of research of the N. R. A., recently estimated that enactment of the bill would curtail employment at least one-half million within the first year of its operation.

As to the persons affected by the proposed 40-hour week, the Department of Labor has estimated this number to be approximately 6,000,000. With employment falling rapidly as at present, it would take an optimist, indeed, to believe that the shortening of the hours of these 6,000,000 would make any appreciable dent in the present unemployment—total variously estimated at from eight to eleven million persons.

I apologize to the House for consuming so much time in a discussion of the weakness of the argument that passage of the wage and hour bill would have any appreciable effect on unemployment. The true situation has been so badly misrepresented, however, that I felt the necessity for quoting the facts as I have done.

Now, let us consider constructive ways of putting this country back on its feet.

The outstanding need is to balance the National Budget. This can be done, and it is the duty of this Congress to see that it is done. Unless Congress takes this situation fearlessly in hand the Nation probably will wind up with even a larger deficit than the $949,606,001 indicated in the President's message of January 5.

The Budget can be balanced by two methods. The first and most needed and most promising one is to so encourage business by giving it definite assurances of fair treatment that incomes will rapidly increase and bring more money into the Treasury. The other is to slash expenditures to the bone.

Adjustment of relief expenditures cry for attention. The continuance of Federal relief dispensed directly from Washington is outrageously expensive, unjustified, and unsound. With all possible rapidity relief work should be turned over to the States. By this I not only mean the distribution of funds but also the furnishing of them. While I would not advocate that the Federal Government entirely abandon assisting the States where proven necessary, in general relief should be localized and each State and community compelled to care for its own. I realize that adoption of such a plan is improbable, but I can find no good argument against it except the one to which reference is seldom made, that of the advantage of maintaining a large Federal political machine through the dispensation of relief funds from Washington. I believe firmly in cutting down costs along the lines suggested by Secretary Morgenthau, but, primarily, it is the relief problem that should receive our immediate attention. The system of Federal grants to States also is a vicious one and should be abandoned. The P. W. A. should be abolished as soon as it is practical to do so.

A balanced Budget, or even immediate prospects of one, would prove a great impetus to prosperity. Greater still, however, would be the enactment of a fair tax bill. Primarily, the surplus-profits tax law should be repealed. There should be substituted therefor a definite levy against corporate earnings beginning at 12 percent for corporations earning not over $25,000 a year and for a maximum of 16 percent for those earning above that. The House Subcommittee on Taxation, according to newspaper and other reports, has agreed on the following schedule: Twelve and one-half percent on $5,000, 14 percent from $5,000 to $25,000, and 20 percent on or in excess of $25,000, with a credit of four-tenths of 1 percent for each 10 percent of earnings distributed.

This, however, tells only part of the story. I have just learned that there is a definite move to penalize certain corporations by making the old tax law applicable to them. Closely held corporations, such as that of Henry Ford, are to be singled out for special treatment.

Just why Henry Ford should be made the goat of this and other tax by the administration is a question which the country at large would like to have answered. Perhaps the man to answer that is Secretary Morgenthau of the Treasury. Mr. Ford undoubtedly has done as much for the industrial welfare and the happiness of the United States as any single individual. He has provided work for thousands of persons, always has paid high wages, and generally has been a good citizen. Yet for some reason which does not appear clear this administration has been relentlessly on his trail. It started after him in the N. R. A. days. It has aided and abetted labor organizations that have tried to disrupt his satisfactory relations with his men. Mr. Ickes, in his inspired air address, attacked Mr. Ford as a wicked law violator. Now, in keeping with past performances, a plan is on foot to harrass Mr. Ford with a special type of taxation.

Mr. Ford seldom is quoted in the newspapers, but whenever he is, on economic subjects, I am always impressed by his good, hard common sense. His sound statements provide a pleasing contrast to the gas attacks of most of his detractors and always arouse in me great hope for the industrial future of America. Mr. Ford, on Wednesday, gave to Bert Pierce, of the New York Herald Tribune, one of his infrequent interviews and, as usual, it was filled with optimism for the future. Apparently the flea bites of his administration assailants are not discouraging him in the least. He sees jobs for all and a good year ahead. Incidentally he made a remark about Congress which I think every Member of the House might well ponder. He said:

> Among the outstanding needs of this country is a sensible, unbiased Congress, under the control of the people who sent the participants there. The Members of that body now are going to do some thinking for themselves, I believe, and the country will benefit by it.

Turning again to the industrial side of national problems, Mr. Ford declared that there are too many easily discouraged and too few who show the initiative that always has been characteristic of Americans. He laid this apathy to depressing threats against industry which have been circulated.

> They frighten people with threats that cannot possibly be fulfilled.

He said:

There is plenty of money in this land and there is no reason it should not be equitably expended in employment. There are more good mechanics and other workers today trying to find their proper levels than ever before. We are on the threshold of a period when production will be the keynote, and not only will these mechanics be busy, but we will need more mechanics than we now have. I look for that soon.

What can be the motive behind administration attacks on Mr. Ford, and what on earth can be their purpose? Is it possible that there is a concerted movement among a certain group in the financial field and in the National Labor Relations Board, particularly, which has some personal feeling against Mr. Ford and therefore seeks to wreck him and his business?

It is barely possible that a continuation of these attacks might wreck the Ford organization. If so, just what would be accomplished by it? Suppose that the Government warfare carried to its logical conclusion should put Mr. Ford out of business. What would happen then? Would the administration provide work for his vast army of employees? Would it turn over his plant to some other motorcar manufacturer who stood in a more favorable light with the administration? Would it put his plant up for auction and, finding no bidders, dismantle it just for the satisfaction of proving that one big industry at least had met its master? Or, to carry the situation to the apparent ultimate object of the intellectuals from the needle trades who now occupy so many Government positions, would it communize his plant and demonstrate how a big industry really should be conducted?

We have no power or right to use the taxing power as a penalty such as is intended in this legislation directed at Mr. Ford and others and as was intended in other legislation such as the Guffey coal bill. Our taxing power is almost unlimited for the purpose of conducting the affairs of Government as provided in the Constitution, but we are decidedly limited when we use the taxing power for purposes other than Government under the Constitution. We are using the taxing power unconstitutionally now, and I think it will be so held in due course.

The labor situation, which the President dismissed with a slight tap on the wrist for unions engaged in jurisdictional disputes, cries to high heaven for adjustment. The Wagner Act, voted into law I believe by a majority of Congress in the sincere belief, or at least the hope, that it would make for industrial peace, has made for industrial warfare. There are two outstanding reasons for this situation. One is that the law as written arrays the Government against employers instead of assigning Government to its proper role of peacemaker. The other is that the National Labor Relations Board, overwhelmingly manned below the three key positions by foreign-born radicals and bitter foes of employers, has taken every advantage of the loosely constructed law to harass business and industry and act as a business agent for one element of union labor. The inevitable result of these situations has been that business and industry generally have been bedeviled as never before in history and today hesitate to make any move through fear that they will be pounced upon by the Board with a new interpretation of the law which will prove both annoying and expensive.

If this Congress does nothing else to aid business, it should amend the Wagner Act in such a manner as to make it fair to all parties concerned and to give business and industry an opportunity to go forward under definitely stated regulations. I am glad to see that a movement already is under foot for an investigation of the activities of the National Labor Relations Board looking to amendment of the act. My prediction is that such an inquiry will develop astounding revelations as to the lengths to which the Board has gone to foment industrial strife in this country. I predict the inevitable result will be a thorough house cleaning, particularly in the field forces of the Board, and an amendment of the act to make it what it was intended to be, an instrument which will produce friendly and constructive relations for the benefit not only of employees and employers, but for that great silent group which is paying the bill for industrial troubles, the public itself.

The President has said that only a small part of business and industry is bad and that this group must be brought into line. Nobody will argue that corrupt business should not be made amenable to the law. We have pretty strong laws now relating to this subject and one wonders why, if conditions are so bad as they have been painted by administration speakers recently, something has not been done about them before. The Department of Justice has had 5 years in which to prosecute, but apparently only recently did it discover that dangerous violations of the laws were taking place. The country will watch with interest remedies applied by the administration to correct the eight vicious business practices outlined by the President. Personally, I shall be interested in seeing just how he will correct bad practice No. 4 which he lists as "high-pressure salesmanship." I can imagine nothing which would inspire the Nation more than to have all news reels show Homer Cummings capturing red-handed and delivering to the bar of justice a nefarious vacuum-cleaner salesman while engaged in a wicked "high pressure" transaction.

Improved business alone can solve the problems which confront us. We all know that when real prosperity returns business will bring it. Business will improve whenever Congress, assuming its rightful duty and leadership, buckles down to work and deals with pressing problems in a common-sense way. The time is ripe for us to take off our coats, roll up our sleeves, and get busy. Let us do it now. [Applause.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 15 minutes to the gentleman from Maine [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I come here in somewhat different guise than the gentleman from New York [Mr. WADSWORTH], who spoke earlier this afternoon, but with somewhat of the same theme to present from the State of Maine. I come as one who in the early period of this administration supported the proposition that we might recover by priming the pump. I voted almost alone on this side in the early days for certain of the large appropriations which very much unbalanced the Budget. I continued to vote even after the project which was dearest to my heart had come to an untimely end.

We have gone through a period of 5 years, and we enter once again the valley of decision. I do not want to seem to be unkind, and yet it is necessary to remind ourselves that there are eternal truths. It is as true today, as when it was said by Candidate, now President, Roosevelt 5 years ago, that "taxes are paid in the sweat of every man who labors, because they are a burden on production and can be paid only by production. If excessive, they are reflected in idle factories, tax-sold farms, and hence in hordes of the hungry tramping the streets and seeking jobs in vain."

It was upon that thesis that this administration was first given a grant of power.

It is as true today, as it was 5 years ago, that continuing governmental deficits spell unemployment and misery to the workers of this land.

President Roosevelt, in a message to Congress on March 10, 1933, said:

With the utmost seriousness I point out to the Congress the profound effect of this fact (an unbalanced Budget and a continuing governmental deficit) upon our national economy. It has contributed to the recent collapse of our banking structure. It has accentuated the stagnation of the economic life of our people. It has added to the ranks of the unemployed.

If this was the effect of a governmental deficit of $5,000,000,000 what must be the effect of a deficit of more than $15,000,000,000 since accumlated and still accumulating?

It is as true today as it was 5 years ago in that memorable campaign, "that liberal governments have been too often wrecked upon the rocks of a loose fiscal policy."

I do not utter these words in order to be or to seem unkind. I present them as a preliminary to urging that this Congress shall definitely assume a responsibility that belongs

to it, and that with the cooperation of those who control the destinies of our Committee on Appropriations we seek once again to restore those sound fiscal policies which every one agrees are vital if America is to be restored.

I do not charge that the one who uttered those words uttered them lightly or inadvisedly or with any degree of insincerity.

The most that I would say was said by a kinsman of his who formerly occupied the same highly responsible place. I heard him say in criticism of his successor:

He means well, but he means well feebly.

That seems a restrained comment upon the Budget-balancing proclivities of this administration.

If any of you heard Theodore Roosevelt utter those words, you will realize that he had come to know what everyone learns who occupies any executive position, however modest—that there are fierce and powerful influences hovering about the throne. One crowd pulls the coattails one way and another crowd pulls them the other way. Each night as I walk by the White House I wonder how any man occupying it is able to survive.

We arrive once again where 11,000,000 men are unemployed. It seems to me that the experience of the last 5 years would lead us all to feel that now is the time to try some other method than priming the pump; that we try now some of the old and tested principles by which for a century and a half America has found it possible to progress.

It is fashionable now to present an anonymous stooge. I want to indulge that distinguished precedent by presenting here a figure with whom in the past year it was my privilege to talk—one closely connected with this administration from its very inception; one of the half dozen senior counselors who is still close and influential and has access to the Presidential ear.

This gentleman said to me:

In my judgment, we are moving steadily toward a debacle that will challenge the people of the United States. It may be that the only thing that will ultimately save this administration will be a foreign war. That is one way to get men reemployed.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BREWSTER. I yield.

Mr. McCORMACK. The gentleman is not intimating for an instant, is he, that any such thought exists in the mind of the present administration?

Mr. BREWSTER. I am assuming the same privilege which the President has assumed on many recent occasions of quoting a gentleman whom I sufficiently described.

Mr. McCORMACK. The gentleman has not answered my question. That is very, very nice. I enjoy listening to the gentleman from Maine, but I asked him a very simple question. Is the gentleman intimating that such is the intent of the present administration? If not, why use veiled language? It is a pretty serious charge to send out to the country. I ask the gentleman, in all fairness, is he charging directly or indirectly that the present administration has any such thing in mind?

Mr. BREWSTER. I do not understand how the gentleman uses the term.

Mr. McCORMACK. War, war!

Mr. BREWSTER. I do not understand how the gentleman uses the term "administration"; what does he mean by that?

Mr. McCORMACK. The gentleman said some spokesman close——

Mr. BREWSTER. I did not say spokesman.

Mr. McCORMACK. The gentleman said one close to the President.

Mr. BREWSTER. Right, right; and I described him. He has many men around him. This is what one of his advisers said.

Mr. McCORMACK. What is the gentleman trying to convey by that statement?

Mr. BREWSTER. I am trying to tell exactly what was said to me.

Mr. McCORMACK. What is the gentleman intimating?

Mr. BREWSTER. And I am doing exactly the same thing with this person as stooge that the President does in connection with his stooges.

Mr. McCORMACK. What impression was made on the gentleman's mind?

Mr. BREWSTER. I have been profoundly disturbed ever since I heard what that man had to say. It has been largely influential in determining my attitude so far as the question of peace and war and international policy is concerned in this administration.

Mr. McCORMACK. Is the gentleman trying to intimate that any such thought is in the mind of the present administration—the resort to war if the debacle to which the gentleman has referred should happen?

Mr. BREWSTER. I have said exactly what was repeated to me by the gentleman whom I have described.

Mr. McCORMACK. But what does the gentleman intend to convey to the Members of the House? That is what I am trying to draw out.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. BREWSTER. I want to answer the gentleman from Massachusetts first.

Mr. McCORMACK. The gentleman has not answered my question.

Mr. BREWSTER. First, the country now faces a desperate situation. Second, a foreign war would temporarily solve our economic crisis. Third, a gentleman very close to the present occupant of the White House, one who has been there for 10 years, long before the President came to Washington, made that statement to me on the train between New York and Washington; and ever since I heard that I have been profoundly disturbed.

Mr. McCORMACK. Does the gentleman mean to convey to the country that the present administration has any such intention in mind?

Mr. BREWSTER. It is impossible to tell what intention the present administration has in mind; in fact, I doubt it has any intention so far as it is possible to determine from the record of contradictory statements that issue not only from the White House but from all those who surround the throne.

Mr. McCORMACK. But the gentleman himself was close to the White House at one time.

Mr. BREWSTER. I hope I still am.

Mr. McCORMACK. The gentleman talks about war to offset the present depression.

Mr. BREWSTER. I certainly did.

Mr. McCORMACK. What does the gentleman mean by that statement? Does he mean to convey to the country that the present administration intends to declare war as a subterfuge or as a final resort if we should become severely depressed economically?

Mr. BREWSTER. I have made no such charge.

Mr. McCORMACK. The gentleman has not, of course, but has he not intimated it?

Mr. BREWSTER. The gentleman from Massachusetts may draw any conclusion he likes from my statement.

Mr. McCORMACK. What inference does the gentleman from Maine wish me to draw?

Mr. BREWSTER. That there are powerful influences in this country that would profit by war and that everyone in authority must be constantly on guard. If the gentleman will wait until I conclude my speech perhaps he will get a more complete answer.

Mr. McCORMACK. Perhaps.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. BREWSTER. Briefly.

Mr. SIROVICH. I have watched with very keen interest the splendid contributions of the former Governor of Maine while he has been a Member of the House. He has been a real liberal and progressive, and he voted with the Democrats

on many occasions. I respect his opinions, although I may differ with his conclusions. I warn the distinguished gentleman, however, in making a statement that some stooge for the President, even the gentleman who might have spoken to him——

Mr. BREWSTER. No; this stooge was for me, not for the President.

Mr. SIROVICH. I warn the gentleman to remember the old admonition, "Never believe anything you hear and only half of what you see."

Mr. BREWSTER. Did the gentleman apply that to the speech we heard from the rostrum here the other day? [Laughter.]

Mr. SIROVICH. What we heard from the rostrum the other day was liberal and progressive; and I assure the gentleman that if we follow the speech of the President of the United States, we shall get out of this recession and achieve the prosperity for which we are hoping today.

Mr. BREWSTER. That is the object of what I am trying to say here today. We face this situation with 11,000,000 unemployed, and the question is, How are we going to get out?

The President at various times has urged the necessity of balancing the Budget. The chairman of the Committee on Appropriations of this House is primarily responsible for bringing that to pass. On the basis of the Executive Budget as submitted and on the basis of the supply bills which will be brought in here, all of us will have an opportunity to record ourselves, and before we become too much entangled in the incidental appropriations I hope in these days we may give very careful thought as to how we shall guide our acts. We have in our own hands the responsibility.

In justice to those who share this responsibility with us, may I say that during the past 5 years the President of the United States has not spent one single cent that was not given to him by the Congress of the United States. It seems to me about time to quit seeking an alibi. We are trying to find the reasons for the depression. I enjoy the satirical comments of various administration apologists who try to pin the responsibility on one scapegoat or another, but let us turn to our own responsibility.

The Congress of the United States is the sole power still that can appropriate. We cannot lose sight of the fact we are entering upon this session with 11,000,000 unemployed. With the benefit of all the experiences of the past 5 years to guide us, and with what we know to be the sympathies and aspirations of the gentlemen in control of the Appropriations Committee, I trust that we shall finally decide that the Congress itself is going to exercise its authority and assist all others in authority in balancing the Budget.

You may ask, How can that be done? I have had a brief experience, and in a small way as an executive, and I know how the tree of the executive departments must constantly be pruned. You start with a soldier guard posted at a rose garden planted by the hand of Catherine, and he is there for 300 years, and nobody knows why. Exactly the same thing ramifies through the executive departments of the United States from the Atlantic to the Pacific. The more stringently the Appropriations Committee can guide its pen and its pruning knife, the more nearly we may approach the happy day when the Budget will be balanced and, according to the President, "employment restored."

The gentleman from the Ways and Means Committee who recently addressed me may ask how we are going to get the money and may be reminded of the fact that we face a deficit of a billion dollars, according to the Budget which the President of the United States has recently submitted, with certain contingent items.

It occurs to me that we may very much more appropriately consider using some of our stored gold down in Kentucky that is now sterilized and idle rather than solving that billion-dollar deficit by pilfering funds from the pockets of the poor as is proposed in the Budget we have had submitted to us when it is suggested that the social-security taxes will balance the Budget.

In conclusion, may I say that we are going forward into perhaps the most trying days that we have ever faced—more momentous, in my judgment, than those of 1933. The responsibility for the Budget is very definitely ours. No alibis will serve. The President does not control our actions here. We have the opportunity now to let the country know whether or not the Members of the Congress are functioning as they should in a great crisis. We have the glorious opportunity to answer the searching question of the country, "Are we mice or are we men?" [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman from New Jersey [Mr. KENNEY] such time as he may desire.

Mr. KENNEY. Mr. Chairman, the Committee on Interstate and Foreign Commerce of the House of Representatives has had referred to it during the Roosevelt administration legislation of far-reaching importance.

Among the bills considered and reported by the committee and enacted into law by the Congress with the approval of the President are:

SEVENTY-THIRD CONGRESS

Securities Act of 1933: H. R. 5480, Public, 22 (May 27, 1933).

Securities Exchange Act of 1934: H. R. 9323, Public, 291 (June 6, 1934).

Railway Labor Act: H. R. 9861, Public, 442 (June 21, 1934).

Emergency Railroad Transportation Act, 1933: S. 1580, Public, 68 (June 16, 1933).

Communications Act of 1934: S. 3285, Public, 416 (June 19, 1934).

SEVENTY-FOURTH CONGRESS

Petroleum Shipment Regulation Act: S. 1190, Public, 14 (February 22, 1935).

Motor Carrier Act, 1935: S. 1629, Public, 225 (August 9, 1935).

Public Utility Act of 1935: S. 2796, Public, 333 (August 23, 1935).

Rural Electrification Administration Act: S. 3483, Public, 605 (May 20, 1935).

SEVENTY-FIFTH CONGRESS

Railroad Retirement Act of 1937: H. R. 7519, Public, 162 (June 24, 1937).

Another important measure reported by the Committee on Interstate and Foreign Commerce and awaiting action by the House is the bill (S. 1077) to amend the Federal Trade Commission Act. It should and probably will be the first of the committee's bills to come before the House for debate and vote during the present session.

The bill purports to amend the Federal Trade Commission Act by extending its terms to cover unfair or deceptive acts or practices in commerce, and specifically to authorize control of false advertising of foods, drugs, devices, and cosmetics. Under the general provisions of this act against unfair methods of competition, which became law in 1914, the Federal Trade Commission has for many years proceeded against false advertising of these commodities.

As a member of the Committee on Interstate and Foreign Commerce, and having served on the subcommittee which has been considering food, drug, and cosmetic legislation to which this bill is closely related, I have had occasion to make a thorough comparison of the present Federal Trade Commission Act and the history of its enforcement against false advertising of foods, drugs, devices, and cosmetics with the terms of the bill soon to come before the House and the applicability of the new provisions to the problem of false-advertising control. Superficially this bill appears to represent a great forward stride, but on closer examination it is evident that its enactment would provide no substantial increase in the legal authority that has existed since 1914 for the control of this problem. By its enactment this Congress would announce to the country that the Federal Government is being equipped with machinery that will effectively stop false advertising of foods, drugs, devices, and cosmetics, and that consumers will be protected henceforth from the

flagrant abuses that have too often characterized the sale of these commodities, the intelligent purchase and use of which are so essential to public health and welfare.

I am anxious to see Congress make such an announcement to the country; but I submit that the announcement should be backed with a bill that is capable of doing what the public has a right to expect it to do. To meet this expectation the bill has to be amended, as I shall proceed to demonstrate.

Most advertising is truthful. The great bulk of American business advertises its products fairly and honestly. There would be no problem of false advertising and no need for legislation on the subject if there did not exist a small racketeering fringe who observe no code of ethics and who continue their lucrative operations through deception of the people.

If the problem of stopping abuses in false advertising is to be met, it must be through a law that will reach these racketeers. The problem of controlling them is far different from the problem of regulating competitive enterprise between honest business concerns. These unscrupulous advertisers can be stopped only if the law carries effective deterrents to false advertising. The bill as presently written does not carry such deterrents.

Enforcement procedures authorized by the bill are the cease-and-desist order, injunction, and criminal penalties. But criminal penalties are authorized in only two types of cases, and these cover extremely narrow fields. The first is where the commodity falsely advertised may be injurious to health by reason of its inherent toxicity, as was the case with the elixir sulfanilamide which recently caused nearly a hundred deaths. But shocking as such cases are when they arise, they occur with extreme rarity from advertised products. Perhaps not 1 false advertisement in 10,000, or even in 100,000, would fall within this category. And this proportion would be even less if this Congress does what I hope it will do—pass without delay a revised Food and Drugs Act which will stop the marketing of such commodities and thus make it futile to advertise them.

The second and final instance in which this bill provides deterrent penalties is where the false advertisement is disseminated with intent to defraud or mislead. The effect of a false advertisement on the consumer is precisely the same whether the intent of the advertiser is good or bad. The difficulty of proof of wrongful intent and the inadequacy of control where such proof is required have been demonstrated through 25 years of enforcement of the amendment to the Food and Drugs Act applicable to therapeutic statements on the label of patent medicines. This provision, the repeal of which was approved by both Houses during the Seventy-fourth Congress in the bill that failed in conference, requires the Government to prove that curative claims on labels are both false and fraudulent, thus making wrongful intent an element of the offense. Long-drawn-out and expensive investigations have been necessary to acquire evidence of wrongful intent, and in many instances a clever crook has been able so to conceal his intent as to make prosecution an impossibility. These difficulties and the uncertainty of outcome of cases inaugurated under this provision of the bill would therefore result in proceedings being brought ordinarily through the cease-and-desist order or through injunction.

While injunction may be somewhat more speedy in its operation than the cease-and-desist order, both methods of attack against false advertising are about equally futile. Under neither can a penalty be imposed for advertisements disseminated up to the time the order or injunction becomes effective. It is the almost universal practice of advertisers to make frequent changes in copy. If no penalties can be imposed for the initial publications of false advertising, then cease-and-desist order or injunction proceedings are empty gestures, because by the time they become effective the copy has been changed and other representations are being made. And the unscrupulous patent-medicine manufacturer, for example, who has run the gamut of all the false claims he can plausibly make for his product, has only to change the composition of the article and start the entire process over again.

This criticism is not based upon theoretical considerations, because it is under the cease-and-desist procedure of its present law that the Federal Trade Commission for many years has been proceeding against false advertising. Exhibits have been submitted to the committee, consisting of cease-and-desist orders against certain false advertising and advertisements subsequently appearing over a period of years misrepresenting the same article. The frequency with which false advertisements have been disseminated for products previously covered by cease-and-desist orders, particularly in many of the lower-grade magazines and over certain radio stations, has demonstrated the ineffectiveness of any procedure under which penalties cannot be imposed for the initial violation.

I had hoped that an effective control over advertising by the Federal Trade Commission would be worked out and I am not citing these facts in criticism of the Federal Trade Commisison or of its control of advertising or of its personnel or of its diligence in enforcing the law under which it operates. I am merely citing the now demonstrated fact that the procedure under the Federal Trade Commission Act, which will be continued without substantial change under this bill, is not adapted to the control of false advertising.

Advertising is a force which enters every home in this Nation, which intimately affects the health and welfare of all our people. To the extent that advertising is truthful it is a beneficent force. But untruthful advertising is today taking a great toll of public health and welfare. The country was shocked from the recent deaths caused by elixir sulfanilamide. In reporting on this incident, in response to resolutions passed by this Congress, the Secretary of Agriculture observed that it was worthy of note that shocking as such instances have been the actual toll in deaths and permanent injuries from powerful drugs has been probably far less than that resulting from harmless nostrums offered for sale for serious disease. In such cases the Secretary pointed out the harmful effect is not direct but indirect. People who are sick, as the Secretary reported, rely on false curative claims advanced for worthless concoctions, and by so doing permit their disease to progress unchecked; and when they eventually lose faith in the nostrum rational treatment, if sought, may come too late.

This bill carries no provision for the effective control of false advertising of these worthless nostrums.

The committee had before it a horse liniment sold as a tuberculosis cure, a brew of horsetail weed sold as a diabetes cure, and numerous other fake remedies. Testimony was given that many of these nostrums had been responsible for scores, and perhaps hundreds, of deaths as a result of mistaken reliance upon them. The victims of these nostrums outnumber those who are killed by poisonous drugs for which the bill does provide deterrent penalties; and they are just as dead.

Either we have a problem warranting legislation that will substantially increase the Government's authority to deal with these abuses, or the situation is not sufficiently serious to warrant legislation. Personally, I believe that legislation is emphatically necessary. The bill will not meet the necessities as it stands, and I, for one, am unwilling to offer it to the public under the guise of a law that will effectively meet the problem. To do so would deceive the public as seriously as the false advertisements the bill purports to control.

The least that can be done to make the bill a worthy measure, it seems to me, is that when the bill comes up and is read for amendment, we substitute for section 14 (a) in the bill the amendment offered by me in committee and strongly supported there, to wit:

SEC. 14 (a). Any person, partnership, or corporation who violates any provision of section 12 shall forfeit and pay to the United States a civil penalty of not more than $3,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States; but if the use of the commodity advertised may be injurious to health, the civil penalty shall be an amount not more than $5,000.

(b) If the violation is committed after judgment for a civil penalty under subsection (a) of this section has become final, then such person, partnership, or corporation shall be guilty of a misdemeanor. Upon conviction punishment shall be by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment; but if such conviction is in a case where the use of the commodity advertised may be injurious to health, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 2 years, or by both such fine and imprisonment.

Mr. WOODRUM. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HARLAN].

ON PROPOSED WAR REFERENDUM AMENDMENT

Mr. HARLAN. Mr. Chairman, in view of the disturbing world conditions which exist at the present time, and in view of the sincere and almost prayerful hopes of a great many of our citizens in reference to the proposed Ludlow constitutional amendment providing for a referendum before the declaration of war, I assure you it is with a deep feeling of seriousness that I discuss this subject for a few minutes, and it will be with a deeper feeling of responsibility when the time comes to vote on the question on the 10th of this month.

The presence of this petition before the House raises two subjects for discussion. First, our experience with attempting to legislate by petition and, second, the merit of the Ludlow proposition.

All of us probably have received letters in great number stating that we should sign the petition because, this being a great democracy, all public questions should be brought into this House for discussion. The gentleman from New York [Mr. FISH] a moment ago repeated that very plausible argument. We are told that this body should be an open forum for debate.

Mr. Chairman, this is not a debating society. It is a lawmaking factory, a lawmaking machine. There is no country in the world that has as many forums for public discussion and debate as we have in this country. We have our magazines, our colleges, our newspapers, our radios, and other places. Mr. Chairman, this Congress is an institution for the making of laws and we have somewhat highly paid hard-worked lawmakers here. This is not a place in which we should open for debate hopeless questions that we know can never be enacted into law. The mere fact that there has never been a law passed by this Congress that has come before it by petition would indicate that those in authority and those who know the legislative situation appreciate when there is sufficient support for a bill to have any hope of enactment.

To bring a bill here as the gentleman from New York proposes, and radically amend it on the floor of the House, is utterly absurd. If a committee cannot get a bill in proper form for us to consider and pass, what hope is there for our doing that on the floor where we have no testimony, expert advice, nor evidence. The place to have measures prepared for us is in committee and the place to vote on the propositions and make them into law is on the floor. The floor is not the place to draft a bill.

Mr. McFARLANE. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Texas.

Mr. McFARLANE. As one who signed the Ludlow petition trying to force this legislation before the Congress and keep it from being stifled in the committee, I am just wondering if the gentleman is opposed to hearing this matter discussed on the floor and then voting it up or down according to its merit?

Mr. HARLAN. The gentleman hits the nub of the question. Unless there is a possibility or a probability of a bill's being passed, I am opposed to discussing it here. With all of the open forums, the newspapers, congressional committee hearings, and other places where the question can be debated and the public informed, why should we take up the time of this body to debate a moot question when we have something like 14,000 bills before us for consideration at every session?

Mr. McFARLANE. Does the gentleman know of anything we could debate which would be more important to this Congress than whether or not we should send our boys to a foreign soil to fight the battles of plutocracy?

Mr. HARLAN. That is a question which is as important as any question which should be debated in the proper places; not here. There is not a ghost of a chance of this resolution being passed. We have never yet passed a bill, brought in by petition, which required the vote of even a majority of the House for its passage, and yet this resolution will require the vote of two-thirds of the Members of the House. Anybody who has any sense at all knows we cannot pass the resolution through the House. Why take all this time and stir up all these emotions? There are plenty of forums in this country which can be used, and we should not use the Congress of the United States as such a forum. Such a system, Mr. Chairman, leads to nothing but demagoguery, both here and at home. We Members of Congress who are presented with requests to sign a petition, by proponents of some bill, may not think there is anything to be lost by complying. Then we get a letter from someone who is opposed to the bill and we say, "Oh, I just signed the petition to encourage debate. I am not really for the bill." In this way we can demagog with impunity.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I am sorry, I cannot yield.

Mr. BREWSTER. Mr. Chairman, a point of order. Can the gentleman charge signers of the Ludlow petition with demagoguery?

Mr. HARLAN. I certainly do charge some of them with it, but others of them have a great deal of sincerity. The gentleman from Maine will discover when the vote is counted there will not be 218 votes for the resolution, or anything like it.

I do not intend this remark to be criticism of any political parties, but the temptation for the minority party, whether Republican or Democrat, to put the administration on an embarrassing spot by signing these petitions and stirring up emotionally motivated minorities back home is too strong to be resisted. In every case since I have been here, the minority has been most prompt in signing all these petitions.

Sometime ago the gentleman from New York [Mr. FISH] signed the petition in regard to the Frazier-Lemke bill. I had to leave the Congress on an urgent mission out of the city, and got a pair with the gentleman from New York who had also left Washington. I was against the Frazier-Lemke bill and he had signed the petition to bring it out onto the floor. What was my chagrin on reading the newspapers to find that the gentleman from New York had returned and actually made a speech against the Frazier-Lemke bill. We must have political courage and we must have efficiency if we are going to operate a lawmaking body here.

We all know that every bill on which a Congressman is asked to vote causes him the loss of some political support back home no matter how he votes, and to require our Members to be constantly voting on moot questions will almost certainly turn us all into opportunists and minority servers. Instead of weighing the merits of questions, we will be forced into the position of merely figuring how many votes we will gain or lose by our congressional activities.

Now to get to the question involved in the Ludlow resolution. The resolution provides that before war can be declared by Congress, except in cases of invasion of our territory, the question must be submitted to the people for a vote on the specific question, Shall war be declared on ——— country? No machinery is provided either in the proposed amendment or in the Constitution itself whereby the Federal Government can force any State to put this question on the ballot. If we should have a situation similar to that which arose in 1812, when all the New England States were against war with England, the people in certain States would not have an opportunity to vote on the question at all.

The resolution provides an exception only in case of invasion. A foreign power could massacre all our citizens abroad, seize property, drive our ships from the sea, blockade our ports, and in fact, do anything it wanted to do as long

as it did not invade our territory. It is said that some amendments may be inserted, but I am speaking about the resolution we have been asked to bring before the House for consideration. An enemy power could mass its force, bring up its supplies, and keep us from getting war materials for probably 6 months or a year while we were counting the votes. This would be almost fatal to the United States, Mr. Chairman. To conduct a war we must bring in many commodities, including tin, rubber, and manganese.

Under this resolution our ports could be blockaded and our commerce driven out, just as was done by England in 1812, and our seamen seized on the high seas, and we would be twiddling our thumbs while counting the votes. By the time we could get the votes counted it would not make any difference whether or not we declared war, it would all be over. The enemy would be fully supplied and we would be without war necessities. We are to be compelled to wait for invasion before we declare war. The country which is invaded, Mr. Chairman, loses the war no matter who wins the military victory. Look at France and China, and look at every invaded country. Why must we wait to have all our property destroyed, our homes despoiled when war becomes inevitable? Again let us picture a war, possibly with Japan, or let us say with Germany. We hope not, and there is no chance of it now. Then suppose Germany gets an ally such as Italy and Italy comes in to aid Germany in the middle of the war. By Italy's cooperation all the German armies could be released to invade this country or take away our possessions, yet we could not strike at Italy because we would not have the power to declare war until Italy invaded our country, no matter how much help that country had given to the enemy. Or suppose that England or Mexico gets into a war and a foreign power seizes either Canada or Mexico. We, of course, would stand by and whistle while some despotic dictatorship prepared air and navy bases just outside of our borders in order to wipe us out and sieze our resources at its convenience.

This plan is just a crazy, dreamy idea, Mr. Chairman, which would ruin democracy and cause us to commit suicide. While our people would be debating a war declaration for 6 months or a year every force of disruption, every form of foreign propaganda would be turned loose on this country, and we could not stop their activities, because we are a democracy. The very things we cherish, our right of free speech and our right to vote, we are using by this resolution to destroy the Government we love. All the forces of evil, these forces of disruption would get together while our popular debate is progressing.

Our prospective enemy would have an open forum and full protection to present all of their propaganda, no matter how false, for the purpose of tearing down our national morale; while we, of course, would be totally excluded from access to the intelligence of the enemy's population where complete censorship would control public information. Any enemy would rather have such a set-up than to win any number of battles. The very specious suggestion was made a moment ago by the gentleman from New York [Mr. FISH] that foreign countries would undoubtedly copy our system of debating war declaration providing we adopt it first. What a crackpot, balmy suggestion that is.

In 1920 we destroyed a part of our fleet as an example to induce other countries to do likewise. Did they do it? From 1920 up to the present time we have built no new battleships and have kept our entire Navy tonnage way below our treaty allowances to induce other countries to do likewise. Did they do it? Even though it would be to their great financial advantage to follow our example. For 150 years we have maintained a country where people had the right of free assembly, free speech, and free ballots. Which one of our prospective and future enemies have followed that example? With that experience, how can anyone be so utterly removed from common sense as to propose that these dictators, who live and thrive on war and the constant threat of war, will follow our example to have popular war referendums. All they will do will be to call us what we would be under the circumstances—a nation of boobs and saps. The first thing we would have on our hands would be a civil war to keep enemy sympathizers under control while we were getting ready to fight a foreign enemy.

This is one of those proposals that is so hard to argue against because the people who make the proposal mean so well, and as a class are such fine citizens.

This proposal is in a class with prohibition, the Frazier-Lemke bill, the Townsend plan, the parity-price advocates, and the Coughlin currency idea. All of them are measures against some well-recognized evil which we all hate. In fact, this hatred is so innate that in every case a group of individuals in their emotional reactions have completely divorced themselves from rational limitations. The abuse of liquor is an evil that all men of good will detest. Yet, to cure it by making wholesale crime profitable and tearing down democracy makes the cure worse than the disease. The mortgage debt on farmers is a calamity to the Government and we all want to exert every reasonable measure to cure this evil, but to go to the extent of bankrupting the Government to save a part of our people is like chopping a man's head off to cure him of dandruff. Necessitous old age, burdensome taxes, and low prices of farm commodities are all problems we would like to solve providing it can be done within the realm of human reason, but balmy proposals that would most certainly wreck our country to overcome these evils offer no way out to reasonable men. Now, in this Ludlow proposal to stop a war by tying the hands of democracy so that it cannot even defend itself no matter how wrongfully attacked is just another one of these well-meant but terribly unbalanced proposals, and like all the rest, it is being put forth by people of the very best intentions. Someone said that hell is paved with good intentions.

To show the relationship between these ultra progressive idealists, the great majority of letters that I have received on this Ludlow proposal comes from people who a few years ago were advocating prohibition. At that time they were telling us that individual human beings should be forced, by fear of punishment, into making morale decisions and into observing law. Now they tell us, in their campaign to obliterate war, that nations who are after all merely groups of these same human individuals will make just morale decisions when all fear of force and punishment is removed. The reasoning, if any, follows exactly opposite lines on these two great questions. Individuals are to be made good by force; nations are to be made good by removing force. There is another common character in the advocates of all of these proposals, whether prohibition, Townsendism, Coughlinism, or pacifism; they openly charge everyone who disagrees with their method of being in favor of the evil which they would cure.

The gentleman from Indiana [Mr. LUDLOW] is about the most lovable character we have in this House. Everybody likes him. He would not do a thing intentionally to harm this country; neither would the man who proposed the Townsend bill, nor the man who proposed the Coughlin idea or the Frazier-Lemke bill, or any other of those queer notions designed to appeal to the emotions of small blocs of people.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HARLAN. Mr. Chairman, there is no trouble in this world between the democracies. There is no prospective war between democracies. The trouble is between the totalitarian governments and democracies. The totalitarian governments can operate instantly, efficiently, and powerfully. We love democracy, and we are taking this one step to prevent us from acting in our own defense against totalitarian governments—the ones we fear most.

This proposal, in its nature, cannot change anything. A democracy does not go to war until popular sentiment is overwhelmingly crystallized and the Congress is forced into it. Do you not recall the World War and how they ridiculed President Wilson, characterizing him as crawling under the bed in fear of burglars because he said he was too proud to

fight? Look at the Spanish-American War and recall what they did with President McKinley. Oh, the gentleman has said that such public sentiment is made by propaganda of the munition makers. Granted that it is, but the Ludlow procedure will not change that propaganda nor the popular desire for war produced by that propaganda. All that the referendum procedure will do will be to formally vote on what the people have already demanded. In every conflict we have wanted war. The people were almost unanimously for every war that ever happened and if you submitted it to a direct vote of the people the same result would be obtained as if the Congress voted for war.

Mr. LUECKE of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I wish I could yield, but I have only a little time.

This resolution will not change propaganda. It will not change the result on the declaration of war, but it will force us to fight the war on our own ground every time, where our destruction will be worse than if we lost the war in the first place. It will give the enemy the constant offensive which is a tremendous asset.

Now, what effect would this constitutional amendment have right now, because we might just as well admit the situation? Nobody wants to go to war over in China, and I will be about the last man in this House to vote for such a war, but why did Japan sink the *Panay?* It was not because she wanted war with us. Certainly that would not help her any just now, yet the sinking was done most deliberately—there is no question about that.

All of the evidence shows it was a deliberate attack and murder, and she did it just to convince the Chinese people that no matter how much of an insult was given the United States we would not go to their help. Just a day or so before this murder was committed Japan dropped dodgers back of the Chinese lines, telling the Chinese, "England cannot come to your aid; the United States won't come to your aid; you had better lean on us, your only friend." The sinking of the *Panay* was the way she demonstrated to the people in China that the things she had said were true. Neither Japan nor any other country would sink a warship or destroy property of a friendly country unless there was a purpose behind it. If we pass this legislation we will simply play into the hands of the Japanese and say, not only to China but to the world, "You can sink not only the *Panay,* you can sink every vessel we have afloat and we will not go to war. There is no injustice, no crime, no possible despoiling of one of our friendly neighbors that will induce us to do anything to help an innocent people." What would you think of a man in a neighborhood who said to his neighbors, "Burglars may come into your house at night, your home may be despoiled, but I, your neighbor, no matter how helpless you are, no matter how just your cause, no matter how piratical the attack, will stay at home."

Will that kind of cowardice announced to the world ever help the cause of humanity or civilization? I say not. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 8837, the independent offices appropriation bill, and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following resignation.

The Clerk read as follows:

JANUARY 6, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Printing.

Respectfully,

WILLIAM B. BARRY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CARTER on account of important business.

EXTENSION OF REMARKS

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an excerpt from the Agriculturalist.

The SPEAKER. Is there objection?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend the remarks I made this afternoon by including two tables prepared by the Communications Commission and a few quotations from the hearings.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that when the House resumes consideration of the independent offices appropriation bill tomorrow, general debate upon the bill shall continue during the session tomorrow, the time to be equally divided between the gentleman from Massachusetts [Mr. WIGGLESWORTH] and myself, and that that shall conclude all the general debate with the exception of one speech by the gentleman from Massachusetts and one speech by me, as chairman of the subcommittee, upon the bill.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States;

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor;

H. R. 5912. An act for the relief of Judd & Detweiler, Inc.;

H. R. 5989. An act for the relief of J. L. Myers;

H. R. 6628. An act to permit the further extension of the Air Mail Service; and

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; and

S. 2575. An act to increase the efficiency of the Coast Guard.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California

to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States;

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor;

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H. R. 5989. An act for the relief of J. L. Myers;

H. R. 6628. An act to permit the further extension of the Air Mail Service; and

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department.

ADJOURNMENT

Mr. WOODRUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Friday, January 7, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 11, 1938, at 10 a. m.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 12, 1938, for the public consideration of H. R. 8711 and H. R. 7369.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

960. A letter from the Secretary of War, transmitting the annual report of the sale of war supplies; to the Committee on Expenditures in the Executive Departments.

961. A letter from the Chairman, Federal Communications Commission, transmitting a report without recommendations as to legislation relative to the necessity of new wire or radio communication; to the Committee on Merchant Marine and Fisheries.

962. A letter from the Acting Secretary of the Interior, transmitting one copy of legislation passed by the Municipal Council of St. Croix at a meeting held November 10, 1937, and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

963. A letter from the Attorney General of the United States, transmitting a statement of expenditures under appropriations for the United States Court of Customs and Patent Appeals for the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

964. A letter from the Administrator, Federal Alcohol Administration Division, transmitting the Third Report of the Federal Alcohol Administration; to the Committee on Ways and Means.

965. A letter from the Secretary of War, transmitting the annual report of the activities of the National Board for the Promotion of Rifle Practice, for the fiscal year 1937; to the Committee on Military Affairs.

966. A letter from the Chairman, National Labor Relations Board, transmitting the Second Annual Report of the National Labor Relations Board for the fiscal year ending June 30, 1937, together with volume II of the decisions of the National Labor Relations Board and a list of personnel employed by the Board; to the Committee on Labor.

967. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1938 in the sum of $6,500 (H. Doc. No. 468); to the Committee on Appropriations and ordered to be printed.

968. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1938, amounting to $5,000 (H. Doc. No. 469); to the Committee on Appropriations and ordered to be printed.

969. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting the report of its activities and expenditures for the month of November 1937 (H. Doc. No. 471); to the Committee on Banking and Currency and ordered to be printed.

970. A letter from the Acting Secretary of the Treasury, transmitting a combined statement of the receipts and expenditures, balances, etc., of the Government during the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WOODRUM: Committee on Appropriations. H. R. 8837. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1662). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOODRUM: A bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes; to the Committee on Appropriations.

By Mr. CARTWRIGHT: A bill (H. R. 8838) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. BLAND: A bill (H. R. 8839) to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 8840) to amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380); to the Committee on Merchant Marine and Fisheries.

By Mr. CLARK of North Carolina: A bill (H. R. 8841) to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., a portion of the marine hospital reservation not needed for marine hospital purposes," approved July 10, 1912, and being Public Law No. 221 (S. 6603); to the Committee on Public Buildings and Grounds.

By Mr. CULKIN: A bill (H. R. 8842) to authorize a preliminary examination and survey of Chittenango Creek and its tributaries, New York, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. MAAS: A bill (H. R. 8843) to promote the efficiency of the Navy by establishing a general staff of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. MAY (by request): A bill (H. R. 8844) to provide for the exchange of land in the Territory of Alaska; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 8845) providing for the examination and survey of North Slough and vicinity, Oregon; to the Committee on Rivers and Harbors.

By Mr. PIERCE: A bill (H. R. 8846) to provide for the free importation of flax scutching machinery; to the Committee on Ways and Means.

Also, a bill (H. R. 8847) to provide for the acquisition of certain lands for and the addition thereof to the Deschutes National Forest, in the State of Oregon; to the Committee on Agriculture.

By Mr. SATTERFIELD: A bill (H. R. 8848) to confer jurisdiction upon United States commissioners to try certain criminal cases, and to provide for their annual compensation; to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 8849) validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State of California, acquired under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); to the Committee on the Public Lands.

By Mr. WILCOX: A bill (H. R. 8850) authorizing the appointment of two additional circuit judges for the fifth circuit; to the Committee on the Judiciary.

Also, a bill (H. R. 8851) authorizing the appointment of an additional district judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 8852) to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail; to the Committee on the District of Columbia.

By Mr. WALTER: A bill (H. R. 8853) to repeal section 2 of the act of June 24, 1936, authorizing the appointment of an additional circuit judge for the third circuit; to the Committee on the Judiciary.

Also, a bill (H. R. 8854) to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

By Mr. TOBEY: Resolution (H. Res. 394) directing the Speaker of the House of Representatives to appoint a select committee of the House to investigate and report on the activities of the United States Constitution Sesquicentennial Commission and the United States George Washington Bicentennial Commission; to the Committee on Rules.

By Mr. SUMNERS of Texas: Resolution (H. Res. 395) authorizing the printing of additional copies of the Rules of Civil Procedure for the District Courts of the United States for the House document room; to the Committee on Printing.

By Mr. SIROVICH: Joint resolution (H. J. Res. 552) calling upon Franklin Delano Roosevelt to intercede in the name of humanity against the shameful treatment accorded by the Rumanian Government to its religious and racial minorities, and, failing to receive adequate satisfaction, to bring about the severance of diplomatic relations between the Government of the United States and the Kingdom of Rumania; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Joint resolution (H. J. Res. 553) proposing an amendment to the Constitution relating to the power of the Congress to declare war; to the Committee on the Judiciary.

By Mr. CANNON of Missouri: Joint resolution (H. J. Res. 554) to clarify the provisions of law relating to the making of loans for crop production and harvesting; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLSON: A bill (H. R. 8855) for the relief of Maj. Wilbur Rogers; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 8856) to entitle Effie Canning Carlton now to file with the Register of Copyrights a corrected application for renewal of copyright of her musical composition entitled "Rock-a-Bye Baby"; to the Committee on Patents.

By Mr. DIXON: A bill (H. R. 8857) granting a pension to Charles C. Keepers; to the Committee on Invalid Pensions.

By Mr. LANZETTA: A bill (H. R. 8858) for the relief of Joseph Brum and Gussie Brum; to the Committee on Immigration and Naturalization.

By Mr. MAGNUSON: A bill (H. R. 8859) for the relief of Charles R. Randall; to the Committee on Pensions.

By Mr. MITCHELL of Tennessee: A bill (H. R. 8860) for the relief of Jesse Stokes Bowling, Jr.; to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 8861) for the relief of the A. P. Carr Motor Co., California, Mo.; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 8862) to authorize the President of the United States to present in the name of Congress a Medal of Honor to the officers and enlisted personnel of the U. S. S. *Panay*, including Capt. F. N. Roberts, of the United States Army; to the Committee on Naval Affairs.

Also, a bill (H. R. 8863) authorizing the President of the United States to present in the name of Congress a medal of honor to Commander Albert Moritz; to the Committee on Naval Affairs.

By Mr. SATTERFIELD: A bill (H. R. 8864) authorizing the appointment and retirement of Robert W. Moss as a lieutenant (junior grade), Dental Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 8865) for the relief of the dependents of late Lt. Robert E. Van Meter, United States Navy; to the Committee on Naval Affairs.

By Mr. SCOTT: A bill (H. R. 8866) for the relief of William F. Satchell; to the Committee on Military Affairs.

By Mr. SHANNON: A bill (H. R. 8867) granting an increase of pension to Mary E. Bridges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8868) granting a pension to Lena S. Ricketts; to the Committee on Invalid Pensions.

By Mr. SIROVICH: A bill (H. R. 8869) for the relief of Alfonsina Maurina Corradini; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8870) granting a pension to Rufus Harvey Grant; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3725. By Mr. COFFEE of Washington: Resolution of the American Newspaper Guild, expressing warm appreciation of the value of the arts and professional workers of the Works Progress Administration and of their worth in the dissemination of culture, and therefore urging strongly the establishment of a permanent Bureau of Fine Arts, and endorsing unanimously House bill 8239, introduced by Mr. COFFEE of Washington, and urging the Congress to take prompt favorable action thereon; to the Committee on Education.

3726. By Mr. CLASON: Petition of John J. Smith and others, of Springfield, Mass.; to the Committee on Banking and Currency.

3727. By Mr. CURLEY: Petition of the Interdepartmental Local No. 21, United Federal Workers, endorsing the McCormack-Logan bill establishing a 5-day week; to the Committee on the Civil Service.

3728. Also, petition of the New York County Lawyers' Association, endorsing House bill 8306, introduced by Congressman MARTIN of Colorado, to regulate interstate commerce in the products of child labor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

3729. By Mr. DELANEY: Petition of the Filipino Labor Rehabilitation League, of Brooklyn, N. Y., petitioning the

Government of the United States of America to confer the rights and duties of citizenship upon those people of Filipino birth who can qualify in the same manner as the peoples of other lands who are afforded the opportunity of becoming citizens of the United States; to the Committee on Foreign Affairs.

3730. By Mr. JARRETT: Petition of the Young Women's Bible Class, the Men's Bible Class, and Young Men's Bible Class of the First Methodist Episcopal Church of Warren, Pa., endorsing the Ludlow amendment; to the Committee on the Judiciary.

3731. Also, petition of citizens of Sharon, Pa., endorsing the peace amendment, or Ludlow amendment; to the Committee on the Judiciary.

3732. Also, petition of members of the Berea Evangelical Lutheran Church of Freehold Township, Warren County, Pa., endorsing the Ludlow amendment; to the Committee on the Judiciary.

3733. By Mr. LUTHER A. JOHNSON: Petition of the Corsicana Nature Study Club, Mrs. J. E. McClung, corresponding secretary, opposing Senate bill 2970, empowering the President to transfer the National Forest Service, Soil Conservation Service, and the Biological Survey from the Department of Agriculture to the Department of the Interior; to the Select Committee on Government Organization.

3734. Also, petition of R. T. Keirsey, of Easterly, Tex., favoring increased pay for enlisted men in the Army; to the Committee on Military Affairs.

3735. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Los Angeles, State of California, pertaining to granting Federal aid for flood control, etc.; to the Committee on Appropriations.

3736. By Mr. O'NEILL of New Jersey: Petition of the Lightfoot Schultz Co., protesting against any tax on toilet soap; to the Committee on Ways and Means.

3737. Also, petition of the Jersey Match Co., protesting against discriminatory tax; to the Committee on Ways and Means.

3738. By Mr. RUTHERFORD: Petition of residents of Susquehanna County, Pa., favoring House Joint Resolution 199; to the Committee on the Judiciary.

3739. By Mr. SANDERS: Petition of citizens of Athens and Overton, Tex., protesting against the entrance of the United States into any foreign wars; to the Committee on Foreign Affairs.

3740. By Mr. THURSTON: Petition of citizens of Sigourney, Iowa, protesting against the levying of excise or processing taxes on primary food products; to the Committee on Ways and Means.

SENATE

FRIDAY, JANUARY 7, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

ELMER THOMAS, a Senator from the State of Oklahoma, appeared in his seat today.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of yesterday be approved without reading.

The VICE PRESIDENT. Without objection——

Mr. CONNALLY. I object.

The VICE PRESIDENT. The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee to House bill 1507.

Mr. CONNALLY. Mr. President, I inquire what became of the reading of the Journal?

The VICE PRESIDENT. The Journal does not have to be read, the Senate having taken a recess last evening.

CALL OF THE ROLL

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lodge	Schwartz
Ashurst	Duffy	Logan	Schwellenbach
Bailey	Ellender	Lonergan	Sheppard
Bankhead	Frazier	Lundeen	Shipstead
Barkley	George	McAdoo	Smathers
Berry	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Graves	McNary	Thomas, Utah
Bulkley	Guffey	Miller	Townsend
Bulow	Harrison	Minton	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	O'Mahoney	Wagner
Chavez	Holt	Overton	Walsh
Connally	Johnson, Colo.	Pittman	Wheeler
Copeland	King	Pope	
Davis	La Follette	Reynolds	
Dieterich	Lewis	Russell	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Maryland [Mr. RADCLIFFE] is absent because of a death in his family.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Oklahoma [Mr. LEE], the Senator from Connecticut [Mr. MALONEY], and the Senator from New Jersey [Mr. MOORE] are unavoidably detained from the Senate.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business by reason of service on a subcommittee of the Judiciary Committee of the Senate. I ask that this announcement stand for all quorum calls during the day.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

REPORT OF SOCIAL SECURITY BOARD

The VICE PRESIDENT laid before the Senate a letter from the Executive Director of the Social Security Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Finance.

OFFICIAL INSPECTION OF VEHICLES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "Official Inspection of Vehicles," which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads.

SKILLED INVESTIGATION AT SCENE OF ACCIDENT

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "Skilled Investigation at the Scene of the Accident Needed to Develop Causes," which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads.

REPORT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the secretary of the United States Employees' Compensation Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30,

1937, which, with the accompanying report, was referred to the Committee on Claims.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by Cheyenne Post, No. 75, Regular Veterans' Association, of Cheyenne, Wyo., favoring the enactment of legislation to increase the pay of enlisted men and junior commissioned officers, and also a more just and suitable pension for disabled enlisted men of the Regular Army and their dependents, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a petition of sundry citizens of Boston, Mass., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONERGAN:

A bill (S. 3186) granting an increase of pension to Mary A. Prior; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3187) authorizing an appropriation for the development of a naval air base at Tongue Point, Oreg.; to the Committee on Naval Affairs.

By Mr. OVERTON:

A bill (S. 3188) for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.; to the Committee on Claims.

By Mr. MINTON:

A bill (S. 3189) for the relief of Earle Embrey; to the Committee on Claims.

By Mr. MILLER:

A bill (S. 3190) to authorize the appointment of one additional United States district judge for the eastern and western districts of Arkansas; to the Committee on the Judiciary.

By Mr. MURRAY:

A bill (S. 3191) to amend clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935; to the Committee on Interstate Commerce; and

A bill (S. 3192) to authorize the appointment of an additional judge for the District Court of the United States for the District of Montana; to the Committee on the Judiciary.

By Mr. GUFFEY:

A bill (S. 3193) to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania; and

A bill (S. 3194) to repeal section 2 of the act of June 24, 1936, authorizing the appointment of an additional circuit judge for the third circuit; to the Committee on the Judiciary.

By Mr. ASHURST and Mr. HAYDEN:

A bill (S. 3195) to provide for the erection of a monument or plaque as a memorial to Anson H. Smith in a suitable public place at the site of Boulder Dam, in Mohave County, Ariz.; to the Committee on Irrigation and Reclamation.

By Mr. SHEPPARD:

A bill (S. 3196) authorizing and directing the appointment of Jefferson T. Baker as a captain of Infantry, Officers' Reserve Corps, United States Army; and

A bill (S. 3197) authorizing the disbursement of funds appropriated for compensation of help for care of materials, animals, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia; to the Committee on Military Affairs.

GOVERNMENTAL ADJUSTMENT OF PURCHASING POWER OF THE DOLLAR

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 216), which was referred to the Committee on Agriculture and Forestry:

Whereas an unprecedented drop in basic commodity prices from March to December 1937 preceded the collapse of other values and has resulted in industrial paralysis, unemployment, and increased burdens for taxpayers and the Treasury; and

Whereas it has been the repeatedly announced objective of the President to restore a price level equitable to creditors and debtors, and thereafter to maintain economic stability: Therefore be it

Resolved, That it is the sense of the Senate that the Federal Reserve Board, the Treasury, and the executive agencies of the Government should proceed forthwith to adjust the purchasing power of the dollar by the necessary monetary policies and measures to attain within the next 12 months the 1926 price level of wholesale commodities, including farm products.

PRINTING OF ADDITIONAL COPIES OF RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS

Mr. HAYDEN, from the Committee on Printing, reported a resolution (S. Res. 217), which was considered by unanimous consent and agreed to, as follows:

Resolved, That 9,000 additional copies of House Document 460, current session, entitled "A Letter from the Attorney General of the United States Transmitting the Rules of Civil Procedure for the District Courts of the United States," be printed for the use of the Senate document room.

PAYMENT OF EXPENSES OF COLORED EDITORS AT FARM CONFERENCE

Mr. BULKLEY. Mr. President, shortly after the adjournment of the last session of Congress I received from a constituent the following inquiry:

What truth is there in the news story that Secretary Wallace invited the editors of the colored press to Washington to explain to them the farm bill and wound up by paying their expenses out of Government funds? If the story is true, what justification is there for such use of public funds?

I submitted that inquiry to the Department of Agriculture and received from the Agricultural Adjustment Administrator a reply which I think is of general interest, and I ask that it be printed in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT ADMINISTRATION,
Washington, D. C., January 5, 1938.

Hon. ROBERT J. BULKLEY,
United States Senate.

DEAR SENATOR BULKLEY: Your letter transmitting an inquiry from one of your constituents concerning a meeting of Negro editors in Washington on December 1 and 2 has been referred to the Agricultural Adjustment Administration for reply, since the Agricultural Adjustment Administration was instrumental in arranging the conference.

The conference of Negro editors was arranged with the advice and assistance of the acting director of the southern regional division of A. A. A., in whose territory the majority of Negro farmers live, and with the cooperation of the Farm Security Administration, which share the expense of the meeting.

The meeting developed out of the experience gained in previous efforts to inform Negro farmers regarding A. A. A. farm programs and other farm programs. These programs depend for their effectiveness on the degree to which farmers understand them; and there is a special problem in this respect among Negro farmers, since their sources of information are often very limited.

How important it is to the entire Nation, as well as to the Negroes themselves, to have the soil-conservation program operate effectively among Negro farmers can be instantly appreciated from two essential facts: First, a substantial part of the agricultural land of the United States, particularly in the South, is farmed by Negroes; and, second, the heavy rainfall, steep slopes, and texture of the soil have combined to cause the greatest destruction of soil in the southeastern part of the country, where so much of the farming by Negroes is done.

There are in the United States more than 855,000 Negro farm families, of whom about 211,000 are landowners and 644,000 renters and sharecroppers. These families cultivate approximately 18,000,000 acres of land.

Soil destruction is probably more acute in the South than in any other area. The absence of snow, the lack of perennial grass cover, and the persistent row cultivation of cotton, corn, and tobacco, along with the heavy rainfall, have led to terrific losses from erosion. Much of the land in the Southeast is riddled by gullies and dotted with abandoned farms. In the Piedmont Plateau several million acres have been stripped of their productive topsoil. The high cost of tilling unproductive land has bankrupted many farmers. Impoverishment of the people has gone hand in hand with impoverishment of the soil. In three Southeastern States alone during the decade from 1920 to 1930, 50,000 farms were retired from cultivation.

Now, by direction of Congress, the Nation is trying to reverse this process of destruction of soil. The Agricultural Adjustment Administration is undertaking to help the farmers carry out cooperatively a program of soil conservation. Obviously such a program must depend for success upon widespread understanding and cooperation of farmers. If the purpose of conserving and rebuilding soil resources is to be accomplished, it must have the support of Negro farmers as well as white farmers. It could not

be accomplished by leaving out of account a half million farm families tilling 18,000,000 acres of land.

Congress by law has directed that in administration of the Soil Conservation Act the rights of tenants, sharecroppers, and small producers shall be protected. Needless to say, Negro farmers, so many of whom are renters or croppers, have borne their full share of the suffering caused by impoverished soil and fluctuating farm prices. No class of farmers stood more in need of assistance at the time the farm programs were inaugurated in 1933, and no group stands more in need of continued help now.

Generally speaking, Negro farmers have not been adequately informed about the details and purposes of farm programs. This lack of information, which has been due to various factors, has resulted in limiting participation, reducing the usefulness of the program to Negroes and in continued losses of the Nation's soil resources. Officials of the Southern Division of the Agricultural Adjustment Administration and others entrusted with responsibility therefor have tried consistently to develop methods and agencies of better acquainting the Negro farmers with the programs in general.

To that end, the cooperation of many public-spirited groups and individuals in the South, including State directors of extension, has been sought and given. The Negro land-grant colleges, extension agents, and vocational teachers and other leaders of the Negro race have done what they could to help. Out of these efforts grew a realization of the need for better channels of information to Negro farmers. Claude A. Barnett, of Chicago, director of the Associated Negro Press, who has taken a deep interest in efforts to bring more information to Negro farmers through their newspapers, in a letter to the Administrator of the Agricultural Adjustment Administration in October, proposed a conference between Negro editors and officials of the Department of Agriculture. His letter said in part:

"The great bulk of Negroes engaged in farming are in the South and are concerned with producing cotton. In proportion as they actually comprehend the various A. A. A. programs, such as acreage adjustment, owner-tenant share of annual payments for adjustment, the new tenant-ownership bill, etc., the better able they will be to take advantage of the programs and secure the benefits planned for them.

"It seems to me, therefore, that even greater care should be used in getting over to Negro farmers material which might be serviceable to them. The Negro newspapers of the country, while not covering the rural South in any perfect sense, still have a considerable circulation in that territory and represent the only medium which do any sort of practical job other than 'word of mouth' messages."

In addition to the purpose suggested by Mr. Barnett, the A. A. A. had uppermost in mind that the conference would bring to the Agricultural Adjustment Administration the suggestions of the editors for improvement in administration and increasing understanding of the program among Negro farmers.

From their beginning, the A. A. A. programs, both as to development and administration, have been worked out with the advice and counsel of representatives of the interested groups of farmers and others. In following this cooperative way of carrying out farm programs the A. A. A. has held conferences from time to time and the meeting of Negro editors was a part of this procedure. The Agricultural Adjustment Administration realized that the payment of expenses for attendance at such conferences is justified only in unusual circumstances. But inquiry developed that a representative conference of Negro editors probably could not be held unless the Government paid the travel expenses involved. These expenses totaled approximately $1,150. The legal authority to pay them, as already has been set forth in a letter to the Senate Appropriations Committee, seemed clear. It also seemed fair that the Government should bear the editors' expenses since it intended to make use of their suggestions in dealing with practical problems of administration.

An effort was made to select a representative list of papers with farm circulation and at the same time to keep down the expenses of the meeting. With the help of extension officials and Negro extension workers in the South a list of Negro newspapers was compiled. One person was invited from each paper.

The editors were invited to discuss, and did discuss with Department officials, virtually every phase of the agricultural problems affecting the Negro farmer. There was no restriction whatever upon their inquiries or the discussion which ensued. The pending farm legislation was not on the agenda for the conference and was not discussed on the initiative of administrative officials. Such questions as were asked about it were answered in a factual way. Secretary Wallace was invited to address the group informally, which he did.

It is our opinion that this conference will result in substantial improvement of administration of the national soil-conservation program and that the expenditure required was a sound and economical use of public funds. The entire work that I have been describing has been gaining steadily in public esteem in the South.

May I thank you again for the genuine interest that led you to give us an opportunity to supply the facts.

Sincerely yours,

H. R. TOLLEY, *Administrator.*

WELLS FARGO EXPRESS AND MODERN TRANSPORTATION—LETTER FROM GOVERNOR OF CALIFORNIA

Mr. McADOO. Mr. President, the Governor of the State of California was requested to send a communication to me in one of the original mail pouches used by Wells Fargo & Co. during the days of the pony express. This pouch, containing the letter, was put in an airplane yesterday in California, and the Postmaster General and I a few moments ago had the honor of receiving this letter from a rider who received the pouch at the airport. As this occurrence brings back the memory of those historic days and shows the tremendous advance which has been made in transportation since that time, I desire the privilege of inserting in the RECORD this letter from the Governor of California. I shall not read it. I simply ask that it be incorporated in the RECORD at this point as part of my remarks.

Mr. CONNALLY. Mr. President, reserving the right to object, I inquire does the insertion of this matter in the RECORD require action by the Senate?

The PRESIDING OFFICER. It requires the consent of the Senate.

Mr. CONNALLY. That is action, is it not? I have no objection.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, January 5, 1938.

Hon. WILLIAM G. MCADOO,
United States Senator, Washington, D. C.

DEAR SENATOR MCADOO: It affords me unusual pleasure to send you greetings from California delivered to you in one of the original pouches used by Wells Fargo, now in possession of the Wells Fargo Bank in San Francisco. The makers of this pouch did not realize that at some time it would be carried from San Francisco to Washington in 16 hours via United Air Lines.

The picture Wells Fargo depicts the development of transportation facilities in the United States and particularly the influence the same had upon the early history of this great State of California. The picture is a fitting commemoration to those persons who took such an important part in the progress of California during the days of the gold rush.

With kindest regards, I am,

Very sincerely yours,

FRANK F. MERRIAM,
Governor of California.

WATER CONSERVATION OF YELLOWSTONE VALLEY—EXCERPT FROM ADDRESS BY SENATOR WHEELER

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD an excerpt from a radio address delivered by Senator WHEELER at Billings, Mont., on November 12, 1937, on the subject of Water Conservation of the Yellowstone Valley, which appears in the Appendix.]

THE OUTLOOK IN CONGRESS—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by himself on January 6, 1938, on the subject of The Outlook in Congress, which appears in the Appendix.]

EQUAL RIGHTS AMENDMENT—ADDRESS BY MRS EMMA GUFFEY MILLER

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address delivered by Mrs. Emma Guffey Miller, Democratic national committeewoman for Pennsylvania, before the National Conference of the National Woman's Party held in Washington, D. C., December 15, 1937, which appears in the Appendix.]

THE BUSINESS CYCLE AND WOMEN—SPEECH BY RAYMOND G. SWING

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD a speech delivered by Mr. Raymond Gram Swing at the National Conference of the National Woman's Party, December 14, 1937, on the subject The Business Cycle and Women, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mrs. CARAWAY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Arkansas Democrat on the subject of lynchings in 1937.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[Editorial from Arkansas Democrat, published in Little Rock, Ark.]

LYNCHINGS IN 1937

The special session of Congress adjourned without adopting the antilynching bill, thanks to the filibustering of southern Senators. It adjourned before the Tuskegee Institute of public records and research made its report.

Here are the records as submitted by the institute:

In 1937 there were eight lynchings. The 1936 total was the same. In 56 instances officers of the law prevented lynchings that would have involved 5 white men and 72 Negroes. The eight 1937 and 1936 lynchings compared with 20 in 1935 and 15 in 1934.

While the Tuskegee figures are not needed to add to the evidence that the antilynching bill was one of the most vicious aimed at the South since reconstruction days, we do call attention to the fact that the statement that in 56 instances lynchings were prevented by officers of the law.

The "excuse" for the law is that officers fail to protect men accused of crimes and because of that dereliction of duty the county in which it happened should be fined.

Could any more convincing evidence be produced? The Tuskegee report should be sufficient to end the argument in Congress when the antilynching bill bobs up again.

Mr. BORAH. Mr. President, this measure, in a slightly different form but embodying the same principles, came to this body about 25 years ago. At that time I was a member of the Judiciary Committee of the Senate and was appointed by the late Senator Nelson chairman of a subcommittee to pass upon the measure, particularly its constitutional features. I shall not at this time go into the history of the action of the committee at that time. It may be necessary to do so later in order to throw light upon some features of this matter. It is sufficient now to say that I reached a conclusion as to the merits of the bill, which conclusion I still entertain.

Heretofore I have confined my remarks upon this bill largely to the question of its constitutionality. Those questions still interest me, and probably I shall discuss them later. Today, however, I desire to address my attention for a time to the policy involved in this measure. Assuming for the purpose of the argument that we have the constitutional power to pass such a measure as this, I desire to invite the attention of the Senate to the wisdom of doing so. I think it only a little less important, perhaps no less important, than the constitutional question itself.

Notwithstanding anything that has been said or that may be said to the contrary, this is a sectional measure. It is an attempt upon the part of States practically free from the race problem to sit in harsh judgment upon their sister States where the problem is always heavy and sometimes acute. It is proposed to condemn these States and the people in them because it is claimed that they have failed properly to meet and adjust this most difficult of all problems. No more drastic condemnation could be offered by a measure than that which is offered by the measure now before the Senate.

It proposes to authorize the national Government to enter into the States, and to take charge of and prosecute as criminals the duly elected officials of the States, from the governor down. It proposes that the Federal Government shall be the sole judge of the guilt or innocence of State officials.

In my opinion that requires a review of some unfortunate history, and the recalling of some unpleasant facts. These States are not to be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon them, and not without a complete record as to the weight and difficulty of the task, what has been done, and with what good faith it has been met. I shall contend that the southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history, dealing with a problem of similar nature. Let us inquire what it is that the South has had to do, how it has done it, and what reason there is now, after 70 years of great effort, to pass censure or condemnation of those great States and that great people.

Paraphrasing the language of one of the most eloquent of men, when the Confederate soldier pulled his gray cap over his brow, and lifted his pallid and tear-stained face for the last time to the graves which dotted the hills of old Virginia, and started on his slow and painful journey home, what was he to find? What were the problems, what was the task, what were the conditions which confronted him? His home was destroyed, his plantation devastated, his help gone, his money worthless, his civilization imperiled. This was the condition in addition to the other problem with which we are more particularly concerned today, and which confronted the South as it entered upon its great task of rebuilding.

I shall not go into details as to the reconstruction period. I recall it sufficiently and only that we may understand something of the antecedents of this problem and something as to the good faith and the ability with which it has been met. I recall a single instance in the way of illustration. When Congress met in December 1865 the then leader of the House—perhaps the most complete master of the House of Representatives that history records—Thaddeus Stevens, outlined the program with reference to the then pending situation. Among other things, he said:

> The future condition of the conquered power depends upon the will of the conqueror.

He said further that the conquered provinces were to be admitted as States—

> Only when the Constitution has been amended so as to secure the perpetual ascendancy of the party of the Union—
>
> The Republican Party.
>
> Every government is a despotism. * * * The Constitution has nothing to do with it [the program]. * * * I propose to deal with you [the South] entirely by the laws of war. * * * The conquered people have no right to appeal to the courts to test the constitutionality of the law. The Constitution has nothing to do with them or they with it.

Thus they were to take up the work of rebuilding and of carrying the race problem with the threat of having all constitutional guaranties withdrawn.

Mr. President, I have always felt that in many respects the reconstruction period is the most regrettable page of American history. Had Abraham Lincoln lived through his second term it probably would have been the most readable page, one of the noblest pages in all history. It would have been characterized by wide sympathy, by breadth of understanding, and by that wisdom which flows from the heart as well as the brain, which passeth all understanding. It would have been free from that blind partisanship which disregards constitutions and constitutional limitations as well as national honor and national unity.

A short time before the Great Emancipator was removed from the scene he had outlined his views on reconstruction. What a different story would have been written had those views prevailed! What a different national life would have been lived had those views obtained! But before his body had reached Springfield the committee had met and had determined upon the complete rejection of the entire policy theretofore announced by the dead President. Ben Butler's views superseded those of Abraham Lincoln; and a more tragic thing could not happen in a crisis confronting a nation. These measures with reference to reconstruction therefore were written from the standpoint of partisanship not unmingled with a desire to punish.

The measure now before the body embodies the same principle upon which those measures were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.

We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South. They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what had happened upon the field but because of what happened in Congress.

It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This

bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.

Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people in the different parts of the country will solve their problems; and that is just as essential today as it was in 1865 and 1870.

In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of national unity nor of national solidarity, not in the interest of eliminating crime. History has proven that it will be a failure, and those who suffer most will be the weaker race.

Mr. President, the race problem is the most difficult of all problems, and, in addition to the conditions which I have outlined briefly, the southern people had placed upon them the race problem under circumstances and conditions never before experienced by any people, so far as I know, in recorded history. In addition to and on top of all other problems the South had to grapple with the race problem. How well has it dealt with it?

At the close of the Civil War there were a little over 5,000,000 white people in the South; there were 3,500,000 Negroes. In Mississippi there were 100,000 more colored people than white people. In South Carolina there were something like 150,000 more colored people than white people. There were the two races, living upon the same soil, now equally free under the Constitution, one of them untrained and unschooled in the affairs of state, and untrained in citizenship. The problem had to be met. Was it easy of solution? Can one conceive of a more difficult problem placed before a people? I wish we could place ourselves in their position. It would help us to be sympathetic, sane, and just.

I call attention to some facts which lead up to the question of lynching. History shows that in the North in 1889, 1 Negro in every 185 was in jail; in the South, 1 in every 446. In the North the percentage of Negro prisoners was six times as great as that of the native whites, in the South four times as great.

Monroe S. Work, of Tuskegee College, has said:

> There is a much higher rate of crime among the Negroes in the North than in the South.

That speaks volumes for the southern Negro and no less for the whites.

Professor Johnson, of Fisk University, has said:

> The rate for Negroes is much higher in the Northern States than in the Southern States as to crime. Judging by the figures alone, for a 10,000 Negro population, the commitments were 88 in the South, 283 in the North.

In a volume entitled "Negro Housing" published in 1932, I find the following:

> The extent of property ownership by Negroes has in the past been greater in the South than in the North.

It will be disclosed that in some of the southern cities the percentage of Negro ownership of homes runs as high as 45 percent of the Negro population; in other places as high as 30 to 39 percent of the Negroes own their own homes.

In a bulletin issued by the Department of Agriculture in 1930 we find the statement that the value of land and buildings of farm property owned by Negroes increased from 1910 to 1930 as follows, giving the round figures:

	Percent
Virginia	58
North Carolina	140
Georgia	11
Florida	29
Louisiana	142
Texas	97
Mississippi	68
Alabama	41
Oklahoma	54
West Virginia	87

I mention these figures to show the progress of the Negro throughout the South in an economic way, for, after all, only in proportion as he acquires property and economic power can he hope to be secure in his political rights. That is just as true of the white man as of the colored man. And in proportion that he advances in eduction, in the acquisition of property, and in the acquisition of economic rights, in that proportion he will come to be regarded as an essential factor of the southern civilization, and treated as such; and to accomplish that has been the aim of the southern Negro, encouraged and assisted by the white people of the South.

I shall now read from a little volume to which I called attention a few days ago during the debate on the farm bill, a volume written by Gerald W. Johnson, who, I have been informed, is one of the editors of the Baltimore Evening Sun. He has written a remarkable volume upon the questions which pertain to the southern portion of the country. On page 8 of the volume he says, referring always to the South:

> The problem of public education, for example, has not been solved. It is further from solution in the South than in any other region. But when one considers that the South has to teach more Negro children than there are children of all kinds in New England; and when one notes that it is spending far more of its total income on schools than is spent by any other region, its effort, even though but half successful, must command respect and admiration.

They must educate more Negro children in carrying this load than all the children of New England, and they are doing so; and by educating them they are fitting them for citizenship, schooling them against crime, and they are laying the only sure foundation there is for the extinguishment of crime among the Negroes. They are laying at tremendous cost the foundation for the good citizenship of the Negro, and while lynching can never be justified, nevertheless there is no more successful approach to the ending of lynching than through education, through bringing both races to understand their responsibility to society. I know of no finer sense of duty than that displayed by the South in the help it gives the Negro in bettering his condition as to property, as to economical strength, and as to education.

I read again from this able writer:

> It has been the fashion in some quarters to assume that the Southeast has remained almost completely inert in the presence of its social problems. This is far from the truth. A mere glance at the educational statistics of the region is enough to dissipate the impression that the Southeast has been indifferent or lethargic in this respect. The State of Florida, for example, spends 5.76 percent of its total income for school purposes, and North Carolina 4.38 percent; this is the largest percentage that is spent for similar purposes by any other States save the Dakotas. * * * The Southeast spends 3 percent of its total income for higher education, the highest percentage in the Nation. It enrolled more high-school students in 1930 than the whole country did in 1900, and there are more accredited high schools in this region than there were in the United States at the end of the century. Its present army of 60,000 high-school graduates annually represents an increase of 500 percent within the last two decades.

I pause to say that if we knew as much about the South and what they have done and are doing as we pretend to know, we would not be so free to criticize. It is a horrible thing to see the body of a Negro burned to a crisp, swinging from the limb of a tree; it is a horrible thing to have a daughter or son, perhaps a mere child, snatched from your homes, carried into hiding, perhaps murdered. These are our problems, pressing for consideration, and they are making as determined an effort to clear the stain from the honor of the South as are we to rescue our honor in the North. "Why beholdest thou the mote that is in thy brother's eye and considered not the beam that is in thine own eye."

During the last session of Congress we had under consideration in the Committee on Education and Labor what is known as the educational bill, and, of course, it vitally affected the Negro people of the South, and they appeared in great numbers before the committee. At that time Senator Black, now Justice Black, was chairman of the committee. The most difficult problem was to work out absolute protection for the colored children in the enjoyment of

the fund proposed to be set up. I must say that I never knew a person more meticulous, more determined, more vigilant to protect the colored students in the enjoyment of that fund than was Justice Black. I was impressed with the fact that there was a determination upon his part to reach the Negro at that point in his life where he could best serve him not only with reference to general citizenship but as to the reduction of crime. Mr. Johnson states further in this volume:

> The most conspicuous characteristic of the southern population, however, is its biracial character. A group of 8,000,000 people of a different color from the other 17,000,000 is a feature so startling that it may be expected to attract more attention than perhaps it deserves.
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> * * * * * * *
>
> The inevitable result has been enormous waste of the Negro's potential value to the social structure. Not all of this is the fault of the white South by any means. The hasty and ill-advised effort made in the sixties to project the newly emancipated slaves into a political and social position they were not prepared to occupy has made any realistic treatment of their position extremely difficult. Not only did it create appalling prejudices but it erected very substantial legal barriers against any direct and forthright approach, and forced southern political and social polity into a sinuousness that has been productive of a thousand evils.
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> This is, however, water over the dam. What confronts the Southeast today is the problem of making the best possible use of 8,000,000 blacks.
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> * * * * * * *
>
> Only comparatively recently has any considerable effort been made to treat the disease, rather than to alleviate its symptoms—or, rather, only recently has the idea begun to spread that perhaps there isn't any organic disease, but only a series of functional disturbances. Since the turn of the century the Southeast has been making real, if not always adequate, efforts in the field of Negro education. With the rise of the Negro in the cultural and economic scale there has come also an appreciable reduction of the rigor of civil and social disabilities. And with both there is a strengthening belief that perhaps the traditional approach to this situation has been faulty.

Everywhere we find a determination to find the right way. The Negro is there. He is there to stay. The South knows that he is there to stay, that he is a part of the wealth of the South. We in the North may be interested in the Negro politically. We care little about him economically. But he is an indispensable factor in the economic development of the South. They can and will do for him far better without our interference or advice than with it.

Mr. President, the Negro has had a hard road to travel even since he was given his freedom. A hundred-and-odd years of slavery afforded poor training for citizenship in the most advanced of nations. Almost overnight he went from slavery to take up the obligations of a free man in a free country; but, everything considered, he has done well; his advancement has been marked. Restricted, not by the Constitution of his country or the decisions of its highest courts, but restricted, almost cabined and confined, by the iron laws of society, nevertheless he has made progress. And where has that progress been greatest? In the South. In spite of prejudice, and statements to the contrary, facts and figures show it has been greatest in the South. In the acquisition of property and economic advancement generally the Negro has fared better in the South than elsewhere.

It is true, as is contended here, that at times he has suffered from mob violence in the South, but it is equally true that he has suffered from race riots in the North. But in all things which make for the advancement of the race as a race, the North has no advantage over the South in the story of the advancement of the Negro. We have shown no greater patience, no greater tolerance, no greater ability to deal with this race than have our brothers of the South. And now, because there is the power, because there are the votes, because it is possible to do so, it is proposed to call these great States and these people before the bar of public opinion and, after 70 years of arduous effort on their part, condemn them as unfit and unwilling to deal with this great problem, condemn them for having failed in the essential principle of home government, of home rule. After these 70 years, and after 150 years, taking the Government's history as a whole, we now come to the time when we are asked to say that home rule or local government has broken down in a number of the States of the Union. We call these States and these proud people to judgment before the whole world and spread upon the records of the Congress our condemnation, our judgment that in the most vital things of free government they have failed.

Broken down! Why? Because eight Negroes were lynched last year. There were 20 kidnaping cases in the United States last year. After all the efforts of the States and all the efforts of the Federal Government, taking charge of those who crossed State lines, we still had 20 kidnaping cases as against the 8 lynching cases in the South. Is that an indication that the South is not in good faith and with honorable effort trying to protect the colored race and to give it the same protection that it gives the white race?

Lynching is the one crime, Mr. President, that is distinctly and markedly on the decrease in the United States.

I shall take time to read briefly some facts and give some figures.

Prof. Charles S. Johnson, of Fisk University, says:

> Taking the period of 1889 to 1893 as 100 percent, it is of interest to note that every 5-year period has shown a decrease in the total number of individuals lynched.

He then gives the figures showing that from 1924 to 1928 there was a decrease of Negro lynching amounting to 84.8 percent. He concludes by saying:

> It will be discovered from the accompanying graphs and tables that at the present rate of decrease lynching will apparently cease to be a problem in race relations due to its disappearance.

Further, he says:

> In the 30-year period from 1889 to 1918, inclusive, there were 2,522 Negroes lynched.

That is about 84 a year.

He then calls attention to the fact that in 1924 the number had dropped to 16. Last year the number was eight. In many of the Southern States lynching has practically disappeared. Virginia had only one case in 10 years. West Virginia had none during the past 5 years. South Carolina had none during the past 3 years. Oklahoma had one in 10 years. North Carolina had two in 7 years. Arkansas had three in 9 years. Maryland had two in 10 years, and none for the past 3 years.

I call your attention to a statement from the great Tuskegee Institute located in the State of Alabama. It reads:

> There are a number of interesting features to be noted. From 1882 to 1885 there were more whites lynched than Negroes. Concerning the decline of lynchings in the United States, I call attention to sheet No. 2, "Lynchings, white and Negroes, by periods, 1882–1936." You will note that there has been a steady decline in the number of lynchings for each of the 10-year periods, 1887–96 to 1927–36. Judging from the trends shown in this table, there is every reason to believe that there will be a further decline in lynchings.
>
> There are probably three major factors that have contributed to this decline. The first of these is the tendency for frontier characteristics in the South to disappear (lynching was a special characteristic of the frontier in America, both in the West and in the South). Second, the breaking down of isolation in the South by increased facilities: (1) Rural free delivery; (2) more telegraph offices; (3) more telephones in small towns and rural areas, and (4) recently the radio and paved roads. Third, increasing agitation within the South during the past 40 years against lynchings. This has resulted in an increasing sentiment against the evil. This sentiment has expressed itself in the increasing efforts to prevent lynchings.
>
> From 1914 to 1919 the number of persons lynched was much greater than the number of persons prevented from being lynched. From 1920 to the present the number each year prevented being lynched has greatly exceeded the number lynched.
>
> These facts and trends seem to indicate unquestionably that there will continue to be a decline in lynchings in the United States. Not only in these statistics but in many other ways is there employed a growth in the humanitarian attitude of the American people. This growth, I believe, has paralleled the development of educational and social agencies, all of which bid fair to rid this Nation of the barbaric practice of lynching.

In other words, the problem is being met, the problem is being solved, and it is being solved in the way that America solves her problems when they are local and of a local nature; and that is through the activity and the cooperation and the determination of the people themselves.

Mr. President, suppose Congress passes this bill; suppose it becomes a law; where must we go for its enforcement? The bill may be passed by votes from other States, but for its enforcement we must go to the juries in those communities which we condemn. The bill may be passed in the theoretical atmosphere of Washington, but it must be enforced down among the people in the realistic atmosphere of the Southern States. There will be the southern district attorney, the southern judges, the southern juries, and they must be depended upon for the enforcement of the law. Do Senators think they will more likely enforce the law when they have been condemned in the sight of all the world, and in the face of such condemnation, than when they are appealed to from the standpoint of the sense of duty of their State and their sense of duty of citizenry?

We get back, after all, to the people themselves for the enforcement of the law. We have had an experience in this country showing that we cannot enforce a law when public opinion is not behind the law. The only way in which we can hope to have the law enforced is by the method that is now pursued by the southern people—that is, to educate the people up to an understanding that it is to their interest and to their honor to maintain law and order in their communities—and that they are doing.

Some years ago a great southerner discussed this question, and I cannot refrain from calling attention to some of his language. It seems to me fair, just, and so in accordance with the sentiments of the true patriot that it is worth while for us to stop and hear the voices of those who are wrestling with the problem at home.

Mr. Henry W. Grady said:

> Nothing, sir, but this problem and the suspicions it breeds, hinders a clear understanding and a perfect union. Nothing else stands between us and such love as bound Georgia and Massachusetts at Valley Forge and Yorktown. * * *
>
> I thank God as heartily as you do that human slavery is gone forever from American soil. But the freeman remains. With him a problem without precedent or parallel. Note its appalling conditions. Two utterly dissimilar races on the same soil—with equal political and civil rights—almost equal in numbers, but terribly unequal in intelligence and responsibility. * * * Under these, adverse at every point, we are required to carry these two races in peace and honor to the end.
>
> Never has such a task been given to mortal stewardship.

Is that not true? Can we find anywhere in history a task such as was assigned to the southern people at the close of the Civil War, with slaves for 100 years released, free as they should have been, but given the power to participate in politics without any training and without any experience? It was beyond their capacity, as it would have been beyond the capacity of any race immediately to assume in full, and properly discharge, the duties of citizenship. But those were the conditions which confronted the South, and with which they have been dealing.

> The resolute, clear-headed, broad-minded men of the South * * * wear this problem in their hearts and brains, by day and by night. They realize, as you cannot, what this problem means—what they owe to this kindly and dependent race—the measure of their debt to the world in whose despite they defended and maintained slavery.
>
> If you insist that they are ruffians, blindly striving with bludgeon and shotgun to plunder and oppress a race, then I shall sacrifice my self-respect and tax your patience in vain. But admit that they are men of common sense and common honesty, wisely modifying an environment they cannot wholly disregard—guiding and controlling as best they can the vicious and irresponsible of either race * * * admit this, and we may reach an understanding without delay.

Let us admit that the South is dealing with this question as best it can, admit that the men and women of the South are just as patriotic as we are, just as devoted to the principles of the Constitution as we are, just as willing to sacrifice for the success of their communities as we are. Let us give them credit as American citizens, and cooperate with them, sympathize with them, and help them in the solution of their problem, instead of condemning them. We are one people, one Nation, and they are entitled to be treated upon that basis.

Mr. President, I now turn briefly to another feature of this measure. I shall discuss it later in more detail, referring to court opinions. But I call attention to this feature now which must be of concern to every Member of this body, to everyone who believes in our dual system of government. This bill as it is drawn—observe my language—this bill as it is drawn strikes at the very heart, at the very life of local self-government. I ask Senators to reread the bill in the light of that assertion. It would place a construction upon the fourteenth amendment never contemplated by the men who wrote it—in fact, specifically rejected by them—and which, in my opinion, a fair construction in no sense sustains.

The bill openly and professedly declares in effect—and that is the theory upon which it rests—that the people in these States are either unwilling or unfit to maintain the most ordinary principles of organized society, and that in the face of the facts which I have shown, that they are really solving the problem.

Permit me to say here before I go further that I make no contention but that the fourteenth amendment has forever placed it beyond the power of any State to deny any person the equal protection of the laws, or to deprive any person of life, liberty, or property without due process. I recognize also that the State acts and speaks through its officers, legislative, judicial, and executive. I am not going to take refuge in technicalities, but I contend for what I believe to be a fundamental principle, and that is that while you may call a State thus acting and thus speaking to account, you cannot take jurisdiction over or deal with acts and deeds not done by the authority and by the direction of the State. It must at all times be State action. You cannot deal with acts under the fourteenth amendment not done by and under the authority and direction of the State. The dereliction of an officer in violation of the laws of the State, in disregard of the sworn duty exacted of him by the State, and subject to punishment by the laws of the State, cannot by any possible construction, either in law or in conscience, be the act of the State. To establish any such principle would be to undermine and break down the integrity of every State in the Union. If a State may not be entrusted exclusively with the authority and relied upon to exercise the authority to punish those who violate its own laws, public or private persons, then there is no such thing as local government, because the State is deprived of the very instrumentality by which it maintains State integrity.

Since this proposition first came before Congress the Senators from the Southern States have borne the brunt of the debate. They have been made to feel the criticism of those who look upon opposition as mere local prejudice. We are all prone to consider the race question as peculiarly a southern problem, and we leave our southern friends to deal with it without very much sympathy or interest. But assuming that we are going to continue this narrow and selfish course, when we come to read this bill it is found that it goes an arrow's flight beyond any race question. The way it is drawn and its legal terms lift the bill out of the region of the race question into the region of governmental principles.

I do not contend, of course, that the authors of the bill or its supporters are taking advantage of the horror which we all feel toward the crime of lynching to strike a blow at our dual system of government, but that is precisely what is happening; that is precisely what will happen in view of the manner in which the bill is drawn. The constitutional feature of this bill under its terms is just as vital to Idaho as to Alabama; it is of just as much concern to Massachusetts as to Georgia. If the Federal Government can send a United States marshal into the State of Tennessee to arrest a sheriff because he has failed to protect a colored man from violence, it can, under the same principle, send a United States marshal into the State of New York to arrest a sheriff, or other officer on whom the duty is imposed, because he neglected to protect the life of a citizen against the violence of thugs. It is just as much the duty of the State to protect the citizen from violence not under arrest or not assailed by three but by two or one. The Constitution does not classify crimes. It does not say that lynching is subject

to the terms of the Constitution and that death by the act of thugs is not.

What does this bill provide? There is not a word in it which indicates that the failure to protect in any instance was due to the fact that the prisoner was a Negro. There is no provision indicating that the States of the South or their officers maintain one rule of conduct for the Negro and another for the whites. There is nothing to the effect that the laws of the States favor the whites and do not favor the Negro. There is no indication or intimation in the bill that the failure of the officers to act was due to the fact that his prisoner was a Negro. This bill is not based in its terms upon discrimination against the Negro, because of unequal treatment of the Negro, but upon the theory the States have broken down in maintaining order and protecting life. That is not a local question but a national question. If the States no longer protect life and property not because of discrimination but because of failure to execute laws regardless of race then we have a great national problem to be met by constitutional amendment. The fourteenth amendment does not cover any such question.

In all the cases which are cited in the briefs sustaining this measure there will be found a specific provision in the statutes concerning the failure of the officer to act being due to the fact that the party in interest was a Negro. There is no such provision in this bill. This is a general proposition, dealing as much with one race as with the other. Let me read from the bill:

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee—

That would include the Governor and all his subordinates in the executive department—

to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Where is the provision there that deals with the lack of equality between the races or discrimination as to the races? There are no provisions in the bill requiring a showing that the failure of communities to protect a person was due to the fact that he was a Negro. In all the cases cited, there will be found a statute specifically requiring a showing that the officer refused to act or failed to or did not act because of the fact that race was involved and that a Negro was the person involved.

Let us carry this a little further. It is the first duty of a State, is it not, to enact laws to provide officers to protect life, liberty, and property? That is the first duty of every State. Suppose that a man is killed by thugs, we will say, in one of the great cities, without mentioning any particular one—and while the South lost eight Negroes by lynching last year the North lost hundreds because of acts of violence committed by thugs—and suppose that the State failed to take proper action under its laws and by its officers to protect the citizen on the highway or in his home against the acts of thugs; may we not, under the principle of law invoked in this bill, send an officer into that State to take charge of those police officers? What is the distinction in this bill between violence committed by a combination of thugs and violence committed by those who are combined into a mob? We are somewhat at a disadvantage in discussing the bill, because its authors have been entirely silent in presenting those features, and I am having to present it upon the briefs which I have read.

I think it might not be out of place here to call attention to another matter. The proponents of the bill are undoubtedly maintaining that the Federal Government will protect men in the South better than will the local communities. They are undoubtedly basing the entire measure upon the proposition that the Federal Government will execute the law. Well, we have the Federal Government in control of the city of Washington, which now, if not the first, is at least the second capital city of the world which is most plagued with crime. Seventy-five people here have been robbed of their property in one night. How close the police were I do not know. I understand the police escaped being robbed.

We can all recall instance after instance published in the papers of young women disappearing and their bodies being found outraged and the criminals never being intercepted. Why is there any reason to believe that the Federal Government can enforce criminal laws better than can the State Governments? The enforcement of law and the punishment of crime depends upon the will and purpose of the community where the crime is committed. Those advocating this bill are on a venture. They are going to take the responsibility away from the people in the South; they are going to say to them, "You are not qualified or willing to do the work; we are going to do it." Where is the record which shows that they will do it? What is the record?

We have now at the head of the Crime Department, if I may call it that, in the Department of Justice, perhaps the greatest specialist in the world in the running down of crime and criminals; We have a Federal kidnaping law by reason of the fact that kidnaping crimes generally pass State lines; but last year, 1937, there were 20 kidnaping cases in the United States, with the State and Federal Governments both working, and Mr. J. Edgar Hoover says that there never will come a time when there will not, in all probability, be kidnaping in the United States; that it is impossible to wipe out the crime; that so long as greed and the appetite for money are found in the human system, there will be kidnaping. Mr. Hoover very frankly states that it is impossible to wholly wipe out such crimes. They can be reduced to a minimum and lynching has been reduced to a minimum in the South.

Coming back to our Capital as an example of Federal enforcement, I read from a local paper:

The criminals of Washington are taking $30,000,000 a year from the citizens of this city.

They are being deprived of life, liberty, and property, certainly without due process of law as that term is applied here. And the men in charge of the District seem to have thrown up their hands; they do not know how to deal with the situation. Yet the Federal Government is in control here; the Federal Government is back of them. They are not by any means doing as well as are the people of the Southern States in meeting the crime problem.

Mr. President, we are dealing with the race problem. We need not blind our eyes to that fact. And the race problem is a problem which does not readily yield to legislative solution, to the rigid demands of the law. Take, for instance, the colored girl who, under great handicaps, has earned the right to be employed by her Government upon an equality with everyone else. She goes with a certificate of competency from the Civil Service Commission to one of the departments here in Washington—here in Washington, under the aegis of the Federal Government—and when she enters the door and her color is discovered she is told that the place is filled, which is probably false. That happens not once but many times. She suffers injustice at the hands of her Federal Government. But that is a race question, and no law was ever made tight enough or strong enough to remove all its harshnesses and to eliminate all its injustices. Only the patient process of education, the uplifting power of religion, the tolerant, noble-minded men and women who give their thoughts to the cause can remove or mollify such injustices or such harshnesses. And that is being done; it is being

done in the South; that result the South is achieving; the record so shows; and the people of the South are entitled to our commendation and not our condemnation. They are entitled to our cooperation and support.

This, Mr. President, is another compromise with a vital principle of our dual system of government. It is bartering the future for the supposed and transient demands of the present, and at a time when the present is taking care of the problem. It is another instance in which our confidence in our scheme of government is not strong enough to say to all races, all creeds, all groups, and all factions: Your problems, however serious, are subordinate to the principles of this Government, and you must work them out within the compass of the long-tested and well-accepted principles of democracy.

Every American must feel a slight sense of guilt, if not a sting of remorse, when he reads the Premier of Italy's reference to the bellowing herds of democracy, to free institutions as the decadent breeding grounds of insincerity and confusion. The fundamental principles and precepts of popular government are not in doubt. There is no confusion there. The confusion arises when we depart from those principles. It was the embodiment of the precepts and principles of popular government in the Constitution of the United States which put confusion to rout in this country, gave ordered liberty to the people, and strength and direction to government. For centuries prior to the declaration that the powers of government are derived from the consent of the governed, and the dedication of a new continent to that sublime conception, there had been nothing but confusion, nothing but turmoil and misery, nothing but brute force and enslaved masses. And all that will happen again if the advocates of arbitrary power, now inveighing against free institutions in the presence of their assembled slaves, have their way and the world again comes under their sway. Contrast the conditions of those periods with the period since the adoption of the Federal Constitution, with its establishment of law and order, the spread of contentment and happiness among the masses, with its unprecedented progress in the arts and the sciences, and you not only have your answer to those whose sole right to rule rests upon the law of force, but you have the most powerful appeal that can be made by mortal man to those who would compromise or weaken the safeguards of popular power.

I am perfectly aware, as we all are, of the tide which seems to be running against popular government everywhere, of the base betrayal of the people in many countries where they once had at least some authority and hoped for more, of that profound egotism which regards as of no significance the bitter experience of men and women in their long quest for liberty. But against all these things, if we have the confidence in our form of government which we profess, we can place, not theory, not hopes, not ideals merely, but 150 years of achievement, of demonstrated popular rule, with its wealth of human happiness and human progress. How puny and hollow and fleeting in comparison are the achievements of usurped power, every hour of whose existence depends upon the continued suppression of human liberty.

And, Mr. President, in conclusion, the progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lodge	Schwartz
Ashurst	Duffy	Logan	Schwellenbach
Bailey	Ellender	Lonergan	Sheppard
Bankhead	Frazier	Lundeen	Shipstead
Barkley	George	McAdoo	Smathers
Berry	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Graves	McNary	Thomas, Utah
Bulkley	Guffey	Miller	Townsend
Bulow	Harrison	Minton	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	O'Mahoney	Wagner
Chavez	Holt	Overton	Walsh
Connally	Johnson, Colo.	Pittman	Wheeler
Copeland	King	Pope	
Davis	La Follette	Reynolds	
Dieterich	Lewis	Russell	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. A quorum is present. The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mr. McKELLAR. Mr. President, I have known the distinguished Senator from Idaho [Mr. BORAH] for many years. I have heard him make many speeches. In all the time I have served in this body with the Senator from Idaho I have never heard him make a poor speech. Even before my service here, when I was a Member of the House of Representatives, I used to hear the Senator make speeches here and enjoyed them. I do not think he ever made a better, a more timely, a more generous, a more eloquent or a truer speech than the one he has made here today. I do not believe he could have presented the case more fairly, more honestly, more justly than it has been presented. As a southern man to a northern man, as one American to another, I want to thank him for that speech, and I believe it will be one of the longest-remembered speeches ever made in this body.

Before going further, I desire to say that I realize what a task it is to follow a speech of the kind that has just been made by the distinguished Senator from Idaho, and it is with some regret that I am so placed; but I desire to discuss today the merits of this measure, and to some extent its constitutionality.

The title of this bill, Mr. President, is—

A bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

In the 21 years I have been in the Senate, it has fallen to me to oppose bills of this kind on three occasions. In 1922 substantially the same bill was introduced, and I think I may say without fear of contradiction that it was then introduced largely for political purposes. I opposed it at that time with all the vigor and determination of which I was capable, and the bill was not passed.

Later on, in 1935, substantially the same bill was again introduced. There was a long contest, and the bill was not passed.

In my judgment, Mr. President, no better conclusion could possibly have been reached in either of those instances than the failure of the bills to pass at those times. I think it was better for the Nation, better for all its people, but especially better for the people of the colored race, that the bills did not pass. So today I agree with the Senator from Idaho that this bill, if passed, will be injurious to the entire Nation, but more especially will it be injurious to the people of the colored race, for whose benefit it is asserted that it should pass.

Mr. President, the House passed the bill sometime ago. The Senate committee has stricken out the text of the House bill and reported another bill, which is in substance like the House bill, though it goes further. It is the text of the bill

as reported by the Senate committee that I wish to discuss for a while this afternoon.

Before I enter upon a discussion of the merits of the bill I wish to say that I was born and reared on a farm in southern Alabama, in the heart of what is generally known as the "black belt" of that State. In the county in which I lived when I was a boy, if I recall aright, there were between 10 and 15 Negroes to one white person. I was reared among Negroes, with Negroes all around, and, so far as I can recall, I never had a difference with a Negro in my life. I have no unkind feelings of any kind, nature, or description toward the Negroes, never have had, and never expect to have. I have the greatest sympathy and consideration for them. I played with them when a boy. My father and mother were both slave owners, and they treated the Negroes with the utmost consideration and the utmost care. They taught their sons to take the same attitude, and I hope I have never abandoned that teaching, and that I have always treated these people with the greatest consideration. I have nothing against the Negroes as a race and nothing against them as a people. I would not do them a wrong for anything in the world. When I moved from southern Alabama to the city of Memphis, Tenn., I found that there were many Negroes in Memphis. So I have lived surrounded by them, in the midst of them, all my life.

While I was a practicing lawyer in the city of Memphis, while I was not thrown with the Negroes a great deal, occasionally, in both a business and professional way, I came in contact with the colored people. I believe I have their respect, and I know they have mine, and I think I can speak with knowledge concerning them.

Not for the purpose of boasting but merely to show how I feel about the Negroes as a race, I recall that in the busy years in which I practiced law as a young man for a while I represented the sheriff of the county, and one day a colored man whom I knew came into my office and told me that a sheriff's deputy had come to his home that morning and served a writ of ouster upon him and his family, and had put his wife and all of his furniture and children out on the street, and he wondered if I could do anything for him. I immediately called the sheriff and told him to restore those goods and to put this man and his family back into possession of their home, and he did so.

I filed a bill in a chancery court against a man by the name of Grimes, if I remember aright, although I have not thought of this in 20 years, a man who came from either Missouri or Illinois, I forget which, and who had bought up tax titles against innumerable people, both white and colored. This colored man had failed to pay his taxes for 1 year, and it was to enforce a tax title that the man and his wife and his family had been ejected from the home which they had owned for many years. I filed a bill, and the chancelor granted an injunction. The case was appealed by Mr. Grimes, who had become very rich, having an income of great proportions from just such cases. I filed a bill against him. It was upheld by the chancelor, and then upheld by the Supreme Court, and from that day to this a tax title has not been held good in my State, and I think it was largely on account of the enormity of the act of this man Grimes in having this colored man dispossessed. He had no money to pay me, I did not charge him a fee, and it was expensive to take the case to the Supreme Court, but I paid the expense, because there I found a stranger to Memphis coming within her borders and undertaking to prey upon people who had failed to pay their taxes and to take property away from men and women when he had no moral right to do so.

Mr. President, I tell this story merely for the purpose of showing that as long as I have lived, with knowledge of the situation, I have never failed, when colored people around me were wrongfully treated, to lend them a helping hand. I have no prejudice against them; I have nothing but respect and esteem for the colored race that happens to be in our midst in the southern portion of our country.

At the very outset I wish to speak for a few moments about the wonderful progress that has been made by the colored people, especially in the South since the Civil War. They started with virtually nothing in 1866, and I know of no race of people, certainly no black race anywhere on the face of the globe, that have ever made such great progress, have ever done so much for themselves, as the colored race have done for themselves since 1866. With almost nothing to start with in 1866, according to statistics they have acquired billions of dollars of property. They have schools in which they can educate their children. As I remember, in 1866, only 10 percent of the Negro race above 10 years of age could read or write. Today 80 percent of them can read or write. Wonderful progress they have made, and I respect them for what they have accomplished.

The cities of the South furnish the best of schools for the colored people, infinitely better than the schools I attended in the eighties and even in the nineties, infinitely better than the schools were for many years after the Civil War. In the city where I live there are five schools and excellent teachers for the colored people, and the progress they have made in education is a matter for which I feel they deserve great credit.

They have developed in thrift, they have improved in education, they have improved in business, they have improved in agriculture, they have improved as industrial workers. Perhaps they have improved more than anyone ever expected they would after they were suddenly given their freedom at the end of the Civil War. They have improved in the broadest sense of the term. They have taken advantage of their opportunities. They did not have the money with which to build schoolhouses, they did not have the money with which to pay teachers, they did not have the property to be taxed for such purposes; but the white people of the South taxed themselves and built schools and furnished teachers, so that the literacy of the colored people was increased from 1866 up to the time of the latest figures we have—those for 1930—from 10 percent to 80 percent. What a marvelous progress in education. And why is it desirable at this late date to take from the local authorities legal control over the lives and property of the colored man and put it into the hands of Federal authorities?

Mr. President, it is said that lynching is a horrible crime and that the Southern States do not enforce the laws against it. Every one of those States has laws against it. Every State in the Union has laws against it. But it is said the laws are not enforced in the South. I wish to call the attention of the Senate and of the country to some figures which absolutely disprove that contention. All we have to do is to look at the figures, and it is the figures with respect to colored persons that I am going to refer to now, not the figures dealing with white persons.

Mr. President, unfortunately crime has greatly increased in this country. The crime of murder generally, the crime of arson, the crime of burglary, the crime of larceny, the crime of kidnaping, crimes growing out of racketeering, crimes growing out of operations of bandits and gangsters, sex crimes of every kind have increased enormously. But what about lynching? Has the crime of lynching been increasing? I shall give the Senate figures with respect to lynching which I take from the yearbook of that great colored institution at Tuskegee, Ala., for a long time presided over by Booker T. Washington, until his death, I believe. That yearbook shows that while other kinds of crime have increased, the crime of lynching has steadily decreased.

With respect to the crime of lynching we have statistics since 1882, according to the yearbook. The crime of lynching reached its zenith, if we can so call it, its apex, its top figure, in the year 1892, when 231 persons were lynched in America. Since 1892, a period of 45 years, there has been the most remarkable decrease in the crime of lynching ever known. Steadily year by year—with an occasional small exception—the crime of lynching has decreased until last year, the year just closed, 1937, there were only eight persons lynched in the entire United States.

Mr. President, I have the figures here and I am going to call the attention of the Senate to the remarkable decrease, first as to the entire number of lynchings, and the

decreases year by year, or increases in those years when there were increases. Then I am going to call attention to the decrease in the lynchings of white persons as well as of colored persons, because this crime originally, and even yet, is not confined to lynchings of persons of the colored race.

In 1892 there were 69 white persons and 162 colored persons lynched in America, or a total, as I stated before, of 231.

In 1893 there were 34 white persons lynched in America and 117 colored persons, or a total of 151.

In 1894 there were 58 white persons and 134 colored persons lynched in the United States, or a total of 192.

In 1895 there were 66 white persons and 113 colored persons lynched in America, or a total of 179.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. I may suggest to the Senator that the lynchings which he cites were not all in the Southern States. Many of them were in the West, of cattle thieves, and in mining towns, and in the North—whites as well as blacks.

Mr. McKELLAR. I shall speak of that when I come to a discussion of the increase in the lynching of white persons in America.

Let me continue to give the figures. In 1896 there were 45 white persons lynched in America and 78 colored persons, or 123 in all.

In 1897 the number went up. Thirty-five white persons and 123 colored persons were lynched in America, or 158 in all.

In 1898 the figure went down again. Nineteen white persons and 101 colored persons were lynched, or 120 in all.

In 1899, 21 white persons and only 85 colored persons were lynched. When I say "only," I do not mean it in any other sense than to show the great reduction. That was 106 in all.

In 1900 there was a slight increase; 9 white persons and 106 colored persons were lynched, or 115 in all.

In 1901, 25 white persons and 105 colored persons were lynched, or 130 in all.

In 1902, 7 white persons and 85 colored persons were lynched, or 92 in all.

In 1903, 15 white persons and 84 colored persons were lynched, or 99 in all. It will be noted that in that particular year the white lynchings almost doubled, while there was a small recession in the number of colored persons lynched.

In 1904 there were 7 white persons and 76 colored persons lynched, or a total of 83.

In 1905 there were 5 white persons and 57 colored persons lynched, or 62 in all.

In 1906 there were 3 white persons and 62 colored persons lynched, or 65 in all.

In 1907 there were 2 white persons and 58 colored persons lynched, or 60 in all.

In 1908 there were 8 white persons and 89 colored persons lynched, or 97 in all.

In 1909 there were 13 white persons and 69 colored persons lynched, or 83 in all.

In 1910 there were 9 white persons and 67 colored persons lynched, or a total of 76 in all.

In 1911 there were 7 white persons and 60 colored persons lynched, or a total of 67 in all.

In 1912 there were 2 white persons and 61 colored persons lynched, or 63 in all.

In 1913 there was 1 white person and 51 colored persons lynched, or a total of 52.

In 1914 there were 3 white persons and 44 colored persons lynched, or 47 in all.

In 1915—Senators, listen to this—in 1915 there were 18 white persons lynched, an increase from 1914 from 3 to 18. The reason is not given. In 1915 there were 57 colored persons lynched. The total was 75 in that year.

In 1916 there were 5 white persons and 49 colored persons lynched, or 54 in all.

In 1917 there were 3 white persons and 36 colored persons lynched, or 39 in all.

In 1918 there were 4 white persons and 60 colored persons lynched, or 64 in all.

In 1919 there were 6 white persons and 74 colored persons lynched, or 80 in all.

In 1920 there were 7 white persons and 53 colored persons lynched, or 60 in all.

In 1921 there were 4 white persons and 58 colored persons lynched, or 62 in all.

In 1922 there were 6 white persons and 51 colored persons lynched, or 57 in all.

In 1923 there were 4 white persons and 29 colored persons lynched, or 33 in all.

I stop here long enough to say that these figures from this Negro yearbook, compiled by a distinguished Negro research official of the Tuskegee Institute, giving these figures, shows that from 1882, when the first statistics were compiled, to 1924, there was not a year when no white persons were lynched in America. The yearbook shows that the number of white persons lynched is being reduced in the same way as the number of colored persons lynched is being reduced. The figure goes down in the same ratio.

I come next to the year 1924. In that year no white persons were lynched and 16 colored persons were lynched.

In 1925 no white persons were lynched and 17 colored persons were lynched.

In 1926 there were seven white persons lynched. I do not know whether that was about the time that they lynched seven white persons out in the West or not. I cannot say as to whether that is true. I will have to look it up. But in 1926 there were 7 white persons lynched and 23 colored persons lynched, or 30 in all.

In 1927 again there were no white persons lynched and 16 colored persons were lynched.

In 1928 there was 1 white person and 10 colored persons lynched, or 11 in all.

In 1929 there were 3 white persons and 7 colored persons lynched, a total of 10.

In 1930 there was 1 white person and 20 colored persons lynched, or 21 in all.

In 1931 there was 1 white person and 12 colored persons lynched, or 13 in all.

Listen to the figures for 1932. It is the first time I ever heard anything good about 1932, because it will be remembered we were in a very bad way in 1932. I think everyone who is now living remembers 1932. In 1932 there were only 2 white persons and only 6 colored persons lynched, or 8 in all.

In 1933 there were 4 white persons and 24 colored persons lynched, or 28 in all.

In 1934 again there were no white persons and 15 colored persons lynched.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, the list of lynchings as given in the World Almanac, as prepared by Monroe N. Work, director, department of records and research, Tuskegee Institute, Alabama, and editor of the Negro Year Book.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Year	White	Negro	Total
1882	64	49	113
1883	77	53	130
1884	160	51	211
1885	110	74	184
1886	64	74	138
1887	50	70	120
1888	68	69	137
1889	76	94	170
1890	11	85	96
1891	72	113	185
1892	69	162	231
1893	34	117	151
1894	58	134	192
1895	66	113	179
1896	45	78	123
1897	35	123	158
1898	19	101	120
1899	21	85	106
1900	9	106	115

Year	White	Negro	Total
1901	25	105	130
1902	7	85	92
1903	15	84	99
1904	7	76	83
1905	5	57	62
1906	3	62	65
1907	2	58	60
1908	8	89	97
1909	13	69	82
1910	9	67	76
1911	7	60	67
1912	2	61	63
1913	1	51	52
1914	3	44	47
1915	18	57	75
1916	5	49	54
1917	3	36	39
1918	4	60	64
1919	6	74	80
1920	7	53	60
1921	4	58	62
1922	6	51	57
1923	4	29	33
1924	0	16	16
1925	0	17	17
1926	7	23	30
1927	0	16	16
1928	1	10	11
1929	3	7	10
1930	1	20	21
1931	1	12	13
1932	2	6	8
1933	4	24	28
1934	0	15	15
Total	1,291	3,332	4,643

Mr. McKELLAR. Mr. President, I have here another statement which gives the number of persons lynched in the United States since that time. In 1935 there were 2 white persons and 18 colored persons lynched.

In 1936 there were no white persons and nine Negroes lynched.

In 1937 there were no white persons and eight Negroes lynched.

That is the story of lynching. That is the story of the reduction in lynching as brought about by State authorities, by local authorities, by local self-government. For more than 60 years there were infinitely more people lynched per year than there are now. Under the rule of the States, under the laws of the States, under the jurisdiction of the States, what has happened? They have blotted out white lynchings entirely and practically blotted out colored lynchings. Mr. President, in my judgment, we should proceed along the same lines along which we have been proceeding since 1892, when the enormous number of 231 persons were lynched, since which time we have succeeded in reducing lynchings to a small number. However, if men are so wedded to it, if there are so many advantages in politics to be gained out of it that they cannot let it alone, yet if they will just postpone it for 3 or 4 years, at that time I do not believe there will be a single lynching of a colored person, just as there is no lynching now of white persons. Think of it! I wonder how many Senators who are now trying to put this bill upon us, who are trying to rape the Constitution of the United States, wholly disregarding it, as the Senator from Idaho has time and again stated—I wonder how many of them were for it in 1891 when there were 72 white people lynched in this country, or in 1892 when 69 white people were lynched, or in 1893 when 34 white people were lynched, or in 1894 when 58 were lynched? No one then presented such a bill as this.

Think, Mr. President, of the record that has been made. I wish to thank again the Senator from Idaho for the statement that he believes that the Southern States are doing the best they can to eliminate the horrible crime of lynching. I believe it should be eliminated. There is no man in the United States of America who wants it eliminated more sincerely than do I. It is a blot upon the name and fame of any State to have a lynching occur within its borders. I say, frankly, that if I were Governor of my State, there would never be a lynching in the State if it were humanly possible to prevent it, as I believe it is. I abhor the crime. I abhor crime generally, but particularly a crime of the nature of lynching. I will talk about another one a little later. But I ask the Senators from Illinois and Indiana and New York and any other State to name the crime and name the government or the State that has made such marvelous progress in bringing about a decrease in crime as has been made by the Southern States in bringing about a decrease in the crime of lynching. Forty-five years ago there were 231 lynchings, but the number has constantly decreased, year by year, until last year only 8 lynchings occurred.

When we have solved the problem so far as lynching of white people is concerned, and have almost solved the problem in its entirety, what do we find? We find probably a majority of the Senate of the United States paying no attention to other crimes, tying up the business of the Senate in order to inflict a wrong and injury upon the Southern States that have done so much to eradicate the crime. I challenge any Senator on the floor, or any Senator who may come on the floor, to mention a single other crime that has been so steadily decreased, and in the same proportion, as has this crime. There are a number of Senators on the floor. I challenge any one of them who thinks that there is some other crime that has been decreased more rapidly than has the crime of lynching to stand up and interrupt me, and I will gladly yield.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. Let me suggest to the Senator from Tennessee that the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS], the authors of this bill, are not present, and, in fairness to them, at least, they ought to be invited into the Chamber and remain here to hear this discussion. I therefore suggest the absence of a quorum.

Mr. McKELLAR. No, Mr. President; do not let the Senator do that now.

Mr. CONNALLY. Insofar as the Senator was challenging Senators to reply to his statement——

Mr. McKELLAR. I am afraid their minds are closed. I have heard a few expressions from the Senator from New York; I do not think I have heard the Senator from Indiana express himself yet about it, but his bill shows what it is.

Mr. CONNALLY. Since the Senator is challenging the Senators, he cannot very well decline to afford them an opportunity to be present.

Mr. McKELLAR. I am challenging them for the RECORD. They can answer tomorrow or at any other time they please.

Mr. CONNALLY. The Senator cannot challenge them when they are over in their offices writing letters when we are staying here attending to the business of the Senate. I want to call attention to the fact that the Senator from New York, who is so eloquent with his mouth when he is here, is now busy in his office with other affairs.

Mr. McKELLAR. With the understanding that I will not lose the floor, I yield.

Mr. CONNALLY. Mr. President, I make the point of no quorum.

Mr. MINTON. I make the point that no business has been transacted since the last roll call.

Mr. CONNALLY. Business has been transacted, in that there was a reference of a bill to a committee, and other business was transacted.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Harrison	McCarran
Ashurst	Connally	Hatch	McGill
Bailey	Copeland	Hayden	McKellar
Bankhead	Davis	Herring	McNary
Barkley	Dieterich	Hitchcock	Miller
Berry	Donahey	Holt	Minton
Borah	Duffy	Johnson, Colo.	Murray
Bridges	Ellender	King	Neely
Brown, Mich.	Frazier	La Follette	Norris
Bulkley	George	Lewis	O'Mahoney
Bulow	Gibson	Lodge	Overton
Byrd	Gillette	Logan	Pittman
Byrnes	Glass	Lonergan	Pope
Capper	Graves	Lundeen	Reynolds
Caraway	Guffey	McAdoo	Russell

Schwartz	Smith	Truman	Walsh
Schwellenbach	Steiwer	Tydings	Wheeler
Sheppard	Thomas, Okla.	Vandenberg	
Shipstead	Thomas, Utah	Van Nuys	
Smathers	Townsend	Wagner	

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

Mr. McKELLAR. Mr. President, just before I was interrupted I had made a challenge which I desire to repeat. I had made the statement that 231 persons were lynched within the United States in 1892, and that that number has gone almost steadily down since then, until during the past year only 8 persons were lynched. I challenge any Senator on the floor, or off the floor for that matter, or any other person, to show a single other crime in the case of which there has been any such decrease in number; and I pause here long enough to permit a reply.

I see the Senator from Indiana [Mr. VAN NUYS] present. I see another proponent of the bill, the Senator from New York [Mr. WAGNER] present. I challenge them now to name another crime in the case of which there has been a steady decrease each year, almost year by year, from 1892 until 1938, in the case of which there has been a corresponding reduction, anything like it, or anything that remotely approaches it. Indeed, I will go further in my challenge, Mr. President. I challenge any Senator on this floor to show that any other crime has decreased at all.

There are some crimes which are peculiar to one part of our country and some crimes which are peculiar to others, of course. We in the South do not have so many gangster murders and racketeering murders and other kinds of murders as there are in some other portions of our country. I have looked at the figures about gangster murders. Last year there were more than 300 gangster murders in the United States, as against eight murders by lynching; and yet when this bill came out of the Senate committee it contained an express provision—not an inferential provision, but an express provision—of this kind:

> *Provided, however,* That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932.

Think of it! Over 300 gangster killings during the past year, the taking of human life sometimes in a most diabolical way, as against only 8 lynchings; and yet the committee which reports this bill reports it to the Senate excluding from its terms these 300 gangster lynchings, saying they must not be considered; leaving them out, and taking care to deal only with failure to punish the few other lynchings.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BANKHEAD. Can the Senator from Tennessee tell us how many of the 300 gangster killings were in the city of New York?

Mr. McKELLAR. I have not the figures as to New York. I refer the Senator from Alabama to my distinguished friend the junior Senator from New York [Mr. WAGNER], who in part represents that State and, I have no doubt, knows exactly how many gangster murders occurred there last year, because there were a great many. He can give the Senator from Alabama better and more accurate information on the subject than I can. But throughout the country, and particularly in the cities, there were over 300 gang murders last year. While we may not think much about the subject, because most of us are in good health and we expect always to be in good health, the taking of human life is the taking of human life. The taking of human life by gang murder is just as hurtful to the person whose life is taken as if it were taken by lynching, and generally the crime may be said to be more hurtful, because there are so many more of the gang murders. I cannot imagine what particular motive animated the mind of any member of the committee who was willing to say, "We are going to pass this unconstitutional bill about lynching," and yet was so very careful to excuse lynching by gangsters. I do not know why it was done. Why should it be done?

Now our distinguished and eloquent friend from Illinois [Mr. LEWIS] wants to take gangsters out of the bill. I believe it is claimed that the bill does not apply to them, anyway; but I do not know how that contention can be successfully made. Gangsters are in the bill as it now is, and there is something strange about the matter.

Senators, that just goes to show that this is a political bill. This is not a bill to enforce law. It is a bill to get votes. That is the purpose of it. The bill cannot have any other purpose. The idea of taking up the time of the Senate on three occasions in the past 15 years with a bill of this kind. Three separate bills having this purpose have been brought before this body since 1922; and, by the way, I do not wonder that the authors and supporters of the bill are anxious to have it passed as soon as possible, because if it is not passed pretty soon the States are going to see to it that there are no lynchings, and then the supporters of the bill will be in an awful fix. They will have no excuse for going before the colored voters and telling them what they have done for the colored voters. The States will have done it. We have already done it so far as white persons are concerned, and we shall do it so far as colored persons are concerned if we are just left alone.

I know that every man who is going to vote on this bill is conscientious about it. I will not say anything to the contrary on that; but I have never seen a more misguided lot of men in my life, because I know the Members of this body, and I know that each and every one of them has enough sense to know that there is no necessity for stirring up race prejudice at this time. There is no necessity or even reason for stirring up race prejudice at this time in the interest of the colored people when this crime is about to pass out of existence. It is down to its last ebb. What you are going to do, Senators, is not to decrease the number of lynchings, but my fear is that you will increase the number. Why? Because the ignorant members of the colored race—not the more intelligent members, but the less intelligent members, especially among the men of that race—will believe that they may commit any crime with impunity and that the Federal Government will protect them by the overlordship provisions of this bill. I am not a prophet, but it would not surprise me at all if there were more than eight lynchings next year, should this bill be enacted.

What I am interested in—and I know I am as honest about the matter as any other man in this Chamber—is to keep lynchings from happening. I pray to my God that there may not be a single lynching in this country during the present year. I believe the small number that occurred last year will be reduced this year if we leave the law as it is, if we leave law enforcement to the local authorities, if we leave local self-government to deal with this subject in the way it has so splendidly dealt with it during the past 45 years. In my humble judgment, never in the history of this country has a crime been so lessened, never in the history of this Government has the happening of crime dropped down to the same extent, as in the case of the crime of lynching under our present system of control.

I am going to prove that by a very distinguished authority. I have it right here. I am still reading from Professor Work's statement, compiled by the department of records and research at Tuskegee Institute, in Alabama, my native State, in 1934. In that year 15 persons were lynched, and this is what Professor Work had to say about it:

> Of the 15 persons lynched, all were Negroes. The offenses charged were: attempted rape, 4; rape, 2; murder, 2; wounding man in altercation, 1; associating with white woman, 1; striking man, 1; writing insulting letter, 1; talking disrespectfully, 1; insulting woman, 1; implicating others in a charge of stealing turpentine and bootlegging it, 1.

I call the attention of the Senate to the fact that 9 of these were crimes that should have been punished, and should have been punished by the law. Nobody is more in favor of enforcing the law as it is written than I am. The

law should have taken its course. I sincerely regret that there were any lynchings at all in that year or any other year; but I desire to quote further from Professor Work when he tells us what the States are doing today.

Frequently we hear the expression that the State authorities are failing to do their duty; and this bill is aimed first at the sheriffs of the South, although it is aimed at all officials having authority. Professor Work says:

There were 51 instances—

This was in 1934. I want to show you what is being done. This is not from a white man. This is not from men hunting votes. This is from a colored man in a great institution of learning in the State of Alabama, who evidently is giving the facts and figures just as he finds them. Everybody knows that this Negro Year Book that comes out annually is a reliable authority. It is referred to by all the newspapers and magazines in the country.

Here is what Professor Work says:

There were 51 instances in which officers of the law prevented lynchings.

There is nothing in the bill about such cases. Here it is stated that State authorities prevented 51 lynchings. Who is going to do that work when jurisdiction is taken over by the Federal Government? On what officers will you depend? Will you depend on a United States marshal? He is not given authority. Who is to be depended upon to do the work to which Professor Work is referring? He says:

There were 51 instances in which officers of the law prevented lynchings.

Why are they not given credit? We have not heard a word about the credit due to these officials, but all officers, all sheriffs, if they reside in the South, are being condemned.

Why could not someone who is in favor of the bill have a pleasant thing to say, as the Senator from Idaho suggested a while ago? Why could there not be a kind word for these State officers who prevented 51 lynchings in 1934, and probably more last year? Not a kind word is said, not a word of commendation, not a word of encouragement. Oh, no, you are thinking about bigger things, you are thinking about the eight men who were lynched last year and the effect the bill will have in another way.

There were 51 instances in which officers of the law prevented lynchings. Seven of these were in Northern and Western States.

This bill is aimed at the South, aimed at the Southern States. You want to humiliate them, you want to grind us down, you want to denounce us as lawbreakers.

Seven of these were in Northern and Western States and 44 in Southern States.

I again issue a challenge. Tell me how many sheriffs have prevented gang murders in the great cities where such murders occur. Professor Work tells of 44 officers doing everything they could to prevent lynching, yet no attention is paid to them; but the bill specifically excludes lynchings by gangsters.

Mr. CONNALLY. Mr. President——

Mr. McKELLAR. I will yield in just a moment. Forty-four sheriffs prevented lynchings in the South in 1934. There were 51 instances in all, but 44 were in Southern States, 7 in Northern States. In all the States of the Union there are not 44 who tried to prevent gang murders or prevented such murders. Why are Senators so lacking in solicitude about 300 gang murders last year and so solicitous about the 8 lynchings? What is the motive behind it? What is the reason that sister States are denounced under such conditions?

I now yield to the Senator from Texas.

Mr. CONNALLY. Is it not true that in the 44 cases brave officers risked their lives in many instances to uphold the dignity of the law and to secure men charged with the most heinous and diabolical of crimes a trial in court?

Mr. McKELLAR. Of course that is true. The only appropriate comment I can think of is what the Savior of mankind once said:

Cast out first the beam out of thine own eye, and then shalt thou see clearly to cast out the mote that is in thy brother's eye.

I do not wish to question motives; but why is it that men are so much concerned about 8 lynchings and so little concerned about over 300 gang murders? It shows a peculiar trend of mind.

I look at my distinguished and beloved friend the junior Senator from Utah [Mr. THOMAS], one of the ablest men of the Senate, and one of its great philosophers, one of its great students and one of its great thinkers, a man who is really a great professor, and I wonder just from the psychological and philosophical standpoint, what is passing through his mind. How can he excuse himself for voting for a bill concerning only 8 people who are illegally dealt with, when he is perfectly content to leave out of consideration 300 people who are the victims of gang murders?

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. THOMAS of Utah. I will tell the Senator exactly what was passing through my mind.

Mr. McKELLAR. I shall be delighted to hear it.

Mr. THOMAS of Utah. I was wondering, in every way that I know how to wonder, how the Senator from Tennessee could make a comparison between gang murdering and lynching.

Mr. McKELLAR. Both crimes are committed by gangs. That is why I make the comparison. A gang in the South that murders a colored man or a gang in Illinois or in Utah that murders a colored man is just the same kind of a gang. A gang in New York or Chicago or Cincinnati or any other of our great cities that takes a man out by violence and hangs him up or shoots him to death is the same as a gang down South that does the same thing. They are both gang murders. That is why I am comparing the two. If they had not both been gang murders, the committee certainly would not have reported that the bill applied only to the crime known as "lynching" and that it did not apply to crimes known as "gang murders" or "racketeer murders" or other kinds of murders.

Mr. THOMAS of Utah. I am wondering, further, whether the Senator from Tennessee does not realize the thoughts going through the minds of a mob in the South which deliberately resorts to lynching, which knows exactly what it is doing and the example it is setting in attempting to take the law into its own hands and using a type of punishment to accomplish an indirect instead of a direct purpose. The idea in the minds of such mobs is surely not merely the low, beastly idea such as that which is in the mind of a gangster. They are of a different sort. Lynching in the South, I hope, at any rate is perpetrated in an endeavor to protect virtue and set an example to make conditions better.

Mr. McKELLAR. Was the Senator ever in the South?

Mr. THOMAS of Utah. Oh, yes.

Mr. McKELLAR. Has the Senator been there for any considerable time?

Mr. THOMAS of Utah. Not for very many days.

Mr. McKELLAR. I dare say the Senator has not been there many days or he would not have asked a question such as the one he propounded. The motives which govern the mobs are exactly the same in my State and the Senator's State and in Illinois and in every other State in the Union. There is a disregard for law. In some places they have greater provocation, in some places less provocation. I have sent for the morning newspaper, and if the Senator will wait just a moment I will give him an illustration.

Mr. THOMAS of Utah. I am just wondering whether the Senator has caught my point.

Mr. McKELLAR. I am afraid I have not.

Mr. THOMAS of Utah. Has the Senator ever heard of a gang murder in the North—and I use the sectional description so that we will not become mixed in our statements—has the Senator ever heard of a gang murder in the North by which those participating thought of attempting to influence anyone else except the person killed? Is the murder committed for the purpose of setting an example, is it done

for the purpose of putting fear in the minds of others, is it done to improve conditions? Is there any deliberation in the same sense in which a mob in the South exercises deliberation?

Mr. McKELLAR. It is precisely the same. If the Senator were familiar with both situations he would know that it was. Let me tell him what happens in the South. For instance, a female is wantonly seized by three or more persons and assaulted, a crime that is known as rape. By the way, in 8 of the 15 cases of lynching in 1934 that crime had been committed. The taking of a helpless, innocent female by a gang or by one person and assaulting her incenses the people. That raises one idea in their minds. On the other hand, a gang of thugs, racketeers, gangsters, whatever they may be called, get together in a room and conclude that some bank has some money they want. They know what the consequences of robbing that bank are. If it is a house, they know what the consequences of robbing the house are. If their conspiracy is against a person, such as the owner of some dive, as frequently happens in the North, they know exactly what it means. It means that if necessary they will take human life. It is premeditated. Everyone knows it is premeditated. A crime of that kind is necessarily premeditated. Of course, the analogy between the two is justified.

Mr. THOMAS of Utah. Are there any instances among the lynchings in the South of colored people having lynched a member or members of their own race for the commission of a crime?

Mr. McKELLAR. Oh, yes; they are rare, but there are such cases.

Mr. THOMAS of Utah. Where a mob of colored people lynched a colored person for committing a crime against a white person?

Mr. McKELLAR. I am not sure about that phase of it, but there have been lynchings at the hands of colored people, I know, and I think probably in a very limited degree as the Senator has suggested in his question.

Mr. THOMAS of Utah. Does the Senator know of an example in the North—and I dislike using these sectional expressions——

Mr. McKELLAR. There is no objection to it; I am not offended at all.

Mr. THOMAS of Utah. Does the Senator know of an example among gangsters of gangsters having killed one another because one group of the gangsters belonged to one race and another group belonged to another race?

Mr. McKELLAR. I have no personal knowledge of that, but I think there are such cases. I think that in New York there have been a number of cases where the action of the gangsters was against a certain number of Italians, whom they wanted to get out of the way because they were Italians. There was a bitter feud between the members of one race and the members of another. But what difference does it make so long as life is taken by means involving bloodshed and violence? The killing of a human being is the killing of a human being; and it makes no difference whether it takes place in New York, in Utah, in Illinois, in Tennessee, in Mississippi, or in any other State.

Mr. THOMAS of Utah. That is true; but there is a difference between an ordinary killing and a lynching. The Senator will grant that, I am sure.

Mr. McKELLAR. A racketeering killing is not very different from a lynching.

Mr. THOMAS of Utah. No; but there is a difference. That is the whole point. I was wondering how anyone imagined there could be a similarity between a lynching in the South and the gangster killings in the North, both of which are bad.

Mr. McKELLAR. They are both bad. I desire to read an article which appeared in this morning's newspaper, which will probably indicate how bad they are.

Mr. CONNALLY. And whether killed as a result of gangster warfare or lynching, in both cases the victims are dead.

Mr. McKELLAR. As my friend the Senator from Texas says, in either case when they are dead they are dead. [Laughter.] Whether killed at the hands of gangsters or lynchers, they die just the same.

Senators, listen to this article, which I read with some degree of pride. A lesson is contained in it:

COLORED JURYMAN VOTES DEATH FOR TWO OF HIS RACE IN ASSAULT

MARION, ARK.—

Marion, Ark., is a little town of some 1,200 or 1,500 people across the river about 15 or 20 miles from Memphis, where I live. This is an Associated Press dispatch which I now read:

MARION, ARK., January 6.—

That was yesterday—

An elderly colored man who helped make southern history by taking his place in a jury box to help try a rape case tonight voted with 11 white men to send two members of his own race to the electric chair on charges of criminally assaulting a white girl.

The death verdict came at the end of a 1-day trial in Crittenden County's old courtroom, packed with tense spectators. The jurors required 7 minutes to reach a verdict.

Immediately after the verdict—

Here is one important thought right now:

Immediately after the verdict was reported the prisoners were escorted back to their cells by heavily armed officers to guard against possible excitement as the aftermath of the girl victim's witness-stand appearance.

White-haired John Claybrook—

I digress long enough to say, all honor to him!—

White-haired John Claybrook, 65, wealthy colored farmer and timberman, had solemnly agreed he would vote to send the defendants to the electric chair if the State proved them guilty.

He was believed to be the first member of his race since reconstruction days to sit on a southern jury trying a rape case against colored men.

The defendants were Frank (Buster) Carter, 26, and Theo Thomas, 25, both of Memphis.

Memphis is just across the river.

The assault was alleged to have occurred in the "bottom lands" west of Memphis on Christmas night.

Another lesson is to be drawn from that article, Senators. Not only did those local officers exert every effort to protect the prisoners from mob violence, but there is in this case an underlying thought which ought to animate every Senator in this body before the bill is passed. Senators are thinking of those who committed the assault. Did it ever occur to Senators what must be the frame of mind of that poor white girl today, this very moment, this very hour? She has been assaulted, ruined in the estimation of her friends forever, her life of no practical value, her family disgraced and ruined for ever and ever.

According to the record gotten up by Professor Work, 8 of the 15 cases of lynching in 1934 were on account of rape. Did Senators ever think of that? While we are discussing this bill, while it must come ahead of the tax legislation, while it must come ahead of the farm legislation, while it must come ahead of reorganization legislation, while it is preferred over all other legislation now before the Congress, while every other kind of legislation that comes before the Congress must be held up by legislation dealing with eight crimes of lynching committed last year—while all that is being done, can we not think also of the poor victims of most of these crimes? It is true that they are women, but ought we not to have a little respect for them? Ought we not to have a little feeling in our hearts for what their lives are to be hereafter, after being thus despoiled? Ought we not to give them a little consideration? Ought we not to work out this plan by mutual cooperation between the States and with the States, rather than have the Federal Government take it over, and in that way excuse in the minds of the ignorant the crimes which bring about lynching?

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. REYNOLDS. The able Senator from the State of Tennessee has just brought to the attention of this body an article which he advises us he observed in the columns of this morning's Washington Post, being the description of a colored man in one of the States of the deep South who had been a member of a jury of 12 selected by the prosecution and the defense for the trial of one of his race for the commission of an offense against the law. That incident illustrates the fact that the colored people of the South, as a matter of fact, as so ably presented by my distinguished colleague, are cooperating with the white people of the South in seeing to it that the laws of the Nation and the States are carried out.

In support of the fact that we of the South are giving every single possible protection to those of the colored race, I desire at this time, with the permission of my friend, to bring to the attention of this body an editorial which I chanced upon this morning appearing in the Saturday Evening Post of the 8th instant. The heading of this editorial is:

The South speaks a kind word for itself.
Dr. High speaks a kind word for the South on another page.

Mr. CONNALLY. Mr. President, will the Senator yield to me right there?

Mr. REYNOLDS. I yield to my friend the Senator from Texas.

Mr. CONNALLY. Is this the Dr. Stanley High, who is so well know and who has had so active a part in public affairs in recent years?

Mr. REYNOLDS. I rather imagine so. I am not sure. I do know that there is another article in this week's Saturday Evening Post written by Dr. High, in which he gives great praise to my State of North Carolina; and I imagine that he is a man well informed and highly respected by the Nation, in view of his very illuminating and accurate description of my State. I thank the Senator from Texas for that contribution. I am going to ascertain whether or not this Dr. High is the one whom the Senator has in mind.

The editorial says:

The South spoke a kind word for itself on November 29—

Just about 30 days ago—

when a jury of six white citizens of Charlotte, N. C., held for the grand jury a white policeman who had shot and killed a fleeing Negro who had a police record.

Mr. President, it is sometimes asserted that members of the colored race are mistreated in the South. That does not occur in my State. That does not occur in Charlotte. We do not have any trouble of that kind at all. We provide the colored people the same educational facilities that we provide the white people. We give them every protection of the law.

The editorial continues:

When policemen no longer can kill "bad niggers" without an accounting, Dr. High is not overoptimistic of a changing South.

William Connor, Negro, was arrested, after a chase, for stealing a suit of clothes from a store. He was searched by a policeman and a constable and turned over to two motor patrolmen to be taken to police headquarters. The arresting policemen failed to search Connor's hat. As the Negro reached the police station, he drew a knife from his hat, slashed at his captors, cutting in two the Sam Browne belt of one, and fled again. The two officers pursued and one fired, fatally wounding Connor.

The theft of the suit was attested, Connor's bad reputation was attested, but the Association for the Advancement of the Negro Race immediately termed the killing one of "unjustifiable murder," and retained white lawyers. The Charlotte City Council instructed the city manager to make a full investigation and report to the council, and councilmen attended the coroner's hearing. The coroner's jury, after 50 minutes' deliberation, brought in a verdict of unjustifiable homicide.

The killing may or may not have been justified; that can be left to the courts. The importance of the incident is that in a city and State where the Negro is politically powerless, the white citizenry and officials moved to protect the black population in those fundamental legal rights guaranteed to every man, regardless of color, creed, or station.

The prosecution of white men, even their execution, for the murder of blacks was not unusual in the South before the Civil War. The North has forgotten that lynching and other wanton killings of Negroes are largely a heritage of that reconstruction which the North enforced upon the South.

That is what takes place in North Carolina, Mr. President.

Mr. McKELLAR. Mr. President, I think the same thing takes place generally, and as much in the South as in any other part of the Union. I think the views of Senators who live in the North and West have been greatly influenced by propaganda, and that some Senators have not had the facts before them. I know these Senators well enough to know that they would not be in favor of punishing one class of murderers through Federal instrumentality and leaving another class—a class many times larger, known as gang murderers—to go absolutely free and unwhipped of justice.

Mr. President, I wish to read all of the quotation from Professor Work:

There were 51 instances in which officers of the law prevented lynchings. Seven of those were in Northern and Western States and 44 in Southern States.

If those mobs in the Northern and Western States had effected their purpose—and they were mobs, they were gangsters just like ours were mobs and gangsters—the difference in the number of lynchings in the Northern and Western States and the lynchings in the Southern States, assuming all eight lynchings perpetrated in 1937 to have been committed in the South, would have been only one.

In 46 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the five other instances armed force was used to repel the would-be lynchers.

A total of 74 persons—14 white men, 57 Negro men, and 3 Negro women—were thus saved from death at the hands of mobs.

That was in 1934. A similar situation prevailed in 1935, 1936, and 1937, except that the officers of the law have been more vigilant in later years; they are becoming more vigilant all the time. With only eight men being lynched, there is not the slightest reason for the passage of this bill as a matter of policy, or for any other reason. To my mind, Mr. President, these figures are astounding. They show the remarkable effort on the part of the officers of the law in Southern States to deal with the problem. They show, beyond question, that the only way to handle this problem is through the local State governments, through local self-government.

No means are set up in the pending bill by which it can be enforced. Just as the Senator from Idaho [Mr. BORAH] stated this morning, we can pass it here, yes; but the local district attorneys and the local marshals and the local juries have to pass upon these matters. The authors of the bill will get nowhere with it, but they think that great results will come by reason of the provision imposing fines on the counties. To my mind, Mr. President, that section of the bill is almost cowardly. The counties and the officials of the counties may not be in the slightest degree to blame and yet they have got to withstand prosecution when there is a lynching. Let me illustrate it. Suppose, instead of that rape case Christmas night in the wilds of Crittenden County, Ark., three men, either white or colored, had gone from Memphis into Marion, Ark., and strung up a man, either white or colored, without the knowledge—it might have been at night, just as this rape occurred at night—or approval of a single citizen of Marion or of Crittenden County; that county would be punished unless it could show—and the burden would be put upon the county under this bill, to show—that it was not at fault. Under the bill the county would have to put up from $2,000 to $10,000. It is a bill to punish the counties of the various States for what may have happened elsewhere.

Take the State of the Senator from New York. What I am about to say is not a reflection on his State; it is a mere statement of facts; but we all know certain sections of New York City are as full of gangsters as a dog is full of fleas. Suppose the proviso is eliminated from the bill and three gangsters from New York go over into New Jersey through the tube—I believe they could walk through the tube; if not, they could ride through or walk over on a bridge—and lynch a man in New Jersey. Under this bill the New Jersey au-

thorities would have to stand a suit involving a penalty of $10,000. How far do the proponents of the bill think they are going to get with legislation such as that? How are they going to get from two to ten thousand dollars? Then, what is to be done with it? It is to be turned over, if it is obtained, to the family of the victim. Suppose that man was lynched for the crime of rape. Is it not fair to give some thought and consideration to the woman who was raped? The crime of rape is just as bad as is the crime of lynching. I challenge any Senator here to stand up and say that rape is a crime less heinous than lynching. Is there any Senator who wants to stand up and take that position? If so, I yield to him so that he may arise and defend rape as against lynching as a crime. One is virtually as destructive as is the other; one is as damnable as is the other. Here it is proposed to protect one and to give an excuse for the other. That is what this bill does.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. Has the Senator noted the fact that the care of the authors of this bill has been exercised to give money damages to the victim of the mob, but the relatives of the poor woman, and the woman herself, who has been despoiled, and perhaps murdered, get nothing even in the form of damages or recovery from the author of her degradation and shame?

Mr. McKELLAR. I wish to refer to an instance. I may not be absolutely accurate as to the facts, because I read them in a newspaper at the time, though the subsequent events came under my observation. Several years ago a young woman from my State, living near the District of Columbia line, went home in a streetcar. Her house was about 200 yards, as I remember, from the end of the car line. On her way from the car to her home a colored man seized and raped her and cut off her fingers so as to get the rings she wore. We sent that lovely young lady back to Tennessee in a coffin, but the perpetrator of that dastardly crime has never been punished. I never heard a Senator say a word in behalf of that poor woman, despoiled of everything that she held dear, and then murdered; even her jewelry being taken in the hideous manner I have described. That fiend has gone unwhipped of punishment to this day.

Oh, Senators, let me appeal to you and ask why are you thinking so much of the eight men who have been lynched? Will you not cast a thought upon the poor female who is subjected to treatment worse than lynching, who is raped and then lynched? How can you give consideration and help to a man who commits such a crime without having some little degree of feeling in your hearts for the poor woman in the case? There is not a line in the bill about the poor woman; there is no proviso about the poor woman. She may be of the highest character, she may be a young, sweet, lovely, beautiful girl, but not a single solitary letter of consideration for her is found in this bill; not a single dime is provided to assuage her wounds, while the doer of the evil deed is encouraged to go further and repeat the offense.

If ever I was sincere in my life, I am sincere in the belief that this bill, instead of deterring lynching, will provoke lynching; instead of deterring crime, it will lead the ignorant and the lustful and the criminal to indulge in crime. I know Senators do not want to do that. They can say they have the votes to pass the bill, but it seems to me someone ought to rise and defend it. I do not know who wrote it. There are various stories as to how this bill reached this body. I do not know how it got here, but, as I remember, in 1922 the Judiciary Committee of the Senate reported a similar bill. That bill was reported by Samuel M. Shortridge, then a Senator from California. I uttered some challenges then. If there was a man in the Senate who believed in his heart and in his mind that that bill was constitutional, I wanted to hear from him. My able friend, former Senator Shortridge, rose and said that he believed it to be constitutional. I said, "There are 16 other members of the committee, Senator; are there any others who believe it to be constitutional?" At first he said he could not say, that the other members of the committee would have to speak for themselves. Then he said that the then Senator Sterling thought it was constitutional. Senator Sterling, however, came on the floor and denounced the statement and said he did not believe the bill to be constitutional, but he was willing to put it up to the Supreme Court. Not another member of the committee in 1922, although they reported the bill to the Senate, believed it to be constitutional. I wish to say, in all truth and sincerity, that I was never more astonished in my life than I was the other day when I asked the Senator in charge of the bill, the Senator from New York [Mr. WAGNER], who so long adorned the bench in his State, if he really thought the bill was constitutional, and he replied that he thought it was. I do not see how any lawyer, who has the slightest knowledge of the law, can believe that this measure comes within the purview of the Constitution.

By the way, that brings me to the excuse that is given for it in the committee report.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Jersey?

Mr. McKELLAR. I am glad to yield.

Mr. SMATHERS. Did I correctly understand the Senator to say that he believed the passage of this bill would increase the crime of lynching?

Mr. McKELLAR. I think it would have that tendency. I do not know that it would increase lynching, but I think it would have that tendency, and I will tell the Senator why. The ignorant people of the country would assume that the bill was for their benefit, that it was to protect them, that it was in their favor, that it meant that the Federal Government would protect them in case they committed a crime and in that way it would tend to increase lynching in this country.

Mr. SMATHERS. Will the Senator submit to another question?

Mr. McKELLAR. Certainly.

Mr. SMATHERS. Assuming that a sheriff had in his custody an offender wanted by a mob, would not the very fact that this law was written on the statute books, and that the sheriff might be called on to spend a thousand dollars in lawyer's fees to defend himself, in itself actuate the sheriff to tell the boys to go on home and mind their own business, that the law was going to take its course in dealing with a man whom he had in his custody?

Mr. McKELLAR. I do not know that that would affect the matter very greatly, for I have no doubt that almost any good man, when a gang tells him it is going to violate the law, would say, "Go along, friends, and don't you do it. The law is here." But the Senator from New Jersey evidently did not hear the argument I made on the basis of the statement made by Professor Work, the colored statistician of Tuskegee Institute, in which it was said that in 1934 there were 51 instances in which officers of the law prevented lynchings. Seven of these were in Northern States and 44 were in Southern States. The officers of the law are now doing that; but when you put over potential offenders the cloak of this law—which many of them, especially the more ignorant of them, will regard as a Federal protection—they will indulge in the crimes that bring about lynching. Let the Senator make no mistake about that.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BANKHEAD. On the subject under discussion, if a mob was gathering to take charge of and deal with an assailant, or however he may be described, prior to his arrest, and the sheriff saw that there was a determined mob which very likely would take the man if he did arrest him, is it not natural that the sheriff, instead of arresting the man and subjecting himself to the Federal law if the mob seized the offender and mobbed him, would simply sidestep and let the mob get the offender first?

Mr. McKELLAR. Why, of course. It is just as natural and just as straight as the martin flying to his gourd. What would happen is this: If a sheriff had on his hands a case like that, he would not take charge of the offender. He

would just step aside and let the mob take charge of the offender, and that would bring about infinitely more distress and infinitely more crime than is now being committed, especially in our Southern States; and the bill does not apply to the Northern States. As the bill is reported out, it excepts the Northern States from its provisions.

Mr. President, there is not a Senator here who disapproves of what has been done by the States in the way of reducing the crime of lynching; or, if there is such a Senator, I want him to rise and say so. I am going to ask the Senator in charge of the bill, the Senator from New York [Mr. WAGNER], whether he disapproves of the splendid work the States have done in reducing the crime of lynching from 231 cases in 1892 down to 8 cases last year. Does the Senator disapprove of it?

Mr. WAGNER. Mr. President, on the contrary, I very highly commend it.

Mr. McKELLAR. I am glad to know that the Senator does commend it. Would the Senator commend it even more if this bill should not pass, and if during this good year of 1938 there should not be a single lynching in the United States? Would not the Senator commend that?

Mr. WAGNER. Of course I would.

Mr. McKELLAR. I hope the Senator will commend that.

Mr. WAGNER. I do not want to interrupt the Senator from Tennessee.

Mr. McKELLAR. I do not object to the Senator interrupting me.

Mr. WAGNER. I am going to wait for my own time to discuss this question. The Senator says I have been silent on the question of constitutionality. I wanted to have the advantage of hearing at least the legal arguments of those who are opposing the legislation, because I am absolutely convinced of the constitutionality of the bill as it is before us. The argument the Senator from Tennessee has made shows, I think, that he has not studied every provision of the bill as carefully as he studies most things, because he is a very busy Senator; but in my own time I shall present at least the legal view. I am hopeful that we shall do away with lynching altogether, and I know the Senator from Tennessee is willing to cooperate with anybody in that regard.

Mr. McKELLAR. Indeed I am.

Mr. WAGNER. We may disagree as to method, of course.

Mr. McKELLAR. Can the Senator from New York think of any method by which there could have been an acceleration in the annual decrease in crime during the years I have enumerated, which brought lynchings down from 231 to 8? Does he know of any other crime in the country which has been reduced in the same proportion by the Federal Government or by any State government?

Mr. WAGNER. There are other phases of this matter which I shall discuss.

Mr. McKELLAR. Oh, yes; that is the trouble. There are other phases.

Mr. WAGNER. I think the enactment of this measure will altogether eliminate lynchings. I am convinced of that; and if the Senator from Tennessee disagrees with me in that regard, that is frequently the habit of good men. We have our conflict of views about various questions.

Mr. McKELLAR. Yes. The Senator from New York voted for the antikidnaping bill, did he not?

Mr. WAGNER. Yes.

Mr. McKELLAR. Certainly he did. Did the passage of that bill altogether eliminate kidnaping? How many kidnapings were there during the year 1937? Instead of the passage of that bill eliminating kidnapings, it did not even reduce them. There were just as many prosecutions for kidnaping since the Federal Government undertook to deal with the crime as when the States exclusively dealt with it. The trouble is that every crime except this one has increased, whereas this crime has been steadily decreasing almost year by year all the way along the line; and yet the Senator from New York desires to take it out of the ordinary process, take it out of the hands of the States, and put it in the hands of the Federal Government, with no means of enforcing the law after it is passed. How could it be enforced? The Senator proposes, after a lynching occurs, to bring a prosecution against the county.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WAGNER. Does the Senator understand that under this bill the Federal Government is to step in and prosecute those who are guilty of the crime of lynching?

Mr. McKELLAR. Of course.

Mr. WAGNER. No, Mr. President; that is left entirely to the States. The bill deals only with the officials or political subdivisions of the States who, through their willful neglect, permit lynchings to take place.

Mr. McKELLAR. Has the Senator from New York read his bill? I do not mean to be at all offensive by that inquiry, but let me read one provision of the bill to the Senator. He says there is no direct Federal offense.

Mr. WAGNER. From what part of the bill is the Senator about to read?

Mr. McKELLAR. Page 7, section 3:

> Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Mr. WAGNER. Yes; that refers to the officials.

Mr. McKELLAR. Yes. All that it is necessary to do is to find that a lynching has occurred, and at once the county officer or the State officer becomes a criminal. You make a felon out of him, whether he is the Governor of the State or any prosecuting attorney. It is a distinct crime. Does the Senator from New York know of anything in the Constitution which even hints that the Federal Government has a right to prosecute that kind of a crime?

Mr. WAGNER. Does the Senator from Tennessee withdraw the statement he has been making all afternoon that this bill invades the right of the States to prosecute those who are guilty of crime?

Mr. McKELLAR. I did not make that statement. I said that the bill creates a distinct offense, and undertakes to prosecute and to punish the officers of the law for a lynching with which they may not have a thing in the world to do.

Mr. WAGNER. If it is due to their neglect of duty.

Mr. McKELLAR. And the burden of proving that they did not neglect their duty is put upon them. The Senator will not deny that.

Mr. WAGNER. But they may establish that they were free from any negligence. The offense punished by the bill is not a violation of a provision of State law; it is a violation of the fourteenth amendment of the Constitution.

Mr. McKELLAR. The Senator and I differ entirely about that matter.

Mr. WAGNER. I think I shall be able to convince the Senator on the legal phase of the matter, if not on the desirability of the legislation.

Mr. McKELLAR. I happen to have in my hands the provision of the Constitution to which reference has been made. This is the constitutional authority which the report gives for the enactment of the bill; and since the Senator has raised that question I shall be very happy to come to it right now.

The report says:

> BASIS OF BILL
>
> The legislation here proposed rests for its authority on the due-process and equal-protection provisions of the fourteenth amendment.
>
> Those provisions are as follows—

This is a quotation from the Senator's own report.

Mr. WAGNER. The report of the Judiciary Committee.

Mr. McKELLAR. I read from the report:

No State—

Not "no officer of a State," not a sheriff, not a marshal in charge of a prisoner, but—

No State shall make or enforce any law—

The Senator from New York cannot have looked at it carefully.

Mr. WAGNER. Oh, I did!

Mr. McKELLAR. Listen to this:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State—

Not an official of the State—

nor shall any State—

By legislation—

deprive any person of life, liberty, or property, without due process of law; nor deny to any person—

That is, no State shall deny to any person—

within its jurisdiction the equal protection of the laws.

That is no foundation for a bill punishing State officers for a crime that is made such by this bill.

Mr. WAGNER. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly; I yield to the Senator from New York.

Mr. WAGNER. May I ask the Senator through whom the State acts?

Mr. McKELLAR. The State acts through its officials.

Mr. WAGNER. Exactly.

Mr. McKELLAR. Precisely; but this bill does not say, "The State, acting through its officials."

Mr. WAGNER. That is the only way in which it can act.

Mr. McKELLAR. Listen to this:

No State shall make or enforce any law—

What law is the Senator talking about that he seeks to correct? There is not any law that the Senator is undertaking to correct.

Mr. WAGNER. That part of the report is reciting the fourteenth amendment.

Mr. McKELLAR. Yes; it is.

Mr. WAGNER. Read down further:

nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. McKELLAR. There is not the slightest statement in the bill which I have been able to find—if there is, I should like to have the Senator put his finger on it, and I will yield to him for that purpose—that any law passed by the legislature of any one of the 48 States denies to any person within its jurisdiction the equal protection of the laws.

Mr. WAGNER. That is not necessary.

Mr. McKELLAR. The State does not do it.

Mr. WAGNER. Of course not. No State would pass a law authorizing or permitting lynching. That is not the point here. The bill deals with according to persons within a State the equal protection of the laws and due process of law. May I refer the Senator to the Scottsboro case. In that particular case, the judge who presided at the trial, as the United States Supreme Court has held, was guilty of giving a very unfair trial to the defendants. He was probably acting contrary to the laws of his own State; but he being an official of the State, the Supreme Court said that was the action of the State, because a State acts only through its officials. Therefore, without any express statute, the Supreme Court took jurisdiction, and held that since that individual was an official of the State, he represented the State in failing to comply with the requirements of due process and equal protection, and therefore, that the State violated the provisions of the fourteenth amendment, which the Senator just read. The Supreme Court sent the case back. There was an intervention without any legislative act, because there was a record of the proceedings upon which the Court could base its decision. That answers the Senator's question.

Mr. McKELLAR. Oh, no, it does not. If the Senator will yield to me for a moment, I will show him that it does not answer the question at all.

Under our dual system of government, where a Federal question is involved, and it is tried by the State court, the nisi prius court, as it was in the Scottsboro case, which case went to the Supreme Court——

Mr. WAGNER. No.

Mr. McKELLAR. Yes; it did.

Mr. WAGNER. The ground of jurisdiction of the Federal court was the fourteenth amendment, which was violated when the judge did not afford the defendants due process or the equal protection of the laws.

Mr. McKELLAR. When the Supreme Court of Alabama determined for the State of Alabama what the law was in their opinion, then, that having been the act of the State of Alabama, of course, the Federal question was raised, under the provision of the Constitution cited, and the Supreme Court of the United States had the power to review the decision, and it did review it. But the bill does not refer to a State; it refers to an official, an administrative official, not a court, but an administrative official, which is a wholly different thing.

Mr. WAGNER. Mr. President, will the Senator tolerate me for a moment?

Mr. McKELLAR. Certainly; I should like to hear what the sponsors of the bill think about this question.

Mr. WAGNER. Perhaps I should read the whole of this decision.

Mr. McKELLAR. Yes; I think it will take more than the whole of it, even. It will necessitate another opinion of the Court to justify the Senator's position.

Mr. WAGNER. I agree with the Senator; I am afraid I cannot persuade him; but all I can do is read what the Court said. The Court stated:

It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities; and the prohibitions of the amendment—

That is, of the fourteenth amendment—

extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. The mode of enforcement is left to its discretion—

Meaning Congress. Later on I will cite other cases.

Mr. McKELLAR. Inasmuch as the Senator has expressed the view that gang murders are to be included in the bill, suppose three gangsters in the Senator's own county take a man away from an officer, just as is referred to in the bill, and lynch him; and the measure now under consideration is brought into play; and then, after the act is committed, the State undertakes to punish those very people. What would become of the law we are considering under those circumstances?

Mr. WAGNER. The State would punish whom? I did not understand the Senator's question.

Mr. McKELLAR. In the Senator's State, as in mine, if a prisoner is taken from an officer by a mob and killed it is a State offense.

Mr. WAGNER. Yes.

Mr. McKELLAR. Suppose, after this measure becomes a law, the State does not act as fast as the Senator thinks it might—it might be previous to an election, or something of that sort——

Mr. WAGNER. Let us forget the election for the moment.

Mr. McKELLAR. We will forget the election for the moment, but suppose for any reason the State does not act as fast as the Senator thinks it should act, and suppose the Senator is the judge——

Mr. WAGNER. Suppose I am the sheriff.

Mr. McKELLAR. Very well; suppose the Senator is the sheriff, and a Federal proceeding is brought. Suppose the

State sets in motion the necessary State machinery, and the men are tried and convicted of taking a man away from an officer; what would the Senator do under his law? It is so involved, I do not know what he would do.

Mr. WAGNER. It is very simple.

Mr. McKELLAR. What would he do?

Mr. WAGNER. The Senator will find it simple when he reads it.

Mr. McKELLAR. I yield to the Senator.

Mr. WAGNER. Let me see if I can get the facts of the hypothetical case which the Senator cites. A lynching takes place in my own State, the Senator says.

Mr. McKELLAR. In the Senator's own county.

Mr. WAGNER. Some gangsters—we call them "gangsters"—take a man out and lynch him. If any peace officer of the State having jurisdiction over the particular individual who was lynched willfully neglects to apprehend him or hold him in custody, and through his neglect the gangsters get hold of the individual and lynch him, he becomes guilty under the proposed law, and would be punished by the Federal authority because he violated the fourteenth amendment, and would have violated the provisions of the act. It does not matter where it occurs.

Mr. McKELLAR. The Senator evidently misunderstands the question I have asked him. Suppose a high-minded official of some State, any State, the Senator's State, for instance, the State prosecuting attorney, the man whose duty it is to draw indictments——

Mr. WAGNER. Draw indictments?

Mr. McKELLAR. Yes.

Mr. WAGNER. That has nothing to do with apprehending a criminal.

Mr. McKELLAR. It is a violation of law in the Senator's State.

Mr. WAGNER. What?

Mr. McKELLAR. If a mob takes a man from the authorities——

Mr. WAGNER. Yes.

Mr. McKELLAR. The authorities are guilty of a crime. Suppose the State undertakes to prosecute and does prosecute and finds the man guilty; is the Federal Government going to find him guilty again? Suppose the State performs the very duty that is put upon the Federal Government by this measure, and a man is indicted and tried and convicted for letting a prisoner go, and is fined or otherwise punished.

Mr. WAGNER. If the State acts, there is no reason for the intervention of the Federal Government.

Mr. McKELLAR. It does not say so in the bill.

Mr. WAGNER. The Federal Government never does intervene, as the Senator knows. If the Senator will read the record of the cases of lynching, he will find that only one-eighth of 1 percent of the perpetrators of the crime have ever been convicted.

Mr. McKELLAR. In the Senator's State?

Mr. WAGNER. No; in the history of lynching cases, the entire history. There is no such record as that.

Mr. McKELLAR. Assuming all the lynchings in the last year were of colored men, there was one lynching to over a million colored citizens. Those are the facts.

Mr. WAGNER. Even one is too many.

Mr. McKELLAR. I agree with the Senator that one is too many.

Mr. WAGNER. If we can prevent it.

Mr. McKELLAR. Yes; if we can prevent it. But when we find the States doing everything in the world they can to prevent it, why should we interfere?

Mr. WAGNER. I do not wish to discuss this question piecemeal, but statements have been made to the effect that we are interfering, in the proposed legislation, with the prosecution of criminals by the States. The bill has nothing to do with the prosecution of criminals by the States, nor does it in any way interfere. The bill deals only with the officials of a State who, through their willful neglect, permit a lynching to take place, and that is not only a State offense, but that is a Federal offense, as all the decisions of the United States Supreme Court will persuade the Senator if he will read them. It is only because of the Federal offense which takes place, when equal protection of the law is not given to persons within the State's jurisdiction, that we are dealing here with the subject at all.

Mr. McKELLAR. Mr. President——

Mr. WAGNER. I know the Senator does not agree with me——

Mr. McKELLAR. The Senator does not understand the question I am asking at all. This is what the bill provides:

> Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony, etc.

That is the State law in nearly all the States in substance. I do not mean the State laws are drawn in those exact words, but in substance that is the State law in all the States. I am sure it is in mine, and I think it is in all the States.

Does the Senator intend that this measure shall apply and the Federal Government go ahead and prosecute people under it, although they may have been prosecuted before under State law?

Mr. WAGNER. If an individual has already been punished for a crime which he has committed, he will not be punished again. That is so axiomatic and trite that I hesitate to assert it.

Mr. CONNALLY. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. The Senator from New York says it is axiomatic and trite; and to show there is nothing to his contention at all, a crime may be a crime under a State law and a crime under a Federal law, and the party may be punished under both laws for the same offense because of the separate jurisdictions.

Mr. McKELLAR. There is nothing more trite than that.

Mr. CONNALLY. The doctrine of jeopardy applies only to the same jurisdiction. I am surprised that the Senator from New York, who poses here as a great constitutional lawyer and whose name is whispered around as a candidate for the Supreme Court, does not know that fundamental principle, which any justice of the peace lawyer in my State knows; that is, that the Federal Government can punish for the same act for which the State punishes, provided it is a crime.

Mr. McKELLAR. If it is a crime under the Federal law, the one who commits the crime can be punished under the Federal law; and if it is a crime under the State law, he can also be punished under the State law. I say that one should not be punished under both laws, and there should be some provision in the Senator's bill, under any circumstances, which would prevent such a hardship upon anyone.

Mr. WAGNER. Mr. President, I shall not press the point any further now, but I suggest that if there is any whispering about my candidacy for the Supreme Court it has not been by the junior Senator from Texas.

Mr. CONNALLY. Mr. President, I may say that there has not only been whispering but lots of laughing.

Mr. WAGNER. I can understand that.

Mr. McKELLAR. Mr. President, I desire to analyze the bill a little. I wonder how many Senators have read the bill through. Will they hold up their hands? I count three.

Mr. WAGNER. Has the Senator read it? [Laughter.]

Mr. McKELLAR. Yes; I have. Did the Senator from New York hold up his hand?

Mr. WAGNER. Yes; I held up my hand.

Mr. McKELLAR. He ought to read his own bill. I did not see the Senator's hand raised. I did see three hands raised. When I asked how many had read the bill, only three Senators held up their hands.

Mr. WAGNER. Mr. President, there are not more than three or four of us here.

Mr. McKELLAR. I will count them. I want to be frank. There are 13 Senators present. Three out of the 13 have read the bill, and there are only 13 here now.

Mr. REYNOLDS. Mr. President, will the Senator from Tennessee be good enough to name the Senators who held up their hands? I should like my constituents who read the CONGRESSIONAL RECORD to know the names of those Senators.

Mr. McKELLAR. The Senator from North Carolina held up his hand. There is no question about that.

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Tennessee yield for that purpose?

Mr. McKELLAR. Yes.

Mr. BARKLEY. Mr. President, a parliamentary inquiry, in order to settle that question.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The last point of order that no quorum was present was made during the speech of the Senator from Tennessee [Mr. McKELLAR], when he yielded for that purpose. The question naturally arises whether business has been transacted since the last call.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BARKLEY. In just a moment. The only business that has been transacted, if it is business, was the insertion in the RECORD of an article of some kind presented by the Senator from California [Mr. McADOO]. If, under the rules of the Senate, that is the transaction of business, I have no point to make on it. I simply want to ascertain the fact whether under the parliamentary rules that does constitute the transaction of business.

The PRESIDING OFFICER. The present occupant of the chair will say, in response to the parliamentary question asked by the Senator from Kentucky, that through the alertness of the efficient Parliamentarian, Mr. Watkins, a decision in point is now before the Chair. It is to be found on page 6621 of the CONGRESSIONAL RECORD for April 30, 1935, on which page the following colloquy appears:

Mr. CONNALLY. Would the printing in the RECORD of any communication which requires the consent of the Senate that it be done be the transaction of business?

The VICE PRESIDENT. In the opinion of the Chair, that would be the transaction of business.

Mr. BARKLEY. In that connection the Chair would rule that there has been business transacted?

The PRESIDING OFFICER. In view of the fact that it is stated that a request was made for consent to print certain material in the RECORD, and that the request was granted, in the light of this decision the Chair would be obliged to hold that business has been transacted.

Mr. BARKLEY. Mr. President, while I am on my feet I wish to make a further inquiry. In the same connection the Vice President made a ruling that when a request was made for the insertion of something in the RECORD, and objection was made, that did not constitute business, and would not be ground for asking for a new roll call.

The PRESIDING OFFICER. That is true; provided the objection was sustained.

Mr. McKELLAR. Mr. President, I wish to say that I have not anywhere nearly finished my speech, and I do not care a thing in the world about having a roll call at this time, of course. It is absolutely immaterial to me whether a roll call is had or not. The proponents of the bill evidently feel that they do not have to argue the case, and that it is a matter which they can simply carry by force of numbers; so the question of raising the point of no quorum is immaterial to me. I shall be glad to go on, or to suspend my remarks in order that a roll call may be had, whichever the Senator from Texas desires. However, I do not want to be taken off the floor.

Mr. CONNALLY. Mr. President, the Chair has sustained the point of no quorum. We are entitled to a quorum call. I am amazed that any question should be raised about it.

The PRESIDING OFFICER. The Chair has sustained the point of no quorum, and a roll call has been ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lodge	Schwartz
Ashurst	Duffy	Logan	Schwellenbach
Bailey	Ellender	Lonergan	Sheppard
Bankhead	Frazier	Lundeen	Shipstead
Barkley	George	McAdoo	Smathers
Berry	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Graves	McNary	Thomas, Utah
Bulkley	Guffey	Miller	Townsend
Bulow	Harrison	Minton	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	O'Mahoney	Wagner
Chavez	Holt	Overton	Walsh
Connally	Johnson, Colo.	Pittman	Wheeler
Copeland	King	Pope	
Davis	La Follette	Reynolds	
Dieterich	Lewis	Russell	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. O'MAHONEY. Mr. President, on December 14 last, at the national conference of the National Woman's Party in the city of Washington, Mr. Raymond Gram Swing, a nationally known editor and lecturer, delivered a most interesting and effective talk upon The Business Cycle and Women. I ask unanimous consent that this paper may be printed in the RECORD.

Mr. REYNOLDS. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. Does the Senator from North Carolina object?

Mr. BARKLEY. Mr. President, was consent granted to the Senator from Wyoming?

Mr. O'MAHONEY. That was my understanding.

Mr. BARKLEY. I shall not raise the point in this instance, but, inasmuch as the Chair has held that during a speech being delivered on the floor the insertion by unanimous consent of anything in the RECORD constitutes business, which may justify later a point of no quorum, I feel that these matters can be inserted at other times and that they ought not to be inserted during the delivery of speeches. I am not going to object, however, in this instance.

Mr. O'MAHONEY. Mr. President, I would not have made the request had I understood the parliamentary situation.

Mr. BARKLEY. There will be ample opportunity to insert such matter in the RECORD before the Senate adjourns or takes a recess.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Wyoming will be printed in the RECORD.

Mr. McKELLAR. Mr. President, when I was interrupted I had just reached the point where I wanted to analyze the several sections of the pending bill. Section 2 contains really the gravamen of the bill. I read it as follows:

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act.

As I stated awhile ago, the committee in its report bases the constitutionality of the bill solely on the following provision of the Constitution:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Senator from New York says that provision applies to citizens who happen to be administrative officers in the States. I submit the distinguished Senator from New York is mistaken as to that. It is not contended for a moment by anyone that any State has made or has enforced or attempted to enforce any law abridging the privileges or the immunities of citizens of the United States, nor is it argued or attempted to be argued, nor can it be argued, that any State has deprived or intends to deprive any person of life, liberty, or property without due process of law; nor has any such State denied to any person within its jurisdiction the equal protection of the laws. It was never intended in the remotest degree that the crime of taking a prisoner away from an officer in a State should come within the purview and control of the Federal Constitution and Federal authority. I challenge the Senator from New York to show me a word in the Constitution that sanctions any such contention. The only reference which can be made is to the provision of the Constitution which prohibits the States from passing through their legislatures or having finally affirmed by their courts of last resort any law abridging the privileges or immunities of citizens of the United States. Any such law is prohibited, but the Senator from New York would undertake to deprive the States of their control of their local self-government.

The whole constitutional theory on which this bill rests collapses, Mr. President, whenever the light of reason is focused on it. Every State in the Union has enacted laws prohibiting the taking of a prisoner from the custody of peace officers or preventing the apprehension or trial or punishment by law of a person charged with crime.

There is not the slightest question that the State has the power to deal with such crime; it has been done for 150 years; and only the Senator from New York and the Senator from Indiana have finally found that the Federal Government, in some inexplicable manner, without any provision of the Constitution, has the right to invade the authority and constitutions of the States. That the United States Government has such power is not hinted at in the Constitution; there is nothing in the Constitution about it. There is no Senator present who can put his finger on the provision of the Constitution which would authorize a bill such as that now pending before the Senate.

The provision of the Constitution to which reference has been made has not the slightest application to what is intended to be done by this bill. On the contrary, the very wording of the Constitution specifically excludes the assemblage of "three or more persons" referred to in the act.

If, under this pretext of authority, a county can be punished for permitting a lynching, why cannot the Federal Government take supervision over all the criminal laws? Why can it not be said that if three or more gangsters kill another person and such gangsters are not apprehended and punished, the counties shall be fined as in the case of a lynching? Why could not it be said if three or more racketeers kill a person or commit any other crime and are not apprehended and punished, the county shall be liable to a fine? Indeed, a majority of members of the Judiciary Committee evidently thought that gangsters and racketeers were included, because they put a clause in the bill specifically excluding them. If such a law can be applied to lynchers or gangsters or racketeers, why cannot the same rule be applied to any three or more people who engage in a labor dispute, in the course of which some person is killed, and why cannot the county be fined for the killing? Such occurrences were attempted to be excluded, showing that the committee thought that such deaths by violence could be supervised by the Federal Government. Why could not the bill also include the crimes of burglary, larceny, breach of trust, assault and battery, or any other crime? If the Federal Government has the power thus indirectly to punish for lynching, then it has a similar power to punish for any other crime which the Congress saw fit to include in the provisions of the law.

I am not surprised when I find that this bill is not being measured by the Constitution; that it is being measured by some other force. Where that force comes from I do not know. As I recall, there were 13 Senators present in the Chamber a while ago. I challenged every Senator at that time who had read the bill to hold up his hand, and there were only 3 hands out of 13 held up. I do not know what the ratio of the whole Senate would be. But the Senators are not voting for this bill under their oath under the Constitution. They are voting for this bill because of propaganda. Some say it is one thing and some say it is another. I am not going to tell tales out of school, but I remember when a similar bill was brought before the Senate on a prior occasion—and bills such as this have been here ever since I have been a Member of the body—that one of the leading Members of the Senate at that time told me that he did not approve the bill; that he did not think it was constitutional; but he said he would be defeated in his State unless some action were taken on it. Action was not taken on it; but, as he was reelected by only a very slim majority, someone must have undertaken to punish him.

I do not know why some of the Senators should be so strongly in favor of this bill when they do not even do the bill the credit of reading it; when they do not examine its provisions.

Mr. CONNALLY. They are afraid to read it.

Mr. McKELLAR. The Senator from Texas suggests that they are afraid to read it. I do not see how any man who attempts properly to perform his duty could read this bill and then vote for it. It is utterly inconceivable to me that anyone who has ever read the Federal Constitution could for a moment imagine, much less believe, much less feel sure, that the bill is constitutional. I do not see how anyone could imagine it to be constitutional. If this bill is constitutional, then the Federal Government has the power to punish any State for permitting crap shooting. If a couple of colored boys in my State were to shoot craps the Federal Government could make that act a crime and send down there an officer and arrest and punish them for shooting craps or for violating any other law. In other words, if the principle of this bill is correct, we have no State rights; State rights pass out of the picture; the Federal Government may control everything. There ought to be but one government; the whole system of dual government of States and the National Government are absolutely destroyed if the policy of this bill is accepted as the law of the land. Of course, it will not be accepted. I think that is the way many Senators think that they will get out of the dilemma; that they will vote for the bill and then let the Supreme Court declare it unconstitutional. That may be the way to get out of it; I do not know; but that is not the way for us to get out of it. In my judgment, the people will forgive a man if they think he is doing right. I remember when our good friend former Senator Shortridge took the same position some of the proponents of the present bill are now taking he thought it would aid in returning him to the Senate; but his place has long been filled by another. I do not believe there is much force in such a contention.

Every State in the Union has a law prohibiting taking a prisoner from the custody of a peace officer. Why do Senators want to double up on their own States? Take the State of the Senator from Alabama. That State has a provision in its law, in substance, the same as that in the pending bill, making it an offense to take a prisoner away from the custody of an officer.

The State authorities can punish those guilty of such an act, and they do punish them. What is the reason behind this bill? Why is it that Senators claim that the bill is going to pass by an overwhelming majority, and yet they have not even taken the trouble to read it?

A bill ought to be read by a Senator before he votes for it. There are very few justifications for a bill passing this body without being read. I am quite sure that nine-tenths of the Members of this body did not know that gangsters and racketeers were exempted from the provisions of the bill until that fact was brought out here on the floor of the Senate. I presume it would be undignified to address this question to Senators—and I do not want to put my brethren in an undignified position—but, frankly, if the question were put to them, "Are you in favor of passing a bill that will deal with the crime of lynching when only eight instances of it occurred last year, and will not deal with the crime of murder by gangsters, of which over 300 instances took place last year?" I doubt if there is a man or a woman in this body who would vote to enact the one and to exclude the other; and yet that is what this committee reported in favor of doing. I am wondering whether any member of the committee voted for it.

I remember that in 1922, when a similar bill was reported out by former Senator Shortridge, it was found that the committee had not voted on it. They just let the bill be reported out. Senator Shortridge was anxious to report out the bill. He thought it would do him a great deal of good in his State, and the bill was reported out. The result was that the fine old gentleman who reported the bill did not get by with it. He lost out on it in the Senate; and then, marvelous to relate, when he went back home the very folks he had voted for and worked so hard for went back on him and he was defeated.

Senators, it is just a question of what is right. What have you against your States, that you want to take away their rights? What have you Democrats—and I want to be a little more direct—against States' rights and local self-government, for which you have always stood? What have you against them, that you want to take away the rights of the States and put them in the hands of the Federal authorities?

If it would work some marvelous good there might be some excuse for your position; but you have left this problem right here in this body for all these 45 years. At a time when there were 231 lynchings of white persons and colored persons in a year, you never did a thing about it; but now it is proposed to take action at a time when the States are about to solve the problem, and lynchings are about to occur no more. I hope we shall never have another lynching; and we shall not have any more of them if we can prevent the passage of any such ill-advised bill as this. It is a foolish bill; it is a useless bill; and in my judgment it is going to stir up more trouble than you ever dreamed of. Every State has laws on the subject, and they are working well. They are the only criminal laws we have that are working well, either State or Federal.

Take the case of the law against kidnaping: The Federal Government took over that subject, and yet we had more kidnapings in 1937 than in 1936, and we had more in 1936 than in 1935. We did not do any good with that law; and, incidentally, we are spending about $5,000,000 annually to help enforce it. We are spending a great deal of money to enforce the antikidnaping law. That is the principal thing that is being done under it. What good has it done? Why do we waste our time over this subject under the wild idea some persons may have that this bill, which last year would have applied to only eight persons in the entire country, deals with a subject that needs further enforcement?

Mr. President, it is perfectly axiomatic—as the Senator from New York [Mr. WAGNER] said awhile ago about another matter which was not axiomatic at all—that if we have the right to try a man for killing another by lynching, or to supervise his trial, we have a right to supervise the trial of a man for murder by lying in wait, for murder by poison, for murder by shooting, for murder by the use of a knife, or any other kind of murder, or any other kind of violation of a State law. Of course it is axiomatic; and such a thing never ought to be done.

I now come to section 3 of the bill, which makes guilty of a felony—

> Any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons.

Somebody said it had to be some act of the officer or some dereliction on his part. If he merely fails to protect the person, the authority of the United States comes in, and he is fined or imprisoned.

Mr. President, in 1931 there were 13 murders by lynching. In 1937 there were 8 murders by lynching. In 1931 there were 2,911 murders of other kinds in the cities of the country having more than 100,000 population. Under the proposed law, if all of the 2,911 prisoners had been taken from the officers of the State or county, there would have been no offenses against the Federal law. The offenses against the Federal law would have been simply the 13 crimes of lynching, or, in the case of last year, the 8 crimes of lynching.

If the United States can punish a sheriff or other custodial officer of a State for failure to do his duty, why can it not punish the Governor of the State? Are we going to do away with our Governors? Are we going to put them in jail? If a crime is committed in a State, are we going to do away with the officers of the State, fine them and punish them, and send them to jail? What are we thinking about? Here we are asked to pass a bill which would authorize the Federal Government to step in and fine the Governor of a State from $2,000 to $10,000 and put him in jail for not exceeding 5 years. How would you like to have that happen in your State?

The Governor of my State is not very friendly to me, and I am not exceedingly friendly to him, but I am not that much opposed to him. Even though I do not care particularly for the Governor of my State, I would not have him put in jail for 5 years because a lynching took place in Tennessee; and yet I want to say that I am so much opposed to lynching that if I were Governor of a State I never would permit a lynching to take place in it. What I have said shows how far we are going under this bill.

If the United States can punish sheriffs and Governors in the way I have stated, why can it not punish the treasurer of a State who absconds with the State's money? Why can it not punish the attorney general of a State who willfully refuses to do his duty, or any other officer of a State who fails or neglects willfully to do his duty? If the United States can thus take over the right of the States to punish for crime or failure of State officers to do their duties, why does not that turn over to the Federal Government entire control of the States?

The Senator from Idaho [Mr. BORAH] was entirely right about the matter in his speech today. The Senator from Idaho is a very wise man. He has a very splendid brain. He is honest with himself, and he is honest with others, and he is not afraid of what his action and votes will do to him politically. I said the other day, in speaking of the senior Senator from Virginia [Mr. GLASS], that the question of politics had not concerned him and need not concern him; he would be elected in Virginia under any circumstances. Why? Because he has the courage to do what he believes is right, and to do what he believes the Constitution and laws require him to do.

Senators, let us not be carried away by fear of losing position, or failing to be nominated, or failing to be elected. Let us do our duty under the Constitution as we see it. Let us not do it by closing our eyes and failing to read a bill that is before us. Let us do it after reading the bill and after considering it carefully in all of its provisions.

Mr. President, I say there is absolutely no power in our Federal Government upon which this bill can be based.

Section 5 of the bill, which punishes the counties or other governmental subdivisions of a State for permitting the crime of lynching to happen within its jurisdiction, by fining the county not less than $2,000 nor more than $10,000 for the benefit of the next of kin, is so patently outside the power of the Congress that if it were not a serious question it would be laughable. How any lawyer—and I speak with due respect to those who reported this bill—could believe, after

having read the Constitution of the United States even casually, that such a provision is constitutional it is difficult to understand.

The county is an integral and well-defined part of a State. Three persons may get together and overpower an officer and lynch a person in the custody of the officer. Those three murderers may be from Asia, or Africa, or any other foreign country in the world. Every single citizen of the county—every man, woman, and child in the county—may be absolutely opposed to the lynching of the person; and yet, under the terms of the bill, if the county officers failed in their duty in the slightest degree, the property of the people of the county to the extent of $10,000 may be taken from them and given over to the family of the person lynched.

Three racketeers from Chicago, or three gangsters from New York City, might come down to Memphis and lynch a person. Three tramps from Missouri might get on a 'Frisco train and come down from St. Louis and lynch a person in Shelby County, Tenn., without the knowledge, approval, or consent of a single citizen in Shelby County; and yet the county would be liable to the family of the lynched person for the crime of these alien lynchers!

Is that the equal protection of the laws? Is that a power delegated to the United States by the Constitution? The county has done no wrong, and yet it is punished just as if it had done wrong.

Furthermore, Mr. President, this section of the bill is absolutely in the teeth of section 2 of article III of the Constitution. That section provides for the settlement of a controversy between the United States and a State. Section 2 provides that the judicial power of the United States—

> Shall extend * * * to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States. * * *
>
> In all cases * * * in which a State shall be party, the Supreme Court shall have original jurisdiction.

So, under the very terms of the Constitution, where a State or any of its subdivisions or any of its counties or municipalities or other part of the State is sued, necessarily that suit must be brought in the Supreme Court of the United States, and this section does not so provide.

Mr. President, what is the need of such a law? I have already shown that there has been a steady decrease in the crime of lynching. In 1935, as I said before, 20 persons were lynched in the United States—2 whites and 18 Negroes. Nine persons—all Negroes—were lynched in 1936. Eight persons—all Negroes—were lynched in 1937. A reduction in the number of lynchings from 231 in 1892 down to 8 in 1937 is a remarkable record, and I sincerely hope there will not be a single lynching this year. But, Senators, if we pass this bill, it will be regarded by many Negroes—ignorant, of course—as a license to commit crime. They will think, after its passage, that the Federal Government will see that they are not lynched, and the crime for which lynching is principally inflicted will increase, and perhaps lynchings also will increase. Why not let well enough alone? Why not leave the matter to the States, which have made such wonderful strides in eradicating this crime?

The Negroes, too, are making a better record. The crimes for which lynchings occur in most cases are being decreased. You gentlemen may not know it, but you are playing with fire. If you let the country generally know that the Federal Government is taking steps in this matter by the passage of a bill of this kind, you will find that ignorant Negroes, learning about it, will be more and more inclined to commit the crime which in most cases causes lynching. The policy of your bill is bad, and in my judgment the purpose of it is purely political. If left alone, there would not be a half dozen Senators in this body who would be really interested in the passage of this bill. The first day the bill was up for consideration by the Senate there were not three Senators on the floor who were really interested in it, and there were not enough Senators present to constitute a quorum until roll call after roll call. I am referring to yesterday, and the attendance today is not much greater.

Senators know the bill is not a proper measure. They know the policy underlying it is not a good one. They are just being bludgeoned into passing it. The whites and Negroes, for the most part, are getting along splendidly. Why disturb that situation? Hundreds of murderers go unpunished every year in the United States, and no bills have been introduced to have the Federal Government take over supervision of such crimes, but because eight people were lynched last year it is proposed to do away with the Constitution and do away with the good feeling now existing between the races. To enact such a law would be doing the Negroes a great injustice, and would be doing the whites a great injustice. It would be doing the white women a great injustice.

Mr. President, if I may be pardoned for referring again to the celebrated controversy in 1922, I recall that one of the leading advocates of the Dyer lynching bill—and the bill before us is practically the same measure—was the then Senator Edge, of New Jersey, and while he was pulling the motes out of the eyes of the Southern States, in his own State there was an open season, apparently, on preachers. My recollection is that I read—and I think I have the clippings yet—that several preachers, perhaps seven, were murdered in the Senator's own State in that particular year. Was anyone ever punished for those crimes? One of them was a celebrated case, and all will recall it when I mention the facts. It was a case of a preacher being murdered for being very friendly with a choir singer. Everybody knew who murdered him, the authorities all knew, but the lady implicated in the case was not punished. We all know that in our States there are other crimes besides lynching the perpetrators of which are not punished. If there is a desire to enforce the law, if there is a wish that the Federal Government take over the enforcement of all State laws, why not do it boldly, and take over the enforcement of every State law? The States are enforcing the law against lynching. Laws against lynching are the best enforced of all laws, by common consent. I challenged any Senator on the floor today to mention any other crime the perpetrators of which were being more generally punished, and no Senator could name one such crime. Lynchings have fallen from 231, in 1892, to 8, in 1937. Why single out this one crime in order to rape the States of their authority?

Mr. President, that is not the worst effect the enactment of this measure would have. The relations between the white people and the colored people in my State are exceedingly pleasant. The colored people in Tennessee, and I think the same situation prevails in the surrounding States, are daily improving. They are getting along well with their white neighbors; their property is increasing; they are progressing in education; they are making wonderful strides, and I feel proud of them. I am glad they are making such progress. They are making strides such as no colored people on the face of God's globe ever made before. Why disturb that condition? Why enact a law the necessary effect of which would be to disturb that situation? Why enact a law unless there is some real reason for so doing? To my mind it would be utterly idle to enact the measure before us, and it is idle to devote the time of the Senate to considering it.

I wish to call attention to some of the things the Negroes have done. Their progress since the Civil War has been remarkable. When that war ended the Negroes owned practically nothing. Today they own probably $3,000,000,000 worth of property. They own more than 25,000,000 acres of land today, and their land holdings amount to over 35,000 square miles of territory, which is more territory than there is in all New England.

Colored people operate over a million farms. They have over 70,000 businesses. Over two and a half million colored children are in school, and the schools are furnished substantially by the white people of the country. They are built from taxes nine-tenths of which come from white people.

The property of the colored people for higher education is worth more than $50,000,000. The expense of their education probably reaches $75,000,000 annually, of which Negroes raise about $4,000,000. They have over 50,000 churches and

over 5,000,000 communicants in those churches. They have more than 36,000 Sunday schools, and probably 2,500,000 of their children are pupils in Sunday school. The value of the church property is more than $200,000,000. In 1866 only 10 percent of their children over 10 years of age could read or write, while now over 80 percent can read or write. That is a story of progress more remarkable than that of any other race of people. Why is there a desire to change that? Why enact a law the inevitable effect of which would be to disturb the conditions under which the colored people are progressing? No one can give a good reason for such action. There is no good answer to the question. The colored people are doing splendidly in Memphis, in Tennessee, as a whole, and in the South generally.

Many Senators will vote for the bill who perhaps never have been associated with Negroes and do not know anything about their problems, except, perhaps, how individual Negroes in their particular States, or a few of them, affect the Senators. Yet, without looking at the bill, without reading the bill, Senators will undertake to pass it.

Mr. President, those who are the so-called friends of the colored people think they are doing them a favor in passing this bill, but let me tell them something more about the problem. I refer now to a Federal census. I have spoken of the property the Negroes own, about their schools and their colleges and various other things touching their welfare. From the Federal Census of Negroes in the United States, 1920–22, page 324, I find that there are in the United States among Negroes the following:

Actors	2,626
Showmen	1,504
Architects	63
Artists, sculptors, and teachers of art	430
Authors, editors, and reporters	425
Chemists, assayers, and metallurgists	361
Clergymen	25,034
College presidents and professors	2,146
Dentists	1,773
Designers, draftsmen, and inventors	217
Lawyers, judges, and justices	1,247
Musicians and teachers of music	10,583
Osteopaths	19
Photographers	545
Physicians and surgeons	3,885
Teachers	54,683
Technical engineers	351
Civil engineers and surveyors	160
Electrical engineers	119
Mechanical engineers	70
Mining engineers	2
Trained nurses	5,728
Veterinary surgeons	134
Other professional pursuits	1,810
County agents, farm demonstrators, etc	226
Librarians	210
Social and welfare workers	1,038
Semiprofessional and recreational pursuits	6,343
Abstractors, notaries, and justices of the peace	57
Architects' apprentices	6
Ballroom, dance-hall, and skating-rink keepers	1,935
Chiropractors	184
Moving pictures	5
Healers not elsewhere classified	901
Keepers of charitable and penal institutions	201
Keepers of pleasure resorts, race tracks, etc	109
Officials of lodges and societies	451
Radio announcers	4
Religious workers	1,196
Technicians and laboratory assistants	196
Theater owners, managers, and officials	166
Attendants to professional men	16,098
Attendants in poolrooms, bowling alleys, and golf courses	2,420
Dentists' assistants	270
Helpers, motion pictures	14
Officials and inspectors of States and United States	203
Policemen	1,297
Soldiers, sailors, and marines	4,601
In other public-service pursuits	1,769

Senators, that is one of the most remarkable records that the black race has ever made anywhere on the face of the earth. Why do Senators want to break up this steady march of progress? Why do Senators want to change that situation? In 1866 these people started from scratch. They were without funds. They were ex-slaves. Yet in the time that has elapsed since 1866 they have made such progress as is indicated by what I have just read. At the behest of somebody, I do not know whom; at the behest of some interest, I do not know what; because of some suggestion, I do not know where it comes from, the proponents of the bill are doing everything they can to destroy what these good people are doing. Why do the proponents of the measure want to interfere with the improvement of the Negroes in education, their improvement in the artistic world, their improvement in the arts and sciences and in the professions? It ought not to be done, Senators.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. I am not sure whether or not the Senator mentioned dentists.

Mr. McKELLAR. Yes; I mentioned dentists.

Mr. COPELAND. I have had contacts with literally hundreds of professional men and women of the colored race.

Mr. McKELLAR. There are 1,773 Negro dentists in this country.

Mr. COPELAND. Yes. I want to speak of the dentists particularly.

Mr. McKELLAR. I yield to the Senator from New York for that purpose.

Mr. COPELAND. They have a very conspicuous record in dental surgery. I have come in contact with them in the medical profession, in the nursing profession, as laboratory technicians, and in many branches of scientific work. I endorse all that the Senator has said about them. We have a very large colored population in my city and in my State, and I have found these persons possessing all the fine qualities spoken of by the Senator from Tennessee. I am glad he has brought to the attention of the public the capabilities of this race in the many activities of human life.

Mr. McKELLAR. I thank the Senator from New York. I wish to say as a southern man, as the son of parents who owned Negroes, that I feel proud of the progress of the Negroes in this world. I think they have done well. I feel in my heart naught except friendship for them. I do not think they ought to be exploited for political purposes. I do not think the present status ought to be interfered with. I do not believe we should sit here and vote for laws that will not have the effect Senators expect them to have.

I speak with some degree of knowledge of this matter. As I said in the very beginning, I have lived in the same community with Negroes all my life. I have never had a difference, that I know of, with any Negro. I have never had an unkind thought about them. All my thoughts about them are to aid them and to help them in their improvement in this world. I want to see them improve. I want to see them go forward. They are going forward, and I feel kindly toward them. But why interfere with the progress they are making by introducing this legislation at this late hour, when lynchings have gone down from 231 annually to 8 annually? Why, at this late hour, should the proponents of the measure undertake to bring up this question?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SCHWELLENBACH. I am fully appreciative of the very fine attitude which the Senator has toward the Negroes of the South and of his State. I do not mean to convey any other implication in my question. However, a few minutes ago the Senator said that the enactment of this bill would detract from the education of Negroes, and would tend to stop their advancement in the arts and the sciences. I just do not see how that can be.

Mr. McKELLAR. I did not say it in that way, Mr. President. I said that under the conditions as they now exist, when we have enforcement of State law, and enjoy local self-government, the colored people have made wonderful strides. We have now had 72 years of experience under the present laws. At one time there were nearly as many as 200 colored persons lynched in 1 year, which was horrible, which no man can defend and no man would attempt to defend. Now, when we have nearly blotted out lynching, and both

white people and black people are opposed to it, at this late date, when only eight lynchings occurred last year, why should we undertake to stir up the race question again in this country? I do not want it done. I want to get along with the colored citizens of this country in peace and harmony. I want them to go on and prosper. I would not take from them any right at all. I want to say to Senators, knowing the situation as I do, that if they pass this bill and put it on the statute books, so long as it is on the statute books—I do not think it will stay there long, even if it is passed—but so long as it is on the statute books the ignorant members of that race will be led to believe that they have a right to commit crimes which they should not commit, and which will undoubtedly bring about more lynchings.

Mr. SCHWELLENBACH. Mr. President, will the Senator again yield?

Mr. McKELLAR. I yield.

Mr. SCHWELLENBACH. What is there in this bill which would lead to the conclusion the Senator stated a few moments ago, that it might have some effect so far as advancement in the arts and sciences by the Negro race was concerned?

Mr. McKELLAR. They will believe that the Federal Government is now taking charge of punishment for lynchings and that there will be no more lynchings; and the ignorant among them, the uninformed among them—and there are still many of them who are ignorant and uninformed—the uneducated ones, for the most part, and even some of those who are educated, will, in some cases, commit crimes which they would not commit unless they thought the Federal Government was going to protect them somehow under this measure.

Mr. SCHWELLENBACH. Mr. President, I repeat my question. Certainly those who have had advancement in the arts and sciences are not those who are ignorant.

Mr. McKELLAR. No; I am not counting those. I am counting the ignorant among them and the criminal among them, because there are some among them who are ignorant and who are criminal.

Mr. SCHWELLENBACH. The Senator has not answered the question I wished him to answer. The Senator said he believed the passage of this legislation would retard the advancement of the Negroes in the arts and in the sciences.

Mr. McKELLAR. The stirring up of race hatreds, of prejudices, of differences, all that is bound to retard the advancement of the Negroes. There is no other answer to it. The Senator probably has not lived in a mixed-race community, and he does not know about it. If he had lived in Memphis for 6 months, he would know that what I say is absolutely true.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. The Senator is a great lawyer and a great legislator. The implication of what he has said carries to me the idea that he thinks the passage of law promotes crime. I cannot understand that.

Mr. McKELLAR. Will the Senator permit me to interrupt him at that point?

Mr. COPELAND. Yes.

Mr. McKELLAR. I learned that in part from the Senator from New York. I have voted for prohibition in this body time and again, and I have heard the Senator from New York say a thousand times on this floor that the enactment of the prohibition bill had infinitely increased crime in this country.

Mr. COPELAND. I think the Senator from Tennessee is right in his criticism.

Mr. McKELLAR. Yes; I am right, because I heard the Senator from New York say it a thousand times, and that is what I am saying about this bill. I am right again.

Mr. COPELAND. I did say that about prohibition, and I think the rebuke the Senator has given me is a very just one. I did think, and I still think, that that particular law promoted crime; but I can hardly think of the prohibition law as parallel with this law. I also want to resist at once the thought which may be in the Senator's mind that any man favoring this bill seeks to reflect at all upon fine characters such as the Senator from Tennessee.

Mr. McKELLAR. Oh, I know there is no such thought. I do not charge the Senator with that.

Mr. COPELAND. There can be no doubt that the Senator from Tennessee and others opposing this bill are just as sincere in every sense as those who are proposing the bill. My observation has been, however, that in my own community—and I live in a community having perhaps the largest colored population of any city in the world—the fine persons represented by the long list mentioned by the Senator are shocked and humiliated by what they feel to be an attack upon their race. To my mind, the strongest argument the Senator could make would be along the line of the invasion of the rights of the State and the obligations of the State. I should feel about the people of any other race and any other color exactly as I do about the people of this particular race and this particular color.

Mr. McKELLAR. Mr. President, I wonder if the Senator does feel that way. For instance, in 1934, according to the Negro Year Book of that year, there were 15 lynchings of colored people; 8 of the 15 were due to the crime of rape. Has not the Senator some little feeling in his kindly heart—I know it is kindly, because I have seen its workings exhibited many times—for the eight females who were raped in those cases? Has not the question two sides? Will not the Senator admit that, while he has the kindest feeling for the colored race, he also has some little sympathy for the eight poor, helpless, defenseless white females who were injured in connection with those crimes?

Mr. COPELAND. Mr. President, I should not care what the color or race of the violator of the law might be; if there is proof in any case that a colored man or a white man or a yellow man has committed that terrible crime I should be in favor of dealing with him to the extreme limit of the law. I want it done under the law, however.

Mr. McKELLAR. I agree with the Senator entirely.

Mr. COPELAND. I do not want to have that man, whether he is white or black, taken out to be hanged to a telephone pole or to have the bottom of his feet burned. I want him dealt with in accordance with the humane laws of all the States of the Union. If that had been the experience of the past, this bill would never be here. I do not pretend for a moment to say that I live in a State which is pure and that indecencies do not occur in it; but whether violation of law occurs in my State, or the State of Tennessee, or any other State, I want the violator of the law to be dealt with vigorously and speedily in accordance with the law.

Mr. McKELLAR. Mr. President, let me ask the Senator a question. Does he not feel exactly the same way about the commission of the crime of rape? Why not include the crime of rape as well as the crime of lynching? Here is an Associated Press dispatch of January 6 from Marion, Ark., which is right across the river from Memphis—I do not believe the Senator from New York was here at the time I read it before, and I call his attention to it again—stating that two young colored men from Memphis went over into the swamps of Arkansas and found on the road a young white girl and raped her. Has not the Senator a little sympathy for the victim of that kind of a crime? Why not put that sort of a crime in this bill? Does not the Senator believe in punishing under the law the crime of rape?

Mr. COPELAND. I certainly do, whether the sinner is white or black; and I can think of no more terrible crime.

Mr. McKELLAR. I am glad to hear the Senator say that.

Mr. COPELAND. I have in my heart the feeling that we do not deal very wisely with our youth. A great many young children, young boys and girls, grow to manhood and womanhood who are without character, and in whose behalf no effort has been made on the part of the public authorities to see that they are led by the hand into decent, moral ways of living.

If the Senator will bear with me, there is a great moral obligation resting upon the American people; and, to my

mind, the public schools, both North and South, must be used with the thought of the development of character more than of scholarship.

So I do not see that the case mentioned by the Senator from Tennessee has any particular bearing upon the argument. We want to prevent lynching and every other illegal act in cases in which individuals assume the authority of the law. I do not care whether the illegal act relates to lynching, or rape, or what it may be. We have orderly government in America, and we expect the Government to deal with such cases. We expect the Government to be preserved and to be protected, and to be so molded that it can deal with these great problems; and I think we are failing in many directions.

Mr. McKELLAR. Before I go further, let me say to the Senator from New York that according to the records of the Senator's own State, while I have not the exact number, there were in his State many more racketeer or gangster killings last year that have not been punished than there were lynchings throughout the whole country. Does not the Senator think gangster and racketeer killings ought to be included in this bill if the States fail to punish them?

Mr. COPELAND. If the Senator will recall, I have been and am chairman of the Committee on Crime; and, if the Senator will remember, I brought forward from my committee many bills dealing with the racketeer and the kidnaper.

Mr. McKELLAR. But the enactment of those bills has not prevented those crimes.

Mr. COPELAND. I think I may say I am the father of the law which gives rise to a presumption of interstate crime if a period of 6 days elapses after the disappearance of an individual. I then favored an increase in the power of the Federal Government to deal with these offenders. I feel just exactly as unkindly toward the racketeer and the kidnaper and the gambler——

Mr. McKELLAR. And the rapist.

Mr. COPELAND. And the rapist, and all other criminals. I do not care whether they live in the State of New York, in the county of Rockland, or in the State of Tennessee; I want them vigorously dealt with. If that can be better done, to the protection of society, by the enactment of Federal laws, I am willing to go far in that direction; and I confess that the only doubt I have about the propriety of enacting this bill is the question of the invasion of the right and duty of the State. That is where my problem lies. It does not deal at all with what we should do with the rapist. It does not deal at all with what should be done with the criminal of any other type. Any man who is a menace to society should be dealt with by some branch of our law in order that society may be protected.

I will go as far as the Senator from Tennessee will go, and I think perhaps a little bit further, because I have already said that I brought to the Senate and am glad to have had enacted into law various Federal statutes which have to do with racketeers and kidnapers. I have no brief for them. I wish they might all be boiled in oil tomorrow morning, if that could be done by legal enactment.

Mr. McKELLAR. Then, as I understand the Senator, if an amendment is offered to include in the bill racketeers and gangsters and rapists, the Senator will vote for it.

Mr. COPELAND. I shall be very much inclined to do so.

Mr. McKELLAR. I just wanted to ascertain the position of the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I understand that the Senator from Tennessee will not be able to finish his remarks tonight.

Mr. McKELLAR. Not tonight.

Mr. BARKLEY. Therefore we might as well suspend at this time.

Mr. HARRISON. Mr. President, I understand that the Senator from Kentucky is about to move a recess until tomorrow.

Mr. BARKLEY. Yes, Mr. President.

Mr. HARRISON. Is there to be an all-day session tomorrow?

Mr. BARKLEY. The plan is to meet at 11 o'clock and adjourn earlier than we adjourn on other days.

Mr. HARRISON. I give notice that on Monday next, at the convening of the Senate, I shall address myself to this bill, not with the idea of delaying or filibustering in any way but of discussing it on the facts.

Mr. CONNALLY. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I had understood that the Senator from Kentucky had heretofore advised a number of Senators that there would be no session tomorrow. I was hopeful that that was the case. A great many Senators wish to be out of the city, and I doubt very much if the Senator will make a great deal of progress by having a session on Saturday.

Mr. BARKLEY. I will say to the Senator from Texas that on yesterday I was asked whether or not we would have a session tomorrow, and in practically every case I said yesterday that I did not know; but after conferring with numerous Senators on both sides it seems to be the desire that we have a session tomorrow, beginning earlier and adjourning earlier than usual. It is true that a number of Senators are absent because they have gone away to attend Jackson Day banquets, and no criticism can be directed toward them for their absence on that account. In all probability there will be no vote tomorrow on anything in connection with the bill, and it has occurred to me and to other Members of the Senate that we ought to spend the day in part, at least, in debating this measure. For that reason I contemplate moving that the Senate take a recess until 11 o'clock tomorrow morning.

Mr. CONNALLY. Let me say to the Senator that no personal consideration moves the Senator from Texas, because he expects to be here tomorrow.

Mr. BARKLEY. I appreciate that.

Mr. CONNALLY. My suggestion was on behalf of Senators who would be inconvenienced by a session tomorrow.

Mr. BARKLEY. I really do not think any Senator will be inconvenienced by a session tomorrow, because in all likelihood those who are away will not miss any vote; and it seems to me those who are in the city, constituting more than a quorum, can come here for a while tomorrow and work on this measure.

INTERNATIONAL SEED TESTING ASSOCIATION CONGRESS

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing and requesting the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide an appropriation of $500, or so much thereof as may be necessary, for the expenses of official entertainment by the United States at the Ninth International Seed Testing Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 7, 1938.*

[Enclosure: Report.]

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Will G. Metz, of Wyoming, to be State administrator in the Works Progress Administration for Wyoming.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. NEELY in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting several nominations, a treaty, and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Saturday, January 8, 1938, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 7 (legislative day of January 5), 1938

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY

Hugh R. Wilson, of Illinois, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Germany, vice William E. Dodd.

Joseph P. Kennedy, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Great Britain, vice Robert Worth Bingham, deceased.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Norman Armour, of New Jersey, now Envoy Extraordinary and Minister Plenipotentiary to Canada, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile, vice Hoffman Philip, retired.

NATIONAL MEDIATION BOARD

George A. Cook, of Illinois, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1939, vice James W. Carmalt, deceased.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 7, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the light of the world, light for the morning, light for the noonday, and light for the eveningtide, help us to fasten our trust on truths which will bring ever-brightening triumphs. We pray Thee that we may have that vision of God which no man or nation can leave out. The whole universe is a temple of Jehovah; it throbs with the infinite presence of the Most High. May we see His hand of salvation and hear His voice proclaiming that justice, good will, and the rule of Jesus are the hope of the world. Almighty God, make us unafraid and fearless in the presence of criticism and opposition. Grant, our Father, that the present-day problems may challenge the resources of our Christian faith and courage. Instead of the thorn shall come the fir tree, and instead of the brier shall come up the myrtle tree; and it shall be unto the Lord for a name, for an everlasting sign that shall not be cut off. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

RULES OF CIVIL PROCEDURE, UNITED STATES DISTRICT COURTS

Mr. LAMBETH. Mr. Speaker, from the Committee on Printing I report back favorably (H. Rept. No. 1663) a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 395

Resolved, That 9,000 additional copies of House Document 460, current session, entitled "A letter from the Attorney General of the United States transmitting the Rules of Civil Procedure for the District Courts of the United States," be printed for the use of the House document room.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield for a question?

Mr. LAMBETH. I yield.

Mr. COCHRAN. Does not the gentleman feel that it would be fairer to the Members of the House if the distribution were through the folding room instead of the House document room? This is a very, very important document. I think it would be more fair if the resolution provided for the distribution of the documents through the folding room; then we would all get our fair share. I have had four telegrams this morning asking me for copies of this document.

Mr. LAMBETH. Replying to the gentleman from Missouri I may say that if this quantity, which is the amount requested by the chairman of the Committee on the Judiciary, should not be sufficient, there will be a reprint. Replying further to the gentleman I may say that it has been the experience of our committee in relation to the distribution of documents that when the distribution is through the folding room with equal quantities allotted to each Member, there is always an unused surplus piled up. That is the reason for having the distribution through the document room. I can assure the gentleman that if this quantity should not prove adequate, additional copies will be made available.

Mr. COCHRAN. That will be satisfactory to me.

The SPEAKER. The question is on the resolution offered by the gentleman from North Carolina.

The resolution was agreed to.

ELECTION TO COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 396

Resolved, That the following-named Members be, and they are hereby, elected members of the standing committees of the House of Representatives, as follows:

Naval Affairs: WILLIAM S. JACOBSEN, Iowa.

Public Lands: GOMER SMITH, Oklahoma.

Patents: CHARLES L. SOUTH, Texas; CHARLES A. BUCKLEY, New York.

Revision of the Laws: GOMER SMITH, Oklahoma.

World War Veterans' Legislation: THOMAS A. FLAHERTY, Massachusetts.

Expenditures in the Executive Departments: THOMAS A. FLAHERTY, Massachusetts.

Roads: BEVERLY M. VINCENT, Kentucky.

The resolution was agreed to.

ANNIVERSARY OF THE BATTLE OF NEW ORLEANS

Mr. FERNANDEZ. Mr. Speaker, tomorrow being the one hundred and twenty-third anniversary of the Battle of New Orleans, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FERNANDEZ. Mr. Speaker, January 8 marks the one hundred and twenty-third year since the great Battle of New Orleans. Because of its importance to the welfare of our Nation, I offer an appropriate treatise in commemoration of the Nation's second greatest battle, which ended the War of 1812.

After its unsuccessful attack on Fort McHenry, Baltimore, during the War of 1812—the attack which inspired Francis Scott Key to write The Star-Spangled Banner—the British Fleet, consisting of some sixty-odd great ships, transported the British Army down Chesapeake Bay, and approximately

late in October of 1814 sailed for the West Indies, where these forces were augmented by several veteran regiments of the British Army, waiting in the West Indies, to make a concentrated assault on the city of New Orleans. On November 26, 1814, this great fleet, half of which were formidable warships, disembarked for the Louisiana shore. Considerably over 10,000 men were aboard this fleet on the way to attack New Orleans.

On December 23, 1814, an advance guard of the British forces floated across Lake Borgne and up Bayou Bienvenu and effected a landing. From there they proceeded to advance to within 8 miles of the city, capturing the Villere Plantation. The peril that beset New Orleans had been realized in advance by Andrew Jackson, who had proceeded to command a force of Americans for defense of the Crescent City. General Jackson had mustered Volunteers from Kentucky, Mississippi, and Louisiana. When the British forces were capturing the Villere Plantation, Major Villere, however, had escaped and went to warn General Jackson of their coming. The great bell of St. Louis Cathedral rang out in alarm, and then the militia and Volunteers poured into Place de'Armes from all quarters of the city. General Jackson had time to construct earthwork defenses against his opponent's artillery and to mobilize an army of approximately 6,000 men, which consisted of Kentuckians, Mississippians, and Louisianians. Then the day came on which the British were to climax their campaign. As soon as darkness and fog lifted, General Pakenham, in command of the British forces, ordered an attack on the American entrenchments. As the British advanced they were met by a furious rifle fire. Pakenham and two of his generals fell mortally wounded. In less than 2 hours the British forces on the east side of the Mississippi River were routed and so demoralized that the British command ordered a retreat on the western bank also.

The Battle of New Orleans was the last engagement before the Treaty of Ghent became effective. The treaty was ratified by the United States on February 17, 1815, 40 days after the Battle of New Orleans.

The Battle of New Orleans ended the wars with Great Britain.

The grateful people of New Orleans will on the morrow commemorate the one hundred and twenty-third anniversary of this great battle on the plains of Chalmette, where they erected a suitable monument. Development of the Chalmette area as a historical reservation commenced in 1840 and was continued by the State of Louisiana and the Louisiana branch of the Daughters of 1812, who took a prominent part in erection of this memorial. It was declared a national reservation in 1907, since which time it has been under jurisdiction of the United States Government.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the Tom Mooney case.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address I delivered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE LUDLOW RESOLUTION

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JARMAN. Mr. Speaker, just as we frequently pass familiar objects without seeing them, and fail to hear familiar sounds, loud though they be, we are all too prone to assume that facts which are by their very nature common knowledge to us are equally well known to our neighbor and the public.

There is a matter of widespread national—yea; international—interest which is so well known to us here that I think we, including the gentlemen of the press, have overlooked the fact that it is not also common knowledge throughout the world. I regard it as highly important to the welfare of the Nation that all possible publicity be given to the correction of the widespread misunderstanding which I am sure exists in the minds of so many of our people and our friends in foreign countries relative to the Ludlow petition, which will have our attention Monday.

Having very seriously reflected upon the possible effects of the completion of the distinguished gentleman from Indiana's petition to amend the Constitution so that a national referendum will be necessary before war may be declared except when our country is invaded, I have frequently wondered from the beginning if our people were not laboring under a misunderstanding of the conditions leading up to the completion of this petition only 2 days following the sinking of the *Panay*. I have hoped that some one whose every word is eagerly devoured by the public would explain the situation. If this has occurred it completely escaped my attention, although my natural interest has prompted me to follow the matter very closely in the press.

All Members of the House know, and this knowledge is probably rather widespread among our people, that this war referendum has been the hobby and the main objective of one of the most highly respected and greatly beloved Members of this body for several years, and that he has written a very interesting book on the subject. All Members of the House know, but I do not think the public does, that this petition was filed on April 17, 1937, several months before the beginning of the unpleasantness between China and Japan and much longer prior to the sinking of the *Panay*. We all know, but the public does not, that many Members of the House who do not believe in the principle involved, were sorely tempted to sign the petition because of their friendship and regard for its distinguished author, and their knowledge of the depth of his interest therein. Some doubtless did so sign it many months ago. We know, but many citizens of America, Japan, and other foreign countries do not, that when the regular session adjourned last August, several months before the sinking of the *Panay*, approximately 180 names had been signed to this petition.

These facts present an entirely different situation from the one I am confident is generally believed to exist by those outside of this body and the one across the Capitol. To illustrate, while in conversation recently with an attaché of an embassy which is peculiarly interested in the meaning, possibilities, and outcome of this resolution, inquiry developed the fact that even he labored under the impression that this petition was filed only recently, and that Members of the Congress all but ran over each other as they rushed up 218 strong and attached their signatures thereto since the sinking of the *Panay*.

I believe the great majority of my colleagues, including those who signed this petition, will heartily share my keen desire that the world realize that neither the far eastern situation in general nor the sinking of the *Panay* in particular threw the Congress of the United States into such panic and that only a comparatively few signatures were attached to it after this incident. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INTERNATIONAL SEED TESTING ASSOCIATION (H. DOC. NO. 472)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing and requesting

the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that Congress; and also to provide an appropriation of $500, or so much thereof as may be necessary for the expenses of official entertainment by the United States at the Ninth International Seed Testing Congress.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 7, 1938.*

[Enclosure: Report.]

SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of title 20, section 43, United States Code, the Chair appoints as Regents of the Smithsonian Institution the following Members of the House: Mr. GOLDSBOROUGH, Mr. CANNON of Missouri, and Mr. GIFFORD.

INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8837, the independent offices appropriation bill, 1939, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, on Monday next when the so-called Ludlow petition comes before the House for consideration there will only be 20 minutes' debate, 10 of which may be allotted to me in opposition. Part of this time I propose to allot to other Members. For this reason in advance of Monday I should like to submit to the House certain views which I entertain in reference to the resolution, first, from the parliamentary standpoint, and, second, in connection with the merits of the resolution.

Mr. Chairman, when the so-called Ludlow discharge petition was completed with its two hundred and eighteenth signature on December 14, 1937, I then called the attention of the House to the anomalous parliamentary procedure involved.

The discharge petition was directed against the Rules Committee to "discharge" it from the consideration of a matter, the Ludlow referendum on war, which was never before that committee but is still pending before the Judiciary Committee.

It is true that the procedure underlying the petition was technically correct under the discharge rule as it now stands, but such a vehicle for parliamentary procedure should never have been created and should have long since been repealed. It is senseless.

It is true again that there was pending before the Rules Committee a resolution or a "rule" to bring the Ludlow amendment before the House, and that just one Member of the House communicated with the chairman of the Rules Committee in reference to it. But the bill itself, or the House Joint Resolution 199, for a referendum on war, was, and still is, before the Judiciary Committee and has never been acted on by that committee.

The Rules Committee is one arm of the representative system of government long established in this country and continued in this House. The Members of the House represent their districts and the country. The committees of this House represent the Members. The Rules Committee represents the organization of this House and its committees.

It would be entirely destructive of that representative system if the Rules Committee should act on a matter pending before a legislative committee before the latter committee had taken action on the measure. Such a usurpation would not be tolerated for one moment by the committees or the Members.

There has been a great deal of confusion recently in the minds of the public, inflamed by newspaper accounts, as to "usurpation of power" by the Rules Committee. That confusion of thought prevailed to a great extent in reference to the wage and hour bill, which represented the situation where a legislative committee had reported the bill. The same situation existed as to the Frazier-Lemke bill. Both bills had been reported by a legislative committee. The Rules Committee is not a legislative committee. No bills are referred to it, and consequently no bills can be smothered in the Rules Committee, as is the constant charge in the press and sometimes on the floor of this House.

The Rules Committee did not "block" or "smother" the wage and hour bill. It could not do so if it so desired. That bill was on the regular calendar of the House and was before the House and would be reached in its regular order. The only complaint filed against the Rules Committee was that the committee would not expedite the consideration of the bill out of its regular course. The ultimate fate of the bill, after its forced consideration ahead of time, was the same as that of the Frazier-Lemke bill.

The situation as to the Ludlow amendment, as far as the Rules Committee is concerned, is identical with that of the antilynching bill, neither of which measures were or ever could be before the Rules Committee. Complaint could have properly been made against the Rules Committee if it had presumed to act on either measure.

So it is ridiculous to refer to this motion as one to discharge the Rules Committee.

To point out the vagaries of attempting to legislate by the discharge-petition method, let me narrate the following from recent experiences:

No bill has ever yet become a law by the method of discharging a committee.

It has been widely hailed as a democratic method. It surely is not any vehicle of representative government. Rather is it the town-meeting method of "pure democracy"—the first invitation to a dictator.

For instance, 218 Members signed the Frazier-Lemke petition. They were immediately enshrined as the "friends of the farmer," but only 142 Members voted for the bill.

As to the wage and hour bill, 218 signed the petition. Immediately labor organizations throughout the country hailed these 218 as the "friends of labor," and the only friends of labor in the House of Representatives. One enthusiastic labor group published their names in a brochure so that posterity might read.

Within a few days, however, 10 of these friends of labor changed their minds and voted against discharging the Rules Committee and bringing the bill before the House for consideration.

Of the 218 who signed the petition to discharge, 31 voted for the motion to recommit the bill—in effect, to kill the bill.

Two hundred and eighty-five Members voted to discharge the Rules Committee so that the wage and hour bill might be considered. Of these 285, however, 85 Members voted to recommit the bill—in effect, to kill it.

Already the signers of the Ludlow petition have diminished by three, because one signer has died and two have resigned their seats.

In a representative set-up, such as this House has, there is absolutely no need or justification for any discharge rule. There is not 1 chance in 100,000 that any committee would arbitrarily refuse to act on any bill which commanded the interest and support of a majority of the Members of this House. The committees are elected by the House. The majorities on the committees are members of the majority party and subject to the will of that majority in party caucus and otherwise. An arbitrarily recalcitrant committee could be readily made to act through the organization of this House without this extra legislative method of petition—one of the greatest vehicles for demagogy ever devised.

To show further the practical impossibility of legislating by petition rather than through the representative system of

committees, let me point out the enormous amount of business before Congress at all times and the impossibility of the consideration of every measure introduced in any one Congress.

Take the Seventy-fourth Congress, the last, for instance. In that Congress, like most Congresses, there were introduced in the House of Representatives 14,292 bills, joint resolutions, concurrent resolutions, and simple resolutions. In the Senate the number was 5,453, making a grand total of 19,745 measures introduced in both bodies.

It is true that of this number 11,346 were private bills, usually for the relief of one individual, but this left 8,399 public bills, those of general interest to and affecting all the people.

In this clogged legislative mill our committees of the House ground out, or reported, 3,087 bills. It is also interesting to note that of the 3,087 bills so reported, the House of Representatives passed 2,845 bills, or only 242 bills less than the total number reported. All this labor of picking the wheat from the chaff involves tremendous labors on our committees.

The bills which finally became law totaled 1,722, of which 985 were public bills and 737 private bills.

So that of the total of 19,745 entrants in this legislative contest only 1,722 finished.

No method other than the representative committee system has yet been devised that could equal this record. If legislation were considered to any extent by the discharge-petition method, not one-tenth of the above work could ever be accomplished.

So much for the parliamentary situation arising out of this Ludlow petition. That situation should alone justify the defeat of the motion to discharge.

Now, as to the merits of the Ludlow amendment for a referendum on war. That proposal, House Joint Resolution 199, seeks to amend the Constitution of the United States to provide, in its important part, that—

> Except in the event of an invasion of the United States or its territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum * * *.

It should be at once noted that unless both contingencies happen, an invasion and an attack upon our citizens, the existing right in Congress to declare war is taken away from the representative branch of the Government. There could be an invasion by the enemy occupying our country, but unless they attacked our citizens, Congress and the President would be powerless. Such a proposal is pure democracy to the *n*th degree, and its possible consequences are beyond conception.

The Members of Congress are directly elected by the people and subject to removal at least every 2 or 6 years. It is beyond imaginable possibility that they could ever be so unacquainted with the attitude or the wishes of their constituents as to declare war against the will of the people. That just could never happen in a representative democracy.

This proposal, however, would tie the hands of Congress from exercising the most important power vested in it under the Constitution, unless there was an attack, until there was held a Nation-wide referendum on the question: Shall the United States declare war on ———?

Machinery would have to be set up for this referendum. How long it would take to arrange for the balloting and how long it would take to count the votes no one has suggested. In the meantime, the enemy could be sitting on all our doorsteps and possibly occupying our beds; and in the meantime, the "attack" might come.

Suppose the vote were taken and suppose it only carried by a bare majority or even by 2 to 1. What a consolation to the enemy or other nations that our house was so divided against itself. Could compulsory conscription ever be successful under such circumstances? And how far would conscription succeed, say, in some State where the votes, possibly because of racial affiliation, were cast against declaring war?

No one wants war; and there is no indication that Congress is in any mood to declare war against any nation; but it is the opinion of many thoughtful persons that the passing of this proposal would inevitably lead to war rather than keep us out of war.

There is no question that the present sentiment of this country is against war and that the majority of the proponents of this measure in Congress and among our citizens are sincere in their support of this proposal. Such support from the fathers and mothers in our country, the women's organizations, our churches, and other bodies is prompted by the highest patriotic motives.

Honest pacifiicism cannot be criticized.

The same cannot be said, however, of some organizations which have been active in the drive and in disseminating propaganda. Some are inspired by racial ties to other nations. Others have played upon the emotions of our people and developed a "racket" to enrich themselves by collecting dues and being paid for speeches. For some time an investigation of this "racket" has been under consideration.

Who, on the other hand, are against the proposal?

The President of the United States, charged with negotiations with other nations, is well known to be opposed to the measure, and especially at this time of war in the Far East.

Our distinguished Secretary of State, Mr. Hull, is well known to be opposed to the proposal.

Others included are leading editorial writers of the country; Mr. Henry L. Stimson, former Secretary of War; ex-Governor Landon, of Kansas; and the Veterans of Foreign Wars and the American Legion. Surely the latter two organizations should, after their experience, be unbiased authorities on the subject.

Their reasons have been set forth at full in the public press and need not be restated here except to say that they all agree that—

Instead of preventing war the Ludlow proposal would involve us in war.

It would require a tremendous increase in our Army and its fortifications.

Our Navy would be useless because mere invasion would not justify any defensive action. Indeed, it might be entirely sunk in foreign waters before we could act.

While other unfortunate possibilities might be enumerated, it should be sufficient to say that the plan would paralyze our Nation's defense in some great emergency, from which catastrophe we might never emerge. [Applause.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, it is very patent to me that preceding speakers were not Members of this body during the war Congress or I think they would have phrased their talks along other lines. Champ Clark used to say, "If there is anything more cowardly than one Congressman it is two Congressmen."

The trouble with continuing the power to declare war in our national legislative body is that there are too many Members of the House who are potential candidates for the Senate, and in the Senate there are too many potential candidates for the Presidency. That is one reason I am for the Ludlow amendment.

Mr. Chairman, I was a Member of this House when the war resolution came before it for consideration back in April 1917, and I recall that there were scores of Members of the House who at that time would have voted against the declaration of war if there had been a secret ballot, but by reason of pressure put on them by highly organized minorities from back home, in the form of telegrams, long-distance calls, and so forth, were coerced into voting for it. They lacked the backbone to vote against war, as they wanted to. I recall a Member from a Midwestern State who had lost a son on the Mexican border a few months before the war resolution came up for consideration. This man repeatedly stated, "I cannot vote for war." What did the war crowd do? They sent him a couple of bushels of telegrams from back home telling him to "stand by the President," and he gave in, as did scores of others under similar circumstances.

Mr. Chairman, this thing is too big to longer lodge in the hands of a political body. Let us give this power to those

who will have to do the fighting and pay the bills. Mention has been made of the delay in getting a war referendum through. We know in 2 days who has been elected President. I can only recall one time to the contrary, and that was in 1916 when it took perhaps 3 or 4 days before the final determination was known.

It is plain to me that some of the Members who have taken occasion to speak against the Ludlow amendment, declaring that it would place us at the mercy of the world, have not read or studied the resolution. Let us read the resolution and see just what it says. It reads as follows:

Joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE —

"SECTION 1. Except in the event of an invasion of the United States or its Territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war or peace to the citizens of the States, the question to be voted on being, Shall the United States declare war on ———? Congress may otherwise by law provide for the enforcement of this section."

Wherein does the Ludlow resolution place us at the mercy of a foreign foe? I call your particular attention to section 1, which reads:

Except in the event of an invasion of the United States or its Territorial possessions and attack upon its citizens residing therein, the authority of Congress shall not become effective until confirmed by a majority of all the votes cast thereon in a Nation-wide referendum.

That language is, of course, susceptible of but one construction and that is that our Army or Navy shall not be sent to foreign countries to fight without the express approval of a majority of those voting in the referendum. Is there anything wrong with giving that power to the people? Is it undemocratic? Is it contrary to our form of government? Will anyone seriously maintain that the people are not qualified to vote on peace or war?

Those who are opposed to the Ludlow amendment show by their action that they do not believe that the people are competent to vote on the question of war. If they are not competent to vote upon war, they are not competent to vote on anything else, including President and Members of Congress.

History is repeating itself. We well recall the propaganda that we were smothered with prior to our entrance into the World War. The country is again being deluged with propaganda, most of it inspired in London, Paris, and Moscow. A part of this propaganda is aimed at the Ludlow amendment because those who want to drag us into another war in order to save their investments and territorial possessions of grasping European nations realize that they will not be able to drag us into a war for those purposes if the decision is lodged in the hands of the people. Consequently, they want to see the power to declare war remain in the hands of Congress. That would be very well if the people could depend upon their representatives voting their honest convictions, but, unfortunately, our experience back in 1917 was such that we feel that Congress cannot be depended upon to stand firm for the people in a great crisis.

All preceding speakers have sought to create the impression that back in 1917 the American people were more ready for war than was Congress. If that were true, why were the enlistments so slow that it was necessary to pass a draft law? It is my recollection that right after our entrance into the war the enlistments were only a little better than 1,000 a day. Had that war been so popular, and had it had the hearty support of our people we could have raised an army of 4,000,000 in 3 or 4 months, and it would not have been necessary to resort to the draft.

I contend now, as I did then, that the election of 1916 was a referendum on war and that a majority of the American people voted against it. I also maintain now, as I did then, that in voting to enter the war Congress disregarded the mandate of the people. Woodrow Wilson was reelected on the slogan "He kept us out of war."

Certainly, the people should have the say as to whether or not they want to engage in a foreign war. In the final analysis it is they who will have to do the fighting and pay the bills.

I can understand the objection of the President and of Congress to surrender the power they now have to make war. It is human nature to resist having power taken away.

I maintain now as I did back in 1917 that the question of declaring a foreign war is too great to rest in the hands of a comparatively small group of officeholders, none of whom will be called upon to do any fighting. I am one of those who believes in the intelligence of the voters. I doubt if at any time in the history of the country our people have taken a greater and more intelligent interest in the affairs of government, and I do not believe that there has been a time in the past 20 years that they have shown more concern and apprehension over the direction in which our foreign policy is taking us, and well they may, for it is slowly dragging us into war and make no mistake about it, so I feel very strongly that the quicker we can transfer the power to make war into the hands of the people the better it will be for our country.

Some of the arguments that have been made against the Ludlow amendment are just too silly for words. One speaker contends that if the power to declare a foreign war is lodged in the hands of the people we would not be able to fight off an invading fleet or army until a plebescite had been had. Again, to such of you as really believe that, let me suggest that you read and study the Ludlow resolution. Under it the President would still have the power to send our fleet out to sea to meet a hostile fleet heading for our shores without any vote. Again let me say to you that the Ludlow amendment merely provides that before we can enter into a war on foreign soil the proposal must be approved "by a majority of all votes cast thereon in the Nation by referendum."

Let us not be deceived in this matter. Neither should we be misled when the Ludlow resolution comes before the House on Monday. Let it be considered openly and dispassionately, free from misrepresentation and prejudice. As for me I shall take my side with those who favor the proposal to give to the people the right to vote on whether they wish to engage in a foreign war for it is upon them that all of the burdens will fall.

I would like to amend the Ludlow resolution to include the proposal of the American Legion that in case of war all wealth and industry shall be conscripted. Then we would take the profit out of war and once that is done the nations of the earth may "beat their swords into plowshares and their spears into pruning hooks."

Mr. WIGGLESWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

JACKSON AND ICKES ADD TO UNEMPLOYMENT—VIOLATE SPIRIT OF ANTITRUST ACT

Mr. HOFFMAN. Mr. Chairman, with the President's program to curb monopoly and prevent the exploitation of the great mass of our people by a combination of those engaged in industry and commerce, many of us are in full accord and wish to pledge our sincere, earnest cooperation.

We wish to engage, however, in a real, not in a sham, battle. We wish to fight not men of straw but those who actually create monopolies, who arbitrarily raise prices, who stifle competition, and seek to regiment labor as well as industry.

To the end that we may know that our efforts are directed toward the real battle front, it is well to strip the mask of hypocrisy from the faces of some of those who would direct the assault toward the wrong front. On some future day, when more time is at my disposal, that effort will be made.

Proceeding in a lighter vein, attention is called to the fact that one of the President's spokesmen, Assistant Attorney General Robert H. Jackson, condemns monopolies and activ-

ities which violate the spirit of the Sherman antitrust laws, charges business with causing unemployment, and deplores that fact.

A Cabinet member, another administration spokesman, Secretary of the Interior Harold L. Ickes, follows a like course.

Yet each does the very thing which he condemns. Each contributes to the unemployment situation which he deplores. This charge is made deliberately, and I ask that you give it at least as much—no more—weight than you gave to the foolish and absurd charges made by these two gentlemen. But on the charge made here and now let me give you the record.

Speaking at Philadelphia Wednesday night, December 29, Mr. Jackson said:

When Government through the R. F. C. saved the capital structures of big business from going through the wringer it also saved many incompetent managements from going through the wringer at the same time.

Secretary Harold L. Ickes, speaking at Washington Thursday night, December 30, said:

As an inevitable byproduct of preserving the capital structure from going through the wringer to squeeze out water, it preserved the management structure from going through the wringer to squeeze out incompetence and big salaries.

Mr. Jackson, speaking at Philadelphia Wednesday night, said:

As the President stated in Chicago during the campaign, these Bourbons now feel strong enough to throw their crutches at the doctor.

Mr. Ickes, speaking at Washington Thursday night, said:

As the President said in his Chicago speech, the patients—over their panic and raising their salaries—felt strong enough to throw their crutches at the doctor.

Mr. Jackson, speaking at Philadelphia Wednesday night, said:

The Government faces a general strike—the first general strike in America—a strike against the Government—a strike to coerce political action.

Mr. Ickes, speaking at Washington Thursday night, said:

Unless they are once more free to do all these things, then the United States is to have its first general sit-down strike—not of labor, not of the American people, but of the 60 families and of the capital created by the whole American people, of which the 60 families have gained control.

The foregoing is taken from the New York Herald Tribune of yesterday, which quotes an Omaha World-Herald editorial, and the excerpts seem to be correct.

Now I ask you, is it fair, when from seven to eleven million are unemployed, are seeking jobs; when a third of our population is in distress, for this Assistant United States Attorney General and for the Secretary of the Interior to join forces and deprive a ghost writer of a job?

Assuming, as well we may, that such a writer has a family of four, here are five people thrown upon the public relief rolls by the direct action of these two high, well-paid public officials. Why should Congress be asked to appropriate for the unemployed, for those in distress, when Ickes and Jackson willfully, deliberately—and I may say unintentionally—employ the same man to write their speeches, or speaking more accurately, use the product of the same writer of speeches, for it is a fair presumption that the Government employs the gentleman and that he draws his inspiration from the White House?

Please do not misunderstand. I said these two gentlemen deliberately selected and used the language attributed to them, but I do not charge—and do not wish to be understood as charging—that each knew that the other intended to use practically the same language, for neither would enjoy being "caught with the goods."

Someone, however, is guilty of gross negligence. Someone acting for the Commander in Chief should have compared the two speeches and at least have changed the phraseology so that the oneness of authorship would not be so apparent.

Those of you who have been speaking here from day to day, advocating the spread of employment, do you believe it right for an Assistant Attorney General and a member of the Cabinet to center the source of their inspiration and their utterances in one ghost writer, when there may be another waiting for a job? Does it not tend toward monopoly to have one man produce just one speech and have it given utterance by a group of the administration's speakers? What do you think about it, boys? [Laughter.]

If it is economy they are attempting to practice, why not have the ghost writer compose the speech, deliver it, make an electrical transcription, or better yet, put it on a phonographic record and let Jim Farley distribute it.

Then, too, if we are to have less of deception, as the President suggests, why not have the name of the author of the speech given either at the beginning or at the end, instead of using a distinguished Assistant Attorney General and a Cabinet officer as loudspeakers?

Not only do the two gentlemen contribute to the sum total of unemployment but their acts give encouragement to those who would create a monopoly.

When two such eminent gentlemen, with the resources of a nation as rich as ours at their command, and when there is no patent protecting the product which they use, voluntarily, and apparently by prearrangement, confine their public utterances to the emanations of one ghost writer, by their very patronage they tend to give him a monopoly of speech writing—and monopolies, as we know, are wicked things.

While one in my humble position should not presume to suggest to men so high in Government councils what they should do, it may not be wholly improper to express the hope that hereafter, when directed by the Commander in Chief to undertake and press home an assault against those men who create jobs and meet the pay rolls and who are now charged with contributing to unemployment, they themselves use weapons which have not been produced by a speech-making royalist at the expense of a less well-known, hard-working ghost writer.

Do you believe it right that this one unnamed man should furnish the thought and the words for both Assistant Attorney General Jackson and Secretary of the Interior Ickes; that one should use the speech on Wednesday, the other on Thursday? They do not even change the phraseology to any great extent.

Mr. SIROVICH. Is the gentleman addressing himself to me?

Mr. HOFFMAN. Anyone may answer.

Mr. SIROVICH. I am going to answer my distinguished colleague by stating that Harold Ickes does not need any ghost writers, because he is one of the most brilliant Secretaries of the Interior this Government has ever had.

Mr. HOFFMAN. That is fine. Then why does he not give us some of his own product instead of using this thing that Jackson used the night before that apparently was written by an unnamed man? That is what I cannot understand. Is he "cribbing" from Jackson or is Jackson "cribbing" the Ickes product? Or are they both using the work of a well-known producer?

If they are using a standardized product, then, under the Federal law, it should be trade-marked and given to the public for what it is, under the name of its author, and not under the sponsorship of a Jackson or an Ickes.

Mr. SIROVICH. He is giving you his product. If you people would cooperate with him to carry into fruition and realization the sentiments he has expressed, we would get out of this recession immediately.

Mr. HOFFMAN. We would liquidate Ford, according to the opinion expressed by Secretary Ickes. We would get rid of those 60 families. Then after they have been destroyed, would you follow Ickes or Mme. Perkins and depend upon them to furnish employment? Or would you follow John L. Lewis, who, according to an A. P. dispatch in the morning paper, is quoted as having said yesterday at Tucson, Ariz.:

Democracy is on trial today in this country as it is over the whole world. * * * Perhaps it is time something else is tried. * * * I cannot say what may happen, but I do know that some people have found they could live happily, successfully, in a communal form in which the whole and not just a few were given consideration.

Did Lewis, knowing as he must that in the last 5 years something like $15,000,000,000 have been spent for relief purposes, imply that all in this country of ours were not given consideration? Did he mean that we should adopt here a communal form of government?

A commune is defined to be a political division of France, governed by a mayor and a council, or a similar division elsewhere, as in Italy and Spain; again, as one of several revolutionary committees which took the place of the municipality of Paris between 1789 and 1794. "Communal" means of or pertaining to a commune, especially to the Parisian commune of 1871.

Mr. SIROVICH. I would follow anyone when I believed he was right.

Mr. HOFFMAN. Was Ickes right when he said business should purge itself of the Rands, the Girdlers, the Fords? If you believe he was right, attributing the ordinary and accepted meaning to "purge," would you cut off Ford's head?

Mr. SIROVICH. If Ford does not live up to the laws which have been passed by the Congress of the United States and signed by the President, he is not carrying out his obligations as an American citizen.

Mr. HOFFMAN. Yes; but the only body which has said he is not living up to those laws is the N. L. R. B.

And that Board smells to high heaven. Misinterpreting and misusing the Wagner law, it has stirred up strife not only between employer and employee but in organized labor itself.

William Green, president of the American Federation of Labor, has charged that it is the mouthpiece of the C. I. O.

The American Federation of Labor, at its annual convention, condemned as unfair and arbitrary the activities of the Board.

Many of those best informed know it has acted as the witch burner of the present administration; the tool used to intimidate, to coerce business, to persecute those who might, except for this persecution, have kept the wheels of industry turning. [Applause.]

Were it not for the President's record of disregarding his promises and his contradictory statements, his last message would contain much of encouragement.

At Pittsburgh, on October 19, 1932, he told us that the government which continued to pile up deficits was on the road to bankruptcy. Ever since that time his administration has shown a yearly deficit.

In 1936, at Pittsburgh, on October 1, he said that national income was thirty-eight billions in 1932, fifty-three billions in 1935, and would be well over sixty billions in 1936, and that, if it kept on rising, it would be sufficient to care for all ordinary and relief expenses and to balance the Budget.

Yet, Monday, January 3, 1938, after telling us the national income had increased to sixty-eight billions and that his objective was to raise it to ninety or one hundred billions—a practical impossibility, in view of present conditions—he told us that Government expenses could not be reduced much below seven billion, and we all know that this administration has added to the national debt during the past 5 years over $15,000,000,000.

Labor: There are two statements in the message which, if they could be accepted at their face value, would indicate that the President believes labor leaders should assume some degree of responsibility. He said:

> The ownership of vast properties, or the organization of thousands of workers creates a heavy obligation of public service. The power should not be sought or sanctioned unless the responsibility is accepted as well.

This is fair enough and, were it not for the fact, now undisputed, that the President stood back of the C. I. O. in its lawless activities, would be decidedly encouraging.

In another part of the message he said:

> In the case of labor, as in the case of capital, misrepresentation of the policy of the Government of the United States is deception which will not long deceive. In both cases we seek cooperation. In every case power and responsibility must go hand in hand.

Again it is undisputed that the C. I. O. in its organization work used literature which contained these statements:

> Join the C. I. O. organization under the banner of the C. I. O., headed by John L. Lewis and backed by President F. D. Roosevelt.
> A message to you from the President.
> The President wants you to join the union.

If the President objects to this use of his name, he should have said so in no unmistakable terms, not left it to inference. The President too frequently says one thing, then does the opposite.

High prices—low prices—inconsistency: The President touched on unnecessarily high prices for materials and also certain hourly wage scales. Yet all who care to read know that for months the administration made a drive for high prices. You should not forget that on April 25, 1936, he said:

> Reduction of costs of manufacture does not mean more purchasing power and more goods consumed; it means just the opposite.

While on November 27, 1937, he said:

> Increased costs mean reduced consumption. Reduced consumption, in turn, means a decline in someone's business and someone's employment.

Monopolies—trust busting: For several weeks preceding the message the antimonopoly crusade was on, climaxed, with the President's sanction, by the speech of Assistant Attorney General Robert H. Jackson bitterly denouncing industrialists, and by that of Secretary of the Interior Harold L. Ickes, who stated flatly that business "should put its own house in order * * * by purging itself of its Fords, its Girdlers, and its Rands," or, as the newspapers have it, they should be liquidated.

Ford—honor—persecution: We should not assume that Mr. Ickes meant that Ford should be executed—that is, hanged, or shot, or his head cut off—but, if he meant anything, he meant that he should be put out of business. But Ford is not a monopolist; he has the fiercest kind of competition, competition which is backed by the financiers of Wall Street.

Illustrating the contrast between the apperception of the King of England and the President of the United States, attention is called to the action of England's King, who, in recognition of the great contribution he had made to the general welfare of the British Empire, conferred the rank of baron upon Sir Percival Perry, head of the Ford Motor Co. in Great Britain. The President of the United States sets his howling pack, headed by the Senate Civil Liberties Committee and the N. L. R. B., with Jackson and Ickes bringing up the rear, to persecute and annoy Henry Ford.

Following the attempt to create an antimonopoly crusade and distract public attention from the Roosevelt depression, the President, on January 4, at his newspaper conference, ignored the fact that the N. R. A. suspended the operation of the antitrust laws in some particulars and advocated that businessmen should get together and agree upon the necessity for and the amount of new production, which are, as all realize, the first necessary steps if monopolies are to be created and prices and production controlled. The President seems to approve monopolistic practices, if by the Government; to condemn, if by individuals.

Farm legislation: If the President means what he said in this message, he intends to insist upon legislation giving a Government agency authority to determine "what the planting of each crop should be." He said his plan of Government control has "two enemies—those well-meaning theorists who harp on the inherent right of every freeborn American to do with his land what he wants * * *." The other group "includes those who for partisan purposes oppose each and every practical effort to help the situation and also those who make money from undue fluctuations in crop prices."

The President has sought and obtained control over Congress. His administration, through a wage and hour bill, seeks control over labor. His administration, through the Senate Civil Liberties Committee, the Wagner law, and the N. L. R. B., has control over industry. He sought, but was denied, control over the Court. He now seeks, if his purpose is disclosed by his own words in this message, control over farms and farmers.

If Government control, planned economy, regimented business and worker is what the people of this country want; if they wish to forsake their form of government and try this new plan which is being demonstrated in foreign countries, that is their privilege. If they do not wish to adopt it, it is time they bestir themselves.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, first I want to wash my hands of the odor, of the grotesque and fanciful explanations, of the cause of this relapse or recession, and to disassociate myself with that class of economists who take fanciful and unwarranted positions and then draw on their imagination to sustain themselves.

I refer particularly at this time to the very illuminating and plausible positions taken, one by our friends, the minority side here, that this recession was caused by a want of business confidence, and the other, by the majority here, that capital went out on a sit-down strike.

CONFIDENCE AND INVENTORIES

The full warehouses and surplus inventories of material, stocks, and manufactured goods makes the claim and explanation of both the want of confidence and that capital went on a sit-down strike as fanciful, imaginative, and visionary as the Jack and Bean Stalk story written to amuse and entertain children.

THE WANT OF CONFIDENCE

And the charge of wanting confidence and the claim of capital on a sit-down strike, the surplus inventories, and bulging warehouses prove that capital was acting with too much confidence, too much confidence in business conditions and the times, too much confidence in the continuing buying and consuming power, too much confidence in the people taking what industry produced.

CAPITAL ON A SIT-DOWN STRIKE

And if capital had gone on a strike, sit-down or otherwise, then the warehouses would have been empty; then the inventories would have been running low; then the people would have been calling for goods which the merchants could not supply; then the merchants would be giving orders which the wholesale houses could not fill because the inventories were exhausted and the warehouses were empty.

The charge that capital went out on a strike is as trivial as a juvenile court gesture. And the claim of wanting and failing confidence had nothing to do with it. But while none of these men caused the panic, some of these men did try to take advantage of it—advantage of the administration's consternation and confusion—to force a repeal of certain restricting laws against them.

WHAT HAD NOTHING TO DO WITH IT

Taxing surplus and undistributed profits had nothing to do with it. The T. V. A. yardstick and the profiteering holding companies had nothing to do with it. Restricting Wall Street and the stock-market gamblers had nothing to do with it. The want of confidence had nothing to do with it, all as claimed by one party camp.

And capitalists on a sit-down strike and going out to play golf had nothing to do with it as claimed by the other political camp.

Both the hue and cry of giving business a chance and the want of confidence coming from one side of the aisle, and the countercharge of business on a sit-down strike coming from the other side of the aisle is all horseplay for temporary advantages and is as trivial, ridiculous, and absurd as children pointing and making faces.

WAS NOT HIGHER WAGES OR PAYING THE BONUS

And it was not the payment of higher wages, increasing the buying and consuming power of labor, the power of the laboring man to buy, take and consume more of the food products of the farm, more of the products of factory, mill, and workshop that caused the wheels of industry to slacken and stand still and bring this relapse of the 1929 panic.

And even more conflicting and at variance with economic principles and monetary laws is the claim of financiers and bond bankers that it was the payment of the bonus to the soldiers that brought the slack in industry and left the warehouses full and overflowing and ushered in this relapse of recovery.

The soldiers' bonus explanation of the cause of this relapse of the 1929 panic is an alibi plea to detract attention from the order of the Federal Reserve Board entered but not announced January 30, 1937, increasing bank reserves a second time 50 percent, which brought the fatal contraction of currency and credit.

THE CAUSE OF THIS DEPRESSION CAN BE EXPLAINED

I believe that the cause of this depression can be found, analyzed, and explained upon rational economic principles and grounds, and in a way to fix responsibility and to safeguard the future and the generations to come after against the repetition of a like disaster.

And to this end I have made a study of the industrial conditions of the times under which this relapse came, the control and operations of currency, and the functions of governmental agencies which have exerted a control or influence to hinder and retard industry or trade.

From this study, inquiry, and investigation I consider that the faithful discharge of my duties requires that I give to the House membership the benefit of the facts I have found and the conclusions I have reached regarding the cause of this depression, and the remedy to prevent a recurrence.

AN UNEXPLAINABLE MYSTERY IN SCIENCE

If this relapse or economic recession had not come as it has come, and at the time it has come, and as it has progressed and come, with the fall of prices and return of unemployment, it would have been an economic phenomenon, an unexplainable mystery in science, a contravention of all economic laws.

THE FALL OF PRICES AND VALUES

Every panic and economic depression which has come in this country since the organization of the Government to the present time has come with a fall of prices and values, coming, preceding, or coincident with the failure of earnings and income and the buying and consuming power.

The first great panic of 1837 came with a fall of prices and commodity values. The panic of 1873 came with a fall of prices and values. The panics of 1884 and 1893 came with the fall of prices and values, and the panics of 1920 and 1929 came with the same fall of prices and values.

And this relapse or economic recession has come with a like fall of prices, the same decline of commodity values, the same failure of earnings and income, the same loss of buying and consuming power, and following with the same unemployment of labor.

This relapse or recession has come the same as all other panics have come, and from the same major cause of operating, and is only different from other like depressions as the economic conditions of the present time and other causes incidentally contributing, differ from the conditions under which other panics came.

PROSPERITY WILL RETURN WITH RISING PRICES AND VALUES

And prosperity and economic recovery has always come back and has only come back from each and every one of these panics with a rise of prices and commodity values, coming, preceding, or coincident with a return of earnings and income, and a restoration of the buying and consuming power.

And when prosperity shall now come back again prosperity will return and only return as recovery from other panics or depressions, with a rise and restoration of prices and values leading a return of earnings and income, and a restoration of the buying and consuming power.

A PRIVATE PRICE-FIXING SYSTEM

The Federal Reserve Bank System controlling and regulating the money supply is a private price-fixing body or agency, with power to make high prices, with power to make

low prices, with power to make changing and fluctuating prices or power to maintain a constant and even price level.

THE LAW OF PRICES

The law controlling prices and values, under the supply and demand of money, is stated by John Stuart Mill, still recognized as the highest authority in the monetary and economic world today, briefly and concisely in the following words:

> That an increase in the quantity of money raises prices, and a diminution lowers them, is the most elementary proposition in the history of currency. If the whole money in circulation was doubled, prices would be doubled. If it was only increased one-fourth, prices would rise only one-fourth.

And it would follow conversely that a decrease in the quantity of money lowers prices and an increase of money raises prices, is alike the most elementary proposition in the history of currency and money operations.

BORROWING FOR RELIEF AND RECOVERY

It makes no difference or matters little whether money is borrowed and paid out for relief and recovery, or whether new money is issued by the Government and paid out to remain in permanent circulation for use to serve as public currency. The effect is identical for the time to restore and maintain prices and commodity values.

Money borrowed and paid out in the form of relief and recovery expenditures has the same effect for the time as increasing the currency circulation, or as so-called currency expansion, to restore and maintain prices and values and to create earnings and income and the buying and consuming power.

The fifteen billions of money appropriated from money borrowed at interest on bonds and from the levy of increased taxes and paid out and thrown into circulation in the form of relief and recovery expenditures has operated in effect for the time to restore values and the general price level, the same as a temporary expansion of the currency.

While I am opposed to borrowing and spending as a relief policy and to restore industry, let it be said in defense of this policy that it was this money, borrowed at interest and paid out for relief and recovery, which went to halt the depression, bringing a restoration of prices and values and the measure of prosperity realized to this time.

And it was this money, borrowed at interest, and increased taxes, and paid out for relief and recovery and going into circulation and use which in large part brought a rise of prices and values, restored earnings and income to the people, brought a return of buying and consuming power and started the wheels of industry going.

BORROWING WHEN JUSTIFIED

While the policy of borrowing for relief is a costly, extravagant recovery program, yet, regardless of the cost and the debt created, if there had been no other means or way to replenish the money supply and restore prices, it would be justified by the recovery and the restored prosperity brought about.

But there was another and better way to have restored prices and property values, and to bring the same or greater recovery without creating an interest-bearing debt and the burden of taxes, and under which the recovery program could and would have been continued permanently, uninterrupted without a fall of prices and a relapse of recovery in another panic.

THERE IS A BETTER WAY

This other way was by the Government issuing and using its own money direct to restore the normal currency circulation whereby to raise prices and values, instead of issuing and turning its money over to the bond bankers and financiers, and then borrowing back the same money at interest.

A SUSPENSE OF BORROWING FOR RELIEF AND RECOVERY

And a suspension of borrowing money and used and paid out for relief and recovery has the same effect for the amount and the time as a contraction or withdrawal of currency to bring a fall of prices and values, of earnings and income and the buying and consuming power, and a halt to the progress of business and industry.

Ever since the program was declared and entered upon of borrowing for relief and recovery, it was inevitable and certain that, in time, the debt limit would be reached, that, in time, the taxing paying power would be strained, that, in time, there would come a suspension of borrowing, a curtailment of expenditures for relief and recovery, and which was uncertain only in the time of its coming.

And when the policy of suspension of borrowing and the curtailment of relief and recovery payments was affirmatively entered upon last March, without other money provided to take its place, the time was fast nearing and at hand when prices and values would fall or decline and a recession would halt the progress of recovery.

BEGINNING EARLY IN 1937

Beginning early during last year, 1937, watching the mounting interest-bearing debt, and listening to the groan of taxpayers, and goaded and struggling to balance the Budget, a policy of suspending borrowing at interest and the withdrawal of relief and recovery payments was declared as a policy to be carried out, and by March was a movement in full swing.

And gradually, consistently, and deliberately, but without special notice or announcement, borrowed money was withheld from payment, and, as no other money was provided to take its place, the curtailment of relief and recovery payments operated as a contraction of the currency or as money being withdrawn from use and circulation.

MILLIONS DROPPED FROM RELIEF ROLLS

As the policy of curtailment and withdrawal of relief and recovery expenditures progressed, millions were dropped from the relief and employment rolls, with the loss of their buying and consuming power, and, abiding the law of supply and demand, money appreciated and prices and values fell, and by October we were far on our way back from where we started.

IF NEW MONEY HAD BEEN ISSUED

If new and permanent money had been used for relief and recovery payments, it would have gone out in circulation to do its work over and over again, and to stay out until it was recalled for reissue or redemption or other changes, and this relapse could have never come.

Or if new and permanent money had been provided and issued to take the place of borrowed money as the same was withdrawn from relief and recovery, or if the Federal Reserve Board and banks had not conspired to create a money scarcity coincident and at the time of withdrawing relief money, as will be hereafter shown, the transition from relief and public works to private employment and industry would have come and passed without a crisis, without a fall of the price level, without a failure of earnings and income, the buying and consuming power, and without this relapse and economic recession.

And then if new money had been issued and paid out into use and circulation to a certain increased volume and amount and until the relative value of money was less or no more than the value of property and business, or until property, business, and enterprise was more valuable and profitable than idle money.

This new and additional money going out would not only have stayed out in use and circulation, but old, idle dollars, loitering in the banks, would have left the shadows of hoarding and hiding and would have come rolling in frenzied haste, seeking investment in property, business, and enterprise to save themselves from loss by depreciation under the law of defense and self-preservation.

But the suspension of relief and recovery money might have passed without a crisis even without new money to take its place, but which was not plausible or probable, if the Federal Reserve bank had not issued an order increasing and doubling the bank reserve requirements making currency and credit contraction imperative, swift, and certain.

SUSPENSION OF BORROWING ONLY PART OF CAUSE

But the suspension of borrowing at interest and the withdrawal of payments and expenditures for relief and recovery under public works was not all that caused the currency contraction to bring a fall of prices and values of earnings

and income, the buying and consuming power, and to force a relapse and an economic recession. This was only a part of the cause operating.

Far greater and more controlling was the action of the Federal Reserve Board and banks and the steps taken to contract and withdraw the currency by increasing again and again bank reserve requirements and by sterilizing incoming gold as a currency basis to stop the normal increase and flow of money and to force down prices and commodity values.

And it was at this crucial time when not only a full, normal supply of money was vital and necessary to maintain and stabilize the wavering price level but when new and an additional volume of money was imperatively needed to take the place of the relief and recovery payments withdrawn that the Reserve bankers from ambush struck the fatal blow to recovery and returning prosperity.

THIS RECESSION CAME SWIFTLY AND SUDDENLY

The effect of the Federal Reserve bank movement, withdrawing billions in currency and credit criminally or wantonly carried out at the time of the withdrawal of relief and recovery payments, was to make the fall of prices, wages, and values doubly swift, drastic and destructive, and more violent and rapid than ever before in all history.

To this greater effect resulting was the comment of the Monthly Survey of Business, a publication issued by the American Federation of Labor and released to the press Friday, December 1, 1937:

> This has been one of the most severe and rapid business recessions in our history, reducing business activity in 3 months to a level of a year and a half ago.

It was this double, converging money movement, these centering and accumulative causes operating, resulting from both withdrawing relief and recovery money and the Reserve bank contraction of currency and credit coming and brought coincident at the same time which gave the recession a force and momentum greater than in any former panic or depression.

THE BANKERS UNDERSTOOD

The following is from the National City Bank Letter, a publication issued by the National City Bank of New York, of date November 1937, page 143, column 2, and shows the bankers understood the problem and were aware of the crisis which suspension and withdrawal of relief and recovery payments would bring:

> The Government has been a prolific creator of purchasing power during the recovery.
> It has covered its deficit in part by borrowing from commercial banks as above indicated.
> And this has created credit (bank check money).
> This credit has been new purchasing power.
> It has been expanded in construction, relief, farm payments, and in other ways.
> And has put money directly into the people's pockets.
> And in such large totals as to be a major influence in the upswing.

The following is from page 144 of the National City Bank Letter, the publication already referred to, and shows that the crisis coming on the way was known, understood, and under observation during which to cooperate with the Government, or to conspire to take advantage:

> It has long been apparent that the end of the policy (borrowing for relief) would afford a test of the recovery vitality.
> (And) an expansion of private spending would be necessary to compensate for the Government's curtailment.
> That stage in the recovery has been reached during the last months.
> Therefore the Government is no longer expanding credit and creating purchasing power.

CHAIRMAN ECCLES WRITES TO EXPLAIN

Early in March, Chairman Eccles, of the Federal Reserve Board, had warned with apprehension of "price and wage inflation," meaning that prices and wages were too high, preparing the public mind to accept or acquiesce in a second order increasing bank reserves, entered to reduce the supply of money and credit.

On March 15, 1937, Governor Eccles, of the Reserve Board, issued and published a prepared statement assuming "to correct erroneous interpretations" (put upon his explanation of the Reserve Board in ordering an increase of bank reserves), and took up a defense of himself and the Board of the criticism of the action of himself and the Board.

CLAIMS ERRONEOUS INTERPRETATION

This statement was published in the Washington Post, of date March 16, 1937, at page 14, column 2, and from which the following excerpt is taken:

> I wish to correct erroneous interpretations which have been circulating with reference to my position on credit and monetary policy.
> I have been and still am an advocate of easy-money policy and expect to continue to be an advocate of such policy so long as there is a large number of people who are unable to find employment in private industry.

This statement was evidently prepared and published by Eccles to silence or drown out the criticism against him because of his warnings that high prices were making money too cheap and easy while withholding from the public that the Reserve Board had already entered the order to cut down the money supply and reduce prices.

On reading the Eccles statement in March I took out this page of the paper and placed it in my file for reference, and later in the summer when conditions became wavering I took out this page for further consideration and I realized that something had been said, that something had been done, that something had occurred.

And then on making further investigation, I discovered the disturbing factors, the subject of the complaint and criticism of Chairman Eccles and the Reserve Board, and why he was being attacked and was being accused of violating his duty as Chairman of the Federal Reserve Board.

THE FEDERAL RESERVE BOARD ORDER

The following excerpt is from the Twenty-third Annual Report of the Federal Reserve Board for the fiscal year ending July 1, 1937, from which at page 10 is shown the following order entered:

> On January 30, 1937, the Board took action to increase requirements by another 50 percent of those prescribed in the Federal Reserve Act, one half of this second increase to become effective March 1 and the other half [to become effective] May 1, 1937.

THE EFFECT OF INCREASING RESERVES

Under our banking and currency system reserves are the measure fixing the limit to which banks may go in making loans and the amount of credit they can extend, and controls the amount of bank credit money which may go out in use and circulation, and by which to lower and raise the price level.

Lowering the bank-reserve requirements is to increase bank loans and credit and the amount of bank-check money which the banks can issue and put into circulation, and increases the available money supply, raises prices and commodity values, and goes to make the property more valuable than money.

Raising and increasing bank reserves is not only to stop banks making loans, but is to compel banks to collect in their loans, or to call back and cut down their loans, and to reduce the amount of money in circulation, and forces down prices and commodity values, and makes idle money more valuable than property.

Sterilizing gold is to prevent its use as the basis for the issue of new money, and is to prevent an increase of currency of the money supply in use and circulation, and forces down prices and commodity values, and goes to make idle, hidden, and hoarded money more profitable and valuable than property and enterprise.

This was one of the several artful maneuvers which misled many men, including myself, and threw them off their guard and left them depending and relying on the Federal Reserve Board to maintain a full, normal supply of money at this critical policy transition time of suspending relief and recovery payments.

MISLEADING THE PRESIDENT

The following is an excerpt from the United States News, of date January 3, 1938, page 3, column 5, in giving a history of the money operations leading up to the relapse or

recession which culminated with a crash in October and November:

President Roosevelt was warned about rising prices in April (1937) and the Federal Reserve Board started to tighten up credit.

David Lawrence in his column, generally published in newspapers, on November 30, 1937, included the following comment:

Eccles (Chairman of the Federal Reserve Board) induced President Roosevelt to make comment at his April 4 press conference and to suggest the price of certain commodities might be getting too high.

The President was thus unwittingly misled to lend his place and position to sustain the Federal Reserve Board and banks in their secret movement to contract currency and credit and too, at the critical time of suspending relief, and bring a fall of prices and values, and the crisis of this relapse and recession.

A RULE OF CRIMINAL LAW

While Chairman Eccles, of the Reserve Board, disclaimed any intention to contract the currency and solemnly declared that he was in favor of "an easy money and credit policy," yet every act and order of the Board at the time was being taken and carefully directed to bring about a contraction of credit and currency, and at the very critical time at which the Government was to suspend and withdraw relief and recovery payments.

There is an old time-honored rule of law declared and resorted to by the courts in criminal trials, and which, applied here, will not allow Chairman Eccles to shield himself and the Federal Reserve Board and evade responsibility for this depression. It is the rule of evidence in criminal cases that the law presumes that every man intends the reasonable and probable effects of his acts.

And under this rule of criminal law, Chairman Eccles cannot be heard to say, while ordering and directing an increase of reserves, the effect of which was to contract the currency, that he favored an easy-money policy and was opposed to currency contraction and he must be held guilty of the crime of this depression.

STERILIZING GOLD

Then the Secretary of the Treasury, misled by the Chairman of the Federal Reserve Board, was further misled to sterilize incoming gold to prevent its being used as a basis for increasing and relieving the strain of the money supply which was at this critical time necessary to sustain prices and values.

BANKERS UNDERSTOOD THE EFFECT OF THEIR ORDER

The bankers and financiers knew and understood their secret power with money over prices and values—the power of contracting money to make low prices—and with such knowledge and understanding they moved in their course stealthily and deliberately to force a fall of values and the commodity price level.

And they knew the result of their acts in sterilizing incoming gold, which was to prevent its use as money as well as to increase bank reserves, to recall or cut down loans and credit, and bring a want and scarcity of money.

After their repeated and persistent steps taken in the early part of the year to strike down currency and credit and force down prices, and after billions of dollars in value had been taken from property, labor, and industry and transferred to the value of money, and after the steed had been stolen, the Federal Reserve bankers and financiers came forward to rescind and withdraw their excess reserve requirements, to lift the ban of gold for currency, and, in great flourish of trumpet, call in the use of the open-market operations, all to make "easy money and credit."

THE RESULTS OF WHAT THEY HAD DONE

Later the currency recovery movement and the public cooperation of the banks in their courageous war against deflation and to maintain "an easy-money policy," were given out and released for publication to be printed in bold, display type.

The following excerpt from the United States News, November 29, 1937, appearing at page 1, in column 5, is a fair sample of the publication referred to:

FOR FREER BANK CREDIT

New moves by Treasury and Federal Reserve System to loosen bank credit still further undoing the effects of the deflationary moves early in this year.

AFTER THE STEED HAD BEEN STOLEN

But the steed had already been stolen before the order was entered to lock the door. Money and credit had already been withdrawn. Prices and values had already been forced down. The buying and consuming power was already failing under the 8 months of secret money contraction beginning early in the year January 1937.

THESE ARE SOME OF THE WAYS AND MEANS

These are some of the dubious ways and means, some of the steps taken by the Federal Reserve Board and banks which are open or are required to be made of record, and some of the straws in the currency winds showing the unobserved money movements to bring a scarcity of money and credit and the fall of prices and commodity values.

The Federal Reserve Bank System is not a public or governmental system—as many people are misled to believe—but is owned and operated by private financiers assuming to act under public regulation and control; but many of its operations are secret, and its more controlling powers are hidden, covered, and concealed.

THE PEOPLE WILL NEVER KNOW

The people outside of the official world will never know of the full and further steps which were taken under a gentlemen's agreement among the private owners of the Federal Reserve banks which contributed to this vicious contraction of the currency and which took billions in money from property and transferred it to their money and bonds.

FEDERAL RESERVE BANK CONTROLS GOVERNMENT

While the Federal Reserve bank system was created and given control over money upon the theory and positive assurance that its operations would be under public control by the Government through its authorized officials, and in theory the Government controls the system, but in practice and in fact the system controls the Government.

WHAT THE PANIC HAS COST THE PEOPLE

Among the systems for measuring values and the movements from lower to higher or higher to lower prices, we have the Labor Statistical Bureau. From last March prices or the commodity level and the value of money, the dollars, have changed from the higher level of 121 points to a lower commodity price level of 113 points, or a fall of 8 points in the general price level.

Under a recognized rule or yardstrick for computing the values shown or represented by each and every point of fall or increase of price makes each and every point of the general price level transfer $4,000,000,000 in value either from property to money and money contracts or from money to property and industry.

THIRTY-TWO BILLIONS TAKEN FROM THE PEOPLE

Under this recognized rule or yardstick a change in the general commodity price level, from 121 to 113, or to 8 points lower from last March to December 1, 1937, as shown by the Labor Bureau statistics, transferred 32 billions of dollars in value from property and labor products to money and money contracts.

Under this recognized rule or yardstick, the Labor Bureau of Statistics shows that during these last 10 months of 1937 by the operation of the fall of prices that 32 billions of dollars in value has been taken from the property of the people and automatically transferred to the money of bankers and financiers.

This 32 billions of dollars in value is what this relapse or economic recession has cost the people of this country from March up to December 1 last, and what the Federal Reserve bankers and financiers have gained in appreciation of their money from the operations of the recession thus far.

ENOUGH TO PAY THE NATIONAL DEBT

If Congress had ordered, last March, an assessment and levy of taxes to pay the whole of the national debt on or before December 1, last, the amount of property required sacrificed and the amount of the wages and earnings given up by the people would not be equal to the staggering sum which has been taken from them by this last depression.

The levy and assessment of such amount of taxes to be paid in such given brief time could not have been enforced or collected, and if attempted would have brought a revolution. Yet this vast, bewildering, staggering sum has been levied and taken from the people without notice, protest, or apprehension by the secret manipulations of money.

THE IMMEDIATE EMERGENCY

The relapse or recession coming at this time is a calamity and brings us to a crisis. We cannot go forward in borrowing without piling higher the national debt; we cannot go backward without abandoning and losing the gains thus far made; and we cannot stand still without suffering greater relapse and recession.

We are passed the parting of the ways. We are facing an impossible impasse. Confronted with this pressing emergency there is only one step to take, there is only one course to pursue—to provide relief and continue recovery.

Instead of borrowing more money and piling still higher the national debt, or increasing or continuing high taxes, the Government should issue non-interest-bearing money in the form of United States Treasury notes to meet Government expenses, to provide for relief and employment, and to pay off bonds and stop interest until the money supply is normally increased.

THE PRESIDENT HAS THE POWER

The law is already on the statute books authorizing and empowering the President to issue this money for the use as required in the sum of three billions of dollars, and by the stroke of his pen this money can be made immediately available for every purpose now needed to meet the emergency.

And, to forestall the objections and protests of the bond bankers and financiers who have been reaping a harvest of billions by lending back to the Government our own money, we should desterilize our idle gold supply and base every dollar of the new money issued upon 100-percent gold for redemption.

CONGRESS CANNOT AVOID ITS RESPONSIBILITY

Congress cannot avoid or evade its responsibility by waiting for the President to act. The Constitution imposes upon Congress and not upon the President, an executive officer, the duty to issue and regulate the money supply and to fix its relative value by controlling the volume of the currency maintained in use and in circulation.

THE CONSTITUTION VESTS POWER IN CONGRESS AND NOT PRESIDENT

While the Federal Constitution, under article I, section 8, clause 5, vests Congress with the sole power to coin, issue, and regulate the control of money, Congress has abdicated and surrendered that power to international bankers and financiers, to be used for private profit and gain.

A FALSE BELIEF

It is a false and misleading belief that the Federal Reserve banks are Government banks or public agencies. They are the same as other private banks, only they assume to be under public control, but the Government has not been able to control the banks, and the banks have been controlling the Government.

The character of public banks claimed is misleading, a deception, a delusion. The only feature public about Reserve banks is the assumed name of "Federal." They are private banking institutions, only larger and exercising more power than other private banking corporations.

BANKERS ONLY DEALERS IN MONEY

Private bankers are only dealers in money and they are no more entitled to claim the right to control public currency than grain dealers and speculators are entitled to claim the power to control and regulate crop reduction and the distribution of the farm food supplies.

The same private financiers and money manipulators who were in the control of the public money supply during the violent panic of 1873 and the panics of 1887, 1893, and 1907, as well as the panics of 1920 and 1929, and men in the control of money when this depression came remain in the secret control of money today with power to bring a scarcity of money at will.

NOTHING DONE BY CONGRESS

Following the panic of 1920 there was nothing done by Congress to recover back its power over money to control and regulate public currency as provided for under the Constitution and the power to control the money supply was left to continue in the control of private bankers.

And with Congress still abdicating its constitutional power over money and with the private Reserve banks still holding the power to control public currency, the panic of 1929 followed the panic of 1920 as like begets like in succession.

Then following the panic of 1929 nothing has been done by Congress to reclaim back its constitutional power to control and regulate the public currency and the private Federal Reserve banks have been left to continue in control and the 1937 relapse has followed the 1929 panic.

THIS WILL BE FOLLOWED BY ANOTHER PANIC

And now, unless this Congress will renounce its naive, servient abdication and assert its vested constitutional power to control and regulate the public currency and will take that power away from the private banks, the 1937 recession will be followed by another panic in the same or like cycle of time.

If Congress would assert its constitutional power and reclaim and recover back its control to coin, and issue and regulate public currency, in full and adequate volume or amount, this recession could be called to a halt, this panic soon brought to an end, and recovery started again and on the way in 30 days.

Mr. TRANSUE. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may proceed for 5 additional minutes.

The CHAIRMAN. The Chair informs the gentleman that that request cannot be made in the Committee of the Whole.

Mr. DIRKSEN. Mr. Chairman, I yield one-half minute to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, in view of the probability that the so-called Ludlow resolution will come up for consideration on Monday, I ask unanimous consent to extend my remarks in the RECORD and to include therein my own views on some amendments that might well be incorporated in that resolution.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, the unknown soldier amendment and the accompanying exposition were set forth in a talk to the Fortnightly Club of Rapid City, S. Dak., in December 1935. The amendment was introduced in the House of Representatives as House Joint Resolution 238 February 19, 1937. The wording embodies some features that might well be incorporated in any war-referendum proposal.

THE "UNKNOWN SOLDIER" AMENDMENT—BY MR. CASE OF SOUTH DAKOTA

The right to declare war abroad is hereby restored to the people.

1. The Congress shall not declare war, except the territory of the United States be in imminent danger of attack, until a proposal for a declaration of war shall have been approved by a majority of those voting in a special national election in which all citizens over the age of 18 years may participate.

2. The President, as Commander in Chief of the Army and Navy, shall not send armed expeditionary forces in excess of 25,000 men more than 500 miles beyond the territory of the United States, except in movement between portions of that territory or except in defense of the Monroe Doctrine, until after such a declaration of war by the people.

3. The Congress shall provide for carrying out the provisions of this article by appropriate legislation.

The aims of neutrality are good, but a neutrality that rests on embargoes or sanctions means taking sides, that can lead only to war.

This amendment does not interfere with defensive preparedness; on the contrary, it makes clear that our preparedness is for defense and not aggression.

It permits cooperation in an international police but stops short of an army.

This amendment is called the "unknown soldier" amendment for the unknown soldiers of wars past and future. Your sons, perhaps. It lets those who pay for wars say whether the cause is just and worthy.

It does not say we will never fight abroad; it says that when we do we go by the mandate of a determined people.

It serves notice on capital to seek security from the land of investment. This will increase capital for development at home.

It is the fairest and most effective way to curb shaky sales and unsecured loans to warring nations and eliminates the risky business of determining aggressor or nonaggressor.

It says plainly for all time that our defense policies are not militaristic. The consequent elimination of suspicion will enlarge America's influence for peace and avenues for trade.

It implements the will of the people for peace. This gives them a way to say so—or to say if the issues are worth war.

It permits us to develop proper national defense without any nation being able to say that we are pointing our guns at them. The removal of suspicion reduces points of friction. It gives a cooling-off spell for war hysteria. And no great danger can ever come to America because we delay sending soldiers abroad until we have a referendum. Indeed, history would say that a little reflection might save us a great deal of trouble.

It will not stop wars, but it may prevent one. That will be worth every effort.

Let us recall the counsel of George Washington:

> Our detached situation invites and enables us to * * * choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground?

Mr. DIRKSEN. Mr. Chairman, I yield 30 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, I ask unanimous consent to insert three tables and one short excerpt from a newspaper in my remarks.

The CHAIRMAN. The Chair advises the gentleman from Vermont that aside from extension of his own remarks the inclusion of excerpts and extraneous matter requires permission from the House rather than from the Committee.

Mr. PLUMLEY. Mr. Chairman, I am interested in this proposition of appropriating money for the continuation and extension of the T. V. A., because, as I have said before, I cannot forget that it was not the intention of the founding fathers in granting the power to impose taxes directly upon the people to confer an unlimited power of appropriation. They tried to insure, and intended to provide, that the Federal Government could only expend money as provided by article I, section 9, wherein it is stated:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures shall be published from time to time.

I am fully cognizant of the fact that notwithstanding this limitation Congress has made large lump appropriations and justified them by and under the assertion that Congress deemed them to be for the general welfare, and by virtue of that clause of article I, section 8, which originally read:

> SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense of the Nation.

To this section was added these words: "and for the general welfare of the United States," which words have been construed to mean that whatever Congress, or a majority group, deems to be "for the general welfare of the United States" is a legitimate subject for the expenditure of money raised by virtue of the preceding power granted to Congress.

Many of us will remember the powerful arguments and the elucidating and instructive statements made on this floor by one, than whom there has been no greater legal authority as a Member of Congress, the late Congressman James M. Beck, who said in my presence and in that of some of you, that there could be no grosser misinterpretation, and that old "General Welfare" was a usurper constantly destroying the purposes of the Federal Government and converting a government of theoretically limited powers into one of almost unlimited powers.

I do not agree with those who contend that Congress has a right to so construe this article as to assume that it is an unlimited grant of power which warrants Congress in granting stupendous amounts, not only for the special and exclusive benefit of sections and States but for that of special classes. To my mind this has too often, as in the case in hand, meant a subversion of the Constitution.

Subversion? Yes; it is my opinion that the act creating the T. V. A. is unconstitutional. I do not now believe, and I never have believed that the Federal Government has any authority under the Constitution to engage in such a project as this, obviously primarily designed for the production of electric power.

The claim of the T. V. A. that its power production is merely an incident to improving navigation is so big a joke as to be almost a fraud, and it ought not to be permitted to be perpetrated.

Those of us who listened to the testimony at the time we were drafting the McSwain bill amending the T. V. A. know that neither navigation nor flood control, nor national defense were the primary purposes of T. V. A. but were only incidental to the main idea and the plan of the originators, and for power production.

Now under the cloak of authority in this T. V. A. Act, the T. V. A. as I see it has arbitrarily and with usurpation invaded the constitutional rights of the States, if the States have any rights left, or play any essential part in our scheme of Government. If the figures which are submitted mean anything, and they do say that figures will lie just as long as liars will figure, there is but one conclusion to be drawn from them, and that is that T. V. A. is engaged in unfair competition with and has deprived private companies of their business and their property without compensation or due process of law, and that the methods it has employed have not only been illegal, but unconstitutional.

It is repetitious, but, I nevertheless reiterate that I was long ago satisfied in my own mind that the electricity to be generated, and that being generated under the program of the T. V. A. would not be and is not incidentally produced by any bona fide navigation program.

On the other hand it is deliberately and purposely produced for and by an entirely independent power program in which there is actually and incidentally included and intruded some navigation facilities.

Out of the window with all this talk about national defense and the general welfare, as a smoke screen.

I do not and cannot now be made to believe either that a high-power dam project costing $500,000,000, and producing half a billion kilowatt-hours of primary power and a billion and a half kilowatt-hours of secondary power is a necessary adjunct to or incidental to navigation or flood-control development of a river.

Why, gentlemen, think it over, it stands to reason, as has been said, that power development is never the incidental result of flood control, but in fact is antagonistic to it, and necessarily so.

Bona fide flood control requires that reservoirs be kept empty; not filled to capacity! Kept empty so that they will be ready to receive any flood that comes along. That is flood control.

I will not take time to enumerate many other reasons, which satisfy me, as I have said, that Congress when it enacted the T. V. A. Act, went beyond its constitutional power and wished onto the taxpayers of this country, without authority under the law, the burden of the terrific expenses incident to the completion of this gigantic and tremendous

T. V. A. program, which will eventually cost the taxpayers at the lowest estimate from a half a billion to a billion dollars.

It is not solely a question of appropriation of money which is confronting you, as you consider this independent offices appropriation bill in connection with the T. V. A. There is a great deal more involved than appears on the surface. All these matters and things need, and must and eventually will have, a very thorough and a very complete investigation. I tell you Members of the House on both sides of the aisle that the eventual determination of all the legal questions involved, and they are very many, will have a very important bearing upon the question as to whether we are going to change our form of government; and as to whether or not a new social system is going to be established and evolved; and as to how extensive the changes are which will be made in the present system.

While the underlying principles involved in this T. V. A. legislation may not affect your State or your constituents today, no man knows what the morrow may bring forth.

I am of that group which has come to Congress since the original enactment of the Tennessee Valley Authority legislation.

However, as a member of the Committee on Military Affairs I listened to hearings had before that committee on the McSwain bill. And in connection with discussions and arguments on the floor when that bill was before us for consideration, I said, in effect, I was satisfied that the three men who were at the head of the T. V. A. were usurping unwarranted and undelegated authority and were failing to comply with the purposes and intent of the Congress and the strict and unambiguous letter of the law. I said, moreover, they were impervious to any suggestion they were wrong; inclined to be intolerant of anything and everything with which they did not agree.

I also said that their zeal and enthusiasm had led them to ignore the fact that as a Federal agency created by an act of Congress it was their obligation to carry out the intent of Congress as specifically provided in the act and that they would be held responsible for their failure so to do. I said that as a Board they labored under the obsession that they were above and beyond the law and responsible to nobody.

That was said 2½ years ago, in substance, and I reiterate the statements with all the emphasis in my power. The time has come for an accounting and for holding these gentlemen responsible for their acts or their failure to act as provided by the act of Congress which created the T. V. A.

It really is regrettable, from the standpoint of the welfare of the people, that the Board does not, will not, and has not rendered a full account of its stewardship, taken Congress into its confidence with respect to its plans, cease to arrogate to itself a nondelegated power and authority, and give Congress the opportunity which it reserved to itself—the right to have and to approve or disapprove the plans to be submitted by this Board, in order that Congress by so doing could keep its hands on the control against wasteful extravagance or unnecessary expenditure of the peoples' money. And, further, in order that Congress may exercise the power which it reserved unto itself, and the right to regulate, guide, and to control the extent, sequence, and nature of the development to be advanced by the T. V. A. by and through the expenditure of public funds.

Then again, I am interested, and particularly so, because in the last analysis the big T. V. A. problem involves those "little regional T. V. A.'s," which some people, pursuant to the program of the President and his advisers, would set up in the different areas of the country, among others one being that containing the New England group of States.

I go along 100 percent with the Governor of my State and its people, who are everlastingly and forever opposed to delivery, ownership, or direct control of all natural resources—water, minerals, and land and industries of the country—into the hands of a centralized authority. I agree with him and them that "the State exists for the people, not the people for the State." We of New England, and Vermont particularly, have thought, and still think, that the States have retained and should retain some rights.

You will find upon examination that Governor Aiken, of Vermont; Governor Barrows, of Maine; Governor Murphy, of New Hampshire; Governor Hurley, of Massachusetts; and Governor Cross, of Connecticut, to name only those in the New England area, are on record in opposition to the centralization program of the so-called regional planning proposals as drawn.

I have spent several hours reading and digesting 168 pages of testimony before the Independent Offices Subcommittee, including the statements of the three directors and eight executives of the Tennessee Valley Authority. First, I should like to say a word of commendation of the subcommittee for its painstaking zeal in exploring the justifications presented by T. V. A. in its demand for a $40,000,000 appropriation.

Before proceeding with my general remarks I should like to set forth certain marginal notes of comment adduced from the record of the hearing itself:

Page 933: Speaking of the effect of T. V. A. as a flood-control project, Carl A. Bock, assistant chief engineer, stated that in the disastrous flood of January 1937 T. V. A. had reduced the peak of that flood at Cairo by about 6 inches.

Chairman WOODRUM then asked:

What difference would that have made in the damage, the inundation?

Mr. Bock replied:

That might have made the difference between Cairo being dry or being completely flooded.

This is a gross misstatement of fact. I have here a photograph appearing—caption thereof "Exhibit A"—in the New York Times of February 4, 1937, showing the Cairo water front at the moment the crest of the flood was passing that point. This picture conclusively demonstrates the truth of the caption below stating that there was still 3 feet 6 inches—not 6 inches—to spare at that time. Mr. Bock may not have realized that Cairo was saved by the cutting of the Birds Point spillway, which reduced the crest some 3 feet. This spillway was previously built by the Army engineers at a cost of $5,000,000 as against T. V. A.'s $500,000,000.

Page 947: There are some tables presented as to estimated land purchases of Tennessee Valley projects, completed or under construction, and also on land areas flooded on Tennessee Valley projects, completed or under construction, which shed a new and startling light on some of the aspects of this program that have received too little consideration in the past. The five main river dams and reservoirs are Gilbertsville, Pickwick Landing, Wheeler, Guntersville, and Chickamauga, and the tributary stream projects are Norris and Hiwassee.

The total area of land to be purchased for reservoirs and clearance on these 7 of 11 dams amounts to 912,950 acres.

Bear in mind that this is a flood-control project. In the table below we find that the total "area flooded in the area occupied or to be occupied by reservoirs by average 5-year flood before the dam was started is 382,600 acres." Alongside of this we find an estimate of the area flooded under maximum conditions amounts to 541,800 acres.

In short, to control the floods, we take out of useful production nearly a million acres to protect ourselves from occasional temporary floods of four and five hundred thousand acres. The average price of this land was $49.11 per acre, or $44,834,572. No figures are included as to the tax yield of this property.

The 68,000 acres for the Chickamauga Reservoir averaged $101.52 per acre, which in these times means it must have been highly fertile and productive farm lands.

I wonder if this Congress dreamed when the act was enacted in 1933 the gigantic scale upon which this program would be carried out; the extent to which the Government would be launched upon a program of drowning out fertile acres, while in the West another branch of the Government is reclaiming desert land at the cost of as high as $600 per acre.

Pages 971–977: In this connection I should like to call your attention to a series of tables on pages 971 to 977, inclusive. Discussing the principal features of Wilson Dam, Norris Dam, Wheeler Dam, Pickwick Landing Dam, Hiwassee Dam, Guntersville Dam, Chickamauga Dam, and Gilbertsville Dam, for the first time we see revealed many vital factors that should be borne in mind in the consideration of further appropriation for this project. How many in this House realize that on these 8 dams alone—and there will be 11 or 12 in all—T. V. A. has created inland lakes with a shore line of 5,701 miles? This is greater than the American shore line of the Great Lakes; it is comparable with the shore line of the United States on the Atlantic, the Gulf of Mexico, and the Pacific coast.

How many of you realize that the schedule of land purchases, including the normal reservoir area of Wilson Dam, is 1,457.9 square miles? Remember that, according to the Army Engineers' survey of the Tennessee River—House Document 328, Seventy-first Congress, second session, page 730—the sort of flood that comes but once in 500 years would cover but 666,154 acres of land, or 1,040.8 square miles.

Surely the Seventy-third Congress did not dream that enactment of this law would mean the destruction of the hearths of 10,442 families; the uprooting of whole villages; the relocation of 8,776 graves. Under the heading of "Towns Affected" these tables show that 13 towns, with a total population of 37,900, will be affected.

Whether these towns will be wholly or partly drowned out, or in what way they will be affected, the tables do not indicate.

They do show, however, that 601.5 taxpayer-built highways and 8 major public bridges will be "relocated" by the greatest man-made flood in history. They show that 61 miles of railroad and 16 major railroad bridges will also be "relocated." Bear in mind these figures do not show the record for the proposed Coulter Shoals, Watts Bar, or Fontana Dams, which would add materially to all totals.

Under leave to extend my remarks, I shall incorporate an analysis which I have made of some of the important data which I have totaled from these tables—exhibit B.

Page 980: We find here a discussion between members of the committee and T. V. A. experts about the very advantageous power contracts which the T. V. A. has concluded with certain industrial firms which it has induced to settle in T. V. A. territory. These include the Monsanto Chemical Co., the Electro Metallurgical Corporation, the Aluminum Co. of America, and the Victor Chemical Co., all of which enjoy a rate of approximately 2 mills per kilowatt-hour—one-half the cost of production.

It was brought out that T. V. A. stipulates in its contracts with municipalities the resale rates by which the advantages of the low rates are passed on to the consumer, but that in these large industrial contracts no provision is made for the passing on in reduced prices of the benefits of T. V. A.'s low rates. I think the Members of both sides of this House will agree to the remarks of Mr. DIRKSEN at this point:

> There are two questions I think are important here: If the Federal Government is going to spend some $505,000,000 for the development of this power and these people go in and get the benefit of that cheaper power, at least some of those benefits ought to be passed on to the consumers. And if it is not being passed on to the consumers, then we are just throwing millions of dollars into the development of these projects that is not going to do the taxpayers of this country any good, and they are going to have to pay for the plants through taxation.
>
> And the second question is very important, in my judgment, and that is whether through the development of cheaper power the Tennessee Valley Authority is inviting industry from other areas so that at some time, when this development is completed, by reason of the necessity of meeting this competition they will have to move into that area and the result will be the closing down of plants in other sections and throwing more men out of employment, necessitating an adjustment in employment as well as location of industries. So far as my city of Peoria, Ill., is concerned, we would have some objection to that.

Page 1005: I wish to call your attention at the bottom of page 1005 to the reluctant admission by Dr. Martin G. Glaeser, acting chief power planning engineer—for the first time, to my knowledge, by any T. V. A. official—that, to quote Mr. Fitzpatrick, it—

> Might be just as reasonable to produce it (electricity) by coal and oil or gas as by water power.

Page 1007: That the T. V. A. has been in the business of selling electricity and making of rates for nearly 5 years now without ever having determined that part of its capital costs should be allocated to power. This in spite of the fact that for nearly 5 years it has asserted that its rates were to establish a "yardstick" by which the reasonableness of rates by private utilities is to be measured. Moreover, almost 2½ years ago in the amendments to the T. V. A. Act, approved August 31, 1935, T. V. A. was specifically directed to undertake such a study and report it to Congress by January 1, 1937.

It was given a year and 4 months to get up the study, and now, 2 years and 4 months later, in defiance of the law and the will of Congress, that allocation is not forthcoming.

The same amendments require that allocations must be submitted in each annual report thereafter, and the annual report that was submitted December 31, 1937, did not contain such allocation. If the stockholders of a private corporation were so cavalierly treated and their wishes so ignored there would at least be a wholesale investigation—such as Mr. MAVERICK and Mr. MAY propose for T. V. A.—followed by a thorough housecleaning.

As has been suggested on this floor, in the lobbies, and in the press, for a long time the Tennessee Valley Authority has been handicapped by a split within its directorate. The differences between Chairman A. E. Morgan, on one side, and David Lilienthal and Harcourt Morgan on the other are deep-seated. The failure of these officials to agree upon management and control of the T. V. A. experiment is obviously a factor contributing to the confusion of the administration's power policy.

President Roosevelt must have been concerned over this split for some time, for the T. V. A. is one of the favorite undertakings of the New Deal. But he has not succeeded in ending the row. In the recent hearing to determine the value of Senator BERRY's marble leases, concerning land flooded by the Norris Dam, the fight within the T. V. A. reached an explosive point. When the majority directors accuse the chairman of making false and malicious inferences, all hope of bringing about a harmonious working relationship between them seems to have passed.

The President may find it necessary to intervene to bring some modicum of accord into the management of this vast experimental project. But the matter ought not to end there. Originally this was not a row between antagonistic personalities. Rather it was a clash between conflicting policies. Chairman Morgan favors cooperative dealing with the private power industry, while the other two directors seem more inclined to use T. V. A. facilities to force private companies into line with Government policies.

The very fact that such widely different policies are possible under the terms of the T. V. A. Act suggests the vital interest of Congress in the matter. Policies of such vital importance ought to be determined by legislation and not by one Director who chances to hold the balance of power between T. V. A.'s two Morgans. Certainly, then, this far-reaching controversy indicates a very serious deficiency in the law itself. That management of the Authority is also in need of attention is pointedly indicated by Dr. Morgan's virtual request for a congressional inquiry.

In these circumstances an investigation into the T. V. A. ought to be one of the first items in the program of this 1938 session. By such a move Congress could give the T. V. A. a sense of direction that now seems to be lacking. It could turn to more constructive uses the energy that now goes into bickering and internal dissention. And, finally, such a move would give constructive impetus to efforts now being made to bring about an understanding between the Government and the private-power industry.

The fruits of such an inquiry should be rich. They might do more than court decisions to confine or eliminate the threat of T. V. A. to private business, which has paralyzed necessary refinancing in that territory and hampered it in other regions. The power to compete with industry and on a favored basis in one region involves the power to do the same thing in others.

Congress should investigate before it invests another nickel of the people's money.

The responsibility for cleaning the house of the T. V. A. rests with its landlord, Congress, and not with the neighbors. In fact, every Member of Congress should approve such a congressional investigation as is contemplated. [Applause.]

We are informed now that this allocation will be completed sometime this spring. Would it be fair to suggest that the T. V. A. deliberately chose to violate this law, rather than risk the introduction of its allocation of cost into the testimony now being taken in a trial at Chattanooga, which will test the constitutionality of the act and their administration of the act? I suggest this motive, inasmuch as this so-called navigation and flood-control program is at least 45 percent an out-and-out power program, according to the Comptroller General's annual report for 1937. Acting Comptroller General Elliott therein states that, of the costs of the annual audit, 45 percent is charged to the generation and transmission of power.

Pages 1008–1009: We discover on pages 1008 and 1009 the method by which T. V. A. intends to find a market for its power. A list of projects under the supervision of the chief project engineer at Chattanooga as of December 1, 1937, shows pending P. W. A. allotments to municipalities for the construction of systems competing with the privately owned utilities. In the State of Alabama, P. W. A. is ready to lend eight cities a total of $1,296,000 and, as a further inducement, make an outright gift of $974,999. Two cities in Mississippi will get loans amounting to $149,000 and gifts of $121,909. In Tennessee, 11 cities and towns will borrow $4,975,000 and receive as gifts $6,440,777. Middlesboro, Ky., also will receive a gift of $89,000. The grand total of P. W. A. loans in the four States is $6,420,000, and the gifts are $7,626,085. But the total estimated cost of these 22 distribution systems will amount to $23,897,802 because, while all cities accepted grants, some of them were able to borrow money at cheaper rates than the Government's 4 percent.

At this point I should like to insert into the RECORD a startling comparison of ultimate power capacity of the Tennessee Valley Authority as against installed capacity of privately owned utilities within transmission range of T. V. A. power (exhibit C). The ultimate rated capacity of the Tennessee Valley Authority will be 1,878,000 kilowatts, whereas the combined steam and hydroelectric installed capacity of the privately owned utilities in the T. V. A. region amounts to 1,859,258 kilowatts. In other words, the T. V. A. is increasing installed capacity in its area by 100 percent, and to find a market for this power another arm of the Government is bribing cities by 45-percent gifts to build their own municipal plants to the destruction of private industry.

No eloquence of mine could be more persuasive than these cold figures as to one of the root evils of this administration's policies which have brought about the present collapse.

Page 1019: On page 1019 we find an interesting item in the fact that this $320,000,000 Corporation pays taxes. And how much do you suppose it pays? Exactly $136,000. If T. V. A. paid 10 times as much, it would not compensate for the land alone that it has taken off the tax roll. Any private corporation owning $320,000,000 worth of real property would be forced to pay many millions in taxes, whether or not it earned a dime. In my opinion, and in the opinion of many Members of this House on both sides of the aisle, one of the most harmful and hypocritical phases of the T. V. A. program is its assumption of the role of a taxpayer. The fact is that it pays 5 percent of its gross revenue in lieu of taxes. There is not a private utility company in the country that pays less than 14 percent of its gross revenue in taxes, and many of them, including T. V. A.'s chief competitor, the Tennessee Electric Power Co., pays close to 17 percent. At the proper time and place, the T. V. A. Act should be appropriately amended so as to add another inch to this 1-foot yardstick by forcing it to pay its just dues in taxes. I doubt very much if the advocates of public ownership will have the courage openly to oppose such an amendment, although it may cause them much secret anguish.

On the same page, 1019, is first revealed the astounding fact that to this day the audit for T. V. A.'s first full fiscal year of existence, 1934, has not been completed, and that there remains a large number of items which the Comptroller General has challenged, and for which no compromise has been accepted.

Page 1010: Mr. Glaeser makes an illuminating admission which is contradictory to all of T. V. A.'s claims. T. V. A. has insisted that because of its competitive presence in this territory rates have been sharply reduced.

Mr. Glaeser says:

> There was, throughout the country, a very slow recession in rates; and with the advent of the depression and other factors, the rate reductions were accelerated.

Then what becomes of T. V. A.'s claims of forcing rate reductions?

Page 1044: On page 1044—I hope while we are considering this appropriation some member of the subcommittee will favor the House with a discussion of the data submitted for the record, but which was too voluminous for inclusion in the record, as noted on page 1044. This data is on the subject of land purchases, showing the number of acres purchased, the names of former owners, the assessed values, and the prices paid. It seems to me that we would learn much of the policy of T. V. A. from such a report if it were made public.

Page 1076: A letter from Representative GEORGE A. DONDERO, Michigan, to Chairman WOODRUM, dated December 20, 1937, contains an amazing charge, challenging the integrity of the T. V. A. in presentation of its evidence in support of the initial appropriation for Gilbertsville Dam construction. The letter is short and to the point and is self-explanatory. With leave to insert it in full in the extension of my remarks, I should like to quote this excerpt:

> On Monday, December 13, the T. V. A. directorate asked you for an appropriation of $2,800,000 to begin building a dam at Gilbertsville with a total reservoir volume of 4,850,000 acre-feet of water. On Friday, December 17, James S. Bowman, T. V. A.'s head project-planning engineer, swore under oath that in August the T. V. A. plan for Gilbertsville had been completed, calling for a volume of 6,150,000 acre-feet of volume, or 1,300,000 acre-feet larger than the plan submitted to you. He further stated that T. V. A. plans favored a dam 5 feet higher than indicated to you.
>
> Naturally all costs of the project must be revised in the light of this discrepancy. It would appear that addition of 24 percent to the volume of the project would increase its cost proportionately from $112,000,000 to $138,000,000, which may explain the strange behavior of T. V. A.'s officers before your committee.

It occurs to me that the Congress is indebted to the alertness and perspicacity of the gentleman from Michigan, who has discovered an important discrepancy, if not downright misrepresentation, on the part of T. V. A. officials when they presented their case for the construction of the Gilbertsville Dam. It is to be hoped that this discovery will lead to a thorough investigation of the whole problem, to the end that this dam of doubt "be shelved forever and the people save $112,000,000."

Inasmuch as Mr. DONDERO is present, I shall yield to him such time as he desires to present the facts of the case.

I thank the gentleman from Michigan for his clear presentation of this case. And I take this occasion to warn the gentlemen on the other side of this aisle that if they permit such mismanagement to continue without a wholesome and wholesale investigation and housecleaning, they will one day have on their hands a scandal greater than the Teapot Dome.

EXHIBIT A

(Photograph—omitted in the RECORD)

EXHIBIT B

Tennessee Valley Authority reservoirs, relocations, and areas

[From data submitted to Appropriations Committee of the House by Tennessee Valley Authority directorate, December 1937]

Name of reservoir [1]	Towns affected	Population	Human relocation		Highway relocation		Railroad relocation		Reservoir shore line (miles)	Land acquired (acres)
			Families	Graves	Miles	Bridges	Miles	Bridges		
Norris	Caryville, Tenn	300	2,900	5,225	104.5	1	3	3	705	163,000
Wilson									127	[2] 16,000
Wheeler	Decatur, Ala	16,000	842	176	33.0	3	6	2	1,063	104,000
Pickwick Landing	Sheffield, Ala	6,200	500	400	48.0	0	3	3	496	63,000
Do	Tuscumbia, Ala	4,600								
Hiwassee	Murphy, N. C	1,600	200	100	29.0	0	5	3	150	22,000
Guntersville	Guntersville, Ala	2,800	1,000	125	106.0	1	6	2	660	107,000
Chickamauga	Dayton, Tenn	2,000	1,500	750	115.0	0	0	0	500	68,000
Do	Soddy, Tenn	2,200								
Gilbertsville	Big Sandy, Tenn	600								
Do	Johnsonville, Tenn	400								
Do	Grand Rivers, Ky	500	3,500	2,000	166.0	3	38	3	2,000	400,000
Do	Eva, Tenn	400								
Do	Birmingham, Ky	300								
Total		37,900	10,442	8,776	601.5	8	61	16	5,701	[3] 933,100

	Acres
Total area of the Tennessee Valley inundated by the greatest [4] recorded flood	[5] 480,000
Excess of Tennessee Valley Authority reservoir land above greatest recorded flood	[6] 453,100
Percent of excess of Tennessee Valley Authority reservoir land above greatest recorded flood	193
Total area that would, according to Army engineers' survey, be covered by greatest flood in 500 years [7]	[8] 666,154
Net excess of reservoir area over area inundated by 500-year flood	[9] 266,946
Percentage of above excess	40

[1] Data for proposed Coulter Shoals, Watts Barr, and Fontana Dams not included.
[2] Normal reservoir area only.
[3] 1,457.9 square miles.
[4] Flood of 1867, Army Engineer estimate.
[5] 765.6 square miles.
[6] 707.8 square miles.
[7] See p. 730, pt. 4, H. Doc. 328, 71st Cong., 2d sess.
[8] 1,040.8 square miles.
[9] 417.1 square miles.

EXHIBIT C

Tennessee Valley Authority—Power capacity and cost

Dam	Date of completion	Rated capacity, kilowatts		Estimated cost	
		Initial	Ultimate	Initial stage	Ultimate stage
Wilson	1924 42	184,000	444,000	$46,950,748	$57,950,748
Wheeler	1936	128,000	256,000	37,157,657	44,757,657
Norris	1936	100,800	100,800	36,310,370	36,310,370
Guntersville	1939	50,000	100,000	34,123,660	38,524,860
Gilbertsville	1943	None	192,000	95,000,000	112,000,000
Hiwassee	1940	None	80,000	17,296,061	22,491,561
Pickwick	1938	72,000	216,000	33,199,497	42,431,497
Watts Bar	1942	None	150,000	29,200,000	39,800,000
Chickamauga	1940	50,000	100,000	40,435,645	45,333,645
Coulter Shoals	1943	None	60,000	25,000,000	30,000,000
Fontana	1941	None	180,000	40,000,000	51,000,000
Totals		584,800	1,878,800	434,673,638	520,600,338

Privately owned electric utilities in Tennessee Valley Authority area

	Installed capacity, kilowatts		Fixed capital [1]	Towns served	Population served	Customers (electric)
	Steam	Hydro				
Alabama Power Co	157,262	414,800	$179,782,265	864	593,000	120,710
Georgia Power Co	92,094	287,387	265,011,771	491	900,000	179,754
Mississippi Power Co	18,593		20,367,080	147	224,000	40,198
Tennessee Electric Power Co	244,153		100,697,420	443	515,000	132,413
Memphis Power & Light Co	54,000		30,938,948	6	312,000	55,737
Birmingham Electric Co	11,700		28,501,075	9	337,000	64,971
Carolina Power & Light Co	43,000	205,450	93,248,516	267	500,000	83,836
Tennessee Public Service Co	3,275		17,276,029	29	139,000	31,360
Mississippi Power & Light Co	19,146		34,779,795	200	303,000	45,373
Kentucky Utilities Co	48,405	24,540	41,134,960	282	301,890	17,751
Lexington Utilities Co	9,000		5,716,467	25	101,280	18,029
Louisville Gas & Electric Co	191,320		77,943,942	10	320,000	95,859
Old Dominion Power Co	12,500		4,286,452	11	25,130	5,724
East Tennessee Light & Power Co. (and Tennessee Eastern Electric Co.)	8,710	14,200	10,303,805	15	79,500	15,890
Total	869,005	946,077	910,008,525	2,499	4,650,800	907,605
Total capacity, kilowatts	1,859,238					

[1] Fixed capital includes electric and other utility properties.

Federal power projects—Capacity and cost

	Date of completion	Rated capacity, kilowatts		Appropriations to date	Amount required to complete	Total ultimate cost
		Initial	Ultimate			
Boulder	1936	247,500	1,348,910	$112,760,000	$52,240,000	$165,000,000
Bonneville	1937	86,400	432,800	51,000,000	20,000,000	71,000,000
Grand Coulee	1942		2,025,000	68,550,000	117,450,000	[1] 186,000,000
Central Valley	1942	280,000	350,000	24,000,000	146,000,000	170,000,000
Casper-Alcova	1939	24,000	36,000	13,857,000	8,843,000	22,700,000
Fort Peck	1939	[2]	105,000	71,000,000	37,500,000	108,500,000
Colorado-Big Thompson		30,000	140,000	900,000	43,100,000	44,000,000
Bluestone		[3]	[3]	1,000,000	12,000,000	13,000,000
Bureau of Reclamation, 23 plants	[4]	134,337	134,337	9,328,000		9,328,000
Total		802,237	4,572,047	352,395,000	437,133,000	789,528,000

[1] Plus $208,000,000 for irrigation system. [2] None authorized. [3] None yet authorized. [4] Various; since 1905.

Privately owned utilities in area of Federal power projects (Pacific coast)

	Installed capacity, kilowatts		Fixed capital[1]	Towns served	Population served	Customers (electric)
	Steam	Hydro				
Puget Sound Power & Light Co.	104, 500	209, 745	$129, 724, 068	411	775, 000	176, 221
California Oregon Power Co.	15, 000	100, 430	35, 018, 142	59	117, 000	29, 905
Washington Water Power Co.		203, 684	66, 823, 260	129	252, 000	71, 813
Northwestern Electric Co.	42, 500	9, 900	21, 029, 370	21	354, 000	44, 317
Portland General Electric Co.	75, 500	93, 190	62, 958, 269	87	525, 000	143, 508
Washington Gas & Electric Co.	27, 760		15, 349, 990	3	11, 100	4, 668
Idaho Power Co.		71, 500	38, 888, 908	74	196, 000	50, 509
Pacific Power & Light Co.	8, 000	22, 567	33, 953, 516	115	189, 000	57, 439
Pacific Gas & Electric Co.	369, 800	876, 794	671, 480, 016	193	2, 900, 000	811, 467
Nevada-California Electric Corporation	8, 157	60, 825	44, 569, 658	33	355, 200	236, 790
Southern California Edison Co.	415, 000	486, 840	344, 359, 244	220	1, 350, 000	509, 840
Total	1, 066, 217	2, 135, 175	1, 464, 155, 431	1, 345	7, 024, 300	2, 136, 567
Total capacity, kilowatts	3, 201, 392					

[1] Fixed capital includes electric and other utility properties.

Mr. PLUMLEY. Mr. Chairman, inasmuch as the gentleman from Michigan [Mr. DONDERO] is present, I now yield back the balance of my time that the gentleman from Massachusetts may yield it to the gentleman from Michigan.

The CHAIRMAN. The gentleman yields back 10 minutes.

Mr. WIGGLESWORTH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, I hope the gentleman from Vermont [Mr. PLUMLEY] who preceded me is correct, that the people of the country will be saved this $112,000,000 which it is estimated will go into the Gilbertsville Dam if it is built. I thank the gentleman for his observation on that subject. As he stated, my letter is largely self-explanatory. I know, however, that on the same date I wrote the letter to Mr. WOODRUM, our distinguished colleague, chairman of the Subcommittee on Appropriations handling this bill, for whom I have the greatest admiration and respect, that the Tennessee Valley Authority at Knoxville directed a letter to the chairman of the subcommittee revising their figures in line with my charge. I assume that T. V. A. is not mystic and did not know of my letter which could not have been received until the next day. I presume that the Tennessee Valley Authority took its action because of the local publicity at Chattanooga when this disclosure was made at the trial that two sets of figures had been used, one here in Washington, and one under oath at the trial in Chattanooga. In fact, but for newspaper accounts I would not have been aware of the discrepancy myself.

While the Authority confirmed my charges in full that the dam they really had in mind will be 5 feet higher and 1,300,000 acre-feet larger than the dam they told the subcommittee they wanted to build, I take vigorous exception to two points raised:

First. The T. V. A. letter states:

> These figures (the December 13 Appropriations Committee estimates) were compiled from the best preliminary data available to budget officers of the Authority when the table on page 10 was prepared and printed in September.

Either that statement is a deliberate misrepresentation or its writer, John B. Blandford, Jr., general manager, is too incompetent to be in charge of such a vast enterprise. I made that statement advisedly on the basis of the testimony of James S. Bowman on December 17, under oath, at the Chattanooga T. V. A. trial. Bowman is head project planning engineer for the Authority and the man in charge of all of these plans.

Bowman stated specifically that the new revised plans for the larger dam were completed last summer, and were completed either in July or August—either 1 or 2 months before the December 13 estimate was printed, on September 29.

Attorney Jackson for the defense was questioning Mr. Bowman as to the date on which the plans for Gilbertsville—with the higher volume figure—had been reached. I quote from the record:

> Question. The only point I am trying to get at now is when it reached the stage shown on this exhibit, and your best judgment is how early last year? Was it '36 or '37 first?
>
> Answer. No; it was '37 that we finally came around to this data. And I should say that in July or August, sometime, we arrived at these conclusions.

The excuse of T. V. A. that it prepared their appropriation justification for Gilbertsville from the latest data available on September 29 is an explanation that, at best, convicts it of the grossest incompetency, certainly as an agency not trustworthy to be given the stewardship of large sums of money. The heads of a private business concern who showed such carelessness would soon deserve their discharge.

Second. My second objection to the T. V. A.'s letter lies in the fact that while they now admit that the dam they really are contemplating building is 24 percent greater in volume and 5 feet higher, they still say that they can build a dam containing 1,300,000 more acre-feet of water for the same price that they could have built the smaller dam. I think this is a graver matter than the question of whether the discrepancy of December 17 was intentional or a mere incompetent blunder.

Certainly a dam containing that much more water would require many thousands of acres more reservoirs, its walls must be thicker, and its foundation deeper. If their estimate of $112,000,000 for the smaller dam was correct, then their estimate for the larger dam is a blunder.

But, on the other hand, if they can build the larger dam for $112,000,000, then the cost of the smaller dam was grossly overestimated.

After all, it might have been discovered, after the waters had covered the land, that beneath the waves were very valuable mineral deposits—marble, for example—as unfortunately was the case at Norris Dam, where a gentleman in another House got at least two members of the T. V. A. board to agree to conciliate claims for several million dollars' worth of alleged marble land before the third member, the chairman, denounced the scheme as a plan to defraud the United States Government. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SHANNON].

Mr. SHANNON. Mr. Chairman, sometime ago a noted statesman, William Jennings Bryan, asked, "Shall the people rule?" The greatest statesman this Nation has ever known, Thomas Jefferson, once said, "In the last analysis, the people can be trusted."

I am sorry to say that a great many members of the party with which these two great men were affiliated do not believe in trusting the people on the great question of organized murder. They think that question can be decided much better if the people are not trusted and if it is done in secret.

ROAD OF PEACEMAN ALWAYS ROUGH

Mr. Chairman, the Ludlow resolution, House Joint Resolution No. 199, which will come before the House on next Monday, January 10, proposes an amendment to the Constitution of the United States to provide that—

> Except in the event of an invasion of the United States or its territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum.

The road of the peaceman has always been a rough one. Likewise, the Ludlow amendment has traveled a rough road, and even yet there is no assurance that it will be given a full hearing. As I understand it, the first question to come before this House on next Monday will be, Shall the committee be discharged? That question will be voted upon after a 10-minute statement for each side. And, unless a majority vote "yea" on that question, there will be no debate on the merits of the resolution itself. Instead, it will be sent back to the committee that once before had it and stifled it.

NORMAL REACTION OF PUBLIC FOR PEACE

It is only because resort was made to the rule providing for the discharge of a committee, failing to act within a reasonable time, by a petition signed by 218 Members, that this resolution is on the House Calendar at this time at all. And yet a "nay" vote by a majority of the Members of this body on the committee-discharge question will bar a full discussion of this important proposal.

Hence it becomes the absolute responsibility of each Member of this body to say whether the House of Representatives of the United States is an open forum for the discussion of momentous questions such as the one involved in this resolution, which affects every home in America, or whether its function is to silence such discussions.

The militarists and the private and corporate interests who profit through wars recognize that the normal reaction of the men and women called upon to pay the price of all wars—in suffering, privations, and loss of loved ones—is for peace. Hence they feel very strongly that open and honest discussions of the issues involved in wars should be withheld from the masses. They argue that the voters are uninformed; that they do not have the secret information necessary to a wise vote.

WAR PROPAGANDA POWERFUL FORCE

I say that in deciding whether the lives of Americans should be sacrificed in aggressive wars there should be no secrets from those vitally concerned.

The late Newton D. Baker, in his book Why We Went to War, made some startling revelations concerning the behind-the-scenes maneuvers on the part of foreign representatives in this country of the belligerents. He said:

> Both sets of countries were represented in Washington by diplomats of long experience and high intelligence, and the situation made every word and act of the United States important to their countries, not only in the conduct of their warlike operations but also in the mobilization of the moral sentiment of the world, which each side recognized as an imponderable but powerful force in the ultimate outcome.

One of the most experienced diplomats in America throughout this period was Sir Cecil Spring Rice, the British Ambassador. Long after the conclusion of the war, in 1929, his private letters were published. From those letters it was shown, as so well stated by Mr. Baker, that Sir Cecil was "at least diplomatically suspicious of everybody's professions and temperamentally impatient of idealisms. As a consequence, he had difficulty in concealing from Mr. Bryan what he revealed very fully in his letters to his friends—his impatience with Mr. Bryan's desire to discuss peace treaties and peace objectives in any general sense."

DIPLOMAT ANNOYED BY PEACE TALK

In a letter to Sir Arthur Nicolson, dated November 13, 1914, Sir Cecil wrote:

> Bryan spoke to me about peace, as he always does. He sighs for the Nobel prize, and, besides that, he is a really convinced peaceman. He has just given me a sword beaten into a plowshare 6 inches long to serve as a paperweight. It is adorned with quotations from Isaiah and himself. No one doubts his sincerity, but that is rather embarrassing for us at the present moment, because he is always at us with peace propositions. This time he said he could not understand why we could not say what we are fighting for. The nation which continued war had as much responsibility as the country which began it. * * * He said that all the powers concerned had been disappointed in their ambitions. * * * Why should they not make peace now, if they had to make peace a year hence, after another year's fruitless struggle? It would be far wiser if each said what it was fighting for and asked the United States to help them in arriving at a peaceful conclusion.

Thus we see that Sir Cecil was annoyed and embarrassed because the American Secretary of State, William Jennings Bryan, insisted upon talking peace and upon asking such unreasonable questions as what the warring nations were fighting for.

There were others—some even in our own country—who were equally annoyed by Mr. Bryan's peace talks, and who no doubt were greatly relieved when he resigned his office rather than sign a note which he felt headed his country toward war.

And so it is today. It is annoying and embarrassing to the Sir Cecils and to the munition makers and war profiteers to be continually hearing this talk of peace. They want it shut off. They want the Ludlow resolution strangled. They want the American people to be kept in ignorance of the objectives of war, which are always known to only a few.

CONSCRIPTION REJECTED BY AUSTRALIA

But let us look into the question for a moment and see if there is any valid reason why the people should not be allowed to vote on war. I do not believe there is.

When the World War was at its height in Europe, England appealed to her dominions and colonies for more men. The Parliament of Australia passed an "act to submit to a referendum a question in relation to military service abroad."

On October 28, 1916, the referendum was held, the question before the electors being:

> Are you in favor of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this war, outside the Commonwealth as it now has in regard to military service within the Commonwealth?

It will be seen that the question was framed in such a light as to suggest a "yes" vote. But with 82.75 percent of the electorate voting, the proposal was rejected.

Mr. KNUTSON. Will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The election held in this country in the year 1916 was virtually a plebiscite on whether we should enter the war?

Mr. SHANNON. I think so. That was in the minds of the public when they voted for Woodrow Wilson.

Mr. KNUTSON. The people voted against the Republican candidate, fearing his election would mean our entrance into that war?

Mr. SHANNON. I think the gentleman is stating it correctly.

The results of the first referendum being highly unsatisfactory to those who desired compulsory enlistment, it was charged that the vote was fraudulent, and a second referendum was held on December 21, 1917. The question on that occasion was put as follows:

> Are you in favor of the proposal of the Commonwealth government for reinforcing the Australian Imperial Force oversea?

Again the proposal was rejected, with 81.34 percent of the electorate voting.

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield the gentleman 3 additional minutes.

DECISION ON WAR SAFE IN HANDS OF PUBLIC

Mr. SHANNON. Mr. Chairman, remember that these two referendums were held in Australia when war sentiment was at a fever pitch, and when so-called patriotic feeling was running high. If the people of Australia, in such a crucial period, could sanely and soberly pass on the question of whether her citizens should, by compulsory enlistment, be required to serve overseas, surely the voters of this country can be trusted to do likewise.

Today we are at peace. The immediate effect of the passage of the Ludlow resolution by Congress at this time would be to quiet the fears of our people that we might be rushed into other nations' wars without adequate deliberation. The resolution does not discard the present system whereunder Congress is authorized to declare war, but adds to it the safeguard of a final and controlling vote by the people before the authority of Congress can become effective.

The resolution would have to be ratified by the legislatures of three-fourths of the several States, a process which would

require considerable time. But that element of time is important because it would furnish ample opportunity for the entire question of war to be thoroughly studied and discussed. Decisions on all great questions should be reached on the basis of a studied and deliberate judgment, when all the facts are known. They should not be reached on the basis of prejudices and passions and selfish interests which are bound to arise when the state of war exists or is imminent.

WIDE SUPPORT OF WAR REFERENDUM RESOLUTION

America wants her Representatives in Congress to discuss the question of peace as fearlessly as Bryan did. Of course, Bryan lost his Cabinet post by reason of his strong feeling for peace, but he won the gratitude and a lasting place in the hearts of all peace-loving Americans.

The Ludlow resolution has the enthusiastic support of a great part of our populace. The least its supporters are entitled to is a fair hearing upon the part of their elected national Representatives. No Member of this House can say he gave the proposal a proper hearing if he votes to send the resolution back to committee. Anyone so voting knows in advance that such action means the death of the proposal, insofar as this Congress is concerned, and further that it means the death sentence was pronounced without benefit of hearing. In fairness to all concerned, the resolution should be debated and the "yea" or "nay" vote of every Member recorded thereon so that the people back home may know how their chosen Representatives stand on the subject.

If a majority of this body vote against sending the resolution back to committee, 6 hours will be set aside for a discussion of its merits and demerits. Surely, it is not too much to ask 6 hours' time for the consideration of a proposal designed to keep America from again being drawn into that nightmare of hell, the deluge of foreign wars. [Applause.]

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. BERNARD] such time as he may desire.

WE PLANNED IT SO

Mr. BERNARD. Mr. Chairman, enemies of the President and of the people, those same enemies who were repudiated in 1932 and again even more vehemently in 1936, repeat the phrase as an accusation today, "You planned it so." You say yourselves that recovery did not just happen. And now that recovery has been stopped midflight by recession, we charge that recession is the result of your planning. That is the charge that is made again and again in the press that has fought the plan from the beginning, in the upholstered clubs that have sabotaged the plan from the beginning, and even here in Congress, significantly enough by Members who have tried on every roll call to defeat every attempt to legislate the plan into fact.

Yes, "we planned it so"—the President, the people, and their representatives who support the President's program planned for a recovery from the dark days of 1932, and planned that that recovery should be based on the sound foundation of increased mass purchasing power and a more equitable distribution of wealth in this rich country. Something went wrong with our plans. Was it accident? We who are accused of seeking alibis reject the alibi of accident. We affirm that we planned it so, but that powerful forces threw a monkey wrench into our plan.

Our plan provided for increased purchasing power through affording American workers some protection of the basic American right to organize and bargain collectively. Only through the free exercise of this right can they protect their jobs and their wages. What happened? From August 1936 to August 1937 the membership of the A. F. of L. increased by 831,671 new members. The C. I. O. grew from 1,440,000 members in December 1936 to 3,718,000 in October 1937. For the first time in American history American workers were in a position to meet with big business on something like an equal footing. They were stabilizing employment through signed agreements, seniority rights, protection of jobs from discriminatory firing. They were stabilizing purchasing power through wage agreements.

And what happened then? We have heard a lot about sit-down strikes. This Chamber resounded to the wails of doom when workers sat down, demanding no more than the enforcement of their right to organize, already guaranteed them by law. And now we hear that capital has sat down on its money bags, not to hatch more money, not to hatch profits which are born of investment, but to keep its money from flowing into new enterprises and to disrupt the plan of the President for marching to recovery through purchasing power. Is it true that capital has sat down? Let us not ask Robert Jackson or Harold Ickes. Let us ask the spokesmen of capital itself. What capital's spokesmen say in the press or in this House is one thing. What they say among themselves is another thing—is the truth.

One of capital's most respected organs, The Annalist, of November 26, proves statistically that the sharp decline in production was not brought about by administration economics, nor even by so-called natural economic laws, but deliberately by capital itself. In the words of The Annalist "the only ultimate answer to a strike on the part of labor is a strike on the part of capital."

Let us listen to the voice of capital, speaking not in the specious demagogy it employs for the public's ear, but in the outspoken language it keeps for its private consumption.

I quote from The Annalist:

> Sudden curtailment of demand, amounting almost to complete cessation of buying in the heavy industries, has obviously been the outstanding characteristic of the present decline in business activity.
>
> One hundred and thirty million people do not suddenly decide to curtail their expenditures. Hence we witness the unprecedented spectacle of steel ingot production dropping in 11 weeks from 84 to 31 percent of capacity, while at the same time we read reports of what amount in some cases to record-breaking sales of automobiles at retail.
>
> When automobile manufacturers comment on the demand situation it is no longer clear whether what they are saying is intended for the ears of the consuming public or the labor leaders. It seems safe to conclude, nevertheless, that there has been no such drastic curtailment in retail demand for motorcars and other luxury items as would be indicated by the current curtailment of production.
>
> The answer to this riddle probably lies largely in an attempt on the part of the manufacturers to deal with the labor situation, which is still obviously very bad. In the case of Ford the C. I. O. leaders set the beginning of new-model production as the date for a big membership campaign. Ford, no doubt, realizes how difficult it must be for a union to secure new members in an empty factory.
>
> Under the Wagner Act employers have only one recourse—namely, to curtail or close * * *. Under this law the only ultimate answer to a strike on the part of labor is a strike on the part of capital. Yet Congress fiddles around with the idea of farm relief and tax relief, both of which are of no immediate importance in the present crisis.

I have here another quotation from another business source which bears out the gentleman's point.

The Wall Street clique admits its sabotage in its own publications. The Railway Age of October 20 states:

> Complete recovery and real prosperity will be achieved when, and only when, there has been frank and full acceptance of the fact that capital, as well as labor, can strike; that the failure of recovery and the present business situation are due to a strike of capital.

This is not idle talk. The railroad magnates are active in this strike. Their equipment deteriorated by 25 percent during the crisis and depression, which made large new purchases necessary. These purchases were begun toward the end of 1936. In May 1937, immediately after the meeting of the American Association of Railroad Presidents, the railroad magnates suddenly stopped these purchases, although they had ordered only a small portion of the necessary equipment.

Mr. WIGGLESWORTH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAWFORD].

PRICES AND THEIR EFFECT ON PROSPERITY OF OUR PEOPLE

Mr. CRAWFORD. Mr. Chairman, it is pertinent to ask, What forces operate to fix prices? Has the administration's policy the past 5 years been designed and administered in a manner to cause prices to move very definitely upward? Do large corporations, rich families, combinations in restraint of trade, monopolies, fix, freeze, and maintain prices through their own power and manipulations, or is the price fixing and freezing, about which we hear so much these days, largely

due to the policies of the administration as it operates through its agencies, such as the Federal Reserve Board, the Commodity Credit Corporation, and many other instruments? Now, let us look at the record for a while.

First, let us admit the growth of the modern corporation in the United States during the past 50 years has been quite phenomenal. This growth has been accelerated by at least three important factors:

(a) Our people are neither lazy nor inefficient but they are ambitious and thrifty. They have not had to be prodded by the overseer's whip or the bailiff's or steward's importunities—although the steward did come into the picture within the last few months. Our people are intelligent, well organized, instructed, and supplied with more and better equipment than any other group in the world. Accordingly their per capita production has been greater.

(b) The general disposition of the Anglo-Saxon is to live within his means or, as some would say, his income. Until within recent years we were even inclined to keep our national affairs on a balanced Budget basis. With a high per capita production, frugal living, an ambition to have something for the "rainy day" we produced, saved, invested in life-insurance estates, and savings and thrift institutions, thereby piling up great reserves of what we call cash so that they in turn could be invested in the industries of this country.

(c) We brought into operation what is known as the stock exchange or, as some would say, we created a trading mechanism. Through its perfection and operation it has served the investor, large and small, and enabled him to place his savings in the stream of capital funds which supplied the capital structures of the modern corporation and thereby provided for the bringing together the mortar, brick, and machinery which we now accept and use as our productive capital for the production of the goods our people expect, demand, and enjoy.

Consider the difficulties that would have been in the path of corporate enterprise and development had our people been illiterate, lazy, unskilled, thriftless, without instruction, of a vagrant disposition, with little pride of ancestry and hope of posterity, inadequate tools and crude machinery, without a stock exchange where capital "in and out" of the money market would have moved as sluggishly as it does, for instance, "in and out" of the mortgage field. aHd these last-mentioned forces been in control, it is reasonable to assume that our progress along the lines of modern industrialism would have been no more than that of countries to our south or in western European or the Asiatic countries. Certainly, Mexico has climate; it has natural resources, people. The same can be said of many of the Central American and of South American countries, as well as some of the Asiatic states.

If the American farmer had been able to enjoy some kind of an artificial mechanism serving his interest—as the stock exchange has served organized industry—and through which he could have financed his capital, enjoyed low rates of interest, and had been able to participate in the same degree of liquidity, his position would be entirely different to what it is today. However, there are very definite reasons why this country has set the pace in production, savings, life-insurance reserves, transportation agencies, new productive capital, and capital goods and consumption.

THE REAL CONTEST

Mr. Allen W. Rucker has made the observation that this country is today—

> Engaged in a struggle to determine which of two economic ideas shall prevail just as a hundred-and-sixty-odd years ago it was engaged in a struggle to determine which of two political ideas should prevail. Then it was a question of whether the reactionary European conception of political subservience to an autocratic state or the liberal American conception of political freedom should prevail. Today it is a question of whether the reactionary European philosophy of a controlled economy or the liberal American doctrine of freedom of individual enterprise, with rewards proportionate to individual effort, shall prevail. A hundred and sixty years ago Americans were fighting to establish the political freedom of the individual; today we are fighting to preserve the economic freedom of what has become to be known as the American system.

Mr. Chairman, the American Revolution led to the adoption of a Constitution. It guaranteed the individual—for 150 years, at least—from the tyranny of government. Certainly, such a step had a world-wide effect, just as recent movements in Russia, Germany, Italy, and Japan have tended to change the course of events and empire throughout the world. There came the French Revolution, the onsweep of the French National Armies, and the spirit of liberty was born. This called for the scrapping of planned and controlled economies, all of which, in most every country, were consigned to the political ashcans.

The people of the earth suffered 18 centuries of stagnation. Then, within about 75 years, there came political freedom, and with it economic freedom, in most every principal country on earth except Russia. Sir George Paish tells us that—

> In the century up to the war the world's income expanded fivefold, after having taken all the other centuries to grow up to a very small figure, and that was principally due to the fact that international trade expanded no less than twelvefold.

IMPROVEMENT AND PRODUCTION GREATEST IN AMERICA

Where do you find the greatest degree of technological improvement? In what countries have individual effort and man's creative genius flourished the most? Of course, the answer to these questions can be found in the United States and in England. Count the contributions made to mankind's movement upward by free-acting individuals—citizens of the United States and Britain. Ask yourself what has come out of countries like Russia and Spain. Why have despairing people since the World War turned away from individual freedom, gone in search of new gods, only to return with disinterred idols of ancient history? Why is it men seem to enjoy being pawns of arbitrary rulers more than they do being free men? Does history not conclusively prove that war has been the ultimate weapon of such rulers?

Our own leaders—particularly the President—are now demanding that we rearm. From diminishing resources we shall no doubt proceed to forge new instruments of destruction this very session of Congress, and all under the leadership of President Roosevelt. Does not the salvation of civilization depend upon mutual cooperation, the exchange of goods between communities and nations, the freedom of individual enterprise?

SELF-RULE OR DICTATORSHIP?

As for me, I prefer the right to participate in the form of government under which I shall live to that of any type or kind of dictatorship. I believe that under a system of self-rule and free competition, wherein the creative energy of the individual can operate uncircumscribed by a government bureaucracy, that the people of today and those to come tomorrow will have a far higher standard of living and a far fuller life than they can possibly otherwise share. In addition to material income, I am one who attaches much importance and a great amount of value to those spiritual forces which we know as individual liberty, free speech and thought, the right to choose one's own vocation in life, and to worship the divine Creator according to one's own philosophy—rights guaranteed by our Constitution.

FUNCTIONS OF GOVERNMENT

It is difficult for one to define our Federal Government. I can only try to submit my conception of its functions in this regard and say that I believe its reserve powers should be used in protecting citizens and units of local government in their support of our institutions. I do not believe our national and individual characters should be weakened and partially destroyed through government making moves which relieve the individual of his responsibility to his neighbor or of private institutions to the public, local governments to their State, or State government to the Federal Union. In exchange for the protection which the Federal Government extends to the citizen, the public, to local and State units, these individual parts should contribute to the preservation of the whole. The Federal Government has the right to demand such reciprocity.

Rapid-fire experimentation is not only dangerous, it is destructive to the fabric of our civilization, our institutions, our form of government. Experimentation creates uncertainty, destroys faith, and kills hope. Organic development is as important in the building of a form of government and its supporting institutions as it is in the creation of a species. There must be something, we might say, "outside of government" and upon which government may rest. Organic development, not experimentation, gives this very thing. A people must believe in and support certain ideals, must assume the necessary individual and collective responsibilities and duties, must not be afraid of trouble when it arrives. To be afraid means that ideals, institutions, forms may be deserted. To insist that ideals, institutions, and organic development be deserted when the storm arrives is nothing short of tyranny.

It is not liberalism. It leads to a state-controlled, state-directed, and state-planned economy. It calls for the regimentation of men for autocratic bureaucracy, for the dictation of policy by a central staff, and the extinction of liberty, of hope, and of opportunity. It controls the private citizen in a very similar manner to that exercised over the private in military life.

DEFINITION OF "PROSPERITY"

Webster defines the word "prosper" as meaning—

To be successful, fortunate, or prosperous; to succeed; to thrive; to turn out well; to grow; to increase; to grow strong or potent.

The word "prosperity" is defined—

State of being prosperous; advance or gain in anything good or desirable; successful progress; attainment of the object desired; good fortune; success; opposed to adversity.

Then Webster defines "adversity" as—

A condition or circumstance attended with severe trials; a state of adverse fortune; misfortune; calamity; affliction; trouble; trial; opposed to well-being or prosperity.

> Sweet are the uses of adversity,
> Which, like the toad, ugly and venomous,
> Wears yet a precious jewel in his head.

Our people have desired good in the form of freedom of speech, a free press, the right to own and operate property, to worship God as we choose, to pursue happiness, to participate in the formation of the government under which we shall live, to be literate, skilled; to produce goods and services as best we can under our own initiative and enjoy the material things which modern life offers to us. And in making our advance toward things good and desirable we have kept in mind that the great Creator has made "many things possible but very difficult."

In the course of 150 years our people, under our form of government and our policies and institutions, have had days and years of prosperity and as well of adversity. When the days of adversity are upon us—and come they must—it would be and it has been wise for the Federal Government to provide leadership for the people in the exercise of their courage, initiative, and fortitude. But in doing this the Federal Government should be very sure that it does not in any way destroy the fabric of individual, community, and State responsibility. Certainly the leadership furnished by the Federal Government should carefully coordinate all existing agencies for good; it should go one step further, if necessary, and create new agencies to run for the duration of the emergency—during the days of national adversity—but these new creations should be permitted to pass away as soon as the day of adversity has ended.

For instance, a doctor would not handicap his patient by having him wear a splint on a broken arm beyond the time required to knit the bone and heal the break. He removes the splint as soon as possible to afford freedom of action of that temporarily incapacitated member of the body. Just so should the Government, in assuming the role of the doctor to the country's economic ills, remove the burdensome and handicapping splints of these new emergency agencies when they have served their purpose, and all so that there may be renewal of freedom of action and individual enterprise.

And the character of such agencies as are created should never be of such a nature as to supplant, weaken, or destroy by one jot or tittle the self-reliance, initiative, or enterprise of the people. The newly created instrumentalities, mechanisms, and benefits should be so designed as to serve all the people and administered always in a manner which strengthens and encourages the individual in his desire to support a stable government and be self-supporting.

GOVERNMENT INTERFERENCE WITH PRICE STRUCTURE

What is the meaning of the word "price"? Price as herein discussed means "in the broadest sense the quantity of one thing that is exchanged or demanded in barter or sale for another; the exchange value of one thing expressed in terms of units of another thing." Price as herein discussed has to do with material things such as foodstuffs, household goods, tools with which to work, clothing, shelter, travel, literature, education, buildings, and machinery—not limited to these, but including items named. The ownership of these, our teeming millions seek. It has been observed that one group or school "would have the Government do more and more about more and more of our economic activities until ultimately government will do all about everything." This school is called the liberals. There is another group it has been observed that would have "government do less and less about less and less until eventually government would do nothing about anything." The self-styled liberals would achieve their ends by making government the director of all economic activities; and when, through cupidity and stupidity common to such mutations born of reactionary economics and radical politics, their failure comes home to roost, shoulder the cost upon the hapless backs of the citizenry.

War on a large scale leads to the withdrawal of men from normal production, to increased Government expenditures, to national debts, to specialized production and consumption. This in turn encourages an unnatural rise in the price value of certain commodities and goods. History teaches us that in due course, following the end of hostilities and return to peaceful activities, prices over a period of time, in the absence of artificial stimulation and support, decline sharply. But what has been the situation in this country since the World War? During the twenties the Government participated in stimulating activities, purchased commodities on a large scale, advanced credit to foreign nations for the purpose of promoting sales and thereby bringing about a greater competitive condition for goods and labor through the use of Government credit and powers and did many other things in support of an unnatural price level and the stimulation of speculative profits.

Then came the 1929–32 debacle with all of its misery, which the last 5 years of planned economy and an increase of $20,000,000,000 in the direct national debt have not erased. The New Deal, failing to profit by the condemned program of its predecessors, immediately viewed the wreckage and launched a program of price stimulation unequaled in all the pages of all previous history. With the world only 14 years from the close of the Great War, the present administration proceeded to leave little undone to restore an artificial and damaging price structure that has been constantly breaking from its war-stimulated pinnacle. Of course, some would justify all of this, claiming that it had to be done by reason of previously contracted debts of farmers, businessmen, and other individuals. But have not far greater debts been contracted in this unnatural program? And, in its effort to maintain an unnatural price level, the New Deal is doomed to ultimate failure. Eventually, prices will come down. Let us call the roll for some of the specific steps the administration has taken.

(1) The N. R. A., with its price-fixing, monopoly-breeding, trust-evading character.

(2) The unconstitutional A. A. A., with its crop-destroying, civil-war-provoking, wealth-transferring—from one State to another—and regimenting philosophy. Just recently I called the attention of the House to large payments of $10,000 or more by the A. A. A. to those in big business.

(3) The Guffey Coal Act, with all of its political spoilsmanship, hesitating administration, price-fixing and regional-planning provisions.

(4) The Wagner Labor Relations Act, which is still, like a child, a "becoming." It has not yet grown up. Its own friends do not yet know whether to fear or praise its provisions. Into the camps of organized labor it has appeared as a great disturber and disorganizer. Its consequences are not yet known, and to its provisions the people have not given their secondary reaction. Of course, it, too, was designed to assist in raising prices of industrialized products and thereby cast a greater degree of inequity on the backs of the agricultural workers.

(5) The Gold Purchasing Act.

(6) The Gold Devaluation Act.

(7) The Silver Purchasing Act.

(8) The Exchange Act.

(9) The arbitrary increase of rail rates, which any student knows will not in itself solve the most difficult rail problem we all now face.

(10) The relief appropriations, Commodity Credit Corporation purchases, and commodity loans. These hold production back from distribution and clog the channels of exchange and actually prevent production coming on behind.

Entirely too many of these steps were taken in response to specific pressure groups and for the purpose of attempting to undo some unfair proposal previously enacted. These acts here mentioned have been put into operation for the purpose of stimulating, buoying up, and maintaining prices above their natural level. Every step has created an ever-widening gap between what would be fair for those who perform "stoop" labor on the farm in an effort to produce the foodstuffs for the Nation and as related to those who work in the organized industries. The farming group is as far from being up with the procession now as when the parade began. The whole program has been a will-o'-the-wisp chase in an effort to please all classes and types. It is all typical of Government-planned economy. It repeats what has gone before. The program has drawn to its support many groups who wanted special consideration and extraordinary protection. The program has led to false promises, deluded our people, and entirely too many have been induced to seek profits of speculation instead of taking the only safe and sure way to profits—through the production of goods and services. Such a program coddles, cajoles, and caters to those who would have government build an easy path over which they might travel. It makes unnecessary, for the time being, the gearing down of production costs to a basis which will permit goods to flow, and enable honest men to make their own way and the productionist to acquire profit through production. Such a program encourages speculation and inevitably leads to the complete destruction of that which civilization holds dear and which has been so aptly described by Dr. Virgil Johnson, wherein he said:

> The civilization by which we live is a vast, invisible web ever woven anew of countless acts of sacrifice, fortitude, faith, and foresight by unnumbered nameless men. Thread by thread these unseen strands of individual aspiration, effort, adventure, and accomplishment are spun into those indestructible cords of endurance, industry, independence, and integrity of spirit which bind society together. This frail fabric from the ceaseless loom of generations of unremembered lives is the strongest and most precious substance in the world, for by it alone we hang suspended above the abyss of savagery * * *. We shall win prosperity only if we have the strength to suffer poverty; leisure, only if we have the will to labor endlessly; security, only if we have the courage to risk all; and peace, only if we have the pride to die fighting for freedom, truth, and honor.

The program is a clear demonstration of the response of demagogic government to pressure groups and the cries of those who command or control large numbers of votes. "New Dealism" is so saturated with the philosophy of price "upism" that within 1 week after Mr. Robert Jackson had delivered his diatribe against the "price fixers" the President, responding to the call of the "silver bloc," and by proclamation, "fixed" a new price for silver, which, after all, is just another commodity like wheat or corn or cotton; it is not the "standard of value" of our money, as some would have us believe; that high position is held by the yellow metal—gold.

SOFTENING THE IMPACT OF DECLINING PRICES

Mr. Chairman, the administration has been attempting to soften the impact of declining prices. The error has been in the method used, and which has resulted, not in the softening of the impact but instead the price level has been supported and even materially advanced. What we need is a method of procedure which softens the impact through "productive enterprise." I contend that unless we resort to such a productive procedure we shall have an increasing Government relief load, with more debt, less employment, less production, and more poverty, and eventually, after the citizenry has tired of the whole deal, will sweep away both economic and political freedom before its force is spent.

What else do I mean by "price"? By price, I mean production multiplied by price, which equals income. You impair production if you attempt to control price. That is what the administration is guilty of, and all of this has led to a decrease in production, a decrease in consumption, with its cousins of want and distress. In addition, it has led to an endangering of the national credit, it has competed with individual enterprise, and, according to Messrs. Ickes and Jackson, placed constitutional government in jeopardy. In spite of all that has been done, "price" is still out of kilter and production, as necessary as it is, has been almost forgotten. Even Governor Eccles would now have us go "spend" instead of "produce."

Let us return to the philosophy that price is not wealth but that wealth in the form of goods, not money, not gold, but goods, more goods is what the people—all people—want. It is the cry of the ill-fed, ill-housed, ill-clothed. To bring about production, why is it so impossible for us to comprehend that it is necessary for markets to be constantly cleared and that crop quotas, sanctions, barriers, stored tonnage, restricted hours and acreage, days spent in haggling over detail, are all but hurdles over which we must jump before the stream of goods can flow to our people? Why are we so dumb that we cannot see these things that are so necessary? What is there to divide unless we produce it first?

To clear these markets, prices and wages must be kept in balance with each other. This leads to the exchange of goods for services in volume and on a parity basis.

AGRICULTURAL INCOME

Those who would lead the farm group to believe they are interested in parity of income for the farmer and for him a high standard of living must not overlook the fact—as has been the case—that industry must balance its "prices" with the monetary income of basic producers and consumers. When this is accomplished, the farmers will furnish a market that will positively startle this American Continent. Until this is done, the buying power of the farm group will continue to decline and industry will languish, and there will be less and less hope for the preservation of our private-property system and constitutional form of government and a greater demand that the land laws be revamped so that Government agencies can supervise the ownership and operation of farm lands as advocated by Secretary Wallace in 1935.

Keeping business prices in line with farm prices means that production costs—material and labor—will or must be flexible and in line with farm prices. We have learned during the past few years, whether we admit it or not, that farm production and costs and income are beyond the control of human agencies. When we once learn—and I contend we have not yet done so—that total annual organized pay rolls in dollars are limited by total "gross farm income," we shall be making progress. These two factors rise and fall together.

When labor, politicians, and industrialists learn how to maintain production on a declining price level, gathering income from production multiplied by price, and discontinues resorting to Government practices, sharp and otherwise, in attempts to maintain an unnatural and speculative price level through the prevention of the production of goods,

we shall then be making real progress. When the price of finished goods is below farm income, we find that industrial activity and the flow of goods are above normal. When finished-goods value rises above farm income, the curve on factory activity falls below normal by about the same percentage.

For labor to enjoy a large support from farm workers it must learn that wages are to vary downward with farm income. When wages rise above farm income, unemployment will increase and man-hours of work purchased by factory management will decline, by exactly percentage wage rates, rise above farm income.

The distortion of wage rates and prices can and does reflect very disastrously on our entire economy and in turn it disturbs our people, drives them backward and forward—first toward poverty then toward better living conditions, but continually whiplashing them into a greater and greater degree of animosity against the institutions that are. This is very easy of correction and we have no right to continue our demagogery, deficit financing, and bulldozing of the farmers and wage earners of this Nation. In the end we all lose as in 1929–32.

It has been clearly pointed out that if we but control the production variable in income, our progress in the production and exchange of material things is practically unlimited. By doing this we can have expanding production, increased employment, pay off our debts, enjoy a rising standard of living, and at the same time preserve our free society with political liberty and economic freedom. In no other way can we attain the $100,000,000,000 national income in goods and services, to which the President has referred in his annual message.

Within the last few years we have jeopardized all of these worthy and valuable blessings and in our attempt to bring about something unnatural and impossible we have ingloriously failed.

Mr. Chairman, I do not advocate or believe in a policy of laissez faire. I do not approve of a policy of punitive conformance of awaiting the commitment of the crime and then proceeding to punish; but I do demand and beg for a Government program which will give encouragement, which will cultivate, protect, and absolutely guarantee, freedom of enterprise and a competitive economy. Never can we attain the desired and necessary goal through simply threatening to punish. The law of self-preservation will defy and defeat such a punitive approach.

The N. R. A. codes accomplished very definitely one thing—the codes neutralized what competition there would have otherwise been. They destroyed competition. They prevented the freedom of enterprise Messrs. Jackson, Ickes, and Cummings—yea, and the President—now demand. They encouraged, built, and made monopoly thrive. This is the truth, and it is bad. Yet the President condemns the Supreme Court for its opinion which held the N. R. A. Act unconstitutional, and this very week the President goes further and leaves the distinct impression that he now desires to give the N. R. A. philosophy and plan a new birth.

Secretary Ickes says:

> Concentrated wealth and power in the hands of a few is just as dangerous today as it has been in times past.

That is so very true, whether it be the power of a totalitarian state, of central economic planners, political spoilsmen, a demagogic administration, or a vindictive autocrat.

The reactionary philosophy of a controlled economy, which was practiced and which so miserably failed and which was finally discarded by enlightened Europeans and others many years ago, is now being advocated again by the President. Its approach is another danger signal to our American institutions. It will bring no good. It will create greater adversity and bring to our homes more poverty. No one knows this better than Secretary Ickes, who throughout his preachments prepares the way, breaks down the resistance to, and places our people in a frame of mind for the acceptance of a return to the long-ago worn-out and discarded philosophy. Political parties, entrenched bureaus, and publicly financed demagogs can strut the boards as proudly and nonchalantly and as destructively as feudal lords, knights, barons, and earls. There is no monopoly on "strutting," and it is a wise people who exercises the necessary intelligence to see that no group "struts" too much at the expense of the taxpayer. The Secretary of the Interior would curb the press, prevent criticism of the President, prevent the practice of the legal profession, and never have the demagogic legislative proposals questioned by anyone, although the administration is noted for its submission to pressure groups.

The "planned economy" of the administration—all-planned economy—calls for much paper work. Instructions, regulations, plans, orders, reports, and estimates must flow in unceasing rivers of papers until all workers, from the most highly skilled engineers down to the floor sweeper, find themselves up to their necks in a sea of red tape and still more paper. This is indicated by the ever-widening stream of books, leaflets, press releases, reports, moving pictures, radio broadcasts, and cross-firing between Cabinet members and department heads of the present administration.

Current Russian history is replete with proof of the curse that can come to a nation operating under the control of a central staff of political planners and commissars. The "outs" are always trying to get rid of the "ins." To be sure, this is true of political parties, but there is a vast difference between political parties—with one of them out of office—and two different but fighting groups of political planners, both of which are working on the inside, but only one of which is in charge of the "works" at the moment. It is a war to the death at all times, with resorting to underground conspiracy and industrial sabotage and all at the expense of the industrial and agricultural worker and the taxpayer. One only needs to compare the recent utterances of Messrs. Jackson, Ickes, Cummings, Eccles, and the President to realize what happens when the "camp" begins to break up as a result of the failure of the "planning" to bring the desired results. Each begins to sing his respective song of alibis and let forth his hatred for such opposition as may appear to be developing.

To work at all, the planned economy will require the highest degree of delicate adjustment to the end that corrective methods can be applied instantly, and this is not possible under political control. Rigidity of plans will not permit the individual units to function in a manner to meet the constantly changing conditions which occur under a democratic constitutional form of government. From the top and from the bottom, under free press and free speech, there will always come a brutal barrage of criticism and officious interference from the layers of society; from the individual voter and from pressure groups a constant hammering process will emerge, and to this the political group in power will tend to respond.

Let government act as an impartial overseer. Let government keep out of the price-fixing, price-"upping," and increased price-promotion fields. Certainly, as Mr. Jackson has said, monopoly prevents continuing production at reasonable prices. It maintains a rigid and unwarrantably high price level for products of monopoly. This in turn prevents consumption and holds back production and dislocates and disorganizes the entire capitalistic system as so recently discussed by Secretary Ickes and Messrs. Jackson and Eccles. If, as Mr. Jackson says, government is "to act as impartial overseer of our industrial progress," he certainly must mean that in this field the function of government shall be strictly limited to maintenance of "free competition." Anything short of this means encouragement of monopoly, whether it be in the form of an N. R. A. or a new proposal of the President or some other method. When government goes beyond this it sets up competition "with" small business and promotes monopoly, as under the N. R. A. codes.

Again, in the words of Mr. Jackson, in considering the economic consequences of proposals made, whether they be submitted by big business, by special pressure groups, by the administration, or by the President himself, "the best way to

do that is to examine the actions, not the speeches." Again, having in mind the statement of Mr. Jackson, we must not overlook the fact that increased prices and decreased production bring about a consequent decrease in purchasing power of a great mass of our people. Certainly Mr. Jackson and others who are sympathetic to his philosophy will not contend New Dealism has been negligent in promoting the economy of scarcity and high prices. That has been its theme. If the small-business man is to receive a different kind of cooperative effort to that which Mr. Jackson has so scathingly denounced, certainly it will be necessary for Government and the New Deal to do less in the way of creating and encouraging monopoly and big business.

For 5 years the forces of government have impelled small business to conform to Government supervision and overseeing and on Government's own terms. This has definitely promoted and protected the interest of the large operators as against the interest of the small industries.

COSMIC FORCES ARE STILL AT WORK

Mr. Chairman, the individual body and I dare say the race we call Americans are both the product of cosmic forces, governed by natural laws as immutable as the law of gravitation and the laws of mathematics. Those who have lived on the frontiers, who have studied nature, can understand something about the forces which guide the honey bee, the beaver in his engineering, insects, and other animals in making provisions for food and abode. There is a force which operates and gives to these creatures in advance, the knowledge of the functions each is designed to discharge. None argue with its destiny. Perhaps, if these creatures could talk, each would say, "I act through free choice and I am guided by my wisdom."

Should we claim that by legislative fiat, drafted and enacted by the butcher, the baker, the candlestick maker, the lawyer, the banker, or others, we can change the nature of man—the American man—quickly and in such a manner and to such a degree that he will conform to an economy of scarcity and high prices? I do not believe that such a transformation is possible. Trace the history of man back for 750,000 years and bring it down to the last moment and you will find that his progress has not been due to the work of reformers. What progress he has made is due to the "promulgation of laws made when the foundation of this world was laid down." When I am today told that those laws are worse than futile, that they should be discarded and replaced by some invention of the limited intellects which make up our legislative bodies, and which inventions fail to square with those of Nature's own dicta, I am brought to the firm conclusion that we are headed in a direction which, if continued, means the doom and destruction of our race and civilization.

What fitness does our Constitution require for running a government? Does the philosophy of our democracy permit us to assume "any man or woman is so ignorant or so inept as to be disqualified to pass judgment upon economic or social problems, whether of national or international scope"? Do we require that our legislators and Chief Executives and Cabinet members of Commerce and other departments "know how to transact the smallest or simplest business of their own"? Do we not, under the sign of our democracy, consider all fully competent?

It is my prayer that we look for the light; that as we deal with social and economic problems that we give the laws of Nature a chance to work as the physician who in this day of modern thought removes the obstacles and lets Nature restore the physical strength of the one who is ill. The reformer who is trying to teach his horse to live without food may find that the beast will die before he becomes used to the abstinence and that high prices and scarcity does not provide the means for growing bones and tissue.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and include therein some very brief quotations.

The CHAIRMAN. May the Chair inquire the nature of the quotations to be included?

Mr. CRAWFORD. Some of the quotations I have read, and there are two or three others of one or two lines each.

The CHAIRMAN. Without objection, permission will be granted to the gentleman to extend his own remarks; but the Chair is of the opinion permission to include extraneous matter should be obtained in the House.

There was no objection.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from California.

Mr. VOORHIS. I believe I understand the philosophy the gentleman has expounded, and I believe he has made the statement that the presence of monopoly makes it difficult, if not impossible, to carry forward the kind of order about which he has been talking.

Mr. CRAWFORD. Monopoly will utterly defeat the institutions of free competition, which I more fully set forth in my extension of remarks. At the same time, having prices pushed up, buoyed up, and maintained by legislative fiat and Government support is as destructive, and has been as destructive during the past few years, as any power which has ever been exercised in that direction by a monopoly in this country. [Applause.]

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Maine [Mr. OLIVER].

A BRIEF OBSERVATION ON OUR "DEBT" MONEY SYSTEM

Mr. OLIVER. Mr. Chairman, the annual interest load of our Federal debt, just short of $1,000,000,000, was the item of most significance to me in the President's Budget message. Obviously, interest charges are predicated on debt. Debt immediately calls to mind our outmoded and aborted money system. Debt also calls to mind the tremendous impact which the debt structure, both private and public, involves upon our productive capacity. Under our present money system which is based on debt, the banks sometimes colorfully called merchants of debt are in a key position so far as the issuance of new money is concerned. At the present time we are suffering a stoppage of production because our citizens individually are not "taking on" new debt. In other words, they are loaded with time or installment payments on old debt. At the same time corporations such as our railroads, for example, cannot make new debts because of their existing debt structure. Our Federal Government does not need to offer new debt on the financial markets because, according to my understanding, it is collecting enough from the pay rolls of the Nation in the form of social-security taxes to make cash outgo and income balance. Thus we have the banks, temporarily at least, undergoing a cessation of opportunity of creating new debt money. Now, I believe that it is time that we, the people, realize that the Constitution gives us through the Federal Government the power to coin, issue, and regulate the value of money. It is time that we replaced a money system based on debt with a money system based on productive capacity and labor. To effect this result we should take over the Federal Reserve System under Federal Government ownership and then mandate the board of governors designated as a monetary authority to require 100-percent Reserve requirements for all demand deposits on the part of our banks.

Furthermore, under a money system based on productive capacity and labor in lieu of the repudiated present system based on debt, America, through its monetary authority, will be in a position to correct the present conditions of unemployment, insecurity, and poverty which are now dragging millions of our citizens down to a level which constitutes an ever-increasing menace for society as a whole.

Henry Ford in recent statements has called attention to the break-down of our money system which in my opinion is another name for distribution. This issue is the key log in our present jam. Shall we continue to pay tribute to a money system which has demonstrated again and again its inadequacy or shall we, boldly and courageously, reassert our constitutional rights as a Congress and formulate a money

policy which will make possible a continuance of our free political and economic institutions?

Mr. FITZPATRICK. Mr. Chairman, I yield to the gentleman from Washington [Mr. COFFEE] such time as he may desire to use.

"CONFIDENCE" AND THE NATIONAL ASSOCIATION OF MANUFACTURERS

Mr. COFFEE of Washington. Mr. Chairman, yesterday the gentleman from Pennsylvania offered us a solution for the problem of unemployment. His solution is "confidence." It is a familiar solution. It was put forward most vigorously by the National Association of Manufacturers in their recent convention. I believe that no man in the history of this country has done more to restore confidence than has Franklin D. Roosevelt. In his recent message to Congress he said, and his words were carried out across the land to millions of anxious and hungry people:

I do not propose to let the people down.

Do you think these words, backed by the assurance that this administration holds the human budget more sacred than the fiscal budget, backed by the assurance that no one in America will be allowed to starve—do you think these words did not breed confidence?

Who needs confidence, anyway? General Motors Corporation, with more than $450,000,000 in undistributed surpluses, or the 30,000 General Motors workers recently laid off? Who needs confidence: the 11,000,000 unemployed, or those who have made a mockery of their hypocritical defense of the "right to work"?

WHOSE PROGRAM BREEDS CONFIDENCE?

Whose program is more likely to bring confidence to America's anxious millions? The program of the President of the United States, contained in his message to the Congress, or the program of the N. A. M., which has been and will continue to be opposed to the President's program in this House?

SAVE OUR "SELECT" GROUP, AND ADVENTITIOUSLY A MODICUM OF PROSPERITY MAY DRIP DOWN TO THE PLAIN PEOPLE

This N. A. M. program has nothing to offer to workers, consumers, farmers, small-business men, and the great majority of our population except unemployment and want. The self-styled "industry's program for 1938" is in fact a program not for America's 130,000,000 people, nor even for all of industry, but a program for America's "60 families" only; and its attempt to represent itself as anything else is pure demagogy.

The N. A. M. demands the cooperation of the public and the Government for its program. Without such cooperation, it proclaims "the American standard of living will be reduced." This is blackmail.

The N. A. M. program is a program of "Hands off!" Hands off the trusts and monopolies. Hands off great concentration of idle wealth. Hands off the exploitation of labor by corporate czars.

Shorn of its beguiling phrases, this is a program for relieving the tax "burden" of the rich by transferring it to the bowed shoulders of the poor; of defeating the wage and hour bill; of repealing the National Labor Relations Act, or so "amending" the act that it becomes an instrument for the oppression of the workers it was intended to serve.

N. A. M. "COOPERATION" MEANS WORKER SUBMERGENCE

What the N. A. M. has in mind is illustrated by what it dares to call "equitable employment relations." Here we find that N. A. M. calling upon workers to "cooperate," not only to surrender rights gained during the past few years but also the right to strike which Anglo-American workers won only after centuries of struggle. American workers will know how to value an invitation from Girdler, Weir, and Rand to meet in individual conferences, or to herd themselves into company unions for the sake of preserving the forms of collective bargaining.

LIBERALS HAVE A HOPEFUL PROGRAM FOR THE FUTURE

Have we a better program to offer the American people? We confidently assert that we have. The right of every American to a job was not mentioned in the N. A. M. bill of rights for big business. But this is a right which millions of jobless workers dare to claim, a right which has been cruelly denied them by the program makers recently convened at the Waldorf-Astoria. We place the realization of this right first upon our program.

We place next the preservation and strengthening of the National Labor Relations Act and the passage of an effective wage and hour bill shamefully defeated in the special session.

We want adequate relief for those who stand in need.

Our program calls for the protection of small-business men and small investors through strengthening and enforcement of the antitrust laws and continued supervision of the stock exchanges.

The N. A. M. protests what it calls "policies which have the effect of redistributing existing wealth and income instead of endeavoring to produce more national wealth and income." We deny that such a contradiction exists. We affirm that only by more equitable distribution of wealth and the resulting increase in mass purchasing power can the conditions for producing new wealth prevail. We, therefore, advocate the policies of redistribution which the N. A. M. condemns, and will continue to support the President in his pursuit of such policies.

The N. A. M. asserts that "prosperity for the farm and prosperity for the factory go hand in hand." This is a specious misstatement of the truth that farmer and factory worker are interdependent. The small farmer, the tenant, and the sharecropper have nothing to gain from the profits of speculators and monopolies. We support all Federal legislation which aids the farmer directly or which aids him indirectly by raising the income of city workers.

LIBERALS WANT TO SAVE DEMOCRACY

Ours is a program based on the conviction that private enterprise and democratic government can and will endure in the United States. It is particularly significant that the N. A. M. heard without comment a contrary view expressed by Virgil Jordan, chairman of the National Industrial Conference Board. Mr. Jordan stated that in his opinion the chances are "overwhelming" that in the next 5 years our present system will collapse and the only question in America will be "communism or fascism." We have no doubt that Mr. Jordan has made his choice. We, too, have made ours. We denounce the choice of alternatives Mr. Jordan tries to foist upon the American people. The American democratic system, we insist, is not doomed. It need not collapse, either in the next 5 years nor at any future date within the province of men to predict. It will not collapse unless it is wrecked by those who, like Mr. Jordan, have chosen fascism.

We denounce industry's program for 1938 as an attack on democratic government and the rights of the American people. We shall fight, in Congress and out of it, for the people's needs, for our own constructive program, and for the permanence of American democracy. Many of us reaffirm the pledge made in our name by the President—the pledge that we shall not let the people down. We recognize the program of the N. A. M. whenever it is offered here by Members of whatever party or section, no matter how cleverly it may be disguised. We shall fight for the defeat of this program on every issue and for the triumph of the program we and the President have pledged to achieve for the American people.

Mr. FITZPATRICK. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Massachusetts [Mr. CASEY].

Mr. CASEY of Massachusetts. Mr. Chairman, I note, with grave concern, that the bill now before us cuts the appropriation for the Civilian Conservation Corps in a very drastic manner. The appropriation for this year was cut 35 percent. This will mean a decrease of more than $124,000,000. Such a reduction, coming as it does after a large reduction during the previous year, means that the Civilian Conservation Corps will not be able to take care of some 75,000 boys who will be presumably deposited in a world that has displayed but little friendliness toward them in the past. Where can they go? There is but little hope for them in civil service because they have no preference provisions

operating in their favor. Industry cannot provide for them at present. Insofar as this Government is concerned, it means returning them to the poolrooms, to the boxcars, and to the former hang-outs, from which, it has been so often said, we saved them in the past.

I yield to no man in this Congress in my desire to economize. But there is wise economy and there is wasteful economy. If we do not take care of these boys through the C. C. C. camps, we will have to take care of them on our relief rolls. This might be a more expensive method. I do not know. But I certainly believe it is not the wiser policy to pursue where the youth of our country is concerned. From the standpoint of economy it is not wise because I understand that 300 of these camps will have to be abandoned if this cut is put into effect. Virtually all of these camps will be unable to finish the splendid work they have been performing before July, when, if this curtailment is approved, the camps of necessity will be abandoned. All of this work in the 300 camps is of a most useful and praiseworthy nature and to abandon it uncompleted is to waste the money, time, and labor which has thus far been expended by the Federal Government.

The present bill makes appropriations for a great many agencies of the Government and yet it selects for its most drastic cut that agency which has received and earned the approbation of all classes, and of all political parties. If you vote for this reduction, you are abandoning 75,000 boys who otherwise would be prepared for manhood and citizenship in the wholesome environment of C. C. C. camps, and you are doing this at a time when almost every avenue of employment is closed to them. Our Civilian Conservation camp program was an investment in American manhood, training young men in mind and body to be good citizens.

I appreciate that it is human nature to believe in economy for everyone else excepting one's self and one's own pet projects. This is not my failing, however. I am willing to accept a cut of 15 percent in C. C. C. appropriation which is as much, if not more, than the reductions contemplated in other departments of the Government. I believe that the strictest economy possible in the operation of our Government is necessary at the present time. This bill, however, goes far beyond that and selects one of the worthiest departments in our New Deal as the object of its most drastic economy. Only over my most relentless protests shall you make the object of a false economy the youth of our country, now provided for in C. C. C. camps, who are without political influence.

Mr. FITZPATRICK. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and members of the Committee, I want to talk to you in a plain, conversational way about what, under the circumstances, is one of the most important matters that we will have to deal with during this Congress or any other Congress, as a matter of fact, and that is whether or not what is known as the Ludlow amendment should be brought to the floor of the House through exercise of the power of discharge of the Rules Committee which the House of Representatives possesses.

This resolution proposes a fundamental change in the functioning machinery of this Government with regard to that which in many respects is the most important matter that this or any other people have to deal with. The proposition is concrete, whether or not after the Congress shall have determined that this Nation ought to go to war, the matter should then be submitted to the people by referendum. We have got to get this clear. The proposition is that after the Congress, having taken the matter under consideration and having debated and concluded that under the circumstances it has become a national necessity for this country to call into operation its military power, that power shall be held suspended until the referendum is taken, and thereby give the advantage of that delay to that country which the Congress believes we are compelled to fight. That is not all, but that is one of the concrete, definite propositions involved here. You may regard it as not important, but you cannot get away from that fact. God grant we may not have war. If we want peace, why now, of all times, do that thing calculated to create an erroneous impression as to how much can be done to us before we will fight?

I want to be respectful to my colleagues who have a different view. This is a matter about which we may have honest differences of opinion. When I do not agree with the other fellow I know somebody is wrong, and I may be that somebody. I yield to the other person the same honesty of purpose that I claim for myself. It is in that spirit that I approach this discussion.

I have seen Members here play politics. I do not pretend I have not done that, but I never have seen this House of Representatives yet fail in a crisis to stand upon its judgment and answer to its people for the exercise of the best judgment God has given them. I have never seen that failure yet. [Applause.] I believe with as firm a conviction as I have ever had that this proposed movement is a mistake, possibly a tragical mistake. These are dangerous times. Things are tense. Nations are apparently doing whatever they can do and get away with it. Our Government is dealing with delicate diplomatic problems. Diplomacy is our first line of defense.

We have in this situation, as we always have under our form of government, certain diplomatic agents who represent us—the President of the United States and the Secretary of State. We have no other agents. Our whole dependence for the effective functioning of our first line of defense is upon them. It is their job. The President of the United States and the Secretary of State tell us that this resolution interferes with this country in protecting the public interest in a great national crisis. In my judgment, it seems probable that the statement is true. I mean it is supported by my own judgment and by reasoning and the probabilities of things which are apparent. That is aside from and in addition to the confidence which we have a right to have in our diplomatic agents.

What are we going to do about it? It is a mighty serious thing for the legislative branch of the Government to ignore this warning by our copartners in governmental responsibility who are bearing the burden of our protection against acts which every American who knows our people realizes might turn loose among us the passions of war.

We have no other representatives in that undertaking. Will we assume the responsibility of handicapping them? They are hired men of the Nation. They have been hired by the American people to do this job. The concrete question now is whether or not the House of Representatives in a situation of this sort will itself, by its own action, do that thing which these hired men, hired to do this particular job, tell us will hinder them in rendering a service which the interests of the Nation require. We know two-thirds of this House is not going to vote to send this proposition to the country now. But if that were not true, it is no time even to debate this matter. The whole world is nervous. One extreme follows another. No people were ever in greater danger of swinging to a militaristic extreme than when they have gone far in the other direction. I saw a nation reelect Woodrow Wilson on the ground that he had kept us out of war. I was in Congress then. I saw that same people swing to the other extreme and the red passions of war run through this country like a prairie fire.

With all respect to my constituents and your constituents, this question of national security cannot be dealt with and settled by the resolutions now being stirred up by propaganda. [Applause.] We sympathize with their desire for peace. Above all things, I want the peace of this country to be preserved. But as I see this resolution it points not to peace but to war. It would weaken our first line of defense. Diplomacy is our first line of defense. Our diplomats tell us this proposition would weaken their ability to make that line hold. We know when it does not hold the American people will probably fight. It is not in harmony with a desire for peace to do that calculated to deceive other people on that point.

I have great respect for the people. I believe an advised, intelligent public opinion is the only safeguard of a free country, but I know as a matter of common sense that when a nation stands upon the brink of war, when its security is in peril, in the very nature of things you cannot have that matter settled in the forum to which you propose to refer it.

As a practical proposition, in a world like we have now, it seems remarkable that anybody would actually be willing, after it had gone forth to the Nation that the Congress believes the country must go to war, that we would lend approval to such a procedure, as to delayed action, as is proposed by this resolution. It is not to hold power in Congress that we are concerned.

The Members of this Congress are sent here as the selected, trusted agents of the people of their respective districts. Your people are there, your kinspeople are there, the boys and girls of your childhood are there, the people who sent you to Congress are there, and who will say that the Members of the American Congress are so alien to all the normal interest and sentiments which inhere in such a relationship that they would send this country to war lightly?

You, you—you! Would you vote the approval of that criticism as a correct estimate of the American Congress? Boys, you ought not to do it; it is not the truth. I was here during the Wilson administration. I sat in this Hall at 3:15 one night. Talk about the expression, the weight of responsibility, or the sense of responsibility! I never had any conception of what it meant until I was called upon to answer at a quarter after three one morning. I would have been glad to take my name from the rolls of the living and to have gone out forever in that night if I could have saved my people—could have escaped that vote.

I know it is a fact that my constituents wanted to go to war long before I was willing to vote to send them. They referred to me as the silent man. I was under criticism by my people, and I tell you now—and I make the statement upon my honor for whatever it may be worth—in my judgment, you can more quickly make the American people willing to fight than you can make this Congress willing to send the Nation to war. [Applause.] This is not a movement for peace, as I see it. We are not a democracy in the sense that everybody can sit in judgment in the councils of the Nation. We are a democracy that has outgrown itself. We must act and govern through representatives. The American people could not all come here, and that is the only reason that you and I are here. They have said to Bill and John and Tom, "You go down there and represent us; we cannot all go." They have picked you to do that; they have selected you. You are the American people, sitting by proxy in the councils of the Nation. There is not a nation on earth that has the method of dealing with the issues of war and peace, preserving the prestige, and guarding the safety of the people that is proposed in this resolution.

It will not work; it cannot work. I would not vote to put my Nation at the disadvantage of having a system under which our Army and Navy could not take the initiative in protecting our people, and have that advantage lost to the other nation during the interim between the time when the Congress had acted and the time when a referendum could be taken. We know, as a matter of fact, that the action of Congress referring to the people would be a declaration of war to all intents and purposes insofar as putting our enemy into action is concerned, and this proposed arrangement could operate only to handicap my country. There never will be a time when the Congress and the people will be so out of accord that the Congress in so grave a matter, so great a responsibility, will act contrary to the public will. I would not vote for the proposition to save my right arm, and I am not parading myself, under which I would make it impossible for the agencies of the Government to get into operation as quickly as the enemy could and protect the people, until we could vote on a referendum among my people. [Applause.]

I would not vote to give that advantage to a nation that I thought we would have to fight. Would you? That is what it is. You can talk all this propaganda and all this stuff that they are turning out over the radio, but it is a clean-cut proposition to vote against the interest of the Nation, as I see it, to deny my Nation the right equal to the enemy to use its naval arm and its military arm to defend my people. Do you suppose any nation that has good sense would hold up in getting all the advantage it could between the time when Congress had declared we must go to war and the time that we could take a referendum? In a representative government such as we have the House and the Senate are under the terrible responsibility of voting to send our people to war. People can talk about this matter, but nobody will ever know what it means to vote for war until he sits right where you sit and fact the responsibility of that vote.

When this matter of locating this responsibility of declaring war was considered by the Convention in the organization of this Government, the only objection that was offered to the plan that we have adopted was that it would be too slow to trust the Legislature to act. The Constitutional Convention discussed the proposal to give Congress power "to make war" on August 17, 1787. I quote from Madison's Papers with reference to Messrs. Pinkney and Butler.

Mr. Pinkney opposed the vesting this power in the Legislature. Its proceedings were too slow. It wd meet but once a year. The Hs of Reps would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in (the) Senate, so as to give no advantage to (the) large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. BUTLER. The objections agst the Legislature lie in (a) great degree agst the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. Madison, Mr. Gerry, Mr. Sharman, Mr. Elsworth, and Mr. Mason favored the plan, which was adopted, but nobody from the beginning until the end of the Constitutional Convention suggested such a plan as is proposed by the Ludlow amendment.

We have been doing a lot of top-water thinking, but we cannot do it any more for things are running deep now.

This is no child's job here now. We have been placed at the steering wheel. The road is narrow and much obstructed. We have got to take the responsibility. We all sympathize with the desire, the objective of those who are sending us petitions. Three great nations in the world have broken loose, and the diplomatic representatives of my Nation are confronting the most difficult problems that ever confronted them, and we, the Congress, are threatening to do that which they say upon their honor will prevent them from properly representing the interests of our country and preserving the peace of our Nation.

Think of it! We have not been thinking this thing through. We are thinking about it now, and I will give you some interesting indications of that fact. We all love LOUIS LUDLOW. He is wrong this time. It is just a question of hitting an average. Sometimes you are on the wrong foot and sometimes you are on the right foot. This happens to be the time when Louis got started on the wrong foot, and I believe he knows it. Maybe the next time I will be wrong.

This thing Louis had was all right until he got right up against the proposition of doing something about it. It was pretty fine stuff. Then he got to looking at it, and he said: "Boys, it won't do; I've got to patch her up." [Laughter.] The resolution as now drawn provides:

SECTION 1. Except in the event of an invasion of the United States or its territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum.

Following the submission of the matter by Congress to the people the involved nation could move within striking distance of our shores and could do anything short of actual invasion of our country. He got to looking way off down here

at South America. They have discovered a Monroe Doctrine which they are going to defend.

They are going to propose an amendment under which, if a foreign force invades Patagonia, for instance, Congress can call the fighting machine of this Government into operation and without a referendum declare war. I believe an amendment is going to be proposed that if a hostile fleet is headed this way we can shoot them. [Laughter.] But if they are sailing sort of sideways and we do not know whether they are coming this way, then, boys, we cannot do it. [Laughter.] Now I mean that in all seriousness. I want to call attention to some of these proposed amendments.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Texas has 8 minutes remaining.

Mr. SUMNERS of Texas. Do you know what I am going to do right now? I am going to do a foolish thing. I am not going to finish my speech but yield for questions. We all want to do what is right about this matter. We all want to protect the interest, the influence, and the peace of this Nation. It is just a difference of opinion as how best to do it.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; but I ask the gentleman to please make his question short.

Mr. SIROVICH. Does the distinguished chairman of the Committee on the Judiciary feel that the cumulative wisdom of the President of the United States and the Secretary of State is superior to the cumulative wisdom and knowledge of the Congress of the United States?

Mr. SUMNERS of Texas. That is a fair question. With reference to their job that we have hired them to do, I think we had better let their judgment control. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MAY. I think this question resolves itself to this illustration: If my child is out on the street and a man says he wants to kill it, I say, "It is all right, but you cannot come into my dooryard and do it."

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WALTER. I believe one of the principal reasons why the proponents of the Ludlow resolution think it should be adopted is because they are afraid that there might be too much haste in the declaration of war. I call the gentleman's attention to the fact that never before without a declaration of war has this Nation been confronted with an episode that might have justified the declaration of war more than that which happened in China.

On yesterday it was my privilege to view the uncensored pictures of this incident. I am firmly convinced that the Japanese Government sought out the *Panay* and deliberately bombed it, because there is no question about the identification marks on the vessel. The fact that our State Department did not declare war indicates that there should be no apprehension of that kind.

Mr. SUMNERS of Texas. It is the things done before a declaration of war which lead to war. It is the prevention of the doing of those things or their settlement by diplomacy which prevents war. This resolution strikes at the efficiency of our diplomatic agencies in doing that work, so they declare.

There is another aspect of this matter. It is a very simple proposition. We tested it out when we used to go to school. I do not believe that anything would be more calculated to get us into war than to create an erroneous impression in the world that we are so anxious for peace we would not fight. [Applause.]

You do not have to read a lot of history books to learn this. Just think back of your experiences in school days when some boy created the impression that you could do anything to him and he would not fight. Sometimes you made a mistake. [Laughter.] It takes at least two to keep the peace, but only one to start a fight. It is not a good idea for a fellow, if he wants to live in peace, to fasten a "Kick me" sign on the seat of his trousers.

In my judgment, to press this resolution—which will never be adopted by the States, three-fourths of the number required, when they get to thinking about it—just has not got any sense to it. I say that with all respect. To bring this thing out now, in as critical a situation as our diplomatic agents have ever had to deal with, over their protest may be good sense according to some people's ideas, but it does not analyze out that way for me.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; I yield for a question.

Mr. PATRICK. Under the provisions of this resolution, how long would it be, if war became imminent, before war could be declared by the people of the United States?

Mr. SUMNERS of Texas. That just depends. To take the deliberate judgment of the Nation, I believe the gentleman from New York [Mr. FISH], in his recent speech in favor of this resolution, said would require 4 or 5 days. I believe my friend will agree that you could not get the machinery started in that time. I do not know.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. LEAVY. I have a most profound respect and regard for the gentleman's knowledge of the Constitution. Congress is empowered to declare war. Why could not the Constitution be amended to provide that the people by referendum shall have the power to declare war? Is not that the purpose of the Ludlow resolution?

Mr. SUMNERS of Texas. Congress initiates, Congress acts in the first instance. This is the language:

> The authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war or peace to the citizens of the States.

Mr. LEAVY. And then this further question, if the gentleman will permit, Would it at all be necessary for Congress to take any action whatever? Would not the referendum be taken pursuant to Executive proclamation?

Mr. SUMNERS of Texas. No; but let us be sensible about it. When a nation must determine whether or not it should go to war—that determination must be based upon many other things—the state of its preparedness, its potential strength, its present and possible allies, and innumerable similar important things with reference to itself and its potential antagonist—which cannot be brought into the open for popular discussion. The Congress was wisely chosen for this responsibility. It is a fair cross section of the country. It is the selected representatives of all the other people. Its membership contacts intimately in the aggregate all the people. It is sufficiently numerous for the benefit of council and sufficiently small to act deliberately, guided by the facts which it can possess without the dangerous disclosure of military secrets.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. O'MALLEY. The Gallup poll shows that about 70 percent of the people of the United States would like an opportunity to pass upon whether or not they should be sent to death either by their President or by their Congress. Does the gentleman think that we as Members of Congress have a right to hold ourselves up to our constituents as knowing more about that question than they and then deny them the right to pass upon our opinion?

Mr. SUMNERS of Texas. I am not at all afraid of my constituency. I am not afraid to go to my people and analyze this situation and get their approval of the vote I cast. You need not be afraid of your constituency either. They send us these petitions which indicate their desire for peace in which we all concur, but they expect us to use our best, most advised judgment toward that objective. They have employed us for that purpose. We need not be afraid of the people if we cast an honest vote which we can defend.

Mr. VOORHIS. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. VOORHIS. In view of the fact that at present the Executive has to have a declaration of war by Congress, in what way would the Executive be hampered in dealing with emergencies or in what way would our armed forces be hampered if the Ludlow amendment were passed than at present?

Mr. SUMNERS of Texas. I was speaking of the difficult and delicate diplomatic duties just now of the Executive. It is their understanding that this resolution will be regarded as a sort of declaration to the world that you can kick us from now until doomsday and you need not expect much reaction. It is a bad situation, but the strength of diplomacy and its powers to avoid war-provoking acts rest upon the fact that the governments which these diplomats represent have the ability and the will not to tolerate such acts.

That is the best safeguard against them being committed. A contrary impression is the best assurance they will be committed. We know, as a general proposition ,that wars are not initiated by declarations. For instance, take the Japanese-Chinese conflict today. They have been fighting over there for a long time and have not had any declaration of war to date. This resolution does not touch these acts. Such as the Veracruz bombardment and some fighting in China some years ago. Declarations of war do not create wars. They acknowledge their existence.

Mr. EATON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New Jersey.

Mr. EATON. Are we to understand that Mr. LUDLOW is in favor of having his amendment modified in the way indicated in the gentleman's address?

Mr. SUMNERS of Texas. I understood that is so, and I am sure of it. May I say this: I have no authority to speak for the gentleman from Indiana [Mr. LUDLOW], but I believe that that old big boy is thinking things over now as he faces his responsibilities as the author of the bill. He does not want, I believe, to embarrass the President and the Secretary of State while trying to hold effective our diplomatic agencies, our first real line of defense against foreign aggression. I am just guessing, but I believe it is a safe guess that in view of developments he is not any too proud of this proposition, when the President and the Secretary of State say this agitation is hindering them when they are trying to protect his Nation in a great national crisis. [Applause.] I have no authority to speak for him, but I will tell you now that I believe if you could read his mind you would find that is true.

Mr. SIROVICH. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. SIROVICH. If the Ludlow amendment were passed by the House and agreed to by three-fourths of the States of the Union, does the distinguished gentleman feel it would establish a precedent that for any future legislation of a major nature which we might pass here it would have to be referred back to the people for approval?

Mr. SUMNERS of Texas. Anything might happen. It is a modification, at least, of our plan of government. You just cannot do it on this question of war. It will not work.

Mr. GEARHART. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. GEARHART. The Ludlow amendment deals with but one subject, the power to declare war. Does the gentleman not think it is an idle act to include a regulation of the power to declare war when no modern nation of the world indulges in that practice any more?

Mr. SUMNERS of Texas. That is what I stated. They do not do it any more, because they are fighting generally before they declare war. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I asked the gentleman if he was a Member of the Sixty-fifth Congress, the war Congress.

Mr. SUMNERS of Texas. Yes; I was.

Mr. KNUTSON. The gentleman recalls how this House was stampeded into voting for the war resolution by hundreds and hundreds of telegrams.

Mr. SUMNERS of Texas. There were many telegrams.

Mr. KNUTSON. The tenor of all of them was, "Stand by the President." Do you think you could stampede the people any easier than you could Congress?

Mr. GEARHART. Was it not the people with their telegrams that stampeded Congress?

Mr. KNUTSON. Not the common people.

Mr. GEARHART. No; the people.

Mr. KNUTSON. No; it was not.

Mr. SUMNERS of Texas. My own judgment is the people wanted to go to war long before we declared war.

Mr. RANDOLPH. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The Ludlow resolution, which will be before us shortly for consideration, is certainly not a new thing. It has been before the Congress of the United States, in one form or another, either through some Representative or some Senator, for more than 20 years; is that not true?

Mr. SUMNERS of Texas. Yes; it has been here a good while. It is not a new thing.

Mr. LANZETTA. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. LANZETTA. Does not the gentleman think that with the map of the world as it is today, that there will be many wars in the near future and that we are apt to be involved in all of these wars under our present policy?

Mr. SUMNERS of Texas. I do not know that I exactly get the gentleman's question. I may say we are living in a world that is fighting, and nobody knows what is going to happen.

Mr. LANZETTA. Most of the nations that have not all that they think they should have will continue fighting until they get what they want, and under our present policy we may become involved in all their wars.

Mr. SUMNERS of Texas. I know we are a pretty juicy sort of a proposition, and I think we had better be pretty watchful of our step. We had better let the folks back home know that.

Mr. IZAC. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. IZAC. Does the gentleman think this will put us at a disadvantage in case we pass the measure?

Mr. SUMNERS of Texas. Yes.

Mr. IZAC. In the first place, does not the gentleman realize the President of the United States, regardless of the passage of this measure, will still be able to send an expeditionary force wherever he wants to and that the fleet of the United States will be a barrier and a line of defense from the middle of the Atlantic to the middle of the Pacific and nobody may cross that line?

Mr. SUMNERS of Texas. Well, a good deal of what the gentleman says is true. Those facts make the resolution as a protective measure of no value. The President of the United States can do these things, which by their nature are provocative of war, and this resolution cannot touch him.

He can do these things anyway. But the resolution does create an erroneous impression, so we are told by people who are in position to know. We have no right to disregard them. If we cannot take the solemn statements of men in responsibility on this point, I do not see how we are to run this Government. This field in which they are working is the field of their responsibility, fixed for them by the Constitution. It is a mighty serious matter for us, the legislative branch of the Government, to inject something into the situation to increase and complicate their difficulties. That conduct on our part, if I may be candid, and I am certain I mean no offense, is aggravated by the fact that we know that it will take two-thirds of each House and three-fourths of the States to make this resolution a part of the Constitution, and we know absolutely that that vote cannot be had now. But we are doing something. We are giving an opportunity for the creation of the impression abroad that nobody need pay much attention to our diplomatic spokesmen.

The first thing we know somebody will believe it. Somebody will act on that belief and upon a mistaken notion as to how much they can kick us around, and the next thing we know we will swing away from the present extreme to the other extreme. I agree with the gentleman that the Executive can do all these things, provocative of war and this resolution does not touch that power, but they tell us they are trying to avoid the possibility of having to do them, and that this action on the part of the Congress is hampering them in that great effort.

Mr. IZAC. I know; but we must realize that you cannot equip and send an army across the seas into foreign lands if this resolution passes, and this is our objective, to put into the hands of the people the decision on whether or not they are willing to send their sons and themselves into foreign lands to be killed. [Applause.]

Mr. SUMNERS of Texas. In other words, to bring about a condition over here under which they may come to this country and kill American citizens on American soil. Wait a minute; I seem to have that wrong. Let me get it straightened out.

Mr. IZAC. Absolutely; there cannot be sent into our waters a foreign fleet which our fleet cannot turn back when it gets anywhere near the territory of the United States.

Mr. SUMNERS of Texas. You mean we could fight them then? This Ludlow resolution would not permit declaration of war by Congress short of invasion.

Mr. IZAC. If you expect to dictate a policy of peace throughout the world, then you are going to need a bigger fleet than you have at the present time. If our fleet is brought up to full strength, it will keep any other fleet away from our shores. If we have control of the waters surrounding the United States a foreign fleet will never be able to land on our shores. Likewise, if this resolution passes, we cannot send a body of troops to another land without the consent of the American people. I believe, therefore, it is the right of the American people through their enlightened votes to say whether or not they want to be killed.

Mr. SUMNERS of Texas. Let me ask the gentleman something, man to man. The gentleman does not claim to be any better than the average Member of Congress, I imagine.

Mr. IZAC. Not quite as good, I should say.

Mr. SUMNERS of Texas. Well, let us make it an average. Does the gentleman mean to tell me that, coming from a constituency which contains his kinfolks, his family, his loved ones at home, under his responsibility to his Nation, he cannot be trusted to get in touch with his people and reflect the will of his people on the question of whether or not they should go to war?

Mr. IZAC. Absolutely, I expect to be able to vote exactly as my people would like to have me vote.

Mr. SUMNERS of Texas. Yes; and the gentleman is a good, fair, average, and a smart Member. He has told the truth about it, and that is the truth all over the House.

I was here during the war Congress, and my friend the gentleman from Minnesota [Mr. KNUTSON] was here. If he says he voted contrary to the will of his people, I am not going to agree with him, because he is just too good a man, and his constituents would not have kept him here if he had done such a thing.

As a practical proposition, you do two things by this resolution as I see it. You create an erroneous impression in the world as to what they can do to us without our fighting. That would tend toward war. Perhaps I am wrong about this, but the President thinks so and the Secretary of State thinks so. And then you provide for the giving of notice to the prospective antagonist of the fact that it is the judgment of the Congress we are going to fight. That gives the break, the advantage, to the prospective antagonist between the time of that notice and the time when the country says we should go ahead. It is a resolution calculated to provoke war and to handicap us in its prosecution. At least that is the way the analysis works out for me.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Michigan.

Mr. HOFFMAN. What is the gentleman's opinion as to the purpose and the effect of the news reels which are being shown in the theaters?

Mr. SUMNERS of Texas. I say we have to watch our step. I cannot answer that question now.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Would it not be true that if the Ludlow resolution passes it would give the world the impression this Government could not cooperate with other governments in a foreign war without the permission of the people, and is not this the real fear of the people who do not want the resolution passed?

Mr. SUMNERS of Texas. When this Nation went to war in the great World War this Nation wanted to go to war; there is not a bit of doubt about it. We were disappointed in the results of the war, many of us were disappointed. Now the people have not thought this matter through. I do not say they want to lay the blame for the war we had on Congress, but it was an unfortunate and an unhappy experience of the people. They do not want to repeat it. I do not want to repeat it. But that does not mean this resolution is wise or would be helpful.

Let us think this matter over. We have to vote on the resolution Monday. I may be wrong about it and you may be wrong about it, but this is a solemn hour in the Nation's life and in our responsibility. No man has a right to cast his vote next Monday who is looking to see whether or not as the result of that vote he can be returned here at the next election. We are not going to do it. The men and the women who sit in this Chamber are not going to do it. [Applause.]

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, there is something a bit ironic about the situation today, because the distinguished scholar who preceded me a few minutes ago sat in this Chamber on the night of April 6, 1917, and solemnly intoned a vote in response to the reading of the roll call by the Clerk which sent this country to war. I was one of those who went to war as a result in part of the vote that was registered by my distinguished friend, the gentleman from Texas. I served in that war for 18 months overseas. I served at the front, and I hope there will be no aspersions and no derogatory remarks as to my patriotism when I say, that I signed the Ludlow petition, that I intend to vote to discharge the committee, and I intend to vote for the proposal. [Applause.]

First of all, we ought to realize the basic reason why the Ludlow proposal is pitched into the lap of Congress today. It is not here particularly because 218 Members appended their names. Oh, no; there is a more fundamental and moving reason. This reason had its inception in the war which was concluded 20 years ago this present year. That war is one of the reasons. If you think you can bereave thousands of American homes, if you think you can erect 54 veterans' hospitals as memorials to the wreckage of war, and if you think you can spew out $400,000,000 a year for pensions and compensation, and then expect the American people to forget the ghastliness and all the hideous attributes of war, you are mistaken and too naive as to their capacity for forgetfulness.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Not now.

We are considering at the moment the independent offices appropriation bill. On page 1 starts the justification for the Veterans' Administration. Take the hearings with you to your office tonight and read them. What will you find? First of all, 57,000 veterans of the World War languishing in the hospitals of the country today. You will learn from The Adjutant General's office that 530,000 veterans have died

since the armistice was signed in November 1918. You will find that 37,000 were killed in action. You will find that 185,000 were maimed, gassed, or wounded; men who swallowed chlorine and mustard gas and who reached out convulsively for breath that never came.

Do you believe you will eliminate these pictures from the minds of the people of this generation?

Those same hearings will disclose that about 387,000 World War veterans and 107,000 dependents are on the compensation rolls today. They can hardly be enthusiastic about war, in view of the niggardly treatment they received during the last several years. Those same hearings will disclose that there are 27,000 mental cases today and that it will go to 44,000 cases, in the judgment of the Veterans' Administration. On page 45 you will find the testimony of General Hines, in which he states that the peak load of veterans' cases will not be reached until 1965. Think of it! The peak will not be reached until 47 years—nearly a half century—after the close of the World War. Through the posts of the American Legion and the Veterans of Foreign Wars these facts have been for years brought to the attention of the people. Unlike other wars, the ghastly and brutal truth of war is coming home to our people, and they want to give effect to the declaration of George Washington when he wishfully said that "war, the shame of mankind, might be abolished from this earth."

This has been the driving force behind this proposal to invest in the hands of the people this confirmatory power before we can plunge them into another war.

Examine some more of that testimony, and what do you find? The total pension compensation and hospital cost is over $21,000,000,000 since 1790. It is little enough for those who bore the brunt of battle. Nor do the people complain about taking care of these comrades. But they are moved to inquire whether this is necessary for the future and whether restraint on the war-making power may not obviate these heavy burdens as a result of future troubles.

There is a bill before you now asking for $595,000,000 for the Veterans' Bureau for the fiscal year 1939. These are the things that are in the minds of the people. They have not been effaced by time, and so they are reaching out now by petition and supplication, by letters and telegrams to those who represent them here, that something be done to preserve the peaceful integrity of this country and give assurance that our soldiers shall not fight on foreign soil.

This is one reason the petition is here. It is not because LOUIS LUDLOW's name is attached to it. It might have been John Jones or Abraham Lincoln, or someone else. Behind it is the moving force of history. Behind it is the inexorable truth in the law of compensation as enunciated by Emerson a long time ago.

Secondly, do you gentlemen realize, and do you, my colleagues on this side realize, that for 4 or 5 years Republican orators, Republican spellbinders, and others have gone up and down the land talking about what? We have been talking about dictatorship in the White House. We have been talking about dictatorial power, the usurpation of power, and the broad delegation of power by the Congress. You cannot talk that way for 5 years, you cannot make speeches over the radio for 5 years, or stress that belief in magazines and newspapers without ultimately striking in the minds of the people the thought that perhaps there is some truth in it. Yes; we are responsible in part for that. We have talked about dictatorship. Thousands of editorials have been written on the subject. Campaign orators in the last campaign spoke feelingly on the subject.

People humbly and willingly submitted themselves to, and encouraged enactment of many sweeping bills that came into this Chamber, such as the Agricultural Adjustment Act, the N. R. A., the Guffey Coal Act, and many others that pointed to broad control of the internal economy of this country; but while we were talking about and raising the suggestion of dictatorial powers, it remained for the public mind, agile as it is, to suddenly infer, "Oh, if that is true, suppose that the President should exercise such power and should project us into war?" There we had misgiving and fear. There we had doubt and perplexity. Who will deny that such fear exists today and has kindled the interest of the people in the Ludlow resolution.

It is in answer to what my distinguished friend from Texas said a little while ago when he talked about reposing confidence in the hired men at the other end of the Avenue. This confidence has been disturbed over 5 years by talk of dictatorship, insofar as it relates to the danger of war. How else can one account for the tremendous interest in this matter and the demands of the people for assurances against wars on foreign soil.

There is another element in the picture. You have gone home, as I have gone home, after Congress adjourned, and picked up the newspapers in your district, and often and often and often you have read editorials about a "rubber stamp" Congress. I did not like this. I have always sought to so demean myself as a Member of this body as to earn the respect of my people, of the newspapers, and all that go to make up that district. It disturbed me a little to see constant allusion to the Seventy-third Congress, to the Seventy-fourth Congress, and the first session of the Seventy-fifth Congress as a "rubber stamp" Congress. Could these constant repetitions of a "rubber stamp" Congress have any other ultimate effect than to impair the confidence of the people in the Congress? Could it have any other effect than to persuade the people that in the event the international stage was so set as to produce circumstances that might lead to war, that the "rubber stamp" Congress might supinely yield and declare war? How could the people of this country escape that conviction? And today they are manifesting that conviction in their demand for a further check on the war-making power.

Put them together. Talk of dictatorship. Talk of a "rubber stamp" Congress. You persuade the minds of the people that here you have a combination of circumstances, which, when brought into the light of war and the possibilities of war, may suddenly project us into a conflict with a foreign country. This is another reason why the Ludlow petition is before us today. This is the moving spirit behind it. One can talk about the signatures and about what the proposal will or will not do, or how it departs from the traditions of the past, but you cannot escape the fact that there is a great, fundamental force pushing it on, and the answer is inevitable. And if we fail on this matter this time, it will only be a failure that will come ahead of ultimate victory, and the people, the source and fountain of all power in this country, will eventually take back some portion of that power that was given to the Congress when the Constitution was fabricated.

That is another question that was brought up by my distinguished friend from Texas [Mr. SUMNERS]. Go back and read the preamble to the Constitution. What does it say? There in flaming letters it says, "We the people." For what purpose? To establish a more perfect union and provide for the common defense, do ordain and establish this Constitution, and therein give to the Congress war-making powers. The people are responsible for our being here today. We exercise only so much power as the people gave us. The people can give and the people can take away, and so this great spirit that is manifest and rife in America today is only the rumbling of a great desire upon a part of the people who are disturbed and apprehensive to modify that war-making power and place further constraint upon their representatives.

Is there anyone so bold as to stand in his place and say that the people do not have this authority? Is there anyone so bold as to assert that the people cannot do as they will in this matter? Hark back to the days when the Supreme Court issue was before the country. What was the most convincing argument against enlarging the Court, an argument used by Democrats and Republicans alike? It was that this is a government of the people, and that if the people desire

changes in the highest judicial tribunal of the land the people can speak through their power to amend their own Constitution. What, then, is before us today? Nothing more than a proposal to let the people speak through representatives of their choice in the legislatures or in special conventions as to whether they want their Constitution amended with respect to the power of Congress to declare war. That and nothing more. Who then dare deny this right to the people when they ask to be permitted to consider this proposed amendment?

It is frightful that this Ludlow proposal should have been invested with a lot of brutal misinterpretation. It is tragic. There is a distinguished gentleman from Michigan who likened this proposal to having a meeting of the town council before you can put out a fire. God save such an inept metaphor, to persuade and influence the people of this country. If he had said it is calling a meeting of the fire department in the town to see whether or not they should impress civilians into duty for the purpose of putting out a fire in a town over in another country, that would have been far more apt.

That is a brutal misinterpretation of what is before us today. They say it will hamstring the activities of the President in his capacity as Commander in Chief of the Army and Navy to deploy the Army and Navy and send them wheresoever he will. I do not remember, but I believe my friend from California [Mr. IZAC] was a naval officer during the war. In fact, he is a graduate of the Naval Academy, served as a naval officer with high distinction, and holds the Congressional Medal of Honor. He is an outstanding service man. He knows something about this thing. He has had some experience as a naval officer, and that is why he could and did testify in answer to the distinguished gentleman from Texas a short while ago, and testify as an expert. When he talks about the defense of this country and the vulnerability and the invulnerability of our Navy and the prospects of invasion, I am glad to accept that testimony. The fact of the matter is that the proposal, if adopted, will not affect or impair the power of the President as Commander in Chief of the Army and the Navy. Let us look at history a little bit. When Franklin D. Roosevelt was Assistant Secretary of the Navy you may remember that early in 1917 we went down and threw a few shells on the city of Veracruz. It was 48 hours later, as I remember it, before the President asked the Congress to give its approval and tacit consent to what had been done. In 1927 our warships threw shells on the city of Nanking. Did they have to come here and ask Congress or ask the people for authority to do that? Did the President have to seek authority? No. That is a right that inheres in the Commander in Chief of the Army and the Navy. So I say that when by brutal misinterpretation they say that this Ludlow proposal will hamstring the President, I say there is not an iota of truth in it. It is unfortunate that we have that sort of interpretation.

They have tried to read into this proposal, that addresses itself to the hearts and minds and the introspection of the American people, something that is not there. I want to make it just as emphatic as I know how that I have been thinking about this referendum proposal for a long time. I think of it in terms of the tragic difficulty that happened in December, better known as the *Panay* incident. My friends, it seems to me it will be a golden opportunity lost if we vote down consideration on Monday and not harken to the wishes and views of the people and give them a chance to register their sentiments on this matter. All we are trying to do is this. We are submitting under the Constitution to conventions or to legislatures the right to determine by the people whether or not the people shall have the right of a referendum on war. We are simply the medium by which that question is submitted to them. Let them vote it up or vote it down. I, in my representative capacity, with almost 15,000 signatures in my office from the people in my district in behalf of this proposal, am going to do a righteous and solemn thing in saying to them, "You determine whether or not in the future, if Congress ever declares war, you shall first confirm that declaration and indicate to the country that you want to make your little contribution of arms and legs and blood and eyes and ears and all the rest." We give the people so many rights. In every city and State the people have the right to determine whether to bond themselves in order to build a sanitary district to preserve the health of the people. Is it not, then, more important that we also say to them, "If you want it, you shall have the right to determine whether your sons and your sons' sons shall go into action and make these sacrifices when perhaps it is not necessary."

There is a deep thrill of patriotism that goes through every American citizen when he is charged to defend his country. Our citizens would rise as one man to repel invasion. But wars on foreign soil to which this proposal is addressed is another matter. As we go back to the World War in 1917 we see in perspective all those strange things that happened behind the scenes, and how quickly we were plunged into action just a few months after a President had been inaugurated on the platform that he kept us out of war. Yes, the people have the right to feel that there ought to be some restriction on this war-making power.

Mr. O'MALLEY. Is it not true that after we got out of the World War the party that got us into the World War was defeated? Apparently the people must have disagreed with the views of the party that got us into it.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. KNUTSON. The gentleman has heard it repeatedly stated that in 1917 the American people were ready for war long before Congress voted it. If that be true why did we enlist only 62,000 men and finally have to resort to the draft?

Mr. DIRKSEN. That is right. That is a very fair question and one of real interest today. In the face of that spirit, and without for a moment criticizing the President of the United States I want to allude to some of the things that have happened in the last few months.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I hope the gentleman will let me proceed. I will yield later if I have time.

A short while ago a newspaper criticized me by saying that I had appended my name to the Ludlow petition to annoy the President of the United States. Let me say to you, my colleagues, in refutation of any charge that I have ever attempted to annoy or thwart the President, that in the early actions of the Seventy-third and Seventy-fourth Congresses I voted for 16 of the first 30 major measures that the President of the United States requested. I was going to sublimate my partisanship and announce to the people of my district that the interests of the country was manifestly more important than my own political fortunes. I did not append my name to this petition to annoy the President. I do say, however, that I have felt some misgivings about what has happened in the last few months. In the first place, the President announced from his yacht in southern waters some time about the 6th of September that the 7,780 American nationals must come out of China or remain there at their peril. That was given out in a news release. One month later he came to Chicago and there dedicated a bridge on the outer drive. That is when he made the stirring speech that lawless nations should be quarantined. As I recall, he inquired of our naval experts as to the ability and capacity of our Navy to protect our shipping in the Orient. Yet only a month before he had warned our nationals out of China. But they were still there. Two months later the *Panay* was bombed. A dispatch came to the New York Times over the signature of Mr. Norman Soong, who was on board the *Panay*. Get out a copy of the newspaper and see what it said. That dispatch was dated December 17. The *Panay* was convoying three oil tankers on the Yangtze River. Yes; that is the historic fact. I ask those Members who referred to the pictures to refer also to Mr. Soong's dispatch. It is related that seven members of the *Panay* crew were visiting on board one of the oil tankers at the time.

I repeat, on the 6th of September the President told our nationals to get out of China or remain at their peril. A

month later comes the Chicago speech while our nationals were still there. Two months later comes serious trouble. I begin to see conflict in this international and national decorum, and it begins to persuade me that all is not right. Can these incidents have a different effect upon the fears and apprehensions of 130,000,000 people who compose the citizenry of this country? These are the things today, my friends, that have given point and poignancy to the Ludlow resolution. It will get a hearing, whether or not, in this Congress, because the people have addressed their hearts and minds to this subject fully cognizant of the bereavements of the World War, and filled with dread about another war as they read their daily newspapers.

I am willing to go back and give an accounting of my stewardship to my people and say to them: "You wanted the right to pass on this question. I, as your Representative in the Congress of the United States, irrespective of the pressures that may have been exerted, have tried to give you that right." By sustained and determined effort, success will crown the people's efforts. This proposal may lose now but it will be converted into ultimate victory. [Applause.]

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANDOLPH. The gentleman, I am certain, is a student of history and well remembers that President Wilson said that he feared governments going to war with other governments but he never feared peoples going to war with other peoples. Is not that true? [Applause.]

Mr. DIRKSEN. That is true.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SOUTH. The gentleman has very graphically pictured the horrors of war and particularly the horrors of the recent World War. Will the gentleman tell this Congress that the American people, if permitted to vote as to whether they would have gone into the World War, would have voted to stay out?

Mr. DIRKSEN. I do not know what the American people would have done.

Mr. SOUTH. What is the gentleman's best judgment?

Mr. DIRKSEN. First of all, I was a student in college when war was declared. Then I found myself in the Army and in the training camp. Obviously there was therefore no real opportunity for me to make a determination as to what the people would have done. I had absorbed the Army viewpoint and was at an age when one accepted the war as a matter of fact.

Mr. SOUTH. The gentleman will admit that is the crux of this question, and if the people would have voted to go into war then all this talk about the horrors of war is simply energy wasted, is it not?

Mr. DIRKSEN. That is true. Whenever the people confirm it, then that is all out of the window, but it can certainly be presumed that after the tragic experience of 1917 and 1918, when over 12 000,000 young men from 22 nations were slaughtered on the battlefields, they are going to be pretty cautious about entering into another war.

Mr. KITCHENS. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Arkansas.

Mr. KITCHENS. I understood the gentleman to say that a few years ago the President had our battleships fire some shells into Veracruz and also some shells into Nanking. The gentleman also stated the President had full authority to do that and that he would not be interfered with by this resolution if it were made an amendment to the Constitution of the United States. That being true, what is the use of having the amendment to the Constitution?

Mr. DIRKSEN. My dear sir, I am glad you brought the matter up, and I will answer. The President of the United States can always employ and deploy the professional soldiers and sailors of this country any time he wants to, wheresoever he pleases, but it is another thing to permit the Congress of the United States to ultimately conscript millions of civilian soldiers in this country and pour out their blood on the battlefields of a foreign country.

Mr. KITCHENS. No.

Mr. DIRKSEN. That is the crux of the whole thing.

Mr. KITCHENS. If they can fire shells into cities of foreign countries, thereby bringing about a war which would result in the destruction of our fleet and the destruction of everything else in America without the Congress or the people participating, then I ask, Why the necessity of the resolution?

Mr. DIRKSEN. In the first place, the gentleman must not presume his own President would be precipitate in that action, because he would not. Those things actually happened and I cited them to show that the President has the authority. I cited those things in order to rebut a current misinterpretation of a very simple resolution that comes before us on Monday next.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. On the point whether the people would have voted to enter the World War, may I say that I traveled around through the country and know something about the conditions then existing. War was declared in April 1917. In the first election and at the first opportunity the American people had to vote on the question, they turned out a tremendous majority of Democrats in this House and put in a big majority of Republicans. The people overturned the administration. There was a landslide throughout the country, which was an expression of the people in opposition to our entering the World War.

Mr. DIRKSEN. The history of that time speaks for itself.

Mr. KNUTSON. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Minnesota.

Mr. KNUTSON. If that war was as popular as the gentleman from Texas seems to think it was perhaps the gentleman can inform the House why the enlistments for 60 days were only 1,000 per day? If it was a holy war, we should have enlisted 5,000,000 in a week.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. May I call the gentleman's attention to a considered statement on war and peace, made by the President since he has been President of the United States? After a declaration for proper national defense, as the second point in a positive program be proposed:

> A simple declaration that no nation will permit any of its armed forces to cross its own borders into the territory of another nation.

Then he stated further as follows:

> I did not make this suggestion until I felt assured, after a hard-headed practical survey, that the temper of the overwhelming majority of all men and women in my own country as well as those who make up the world's population, subscribes to the fundamental objective I have set forth and to the practical road to that objective. The political leaders of many of these peoples interpose and will interpose argument, excuse, befogging amendment—yes, and even ridicule. But I tell them that the men and women they serve are so far in advance of that type of leadership that we could get a world accord on peace immediately if the people of the world spoke for themselves.

Mark you, those are the words of Franklin D. Roosevelt since he became President, spoken in a prepared address, calmly considered, away from the heat of an emergency.

And he said further:

> Through all the centuries and down to the world conflict of 1914 to 1918, wars were made by governments. Woodrow Wilson challenged that necessity. The challenge made the people who create and who change governments think. They wondered with Woodrow Wilson whether the people themselves could not some day prevent governments from making war.

Is that not exactly what the people wonder today? And the President concluded:

> It is but an extension of the challenge of Woodrow Wilson for us to propose in this newer generation that from now on war by government shall be changed to peace by peoples.

[Applause.]

This was the conclusion of the President's address on the birthday anniversary of Woodrow Wilson, delivered on December 28, 1933. The gentleman from Illinois has given an admirable exposition of the war-referendum idea—in reality a proposal to turn from war by governments to peace by peoples. [Applause.]

Mr. O'MALLEY. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. One of the other misinterpretations of the effect of this measure which seems to be broadcast is that its passage would create an erroneous impression in foreign countries that we would not go to war. Is it not the gentleman's opinion that instead of creating an impression in foreign countries we would not go to war, it would create among the people of the foreign countries a further resistance to being sent into foreign wars by their dictators, as a result of the example of the United States?

Mr. DIRKSEN. That is a rather broad matter on which to make an answer, but, as was remarked this morning, if we have implanted the seed saying there shall be restored to democracy the right to determine whether or not they shall be immolated on the altar of war that may have a happy and felicitous effect on the thinking of the people of other countries and advance the cause of a receding democracy.

Mr. O'MALLEY. Of course, the diplomats would not agree to that.

Mr. RANDOLPH. A Member has mentioned the turning out of one party and the placing of another party in power. The principle enunciated in the Ludlow resolution was a part of the Democratic platform of 1924. The young Democrats in session last year made it a part of their purposes.

Mr. DIRKSEN. And did not a young man by the name of James Roosevelt preside over the meeting when that proposition was accepted?

Mr. RANDOLPH. Yes. Mr. James Roosevelt.

Mr. COX. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman not think it would be better for all of us to cooperate with its sponsors in finding a way, if they want to find a way, of withdrawing it from present or early consideration, thereby sparing the mothers of this country, in whose bosoms there swells up this sentiment and this demand for peace, the shock that would result from dragging it out here on the floor next Monday and defeating it by an overwhelming vote?

Mr. DIRKSEN. I may say to the gentleman from Georgia that we held a meeting this morning in reference to the matter and some 65 or 70 Members were present in the caucus room of the old House Office Building.

As I recall, we were there from 10 until 11:30. The matter was discussed pro and con. I do not suppose I am violating any confidence or telling any tales out of school when I say the resolution which had for its purpose the deferment of action on this matter was withdrawn, and so the question will come up on Monday.

Answering the gentleman's observation very directly, it seems to me all these great moral issues sort of slumber along, as it were, until suddenly they are clothed with some kind of dramatic raiment, and there they are full-blown. Thus the signatures were affixed, probably on the day the *Panay* was bombed, and this thing was brought right out into the limelight and pitched into the minds and hearts of the American people. Shall this opportunity now be foregone? Shall we deliberately foreclose an opportunity to get this thing before the Congress and the people?

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. I think of it in terms of a little story about an old farmer in Arkansas, whose barn had a lot of holes in it and boards blown out of the roof. Somebody came along and said, "Why don't you fix your barn?" "Well," he said, "Mister, when it's raining I can't, and when it ain't raining it don't need it."

When there is not a dramatic moment on which to base this thing, it is going to slumber along for a little while; but here is the opportunity, and it is up to the Members of Congress to determine whether or not they are going to dispose of this opportunity, as I hope they will.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I understood the gentleman to refer a moment ago to the *Panay* incident as a little difficulty. I wonder if I did not misunderstand the gentleman. I wonder if the gentleman refers to the cold-blooded and premeditated slaughter, the shooting down and wounding of American citizens, as a little incident. I do not call it that. I call it murder.

Mr. DIRKSEN. Maybe it is murder, and perhaps the term was not aptly chosen if I used that term. It is not a little incident, if I said "a little incident." It was an incident sufficient to alight the world. Yes, it is a serious incident, and it has serious implications for the millions of people who would be eligible for a uniform in this country. Yes, it is very serious, and very important.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from California.

Mr. GEARHART. To borrow from his story the gentleman's analogy about rain, suppose it were raining fire throughout the world.

Mr. DIRKSEN. But it does not rain fire.

Mr. GEARHART. Suppose it were raining fire on the American Nation, and I mean by that there was a possibility of war, and the American people were leisurely preparing to go to the ballot box to decide whether or not they should participate. Can the gentleman tell me what the other government might be doing while we were debating?

Mr. DIRKSEN. I may refer the gentleman to the observation which has just been made by the gentleman from his own State [Mr. IZAC], who has a splendid naval background. I prefer to ride with his opinion rather than my own. I think the gentleman answered a little while ago the question of whether or not this country can be invaded.

Mr. GEARHART. I do not believe he did answer it. He did not say, and nobody on the floor has said, what the other nation might be doing while the American people are leisurely debating and preparing to go to the ballot box. Does the gentleman believe the other government would wait for us?

Mr. DIRKSEN. If the record can be relied on, I suggest the gentleman look at the statement in quotation marks in a recent extension of remarks by the gentleman from New York [Mr. FISH]. In his remarks the gentleman quotes Captain Fox, Admiral Yarnell, Major General MacArthur, and several others on whether or not this country can be invaded or can be invaded successfully.

Mr. IZAC. I would like to give the answer, if the gentleman will permit.

Mr. DIRKSEN. I will let the gentleman's colleague from California answer.

Mr. IZAC. There is not a nation on the face of the earth which can throw 100,000 men onto our shores inside of 6 months right now.

Mr. GEARHART. Mr. Chairman, will the gentleman yield for one more question?

Mr. DIRKSEN. I yield.

Mr. GEARHART. Would it not be a good plan to amend the Ludlow resolution to provide that a Federal court should be given jurisdiction to issue an injunction against any other country's marching upon us while we are holding such an election in the United States?

Mr. DIRKSEN. Do not be so facetious about this. There are tied up here all the aims and the yearnings of millions of the American people. You cannot laugh this thing off. If you think you can, wait until you go home. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. It has been repeatedly brought out that under the wise leadership of the President and Secretary Hull we have been able to stay out of war following the *Panay* incident. Assuming that under the same leadership we would continue to stay out of war, is it not true that somewhere down the line we might have a militaristic regime which would not be so eager to keep the world at peace and might get us into war?

Mr. DIRKSEN. It is always a possibility.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The gentleman from Georgia in addressing an inquiry to the gentleman from Illinois stated that if the resolution came before the House on Monday it would be overwhelmingly defeated. Is it not a fact that whether or not it is defeated in the House on Monday, it will simply be just one more step toward the final enactment of such a principle into the law of this land?

Mr. DIRKSEN. My answer is that the people march on to their proper destiny. I am not only not afraid of the people but I have faith in their ultimate judgment and innate sense. The course is ever onward and upward toward a better articulation of democracy. In the material field we have moved from candles to incandescent lamps and from the pony express to the air mail. In the domain of political liberty we have moved from the divine right of kings to a representative democracy in which the people and not a king hold the power. In the economic sphere we have moved from slavery and labor bastiles toward collective bargaining and a shorter working day and working week. In social relationships, we have moved from a time when witches were burned at the stake to an era of clinics and sanatoria supported at public expense. So in the field of international relationships we move forward to a time when the people and not a small group of representatives under pressure shall determine whether we shall resort to that form of international political action known as war. There is light ahead.

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Chairman, in 1936, Representative UMSTEAD, of North Carolina, chairman of the Subcommittee on Naval Appropriations, and myself made an inspection of the Great Lakes Naval Training Station located on Lake Michigan some miles from the city of Chicago. There is located at the station a modern, up-to-date hospital manned by surgeons and physicians of experience and equipped with modern facilities, including all sorts of appliances ordinarily used in a hospital. We discovered that this hospital could care for an additional number of patients, not less than 75, and that there were temporary quarters on the ground which, if ordered into service, could accommodate 75 or 100 more patients. Mr. UMSTEAD, feeling as I did that this number of unused beds was a source of waste, communicated his opinions to the chairman of the Appropriations Committee, the late Mr. Buchanan. It was his suggestion that these extra beds should be used by the Veterans' Administration.

When we came back to Washington in 1937 and held hearings on the naval appropriation bill, this situation at the Great Lakes Naval Training Station was brought to the attention of the Surgeon General of the United States Navy. He produced for our information a table showing that on January 13, 1937, which was 6 months after our trip of inspection and after Mr. UMSTEAD had written the letter above referred to, the bed capacity of the Great Lakes Naval Training Station was 150 beds and of this number 143 were occupied. It was apparent that the letter of Mr. UMSTEAD might have been the cause of this increased use of the facilities of that hospital.

The same report of January 13, 1937, for all naval hospitals showed a bed capacity of 5,088 and beds occupied 4,116. This left 972 vacant beds. The bed capacity of the New York hospital was 484, of which 257 were occupied; Norfolk, Va., bed capacity 403, occupied 294; Parris Island, bed capacity 151, occupied 60; Pensacola, bed capacity 142, occupied 89; Portsmouth, bed capacity 150, occupied 22. The Surgeon General of the Navy promised the committee that he would keep before the Veterans' Administration at all times the existence of this unused bed capacity and would do his best to promote the use of unoccupied beds by that branch of the Government.

We have just concluded hearings before the Subcommittee on Naval Appropriations for the 1938–39 fiscal year. The Surgeon General of the Navy has reported to us that on December 1, 1937, total bed capacity of the naval hospitals was 4,967, of which 3,716 beds were occupied. This leaves a surplus of 1,251 beds—an increase in the number of unoccupied beds as compared with the report of January 13, 1937. We find that the Great Lakes Naval Training Station hospital, concerning which we made complaint, has 150 beds and only 86 occupied. In other words, the status of that hospital has now again returned to that which we found upon the occasion of our inspection trip.

We are today discussing the independent offices appropriation bill, in which is contained appropriations for the Veterans' Administration, including the maintenance of veterans' hospitals. In the testimony of the hearings I find that General Hines said that he was asking in the Public Works bill, which will be introduced later, a sum of more than $11,000,000 for remodeling of hospitals and construction of new ones. He estimated the additional new construction at $8,690,000. For ordinary surgical and medical cases he reported that 300 additional beds were needed in North Carolina, 250 beds at Aspinwall, Pa., and 600 beds at the Bronx in New York. When you turn now to the statement of hospitalization furnished by the Surgeon General of the United States Navy as of December 1, 1937, you find that the Philadelphia naval hospital has 484 beds, of which 225 are occupied; the Norfolk naval hospital 403 beds, of which 333 are occupied; Parris Island 151 beds, of which 23 are occupied; Pensacola 142 beds, of which 76 are occupied.

The purpose of these remarks and of the presentation of these facts is to ascertain why it is that the Veterans' Administration is asking for additional appropriations for hospital construction when in the very vicinities where added facilities are to be proposed there are now, as above indicated, vacant beds in the naval hospitals. I submit that this is a live question. If we are to economize, we ought not to have a situation where over 1,200 beds in our naval hospitals are unused while another department of the Government is proposing the expenditure of millions of dollars to provide additional facilities for hospital purposes.

Mr. TERRY. Mr. Chairman, will the gentleman yield for a question?

Mr. THOM. Yes.

Mr. TERRY. I believe last summer there was a bill before the Congress authorizing the erection of a new naval hospital here in Washington at a very large expense, amounting to several million dollars. I am wondering, in view of the statement made by the gentleman about the number of vacant beds in naval hospitals in various sections of the country, why it is necessary further to increase the number of beds in such hospitals.

Mr. THOM. I do not know whether the proposed new hospital in Washington will increase the number of beds or not. The argument for a new naval hospital in Washington does not rest upon the need of additional beds, but upon the argument that the present hospital is antiquated and the buildings not properly constructed and not properly located to carry on the purposes of the hospital.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MASON. Mr. Chairman, after listening to a discussion of the greatest problem before the Nation today, the greatest problem before this Congress, it seems an anticlimax to discuss the bill that is before us, or the President's Budget, or other such affairs. I hesitate to do it at this particular moment. Yesterday we listened to a vigorous protest by the gentleman from Oklahoma [Mr. JOHNSON] against balancing the Budget at the expense of the C. C. C. camps. In those remarks the gentleman from Oklahoma pointed out very clearly that these C. C. C. camps have demonstrated the value of their service, have proven their value, and have been approved by a great majority of the American people, and perhaps have demonstrated that they should be continued as a permanent institution in this Nation, their value has proven so great. I wondered when he was making that protest whether the officials of this Nation that have the duty and the obligation to point out the essential functions of government to be maintained and to point out those that are perhaps nonessential and to be lopped off in the interest of economy, can and do discern the difference between essential government activities and nonessential activities; and I think the answer to that is perhaps one of the greatest difficulties that confronts the Nation today and that confronts this Congress. I think it is the duty of this Congress to at least determine what are essential functions that should be or must be maintained, and what are nonessential functions that may be lopped off. We cannot shirk that responsibility.

Today I am entering an emphatic protest against balancing the Budget at the expense of Federal aid for roads, because I know, not from my own knowledge, but from the testimony of experts, that the dollars spent in Federal aid for hard roads go further, help more unemployed people, and bring in more results than perhaps any other Government dollar expended in any other way, and for that reason I am protesting against selecting the essential functions of government and those that accomplish the greatest good to the greatest number, those that have been approved by the American people in great majority, as the functions that shall be lopped off or greatly curtailed.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes.

Mr. MURDOCK of Arizona. Does the gentleman not regard it as the poorest kind of economy to strike out or seriously curtail such a fine program as our Federal-aid road-building program has proven to be in this instance?

Mr. MASON. I not only regard it as the poorest kind of economy, but I regard it as silly and foolish to do that.

Mr. MURDOCK of Arizona. Does the gentleman not realize that money expended on highways will furnish employment all over the country to factories that furnish the cement, or other building material, the structural steel, machinery, and supplies as well as to local labor?

Mr. MASON. My speech will show that 91 cents out of every dollar spent for hard-road construction goes into the pockets of the wage earners.

Mr. MURDOCK of Arizona. I agree with the gentleman in that respect.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes.

Mr. TERRY. I am very much interested in the gentleman's statement, and I realize the value of roads, but I am just wondering what items of governmental expense the gentleman would recommend we curtail or abolish to start the balancing of the Budget?

Mr. MASON. I am very glad the gentleman has asked me that question. I have some ideas about items of expense that should be curtailed in order to start balancing the Budget. I would say, first, that our policy of spending millions of dollars each year in the purchase of silver at an exorbitant price is a useless expenditure and could very well be curtailed. Second, I would say that not only the millions but the billions of dollars that we have spent in buying up the world's supply of gold and burying it in Kentucky could very well be curtailed. That useless expenditure in itself would balance the Budget. I would say, third, that the money that we have been expending for dams out West to impound water to irrigate desert acres to put those acres into competition with fertile acres, as long as we have enough fertile acres available, is a useless expense and should be curtailed; and I do not expect several gentlemen in front of me to agree with me, but those are my sentiments. And fourth, I would say that the millions of dollars we have been expending during the past years and propose to expend this coming year to keep fertile acres out of production, and at the same time to invite a billion and a half dollars of agricultural products to be brought into this Nation, one-third of which are in direct competition with our agricultural products, is a useless expenditure and that it should be curtailed. Fifth, I would say that of the billion and a half dollars that we appropriated last year for relief, if the proper method of handling it had been adopted, we could have saved a half billion dollars and got as much relief into the hands of the people who need it as we did under this process, and that means that we should put the administration of relief back into the local communities and largely the support of it.

I think I have suggested enough things.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MASON. I yield.

Mr. MURDOCK of Arizona. Considering only the first three of those propositions, I positively disagree with the gentleman 66⅔ percent.

Mr. MASON. I expected as much.

Mr. MURDOCK of Arizona. Concerning the purchase of silver by the Government, I think it should go further than the Executive order recently issued did go.

Mr. MASON. That, of course, is a difference of opinion.

Mr. MURDOCK of Arizona. I am not able in a short time to say what should be done with regard to the purchase of gold, but with regard to the building of dams and the reclamation of arid lands, I call the gentleman's attention to the fact that there is not enough level land to meet our agricultural needs. Very soon in this country we are going to have to cut out the tilling of hillside slopes, as well as worn-out level lands. There is not enough good level land in this country to raise the Nation's food necessities, to say nothing of those seminecessary, succulent crops ordinarily grown on irrigated lands.

Mr. MASON. I disagree with the gentleman on that point; and now, Mr. Chairman, I must refuse to yield further because time is precious.

The President's Budget message, dealing as it does with our present astronomical national expenditures, is of such importance that it deserves close study by each and every Member of Congress. The comparisons he makes in his message, the estimates that are offered, and the conclusions drawn, will bear careful scrutiny and analysis. I shall leave that task to the members of the Appropriations Committee and shall confine myself today to the President's one specific recommendation for reducing the Budget, namely, his recommendation that we cut in half the appropriation for Federal aid in the construction of highways.

My home town, Oglesby, Ill., is one of the cement centers of the United States. Our two mills produce more than 80 percent of the cement produced in Illinois, and when producing at capacity they have an output of some 7,000,000 barrels of cement each year. I feel, therefore, that I know something about the production of cement, the amount of employment given and the wages paid by the industry, the enormous quantities of coal required and consumed in the production of cement, and the number of workers in other industries that are kept busy when our basic product, cement, is being used in construction. But when I challenge a statement made by the President in his Budget message, and I do challenge his statement, I am not foolish enough to base that challenge upon my own knowledge, but predicate it upon the greatest authorities we have in the field of road building, the leading engineers of the Bureau of Public Roads.

The President said in his message:

This year I recommend that such items be curtailed. First, because expected Government income will be less; and, second, because it has been amply demonstrated that they do not provide as much work as do other methods of taking care of the unemployed.

This statement is not founded upon fact, and I make the claim that Government dollars spent in building hard roads represent more value received, more actual wages for American workingmen, and a better investment for the future than Government dollars spent in almost any other way. In support of my claim I offer the following table prepared by T. H. MacDonald, engineer in charge of the United States Bureau of Public Roads, the table being a break-down of $1,000 spent for concrete highways, and shows the approximate total amount that actually goes to wages and salaries:

Labor and salaries

Contractor receives $1,000, of which direct labor on road construction receives	$141.00
Contractor's $859 remaining is distributed as follows:	
$184 for getting onto job, equipment, bonds and insurance, gross profits, etc., of which direct labor receives	44.70
And $675 to mills and quarries, of which direct labor receives	117.00
The $697.30 remaining ($139.30 from contractor and $558.00 from mills and quarries) after this distribution, is spent as follows:	
Freight eventually receives $406.70, of which direct labor receives	175.00
Fuel eventually receives $57.20, of which direct labor receives	38.90
Repairs and depreciation eventually receive $188.75, of which direct labor receives	56.00
Materials and supplies eventually receive $170.80, of which direct labor receives	157.65
Taxes and redistribution items eventually equal $49.50, of which direct labor receives	40.60
Profits, interest, rents, and depletion eventually equals $209.15, of which direct labor receives	139.15
Labor eventually receives	910.00
Owners expend	90.00
	1,000.00

Believe it or not, this table actually shows that 91 cents out of every dollar that is spent upon concrete highway construction goes to pay wages and salaries. Can you show the same for other Government dollars spent?

How labor is benefited may be judged by the fact that two trainloads of materials, of 50 cars each, are needed to build 1 mile of concrete pavement. These materials, of which only a fifth or a sixth is cement, must be mined or quarried, manufactured or processed, and transported to the site of the new road. The high return to labor is credited to the fact that there are no intrinsically valuable materials used in road building.

Because of the requirement for raw materials and the need for such large quantities, few, if any, activities offer so great a return to labor as road construction. And the return is widespread—not purely local—to the benefit of workers in many industries over wide areas. For these reasons highway construction was made a major outlet for P. W. A. funds in the battle against unemployment. Because of pressing highway needs and the ability to quickly draft plans, State highway departments were able to keep more men at work for much of the time than were employed in all other types of P. W. A. construction. Aside from improving road surfaces, supplementary structures, such as rail-highway grade separations, highway grade separations, and bridges, also require workers in large numbers.

In further support of my contention, I quote from the report, An Economic and Statistical Analysis of Highway Construction Expenditures, prepared by Associate Highway Engineer C. F. Rogers, of the Bureau of Public Roads. On page 2 of that report we find the following enlightening statements, statements that amplify and bear out the previous table:

An annual highway expenditure of $100,000,000 results in an average annual employment on the highway work and in industry of approximately 102,690 persons continuously employed for 12 months at an average annual cost of approximately $970 per person employed. For each of the 37,960 persons employed directly on highway-construction projects, approximately 1.71 names of individuals appear on project pay rolls.

For each person employed directly on highway jobs, approximately 1.71 persons are employed indirectly in industries furnishing materials, equipment, supplies, and services.

An annual highway expenditure of $100,000,000 initiates a movement which eventually involves, in the handling and processing of materials by industry, a total value of business transacted of approximately $315,000,000.

In addition to affording economic and unemployment relief, highway construction eventually provides a connected highway system which is a distinct national asset, promoting agricultural and industrial expansion and fostering social values. Highway expenditures are providing a connected highway system composed of various road types and containing a variety of materials. The raw materials used in highway construction have widespread occurrence in Nature. The adaptation of these natural resources to highway use requires numerous stages of processing. Stone must be quarried, transported, crushed, separated into sizes, and proportioned with other materials in proper amount. Clay must be dug and converted into brick and tile. Limestone and gypsum must be quarried and manufactured into cement and plaster. Petroleum must be produced and refined into fuels and asphalts. Iron ore must be mined and shipped, and blast furnaces and steel mills must operate to produce structural and reinforcing steel. Cotton must be grown, ginned, and woven into fabric for tires and containers. Coal must be mined, and timber felled and milled. Finally these materials must be concentrated in various proportions at numerous sites of construction, and, after the application of a high degree of mechanization in the direct construction operation, they emerge in the finished highway.

In conclusion, Mr. Chairman, I shall oppose the President's recommendation to curtail the amount appropriated for Federal aid for the construction of hard roads, for the following reasons:

First, because these Government dollars spent for building hard roads represent more value received, more wages for American workingmen, and a better investment for the future than Government dollars spent in almost any other way.

Second, because the American motorist pays special taxes, over and above all the other taxes that every citizen is required to pay, amounting to nearly one and a half billion dollars, of which the Federal Government collects $314,000,000 each year. $214,000,000 of this huge sum is now being returned to the several States for road-building purposess—a direct benefit to the motorists. The balance of the amount, $100,000,000 is being diverted to other purposes.

A member of the opposition is criticized when he finds fault without offering an alternative. I therefore offer as an alternative plan the suggestion that the administration get rid of some 300,000 useless employees, excess baggage that has been added to the Federal pay roll during the last 3 or 4 years. Such a step would accomplish more toward balancing the Budget than the President's recommendation that Federal aid for road building be greatly curtailed. It would bring about a saving of approximately $400,000,000, an item worth considering even in these extravagant times. I claim we should make a start toward balancing the Budget by first eliminating all unnecessary and useless expenses of the Federal Government.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, in partial answer to the speech just made by the gentleman from Illinois [Mr. MASON], I merely point out that the purpose of reclamation projects is not to bring land into cultivation in competition with good agricultural land. In the first place, it is to make homes for the people. In the second place, it is to bring land into cultivation to replace seriously depleted soils, of which we have in the neighborhood of 300,000,000 acres in this country. I refer the gentleman to an extension of remarks I made on January 5, which appears on page 96 of the RECORD for that date, in which I deal with some of these matters, and in which I also point out that if the Tennessee Valley Authority had not done a single thing other than what it is now doing in the developing of cheap and easily transportable phosphates, the most valuable chemical element perhaps in soil fertility, its existence would be entirely justified.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. McFARLANE. And this bill seriously limits the production of fertilizer in that project.

Mr. VOORHIS. I so understand. I hope it will be restored.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. DIRKSEN. When the bill is read for amendment, I intend to make some observations on that very matter. I want to offer an amendment.

LUDLOW RESOLUTION

Mr. VOORHIS. Although I had not intended to talk on the subject this afternoon, in view of what has been said so far on the question of the Ludlow resolution, I shall make my brief statement in that regard. In the first place, I signed this resolution way last spring shortly after it was put upon the desk.

My signing of it, therefore, can by no stretch of the imagination be construed as criticism of the work of the State Department. Indeed, I believe that to put that construction upon support of the resolution is a stretching of the truth. It has nothing whatsoever to do with that. Neither does it in any way restrict the Executive in dealing with emergencies, or weaken in any way the national defense. But if we believe in democracy as a form of government we must recognize that the question of sending an American army across the sea to engage in a foreign war is the most fundamental question and comes closer to the everyday life of the American people than any question in all the world. [Applause.] On that particular issue we believe that the American people who will pay the price and make the sacrifice should have the right to make their decision. For this reason I intend to vote for that resolution. And further, I believe there is no argument so vital or important and none which will be answered with such great difficulty by opponents of the Ludlow resolution as the argument that to give the people a right to have a say about the question of foreign war is fundamentally right and fair and just; and on these grounds I shall support the resolution.

The question has been asked what other nations will be doing in the meantime. We have been called upon to look upon this thing practically, let us do it for a moment. As a matter of actual fact the question of war for the United States will undoubtedly present itself to us, if it does, in almost the same way that it presented itself to us in 1917. I am not sure how the people would have voted in 1917 had they been given the opportunity, but it does not seem to me that that is the essential question. The essential question is whether they should not have a right to express themselves in a situation of that kind. I believe they should. Other nations will be wondering what this Nation is going to do. They will be wondering and they will be knowing that if this Nation by a popular decision decides to enlist itself in the struggle that the decision will carry with it a greater conviction than could otherwise possibly be the case.

It does not seem to me that this consideration involves in any degree a lack of unity in the American people, but, rather, that it involves a fundamental fact that will operate in the interest of democracy and justice and change the old way of having a few people decide about wars that other people fight. I believe that the people who are asked to make the sacrifices are the ones to make the decision.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. KNUTSON. Does not the gentleman think that if the matter of declaring war were left to the people in all nations that it would virtually outlaw war?

Mr. VOORHIS. I am inclined to believe that it would.

Mr. KNUTSON. Was not the election that was held in 1916 virtually a plebiscite on whether or not this country was to participate in the World War? It was so considered, was it not?

Mr. VOORHIS. I was a schoolboy at that time. I am sure that that is the way I understood it.

Mr. KNUTSON. Was not the issue "He kept us out of war" the dominating issue of that campaign?

Mr. VOORHIS. It certainly was one of them. I have several other matters I very much want to discuss.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield for one question?

Mr. VOORHIS. Yes; I will yield to the gentleman.

Mr. RANDOLPH. Does the gentleman believe that the Japanese invasion of China would have taken place if the Japanese people themselves had the final decision of the matter instead of those in militaristic control?

Mr. VOORHIS. I believe there would not have been an invasion of China had the people decided the question and that the recent Japanese elections are indicative of that fact.

Mr. DUNN. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Pennsylvania.

Mr. DUNN. Is it not a fact that by giving the people the opportunity to vote on the Ludlow amendment it demonstrates beyond any doubt we are democratic, and if we do that other nations in the future and the near future will do likewise?

Mr. VOORHIS. I hope so. Of course, we only have one nation for which we are responsible, and we have to do the best we can.

I doubt that anything is to be gained for the American people by attempts on anyone's part to fix blame for the present recession. I believe much is to be gained by earnest effort to get at the facts regarding it. And today I want to answer some of the statements made recently on this floor in criticism of the program of this administration in dealing with the economic problems of America. May I preface those remarks by pointing out that our fundamental trouble comes from the fact that we are confronted with a situation in which our system of distribution of purchasing power and wealth has been demonstrated over a period of time to be an inadequate system to keep our productive machinery operating at full capacity. Something or other must be done about this.

THE CURE FOR 1937 IS NOT ANOTHER 1929

When people say, "Look at the recession of 1937," and try to blame it on administration policies they usually advocate a return to the very policies that led us into the depression of 1929 and it seems to me, therefore, their arguments are very much like saying that the patient is at present ill; we know how to kill him, so let us do it.

I do not believe that the pre-1929 policies are the answer. I think but few close students of our economic question will doubt that the main cause of the 1929 collapse was faulty distribution of our national income, consisting of two elements, first, too much of a concentration of reserves and surpluses in the hands of certain individuals and corporations, and, second, the fact that the common people of this Nation in attempting to take off the market the goods that had been produced by industry went into debt to the tune of $7,000,000,000 in the form mainly of installment purchase obligations. We have been trying to correct this situation. Those who criticise the program of the President of the United States, it may be noticed, do not offer any program to take the place of his.

I further call the attention of the Members to the fact that the President's program has not been carried through in its entirety. Certain of the most essential measures have not been passed by this Congress, which if passed, might materially alter the story.

THE PRESIDENT'S PROGRAM IS RIGHT

The program in barest outline consists of these fundamentals of government: It is the job of the Government to protect the welfare of the poorest people, those who are eco-

nomically helpless, and those whose power to buy the necessities of life is most precarious, through a program of work for the unemployed, through an encouragement of collective bargaining, through minimum-wage legislation providing protection for those people whose wage standards are the lowest, through an expanding system of social security, and by protection for those farmers that cutthroat competition and the manipulation of speculators will otherwise ruin. That is the principle and philosophy of the present administration, and it is a sound principle and philosophy.

WHY A COMPLETELY FREE ECONOMIC SYSTEM WILL NOT WORK TODAY

The gentleman from Michigan [Mr. CRAWFORD] expressed another philosophy that has unity and a strong theoretical appeal. All must agree with him when he says we need more, not less, production. If you could eliminate monopoly and take from private financiers the power to create and destroy money, if you could really free the people and have an entirely free and competitive economic system, then there would be something very challenging in arguments against measures of control by government. But to eliminate monopoly is a gigantic task; one, indeed, if possible at all, which will require the best effort of a generation. The program of the administration is a program that must be carried through in view of the fact that the task of overcoming monopoly power is one so tremendous that it is necessary to have governmental protection of other population groups in the meantime in order to protect the people from absolute insecurity and poverty and hopelessness. Some day all of us hope for a new true freedom such as we have never known before.

THE IMMEDIATE QUESTION

At this moment the question very largely is: When 30,000 men are laid off in 1 day by a corporation which possesses hundreds of millions of dollars of reserves and which made $238,000,000 of profit last year, what are we to do? What, indeed, are we to do with other unemployed thousands?

Here they are, good American citizens, until a few days or weeks ago the essential workers in our industry. What is to be done about them?

No one offers any other answer except that their fate is a Government responsibility—until such time as industry wants them again.

And some of us, agreeing wholeheartedly with what the President said in his message, stand ready to defend with all our strength the right of these heads of American families to work at useful labor. We are utterly unwilling to see them put upon a dole, because we believe that is unsound economically, unfair, un-American, and un-Christian.

MEANING OF OUR DEBT

As long, then, as our governmental policy is based upon justice, the expenditures of the Government must reflect inversely the extent of private employment.

Not only that. The Federal Reserve Board reports that there are ample reserves for a healthy expansion in our banks. If only the money now in the banks were put to work, says the Board, all would be well.

But there is no way to get it to work. The powers of the Federal Reserve Board are inadequate to the task. At present we must depend for necessary expansion of buying power upon the willingness of banks to lend, plus the willingness of business to borrow. Failing to get this combination to work, but one possibility remains to us if business itself is to be spared the consequences of depression. That one possibility is for Government to expand its expenditures and to create new money by going into debt. That worked in 1933. It will work again. But no one likes the method. And our critics are half right when they complain about this method. But they are only half right.

NECESSARY STEPS TO AVOID FURTHER DEBT

For the thing they overlook is that this necessity for government to contract debt is basically due to two fundamental causes: First, the failure of our economic system, unaided by government expenditures, to keep the people employed; and second, the fact that government today has surrendered to the banking system its right to create money. It goes farther than that. Not only does government refrain from expanding the volume of money in accord with the expansion of the Nation's need for it and leave the Nation at the mercy of an uncertain and highly variable supply of bank credit, but we permit a private banking system to expand credit upon fractional reserves while government with $12,000,000,000 of gold in its possession does not expand upon it at all for credit purposes but borrows at interest privately manufactured credit instead.

Correct some of these things and the task of budget balancing, the task of providing ample credit for secured loans at low rates of interest and many another problem would be solved.

Now a word or two about corporation surpluses. And what I have to say comes from one who believes the undivided-profits tax should be revised and small corporations exempted from it. But a lot of misinformation has got abroad about that tax.

ABOUT CORPORATION RESERVES

We hear over and over that large corporation surpluses are an unmixed blessing.

We hear about the billions of dollars spent by corporations out of reserves during the depression to pay wages and dividends.

No one who has studied the record carefully can doubt that many business enterprises did make earnest and heroic efforts to keep men employed during the last depression.

Neither can any fair-minded person doubt that, generally speaking, this was done far more by small business than by big business; nor can he doubt that right now some of the corporations with the very largest surpluses of all are the readiest to reduce their pay rolls and pass to government the task of employment.

KEEP THE RECORD STRAIGHT

Just to keep the record straight, we ought to know what really happened to those big corporation reserves during the depression. For while it is true that a careful study of the income accounts of all corporations during the 3-year period 1931–33 reveals an aggregate net deficit after taxes of $6,600,000,000, it also reveals that not more than a small fraction of this deficit is accounted for by payments of dividends or wages out of surplus.

Of course, there were exceptions. These figures refer to the aggregate of all corporation-income accounts.

EXPERT TREASURY FINDINGS

The findings of the Division of Research and Statistics of the Treasury on this point were summarized by Dr. L. H. Seltzer of that division in an article in the Tax Magazine for July 1937.

Dr. Seltzer says in part:

> If we consolidate the income accounts of all corporations for each of the 3 years 1931–33, inclusive, we find that they reported an aggregate net deficit for this 3-year period, after taxes, of six and six-tenths billion dollars. We also find, however, that this aggregate deficit was arrived at after deducting some eleven and two-tenths billion dollars for depreciation, some seven hundred and sixty-one millions for depletion, some three and seven-tenths billions for bad debts, and some five and one-tenth billions for loss on the sale of capital assets; deductions which, in the main, did not represent current cash outlays sustaining employment, pay rolls, etc.
>
> In other words, the aggregate net income of corporations before these valuation deductions, but after taxes, for these 3 years of the worst depression in history, was a little more than $14,000,000,000, and their cash dividends a little more than thirteen billions. For corporations as a whole, dividends, wages, and other payments came out of current receipts, primarily, and not from accumulated liquid surpluses. The book surpluses of corporations were, indeed, reduced; but they were reduced, in the aggregate, not by actual cash disbursements but by the writing down of assets on the books of corporations. The cash and investments of all corporations aggregated nearly $11,000,000,000 more at the end of 1933 than at the end of 1929.

This is the answer to the charge that the tax policies of the administration are responsible for the current recession, if, indeed, such an answer is needed. It is well also to remember that in 1929 there were no such taxes, no Government "interference," and yet some people still remember what happened in that year.

FORMER EMPLOYERS SHOULD BE THE LAST TO COMPLAIN WHEN GOVERNMENT EMPLOYS THEIR LAID-OFF WORKERS

There are good reasons for revision of the undistributed-earnings tax. One of these reasons is not that large corporation reserves have in the past reduced unemployment to any appreciable extent or been used deliberately to keep people employed. For such is not a fact when we consider industry as a whole.

And to those businessmen who did make sacrifices to keep workers employed we are forced to say something like this: "Your patriotic action cannot be forgotten by this Nation, but unfortunately your efforts have been swamped by the failure of our great monopolies to follow your example." And the age-old question must then be raised, If a man cannot find work in private industry to support his family, whatever the reason may be, what then is he to do? We have said that he could turn to government for a useful job. As a matter of plain justice we have got to go on saying that, and those who once employed these workers, and either cannot or do not choose to continue to employ them, should be the last to complain when government spends money to pay them wages for work performed, gives them buying power in this manner, and preserves their morale and their skill against the day when there will be private work again.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, in the midst of the turmoil this afternoon I take a certain degree of pleasure in bringing to the House what I believe to be a rather comforting and encouraging word. I have the honor of representing the Seventeenth District of Pennsylvania, which district is made up of one county, the county of Montgomery.

On the 30th of December that county paid off the last dollar of its indebtedness and today I believe my district can make a claim that few others can make in the Nation. Montgomery County started the year free of debt, with its current obligations paid, its bonded indebtedness discharged, and with a comfortable cash working balance.

I am sorry there are not more of my Pennsylvania colleagues present, because I take a great degree of pride in saying that Montgomery County is under the administration of a group of substantial, old-fashioned Republicans [applause] and that its affairs have been administered for a great many years by good, substantial, old-fashioned Republicans.

Mr. DUNN. Will the gentleman yield?

Mr. DITTER. I would suggest to the gentleman from Pennsylvania that I might embarrass him if he should ask me a question. I do not yield.

Mr. Chairman, the county of Montgomery has provided for the needs of its people. Year in and year out it has returned substantial Republican majorities. I do not believe there is one-third of the population of that county ill-nourished, ill-clad or ill-housed. I believe the county of Montgomery through its frugal, honest, and careful administration of the public needs, including the needs of those in distress, has established an enviable record which might be followed with profit by the Federal Government.

I make this further declaration, that we probably would have had a more comfortable cash balance in the county of Montgomery today had it not been for the present State administration's operation and its intrustion into our own county affairs. Had it not been for the overreaching of the present Democratic administration in Harrisburg in trying to put on a small-sized edition of the New Deal in Pennsylvania, I believe we would have had even a better cash balance in Montgomery than we have today.

May I say to my brethren from Pennsylvania that I am not assuming a boastful attitude. I am prompted by a desire that my words may be an inspiration to those poor debt-ridden counties which have long languished under the spell of a Democratic regime, and I hope that by my words they may be inspired to go out and do what Montgomery has done in taking care of its fiscal affairs with honesty, with forthrightness, and with a degree of splendid efficiency such as only a Republican, and a capable Republican, administration can demonstrate.

These remarks have been just by way of preface. What I really wanted the time for this afternoon was to make an observation or two on one of the outstanding characteristics of the President.

The ability of the President to do unexpected things is recognized by all. He seems to delight in springing surprises. Vacillation is a characteristic. He appears to enjoy changing his course more than getting into port. Running true to form, he astonished the American people in his message on Monday by adding a new qualification to the requirements for helpful citizenship. Most of us had understood that the marks of good citizenship were pretty well defined, and while the demands of the New Deal had distorted the original feature to some extent by condemning thrift and industry and extolling profligacy and shiftlessness, nevertheless we were unaware that an entirely new obligation was required of those who aspired to the role of good citizens. According to the new formula of the President, a helpful citizen must be able to provide the ways and means of getting the country out of the financial mess into which the New Deal has plunged it.

For the most part the President's message on the state of the Union was delivered without gesture and in a serious mood. The outstanding exception was the recital of his method in dealing with those who have pleaded with him for a balanced Budget. Apparently for the purpose of discrediting those who have emphasized the importance of squaring national outgo with national income, the President assumed a facetious role. Adding a touch of humor to a very serious situation, the President attempted to sidestep gracefully the personal responsibility of inaugurating and maintaining a sound national fiscal policy. He told the Congress that he asked those who pleaded with him for a balanced Budget the question, "What present expenditures would you reduce or eliminate?" Thereupon, with a studied effort to make the answer appear ridiculous, the President said that those to whom the question was addressed would reply invariably that it was none of their business and that they knew nothing about the details. He then dismissed the subject by establishing the new qualification for citizenship—the qualification that the individual citizen should provide the answer to the question which the New Deal has faced from the beginning—how to provide the ways and means for continuing its joy ride of extravagance and wastefulness.

The nonchalant air of the President was a surprise. Such a carefree attitude had not been expected. A perplexing problem is before the American people. The administration alone has the power to provide a satisfactory answer. The effort of the President to avoid the responsibility of balancing the Budget is in marked contrast to statements which he and his party leaders have made in times past. The country cannot help but remember the assurances which were given in the party platform that a saving of not less than 25 percent in the cost of the Federal Government would be accomplished. The country cannot help but remember the President's declaration that he accepted the party platform and that he looked upon it as a covenant with the American people. The country cannot help but remember that as early as September 1932 he asked the American people to delegate to him the task of reducing the expenditures of the Federal Government. In his speech at Sioux City on September 29, 1932, he used these words:

> On my part, I ask you to assign to me the task of reducing the annual operating expenses of the National Government

At that time he did not suggest that it was the duty of private citizens to advise and suggest the method or the means of reducing the national expenditures. At that time he did not suggest that he felt that the standard of helpful citizenship required a contribution of methods and means for reducing the spending of public funds. At that time he requested the American people to assign to him the responsi-

bility, the power, and the obligation of reducing the operating expenses of the National Government. And now after 5 years—after 5 years of intimate contact with the fiscal affairs of the country—after 5 years of opportunity and experience, after 5 years of study and deliberation, the President suggests that private citizens be charged with the duty of putting a stop to the orgy of spending which his administration has indulged in from its beginning. Are we to assume that the declaration in 1932 was made in a facetious mood? Are we to assume that the request of 1932 was made for vote-getting purposes? Are we to assume an admission of inability and a desire to give up the task? Are we to assume that the President is faced with political objection, which makes it inadvisable and inexpedient for him to reduce the spending of public funds? The Congress and the country have a right to know what it is that now prompts the President to sidestep the issue—to pass the buck—to expect the answer to this pressing problem from the citizens of the country.

No good purpose can be served by repeating here the many, many promises which have been made by the present administration that the fiscal affairs of the country should be put in order. Suffice it to say that it has become almost a habit for some one or more of those identified with the administration to try the soothsayer's art by telling the people that the Budget would be balanced. Promise has been piled upon promise. Assurance has been added to assurance. All of them, with a definite purpose of impressing upon the American people that our national household would be put in order—that the spending spree would stop, that extravagances and wastefulness would be ended, that mounting debts and deficits would be curtailed, and that the joy ride of profligacy and squandering would come to an end. Now, we are startled to learn that the administration seeks to surrender the management of the fiscal affairs of the country. By so doing the administration admits either its unwillingness or its inability to put into operation a sound fiscal program which would result in the attainment of the desired objective. The country is not only startled, amazed, surprised: the country is alarmed over this very serious and perplexing problem. Something more than nonchalance is expected. Facetiousness will not suffice. Something can and should be done of a practical and substantial nature, and that without any further delay.

I submit, Mr. Chairman, that there are certain things that this Congress can do to help the American people out of the dilemma in which they find themselves as a result of the President's effort to avoid the responsibility for putting our national affairs in order. I believe the Congress owes a duty to the American people in this emergency. I submit, Mr. Chairman, that our first duty in this connection is to refuse to make any lump-sum appropriations whatever. No more blank checks would be an excellent rule to adopt at once. This Congress has the right to levy taxes. This is a large grant of power handed to us by the people.

Our responsibility to the people, including all the people, to spend their money wisely, judiciously, and honestly is just as great. I submit, Mr. Chairman, that while the power to tax has long been recognized as a power to destroy, by the same token the power to spend can have just as great a destructive effect as the power to impose taxes. In view of the President's desire to avoid the responsibility, let us take up the job for the American people at once.

I submit, Mr. Chairman, that we should refuse to make any appropriation until we have facts and figures as to how the money will be spent, where the money will be spent, when the money will be spent, and how much more will have to be spent to complete and maintain the project for which we originally begin to spend the money. Let us insist on a justification which will require every spending agency to prove that they need the money for which they ask. And let us insist as well on a justification which will warrant us in giving them the money for which they ask. In many instances projects have been authorized, appropriations have been made, and little, if any, thought has been given as to what the ultimate cost of the project will be. Let us set our own house in order by changing our policies in appropriating public funds. Let us know before a project is authorized, or at least before any money is appropriated for it, what the cost of completion will be and what the future maintenance costs of these projects will be. In many cases we have found ourselves forced to appropriate money for the completion of a project or be embarrassed by having a partially finished job on our hands. This should and can be avoided. Emphasis likewise should be laid upon the future maintenance costs of every Federal project which is authorized.

The mistake which has been made in many cases in spending public funds is the same mistake which has been made in many cases by individuals. We have gotten into the habit of considering only the purchase price of our automobiles, for instance, and rarely, if ever, do we take into account the upkeep and operating expenses of the machine. What is true of automobiles is likewise true of many other private expenditures. The colossal machine operated by the Federal Government has been run in much the same hit-or-miss fashion. Projects are presented here. Authorizations are made. Appropriations are provided. Little, if any, thought is given as to the upkeep and maintenance of these innovations. If the Federal Budget is to be balanced, there is but one way to do it, and that is to reduce the spending of money. It is not a question of trying to find ways and means of getting more money out of the taxpayers' pockets. Our job is to find ways and means of keeping more money from being squandered and wasted. What we need here is a change in method, more investigation of spending sprees, and less inquiry on ways and means of wheedling out of the taxpayers' pocket additional dollars. We cannot have a balanced Budget as long as we have an unbalanced spending policy. The Ways and Means Committee may work from now until doom's day on a tax program, but it will mean nothing if a wasteful and purely political spending policy is countenanced and continued. If the President's promise of 1932 meant anything, and if it was worth anything then, it should mean something now—and it can mean much if an about face is started at once. If he cannot do it, we should. If we are to live within our means as a nation, then we must conform our spending to the means which we have at hand. Instead of saving until it hurts, we have been spending until it not only hurts but threatens to kill.

I am persuaded, Mr. Chairman, that if economies are to be effected, if extravagances are to be stopped, if wastefulness is to be avoided, then much of the needless personnel in every department must be eliminated. And, what is probably more important, Mr. Chairman, I am convinced that this needless personnel can be eliminated in almost every department without any appreciable or material decrease in efficiency. Many of us have found that efforts to reduce personnel have been unavailing. As some of us have sought to reduce appropriations the excuse has been offered that no reduction is possible because most of the appropriation is required to maintain the present personnel. I submit, Mr. Chairman, this is not a proper justification for continuing on the pay rolls of the Federal Government the large army of job holders that have been enlisted under the banner of the New Deal. Of course, I know, Mr. Chairman, that this is a highly controversial subject, but it all depends on the objective which we have in mind. If our purpose is to continue as many as possible on the public pay roll, so that patronage privileges will not be curtailed, then this increased army of Federal employees is justifiable. In that case patronage privileges take first place and economy in Government trails along in the rear. But let us remember the responsibility for continuing these people on the pay roll is the responsibility of the administration, which cannot be shifted by a facetious remark or a nonchalant attitude. The Federal pay roll was never intended as a maintenance fund for any political outfit. Padding the public pay rolls with needless employees can only be justified by the professional politicians. Their philosophy is jobs, irrespective of need or merit.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. DITTER. I submit further, Mr. Chairman, that substantial savings could be made in almost every department if the present propaganda machines which flourish on all sides were dispensed with. Printing presses and mimeograph machines grind out tons of reports, pamphlets, brochures, magazines, and books, all of them flavored with political touches and all of them intended as a part of the colossal advertising scheme of selling the New Deal to the American people. Nor is this propaganda effort confined to either printing presses or mimeograph. The public platform and the radio resound with a continuing din of what the New Deal is doing for the American people. Paeans of political praise are crooned and sung into the ears of the listening public. These effusions printed and spoken, all cost money and the point is that they cost the taxpayer money. The taxpayer pays the bill. No legitimate excuse can be found for this squandering of the public funds for the purpose of perpetuating a political party in power. If the New Deal wants to put on an advertising program, let the New Deal foot the bill and not expect the American public to provide the wherewithal.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I will yield in just a moment.

There is a real difference between the dissemination of useful public information and the wholesale distribution of purely political printed matter with which the country has been flooded during the past 5 years. The one serves a useful purpose. It may be overdone at times but, generally speaking, it can be justified at least in part. But the second cannot be justified under any circumstances. "It pays to advertise" has been a slogan in the business world for a long time. I believe in it. But the thing which we are concerned with here is whether it pays the American people to stand the cost of this avalanche of New Deal advertising which has rolled down upon the country in recent years.

Here again, Mr. Chairman, the responsibility of squaring the expenditures of the Federal Government with the income of the Federal Government rests upon the shoulders of the administration. If the President's hands are tied so that he cannot act, or if he does not choose to stop the spending spree, you can render a real service to the country by enlisting in a real economy drive.

Mr. O'CONNOR of New York rose.

Mr. DITTER. I yield for a brief question.

Mr. O'CONNOR of New York. In all the gentleman's meanderings has he ever gazed upon that individual, here or elsewhere, who ever read any of that propaganda? [Laughter.]

Mr. DITTER. May I answer the gentleman by saying that unfortunately I feel that probably only too many susceptible, unguarded souls have come under the spell and the unfortunate influence of it. It is a calamity, I realize, and I am sorry I must admit it, but the American people, many of them, are rather credulous. I am afraid, therefore, that I shall have to admit that a good many people do read it and, unfortunately, from past records, apparently, they have believed too much of it. [Laughter and applause.]

Of course, Mr. Chairman, this whole problem of spending or saving depends upon the attitude, the purpose, the frame of mind of those who have the power to determine national policies. The present administration seems bent on impressing upon the American people the value of spending money. Thrift has been tabooed; in fact, thrift has been penalized and profligacy has been placed upon a pedestal. The old sayings and axioms of the value of thrift have been thrown into the wastebasket. "A penny saved is a penny earned" has been branded as a bit of foolishness coming out of the "horse and buggy" days. Instead of the old copybook in which the children wrote and rewrote on the value of saving, there has been substituted a radio in the classroom which dins into their ears the advisability of spending. A hysteria for spending prevails. It has taken on the fervor of a religion. It is part and parcel of the New Deal. There is no worry about the source of supply—not where do we get the money but where can we spend more money.

The excuse cannot be offered that this spending policy has been necessary as a part of the relief program. I submit, Mr. Chairman, that the needs of those in distress could have been met, and adequately met, without indulging in the wild orgy of spending which has characterized the New Deal program. The truth of the matter is, Mr. Chairman, that the shameful waste of the administration has taken thousands of dollars out of the hands of those on relief and added immeasurably to their distress.

I am persuaded that more and more Members of the House realize the seriousness of our present plight—the gravity of our present situation. I am encouraged with the hope that more and more Members are convinced that our financial affairs must be put in order—that the credit of the country cannot be put in further jeopardy by disregarding accepted and tried practices, and that the homely virtues of thrift, industry, and frugality are as applicable and worth while in managing national affairs as they have proved to be in running the affairs of every individual citizen. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield to the gentleman from Missouri [Mr. CANNON].

MARCELLUS C. SHEILD

Mr. CANNON of Missouri. Mr. Chairman, while it is the custom in some circles to give Congress little credit and much blame, on all possible occasions, nevertheless, from the fact that the Republic is still a going concern after 150 years, it necessarily follows that Congress must have at times rendered some modicum of worth-while service.

But, Mr. Chairman, the truth is that Members of Congress are entitled to even less credit than is usually given them. As a matter of fact, much of the work they are supposed to do and many of the accomplishments with which they are credited are the work of members of the staff of the House who, working modestly in the background, give their committees and its members credit for all that meets with public approval, and accept blame for all congressional mistakes and shortcomings.

One of the most efficient members of the staff of the House, one of the ablest; one of the most indefatigable, who has served in that capacity in its history, is the clerk to the Committee on Appropriations, Marcellus C. Sheild, who, with the close of business tonight, completes 30 years in the service of the committee and the House. He came to the House January 8, 1908, in the first session of the Sixtieth Congress, and in the 30 succeeding years has served under 7 Presidents: The elder Roosevelt, Taft, Wilson, Harding, Coolidge, Hoover, and Franklin D. Roosevelt; under 8 Speakers: Cannon, Clark, Gillett, Longworth, Garner, Rainey, Byrns, and Bankhead; and under 10 chairmen: Tawney, Fitzgerald, Sherley, Good, Madden, Anthony, Wood, Byrns, Buchanan, and Taylor.

Mr. Sheild occupies one of the key positions of the House and the Nation. Every dollar that is appropriated passes, directly or indirectly, over his desk. During his service the Government has spent more money than has ever been spent by the United States, or any other nation on earth, in a similar period of time. In those crowded years the American Congress has levied and borrowed, has debated and disbursed sums so stupendous as to stagger human comprehension. and yet if Marc Sheild, in those hectic sessions, ever made an appreciable mistake; if he ever failed his chairman; if he ever at any time faltered in the most meticulous service to the committee and the House and the country, I have never heard of it.

Mr. Chairman, in my opinion, Mr. Sheild has saved the Treasury more money and contributed more effectively to the orderly and economical disbursement of Government funds than any one man who ever sat in either branch of the Congress. Without fear or favor, without personal or party consideration, calmly, dispassionately, and unerringly he has discharged the duties of an office it is given few men to fill, and with a fidelity and capacity it is given few men to possess.

I am certain I express the sentiment of every man who sits in this Chamber when I felicitate him on the completion

of 30 busy, fruitful years, and wish for him another 30 years of devoted service to the House and the Nation. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein certain excerpts.

The CHAIRMAN. Without objection, permission will be granted the gentleman from Texas to revise and extend his own remarks, but permission to include excerpts must be obtained in the House.

There was no objection.

RADIO MONOPOLY STILL UNCHALLENGED

Mr. McFARLANE. Mr. Chairman, we are hearing a good deal these days regarding the monopolistic control big business has over almost every field of endeavor, and it now seems that something constructive may be done to check these evil practices that have gone on almost unmolested in this country since the Wilson administration. The Democratic platform through the years has called for strengthening our antitrust laws and the elimination of monopolies, the effectiveness of which has largely been destroyed by the Supreme Court decisions and the friendly attitude toward big business taken by the Republican administration and the appointees under them in charge of the enforcement of these laws, which include the Federal Trade Commission and the Department of Justice.

Under this administration, the emergency having passed, we are now trying to really do something to correct these unfair and unlawful practices which have made the monopolies more powerful through the years and now threaten to destroy individual enterprise and small business. I opposed the provisions in N. R. A. and other legislation which exempted these measures from the provisions of the antitrust laws. I thought then as I think now that it would take stronger remedies and measures to curb these monopolistic practices than the "being a good fellow" tactics used up to now on such legislation. I have spoken on numerous occasions concerning these monopolistic practices and have tried to point out reasons why they should be curbed

The Democratic platform of 1932 and 1936 on monopoly stated:

In this time of unprecedented economic and social distress the Democratic Party declares its conviction that the chief causes of this condition were the disastrous policies pursued by our Government since the World War, of economic isolation, fostering the merger of competitive businesses into monopolies. * * *

We advocate strengthening and impartial enforcement of the antitrust laws, to prevent monopoly and unfair trade practices, and revision thereof for the better protection of labor and the small producer and distributor. * * *

Monopolies and the concentration of economic power, the creation of Republican rule and privilege, continue to be the master of the producer, the exploiter of the consumer, and the enemy of the independent operator. This is a problem challenging the unceasing effort of untrammeled public officials in every branch of the Government. We pledge vigorously and fearlessly to enforce the criminal and civil provisions of the existing antitrust laws, and to the extent that their effectiveness has been weakened by new corporate devices of judicial construction, we propose by law to restore their efficacy in stamping out monopolistic practices and the concentration of economic power.

PRESIDENT ON MONOPOLY

The President in his message to Congress, on January 3, discussing monopolies, said:

Capital is essential; reasonable earnings on capital are essential; but misuse of the powers of capital or selfish suspension of the employment of capital must be ended, or the capitalistic system will destroy itself through its own abuses.

The overwhelming majority of businessmen and bankers intend to be good citizens. Only a small minority have displayed poor citizenship by engaging in practices which are dishonest or definitely harmful to society. This statement is straightforward and true. No person in any responsible place in the Government of the United States today has ever taken any position contrary to it.

But, unfortunately for the country, when attention is called to, or attack is made on specific misuses of capital, there has been a deliberate purpose on the part of the condemned minority to distort the criticism into an attack on all capital. That is willful deception but it does not long deceive. * * *

There are practices which most people believe should be ended. They include tax avoidance through corporate and other methods, which I have previously mentioned; excessive capitalization, investment write ups, and security manipulations; price rigging and collusive bidding, in defiance of the spirit of the antitrust laws by methods which baffle prosecution under the present statutes.

FARMERS RESPONSIBLE FOR ANTITRUST LAW

Hon. Robert Jackson, Assistant Attorney General, in charge of the antitrust division, has forcefully called to the attention of the Nation the seriousness of this situation, and in an address to the American Farm Bureau Federation at Chicago, Ill., December 13, said:

The antitrust laws perhaps more than any other public policy owe their existence to the insistence of the farmers. They first came into State legislation in the agricultural States as a result of farm support. They took their place in the national statute books in 1890, supported largely by the influence of the farm-protest movement. They constituted a part of what was known as the "granger laws" and came to enactment as the result of the granger movement or "populist" uprising which caused more jitters among conservatives of that day than the New Deal does today.

The philosophy of the antitrust laws was simple American philosophy. It was their doctrine that competition, left free of restraint, would be a sufficient regulator to assure fair prices and good service to the public. They were based on the theory that the Government owed the duty of policing the economic system to see that no one interfered with its functioning as a system of free enterprise. They were intended to prevent the necessity ever arising for Government control of prices or for Government regulation of business life. They were not designed to get the Government into business, but they were designed to keep the Government out of business.

JACKSON CHALLENGES MONOPOLISTS

On December 26, in a radio address, Mr. Jackson stated:

Economic power in this country does not reside in the mass of the people. Economic wealth is alarmingly concentrated in a few, and its management is even more centralized. About one-half of the wealth of the country is in corporate form, and over half of the corporate wealth of the country is controlled by 200 corporations, which in turn are controlled by what a commentator has called "America's 60 families."

Private enterprise in such a form the American people fear. Their fears produce the laws regulating business in this country. Until big business can reconcile its attitudes with the aspirations of our people for democracy and freedom from arbitrary economic power, the suspicion of the masses will find their way to the statute books.

What should government do in the present situation?

In my personal opinion, it would give private enterprise all the assistance and encouragement that can be given without sacrificing the progress toward the preservation of American democracy which we have made in the last 6 years. It can give financial assistance to help private enterprise break into new fields like housing. It can correct specific inequities in the application of tax laws without, however, abandoning our American doctrine that taxes shall be paid in proportion to ability to pay.

ICKES ILLUSTRATES EVILS OF MONOPOLY

Hon. Harold Ickes, Secretary of the Interior, in a recent speech has forcefully pointed out the evils of this monopolistic set-up and the effect allowing them to run rough-shod over the country has had on the great masses of our people. Secretary Ickes states:

Practically all of our greatest historical figures are famous because of their persistent and courageous fight to prevent and control the overconcentration of wealth and power in a few hands. Thomas Jefferson, our first great leader in this fight, knew what it was to be cursed as a Jacobin and a destroyer of the Constitution by the wealthy tycoons of his time.

Andrew Jackson, in his determination to curb the power of the Bank of the United States, felt the fury of the Wall Street of his day. He, too, was denounced as a dictator, as a wrecker of our institutions, in language even more vitriolic than the condemnations which are now being hurled by some of our financial earls at Franklin D. Roosevelt.

MEMBERS OF CONGRESS WANT ACTION

I listened with considerable interest on yesterday to the speeches made by the gentleman from Massachusetts [Mr. WIGGLESWORTH] and the gentleman from Virginia [Mr. WOODRUM] on the activities of the communications monopoly, and the Federal Communications Commission charged with the supervision of this known existing monopoly.

I have previously spoken pointing out as best I could the monopolistic set-up of the communications field, especially as it applies to radio. Several other Members of Congress in both branches, during previous sessions have spoken on this same subject and so far no Member of Congress has taken

the floor to defend the known existing evils of this monopoly and in the Communications Commission, as was admitted on yesterday by the gentleman from Virginia [Mr. WOODRUM], chairman of the subcommittee, conversant with the conditions existing in the Federal Communications Commission indicated that the conditions needed correction and to my mind the only correction that can be made is through a congressional investigation, which I have asked for.

As was pointed out on yesterday by the gentleman from Massachusetts [Mr. WIGGLESWORTH] based on the hearing before the House Appropriations Committee it seems that these evil practices which have been repeatedly complained about during recent sessions of Congress, still continue to exist in the Communications Commission and in the communications monopoly. These evils were forcefully pointed out on yesterday by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

THE INDICTMENT

Let us review some of these known existing evils that no one in Congress has yet defended.

(1) It was demonstrated that radio censorship and dictatorship exists, not by the Government or any Federal agency but by the vested interests and the radio monopoly.

(2) That radio and motion pictures, the main means of controlling and molding public opinion, are in the hands of the Telephone and Radio Trust, with television about to be added.

The Natural Resources Committee pointed out that television may become a wonderful boon or if misused and misregulated a horrible monster. To permit the present Communications Commission, as it has in the past regulated radio, or rather misregulated, is a thing that Congress must prevent, and one way we can do it is by cleaning up the radio cesspool.

(3) That the public was apparently in the process of being fleeced by stock racketeering in radio securities.

(4) Specific evidence was presented to show that the S. E. C. is helpless to cope with the present Columbia Broadcasting System's stock-issue registration and distribution, which has the appearance of fleecing an innocent investing public; neither can it cope with the issuance of securities by R. C. A., which controls all of the stock of N. B. C.

(5) That the trafficking in radio frequencies, for which broadcasting companies pay the Government nothing, has proven a flourishing racket.

(6) That the F. C. C. was on the verge of giving two frequencies allotted to the Navy to the Columbia Broadcasting System. A situation which has all the appearances of another Teapot Dome.

(7) That the F. C. C. officials have admitted the present existence of the radio monopoly and its racketeering practices and are either unwilling or unable to protect the public and enforce the law. And this monopoly costs the Government $2,262,375 annually to maintain the Federal Communications Commission to grant free licenses to this monopoly to enable this monopoly to take from the public through advertising over $140,000,000 annually, with no regulation of the advertising rates to be charged.

(8) That unfair competition prevails whereby privileged individuals, with unusual political connections, are enriched by millions of dollars through the continued holding of so-called experimental licenses.

(9) That the consent decree of 1932 contains elements so suspicious that they fairly shout for complete exposure.

(10) That two governmental agencies, the F. C. C. and the F. T. C., specifically instructed to protect the public against monopoly and monopolists, are either unable or unwilling to enforce the law.

(11) That the Radio Trust has a complete monopoly of the 40 cleared channels.

(12) That 93 percent of all the broadcast power is in the hands of this monopoly.

(13) That radio control of newspapers is a widespread evil.

(14) That the illegal monopoly conditions existing before the consent decree of 1932 were not changed by that decree and still flourish.

(15) The dissemination of indecent, vulgar, nightmare broadcasting programs, which excite the children so they cannot sleep and nauseate the grown-ups in thorough disgust of such programs.

THE COMMISSION DUCKS AND DODGES

Some time ago the Commission found it necessary, to appease public demand, to call for a transcript of what was alleged to be an indecent, profane, and blasphemous program, which many have contended ravished the American home.

I note on page 1253 of the hearings that the Commission admits 1,140 separate communications concerning the complaints against the program service of radio service was referred to their legal department. Also, the statement that a large number of individual complaints in letter form have been received, of which no record has been kept for the year 1937. Yet, despite all of these complaints, this Commission, which some Members of Congress are hopeful will correct these indecent conditions, have taken no action toward punishing any station, despite those thousands of complaints, and throughout these hearings I note that the Commission in a number of instances, when asked their recommendations, have repeatedly stated that it is up to Congress to direct the Commission, and the best way to secure the facts is through congressional study or investigation.

The plea was made here on the floor again on yesterday to give the Commission time and they will clean up this mess. What action of the Communications Commission since the appointment of Mr. McNinch and Mr. Craven would indicate to anyone that they have done or plan to do anything which will eliminate the monopolistic and other conditions which they admit exist? Nothing has been done, and I unhesitatingly predict that nothing will be done until Congress makes its own study. They knew these evils and conditions existed at the time of their appointment, and yet have taken no action nor offered no recommendation to protect the American people and the American home.

Mr. Craven had been chief engineer on the Commission since 1935, and as such was thoroughly familiar with the entire set-up. Chairman McNinch has had 5 months now to show what he intends to do—and, as the Good Book says, "By their fruits ye shall know them"—and by his votes, since he has been Chairman of the Commission, he has shown that he can be included with the other known friends of the monopoly on the Commission. For example, one of his first official acts was to vote with the monopoly favoring the unconstitutional usurpation of authority to bar a fellow member of the Commission with whom he did not agree.

It so appears that this fellow member, Hon. George Henry Payne, was then, and is now, trying to clean up the mess that supposedly McNinch and Craven were added to the Commission to clean up. Instead of cleaning up we now find both of them voting with Sykes, Brown, and Case, and as opposed to Payne and Walker. One of the first chances they had to start cleaning up was the cleaning out of the illegal practices going on before the Commission, as was so well pointed out on yesterday by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Paul Segal and George M. Smith, two of the so-called leading radio attorneys of Washington, D. C., were charged by the Commission, after an official inquiry directed by the Commission, with the following illegal and unethical practices before the Commission:

In a regular meeting of the Federal Communications Commission May 19, 1937:

Whereas the Commission having conducted an investigation into the facts and circumstances concerning the alleged unauthorized and unlawful interpolation of documents into the records of the Commission in the case of Richard M. Castro, Docket 4212, and having inquired into the demeanor, good faith, and conduct of Paul M. Segal and George S. Smith, attorneys for the said Richard M. Casto, in the making and prosecution of the application in the said case; and

Whereas the Commission having further inquired into the demeanor, good faith, and conduct of said Paul M. Segal and George S. Smith in connection with the organization of and filing of applications with the Commission by or for the Palmer Broadcasting Syndicate, Inc.; and

It appearing that the demeanor, good faith, and conduct of the said Paul M. Segal and George S. Smith may constitute unbecoming, unethical, and unprofessional conduct and demeanor as practitioners before this Commission; may constitute concealment in obtaining admission to practice before the Commission of material facts with reference to their legal qualifications, professional standing, character, or integrity; or may constitute a violation of their oaths taken upon admission to practice before the Federal Communications Commission, that they would demean themselves as practitioners before the Commission uprightly and according to law, and that they would support the Constitution of the United States and would conform to the rules and regulations of the Commission; and

It appearing that charges should be preferred against the said Paul M. Segal and George S. Smith, affording them an opportunity to be heard as to why they, and each of them, should not be suspended, disbarred, or their right to practice before the Commission revoked or their further appearance as attorneys before this Commission should not be prohibited:

It is ordered, That charges be, and they hereby are, preferred by the Commission against the said Paul M. Segal and George S. Smith for alleged unbecoming, unethical, and unprofessional conduct and demeanor; for the alleged concealment in obtaining admission to practice before this Commission of material facts with reference to their legal qualifications, professional standing, character, or integrity; or for the alleged violation of their oaths taken upon admission to practice before the Federal Communications Commission; that they would demean themselves as practitioners before the Commission uprightly and according to law; that they would support the Constitution of the United States and would conform to the rules and regulations of the Commission in the following particulars, to wit:

1. That the said Paul M. Segal and George S. Smith did, on or about the 9th day of December 1936, knowingly and with intention to deceive, interpolate, or aid and abet in the interpolation of, certain signed and notarized depositions into the files of the Commission in the case of Richard M. Casto, docket 4212, contrary to the rules and regulations of the Commission.

2. That the said Paul M. Segal and George S. Smith did represent said Richard M. Casto in the preparation and filing of his application for a radio station construction permit and in hearings before this Commission on such application, all of which was done with the knowledge that the said Richard M. Casto was not the true applicant, that he did not own the funds as represented, and that he was a subterfuge or dummy applicant for another person, or persons, all of which was done to deceive and mislead the Commission in its consideration of the said application and other applications; and to hinder and delay other applicants from obtaining or operating under authorizations of this Commission.

3. That the said Paul M. Segal and George S. Smith did conceive, organize, and cause to be chartered the Palmer Broadcasting Syndicate, Inc., for the purpose of using said Palmer Broadcasting Syndicate, Inc., as a dummy applicant for authorizations from the Commission, and for the purpose of deceiving and misleading this Commission in its consideration of applications to be filed by the Palmer Broadcasting Syndicate, Inc., and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

4. That the said Paul M. Segal and George S. Smith did knowingly and with the intention to deceive have the said Palmer Broadcasting Syndicate, Inc., file applications before the Commission for stations or construction permits at Portland, Maine; Lewiston, Maine; and Cheyenne, Wyo., for the purpose of deceiving and misleading the Commission in its consideration of said applications and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

It is further ordered, That the said Paul M. Segal and George S. Smith shall file with the Commission within 31 days from the date hereof their several answers under oath to the foregoing charges, which shall include a statement as to whether they wish to appear and be heard thereon.

It is further ordered, That the Commission enter upon a hearing, at a time and place hereafter to be fixed, to determine the truth or falsity of the said charges, and to determine whether the said Paul M. Segal and George S. Smith and each of them should be suspended, disbarred, their right to practice before the Commission revoked, or their further appearance as attorneys before this Commission prohibited.

In a meeting of the Federal Communications Commission, September 16, 1937:

Whereas the Commission having inquired into the demeanor, good faith, and conduct of Paul M. Segal and George S. Smith in connection with the organization and filing of applications with the Commission by or for the Commercial Broadcasters, Inc., and the Great Western Broadcasting Association, Inc.; and

Whereas the Commission, having further inquired into the demeanor, good faith, and conduct of said Paul M. Segal and George S. Smith in the making and prosecution of the application of Geraldine Alberghane, Docket 4387; and

It appearing that the demeanor, good faith, and conduct of the said Paul M. Segal and George S. Smith may constitute unbecoming, unethical, and unprofessional conduct and demeanor as practitioners before this Commission; may constitute concealment in obtaining admission to practice before the Commission of material facts with reference to their legal qualifications, professional standing, character, or integrity; or may constitute a violation of their oaths taken upon admission to practice before the Federal Communications Commission, that they would demean themselves as practitioners before the Commission uprightly and according to law, and that they would support the Constitution of the United States and would conform to the rules and regulations of the Commission; and

It appearing that charges should be preferred against the said Paul M. Segal and George S. Smith affording them an opportunity to be heard as to why they and each of them should not be suspended, disbarred, or their right to practice before the Commission revoked, or their further appearance as attorneys before this Commission should not be prohibited:

It is ordered, That charges be, and they hereby are, preferred by the Commission against the said Paul M. Segal and George S. Smith for alleged unbecoming, unethical, and unprofessional conduct and demeanor; for the alleged concealment in obtaining admission to practice before this Commission of material facts with reference to their legal qualifications, professional standing, character, or integrity; or for the alleged violation of their oaths taken upon admission to practice before the Federal Communications Commission, that they would demean themselves as practitioners before the Commission uprightly and according to law, that they would support the Constitution of the United States and would conform to the rules and regulations of the Commission in the following particulars, to wit:

1. That the said Paul M. Segal and George S. Smith did conceive, organize, and cause to be chartered the Commercial Broadcasters, Inc., for the purpose of using said Commercial Broadcasters, Inc., as a dummy applicant for authorizations from the Commission, and for the purpose of deceiving and misleading this Commission in its consideration of applications to be filed by the Commercial Broadcasters, Inc., and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

2. That the said Paul M. Segal and George S. Smith did knowingly and with the intention to deceive, have the said Commercial Broadcasters, Inc., file application before the Commission for a station or construction permit at Moorhead, Minn., for the purpose of deceiving and misleading the Commission in its consideration of said application and applications of other applicants, and to hinder, and delay other applicants in obtaining or operating under authorizations of this Commission.

3. That the said Paul M. Segal and George S. Smith did conceive, organize, and cause to be chartered the Great Western Broadcasting Association, Inc., for the purpose of using said Great Western Broadcasting Association, Inc., as a dummy applicant for authorizations from the Commission, and for the purpose of deceiving and misleading this Commission in its consideration of applications to be filed by the Great Western Broadcasting Association, Inc., and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

4. That the said Paul M. Segal and George S. Smith did knowingly and with intention to deceive have the said Great Western Broadcasting Association, Inc., file applications before the Commission for stations or construction permits at Provo, Utah, and Logan, Utah, for the purpose of deceiving and misleading the Commission in its consideration of said applications and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

5. That the said Paul M. Segal and George S. Smith did represent Geraldine Alberghane in the preparation and filing of her application for a radio-station construction permit and did appear for said Geraldine Alberghane, and that they knew or should have known that said Geraldine Alberghane was not the true applicant, that she did not own the funds as represented and that she was a subterfuge or dummy applicant for another person, or persons, all of which was done to deceive and mislead the Commission in its consideration of the said application and other applications; and to hinder and delay other applicants from obtaining or operating under authorizations of this Commission.

It is further ordered, That the said Paul M. Segal and George S. Smith shall file with the Commission within 15 days from the date hereof their several answers under oath to the foregoing charges, which shall include a statement as to whether they wish to appear and be heard thereon.

It is further ordered, That the hearing on the foregoing charges be consolidated with the hearing on the charges against said Paul M. Segal and George S. Smith contained in the order of the Federal Communications Commission dated May 19, 1937, and that said hearing be set before the Commission en banc on Tuesday, October 5, 1937, at 10:30 a. m., at the offices of the Commission in the city of Washington, to determine the truth or falsity of said charges and to determine whether the said Paul M. Segal and George S. Smith and each of them should be suspended, disbarred, their right to practice before the Commission revoked, or their further appearance as attorneys before this Commission prohibited.

COMMISSION CONDONES CRIME

Their answer in substance was "all such acts and conduct were in conformity with a prevalent and sanctioned practice before the Commission."

The Commission after many weeks' delay in a typical justice of the peace decision found them guilty, but for some reason best known to themselves, instead of meting out disbarment which should have been rendered, they suspended Segal for 60 days and gave Smith a reprimand. However, I find Mr. Smith on December 16 appearing in a case representing Smith and Segal, despite the fact that the Commission's disbarment of Segal is effective until February 6.

Let us get back to the meat in the coconut. Here we have three broadcasting chains, National, Columbia, and Mutual, controlling all 40 clear channels on the radio dial, 93 percent of the power consumed in the Nation over the radio, and these three chains are known through their control and cooperation with American Telephone & Telegraph who completely control the molding of public opinion in the United States. These chains hold exclusive contracts with American Telephone & Telegraph whereby only American Telephone & Telegraph wires are use for chain broadcasts.

Under this communications set-up this monopoly is almost airtight and complete.

FINANCIAL SET-UP OF RADIO MONOPOLY

I have previously given the financial set-up and background of the Columbia Broadcasting System in my remarks of July 19, 1937. In my remarks of August 10, 1937, I partially covered the financial set-up and background of Radio Corporation of America. In order to present a little clearer picture of Radio Corporation of America's background we should review the basis upon which this monopoly receives its control. Let us first look at the financial set-up. The General Electric Co. purchased the Marconi holdings in the United States in 1919 and paid the Marconi Co. in this manner. The Radio Corporation of America was organized by issuing 2,000,000 shares of its $5 par preferred stock and 2,000,000 shares of its common stock. The preferred stock was in payment for the tangible assets including the wireless stations, and so forth, and the common stock was in payment for the patents and goodwill of the Marconi Co. The net worth of the Marconi Co. thus acquired was about ten and one-half million dollars, and the net worth of Radio Corporation of America, 100 percent subsidiary of General Electric just after being thus set up, was estimated to be worth $20,500,000. This $10,000,000 difference was carried on the books and based on the supposed increased value of the patents and patent rights held by Radio Corporation of American after the act was issued of the property patents and patent rights of the Marconi Co., and the contracts this subsidiary had with General Electric.

Five hundred thousand shares of Radio Corporation of America common stock at the time of organization was issued to the American Telephone & Telegraph Co. presumably to have their rights in the De Forest patent three-element tube.

The General Electric Co. also took 77,772 shares in addition to their 2,000,000 shares of preferred stock for its services in negotiating the Marconi contract. At the time of this organization, as previously pointed out by me, General Electric and its subsidiary Radio Corporation of America entered into an exclusive contract wherein Radio Corporation of America was required to purchase all of its apparatus and equipment from General Electric at General Electric prices, and it also agreed to sell exclusively to Radio Corporation of America.

THE HOOVER CONSENT DECREE

As previously pointed out by me in May 1930 the Department of Justice filed a suit to enforce the antitrust laws and to dissolve the Radio Trust. This suit which I will go into in more detail at a later date dragged along until after Hoover's defeat in 1932, when the Hoover appointees realizing that an honest administration would take office in 1933 entered into a conspiracy to defraud the American people by allowing through court action the continuance of this known Radio Trust. The fraudulent practices indulged in in securing this notorious, and to my mind, illegal consent decree have been well concealed until recently. I have no hesitancy in stating that I believe as soon as the facts now available are presented to Congress the Department of Justice may find it necessary to institute proceedings to clean out some of the judicial parasites on the public pay roll.

The stock of the radio monopoly has been reshuffled and the monopoly continued. The question now is since we are going to break up these monopolies, what are we going to do about this one?

THE FINANCIAL SET-UP OF RADIO CORPORATION OF AMERICA

If ever a monopoly has taken the people for a ride, the R. C. A. has certainly taken the stockholders and the people for one. The gross income of R. C. A. for 1920 to 1936 was $1,100,079,148. Their cost of doing business during this period was $959,152,625, leaving a net income before deduction of $140,886,523. After deducting their losses, recognized expenses, Federal income taxes, and other deductions, their statement shows a net profit transferred to surplus amounting to $73,416,088. However, after other deductions, write-down, shake-down, and so forth, they only show a net profit of $11,669,328. Who reaped the profit from this gigantic monopoly? It was certainly not the stockholders, the people, or the Government. Then who was it?

WHITE ELEPHANTS

The management of this concern, headed by David Sarnoff, on Morgan's preferred list, the record shows. They have been well taken care of through salary, bonuses, and so forth, although he and other members of the management, as stated in public advertisement paid for by Radio Corporation of America, own less than one-half of 1 percent of the outstanding stock. The records will show that they have looted the treasury for themselves and for the preferred-stock holders until there is little or nothing left for the real owners. As a matter of fact, until last month the common-stock holders have never received a dividend; yet during the inflation days of Hoover and Mellon, in 1929, this stock reached a high of $549 a share.

Let us look at some of the white elephants wished off on the stockholders by the collusion of the investment bankers in cahoots with each other:

(1) The purchase of the Victor Talking Machine Co. at a time when it should have been apparent to any radioman that radio inevitably would do to talking machines what the automobile did to the horse and buggy; and

(2) The purchase of more than a 65-percent interest in R.-K.-O. when the apparent purposes of the investment could have been served with a 30- to 40-percent interest.

(3) The sale of the R.-K.-O. interest, at a substantial loss, at a time when it was not only unnecessary to sell it but when the motion-picture industry itself was beginning, if it had not already actually started, an upswing.

(4) The execution of lease agreements for space so substantially in excess of reasonably predictable requirements that it cost over $6,000,000 to effect a reduction of R. C. A. leases, and the prospects, as already noted, are that nearly twice that sum will be the cost of adjusting the R.-K.-O. leases.

(5) In other words, the profits of this monopoly have been siphoned off for the management in cahoots with the investment bankers.

Another prize white elephant, of which they are too numerous to mention, was a famous deal in which General Electric and the Westinghouse Cos. took their baby, Radio Corporation of America, for a ride in 1930, receiving 6,580,375 shares of R. C. A. common stock in exchange for an indebtedness of 20 percent in value. Since these two companies already had control of most of the shares, this last gift brought their holdings up to about 73 percent of the outstanding shares, less, of course, any they had sold. On the date of issue the market value of these 6,580,375 shares of common stock was about $263,000,000, as compared with some $40,000,000 value stated to have been received for

them. Up until the entry of this consent decree at Wilmington, Del., November 1932, Radio Corporation of America had been under the dictatorial control of General Electric and Westinghouse—the Power Trust. Under the consent decree and the reshuffling of the stock, this transfer of control to R. C. A. management was headed by David Sarnoff, who previously was office boy to Swope and Young, of the Power Trust, which Power Trust last year received more than $150,000,000 from the American people for power consumed in radio receiving sets alone, as shown by our House Appropriaitons Committee hearings (p. 1240). The effect of this transfer was really to change masters of the Radio Trust. The stockholders are still holding the bag, and so is the public.

SHAKE-DOWN CONTINUES

Another steal on the part of those in control was the sale of the holdings of the Electric & Musical Industries, Ltd., of England, in 1934, in which the Radio Corporation of America had an investment of $13,189,432. Although this company declared a 10-percent dividend on the ordinary shares, Radio Corporation of America's holdings of this stock amounted to $327,809.40 after deduction of British income tax at the source. Despite the handsome profits Radio Corporation of America was receiving from this subsidiary, the investment bankers' set-up taking the stockholders for another ride in 1935 liquidated their investment for $10,225,917, or a supposed loss of $2,963,515, on a subsidiary dividend-paying company in one of the most promising business fields known. The sale of Radio Corporation of America's English holdings is especially significant to the United States now, in that within less than 1 year from the so-called alleged sale of this company the new company inaugurated television in England for the benefit of the English public, in December 1936. Thus to me indicating greater interest in the welfare and entertainment of the English people than they have shown for those in America who make their profits and existence possible. Thus we find England has had television since December 1936, while the American people are denied television in order that the radio manufacturers may liquidate their present near-obsolete radio sets and unload them on an unsuspecting American public.

This evidently with the consent or, at least the connivance, of the Federal Communications Commission, which was created to protect the American public and for which we are asked to again appropriate almost $2,000,000, in reality for the benefit of the radio and other communications monopolies.

FARMERS DEPRIVED OF TELEVISION

Incidentally, we hear a lot on this floor of the interests which the Congress has in the farmers and in the American people. The American farmer is clean and wholesome and respectable, and looks to Congress to protect his home from the ravishment of indecent, profane, nauseating, and blasphemous radio programs. The city dwellers are entitled to the same protection.

I have already called attention to the fact that the American home is entitled to that protection which the Congress specifically provided for in the Communications Act of 1934.

The radio monopoly and its investment banker set-up has indicated its lack of interest in the American farmer, and but for the strong opposition of one Prof. Charles Francis Harding, head of the Purdue School of Electrical Engineering, would be in a position today to deprive the American farmer in the rural area of ever getting the benefits of television. This Commission, for which we are asked to appropriate some $2,000,000 to maintain, was specifically charged with backing large companies—monopolies against the smaller organization in the battle for the control of television.

The New York Times of July 17, 1936, reporting on a hearing held by the F. C. C., credited Charles Francis Harding, head of the Purdue School of Electrical Engineering, that its action in depriving Purdue school of experimental licenses then held in reality, depriving rural United States, permanently of the benefits of television which experts agreed has passed into the stage of practical operation. Those appearing for Purdue University warned the Commission that it dare not become a body of suppression and repression, as they opposed an order issued by the F. C. C. withdrawing two radio frequencies from television experiment then held by that school. The withdrawal of these grants by the F. C. C. made possible the application by R. C. A. for these experimental licenses. However, because of the opposition of Purdue University and its desire to serve the rural population of the United States, the F. C. C. withdrew its previous action after Purdue had turned on the heat.

CONGRESSIONAL INVESTIGATION NECESSARY

In view of the facts known to the Congress that the appropriation asked for by the Federal Communications Commission is used primarily for the promotion of monopoly, I do not believe we are justified in appropriating any money at this time. I believe that the appropriation for this Commission should be recommitted and a congressional inquiry instituted and Congress not asked to appropriate money for the perpetuation of a monopoly until all the facts are truthfully known and can be properly acted upon by the House. Such an appropriation as may be necessary to maintain this organization until such time as the Congress has established all the facts can be cared for in a deficiency appropriation bill.

Yesterday we heard speeches by the gentleman from Massachusetts [Mr. WIGGLESWORTH] and the gentleman from Virginia [Mr. WOODRUM] and others regarding what I think is recognized as one of the most outstanding monopolies at the present time. I refer to the Federal Communications Commission. The gentleman from Massachusetts very thoroughly and properly went into that matter, covered the situation as well as it could be covered in the brief time that he had, and pointed out the many abuses known to exist in this Commission. If the gentlemen will refer to the hearings they will find that the activities of this Commission were very thoroughly gone into and these facts that have been known to exist for several years were brought down to date, which shows that little if any progress has been made in curbing this monopoly. Mr. Craven appeared for the Commission before the committee, and referring to some tables which Mr. Craven had submitted, Mr. WIGGLESWORTH asked this question:

> I may be mistaken, but I think these tables fail to include the Westinghouse leases to the National Broadcasting Co., but you might check them up in revising the tables.

Then, the record, on page 1247, contains this statement:

> Mr. Craven later supplied the following information concerning the lease agreement entered into between the Westinghouse Electric Manufacturing Co. and the National Broadcasting Co.:
> "The records of the Commission do not reveal any leases having been entered into between these parties with respect to any broadcasting station."

Despite that statement I have in my hand a stipulation which was entered into in the consent decree in the district court of the United States at Wilmington, Del., which shows that the statement filed by Mr. Craven, one of the members of the Communications Commission, is wholly and totally false. The Westinghouse Co., as shown by an exhibit to the pleadings filed in this case—and under the Federal communications law it is necessary when these leases are in existence for them to be filed with the Federal Communications Commission—had entered into such a lease, and that this lease continues until 1942. If gentlemen will check the statement and the testimony as given in these hearings on this subject, they will find that that is just a sample of many such inaccuracies as appear in the hearings every time the question of policy comes up, which policy is admittedly wrong, such as monopolistic control by the newspapers of radio, such as the monopolistic control of 40 clear channels on your radio dial, and of their control of 93 percent of the power that goes over the air, which gives them practically the control of the molding of public opinion in this country through these facilities—and when you know the chain tie-up and the exclusive

contracts that are in existence between the American Telephone & Telegraph Co. and these three broadcasting companies it simply proves that a monopoly does exist.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. WIGGLESWORTH. Mr. Chairman, I yield the gentleman 3 minutes.

Mr. McFARLANE. There seems to be no disagreement on these facts. In fact, no one has taken the floor in this House or in the other body and denied that these monopolies do exist, despite the consent decree entered into in 1932. While there was a reshuffling of the stock, there was no change in the monopolistic set-up then or now, and it is known to exist today, and that the newspaper chain broadcasting control does exist today and that radio control is in the hands of a very small group of individuals who have the right to control this entire set-up.

Under the platform pledges referred to, under the solemn statements made by our great leader in the White House who says he wants to curb these monopolies, under the speeches recently made by Mr. Jackson, who is in charge of the antitrust enforcement division of the Department of Justice, and by Secretary Ickes, an important official of the Government, I am wondering when we are going to begin to enforce the antitrust laws against this known monopoly.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. CONNERY. I compliment the gentleman upon the fine work that he is doing in exposing these conditions, and I say to him that I hope to join with him and others in pressing for the passage of the resolution of the late William B. Connery, Jr., my brother, which was introduced in the first session of this Congress calling for an investigation of the Federal Radio Commission.

Mr. McFARLANE. I thank the gentleman for his contribution, and say that I was with the gentleman's brother, the late Mr. Connery, and others, the gentleman from Massachusetts [Mr. WIGGLESWORTH], and other Members of this body as well as of the other body, trying to force this matter as best we could and bring these matters to the attention of the membership of the House, and they have not been contradicted or denied.

There does not, however, seem to be any driving force in the Rules Committee that will permit these resolutions to be brought out and this investigation carried on, when I know, as you know, that it is the only way that we can efficiently and for the benefit of the great mass of the people get the desired results and get the facts upon which we can recommend legislation to the Congress to correct these known existing evils.

I have called these matters to the attention of the House on numerous occasions. I have pointed out the existence of this monopolistic tie-up. It is in control not only of the entire communications field of this country, but a careful study will show that it has just as complete and almost as much control of the entire communications system of the world. I am just wondering when we will wake from our slumber, when the Rules Committee will have a meeting and take some action on these resolutions that are pending and report back to this House at least affirmatively or otherwise what their action has been in regard to them.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. O'CONNOR of New York. We have had several meetings on the matter, but we have not had it under thorough consideration. Some 14 years ago I myself called attention to the same situation about this monopolistic control. Personally, I heartily agree with the gentleman, that two or three companies do control radio. The Rules Committee, of course, never issues adverse reports. When they do report they report affirmatively. [Applause.]

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BACON].

MARCELLUS C. SHEILD

Mr. BACON. Mr. Chairman, my colleague the gentleman from Missouri [Mr. CANNON] paid a well-deserved tribute to Marcellus C. Sheild, clerk of the Committee on Appropriations, who tomorrow celebrates his thirtieth anniversary with the Appropriations Committee. I do not think that in the entire Government service there is a more faithful servant of the people than the clerk of the Committee on Appropriations. He was appointed assistant clerk in 1908 by the Honorable James A. Tawney, of Minnesota, to succeed Kennedy P. Rea, who is now clerk of the Senate Committee on Appropriations.

In 1916 the Honorable John J. Fitzgerald, of New York, was chairman of the Committee on Appropriations. He appointed Marc Sheild as clerk. It is interesting to note that Mr. Sheild was first appointed assistant clerk by a Republican and was promoted to be clerk by a Democratic chairman of the Appropriations Committee. He has served for 30 years under 10 chairmen of the committee, namely, Chairman Tawney; Chairman Fitzgerald, of New York; Chairman Shirley, of Kentucky; Chairman Good, of Iowa; Chairman Madden, of Illinois; Chairman Anthony, of Kansas; Chairman Wood, of Indiana; Chairman Byrns, of Tennessee; Chairman Buchanan, of Texas; and now under our present chairman, Taylor of Colorado.

Thirty years of faithful service to the House of Representatives; 30 years of faithful service to the people of the United States. I am glad of the opportunity of joining with the gentleman from Missouri [Mr. CANNON] in paying tribute to this faithful, efficient man. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, some weeks ago the very able and distinguished gentleman from Texas [Mr. SUMNERS] addressed the House briefly upon a subject upon which I had been thinking for several years. It is a subject of such vast proportions, so befogged by intricate ramifications, so filled with abstract answers, that I have hesitated in approaching it. This is the question—not new to this world by any means—of whether or not we are overdoing ourselves in the matter of technological advancement.

Now, I am not one who desires to return to the "horse and buggy" days. I do not believe that all the work of the world is completed and that progress is no longer possible. I do believe that there are unexplored realms far beyond our present power of conjecture. I believe, however, that in our journey into these realms we must keep in view goals other than those which are purely mechanical. If we are to maintain a proper national balance and provide for the general welfare, which is the highest purpose of government, we must learn to distinguish between labor-saving, labor-creating, and labor-displacing machinery.

When we examine the business index for the past year, we discover that while the production curve was running high the employment curve was running low. Industry was functioning with less labor per unit of production than it had in former times. While manufacturing the required amount of commodities with an economy of labor, the number of consumers were decreased. Now, I will state quite frankly that there is much regarding this question about which I am ignorant. I do know this, however: An employed man is a consumer. An unemployed man is not a consumer. Therefore, it is beyond dispute that an employed man is an asset to industry and to the Nation and an unemployed man is a liability to industry and to the Nation.

At the risk of being branded as nonprogressive and lacking in vision, I am going to say that in my humble opinion this Nation has become supersaturated with labor-saving machinery. I know that the cry throughout the world since labor-saving machinery began to be introduced has been that labor-saving machinery in the end creates more demand and

therefore creates more employment. That I believe was true up until about 15 years ago.

Today, however, we have millions of honest men walking the streets in search of employment. Also we have taxation imposed upon those who are employed, in order to maintain these unemployed in a state of quasi-charity—a state which is alike unnatural and undesirable to the unemployed and to the Nation. Our millions of unemployed are not an abstract theory. They are a concrete condition, a condition which no set of trick figures or theoretical dissertation of the glories and advantages of the machine age can eradicate. It is a condition which should no longer be ignored.

I am not going to advocate the abolition of technological advancement. I realize that, in general, it is desirable. I realize the validity of the argument that it has released millions from dangerous and arduous slavery. I realize that it has brought us mass production, luxuries, conveniences, and even necessities to the masses. I do know, however, that there is a vast difference between labor-saving machinery, labor-creating machinery, and machinery which is only labor displacing. The only virtue of some labor-displacing machinery is that it speeds up production. At the same time it saves nothing to the consumer, but throws thousands out of employment. These men are human beings and are entitled to an opportunity to earn a living. If they are denied this opportunity, from whatever cause, their minds are fertile fields for the seeds of such doctrines as "the Government owes us a living." Small wonder that they should believe so. "Self-preservation is the first law of nature," and economic security is the desire of all normal human beings. That is the chief reason why men join labor unions, pay dues, engage in strikes, and even resort to industrial violence. The wolf at the door is more than a chimerical vision to more than 50 percent of the breadwinners of this Nation.

Every well-regulated industry in this Nation has its research department. This department is continually at work endeavoring to develop new products for that industry or the utilization of the byproducts to economical advantages. Wonders have been accomplished and the time element is always in the forefront. I believe that we have reached the stage in our national history where we should engage in research in order to determine whether so-called labor-saving machinery is or is not displacing more men than it employs. If the only advantage is the saving of the time element, at the cost of displaced labor, which must be supported by the taxpayers, then its use is of very questionable value, to say the least. If labor-saving machinery does not lessen the price of the commodity to the ultimate consumer, who is also the taxpayer, sufficient to compensate for the increased taxes necessary to assist the displaced labor, then its value is detrimental. I am going to give to the House some instances in which I am personally acquainted, where I believe the labor displacement has been to the disadvantage of the general welfare.

At one time in my life I worked in the steel mills. I was a heater in what was known as the hot mills. We made the sheet which was later coated with tin and became tin plate. Having a knowledge of this industry and in sympathy with the industry and those employed in it, I have watched the technological advancement within it closely. Thirty years ago we worked in charcoal iron. This was smelted into billets in small furnaces, run through the bar mill, and there rolled into bars which were cut into billets. In the hot mills these billets were rolled into sheets. There were 9 of us on a crew—3 crews a day—27 men on a mill. Due to labor-saving machinery throughout the last 30 years a very large percent of the labor was eliminated before the operation reached the hot mill. I know that much of this labor was reemployed because of increased use of the products and the development of allied industries, such as the manufacture of automobiles. Today we are faced with a different situation. We are faced with a step which will displace labor at an unprecedented rate.

Hot strip mills are being put into operation in which 15,000 men will do the work of 100,000. A displacement of 85,000 men. How and where are they to be reemployed? The question of their reemployment is a concern of the Nation, just as much as it is the concern of these men. Certainly it is a question which will affect the regulation of taxation which certainly falls under the jurisdiction of government. By virtue of this fact it will also be a question of Government regulation of business. The labor of the workers of this Nation is just as much a part of our national resources as our oil, coal, timber, water, soil, or mineral resources, and its conservation and economical utilization is just as much a national concern. There is also the social and moral side of the question as well. Are the taxpayers of this Nation willing to leave the reemployment of these men to the law of chance? If so, they must be willing to assume their share of assisting them until they are reemployed—if they ever are.

Let me give you another example from my personal experience. I was engaged in the general contracting business for 8 years. Let me show you some of the labor displacement during those 8 years, as it relates to road construction. At the start grading was done by steam shovels. On a steam shovel we had an operator, a fireman, a man with a team hauling coal and water, and two men in the pit who leveled the ground and helped handle the mats upon which the shovel ran. We had from 6 to 10 teams hauling the dirt from the shovel to the grade. On the grade we had from three to five men building the grade and a man on a roller rolling it.

Eight years later we had a gasoline shovel which ran on caterpillar tracks. One operator ran it. From three to five trucks carried the dirt to the grade where one man supervised the dumping and one man with a bulldozer spread and rolled it. Eleven men out of nineteen had been eliminated.

In the laying of the concrete pavement in those 8 years I saw the elimination of 17 out of 24 men. During those 8 years in road construction I saw at least a 50-percent displacement of labor due to mechanical progress.

Also, during those 8 years, I saw the cost of road construction increase one-third. The taxpayer—the ultimate consumer in this case—was paying one-third more for the roads and in addition had the burden of supporting the displaced labor thrown upon his shoulders. The contractor was not getting the increase in the price of construction. Why had he installed this labor-displacing machinery? Because of the demand for more rapid construction. The taxpayer was demanding the elimination of time. At the end of this 8 years we had eliminated half of the time as well as half of the labor. It is all very well to say these men are or will be employed in other lines of industry. That is the abstract answer. The concrete answer is that they are employed—if at all—on the W. P. A.

Many other industries can be cited as like examples. It is conservatively estimated that labor-displacing machinery in offices has displaced 1,000,000 white-collared workers. It is also conservatively estimated that 13,000 individuals are engaged in manufacturing this machinery. Where have the other 987,000 gone? That is a question which should not receive an abstract answer.

I believe that this is a question which deserves some thought and research. I believe it is high time that we began to examine our policies and to find out whether or not our unemployment is the concrete answer to our abstract policy of fighting for time at the expense of decreasing purchasing power. This Government owes to the workers and to the taxpayers of the Nation, in the interest of the general welfare, that they shall not be displaced and left either to starve or become public charges merely as sacrifices to the idol of time.

We have departments to keep trace of the movements of the fowls of the air, the beasts of the forests, and even the fishes of the sea, in the interests of conservation and economy. Our experts on entomology carefully watch the depredations of injurious insects with a view to eradicating or minimizing their injurious migration and multiplications. Our health departments are continually combating the inroads of disease. Let us give some thought to the possibilities

of combating unemployment among our citizens and we will have less taxation to maintain our penal institutions, less industrial disturbances, and less taxation to maintain C. C. C. camps, W. P. A., P. W. A., and similar alphabetical institutions. [Applause.]

Mr. ROMJUE. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Missouri.

Mr. ROMJUE. I am sure the gentleman heard his colleague from Pennsylvania a few minutes ago when he spoke about the wonderful county of Montgomery. So far as I have been able to learn, this is the first time Montgomery County has been out of debt in 100 years; also, it so happens that Montgomery County, like the rest of Pennsylvania, is now operating under a Democratic President and a Democratic Governor. May I ask the gentleman if Montgomery County, like all other counties throughout the United States, has not received benefits and assistance from the Government through W. P. A. and P. W. A.?

Mr. FADDIS. Absolutely.

Mr. ROMJUE. Does it not appear to the gentleman that, since Montgomery County is now out of debt, and under a Democratic Governor and a Democratic President, it may well be called a New Deal child?

Mr. FADDIS. Certainly. I imagine Montgomery County is like every other county in Pennsylvania. The contributions of the Federal Government in the form of the W. P. A. and the P. W. A. have assisted that country in getting out of debt.

Mr. DUNN. I want to substantiate that statement, too.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, last week I visited the Aspinwall—Pittsburgh—Hospital in Allegheny County, Pa., in which our ex-service men are permitted to be hospitalized at Government expense. I know it is a fact that other Congressmen have been called upon to assist ex-service men to obtain hospitalization but when we contact the hospital we are informed by the staff that because of insufficient beds they are unable to admit the patient. It is the duty of the Government to provide hospitalization for our ex-service men regardless of whether they are Spanish-American War or World War veterans. It is an absolute fact that there are many thousands of ex-service men in the country who are not only in need of hospitalization but also in need of employment. I have had many Spanish-American War and World War veterans and the widows of ex-service men come to my office for assistance. It is true that some ex-service men are receiving compensation from the Federal Government because of a disability which they received while in line of military duty. The amount of compensation obtained is insufficient for the ex-service men to meet their necessary obligations; for example: An ex-service man is informed that he is about 15 percent or 25 percent disabled and for that disability he receives from $15 to $30 per month. It is also true that many mills, factories, and other business establishments will not employ an ex-service man, nor any other person who is in any way incapacitated. Since it is extremely difficult for our Spanish-American War and World War veterans to obtain employment, then I maintain that it is the duty of the Government to give them adequate compensation or a position which will enable them to obtain sufficient funds with which to provide themselves and their families with a decent livelihood. If any class of people in our country is entitled to a position or an adequate pension it is the Spanish-American War and the World War veterans, and the widows of ex-service men who have dependent children. These men are the ones on whom the United States Government had to depend for its existence. Let us give our ex-service men the consideration to which they are justly entitled.

Mr. WOODRUM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, not only in the remarks of the gentleman preceding me but earlier in the day quite a lengthy statement was made concerning the number of beds being used, and those not being used, in the naval hospitals throughout the country. May I call attention to the fact that there are hospitals, especially veterans' hospitals in certain parts of the country, which are sadly lacking beds. I call particular attention to this situation that in the Southwest, where the climate is unusually healthful, especially for people afflicted with tuberculosis, sinus trouble, asthma, arthritis, and other diseases of middle life which diseases now afflict the ex-service men, we have hospitals short on beds and long waiting lists of applicants.

I believe the committee ought to give attention to a readjustment of such facilities. It may be that 30 percent of the hospital beds in some parts of the country are not in use, but I can point to such hospitals as the veterans' facility at Tucson, Ariz., and at other places in the land of sunshine, where there are waiting lists and an insufficient number of beds. It may be that we cannot expect to transfer sick veterans and service men from all parts of the country to these particularly favored spots, but I do believe the committee ought to take these facts into consideration when providing hospital facilities for our ex-service men. The curative quality of our warm, dry climate on the southwestern deserts is a positive factor in the healing of the sick, and the faith of those sick men in the curative climate of that country lends them hope and contentment which is a powerful aid to the healing process.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the independent offices appropriation bill (H. R. 8837), had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today in the Committee of the Whole House on the state of the Union and include therein certain excerpts and a couple of tables to which I made reference in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein some very brief quotations.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article by Mary Roberts Rinehart.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter of my own.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication:

Hon. WILLIAM B. BANKHEAD,
The Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Claims.

Respectfully,

CHARLES L. SOUTH.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BRADLEY, until further notice, on account of illness.

ADJOURNMENT OVER

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 993. An act for the relief of Chazkiel (or Charles) Lewkowski; to the Committee on Immigration and Naturalization.

S. 1649. An act for the relief of Philipina Baca Klemencic; to the Committee on Immigration and Naturalization.

S. 2257. An act for the relief of Helene Landesman; to the Committee on Immigration and Naturalization.

S. 2707. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.; to the Committee on War Claims.

S. 3043. An act to provide for loans to farmers for crop production and harvesting during the year 1938 and for other purposes; to the Committee on Agriculture.

S. J. Res. 161. Joint resolution authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons; to the Committee on Labor.

S. J. Res. 204. Joint resolution authorizing the President to issue a proclamation with respect to commemoration of the four hundredth anniversary of the journey and explorations of Coronado in western America; to the Committee on the Judiciary.

ADJOURNMENT

Mr. WOODRUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House, under its previous order, adjourned until Monday, January 10, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

The subcommittee of the House Judiciary Committee appointed to inquire into the courts of the District of Columbia, pursuant to House Resolution 287, will hold a public hearing at 10 a. m. on Monday, January 10, 1938, in the House Judiciary Committee hearing room, regarding the Court of Claims.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, trainlengths bill.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 11, 1938, at 10 a. m.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, January 11, 1938, at 10:30 a. m., to hold hearings on a report recommending the improvement of the Houston Ship Channel and Buffalo Bayou, Tex.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, January 12, 1938, for the public consideration of H. R. 8711 and H. R. 7369.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

971. A letter from the Executive Director, Social Security Board, transmitting a copy of the Second Annual Report of the Social Seeurity Board; to the Committee on Ways and Means.

972. A letter from the Secretary of Agriculture, transmitting, pursuant to law, a section of a report on a study and research of motor-vehicle traffic conditions in the United States, together with recommendations of measures for their improvement, entitled "Skilled Investigation at the Scene of the Accident Needed to Develop Causes." This is the second of a series of reports based upon investigations conducted by this Department (H. Doc. No. 462, pt. 2); to the Committee on Roads and ordered to be printed, with illustrations.

973. A letter from the Secretary of Agriculture, transmitting, pursuant to law, a section of a report on a study and research of motor-vehicle traffic conditions in the United States, together with recommendations of measures for their improvement, entitled "Inadequacy of State Motor Vehicle Accident Reporting." This is the third of a series of reports based upon investigations conducted by this Department (H. Doc. No. 462, pt. 3); to the Committee on Roads and ordered to be printed, with illustrations.

974. A letter from the Secretary of Agriculture, transmitting, pursuant to law, a section of a report on a study and research of motor-vehicle traffic conditions in the United States, together with recommendations of measures for their improvement, entitled "Official Inspection of Vehicles." This is the fourth of a series of reports based upon investigations conducted by this Department (H. Doc. No. 462, pt. 4); to the Committee on Roads and ordered to be printed, with illustrations.

975. A letter from the Secretary, United States Employees' Compensation Commission, transmitting the Annual Report of the United States Employees' Compensation Commission covering the fiscal year ended June 30, 1937; to the Committe on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BACON: Committee on the Territories. H. R. 8403. A bill to ratify and confirm Act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; without amendment (Rept. No. 1664). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROWE: Committee on the Territories. H. R. 8404. A bill to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport; without amendment (Rept. No. 1665). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8769) for the relief of the heirs at law of Barnabas W. Baker and Joseph Baker; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8709) to provide for the payment of war-risk insurance to the dependents of officers and enlisted men who lost their lives at the time the U. S. S. *Lakemoor* was torpedoed and sunk on April 11, 1918; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. O'CONNOR of Montana: A bill (H. R. 8871) to amend clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8872) granting to certain needy persons the right to obtain fuel from lands of the agricultural experiment station near Miles City, Mont.; to the Committee on Agriculture.

By Mr. TREADWAY: A bill (H. R. 8873) to authorize the construction of levees, dikes, pumping plants, and related works for the protection of the city of Holyoke, Mass., from floodwaters; to the Committee on Flood Control.

By Mr. CLASON: A bill (H. R. 8874) to authorize the construction of levees, dikes, pumping plants, and related works for the protection of the cities of Chicopee, Northampton, and Springfield, Mass., and the town of West Springfield, Mass., from floodwaters; to the Committee on Flood Control.

By Mr. COCHRAN: A bill (H. R. 8875) to limit the time for filing claims in the General Accounting Office, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. SPARKMAN (by request): A bill (H. R. 8876) to amend the Classification Act of March 4, 1923, as amended, to create a mechanical service, and for other purposes; to the Committee on the Civil Service.

By Mr. SCRUGHAM: A bill (H. R. 8885) for the benefit of the Goshute and other Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. PATMAN: Resolution (H. Res. 397) to adjust the purchasing power of the dollar by the necessary monetary policies and measures to attain within the next 12 months the 1926 price level of wholesale commodities, including farm products; to the Committee on Banking and Currency.

By Mr. CELLER: Joint resolution (H. J. Res. 555) proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills; to the Committee on the Judiciary.

Mr. O'CONNOR of Montana: Joint resolution (H. J. Res. 556) to amend the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 8877) granting an increase of pension to Lenora D. Stone; to the Committee on Invalid Pensions.

By Mr. GINGERY: A bill (H. R. 8878) granting an increase of pension to Alice Paul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8879) granting an increase of pension to Barbara Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8880) granting an increase of pension to Elizabeth Koontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8881) granting an increase of pension to Sarah E. Kennedy White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8882) granting a pension to Lydia Frances Nyman; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 8883) granting a pension to William J. Day; to the Committee on Pensions.

By Mr. POLK: A bill (H. R. 8884) granting a pension to Roscoe Martin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3741. By Mr. CONNERY: Petition of the Portuguese-American Civic League of Peabody, Mass., protesting, by unanimous vote, against the present tariff policy of the United States Government with that of Czechoslovakia; to the Committee on Foreign Affairs.

3742. By Mr. CULKIN: Petition of the nonpartisan meeting of employer-manufacturers of Troy, N. Y., December 10, 1937, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction in costs of Government, and that Government cease competing with private business; also opposing passage of a wage and hour bill; to the Committee on Ways and Means.

3743. Also, petition of the Capital District Typothetae, Albany, N. Y., at a meeting December 16, 1937, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction in costs of Government, and that Government cease competing with private business; also opposing passage of a wage and hour bill; to the Committee on Ways and Means.

3744. Also, petition of the nonpartisan meeting of employers in the town of Littleton, N. H., December 15, 1937, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction in the costs of government, and that Government cease competing with private business; also opposing passage of a wage and hour bill; to the Committee on Ways and Means.

3745. Also, petition of the Eleventh National Asphalt Conference at Memphis, December 9, 1937, opposing the proposed reduction in Federal highway aid; to the Committee on Roads.

3746. Also, petition of the Watertown Local No. 78, International Molders Union of North America, Watertown, N. Y., opposing enactment of the 70-car train limit bill; to the Committee on Interstate and Foreign Commerce.

3747. Also, petition of members of the DeRuyter Seventh Day Baptist Church, DeRuyter, N. Y., urging passage of the Ludlow constitutional amendment providing for a referendum on war; to the Committee on Foreign Affairs.

3748. Also, petition of a nonpartisan meeting of employers in the city of Watervliet, N. Y., December 10, 1937, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction in costs of Government, and that Government cease competing with private business; also opposing the passage of a wage and hour bill; to the Committee on Ways and Means.

3749. By Mr. CURLEY: Petition of the Alabama State Industrial Union Council, urging enactment of the McCormack and the Bigelow bills to provide, respectively, a 5-day week and a Civil Service Court of Appeals; to the Committee on the Civil Service.

3750. Also, petition of the New York County Lawyers Association, New York, N. Y., recommending disapproval of House Joint Resolution 515, which seeks to amend the United States Constitution in relation to permitting the President to disapprove or reduce items in appropriations; to the Committee on the Judiciary.

3751. Also, petition of Local 49, Portsmouth, Va., United Federal Workers of America, urging enactment of the McCormack bill providing for a 5-day week and the Bigelow bill providing for a Civil Service Court of Appeals; to the Committee on the Civil Service.

3752. By Mr. FITZPATRICK: Petition of the Social Justice Council, No. 1, of Yonkers, N. Y., urging the passage of the Ludlow bill giving the people the deciding voice in wars which necessitate the use of American soldiers on foreign soil; to the Committee on the Judiciary.

3753. By Mr. GWYNNE: Petition of sundry citizens of Waverly, Iowa, protesting against the imposition of new processing taxes on primary food products; to the Committee on Ways and Means.

3754. By the SPEAKER: Petition of the Regular Veterans' Association, Washington, D. C., petitioning consideration of their resolution passed by executive action of Post No. 75, Cheyenne, Wyo., dated December 20, 1937; to the Committee on Military Affairs.

SENATE

SATURDAY, JANUARY 8, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

HOMER T. BONE, a Senator from the State of Washington, and HIRAM W. JOHNSON, a Senator from the State of California, appeared in their seats today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Thursday, January 6, 1938, and Friday, January 7, 1938, was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	La Follette	Pittman
Ashurst	Ellender	Lewis	Pope
Bankhead	Frazier	Lodge	Reynolds
Barkley	George	Logan	Russell
Bone	Gibson	Lundeen	Schwartz
Borah	Gillette	McAdoo	Schwellenbach
Bridges	Glass	McCarran	Sheppard
Bulkley	Graves	McGill	Shipstead
Bulow	Guffey	McKellar	Smith
Byrd	Harrison	McNary	Steiwer
Byrnes	Hatch	Miller	Thomas, Okla.
Capper	Hayden	Minton	Thomas, Utah
Caraway	Herring	Murray	Truman
Chavez	Hitchcock	Neely	Tydings
Connally	Holt	Norris	Vandenberg
Copeland	Johnson, Calif.	Nye	Van Nuys
Davis	Johnson, Colo.	O'Mahoney	Wagner
Donahey	King	Overton	Wheeler

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Maryland [Mr. RADCLIFFE] is absent because of a death in his family.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Rhode Island [Mr. GERRY], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], and the Senator from Florida [Mr. PEPPER] are unavoidably detained.

The Senator from North Carolina [Mr. BAILEY], the Senator from Tennessee [Mr. BERRY], the Senator from Michigan [Mr. BROWN], the Senator from Illinois [Mr. DIETERICH], the Senator from Connecticut [Mr. LONERGAN], the Senator from Connecticut [Mr. MALONEY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Massachusetts [Mr. WALSH] are detained on important public business.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent on official business by reason of service on a subcommittee of the Judiciary Committee of the Senate. I ask that this announcement stand for all quorum calls during the day.

The PRESIDENT pro tempore. Seventy-two Senators having answered to their names, a quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT, pursuant to the order of the Senate of January 24, 1901, designated Mr. ELLENDER, a Senator from the State of Louisiana, to read Washington's Farewell Address on February 22 next.

STATISTICS OF AMERICAN NATIONALS, ARMED FORCES, AND INVESTMENTS IN CHINA

The VICE PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting, in response to Senate Resolution 210 (submitted by Mr. STEIWER on December 20, 1937, and agreed to January 5, 1938), certain information concerning American nationals, American troops, and American capital in China, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

REPORT OF SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, the Annual Report of the Surgeon General of the Public Health Service for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Finance.

"INADEQUACY OF STATE MOTOR-VEHICLE ACCIDENT REPORTING"

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "Inadequacy of State Motor-Vehicle Accident Reporting," which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

SPECIAL ASSISTANT ATTORNEYS, DEPARTMENT OF JUSTICE

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, transmitting, pursuant to law, a report showing the special assistants employed under the appropriation "Pay of special assistant attorneys, United States courts," together with the rates of compensation, the amounts paid, and a description of their duties, as of January 1, 1938, which, with the accompanying report, was referred to the Committee on the Judiciary.

REPORT OF NATIONAL ACADEMY OF SCIENCE

The VICE PRESIDENT laid before the Senate a letter from the president of the National Academy of Sciences transmitting, pursuant to law, the annual report of the Academy for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on the Library.

PETITION AND MEMORIAL

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Samuel W. Getzen, of Gainesville, Fla., praying for an amendment to the so-called Wagner housing bill to make loans in any amount immediately available for college fraternities, which was referred to the Committee on Banking and Currency.

Mr. SHEPPARD presented a memorial of sundry citizens of Rotan, Tex., remonstrating against the United States becoming involved in war, which was referred to the Committee on Foreign Relations.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

A bill (S. 3198) for the relief of Filomeno Jiminez and Felicitas Dominguez; to the Committee on Indian Affairs.

By Mr. REYNOLDS:

A bill (S. 3199) to provide that it shall be a criminal offense to advise, advocate, or teach principles of government based in whole or in part in opposition to or discrimination

against people of any particular race or creed, and for other purposes; to the Committee on the Judiciary.

A bill (S. 3200) to provide for cancelation of citizenship and deportation in the case of certain naturalized citizens of the United States because of the advocacy of political doctrines subversive of the best interests of the United States;

A bill (S. 3201) to suspend immigration for permanent residence in the United States for 1 year; and

A bill (S. 3202) to provide for the prompt deportation of habitual alien criminals and other undesirable aliens now in the United States, and to prevent unnecessary hardship or separation of families; to the Committee on Immigration.

By Mr. BULOW:

A bill (S. 3203) to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes; to the Committee on Civil Service.

By Mr. MURRAY:

A bill (S. 3204) to amend section 92 of the Judicial Code to provide for a term of court at Kalispell, Mont.; to the Committee on the Judiciary.

(Mr. O'MAHONEY introduced Senate bill 3205, which was referred to the Committee on Finance and appears under a separate heading.)

By Mr. MILLER:

A joint resolution (S. J. Res. 242) relating to the method of distribution of price-adjustment payments with respect to the 1937 cotton crop; to the Committee on Agriculture and Forestry.

MONOPOLY AND THE RETAIL GROCERY TRADE—ADDRESS BY CHARLES H. MARCH

[Mr. BORAH asked and obtained leave to have printed in the RECORD an address on the subject Monopoly and the Retail Grocery Trade, delivered by Hon. Charles H. March, member of the Federal Trade Commission, at Boston, Mass., on June 2, 1937, which appears in the Appendix.]

THE LATE MAJ. GEN. ENOCH H. CROWDER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a letter and article relative to Maj. Gen. Enoch Herbert Crowder, which appears in the Appendix.]

EXPENSES OF UNITED STATES COURTS

Mr. ASHURST. Mr. President, upon perusing, as Senators have done, the Annual Report of the Attorney General of the United States for the year 1937, there are to be found on page 6 of the report a couple of paragraphs of more than ordinary interest. These paragraphs read:

> I believe, too, that there is something inherently illogical in the present system of having the budget and expenditures of the courts and the individual judges under the jurisdiction of the Department of Justice. The courts should be an independent, coordinate branch of the Government in every proper sense of the term.
>
> Accordingly I recommend legislation that would provide for the creation and maintenance of such administrative system under the control and direction of the Supreme Court.

While those paragraphs are brief, they cover a wide sweep; and upon a close investigation it will be discovered that they mean a vast deal.

I ask permission to have printed in the RECORD at this point an article appearing in this morning's issue of the Washington Post by that excellent writer and close analyst, Mr. Franklyn Waltman, in which he discusses and highly approves the suggestion of the Attorney General. Allow me to say that I heartily agree with this recommendation of Attorney General Cummings. Our courts should be an independent coordinate branch of the Government.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of January 8, 1938]

POLITICS AND PEOPLE—CUMMINGS' PROPOSAL TO TRANSFER UNITED STATES COURT FUNDS CALLED EXCELLENT IDEA

(By Franklyn Waltman)

Like the man who bit the dog, when a Government official recommends that some of his power and prerogatives be taken away from him, it is news. And it is such news that Attorney General Homer S. Cummings makes in his annual report to Congress.

Modestly buried in that report and generally overlooked is a proposal by the Attorney General that Congress transfer from the Justice Department and lodge in an administrative division of the Supreme Court jurisdiction over the budget and expenditures of the Federal courts and individual judges. It is an excellent suggestion and one that Congress should adopt.

As Mr. Cummings says, "there is something inherently illogical in the present system of having the budget and expenditures of the courts and individual judges under the jurisdiction of the Department of Justice." Why? Because the Justice Department, representing the Government, is the chief litigant in the Federal courts. It is a party in interest, not alone in all the Federal criminal cases, but in a large and growing number of civil actions involving the Government and its citizens.

There is no intention here even to intimate that the Attorney General or his aides would use their power over the purse strings of the judiciary to bring a recalcitrant judge into line. But the fact that the Attorney General could do so if he wished constitutes a factor in the relationship between the Justice Department and the courts which should be eliminated—and Mr. Cummings evidences he recognizes that fact.

It is but human nature to like those people who like you, and the Justice Department undoubtedly has a greater sympathy—unconsciously, if you please—with the difficulties of judges who are sympathetic with Justice Department contentions than with judges cold to those contentions.

On the other hand, each judge knows he must get Justice Department approval for additional sums for his court for the employment of additional clerical help, or secretaries, or supplies. Indeed, he must go to the Justice Department even to shift about funds appropriated to him, such as giving a hard-working clerk a raise. One is never coldly impersonal and objective with one who holds the purse strings.

Thus Mr. Cummings, declaring that "the courts should be an independent, coordinate branch of the Government in every proper sense of the term," projects a valuable recommendation. By sponsoring the proposed change himself, he eliminates from discussion of it the ground for any contention that it is aimed at him. Would that we had more public officials who view their own functions with such impersonal objectivity.

Indeed, Mr. Cummings' report this year is a great improvement over the annual reports of the Attorney General for many years back because of his realistic approach to pressing problems. Freed from the necessity of making out a case for the Federal court reorganization plan, he now convincingly discusses the congested situation of Federal court dockets and what should be done.

There never has been any doubt about the need for additional judges in the Federal courts. Indeed that need became apparent years ago and its correction annually has been urged on the President and Congress by the Judicial Conference, but with little success. One glaring deficiency of the legislation passed after the collapse of the court reorganization fight was the failure to attack the problem of congestion by creating new judgeships.

Not only did Mr. Cummings, in his report endorse the recommendation of the Judicial Conference for the appointment of 4 additional circuit judges and 12 additional district judges, but he proposed the appointment of 10 more district judges and another associate justice for the District of Columbia Court of Appeals. Thus he urges the creation of 27 additional judges.

There can be no doubt as to the need for all of these additional judges. As the Attorney General points out in his report, the word "current" in describing the condition of the court docket requires explanations which frequently demonstrate that it is far from current as a layman understands that word.

Moreover, as was revealed in the responses of Federal judges to Senator FREDERICK STEIWER's inquiry last spring, many dockets are kept "current" only through a judge working day and night and "shooting from the hip," as one explained the inability, due to the pressure of cases, to give to each the required study and deliberation.

Deserving of consideration also is Mr. Cummings' proposal for the creation of an administrative division under the Supreme Court, in charge of a permanent administrative officer, to keep track of the work of the courts and their needs for assistance, and to ascertain what judges are free to assist in courts temporarily congested due to unusual circumstances. He would put jurisdiction over the Budget and expenditures of the court under this official.

Now that the court reorganization plan has been abandoned and Congress need not be disturbed by properly felt apprehensions over a flying squadron of the "king's judges" roving around the country, it can and should consider this proposal on its merits.

Nothing in any country is so important as the administration of justice. If those springs are kept clean and efficient, one need never fear the poisoning of democracy. This Congress may yet win for itself a place in history by giving earnest study to the Cummings proposals, followed by determined action.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mr. REYNOLDS. Mr. President, today I wish to provide myself with the opportunity of introducing two bills in which I know that the American people are greatly interested, particularly at this time, in view of the fact that the affairs of the world are so terribly and dangerously unsettled.

The bills to which I refer, and which I now send to the desk and introduce, are as follows:

Bill No. 1 is designed to provide for cancelation of citizenship and deportation in the case of certain naturalized citizens of the United States because of the advocacy of political doctrines subversive of the best interests of the United States.

Bill No. 2 provides that it shall be a criminal offense to advise, advocate, or teach principles of government based in whole or in part in opposition to or discrimination against people of any particular race or creed, and for other purposes.

The PRESIDENT pro tempore. Without objection, the bills will be received and appropriately referred.

(The bills introduced by Mr. REYNOLDS appear in today's RECORD, p. 215, under the appropriate heading.)

Mr. REYNOLDS. Mr. President, we all hope that the people of America will concentrate their thoughts and direct their energies to the continued benefit of the United States of America. Unfortunately, as we all know, as a matter of fact, many Americans in the past have gone to foreign lands for the purpose of enlisting with foreign armies in fighting upon one side or another in those respective foreign lands.

For instance, at the present time I am informed that many Americans are in China, fighting with the Chinese in opposition to the Japanese invasion. Likewise, as we know, many Americans are today engaged in the warfare on Spanish soil, some fighting with the Loyalists of Spain, while some are with the rebel forces.

I have before me a copy of the New York Daily News of Friday, January 7. On page 3 I happen to observe a likeness—that is to say, a reproduction of a photograph—of an American citizen by the name of Harold E. Dahl. He is an American, an aviator, a flier who was fighting with the Loyalist forces in Spain. Recently he was captured, tried, and the article I have before me reveals the fact that he has been sentenced to life imprisonment, his trial having been conducted under the supervision of General Franco, in charge of the rebel forces.

On the next page of the same paper I find another article entitled "Came to Visit Baby; Faces Nazi Guillotine." I read from that article in part. It follows:

> Execution in Germany may be the price that Paul List, 37, will pay for responding to an overwhelming desire to see the American wife and baby daughter in Rochester, N. Y., from whom wars and wanderings had exiled him.
>
> A wounded ex-member of Loyalist Spain's International Brigade and a German citizen, he was discovered as a stowaway on the *Normandie*, which arrived here December 8. He has been imprisoned ever since on Ellis Island.

It appears that this man's wife is an American citizen and that he lived in this country for many, many years, having come in here, by the way, as a result of having evaded the American immigration authorities.

In this particular connection, in reference to American citizens and others interesting themselves in matters of a foreign nature, I have before me an article from the Daily Worker, the organ and mouthpiece of the Workers' Party in this country, the official publication of that political party, describing a new veterans' organization which has been formed in this country. It appears that another veterans' organization has been formed in the United States, the Veterans of the Abraham Lincoln Brigade. This article states that the organization held its first conference on Saturday afternoon at the Mecca Temple, adopting a constitution and making nominations for the first slate of national officers.

The article reads further:

> The group is "open to all Americans who served in Spain in the international brigade and who left Spain with the permission of the international brigade."

My understanding of the international brigade is that it is something like the French Foreign Legion. The international brigade is made up of foreigners from all parts of the world who have joined the Loyalist or Communist forces in Spain. They have organized in this country. This article states that—

> The functions of the organization, according to its constitution, are "to continue and promote friendly and helpful relations between its members; to assist the friends of the Abraham Lincoln Brigade in their work of providing the Americans in Spain with comforts and in their work of rehabilitation; to help to rally the support of the democratic people of America to the democratic people of Spain, fighting for their independence against Fascist invasion; to aid in every effective way possible the peace and anti-Fascist movement and cooperate with any and all organizations working for peace and democracy and against fascism; to affiliate and cooperate with organizations formed in other countries by veterans of the international brigade."

In other words, there has been formed in this country an organization of veterans who served with the Loyalist forces in Spain. That is to say, many American citizens from all parts of our great section of the North American Continent apparently are today and at all times interesting themselves in what is taking place in foreign countries, when my contention is that at this hour the real, genuine Americans who are interested in the continued progress of the United States of America should concentrate their thoughts and devote their energies to the development, the welfare, and the protection of the United States of America, and keep their mouths out of affairs in Asia and Spain and every other country of the world.

Mr. President, the two bills I have just introduced are sponsored 100 percent by the Army and Navy Union of the United States of America. Just prior to taking the floor this morning it was my privilege to talk with a committee of gentlemen representing the Army and Navy Union, one of the largest veterans' organizations in this country. The committee was headed by Hon. John D. Crim, national legislative chairman. I may advise the Senate that it is my understanding that these bills were introduced in the House and were sponsored there by my colleague, friend, and neighbor, Hon. ZEBULON WEAVER, United States Representative from the Eleventh District of North Carolina. If I am incorrect about that I shall correct the RECORD before I yield the floor.

When I talked a moment ago with this committee of gentlemen of the Army and Navy Union I was advised by one of them that there are 26 Nazi camps in the United States. There are 26 perfected organization units, each unit having affiliated with it as its composition, so to speak, hundreds of men who are devoting their time and energies to thinking about their mother country of Germany instead of the country which adopted them, the country of the United States of America. When I make this statement I am happy to see sitting to my right the able junior Senator from the State of New Mexico [Mr. CHAVEZ], who evidenced his splendid, patriotic interest in this subject a few days ago when I spoke briefly in regard to this subject.

I am informed by the gentlemen of the committee of the Army and Navy Union, headed by Chairman Crim, that within the confines of our own United States there are today 8,000 storm troopers. These men, without hesitancy, array themselves in the uniform of the storm troopers of Germany and march unmolested in various sections of the United States. I ask the able junior Senator from Indiana [Mr. MINTON], a veteran of the war, one of our World War heroes, whether in his opinion any other country upon the face of the earth would permit foreign soldiers to march in the uniform of their country within its borders? No other country would. We are the only country upon the face of the earth which would tolerate it.

I not only learn that there are 8,000 uniformed storm troopers in this country of ours but that there are 60,000 active, participating members of the German-American Bund here. In addition to that, we all know that the Fascists have organized here. From the Atlantic to the Pacific, from Canada to Mexico, we find foreign units in this country,

American citizens, naturalized and otherwise, who are more thoroughly interested in what is going on in Spain and in Germany and in other countries than they are as to what is taking place within the confines of the United States.

We have not been paying any attention to such matters. I remember years ago, before I came to the United States Senate, I heard people asserting that the Communists were going to have charge of this country in a few years. Everyone said, "We don't care anything about that. That is a lot of propaganda, a lot of talk; you cannot scare us. The Communists will never be able to vote in this country." Today Communists have a well-organized party, and the Communists in the United States, as we all know, are making progress. So I say that people may be mistaken when they say, "Why should we pay any attention to the Nazis or the Fascists who organize in this country? That does not make any difference."

Mr. President, I am going to show how it is going to make a difference. I am going to show why this is the opportune time to nip all these foreign movements in the bud, because they will eventually affect certainly the Western Hemisphere, and if the Western Hemisphere is affected they will affect the United States of America.

Yesterday afternoon when I stepped into the reading room I happened to pick up a copy of The New Republic, and I glanced through it to see if I could find anything about which I would like to talk today. [Laughter.] Lo and behold, I found an article which I should like to read to the Senate. The article is entitled "What About Mexico?" One paragraph reads as follows:

> Much, of course, depends on the international situation. Mexico's southern neighbor is Guatemala, a feudal-military dictatorship now on very cordial terms with Germany. At the present moment arms are being smuggled across the frontier into Mexico. Guatemala is very plainly being groomed to play the role of Portugal, and there are well-founded rumors that a plan now exists whereby at a given moment Mexico's southern border states will secede and be annexed to Guatemala. What makes all of this very serious is that the Nazis, among the original backers of the outlawed "gold shirts," are now intimately connected with, and very likely are even directing, most of the machinations against the Mexican Government. With a good foothold in South America, the new Fascist triple alliance is now seeking to gain important positions in North America.

We are interested, because all of us who are familiar with the situation which exists in South America today know that Germany and Italy have been endeavoring as best they can to obtain a foothold in the Western Hemisphere, and if we are to judge from the press, they have gained a foothold in Brazil, where unquestionably a dictatorship has been established.

Here is an article to the effect that the Nazis are doing their very best to obtain a foothold in other countries of the Western Hemisphere, and other nations, as a matter of fact, such as Russia, have certainly become the controlling factor in many sections of the North American continent.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. VANDENBERG. Did the Senator say that a dictatorship, as he understood it, was now in possession of Brazil?

Mr. REYNOLDS. That has been my understanding from the press reports.

Mr. VANDENBERG. Did the Senator note our own President's speech in Rio in November 1936 when he said that the two inventors of the New Deal were the President of Brazil and the President of the United States?

Mr. REYNOLDS. I read that.

Mr. VANDENBERG. Is that what the Senator is nervous about?

Mr. REYNOLDS. I read that statement. That was about a year ago, but it was before the recent election, and many changes have taken place in Brazil since then. Brazil is a country about a third larger than the United States, with a population of about 53,000,000, the only one of the 22 republics of the Western Hemisphere south of us in which the people speak Portuguese, and conditions have changed there since the election of this new man or the dictatorship.

Mr. VANDENBERG. Mr. President, if the Senator will permit me——

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. The observation the President of the United States made was a specific recognition of President Vargas, the present President; so the Senator should be even more nervous than he was when he made his original response to my question.

Mr. REYNOLDS. Not at all. Conditions have changed in Brazil since the time President Roosevelt paid a visit to South America in November 1936, when he attended the peace conference at Buenos Aires, at which time our very able Secretary of State delivered a masterful address there.

In reference to other nations obtaining a foothold in the Western Hemisphere, which no doubt will eventually affect our country, I wish to use as a concrete illustration our sister Republic of Mexico. The seat of Communist activities in the Western Hemisphere is in Veracruz, Mexico. I doubt if any of the seven Soviet states constituting the Republic of Russia are any more communistic than is the State of Veracruz in Mexico.

The Germans, who have formed an alliance with the Italians and with the Japanese, are endeavoring to concentrate their interests in South America at those points where they believe success may be more easily achieved. They believe that they can gain a foothold which will really hold better in Brazil and Guatemala and Mexico, perhaps, than in any other countries of the Western Hemisphere at the present time.

In speaking of the members of that triple alliance, I do not believe that Japan is ever going to be able to gain much of a foothold in any of the countries of Central or South America politically. It is true that she has made tremendous inroads in certain sections of South America. For instance, she has created for herself quite a favorable trade in Venezuela, in Colombia, in Ecuador, in Chile, and in Peru, and she has some business in Bolivia, for that matter, but most of the business she has been able to gain for herself has been on the western side of the South American continent, whereas on the other side of that continent we find that Italy and Germany, of the triple alliance, have been very successful in creating for themselves a considerable amount of business.

I noted in The New Republic yesterday something further which I desired to discuss here today in connection with the bills to which I have referred, but at the present time I do not have the article before me.

Mr. President, in connection with the introduction of these bills, I desire now to read a resolution which several days ago I sent to the desk for consideration.

The resolution reads as follows:

> *Resolved*, That the Secretary of State, the Attorney General, and the Secretary of Labor are requested to transmit to the Senate, at the earliest practicable date, all information which may be in their possession and all information which may be in the possession of any of them with respect to the activities in the United States of persons—including diplomatic and consular representatives of foreign States—who have recently been engaged in or are now active in enlisting persons residing in the United States for service in the armed forces of any foreign state or of any faction in any foreign state where civil strife exists.

My resolution has not yet been acted upon, but I shall not press for action upon it until after we shall have completed the business now before the Senate.

Mr. President, in conjunction with the matter which I have but briefly discussed, I desire now to introduce some additional bills. The first bill I desire to introduce is a bill to suspend immigration for permanent residence in the United States for 1 year.

The next bill I desire to introduce is to provide for the prompt deportation of habitual alien criminals and other undesirable aliens now in the United States, and to prevent unnecessary hardship or separation of families.

The PRESIDENT pro tempore. The bills will be received and properly referred.

(The bills introduced by Mr. REYNOLDS appear in today's RECORD, p. 215, under the appropriate heading.)

Mr. REYNOLDS. Mr. President, the other day, January 3, in the House of Representatives, I listened with a great deal of interest to an address from which I derived some valuable information and also inspiration. I listened to the very able address delivered by the Honorable Franklin D. Roosevelt, President of the United States, who is loved by the great American people. I recall that he made mention of an increased Navy.

My recollection is that Great Britain is the possessor of more naval tonnage than any other nation upon the face of the earth; and that is not surprising, of course, because her possessions are to be found in all parts of the world. She controls about 25 percent of the earth's surface, and she has to maintain a tremendously big navy in order that she may successfully endeavor to protect what is known as Great Britain's life line, which leads from the British Isles southward to Gibraltar, through the waters of the Mediterranean to the Suez Canal, then south through the Suez Canal to the Red Sea, through the Red Sea to the Indian Ocean, then over the Indian Ocean by Singapore, Borneo, and the Dutch East Indies to Darwin in Australia; then to Sidney, Melbourne, and Brisbane, and then southward as far as Tasmania.

My recollection is that we are the possessors of the second largest amount of naval tonnage to that of Great Britain.

Mr. President, I may add here that I believe in being protected. I think we ought to protect our shores, and we ought to have a big standing army and a big navy and a fine air force, because when a fellow is protected he never has any trouble. I have never had any trouble with Mr. Jack Dempsey. I never expect to, but I respect that gentleman's muscular attainments. I shall never have any trouble with the junior Senator from Colorado [Mr. JOHNSON]. He is about six feet two. His shoulders are very broad, his hips are very thin, his arms, his biceps, are very muscular. The minute I saw him, I made friends with him. I am not going to have any physical encounter with him. [Laughter.] I have always managed to make friends with those fellows who, I know, can beat me up physically. That, Mr. President, is what I call diplomacy. [Laughter.]

Mr. President, if Uncle Sam is developed and is well armed and is prepared, Uncle Sam is not going to have any trouble with anyone in the world. No one then is going to jump on Uncle Sam. But if Uncle Sam is not prepared, Uncle Sam is likely to get in trouble. If Uncle Sam is prepared to fight on the drop of the hat, then, when Uncle Sam speaks, those to whom he speaks are going to quiver in their boots.

Mr. BONE. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly. I shall be glad to yield to my good friend from Washington, because I know he is interested in the American people, and he believes in keeping America out of any foreign entanglements or embroilments which might lead to another World War.

Mr. BONE. The Senator referred to what I take it he considers a rule, that if one is thoroughly prepared he will not get into trouble. Is that correct?

Mr. REYNOLDS. Yes.

Mr. BONE. Does that rule apply only to the United States, or would the Senator say it applies generally to countries all over the world?

Mr. REYNOLDS. Well, no; I could not say that.

Mr. BONE. In asking this question I want to be fair to the Senator. I have in mind the thoroughly prepared condition of certain great European countries in 1914, and I am curious to know whether a tremendous preparation for war is in itself an assurance against war.

Mr. REYNOLDS. Oh, not at all! That, of course, largely depends upon the location of the country and the circumstances surrounding each particular case. However, I will say that it is my humble opinion that if in 1917 we had really been prepared to go to war and to have aided the Allies right then, I do not believe it would have been necessary for us to send armies to Europe.

Mr. BONE. Mr. President, will the Senator again yield to me?

Mr. REYNOLDS. I gladly yield to my colleague from Washington.

Mr. BONE. Does the Senator think we went to Europe because we were unprepared?

Mr. REYNOLDS. Not at all.

Mr. BONE. I cannot follow that argument, Mr. President.

Mr. REYNOLDS. No; but if we had spoken, and if our voice had been heard across the Atlantic waters, it never would have been necessary to go over there. I think that if Germany had known we were going to provide the Allies with the assistance which we did provide them she would then have surrendered. As a matter of fact, in 1917, as the Senator knows, we were not prepared for war, but within the limited time we had we really made the most phenomenal progress that has been made by any nation upon the face of the earth, in all its history, in any war.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall gladly yield to the Senator from Texas in one moment. When we declared war against Germany in April 1917 we were totally unprepared for war; but at the expiration of the war, when the armistice was signed on November 11, 1918, we had in uniform and under arms 4,400,000 men. That was a phenomenal record.

I am now glad to yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, I wish to advert to the inquiry of the Senator from Washington [Mr. BONE]. As I understand the Senator from North Carolina, his idea is that, of course, when a belligerent, warlike nation is hunting a row preparation does not help that nation to keep out of war; but the Senator's view is that in the case of the United States, which is a peace-loving nation and a nation that has high ideals internationally, being prepared would operate just to the contrary; that other nations, knowing that our ideals were lofty and our purpose peaceful, would not seek a quarrel with us if we were well prepared. Is that the Senator's viewpoint?

Mr. REYNOLDS. Yes; the Senator is quite correct.

Mr. CONNALLY. There is a great distinction between the two cases.

Mr. REYNOLDS. Yes.

Mr. BONE. Mr. President, will the Senator again yield?

Mr. REYNOLDS. I yield gladly to my colleague from Washington.

Mr. BONE. In the Senator's discussion I wish he would enlighten us about a matter upon which I think too little light has been cast in years past. I have heard discussions about preparedness which would fill literally reams, books, and libraries; and I should like to have some Member of the Senate—and I certainly think the able Senator from North Carolina could do so—tell us what preparedness is and what proper preparedness is. How much should be spent now to get prepared?

We are now at the point where four ships are going to cost nearly a quarter of a billion dollars. That will be the cost for four ships—no more.

Mr. REYNOLDS. That is $250,000,000.

Mr. BONE. Somewhere in that neighborhood.

Mr. REYNOLDS. That is correct.

Mr. BONE. In view of the Budget condition and the general business conditions of the country, I should like to have some light as to how much it is going to cost us to get to the state of preparedness which the Senator thinks we should achieve.

Mr. REYNOLDS. I am going to answer that question in a way that will certainly be of interest to my colleague from Washington, because the illustration centers within a stone's throw of his home.

I am a great believer in the airplane as a fighting instrument, Mr. President. Out in Seattle, Wash., within a stone's throw of the home of my distinguished colleague, Mr. BONE, we find one of the largest plants in America engaged in the

construction of fighting units, planes—the Boeing plant. Last October I had the very good fortune to be in the State of Washington, at which time I had the very great pleasure and good fortune of being with my distinguished colleague, Mr. BONE, as a member of the Committee on Military Affairs; and we visited this plant in conjunction with our distinguished colleague JIM MURRAY, the Senator from Montana, who is very much interested in the matter of preparedness. We were together for several days, during which time we took advantage of the opportunity to discuss these matters somewhat and to visit the Boeing plant.

That plant is a marvelous institution. I may add, in passing, that I made inquiry of the superintendent of the plant as to why they happened to establish a great, big plant like that away out in the Northwest. I was told that they had a mighty fine climate out there; that it was not difficult to provide electric power for themselves; that they could get the spruce which is used quite generally in the manufacture of airplanes. I do not believe the Senator from Montana and I have ever had a more pleasant day together than we spent there. It was, indeed, interesting, Mr. President—interesting because then we were provided with concrete evidence of the phenomenal development of the airplane, which is to be used in future wars as the greatest instrumentality of death, because of the fact that it can spread poisonous gas which brings about death more rapidly than anything else. From the standpoint of horror, the wars of the future, the wars to come, cannot be compared at all with the little experience which was had over in Europe called the World War.

Mr. President, I wish to take advantage of the opportunity of telling the Members of the Senate that the first successful flight in the world of an airplane carrying man took place in the great State of North Carolina. Thirty-five years ago the first successful airplane flight by a heavier-than-air machine conveying man took place in my State of North Carolina. One day a couple of brothers, who answered to the name of Wright, appeared there. They experimented for a year or two. They went there because the Weather Bureau told them that it was the finest place in the world to make the sort of flight they had in contemplation. The name of the place was Kitty Hawk, N. C. Within another year, Mr. President, they set down upon those silvery sands of eastern North Carolina—sands that are daily licked and kissed by the lovely blue waters of the Atlantic—a sort of contraption that people wondered to see; but in a few moments it took to the air, quivered like a bird, and then set itself safely down upon those same lovely, silvery sands, thus making the first flight in the world made by a heavier-than-air machine designed to transport men.

Since then the airplane has developed tremendously. It has annihilated time and space. Today one can board an airplane in the city of Washington and within 7 days be set down safely in Canton, China. As a matter of fact, within the next 6 months, if one is desirous of flying around the world, he can buy a ticket from the Pan American Airways here in Washington and fly around the world. He can get into one of the American transcontinental planes here that will carry him safely to San Francisco; there he can take the Pan American clipper for Honolulu and Guam and on to Manila, the capital of the Philippine Islands, and from there the same commercial line will transport him safely to Hong Kong and Canton, in China. There he can make connection, I believe, with the Dutch Imperial Airways, and the Dutch Imperial Airways and the British Imperial Airways will carry him over the Malay states and India and over Europe to London. At London he will be able to take a line, which is going to be sponsored and operated by a combination of British and American capital, and fly to New York. I understand the American line which made that combination with the British is the Pan American line. Just think of it. Within 6 months from now, if, Mr. President, you were desirous of flying around the world, all you would have to do would be to get into a plane, and you could make the journey, I presume, within 15 days.

When I was in the home town of the Senator from Washington in October, with the Senator from Montana [Mr. MURRAY], who now occupies the chair, we inspected some of the big Boeing bombers.

After we had seen these airships, in talking with the superintendent or some of his aides there, reference was made to the cost of battleships. The Senator from Washington [Mr. BONE] mentioned a moment ago that we are preparing to spend almost a quarter of a billion dollars—$250,000,000—for four or five capital ships, as we call them. Those ships cost about 40 or 50 million dollars apiece.

Mr. BONE. They cost $60,000,000 apiece.

Mr. REYNOLDS. The Senator from Washington says they cost $60,000,000 apiece. Mr. President, I believe in battleships and gunboats and cruisers and submarines and all that sort of thing—we have got to have them and also airplane carriers—but I am a strong believer in airplanes. A battleship costs $60,000,000. From 300 to 400 Boeing bombers can be purchased for what one battleship costs.

The Boeing bomber, Mr. President, will fly at a speed of about 250 miles an hour. It will attain an altitude of about 20,000 feet, which is far beyond the reach of antiaircraft guns, and it will transport as operators and crew 8 or 10 men; that is to say, two pilots, the engineers, the gunners, the radio operators, and other members of the crew—a number sufficient to man properly and safely one of those big birds of the air with a steel beek. I am rather of the opinion that perhaps instead of constructing so many battleships we should buy many more of Boeing bombers.

Now, coming back to the subject of the progress made by the airplane, I am reminded that when the Senator from Montana [Mr. MURRAY] and I were there the superintendent of the plant showed us an airplane that will have been finished within about 3 months. It is now being built in the State of Washington at the Boeing plant for the Pan American Airways for service between the United States and the British Isles, a link in the around-the-world service which I mentioned just a moment ago. The ship which they are building for the trans-Atlantic service is larger than the ship which was used by Christopher Columbus in October 1492, when he braved the turbulent waters of the Atlantic on the voyage when he discovered America, on which trip 71 days were consumed. The comparison that I desire to bring to the attention of the Members of the Senate in illustrating the tremendous progress made by airplanes is that the airplane being built in Seattle, Wash., is as big as the *Santa Maria*, the vessel in which Columbus sailed the waters of the Atlantic in 1492; and it will fly across the Atlantic Ocean in 10 or 12 hours, whereas it took Columbus 71 days; and the airplane being built in Seattle will carry as many people aboard as Columbus had aboard his ship. In other words, the airplane now being constructed for trans-Atlantic service, to be operated by the Pan American Airways in conjunction with the British Air Lines, will carry something like 80 passengers in addition to a crew of 15 or 20. That shows the remarkable development of aircraft.

I think that the airplane is going to figure tremendously in any future war; and we of this country, I think, are perhaps going to find more use for it in time of war than will any other nation of the world, with the possible exception of Russia, because, though we are quite a large nation, we are not the largest from the standpoint of area in the world.

I recall that very well, for in a discussion of immigration questions which I have brought before the Senate many times the question has been asked, "Why bother about immigration; we are the largest country in the world; let all the immigrants from all the earth come in." They did not stop to consider the fact that we are filling up pretty rapidly and that there are other countries which are much larger

than we are. For instance, Russia is three times as large as is the United States; Brazil, one of the 22 countries to the south of us, is one-third larger than the United States; and even Australia is larger in area than is the United States. I say we will have use for the airplane in this country because we have a large territory that must be covered and must be protected. For instance, it is nearly 3,000 miles from New York to San Francisco, and it is nearly 2,000 miles from Canada to the Rio Grande on the south. In addition to that, Mr. President, there is a vast territory to the north of us in the form of Canada; and, of course, we know that we have our possessions in the north, such as Alaska, which we bought from Russia about three-quarters of a century ago, and for which, I think, we paid $7,000,000. Then we have the islands extending from Alaska as we proceed Japanward.

Furthermore, to the south of us there is Mexico, which is a pretty good-sized country, with a population of about 15,000,000. The probabilities are if the United States is ever attacked by land by any other nation in the world that the invasion or attack will come through Mexico and over the soil of our sister republic to the south. So we will have to have airplanes to keep in touch with the situation down there. From the article I read a moment ago, published in the magazine I mentioned, the Nazis and the Fascists are gaining some foothold in Central and South America and we are going to have to be in a position probably to patrol some of the airways of those countries. But when that time comes, of course, we will have the advantage over any other nation that might want to attack us from the air because we know the air routes.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. REYNOLDS. I yield.

Mr. CONNALLY. The Senator from North Carolina is familiar with the Monroe Doctrine, which is the announcement of the policy that the United States will not tolerate in the Southern Hemisphere the European system, not necessarily a monarch but any European system. May I inquire of the Senator whether or not the establishment of fascism or nazi-ism in South America would, in his opinion, impinge on our understanding of the Monroe Doctrine?

Mr. REYNOLDS. I think that would depend largely upon the activities in those countries of the organizations I have mentioned, communistic in Mexico, and fascist or nazi in other countries of South and Central America, and whether or not they had armed forces. I think that is what the fifth President of the United States, James Monroe, the author of the Monroe Doctrine, had in mind at the time he formulated and brought forth the so-called Monroe Doctrine.

Mr. President, I say that if the time ever comes when we are invaded by air by any foreign enemy nation we will have, of course, a great advantage over any attacking nation, for the reason that we are sponsoring largely and encouraging greatly the development of air routes and air lines and commercial aviation generally in this country. That development will not only be of great benefit to us in time of war, but is unquestionably of benefit to us now in time of peace.

For instance, there are innumerable air lanes stretching from the East to the West and from the North to the South, forming a network over all the 48 States of the Union. So our commercial pilots, and as a matter of fact to a large degree our Army and Navy and Marine pilots, are familiar with the air lanes in this country. We of the United States of course have familiarized ourselves—that is to say, speaking of the Army—with the air routes in Central America, by reason of the fact that we have most frequent occasion, as a matter of fact almost weekly occasion, to send our pilots with our ships to the Canal Zone, and from the Canal Zone back to the United States.

In addition to that, Mr. President, as I stated a moment ago, we have encouraged the development of our commercial air lines. For instance, the Pan American Air Lines have a terminal at Miami. They have constructed there, at great cost, a very beautiful terminal. I do not believe there is a more beautiful air terminal anywhere in the world than the one at Miami, Fla. I have visited most of the air terminals of central and continental Europe and other places in the world, but I have never seen one which was more substantially constructed than the one at Miami, of the Pan American Air Lines. Their lines stretch to Cuba. As a matter of fact, I believe they have lines from Miami to Habana, from Habana to Santiago at the other end of the island; from Santiago to Nuevitas on the other end of the coast; from Nuevitas to Port au Prince in Haiti; from Port au Prince in Haiti to Trujillo, in the Dominican Republic; from Trujillo to San Juan, Puerto Rico; from San Juan, Puerto Rico, the capital of that island, to St. Thomas, the capital of the Virgin Islands, and on down through the West Indies islands of the British to Port of Spain in Trinidad; and then they circle back, I believe, by Venezuela and Colombia.

In addition to that, these lines not only extend from Mexico City to the capital of the State of Yucatan, but they also have a network over Mexico and into Guatemala, and from Guatemala to British or Spanish Honduras and San Salvador and Nicaragua and Costa Rica and Panama. Then these lines cover, as of course you know, Colombia and Equador and Bolivia and Chile and Peru, and the ships of these lines fly across the Argentine from Santiago, the capital of Chile, across the Andes and the Pampas and the great plains to Buenos Aires, the Paris of the Western Hemisphere, and then northward through the Guianas and Brazil, and back by way of Venezuela,

I think it a wonderful thing that American pilots—and, of course, as you know American pilots aboard the Pan American planes are graduates of the Naval Academy—have been provided the opportunity of learning the air routes and the air lanes from the far North all the way down to the tip of South America. It is a fine thing, because perhaps the day will come when we shall have occasion to fly war planes to the south of us; how far south, I do not know. Nevertheless, we do know those lanes, and those who have any idea of attacking us by air on this side of the world had better acquaint themselves with the fact that we "know our onions." We have the finest fliers on the face of the earth. We know those air lanes, and we are prepared for any possible enemies who may contemplate attacking us by air. We want them to have an understanding of the fact that we are prepared for them.

Of course, in addition to that, our commercial lines are developing air traffic to Alaska. I do not know what line it is that goes up into our possession of Alaska. As a matter of fact, we now have air lines, I understand, to Nome; and there is a line flying once a week, somebody told me recently, from Fairbanks to Nome. They fly up there to where you can stand on one side of the boundary and throw a silver dollar—if you have a silver dollar—right over into Russian territory.

So I think it well that we are developing all these lines, not only so that our pilots may be able to serve us better in time of war in order to protect us, but it is a great benefit to the industry of this country.

For instance, if you want to send a letter to San Francisco now, you can get a letter there by plane overnight. You can take a plane here this afternoon going to San Francisco, and you will be in San Francisco tomorrow morning. You can put an air-mail stamp on a letter here this afternoon, and the letter will be delivered in San Francisco tomorrow morning. What progress we have made.

That reminds me that last night I went to see a motion picture called The Wells Fargo at the Earle Theater. It was extremely interesting. You would like it, Mr. President.

I hope you will go to see it. Perhaps my speech would have more effect upon you if you could see that motion picture, because it shows you the great progress we have made in this country since 1848; that is, since the days before the railroad stretched itself across the country from the Atlantic to the Pacific. The picture portrays the old stage-coach days, the pony riders, and all that sort of thing, when it took weeks to send mail from New York to San Francisco. In those days, as you will remember, Mr. President, all mail went around by boat to the Isthmus. Then the little railroad was built down there which is still running from the Atlantic to the Pacific; and that route was used even during the gold rush to California in 1848. But times have so completely changed that you can put a letter in the mail now, and it will be delivered in San Francisco tomorrow. You can put a letter in the mail here, and in a few hours it will be delivered in Chicago or New Orleans or St. Louis.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. REYNOLDS. I do.

Mr. RUSSELL. The Senator of course knows that the main overland route was across Nicaragua; and, as a matter of fact, the value of that route was so great that it prompted the efforts of William Walker—who was the original filibusterer—to secure control of that route and get the profits therefrom for transporting freight and mail.

Mr. REYNOLDS. I recall that, Mr. President, and I thank the able Senator from Georgia for reminding me of it. That brings on conversation about the Nicaragua Canal, and so forth; but I shall not go into that subject just now. I think I have enough other matters to talk about until the Senate adjourns this afternoon; but I shall be glad to touch upon that subject next week.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. REYNOLDS. I shall be delighted to yield to my friend from Tennessee.

Mr. McKELLAR. I hope the Senator will not hurry.

Mr. REYNOLDS. Oh, I am taking my time and enjoying my speech very much, Mr. President. [Laughter.]

Speaking of the great aid that the American air lines, developed by American capital, have been to the industry of America, they have been of particular benefit to us in South America. Our competitors down in South America have been principally Great Britain, Italy, Germany, Japan, and France.

Mr. BONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. I do, with pleasure.

Mr. BONE. May I inquire of the Senator if he intends to speak at some length on Nicaragua?

Mr. REYNOLDS. Not today. I have a few other matters to discuss which I think are of more importance; but I shall be very happy to speak upon that subject for the benefit of the Senator, for his enlightenment, at an opportune time next week.

Mr. President, the countries I have named have been our principal competitors in South America. As a matter of fact, as Senators know, one of our great competitors formerly was Spain. As you know, our sister republic of Mexico—by the way, I had forgotten about that—was doing a great deal of business with Spain prior to the time the civil war began in Spain on July 18, 1936; but, of course, we are not experiencing much competition now, because Spain is not in position to provide much competition for us as long as the civil war is going on in Spain. These other countries, however, have provided considerable competition. The only countries that have been providing considerable competition for our American-owned and operated air lines have been the German and the French lines, and they have carried on that competition principally in the Argentine. The competition provided by Japan has been principally on the west coast of South America.

We have always had a very good business in Mexico, Central and South America. I am going to begin with Mexico. I see that I have plenty of time. It is only 25 minutes after 12 o'clock.

I never have been able to understand why Mexico did not give us more of her business. If the people in Mexico were really grateful, they ought to give us all of their business. I am going to say a few nice things about Mexico, and particularly about the people who lived there years ago. I am not going to say much about the people who live there now, because I do not like them any more. I do not like them any more for the reason I am about to state.

I went down there last year, and I was going from Mexico City to Acapulco by way of Tasco, and I had in my pocket $270. Two hundred dollars of that money was represented by four $50 American bills, and the other $70 of American money had been changed into Mexican money; and do you know that when I was motoring from Mexico City down to Acapulco, along about 12 o'clock in the daytime, 20 Mexican brigands, bandits, held me up and took away my $270, and took away from me a gold watch that I wore upon my wrist, that had been given to me by a very dear friend; and, Mr. President, I have been sore with the Mexicans ever since. [Laughter.]

Shortly after that—I must state this; I think I ought to be fair with the Mexican Government and the inhabitants of Mexico—through one of their representatives they apologized to me for what had happened. These bandits held me up with guns. They did not frighten me, because I did not have time to become frightened, and if I had had a gun I would not have attempted anything by way of resistance, because I know they would have shot me. When the representatives of the Mexican Government called upon me and extended apologies, I said, "Why, that is all right. That thing might have happened in any country in the world. I might have been held up by brigands, by Chinese bandits if I had been on the Mongolian plains, perhaps, and I might have been held up in Bombay or Calcutta or Sydney or Cape Town or Johannesburg or Yokohama or in any other city or country you might mention. It might even have happened in Chicago; but," I said, "I am glad it happened in Mexico and not in Chicago, because if it had happened in Chicago the bandits would have shot me before they took my money." [Laughter.]

Mr. BYRNES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. REYNOLDS. Certainly.

Mr. BYRNES. The Senator received an apology?

Mr. REYNOLDS. Yes; the representatives of the Mexican Government apologized for what had happened.

Mr. BYRNES. Did the Senator receive the $270? [Laughter.]

Mr. REYNOLDS. No; I did not get the $270. That is what I am sore about. [Laughter.] I did not get the $270.

Mr. President, the Mexican people are a pretty fair sort of people. They have a very interesting country. Mexico, as you know, has a population of about 15,000,000 people. Perhaps you would like to hear a little something about its history. It has a very interesting history from my recollection of it. It is hard to keep all these dates and facts in mind.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. REYNOLDS. Certainly.

Mr. McKELLAR. Did a mob ever undertake to interfere with the Senator from North Carolina down in Mexico?

Mr. REYNOLDS. A mob? Oh, the bandits took away my $270.

Mr. McKELLAR. The Senator was just talking about that?

Mr. REYNOLDS. Yes; I was just referring to that.

Mr. McKELLAR. I was talking to Representative TAYLOR, and did not hear the statement.

Mr. REYNOLDS. How could the Senator talk to anybody else when I was speaking? [Laughter.]

Mr. McKELLAR. It was very remiss of me, and I apologize.

Mr. REYNOLDS. I accept the Senator's apology.

My recollection is that along about 1519 a man by the name of Cortez, a Spaniard, who had come over from Spain and had spent a little time in Cuba, set out with an expedition on the last leg of his journey from the nearby waters of the harbor of Habana, and came to shore near Progreso, Mexico.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. CONNALLY. I observe that the junior Senator from New York [Mr. WAGNER], who is supposed to be interested in the pending bill, is not present, the Senator from Indiana [Mr. VAN NUYS] is not present, the majority leader, the Senator from Kentucky [Mr. BARKLEY], is not present. They seem to have absolutely abandoned the field in behalf of the proposed legislation after the destructive speech of the senior Senator from Idaho [Mr. BORAH] yesterday. I am wondering whether it is fair to keep the rest of us here. I now observe 10 Senators on the floor, and therefore make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	La Follette	Pittman
Ashurst	Ellender	Lewis	Pope
Bankhead	Frazier	Lodge	Reynolds
Barkley	George	Logan	Russell
Bone	Gibson	Lundeen	Schwartz
Borah	Gillette	McAdoo	Schwellenbach
Bridges	Glass	McCarran	Sheppard
Bulkley	Graves	McGill	Shipstead
Bulow	Guffey	McKellar	Smith
Byrd	Harrison	McNary	Steiwer
Byrnes	Hatch	Miller	Thomas, Okla.
Capper	Hayden	Minton	Thomas, Utah
Caraway	Herring	Murray	Truman
Chavez	Hitchcock	Neely	Tydings
Connally	Holt	Norris	Vandenberg
Copeland	Johnson, Calif.	Nye	Van Nuys
Davis	Johnson, Colo.	O'Mahoney	Wagner
Donahey	King	Overton	Wheeler

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, Cortez and his outfit proceeded southward from Cuba en route to a landing place on the shores of Mexico. Finally they landed at Veracruz. That was in the year 1519. Senators will remember that a few years before the Spaniards were making their first attempt to conquer the Indians of Mexico and Central and South America, there had been a great deal of trouble in Europe. In 1519 Cortez and the members of his expeditionary force landed at Veracruz. The force amounted to about 125 men. They had a few cannon and they had about 25 or 30 horses. Within a few months time they had made their way from their landing place at Veracruz across towering mountains, and finally found themselves standing upon that tremendous plateau upon which the city of Mexico was then sitting, 7,400 feet above sea level. The city of Mexico in 1519 had a population in excess of half a million. Some historians say that at that time Mexico City had a population of a million people, Indians and Aztecs.

Cortez with only a small company of men was able within a short time to conquer millions of Aztecs. He had some of his armed soldiers mounted upon steeds, and the Indians, who had never seen a horse, were thoroughly frightened. Of course, the first horses that came to the North American or, for that matter, the South American Continent, were brought by the Spaniards. Prior to the advent of the Spaniards in 1519 there were no horses on this side of the world. When the Indians saw those Spaniards mounted upon their horses, the men being in armor, they thought the horse and the man was one being, and at the sight of the mounted men they were frightened almost to death. The thing that to my mind is so marvelous is that Cortez with just a few men, 125 men, and perhaps 15 or 20 horses, was able to conquer millions of Aztecs in Mexico.

There was a man named Pizarro with Cortez. Pizarro was one of his lieutenants. As Senators will remember, Pizarro proceeded down to Guatemala and Central America, and he went across the Isthmus, and went as far south as Lima, Peru, and there built himself a beautiful castle, and history says that he was very much in love with a very beautiful Indian girl. He stayed there until he died. He did a great deal for that country by way of development.

Mr. President, the history of the development of Mexico and of all Central and South America by the Spaniards is very interesting. Senators have no doubt read many histories of that development.

Some days ago I read a book written by a man whose name I have forgotten—I very rarely pay attention to the names of the authors whose works I read—which described a young man's travels from Buenos Aires across the Pampas and across the Andes over into Chile. That was in the year 1845. The book gives an extremely interesting description of the young man's travels.

As Senators know, all that country is, of course, worth visiting. I stated a moment ago that I thought that Mexico from now on certainly ought to give us all her business. She ought not to trade with any other country in the world because we have done more for her than for any other country. We are her best friend, and are going to be more and more so in the years to come if we find that she is grateful. I say that because hundreds of thousands of tourists are going to Mexico. I say again that I ought not to boost Mexico because certain Mexicans took $270 away from me when I was down there.

Mr. President, I was in Mexico 3 or 4 years ago, and was invited to deliver an address in the Mexican Senate. I accepted the invitation. I spoke to the Senators of Mexico. I liked those whom I met very much.

Mexico is a very interesting country. I was down there again last year. Recently a road has been completed from Laredo, in Texas on the Texas-Mexican border, down to Mexico City. That is a distance, I imagine, of about 750 miles. That road is one of the most beautiful highways in the world. As a matter of fact, it is the longest scenic highway in the world. There is a beautiful highway, not quite so long, leading from Melbourne to Sydney, in Australia, over towering mountains, and part of it comes down to the sea. There is a very fine, beautiful, scenic highway from Capetown to Johannesburg, in South Africa. Of course, there are numerous scenic highways and beautiful drives in Europe. None of them, however, have the length of the highway from Laredo to Mexico City. One of the most beautiful scenic drives in the world, and certainly the outstanding one in America, is the partially completed Park to Park Highway, the scenic highway that is going to lead all the way from the Shenandoah National Park in Virginia to the Great Smoky Mountains National Park in North Carolina. That is going to be one of the outstanding highways in the world.

However, Mr. President, the highway which leads from Laredo, in the State of my friends the able Senators from Texas, Mr. SHEPPARD and Mr. CONNALLY, to Mexico City extends over towering mountains, and it takes about 3 days to drive its length. It is my understanding that this roadway was surveyed by American engineers. By the way, it is a part of the Pan American Highway that is eventually to lead from Alaska, through Canada, south across the United States, joining at Laredo with the Laredo-Mexico City highway, then from Mexico City on down to Guatemala and the other Central American countries to the Panama Canal in our Canal Zone.

Mr. President, Mexico offers a great deal to the American tourist. For instance, we go to Egypt, near Cairo, for the purpose of viewing the pyramids. In Mexico are to be found pyramids that are just as large as are the pyramids in Egypt,

and in Mexico there are more pyramids than may be found in Egypt. So, instead of going to Egypt to see pyramids, all one has to do is to get into his automobile and drive down to Mexico City, 3 days from Laredo, and then a drive to view the pyramids, which in number exceed those of Egypt. Those pyramids are just about 25 miles from Mexico City.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. REYNOLDS. I yield.

Mr. MINTON. If one wants to see the Egyptian pyramids one must go to Egypt, however.

Mr. REYNOLDS. Well, I do not know whether one does or not, for the reason that many of our archeologists say that the pyramids in Mexico were built by Egyptians. So, if we believe those archeologists, we do not have to go to Egypt to see Egyptian pyramids.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. REYNOLDS. I gladly yield to my colleague from the State of New Mexico.

Mr. CHAVEZ. There are some authorities also who feel that the Egyptian pyramids were built by Mexican Egyptians. [Laughter.]

Mr. REYNOLDS. That is quite true. I thank the Senator from New Mexico for his contribution.

Mr. President, while looking at the pyramids in Mexico in the vicinity will be found a great open temple, which was built by the Aztecs or those who preceded them.

Many people go to the Alps in the summertime to see the snow-clad peaks. One does not have to go to the Alps to find snow-clad peaks. Numerous snow-clad peaks can be found in this country. Also down in Mexico towering snow-clad peaks can be found. One can stand in the middle of a banana plantation or coffee plantation and be simply sweltering with the heat, and look up above and see a great, magnificent, towering mountain, its top covered with snow. I believe that mountain is called "The Sleeping Lady." Instead of going to Switzerland to see the snow-clad peaks in the summertime, let me suggest driving down to Mexico.

Of course, we have all heard a great deal about Venice and the gondolas on her canals. If anyone wishes to ride in a gondola and see many attractive things, all he has to do is to go to Mexico.

Some travelers go to Peru in order that they may go down into the bowels of the earth to see the great silver mines. One does not have to go as far south as Peru for that purpose. One can get into similar silver mines in Mexico.

Many tourists go to Germany to see her famous and beautiful canals. In Mexico are to be found canals just as beautiful as are those in Germany.

One does not have to go to the Rhineland to see cathedrals. In Mexico are to be found cathedrals which are just as old and just as magnificent as are those in Germany.

Mexico is indeed a very interesting country. As a matter of fact, I do not think there is to be found anywhere a more beautiful spot for surf bathing than is to be found at Acapulco in Mexico. Acapulco is 150 miles south of Mexico City. It has a very beautiful natural harbor, and ships from Los Angeles and San Francisco and other ports along the western coast put in there about once a week. A great many Americans are to be found there.

I think the organization known as the Lions held an international convention there several years ago. I am not certain that is correct, but it is my impression. Before the completion of the portion of the Pan American Highway from Laredo to Mexico City a tourist either went down on the train or took the Ward Line from New York and thence by way of Cuba to Veracruz, or he took a steamship in California and went down the western coast of Mexico. Today, however, I can truthfully say that several hundred thousand people are visiting Mexico annually by automobiles. I am told that during the past year, 1937, more than 350,000 American tourists visited Mexico by automobile. They certainly had to make an expenditure of about 3 days' time from Laredo to Mexico City, and then the trip back consuming 3 more days, making 6 days; and if they visited Pueblo or Acapulco or Tasco or Merida, the capital of Yucatan, they would have to spend at least 2 weeks there in order to see anything. That means that the American tourists will buy gasoline and oil; they will have to have tires repaired; they will have to have their cars washed; they will have to spend their money at hotels, at stores, at restaurants and at the small shops engaged in the business of selling little trinkets to American tourists. All of this makes a large distribution of tourist dollars in Mexico. Then, if tourists want to go to Merida, which is in the Yucatan country, to get there now they have to fly, because there is no roadway leading into Yucatan, or else they may take a train down to Mexico City and another train over to Veracruz and take a boat from Veracruz to Progreso, which is just 20 miles by automobile from Merida. Speaking of Yucatan, it is a very interesting old State of Mexico, and particularly the section around Merida. There are more windmills in the small State of Yucatan, in Mexico, than there are in Holland, and the Yucatan country is very nice. One can drive from Merida about 50 or 60 miles up to the old ruins of the Incas and the old temples and the silent tombs, and all that sort of thing.

In view of the fact that American tourists are going to give to the Mexicans millions of dollars every year, as a result of their visits, most frequent to Mexico, I believe that if the Mexican people are grateful, Mr. President, they will give us their business; everything they have to buy from other countries they will buy from the United States, because, in addition, a great deal of silver is mined in Mexico, and I believe we buy more silver from Mexico than does any other country in the world. In olden days Mexico used to mint all the silver dollars that were used as currency by China, but I am under the impression that the Chinese mint their own money at the present time.

Now, Mr. President, I wish to return to the subject pertaining to our preparedness, to the Army and Navy, and so forth. Before I do that, however, I wish to bring to the attention of Members of the Senate an item in today's newspaper. A friend of mine just handed it to me and said perhaps I would like to comment upon it. I read from a copy of the Evening Star. The headline says:

Shanghai council protests Japan's roughing police—American head of board acts after attack on French officer—Japanese train guns on troops of France—Critical incident on Nantao border with concession may lead to formal demands.

The other day on the floor of the Senate I was discussing the ambitions of the Japanese. I then stated that they are a very ambitious people and that they hope for the arrival of the day when they will be in supreme command in the Orient, covering the territory from Tokyo, the capital of Japan, through Korea on up many miles beyond Nanking, the old capital of China; then across to the other end of China to 100 miles or more north of Canton and then westward to Singapore, a distance of 1,400 miles, and southward to the Dutch East Indies and Australia and its nearest point, Darwin, and then back. That is the sphere in which they hope to reign supreme when they have formulated and developed their so-called empire in the Orient. I stated that they had ambitions in the Dutch East Indies, which are a long distance from Japan. By the way, included in the territory that I just mentioned, of course, as we all know, are the Philippine Islands, which I visited in 1935.

Perhaps someone thought the other day that I was exaggerating a little about this matter. I said then that the British have for years been expecting even Singapore to be attacked by the Japanese. I made that statement advisedly. By that I mean I made the statement because I have been at Singapore and have seen what is being done there. As you know, Mr. President, I am a member of the Committee

on Military Affairs and am interested in all such matters. The last time I was at Singapore was in 1935, and on that occasion I took advantage of the opportunity to visit the section of Singapore in which the British were engaged in developing fortifications. I went to their barracks; I saw that they were sinking great concrete foundations; I saw the developments for the building of drydocks. I understood that the expenditure made by the British in Singapore at that time was in the neighborhood of a billion dollars, and I have been told since that that amount will be considerably increased before they have finished paying the expenses incident to the development of the fortifications, the building of drydocks, and so forth, at Singapore, where "east meets west." They are spending millions upon millions of dollars there because the British are developing it as their last stand in the Orient. That is why they are doing it. I am not surprised at the expenditure, because I noticed in the press several months ago that the British Parliament had made an appropriation of $7,000,000,000 to be spent within the next 5 years in preparing for a great world war when it comes.

I stated then that the Japanese were ambitious for possession of the Dutch East Indies. I included in that all the islands of the Dutch East Indies, and I stated that the Dutch, of course, were depending largely upon the British for protection; and they are. As Senators know, the only possession that the British have in the Dutch East Indies is British Borneo, which occupies only a small portion of one of the islands. One of the richest islands in the Dutch East Indies is Java, and one of the most prosperous cities is the port of Soerabaja.

In proof of the fact that I was not drawing upon my imagination the other day when I stated that the Japanese want to get in the Dutch East Indies to tap some of the rich deposits of oil there, I clipped from a morning newspaper an item which I desire to read:

HOLLAND BOLSTERS DEFENSE OF RICH OIL COLONIES

THE HAGUE—

The Hague, as is well known, is the capital of the Netherlands—

January 6.—Holland, disturbed over the perils of her rich colonial oil territories engendered by the far eastern war, was reported tonight to be bolstering her defenses at home and abroad.

Informed sources here said that many retired army and navy officers were being reengaged for active service in the Dutch East Indies.

Moreover, it was reliably understood that the Netherlands Government has decided to enlarge the air force and has ordered immediate construction of 105 military planes in the Amsterdam Fokker factories.

From Batavia—

Which is the capital of Java—

Java, came a report that all leaves of absence for army and navy officers there had been indefinitely canceled because of certain information sent to The Hague by the Dutch Ambassador at Tokyo.

Mr. President, when I just took a drink of water it reminded me of a little story that was told me by a cousin of mine concerning an incident which happened in North Carolina years ago. The cousin, Theodore Davidson, was born and raised in western North Carolina. Cousin Theodore's brother incidentally was attorney general of the State of Texas. Cousin Theodore stated that away back in the olden days before the railroads had penetrated Kentucky, North Carolina, Tennessee, and Georgia the big times were the political rallies. He said during those days there was a man who came from Kentucky, a Colonel Somebody, a great big, tall, fine-looking man like our majority leader [Mr. BARKLEY], with hair as black as the raven's wing and a voice which sounded like thunder itself. He had a reputation all over the Southern States. He was to speak there in debate with a North Carolinian who had also gained a reputation.

The day had been set for the meeting and people came in covered wagons and on the backs of burros and mules from miles and miles around. They gathered at the meeting, which took place in a great natural amphitheater that was carved by the hand of Nature in the creation of the mountains. The colonel from Kentucky had a reputation when he spoke of taking a little dram of brandy, instead of water, in order to quench his thirst or moisten his lips. His host, however, was a prohibitionist, and he heard about the colonel drinking a little brandy for moistening his lips and quenching his thirst rather than making utilization of water. So he mentioned it to the colonel when he arrived. He said to him, "Colonel, tomorrow when you speak I know you will want your brandy, but we are prohibitionists here and it will never do. It will ruin you and it will ruin me if it should be known that you have brandy on the platform. However, I am going to take care of you. I have some of the best brandy that you ever tasted in your life, and I will tell you what I am going to do: When the time comes to speak tomorrow I am going to walk up and place on that table a pitcher; the pitcher is going to be filled with this brandy; and when I put it there I am going to say, so that everybody can hear me, 'Colonel, here is some milk from my wife's finest cow; when you get thirsty drink it.'"

The day arrived. Thousands upon thousands of persons were sitting in this amphitheater. The colonel rose and spoke. He had the attention and the ear of every person who was there. Everything was so quiet and still and deathlike that his voice reached out into the timber on the hills. It was so quiet that you could hear a leaf finding its way earthward. He finished speaking, and picked up the pitcher. He drank and he drank and he drank, and he set down the pitcher, and he said, "My God! What a cow!" [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. BARKLEY. Is the Senator telling that story to illustrate himself or me? [Laughter.]

Mr. REYNOLDS. I am not going to make it applicable to either one of us.

Mr. BARKLEY. I understand that the Senator is still speaking on the antilynching bill.

Mr. REYNOLDS. I am still speaking on the antilynching bill. [Laughter.]

Mr. President, returning to the naval question, Great Britain possesses 20 capital ships, 76 cruisers, 11 aircraft carriers, 202 destroyers, and 72 submarines.

I stated a moment ago that in my opinion we were next to Great Britain in possession of naval tonnage. The United States possesses 17 capital ships, 37 cruisers, 6 aircraft carriers, and 252 destroyers. You will note that the number of destroyers owned by the United States is in excess of the number owned by Great Britain; and we have 81 submarines, whereas Great Britain has only 72 submarines.

Japan has 9 capital ships, 36 cruisers, 6 aircraft carriers, 112 destroyers, and only 59 submarines.

Next we may list France. France has 9 capital ships, 20 cruisers, 1 aircraft carrier, 85 destroyers, and 89 submarines.

Germany possesses 11 capital ships, 9 cruisers, 2 aircraft carriers, 47 destroyers, and 47 submarines.

Italy has 6 capital ships, 23 cruisers, 138 destroyers, and 106 submarines. She is not the possessor of any aircraft carriers for the reason, I assume, that she does not need them. She does not need aircraft carriers because she can command the entire Mediterranean from the soil of her possessions. There are innumerable islands in the Mediterranean that are owned and fortified by the Italians, those islands being found from Corsica on toward the mouth of the Mediterranean at Gibraltar. As you know, she has possessions in northern Africa; and after she has been instrumental with her influence and physical aid in conquering Spain, we all know that she will have absolute possession of Spain, and at that time will be in a position to make very good use of Barcelona and other ports on the Mediterranean. So Italy really does not have to have any aircraft carriers. Besides that, as you know, she has really made an Italian lake out of the sea lying between Italy and the little kingdom of Albania of

which she recently got control, so she really does not need any airplane carriers.

Mr. President, of course China has not any navy at all. However, although Russia has not any capital ships, although Russia has not any cruisers, although Russia is not possessed of any aircraft carriers, Russia has 50 destroyers, and Russia has about 100 submarines. Some of that equipment in the form of naval vessels is to be found in the waters between Leningrad and Helsingfors, the capital of Finland. Some is to be found in the Black Sea, there presumably for the purpose of protecting in part, perhaps, the city of Odessa on the Black Sea; and a part of this naval equipment is to be found in the Pacific. My understanding is that the Russians are very rapidly developing their naval forces and naval equipment, as rapidly as they developed their forces of the air since the revolutionists took charge in 1917, or thereabouts.

I desire again to say that I believe we should develop our Navy. We have a great stretch of coast to patrol; and we ought to develop our Navy in accordance with the recommendations of our great leader in the White House, Mr. Roosevelt, regardless of the cost of the naval vessels, because the man who is prepared is not going to experience any trouble with anybody, and after all a nation is not a thing in the world but an aggregation of individuals; and a nation that is prepared is not going to stand the chance of having trouble that a nation that is not prepared is liable to have. I believe, too, that we should have a fine air force; and it is a splendid thing from the standpoint of protection that in this country during the Roosevelt administration—this is one thing of which I like to speak—we have developed our air-landing facilities. There are in the United States of America about 3,200 counties, and of those 3,200 counties more than 2,000 are possessed of airports, landing fields. That is a wonderful thing. Oh, how far-sighted is President Roosevelt! The time will come when we will thank the good Lord above that we had at the head of our great Nation a man with the foresight that President Roosevelt possesses.

I know there is no other country upon the face of the earth that has one-third as many airports and landing fields as we have in the United States. We have more than 2,000. We have an average of two in every three counties of the United States, which I think is a remarkable thing.

We have been a little backward, however, about our Army, and so forth. Let us see about that.

Great Britain, according to my recollection, has an armed force of 1,053,897 men. Japan has an armed force of 7,282,000 men. China has in the field today more than 2,000,000 men in uniform and under arms. An army of 2,000,000 men is a very small army for China, when we take into consideration the fact that they have a population of not less than 400,000,000. Italy has an army of 7,175,195 men, whereas France—her next-door neighbor and her bitterest enemy—has an army of only 6,198,637 men.

In other words, Mr. President, if you have followed me very carefully—as I observe that you have—Italy has as many if not more men in uniform and under arms, constituting her army, as Great Britain and France combined.

Germany has today in uniform and under arms 2,181,000 men. Adding the 2,181,000 men under arms in Germany to the 7,175,195 men under arms in Italy, we have a combined army of Germany and Italy in excess of 9,000,000 men; and Germany and Italy are the enemies of Great Britain and France. Whereas Germany and Italy have combined armies in excess of 9,000,000 men, France and Great Britain have combined armies in excess of only 7,000,000 men. In other words, Mr. President, Italy and Germany have under arms 2,000,000 more men than have Great Britain and France combined.

Somebody was asking me the other day what, in my opinion, would be the position of the Balkan States, what would be the line-up, when the next great world war came. I recall that I stated at that time that Italy and Germany would simply run over Switzerland; there would not be any more Switzerland; that to the right of that line Italy and Germany probably would be joined by Czechoslovakia, by Austria, and by Hungary, by Poland, by Bulgaria, by Yugoslavia, and certainly by Rumania; and that on the left-hand side of that line would be lined up Great Britain, the Netherlands, Belgium, and France—that is all, because Spain and Portugal would be with Italy and Germany. Russia, of course, would be with Great Britain and with France; and if Bulgaria and Yugoslavia and Rumania should be with the triple alliance of Japan and Italy and Germany, the armies attacking Russia from the south could go right across Albania, Bulgaria, Yugoslavia, and Rumania, and come right out on the railway above Odessa, which leads up to Moscow, the capital of Russia.

Mr. President, let us talk a little about the airplane situation now. According to my recollection, Great Britain has 4,000 airplanes, which is about the same number we have, I believe, as we are said to possess 4,000 fighting planes, so our air forces are about equal. We are making rapid strides in the air in the way of developing instruments of death to be used in war.

According to the last information I could obtain, Japan has only 2,000 airplanes, half the number of planes Great Britain has and half the number of planes we have in the United States.

China has about 600 planes. China has bought a number of planes from the United States. All these countries buy their planes from the United States, when they can get them, because we make the finest planes manufactured on the face of the earth. There are many of our planes in Spain. The Glenn Martin establishment in Baltimore just built a passenger plane for Russia, which was tested on November 12, and which will carry 34 passengers. This plane which the Russians bought from the United States only a few weeks ago can be converted very easily into a bomber.

Some of the 600 planes China possesses came from France. A great many of them came from Russia, because Russia is giving to China all the aid she possibly can extend, and from now on we may be prepared to learn that Russia is giving China more aid, because Russia has but recently completed a spur of railroad running from the north through Turkestan into Mongolia, and over that road will be transported a great amount of Russian arms and munitions.

We need not be surprised to learn that Italy has 6,000 airplanes, but despite the fact that she has that many, 2,000 more than the United States possesses, 2,000 more than Great Britain possesses, she does not have an airplane carrier. Indeed, she does not need one, because of her possessions in Africa, her island possessions on the Mediterranean, and her possessions in Arabia, on the Red Sea, and her Italian Somaliland, in Africa, and her Ethiopia. She does not need any ships there for protection. As I stated a moment ago, Italy can cover all the Mediterranean from her islands, because planes now have a cruising range of 1,000 or 1,500 miles, and within a few years will have a cruising range of 2,000 miles. It is interesting to note that Italy has 6,000 planes.

Let us make a comparison for a moment. Italy and Germany are allied. Germany has 4,000 planes, Italy has 6,000, which makes a total of 10,000 airplanes, fighting planes, possessed by Italy and Germany. Let us see what their mortal enemies, Great Britain and France, possess. Great Britain has 4,000 planes, France has 3,000. In other words, the combined air force of Great Britain and France amounts to 7,000 planes, whereas the combined air force of Germany and Italy is 10,000. Germany and Italy, therefore, have 3,000 more planes than their enemies have.

Russia has 7,600 planes. They have developed their air force more rapidly than has any other country in the world. They have done a remarkable job in Russia. They have innumerable airplane plants, and plants equipped for manufacturing tires for utilization on planes. Flying in Russia is very general. If one goes out to one of the big airports in

any part of Russia, he will see at times several hundred people in the air, many jumping from dirigibles or airplanes, and coming down under little parachutes. The Russians train men and women and children to fly. Of course, they are preparing. They are going to have trouble sometime in Japan. If Russia has trouble with Japan, she is going to be attacked from this side by Germany.

Mr. President, it is a fine thing to spend billions of dollars for protection, and it is a fine thing to spend money in building up an army and a navy, and all that sort of thing, to keep out of war and to protect our people, but I remind the American people at this hour that we can spend billions upon billions of dollars in preparing ourselves for the enemy, but it will be billions upon billions of dollars wasted unless we are able to protect ourselves from within. The danger to the American people that will exist in case of war will not be from without; the danger that confronts us today is from within, because there are within the confines of the United States today about 125,000,000 to 130,000,000 people, and of that number I assert that there are 7,000,000 aliens. When I employ the term "aliens," I mean that there are 7,000,000 people in the United States today who are not Americans, who have not been naturalized; 7,000,000 people who have come into this country either legally or illegally, a statement which nobody can successfully dispute.

Some may state that there are only 3,000,000 aliens in this country; some may say there are today only 3,000,000 foreigners in the United States who came here legally or illegally, and I cannot dispute that statement successfully, because when I say that there are 7,000,000 aliens on American soil usurping the jobs of American citizens I am merely guessing at it, and the man who states that there are only 3,000,000 aliens in the United States usurping the jobs of American citizens does not know—he is merely guessing. In other words, none of us know how many aliens there are in the United States today, who they are, or where they came from, because we have never made a census of them, and we do not know. We are the only civilized Nation upon the face of the earth that does not have its finger upon every single alien, every single foreigner, within its borders. That is why I introduced a bill in the Senate calling for the registration and the fingerprinting of every alien from any country on earth who is in the United States and who has not become an American citizen.

We of the United States are entitled to know who the citizens of the United States are; the people of the United States are entitled to know who their potential enemies are in case war is declared. If war were declared against the United States tomorrow, or if the United States declared war against any nation on earth, I say unhesitatingly that we would have in our midst 7,000,000 enemies, 7,000,000 aliens, 7,000,000 foreigners, and all we could do would be to put them down as the enemies of the United States Government, because if they had been friendly to the United States Government they would have become naturalized.

Hundreds of thousands of these aliens are here illegally. They came into this country on students' visas, came here saying they were coming to study, that they wanted to be students, that they would go back in 6 months. The 6 months are up, and they are lost in the crowd. Hundreds of thousands have come in across the Rio Grande from the south, hundreds upon hundreds of thousands have walked across the border on the north, from Canada. What we need is a great border patrol, what we need is a check-up to determine how many aliens there are in this country, who they are, what they are doing here, how long they have been here, and how long they expect to stay; or let them become American citizens if they are people of good character.

If we should have war with any country in the world the danger would be from those who would be boring from within, and not from the enemy who would be attacking from without. I, therefore, say with ample reason that, as things stand today, there is no use in spending billions upon billions of dollars in building a Navy, constructing submarines to ply beneath the waters of the Atlantic, the Pacific, or the Gulf of Mexico, there is no use expending millions on millions of dollars, piling millions into billions, constructing an air force, or an army, or equipping the marines unless we are prepared to protect ourselves from within, where the danger lies.

Would any other country on earth permit the conditions we allow here? In France the police, the military, the War Department, have their fingers on every foreigner, every alien, who is in France today. I am ashamed to have to stand here and admit that we have the laxest immigration laws on earth. I read the other day in a newspaper that there are over 6,000,000 out of employment in the United States now, but, Mr. President, by the first of next year there will not be over 3,000,000 out of employment. I make the prediction that 1938 will be the most prosperous year we have experienced since the crash of 1929.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. REYNOLDS. I yield.

Mr. CONNALLY. Has the attention of the Senator from North Carolina been called to the fact that hundreds of thousands of unnaturalized aliens are on our relief rolls, and that the Government is paying out multiplied millions a year to aliens who have no business in this country at all?

Mr. REYNOLDS. Yes; and I thank the Senator for that suggestion. In respect to that, the record will show that last year and the year before last aliens on relief in this country, being paid money wrung from the taxpayers of this country, sent back to the countries from which they came millions of dollars in international money orders. Is there anything to equal that, the money of the taxpayers of the United States being sent out of this country by aliens here to the people back in the lands from which they came? Can it be said that the immigration question is not the all-important question before the Senate? If Senators will study it, they will find that it is the most important question before us. The American people know it, and the American people want action by this body.

As I stand here talking about this most important subject, I look with admiration upon the honorable gentleman who now presides over the Senate [Mr. JOHNSON of Colorado in the chair], because that honorable gentleman was formerly the distinguished Governor of a great commonwealth, the State of Colorado. Its capital, Denver, is one of the most beautiful cities in the world, possessing a civic center that is pleasing to the eye of the artist. I look upon the present Presiding Officer of the Senate, the former Governor of Colorado, with admiration, because I remember with enthusiasm, I remember with a feeling of patriotism and inspiration, that last year the Senator from Colorado, as Governor of the great Commonwealth of Colorado, called out the National Guard of his State, or said that he would do so, to protect the laboring men of Colorado against the onrush and the inflow of alien Mexican labor.

May God bless the present Presiding Officer of this body. I only wish that there were more men like him; I only wish there were more Governors of States who had the courage exhibited by the former Governor of Colorado, now presiding over the Senate.

Mr. President, why should we permit 7,000,000 aliens in this country to be on relief, to be fed by the American taxpayers, and send their money back to their relatives in the countries from which they came, when we have in this country 6,000,000 persons out of employment? As I stated,

by the 1st of next January we shall have about 3,000,000 persons out of employment. If we have about 3,000,000 persons out of employment, the number will be 2,000,000 less than we have always had in the ranks of the unemployed in this country, because we have always had 5,000,000 persons out of employment in this country, for the largest number of them were unemployable.

Mr. President, the able Senator from Indiana [Mr. MINTON], who honors me with his presence, brought to my attention a moment ago a headline appearing in the newspaper which I hold in my hand, being today's copy of the Washington News, Saturday, January 8, 1938. In great headlines, spread across the front page, appear these words:

Sixty thousand to return to auto jobs next week.

That, Mr. President, is a substantiation of the statement I have just made.

I should very much like to continue talking for a couple of hours longer; but, unfortunately for me, and perhaps unfortunately for the Senate, I have an appointment at 15 minutes of 2 o'clock. I am therefore ready to yield the floor to my colleague the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. President, I tender an amendment and ask that it be printed and lie on the table, and be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONNALLY's amendment is, on page 7, line 20, after the word "duty," to strike out the words "or shall possess the authority."

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Has any business been transacted since the last call for a quorum?

The PRESIDING OFFICER. An amendment has been received and accepted by the unanimous vote of this body.

Mr. BARKLEY. Let me inquire about that. The Senator from Texas [Mr. CONNALLY] offered an amendment, and asked that it lie on the table. Is that the transaction of business?

The PRESIDING OFFICER. The Senator from Texas asked that the amendment be printed and lie on the table. A vote of this body was taken, and it was found to be the unanimous vote of the body that favorable action should be taken with respect to that request. That is business.

Mr. BARKLEY. In other words, the Chair holds that when any request is made to do a thing requiring the vote of the Senate, if consent is given by a vote of the Senate, that is the transaction of business?

The PRESIDING OFFICER. Yes.

Mr. BARKLEY. I merely wanted to get the ruling of the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	La Follette	Pittman
Ashurst	Ellender	Lewis	Pope
Bankhead	Frazier	Lodge	Reynolds
Barkley	George	Logan	Russell
Bone	Gibson	Lundeen	Schwartz
Borah	Gillette	McAdoo	Schwellenbach
Bridges	Glass	McCarran	Sheppard
Bulkley	Graves	McGill	Shipstead
Bulow	Guffey	McKellar	Smith
Byrd	Harrison	McNary	Steiwer
Byrnes	Hatch	Miller	Thomas, Okla.
Capper	Hayden	Minton	Thomas, Utah
Caraway	Herring	Murray	Truman
Chavez	Hitchcock	Neely	Tydings
Connally	Holt	Norris	Vandenberg
Copeland	Johnson, Calif.	Nye	Van Nuys
Davis	Johnson, Colo.	O'Mahoney	Wagner
Donahey	King	Overton	Wheeler

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. SMITH. Mr. President, I think this spectacle is one that should humiliate every Member of the Senate. After the speech of the Senator from Idaho [Mr. BORAH] yesterday, which is unanswerable, after he had so eloquently and patriotically stated the problems of the South, the unspeakable difficulties that confronted her and the record she has made since the terrible fratricidal strife known as the War between the States, and after he had shown indisputably that this bill was introduced for the sole purpose of holding the votes of an unfortunate race, I had hoped that the proponents of the bill and those who are alleged to be supporting it might change their attitude.

The wounds and the sectional differences and feelings engendered by the War between the States naturally were gradually disappearing; but now, after 70 years, when we all acknowledge a common flag and are proud of a common destiny and of a great country, we find being injected the same element of strife and contention that ran rife during that dark period subsequent to the war known as the period of reconstruction. Here we are confronted with an effort to bring in the very identical same element, reopening the chasm that once divided the Confederate States from the other States for the sole purpose of getting the vote of a certain race. The sponsors of this bill are willing to disrupt, and scrap our dual form of government; they are willing to take the police power away from the several States and vest it in the Federal Government; they are willing to draw the sectional line once again and to humiliate a whole section of our common country for the purpose of putting the Negro race under obligation so that the party whose name the present organization bears, which was our pillar of cloud by day and of fire by night in the unspeakable era when the unprepared slave element was put in charge of the governmental affairs of our section, may garner some votes.

Mr. President, I wonder how many Members of the Senate realize what transpired in the South during the era known as the period of reconstruction? My State, the little storm center of America, the one in which the nullification act was enacted and later on the first to secede, of course, received the vials of the wrath of those then in power in Washington.

Think, Mr. President, of a legislature within a State that had given, perhaps, to the Nation the greatest percentage or, at any rate, as great a percentage as had any other State, of those who framed the present form of government under which we have lived and developed, a State preeminently aristocratic—and I do not use that term in the ordinary acceptation that modern usage has given it, but I use it in its real etymological meaning, indicating the best, or those best prepared for the functions of citizenship in organized society—think of a State, proud of its history and of the statesmen and patriots produced by it in 4 short years, seeing her statehouse filled with legislators who could not write their names, her people ruled by carpetbaggers and scalawags, backed up by the military forces of the Federal Government. During that time it was almost worth the life of an individual who would protest, and women were afraid to walk the streets, and certainly were afraid to be about country districts. This element, composed of those who but a few short years previously had been imported from the jungles of Africa, with human passion but with undeveloped human reason, was turned loose in a defenseless community. Naturally they expressed their predominant passion, as they thought they were supported and freed from a retribution that was so terribly visited upon some of them.

Mr. President, I deliberately state that had the South known when Lee surrendered his sword at Appomattox what was in store for her under the unspeakable horrors of reconstruction there would never have been a surrender. Why should there have been a surrender? We had appealed to the court of the cannon and had lost, and when Lee handed his sword to Grant it was naturally to be expected that the civilization of which we were all so proud would not be

jeopardized even in the seceding section. We of course expected to pay the penalty of poverty, in that our homes were destroyed, our laborers were demoralized and dispersed, but we were willing to pick up the task and rebuild as best we might, although our credit was gone, and, not only our credit, but we were discredited throughout the civilized world. When, however, there was brought into existence the theory and principle and practice that the ex-slaves should be the legislators and judges, and that rapine and lust should have no check, think what was the position and condition of the Southern States! The ex-slaves were totally unprepared for citizenship; certainly they were not prepared for such citizenship as had characterized the race to which we belong, and they never can be so prepared. They are congenitally different; they are racially different; their ideals are different; their aspirations are different. Yet they were to be made the masters of the situation. We of the South, from which had come Presidents and statesmen equal if not superior in numbers and in intellect to those from any other part of the country, were to be hurled back, as the result of an honest difference as to the interpretation of the Constitution, to the character of civilization that existed in the Dark Continent!

At that time we had the name "Democratic Party" as our national and local designation. The members of that party stood for white supremacy. They knew the danger of submitting social and governmental affairs to those who were so unprepared and unqualified to discharge those duties. The name "Democratic Party" did not appeal so much to the South because of its economic principles. The name "Democratic Party" did not appeal to us preeminently because of the difference between the economic principles of the Republican Party and the Democratic Party; but it did appeal to us because the Democratic Party had saved us ultimately from the submergence and the destruction of white civilization in the South.

You can imagine, Mr. President, what fiery zeal and loyalty the South gave to the honored name "Democrat," to the organization that had pledged itself that we should not suffer the violation inherent in the terrible conditions which existed when the race to which I have referred was overwhelmingly in the majority. It did not make any vital difference to us whether or not the Democratic ticket was elected, so long as we held the solid South together on the one principle of white supremacy.

You can imagine, Mr. President, how those of us feel now who have given our allegiance to that party for all these years, standing under the banner and the name of democracy, and seeing our faith in it violated by an overwhelmingly so-called Democratic Senate, by the same spirit which characterized the bitter partisans of the conquering element. Here we are, subjected more violently and determinedly to having this humiliation thrust upon us than was ever attempted by a Republican Senate, and for what purpose? The same purpose that characterizes every low degree of politics, the dregs of politics, the scum and slime of politics—"Get votes! Get them if you have to disrupt the Constitution! Get them if you have to humiliate a great people, those who have helped make the name of America glorious! Besmirch them in order that the votes in Harlem, and in certain other urban districts, may be attached to those sponsoring and supporting this legislation!"

Mr. President, in view of the speech made by the Senator from Idaho [Mr. BORAH] yesterday, I wonder if in the future my section of the country will feel the same determined loyalty toward this temporary element in our party, or in the old Democratic Party, or at least under the name of the Democratic Party, who are attempting to do this violence toward every sense of decency and fair play.

In reviewing the decrease of the crime which this proposed legislation is alleged to have been introduced to prevent, I desire to pay a tribute to the Negroes of the South. They are rapidly attaining a race consciousness, and the crime to which most of the lynchings were due is rapidly disappearing. Two elements are at work that have practically eliminated that crime and the horrible retribution for it. First, the Negro is beginning to assimilate, or has rapidly assimilated——

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. SMITH. Yes; I yield.

Mr. CONNALLY. In the Senator's discussion a moment ago of the government of certain States being placed in the hands of the newly enfranchised slaves, did the Senator consider the fact that during those "carpet-bag" and reconstruction days most of the Southern States were plundered of millions upon millions of dollars through the public officials of those States, "carpet-baggers" and others?

Mr. SMITH. Mr. President, if I had the time—and I may take it before this matter shall have reached its final conclusion—I desire to get and read to the Senate a book called The Prostrate State, written by a man named Pike, in which he particularizes the orgies of extravagance and wastefulness that went on under that régime. It is a hard matter for me to discuss this question dispassionately. I am perfectly willing to debate an honest difference of opinion as to political expediency, as to whether it would be more or less beneficial to the country to have a certain question decided one way or another way; but when I am confronted with a miserable effort to secure certain votes at the price we propose to pay in this legislation, one can scarcely restrain himself in his expressions. I do not attempt to restrain myself in the feelings I have for those who would dare do this thing, in the light of the tremendous progress we have made under conditions that were never paralleled in the history of the world.

This is not a new thing. It was to be expected that the Republicans, under whose auspices emancipation took place, should from time to time make a gesture in order to placate the colored vote; but for us of the South, who have kept the Democratic fires burning on the altar of this country in the face of defeat after defeat, but never yielding, one jot or tittle, now to have handed out to us, a reward for our faithfulness to the Democratic Party, this horrible, inexcusable, dastardly thing, is something that I never could have believed would come about.

Should this bill pass and become a law, I do not know what would be the result on the sectional feeling which I had so happily observed to be passing.

Mr. President, before I have part of a speech read I desire to finish what I started to say about the causes which have led to the decrease of so-called lynching and to advert particularly to the education of the Negro, not scholastic, not so much from the schoolhouse, but in the great school of association with his white fellows, he himself being free; he has begun to appreciate something of the responsibility of citizenship and how he may become a worthy citizen in the ordinary intercourse of man with man. Of course, with the diminution of the crime which was the chief cause of lynching would have naturally come a diminution in the retribution; but, setting our faces steadily against mob rule, the mobs are rapidly disappearing, so that our problem was in process of solution. Now you have stirred it up again by declaring, in spite of the magnificent record which has been made, that in order to get a few Negro votes in the North, the East, and some parts of the West you are willing to recall all the horrors of the past and brand us once more as "rebels."

In the darkest days of reconstruction the white men and women of the South were superior to any other white breed on the globe in every element of cultured humanity, more sympathetic, more ready to help the unfortunate than the people in any other section of the country. Yet it is proposed that the Federal Government shall go down into our so-called "crime-ridden," "uncivilized" section and eliminate lynching, or attempt to eliminate it, and introduce the more modern method of murder by gangsters and racketeers, which

seems to be the favorite pastime in the wonderfully civilized States from which this proposal comes.

Mr. President, this very question was raised in Congress during the session of 1922. At that time a very distinguished southerner, Oscar Underwood, was trying to save our section from the very threat now hanging over it, and I should like to have the clerk read extracts from the CONGRESSIONAL RECORD of that session as I have indicated them, when the very same question was under discussion.

The PRESIDING OFFICER. Without objection, the clerk will read as indicated by the Senator.

The legislative clerk read as follows:

Mr. UNDERWOOD. Of course, a Senator on the other side of the Chamber may make the motion when it is desired, but there will not be any business transacted today. The Senator from Kansas knows that. I am not disguising the fact, Mr. President, because I believe in dealing in a perfectly frank manner with the Senate and with the Chair, if it will help the Chair any to have an understanding of the fact that we do not propose to do any business at this time. Of course, the Chair can overrule the motion if he desires to invade or to disregard parliamentary law, but there are plenty of other ways of securing a call of the roll, and we shall have many roll calls today, no matter what the ruling of the Chair may be. I am merely protesting in the interest of the preservation of the rules of the Senate.

Mr. President, Mr. Speaker Reed was a great man, a man of great force, but he represented ideals of government which the American people have repudiated, which have become archaic. They may have been the dominating ideals and controlling force in Speaker Reed's time, but the American people have cast them aside. It was because of the position that the Republican party took, standing pat on tariff bills and rejecting legislation which the country desired, that from the bowels of the Republican party came forth a number of men who called themselves "Progressives," and the Progressive Party finally, when Theodore Roosevelt became President, controlled the organization itself. Now it is slipping back to the times of Reed, to the times of standpatism.

I admit, Mr. President, that as the leader on this side of the Chamber, practically representing the voice of this side, with, perhaps, a few exceptions——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. UNDERWOOD. I do.

Mr. LODGE. Mr. President, I merely want to say to the Senator that it seems to me he is confusing the contest which arose under Mr. Reed with one which arose nearly 20 years later when the Senator from Alabama was a Member of the House. If the Senator will allow me, Mr. Reed's reform of the rules and the position he took, especially with reference to a quorum, as the Senator knows, have been sustained by the Supreme Court and adopted by the Democratic Party in the House.

Mr. UNDERWOOD. Of course I am familiar with that proposition. The Supreme Court, of course, took the Journal of the House, as it will take the Journal in this case, and held that what the Journal showed must control, notwithstanding a quorum was counted. The particular instance occurred just before I became a Member of the House, but I served under Mr. Reed the second time he was Speaker, when he still maintained all his power and glory, and I can very well remember the time when not only a Democrat but even a Republican did not think of attempting to take the floor until he had gone to the Speaker's office and asked his kindly permission to accord him recognition some time during the day. It was necessary for a Member, if he had a bill or a motion in which his constituents were interested, to go with humble voice and bowed knee to the Speaker's office and ask kindly permission that he might secure recognition during the day. It was that character of procedure that was invoked and in force in this country when the precedent which the Senator from Kansas cites was made. Of course if Senators on the majority side are reactionary enough to want to go back to those conditions and those times then they can use their votes to do it. It is not so very material to me whether I secure the adoption of the motion to adjourn over until Friday because there are plenty of other motions which may be made, but I think the Senators on the other side will make a very great mistake if they head back toward Reedism at this time. I do not think the country will sustain them.

Mr. President, because I very candidly announced that this side of the Chamber was going to use every legitimate parliamentary means, as we have a right to do within the rules, to prevent the passage of the Dyer bill, that is called a filibuster by the other side, and I confess that it is. I do not generally believe in filibusters; I do not think they are justified. I myself, under proper circumstances, would like to see a liberalized cloture rule in this body. I want business transacted, and one reason why I stated yesterday, most candidly, that we on this side did not propose to allow the passage of this bill if we could prevent it by any legitimate parliamentary means, was that I want the business of the country and of the Senate to be transacted. The appropriation bills will be here shortly. I want to see them passed. They are a part of the legitimate business of the country. In Mr. Taft's administration, when I happened to be leader of the Democratic House, I assisted in securing the passage of the supply bills which were needed to run the Government, notwithstanding the President was a Republican and the House was Democratic.

I feel the same way about that question now. The majority are entitled to have the supply bills passed; they ought to become a law before the 4th of March, and I wish to help in that direction; but if Senators on the other side have any reason they must understand that if they are going to inject into the proceedings of the Senate what we call a force bill—they may call it by some other name, but it has been called in my section of the country a force bill so long that it would not be recognized by any other name—if the majority expect to keep that measure hanging over and then lay it aside in order to pass appropriation bills, they must know perfectly well that the filibuster is going to continue on the appropriation bills, and those bills are going to be slaughtered. There is but one way for the Senate now to get down to work and transact the business of the Government before the 4th of March, and that is to get a final disposition of this force bill before anything else is done. Pass it if you can; abandon it if we force you to do so.

As I said yesterday, not for a moment do I believe in mob rule or mob law; I believe that the law should be enforced by the officers of the law and by nobody else, but when it is attempted to take away the jurisdiction of the States in reference to certain crimes because they are attended by a mob and leave the jurisdiction of the States as to other crimes where there is not a mob, to take away the jurisdiction of the States when the mob is acting in violation of law, but not to take it away when the mob is not organized against the law, discriminating in favor of those whom it is desired to keep out of the Dyer bill for your own purposes and putting in the Dyer bill those you want to bring within the jurisdiction of the Federal Government, of course, that is an affront to a large section of this country.

So long as the Senate has the rules that it has now, you know just as well as I know that I am standing here that you can not pass it; and, more than that, the country does not want you to pass it. The South is absolutely opposed to it, and always has been; but it goes farther than the South. You cannot tell me that there are not thousands and hundreds of thousands of men and women in the North who are just as much opposed to this class of legislation as they are in the South. There is no difference between them. The old issues and animosities of the Civil War have long since passed. We belong to the same kin and the same people, and we think the same way. It is not that I am not in favor of protecting the Negro race under the law. I think the Negro has as much right to protection under the law as the white man has, but he should be protected within the Constitution; and you have no right to rape the Constitution of your country because you think somebody has violated the rights of some citizen in a particular State.

That is the issue, Mr. President. Of course, if Senators on the other side want to adopt the policy of injecting the strong arm, we are not going to deny that we are filibustering. We want the country to know just exactly what we are doing, and I am doing it because I think it is the only way to expedite the public business.

Mr. SMITH. Mr. President, I think enough has been read to indicate that the fight then was exactly the same as that now in progress.

I wish to make one further statement before I close what I have to say. I think it is the duty of those of us who view this matter as we have outlined it to forfeit all chance of legislation. I think we are justified in holding out against the enactment of the pending measure if no other bill shall be passed at all during the present session. In order that we may preserve our form of government, threatened by the proposed legislation, and prevent the humiliation of a section which has achieved so much, we are warranted in blocking every form of legislation until this iniquitous thing is forever abandoned. Merely because there is pressure of temporary business, I do not feel justified in jeopardizing the very existence of my Government and the good name of my section in order to allow certain temporary and ordinary legislation to pass.

I am glad to have had read what the great Alabama statesman, Mr. Underwood, had to say. To whom was he appealing at that time not to do this outrageous thing to the South? He was appealing to the Republicans; to the other party. Now we are appealing to our own party associates not to do this outrageous thing. Where else was the South to look for recognition after the heroic struggle which resulted in her gloriously emerging from the unspeakable depths into which she was plunged after the Civil War? The Republican Party refused us succor. The Democratic Party now is refusing us recognition. Where shall we turn? Where does it

leave us, the purest and most unadulterated Democrats of America? Through all the exigencies of politics, since 1865 until 1936, with one minor exception, the South has rolled up a solid Democratic vote; and now, as a recognition of our loyalty to the party, as a recognition of our heroic efforts under intolerable circumstances to bring about proper living conditions, we find the party to which we have given this undivided allegiance through all these years treating us worse than the Republican Party has ever treated us since 1876.

What do the proponents of this measure think we are, Mr. President? The world at large will believe that they believe what is alleged concerning us, but they do not believe it. They know we are solving this problem. They know we are the purest original American stock in America. They know the white population throughout the South is the purest American stock extant. They know we are better qualified socially, politically, economically, and from every standpoint to govern this country democratically than any other section. Therefore, they must appeal to the element which is more in accord with their civilization and their ambition than we are.

I sometimes think those who are courting the vote of this race from every civilized standpoint are no better than the race they are courting. Josh Billings said he lived 40 years before he found a place for a boil. Somebody asked him where. He said, "On the other man." Mr. President, if men cannot be returned to the Senate or the House without degrading the electorate, and disrupting the Constitution, and humiliating a great section, they ought to have enough manhood to stay away from here, because the very conditions under which they have come prove they are not fit to be here.

Mr. President, I desire at some time to say what I really think, and later on during this discussion I shall take occasion to get down to cases. I do not want more than 3 or 4 hours to do the job, but I hope to be able, during the short discussion that lies before us, to have something more to say.

I yield the floor.

WOOL—RECIPROCAL-TRADE AGREEMENT WITH THE UNITED KINGDOM

Mr. O'MAHONEY. Mr. President the Department of State made public last night for release to the newspapers this morning, a list of the various commodities upon which the Government of the United States will consider reduction of the tariff rates in the forthcoming negotiations for a reciprocal-trade agreement with the United Kingdom.

This announcement, with the appended list, is in all probability one of the most important tariff announcements which has been made during the past 4 years. Those who have been following the public press during the past month or so will realize that there has been carried on a campaign of publicity to prepare the country for what is likely to happen as a result of this trade agreement.

During this time I have personally been conducting negotiations by mail and orally with the State Department, because wool is a commodity of particular interest to the people of my State. Because the wool industry is in the lowest condition today that it has been in for many years, and because I felt that it would not be the purpose of the Department of State by any act in the negotiation of this reciprocal trade agreement to injure the wool industry in any of its branches, I wrote a letter to the Secretary of State, and received from him a very satisfactory and polite response, which I inserted in the RECORD of December 21. Later, I shall ask unanimous consent that that correspondence may be republished in connection with my few remarks this afternoon, because the correspondence was based upon an original correspondence which I had with the President of the United States in 1934, when the Reciprocal Trade Agreements Act was first under consideration in this body. At that time the President proclaimed that it was not the purpose of the administration, by action under the reciprocal-trade agreements law, to do anything that would militate against the interests of any agricultural industry. I know that that was the purpose of the President; I believe that it is still his purpose, and I believe that it is the purpose and the motive of the Department of State.

In the announcement which was made today of the list of commodities which will be considered, raw wool is excluded; so that the letter of the understanding which we had in 1934, at the time the bill was under consideration, is being kept.

In this list, however, there is a large number of manufactured products of which wool is the basic ingredient. I think I shall not betray any confidence if I say here—I think it ought to be said here—that the understanding which I derived from my conferences at the Department of State was that it would not be the purpose of the Department to grant concessions upon any commodities if to do so would result in harm to the domestic producers of those commodities.

One of the principal reasons why the price of wool is as low as it is today is because the textile industry of the country has entered upon hard times. The textile mills in New England are operating upon a partial week basis. Textile mills throughout the country that are devoted to the manufacture of wool products are unable to operate because apparently there is at the moment no market for wool products. The result of that has been that the pay rolls in the textile areas have been steadily decreasing week by week for several months past.

I have in my hand a list covering only a single city in New England. I shall not name the city, because it would be unfair to name one and not to name the others, and I have not had the opportunity to compile all the information I ought to have. Beginning with a weekly decrease in pay roll of $12,000, that decrease has been enlarged steadily every week until during the last week of December the decrease was $137,000.

I have no intention of taking the time of the Senate this afternoon to discuss this matter at length, because I know it is the desire of Members to recess in order that they may attend to work in their offices.

But, out of order, I now desire to introduce a bill which I ask to have referred to the Committee on Finance, which is, in effect, a repetition of an amendment which I presented when the bill providing for the extension of the Reciprocal Trade Agreements Act was under consideration in February 1937, an amendment which would require that every reciprocal-trade agreement, before becoming effective, shall be filed with Congress for at least 30 days. Thirty-two Members of the Senate voted in favor of that amendment when it was presented. It is a very mild suggestion. All that it amounts to is a declaration that before the Government of the United States and the industries of the United States, whether agricultural or industrial, stand committed by the negotiations of our State Department the result of such negotiations shall be presented to the representatives of the people of the United States and shall not become effective until so presented.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very happy to yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator's amendment provide that such reciprocal-trade agreements must be ratified by the Senate before becoming effective?

Mr. O'MAHONEY. I will say to the Senator it does not. That is the reason I said it was a very mild amendment. It merely is a request that the Congress be given advance information as to the contents of a reciprocal-trade agreement before we are tied hand and foot by it.

Mr. CONNALLY. Mr. President, will the Senator pardon another interruption?

Mr. O'MAHONEY. Certainly.

Mr. CONNALLY. Do I understand correctly that under the amendment a trade agreement must be filed with the Senate before it is agreed to? It would not do much good to file it with us after it is agreed to.

Mr. O'MAHONEY. Oh, no; the amendment provides that it shall be filed before it shall become effective. I will read the proposed amendment.

Be it enacted, etc., That the act entitled "An act to amend the Tariff Act of 1930," approved June 12, 1934, is amended by adding at the end thereof the following new section:

"SEC. 5. Hereafter every proclamation of the President under this act shall be submitted to the Congress while in session, and shall not become effective until the expiration of 30 calendar days after such submission unless Congress shall by law provide for an earlier effective date of such proclamation: *Provided*, That if Congress shall adjourn before the expiration of 30 calendar days from the date of such submission, such proclamation shall not be effective until after the expiration of 30 calendar days from the opening day of the next succeeding regular or special session."

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I am very glad to yield to the Senator.

Mr. CONNALLY. It seems to the Senator from Texas that the provision as to submission to Congress does not apply until after the agreement is a closed incident. Of course, the proclamation puts into effect the agreement, and all we can then do is to talk about it, because the proclamation will have become effective.

Mr. O'MAHONEY. The Senator has misunderstood the amendment. It provides that the agreement shall not become effective until 30 days after submission to Congress.

Mr. CONNALLY. Ah, it shall not become effective in the sense that it will be operative; but, so far as foreign governments are concerned, the President's proclamation is simply a declaration of the end of the negotiations. Under the proposal of the Senator from Wyoming, the agreement would not be enforceable until 30 days had elapsed, but it is already completed and the national faith is pledged. It seems to me that the Senate ought to have some say-so about it before the proclamation is issued.

Mr. O'MAHONEY. I quite agree with the point of view expressed by the Senator.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. Let me first reply to the Senator from Texas, and then I will be very happy to yield to the Senator from Washington.

There is no doubt in my mind that reciprocal-trade agreements are, in effect, treaties and that they should be ratified by the Senate before they become effective. I can conceive of no formal treaty into which our Government could enter with the Government of Great Britain which will be more important, more far-reaching in its effect than this proposed reciprocal-trade agreement with the United Kingdom. If it were a treaty it would have to be ratified, but not being a treaty, by a curious and circuitous interpretation of words, it has been held that the State Department of the Government may enter into trade agreements without submitting them for ratification to the Senate.

I should prefer, indeed, to amend the law so as to provide before a reciprocal-trade agreement should become in any degree effective, before any commitment should be made by the Department of State, that the Congress of the United States should be consulted, because such agreements in effect deal with the tariff law and the making of tariff rates and thereby constitute an act which is legislative in purpose and in effect.

Mr. CONNALLY. Mr. President, will the Senator from Wyoming yield further?

Mr. O'MAHONEY. Certainly.

Mr. CONNALLY. The Senator, no doubt, is aware of the fact that all such trade agreements relate to the revenue, and that in one of the first Congresses under the Constitution a very bitter fight took place, the House of Representatives taking the position, since such agreements related to the revenue, and since the House was given authority under the Constitution to originate all revenue legislation, that they were not effective, even when ratified by the Senate, without the House itself giving consent. While that view probably did not prevail, because the Senate just went on and acted, nevertheless the House in that early time when many of the makers of the Constitution were Members of the House and Members of the Senate took the position that since any treaty that related to the revenues of the United States was a revenue matter, it should receive the sanction of the House of Representatives, in addition to ratification by the Senate. I will ask the Senator from Idaho [Mr. BORAH] if I have not correctly stated that early contest?

Mr. BORAH. Mr. President, I do not recall the details. I know there was a very extended debate with reference to the Jay treaty.

Mr. CONNALLY. That was the treaty I had in mind, and the debate occurred in 1794.

Mr. BORAH. The House claimed certain rights with reference to being heard, but I do not recall the details.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield first to the Senator from Washington [Mr. BONE], who asked me to yield a while ago.

Mr. BONE. Mr. President, the adoption of the amendment proposed by the Senator from Wyoming would result merely in opening up one of these agreements for discussion on the floor of the Senate, would it not?

Mr. O'MAHONEY. The Senator's statement is correct.

Mr. BONE. As I understand, it would not go beyond a mere discussion, because the treaty would be an accomplished fact?

Mr. O'MAHONEY. That is correct.

Mr. BONE. I can see the value of the Senator's suggestion, and I agree with him that a reciprocal-trade agreement partakes of the nature of a treaty and an amendment to the tariff schedules of the country. I think there should be something more than a mere discussion of such agreements when they affect economic interests so vitally as many of them do.

Mr. O'MAHONEY. It would mean publicity; it would mean that the act of the State Department would be subjected to the full light of public knowledge before the proclamation became effective; and it seems to me the State Department, with the knowledge that the provisions of the proposed agreement would not become public before the proclamation became effective, would be more likely to pay attention to the petitions, the representations and the arguments of Members of the Senate and the House of Representatives who respectfully request that the industries of the people whom they represent shall not be injured.

Mr. BONE. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. BONE. What I am trying to get at is the practical effect. Though the 96 Members of the Senate find in the proposed treaty something to which they all register objections, the treaty would become an accomplished fact notwithstanding such objections.

Mr. O'MAHONEY. Yes; but it could be easily denounced.

Mr. BONE. I realize that, but what I am getting at is that, notwithstanding, the State Department could go right ahead and enforce the agreement.

Mr. BARKLEY. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I do not wish to discuss the merits of the Senator's bill; but, in connection with the suggestion offered by the Senator from Texas [Mr. CONNALLY] with reference to the ratification and the incidental fact that the revenues may be involved, the Senator, I am sure, realizes that not only does Congress have the power to raise revenue but the Constitution provides that all revenue bills shall originate in the House of Representatives, and also that Congress shall have power to regulate commerce among the States and with foreign nations. The trade agreements which, from time to time over 150 years, have been negotiated between this Government and other nations have been more in the form of agreements relating to commerce than they have been agreements affecting revenue.

Mr. O'MAHONEY. That is, of course, the ground upon which the right of Congress to pass such an act has been defended.

Mr. BARKLEY. Absolutely.

Mr. O'MAHONEY. There is no question about that. I am not entering into the merits of that phase of the discussion at this moment. It is perfectly obvious that, since this bill will go to the Committee on Finance, it will there be subjected, or may be subjected, to close scrutiny and amended as the members of the Committee on Finance may deem wise that it should be amended.

Mr. BRIDGES. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from New Hampshire.

Mr. BRIDGES. I did not hear the beginning of the Senator's discussion on the bill submitted by him. May I ask if it applies only to the projected trade agreement with Great Britain?

Mr. O'MAHONEY. No; it would apply to all such agreements.

Mr. BRIDGES. And it would afford merely an open forum here in the Senate on such matters?

Mr. O'MAHONEY. I said—I remind the Senator—that it is a very mild proposal, providing that before any proclamation under the Reciprocal Trade Agreement Act shall become effective the agreement shall be filed with the Congress for 30 days.

Mr. BRIDGES. Does not the Senator believe that the original act, in full protection to the country, should be amended even further?

Mr. O'MAHONEY. I would be very glad, indeed, to consider a further amendment; I so stated to the Senator from Texas; but I will say to the Senator from New Hampshire that my purpose is to get some sort of a result; and I begin with the most modest request of which I can conceive.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very glad to yield to the Senator from New Mexico.

Mr. HATCH. I recall the Senator's amendment, and I think I supported it when he offered it on a previous occasion.

Mr. O'MAHONEY. The Senator did.

Mr. HATCH. I merely desire some information. Referring to the action of the committee, as I recall, when the proposal was offered previously the Senator from Wyoming offered it from the floor at the time the bill proposing to extend the reciprocal trade agreements law was under consideration.

Mr. O'MAHONEY. That is correct.

Mr. HATCH. The Senator's proposal had not been considered by the committee?

Mr. O'MAHONEY. It had not been considered by the committee. The bill extending the original law came out of the committee much more rapidly than I had expected it would, and, therefore, I did not have an opportunity to present the amendment to the committee. I may say, however, that it had been considered previously when the original act was under consideration, but that consideration was also given on the floor. It has never been considered by the committee, so far as I know.

Mr. President, the importance of what I am saying ought to appeal to all Senators who represent cotton-producing States as well as those who represent States interested in producing wool. I find among the commodities with which this agreement will concern itself, cotton, sewing thread, cotton cloth in various forms, and cotton yarn. In other words, the textile industry in both wool and cotton may be affected by this reciprocal-trade agreement.

Last night there appeared in the newspapers of the city of Washington an advertisement signed by the Governors of nine States entitled:

TO AID AND PROTECT INDUSTRIAL DEVELOPMENT IN THE SOUTHEAST—WITH MALICE TOWARD NONE

The alarmed attitude of other sections of the country toward the purposes of the Southeastern Governors' Conference, as reported by the press, is indeed surprising. The Southeast feels that it has a natural right to call to the attention of American industry the many advantages this section offers. Forcefully and truthfully—with malice toward none—the natural advantages offered by the Southeast will be placed before the Nation in this and subsequent advertisements. The statements made are simple truths and will stand four square in the light of any inquiry which seeks unbiased facts. The Southeast wants no one to seek locations in her midst expecting cheap and low-paid labor or long hours of work. Sweatshop operators are and will be unwelcome. We have stated that the year 'round moderate climate of this section makes possible lower living costs for better standards of living; less for rent, less for fuel and less for food and clothing for a family.

Mr. President, I ask unanimous consent that the entire advertisement may be printed in the RECORD as part of my remarks.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

TO AID AND PROTECT INDUSTRIAL DEVELOPMENT IN THE SOUTHEAST—WITH MALICE TOWARD NONE

The alarmed attitude of other sections of the country toward the purposes of the Southeastern Governors' Conference, as reported by the press, is, indeed, surprising. The Southeast feels that it has a natural right to call to the attention of American industry the many advantages this section offers. Forcefully and truthfully—with malice toward none—the natural advantages offered by the Southeast will be placed before the Nation in this and subsequent advertisements. The statements made are simple truths and will stand foursquare in the light of any inquiry which seeks unbiased facts. The Southeast wants no one to seek locations in her midst expecting cheap and low-paid labor or long hours of work. Sweatshop operators are, and will be, unwelcome. We have stated that the year 'round moderate climate of this section makes possible lower living costs for better standards of living—less for rent, less for fuel, and less for food and clothing for a family. The Southeast knows no long months of unrelenting cold, heavy snow, sleet, and ice. This insures lower capital investments, lower construction costs, lower production costs. Analyze the above economies and you will readily understand why workers in this section enjoy better standards of living at lower living costs.

SOUTHEASTERN GOVERNORS' CONFERENCE,
LAWRENCE WOOD ROBERT, Jr.,
Industrial Consultant, Bona Allen Building, Atlanta, Ga.

CLYDE R. HOEY, *Governor of North Carolina.*
OLIN D. JOHNSTON, *Governor of South Carolina.*
BIBB GRAVES, *Governor of Alabama.*
E. D. RIVERS, *Governor of Georgia.*
FRED P. CONE, *Governor of Florida.*
A. B. CHANDLER, *Governor of Kentucky.*
HUGH WHITE, *Governor of Mississippi.*
RICHARD W. LECHE, *Governor of Louisiana.*
GORDON BROWNING, *Governor of Tennessee.*

We, the Governors, with a view to aiding industrial expansion of our section and the stabilization of employment, we, the Governors of the Southeastern States, set forth the following objectives: (1) Equitable freight rates as affect the Southeast; (2) uniform taxation policies; (3) friendly labor attitude between employer and employee; (4) cooperation with Federal Government on proper major policies affecting industrial development.

It will be our aim by working together on these objectives to maintain conditions favorable to sound industrial development so that the Southeast will reap the full benefits of the ever-increasing trend toward industrial decentralization and gain a proper balance between agriculture and industry.

Mr. O'MAHONEY. What I desire to call to the attention of the Senators from the States represented by these Governors is the fact that while your Governors are appealing to the industrialists of the land to go into the Southeast to establish textile manufactories, the State Department may be negotiating with Great Britain to allow the textile products of Great Britain to come into the United States in competition with the manufactories you would like to set up.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be glad to yield to the Senator from New Hampshire.

Mr. BRIDGES. If the projected and proposed trade agreement with Great Britain is executed, judging from the Senator's perusal of the preliminary statement, is it his judgment that this country will become merely a dumping ground for the British Empire?

Mr. O'MAHONEY. Mr. President, I do not anticipate any such result at all. I think possibly the Senator from New Hampshire would like to believe in that argument. I do not.

Mr. BRIDGES. I do.

Mr. O'MAHONEY. I believe the administration is seeking in good faith to develop the commercial activity of the whole world. I know what the purpose of Secretary Hull is; and, so far as I have been able to determine, this country has not

suffered from any reciprocal-trade agreement that has as yet been entered into. What I am concerned about, however, is the maintenance of the congressional right to know what is going on before it becomes an accomplished fact.

Mr. JOHNSON of California. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from California.

Mr. JOHNSON of California. I was not present when the Senator from Wyoming began his remarks. How does the Senator propose to attain that particular result, so that the Senate will know, before the matter is consummated, just exactly what is attempted to be done?

Mr. O'MAHONEY. Mr. President, I am introducing a bill to amend the Reciprocal Trade Agreements Act so that before any proclamation issued by the President under the Reciprocal Trade Agreements Act becomes effective, it shall first be filed with Congress, and remain here for scrutiny for a period of 30 days.

Mr. JOHNSON of California. How will that accomplish what the Senator desires?

Mr. O'MAHONEY. It will subject the trade agreement to inspection and examination. Before the Senator from California came on the floor I said that it is a poor, weak substitute for ratification of what, in my opinion, is in effect a treaty with a foreign government; but it is far better than the condition which exists today.

Under the procedure now followed, announcement is given of intention to negotiate a treaty, and then there is published a list of commodities to which consideration will be given. The announcement of the list does not bind the Government to grant any concessions on the articles included in the list. It amounts to no declaration whatsoever as to whether the existing tariff rates will be reduced or increased with respect to such commodities. Thereafter, announcement is made of hearings to be held before an executive committee in the Department of State. The action upon those hearings is conducted in executive session, without the knowledge of the public, without the knowledge of those who presented their cases at hearings, and without the knowledge of the Members of the House of Representatives and the Senate of the United States.

Mr. JOHNSON of California. All of which is true, every bit, and all of which was objected to when the reciprocal trade agreement bill was before the Senate.

Mr. O'MAHONEY. Yes, Mr. President; and I offered this amendment on the 25th of February 1937, and 32 Members of this body supported it. As the Senator from New Mexico [Mr. HATCH] pointed out a few moments ago, unfortunately the amendment had not been presented to the Finance Committee; and for that reason, and I think for that reason alone, it was defeated. As the Senator well knows, when the bell is sounded for a yea-and-nay vote, Members who have been absent from the floor upon other matters come in, and go to the chairman of the committee whose bill is up, or to the majority or the minority leader, and say, "How should we vote?" and the majority Senators vote with the committee. I shall be very happy indeed, however, when this measure goes to the Committee on Finance, as I shall ask that it do, to have the Senator from California appear before the committee and cooperate with me in trying to secure favorable action upon the bill.

Mr. JOHNSON of California. Yes; but the Senator from California would insist on going further. The Senator from California would insist, as he has insisted since the first trade agreement was contemplated, on the Senate and the House of Representatives performing their constitutional function. For that reason I do not see that the particular bill introduced by the Senator from Wyoming would accomplish the result which he intends.

Mr. O'MAHONEY. Mr. President, half a loaf is better than no bread. I think the bill would accomplish a great deal, because, as I said a moment ago, I think before the Senator from California arrived in the Chamber, if this amendment were part of the law the officials of the Department of State conducting the negotiations would be doing so in full knowledge that everything they did would be subjected to public scrutiny before the proclamation could become effective.

Mr. JOHNSON of California. Yes; but is it not obvious to the Senator from Wyoming that when their action was subjected to public scrutiny, if those affected by the action did not agree with it, they should have some method by which they could stop an iniquitous agreement?

Mr. O'MAHONEY. Mr. President, I think the publication in this manner of the terms of a proposed agreement would have a most salutary effect. I quite agree with the Senator from California that the amendment does not go far enough to satisfy me; but, as I said a moment ago, half a loaf is better than no bread. If this amendment had been adopted when it was formally presented upon the floor of the Senate, when the Reciprocal Trade Agreements Act was first under consideration, I think the results would have been very, very much more satisfactory.

Mr. JOHNSON of California. But the Senator from Wyoming contemplates that an agreement which has been executed shall lie before the Senate for a period of 30 days. That is all right; but that accomplishes nothing, because the agreement has already been made, and it will go through. The power ought to exist, should exist, and does exist, to permit the Senate and the House of Representatives to say what shall be a treaty and what shall not be a treaty.

Mr. O'MAHONEY. I quite agree with the Senator in that point of view.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be very happy to yield to the Senator from Idaho.

Mr. BORAH. I agree with what the Senator from California [Mr. JOHNSON] has said, that these so-called agreements are treaties. They ought to come here for ratification; and if the Senate had any regard whatever for its constitutional rights and duties, they would come here. But, Mr. President, I suppose that cannot happen now. However, I desire to make a suggestion to the Senator which it seems to me might be helpful. At least, he may take it under consideration.

The commodities named today as the possible subject of consideration are not to a certainty the commodities which will be considered. The statement of the State Department says that they may or may not be considered; that certain ones of them may be considered and certain others may not be considered. If we could have, before the treaty was negotiated, a definite statement from the Secretary of State that these commodities had been determined upon as the commodities concerning which negotiations would be carried on, we should have something; but the persons coming here from all parts of the country do not know upon what subjects they are to present evidence. They do not know whether or not the matter upon which they are going to present evidence will ever be considered at all; for Mr. Hull, the Secretary of State, advises them in the statement that it must not be regarded as a statement of what commodities will be considered. These are only probabilities. Many of them may never come up for negotiation at all. Many of them may never be negotiated about at all.

Mr. O'MAHONEY. The Senator is quite right. The statement to which he refers reads as follows:

> The attached list is not a list of articles on which concessions are proposed, but rather a list of articles which will come under consideration for the possible granting of concessions.
>
> "For the possible granting of concessions."

Mr. BORAH. Yes. If the Senator will consider the proposition, while his proposal is before the committee, of including a clause to the effect that at some time prior to the time when the negotiation is made the State Department shall announce that it has definitely determined upon these articles as articles upon which the negotiations will be based, the interested persons from different parts of the country can come here with definite knowledge that these particular subjects will be up for consideration, and they can gather their briefs and their facts upon those subjects. Otherwise, they will come here practically shooting in the air.

Mr. O'MAHONEY. I think the Senator's suggestion is an eminently sound one, and I rather feel that it could be complied with by the Department of State without any formal action at all by the Congress.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be very glad to yield to the Senator from Kentucky.

Mr. BARKLEY. I take it for granted, from that announcement, that articles not mentioned there will not be taken under consideration.

Mr. O'MAHONEY. Articles which are not mentioned in this list cannot be taken under consideration at all.

Mr. BARKLEY. No; and the publication of the list carries no implication that all or any part of them will be considered.

Mr. O'MAHONEY. That is true.

Mr. BARKLEY. Though presumably some of them will be considered.

Mr. O'MAHONEY. But the publication of the list carries the definite implication that every commodity not named in the list will be undisturbed.

Mr. BARKLEY. Absolutely. There will be no change in the situation with respect to unnamed commodities.

Mr. O'MAHONEY. That is correct.

Mr. BARKLEY. The Senator from Wyoming knows, and I am sure the Senator from Idaho knows, as we all do, that during the life of this trade-agreement law, ever since the passage of the original act and since its extension last February, the State Department has made an honest and sincere effort to advise everybody in the United States who was interested in these negotiations with respect to their progress, and to give everybody a chance to be heard. I think it is true that at the present time practically everybody who has a substantial interest in any of these agreements is heard in the State Department before any conclusion is reached. I think the State Department itself has realized from time to time, as it has gone on negotiating these agreements, that it was its duty to advise all those to whom it might convey information that any commodity in which they might be interested was under discussion, and permit them to make such representations as they might desire to make, in order that they might be considered during the negotiations.

Mr. BORAH. I think, on general principles, that is what the State Department has sought to do; and I am not criticizing it, but what I am complaining of is that I desire a more specific statement, a bill of particulars. If I were going to plead to that announcement in court, I would not know what to plead to, because some of those things may never be considered at all.

Mr. BARKLEY. If these commodities are never considered at all—if the Senator will permit me, of course—there will be no occasion for anybody to worry about them. If they are not ever to be considered, it will be useless to bring people here from anywhere, or to encourage their coming here, in order to consider something that is not going to be taken into consideration in the trade agreements. When the Department officials decide to eliminate any portion of the articles given out in the list, that is water that has gone over the dam. There is no further need for anybody to consider them. In the case of those that have been definitely selected and determined upon as objects for consideration, under the practice in the Department, everybody interested in those matters is given advice to that effect and an opportunity to be heard.

Mr. BORAH. Am I to understand that after the State Department comes to a conclusion as to the specific articles with regard to which it is going to negotiate, it then publishes a statement as to those definite articles? What I am talking about now is the fact.

Mr. O'MAHONEY. Mr. President, it is my understanding that that is not done.

Mr. BARKLEY. I do not understand that a statement is published; but, of course, after publishing the preliminary list, which includes the maximum number that might be considered, the State Department——

Mr. O'MAHONEY. Mr. President, what is done is this: The negotiations take place in secret in the Department of State. Certain clerks down there inevitably become acquainted with what is going on; and some members of some industries learn what is being done and what is proposed to be done; and the air is filled with rumors, and fear is spread broadcast throughout the land as to what is going to happen.

Mr. BARKLEY. I cannot agree with the comprehensive statement the Senator has made.

Mr. O'MAHONEY. Mr. President, I have been fighting in behalf of the wool industry ever since the announcement was made with respect to the proposed agreement with the United Kingdom, and the evidence has come to me in my office from all quarters of the country where wool is a matter of public interest, either as a raw commodity produced upon the backs of sheep or a commodity to be used in the manufacture of textiles, that there is tremendous alarm. I am trying to alleviate that fear, and the only way to alleviate it is by the assurance that there will be complete publicity.

Mr. BARKLEY. The Senator does not entertain any doubt does he, that the State Department will give everybody interested in the wool industry an opportunity to be heard?

Mr. O'MAHONEY. I have the utmost confidence in Secretary Hull, of course, but the time may come when there will be a Secretary who will not be so open and able and fair and honest as is Cordell Hull, and he will have the same power.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very glad to yield.

Mr. BRIDGES. The distinguished Senator from Kentucky made the statement that the State Department has in each and every case given the industry affected an opportunity to be heard, but he refrained from going further and stating whether, in his judgment, after hearing the evidence in a case any attention has been paid to the evidence presented by the parties interested. I should like to ask the distinguished Senator from Wyoming if that has been his experience.

Mr. O'MAHONEY. My experience has been that up to date the Department of State has done a very fair and efficient job in negotiating the agreements.

Mr. BRIDGES. Judging from the preliminary statement, which many Senators received this morning, outlining the commodities which may be considered under the proposed British trade agreement, I should like to ask the Senator whether this would not be the most sweeping trade agreement yet proposed.

Mr. O'MAHONEY. It is the most far-reaching agreement this Government has attempted to enter into. I am given to understand that Secretary Hull has been pounding upon the official representatives of Great Britain ever since the reciprocal trade agreements bill was passed in the effort to secure even an agreement that concessions would be made, and I am also given to understand, and I believe that my understanding is well founded, that the principal purpose of the State Department in negotiating this treaty is to provide a better outlook for the agricultural products of the United States. But that does not close my eyes to the fact that the only way we can get that better outlook is by granting concessions involving some other commodities, and until the concessions are granted and in effect, nobody can predict what the result will be. Therefore, I say, let us have publicity.

Mr. BRIDGES. Will the Senator yield further?

Mr. O'MAHONEY. Certainly.

Mr. BRIDGES. I agree with the Sentor insofar as his proposed amendment to the act goes, but he stated that it would not be a whole loaf, and that half a loaf was better than no bread at all. I should say that he would better say that his proposal, instead of being half a loaf, would be a

small crumb, and that that would be better than no bread at all.

Mr. O'MAHONEY. I am certain that in the mind of the Senator from New Hampshire that is correct, but perhaps I am more optimistic than is he, and perhaps I do not have in mind the same purpose that he has in mind.

Mr. BRIDGES. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. Certainly.

Mr. BRIDGES. I think the intentions of the Senator as outlined in his bill are of the best, and I should be glad to support it, but I should like to go a greater distance than he would in an effort to correct the situation.

Mr. O'MAHONEY. I am sure the Senator's position will be presented in the Committee on Finance.

Mr. President, I am sorry to have detained the Senate so long, but there is just one other phase of the subject I should like very briefly to mention.

Only this morning there were in my office the representatives of what is known as the Colorado-Wyoming-Nebraska Lamb Feeders Association. These lamb feeders are confronted with disaster, because the price of the pelts of the animals they send to the stockyards has decreased approximately $2.25 per pelt since last year.

Mr. STEIWER. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I am very glad to yield.

Mr. STEIWER. If the Senator will permit me, I should like to call his attention further to the matter of the notice given by the State Department.

Mr. O'MAHONEY. I wonder if the Senator will withhold that observation until I complete the statement with respect to the lamb feeders.

Mr. STEIWER. I shall be glad to.

Mr. O'MAHONEY. In a sense I am presenting here a public petition to the administration and to the Reconstruction Finance Corporation to come to the assistance of the lamb feeders of the United States.

There are approximately 2,000,000 lambs in the area to which I have referred—Colorado, Wyoming, and Nebraska. There are probably a million and half in the State of Texas. Throughout the United States there are probably 8,000,000 lambs ready for market, upon each one of which a loss of $2 per head is to be contemplated because the market on wool has disappeared.

The gentleman to whom I have referred, accompanied by the secretary of the Wyoming Wool Growers' Association, yesterday had a conference with representatives of the Reconstruction Finance Corporation to ascertain whether or not it would be possible to arrange for a loan upon wool similar to loans which have been granted upon other commodities. The officials of the Reconstruction Finance Corporation said that under the present policy of the administration it would be impossible to grant a loan upon wool.

In 1934 a similar proposal was made, and the Reconstruction Finance Corporation granted the loan. It arranged for the formation of the Wool Finance Corporation, with a preliminary paid-in capital of about $250,000, and an agreement was made to advance up to $5,000,000 to this Corporation for the benefit of the wool growers.

The amount was to be available to a company which was to be formed, which was in turn to provide a capital equal to 20 percent of the amount borrowed. Subject to the arrangement of details, the company was to make advances to growers up to 80 percent of the landed value against warehouse receipts for wool in Boston. The mere announcement of the willingness to make the loan was sufficient to overcome the difficulty that confronted the wool industry at that time, and if the Reconstruction Finance Corporation would now indicate its willingness to do the same thing, I venture to say that it would not be necessary to advance a penny of Reconstruction Finance Corporation funds, because the announcement itself would result in establishing a basis of confidence. Confidence is the thing that is lacking in the present situation.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. O'MAHONEY. I yield.

Mr. ADAMS. Perhaps the Senator has answered the inquiry I desire to propound, as I did not hear the beginning of his remarks. Is there money available, or credit, so that the Reconstruction Finance Corporation could legally make such a loan as is indicated by the Senator?

Mr. O'MAHONEY. Absolutely; the Reconstruction Finance Corporation has complete authority to make the loan. It is just a question of whether or not it is the policy of the administration to allow a loan of that kind to be made. Certainly it seems to me that at a time when the State Department is undertaking to negotiate a reciprocal-trade agreement which may affect the price of wool, a policy of this kind adopted by the Reconstruction Finance Corporation would go very far toward allaying fears which are now widespread throughout the country.

Mr. ADAMS. The Senator says "which may affect the price of wool." Is it not absolutely certain to affect the price of wool, because the only way in which reciprocal-trade agreements can be made which would interest Great Britain would be by either the admission of wool or of textiles made of wool which would take the place of American wool or textiles made of American-grown wool.

Mr. O'MAHONEY. There is no certainty, from the announcement, that any concessions will be granted upon wool fabric. That is the reason why I used the word "may." We do not know, and, of course, the entire textile world fears that reductions upon wool fabrics will be granted. The State Department says we may not grant them. The mere inclusion of a commodity in the list is not to be taken as indicating that any concession will be granted upon that commodity. It is an altogether unsatisfactory basis upon which to conduct the public business.

Mr. ADAMS. When the first reciprocal-trade law was under consideration here did not the Senator put into the RECORD certain commitments from the administration upon the reciprocal-trade possibilities as to wool, and did not the Senator then cast his vote because of his confidence in those assurances?

Mr. O'MAHONEY. Exactly; and I shall put those letters in the RECORD again.

Mr. President, among the States of this Union which are vitally interested in this question are the States of Arizona, Colorado, Idaho, Washington, South Dakota, New Mexico, Texas, North Dakota, Iowa, California, Utah, Massachusetts, Nevada, Oregon, Montana, and Wyoming.

Mr. DONAHEY. And Ohio.

Mr. O'MAHONEY. And the Senator from Ohio says that Ohio is interested. I hope the Senators from each one of these States, as well as those from the States I have not mentioned, in which wool is the subject of vital concern to the people, will join in asking the Reconstruction Finance Corporation to grant the loan to which I have referred. We have the power. All we need is the will to do it.

Mr. President, I ask unanimous consent that the announcement from the State Department be printed in the RECORD at the conclusion of the debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. O'MAHONEY. I now yield to the Senator from Oregon.

Mr. STEIWER. Mr. President, I merely desire to suggest that in my opinion this subject of public notice in the negotiation of a treaty deserves some further comment, and possibly some definite attention from the Congress.

The Senator from Kentucky made the point that the State Department gave full notice or made full disclosure to American interests.

Mr. BARKLEY. Mr. President, that is not quite what I said.

Mr. STEIWER. I did not mean to misquote the Senator.

Mr. BARKLEY. I said that the State Department gave every interest involved an opportunity to be heard. I did not mean that it made public all the conversations and details and notes that passed from time to time while these treaties were being negotiated.

Mr. STEIWER. I did not intend, of course, to misquote the Senator, and I stand corrected to the extent of saying that the Senator stated that the State Department gave every American interest involved an opportunity to be heard.

In this list published by the Secretary of State there is a very large number of items, I believe between four and five hundred. I take it that no one expects that the treaty, when finally negotiated, will encompass so large a number of items. In other words, this inclusive list is not a list of the items to be considered in the negotiations but is a sort of an all-embracing list within which the negotiations may be had.

Mr. O'MAHONEY. That is correct.

Mr. STEIWER. That raises what is to my mind a very serious question.

Senators will remember that during the time the proposed Trade Treaty Act of 1934 was before the Senate the question of notice to American producers, to the American people, was one that was discussed here. At different times efforts have been made to amend the law so as to assure to our producers a more definite statement of the exact scope and nature of the treaty negotiations. The last efforts in that regard, as I recall, were not successful, and the law stands as originally enacted.

With the indulgence of my friend from Wyoming, let me read briefly from the law, from section 4, in order that we may see just what the requirement is upon the State Department. It reads as follows:

SEC. 4. Before any foreign-trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of this act, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe.

Mr. President, undoubtedly the purpose of that portion of the law to which I have just called attention was to enable American producers to defend their interests so that the State Department would not improvidently trade away those interests in making a treaty with a foreign government. The question was raised here by the Senator from Idaho and the Senator from Wyoming, and possibly others, that this practice of presenting an all-inclusive list, including many items which will not be included in the negotiations, does not serve the interests of this country. I merely want to add that, in my opinion, it does not even comply with the spirit of the law, because the publication of this large list, when a smaller list of items only is being considered, leaves the American producer entirely without information as to whether his particular commodity is to be drawn into this tariff treaty negotiation. The practice resorted to by the State Department probably constitutes a technical compliance with the act. In real substance it evades and violates the act.

The language of the law is that "reasonable public notice" shall be given. I suggest that no notice is reasonable unless it is fairly definite and explicit in advising the American people that the particular commodities in which they are interested are to be embraced in the treaty negotiations.

I hope that the Senator from Wyoming, of whose deep interest in this matter we are well advised, now or in the future will take into account the fact that the law requires a reasonable notice in order that we may determine whether or not this catch-all provision of naming 500 items, and then negotiating only with respect to certain of them—whether or not that is a "reasonable public notice," and whether in fact it complies with the plain requirement which the law mandatorily places upon the Secretary of State.

Mr. O'MAHONEY. Mr. President, is it the opinion of the Senator from Oregon that under the provision of law which he has just read it is incumbent upon the State Department, before entering into any negotiations by which concessions shall be made, to publish a new list of the exact commodities upon which the concessions are to be made?

Mr. STEIWER. Mr. President, I should say that unless that is done the people of America will not have been advised and there will have been no reasonable notice of the treaty.

Mr. O'MAHONEY. Mr. President, I now introduce a bill which I ask to have referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the introduction of the bill? The Chair hears none, and the bill will be referred as requested.

The bill (S. 3205) delaying the effective date of proclamations issued under section 350 of the Tariff Act of 1930 was read twice by its title and referred to the Committee on Finance.

Mr. O'MAHONEY. I ask unanimous consent that there may be printed in the RECORD as part of my remarks a letter which I wrote to the Secretary of State on December 10, 1937, a response which I received from him under date of December 17, 1937, and a letter which I received from the President of the United States under date of June 5, 1934.

Mr. ADAMS. Mr. President, will the Senator be good enough to read the letter from the President of the United States, so that we may hear it now, while this matter is under discussion?

Mr. O'MAHONEY. I shall be glad to comply with the request of the Senator from Colorado.

Mr. HATCH. Mr. President, before the Senator reads the letter, may I ask him a question?

Mr. STEIWER. Mr. President, before the Senator asks his question, will he yield to me in order that I may supplement my former remarks?

Mr. HATCH. Certainly.

Mr. STEIWER. Mr. President, since I interrupted the Senator from Wyoming a few minutes ago, I have been handed the CONGRESSIONAL RECORD of May 30, 1934, and I find there confirmation of my recollection that the Senate dealt specifically with this question of notice, and that it did so by writing in the word "reasonable" before the word "public," on page 6, line 6, of the bill. That is disclosed at page 9995 of the RECORD of that Congress.

Mr. O'MAHONEY. That was an amendment offered from the floor.

Mr. STEIWER. From the floor. It was made undoubtedly for the purpose of insuring that the notice should be adequate, and I think it supports the contention I have made that a notice which does not inform does not give reasonable public notice to people, and is not an adequate compliance with the act.

I thank the Senator from New Mexico [Mr. HATCH] for the opportunity he has afforded me.

The PRESIDING OFFICER. Will the Senator from New Mexico permit the Chair to make an inquiry before he proceeds?

Mr. HATCH. Certainly.

The PRESIDING OFFICER. The Chair understands that the Senator from Wyoming [Mr. O'MAHONEY] offered three letters, and asked unanimous consent that they be printed in the RECORD. Does he now withdraw his request so far as the letter from the President of the United States is concerned, and ask that the other two letters be printed in the RECORD? Is that correct?

Mr. O'MAHONEY. Yes, Mr. President. I ask that the two letters be printed in the RECORD, and I shall read the one from the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters referred to are as follows:

DECEMBER 10, 1937.

Hon. CORDELL HULL,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: The statement was made this morning by a witness who appeared before the special committee of the Senate to investigate production, transportation, and marketing of

wool that, during a recent tour of the country, he found a general fear among the manufacturers of woolen goods and among the producers of wool that it is the purpose of the Department of State, in negotiating the proposed reciprocal-trade agreement with Great Britain, to agree to a reduction of the tariff upon wool. To this fear the witness ascribed in part, at least, the recent collapse of the wool market.

The incident prompts me to call your attention to the letter which was written to me by President Roosevelt on June 5, 1934, a photostatic copy of which I enclose herewith.

In view of the fact that the domestic wool industry of the United States is in greater need of "price protection" now than it was when the letter of June 5, 1934, was written, I have given assurance to all who have directed inquiry to me that no action adverse to the wool industry is any more likely now than it was when the Reciprocal Trade Agreement Act was originally enacted.

The report of the Bureau of Agricultural Economics of the Department of Agriculture made public on November 10 of this year indicates that a smaller domestic consumption of wool may be expected in 1938 than in 1937, that consumption for 1937 "will not differ greatly from that of" 1936 and that 1936 consumption was 8.5 percent smaller than in 1935. Inasmuch as the weighted average price of wool to farmers for 1935 was 19.4 percent per pound, the study of the Bureau of Agricultural Economics makes it clear that any reduction of the tariff upon wool at this time could only have the effect of reducing the price to producers below anything which has been in effect since this administration began.

The letter which I received from the President in 1934 had a very encouraging effect upon the wool trade and I am sure that a statement from the Department of State at this juncture that it is not the intention to depart from the policy outlined in the President's letter would be most beneficial.

Sincerely yours,

JOSEPH C. O'MAHONEY.

DEPARTMENT OF STATE,
Washington, December 17, 1937.

The Honorable JOSEPH C. O'MAHONEY,
United States Senate.

MY DEAR SENATOR O'MAHONEY: I have received your letter of December 10, 1937, enclosing a photostatic copy of a letter addressed to you by the President on June 5, 1934, and stating that a witness before the special Senate Committee on Production, Transportation, and Marketing of Wool stated that domestic manufacturers of woolen goods and producers of wool are apprehensive that the present duty on imports of wool will be reduced in connection with the contemplated trade-agreement negotiations with the United Kingdom.

As you know, a preliminary announcement that the negotiation of a trade agreement with the United Kingdom is contemplated was made on November 17, 1937. In accordance with the usual procedure, suggestions as to the import and export products to be considered in the negotiations with the United Kingdom are now being received by the Committee for Reciprocity Information. The formal notice of intention to negotiate, which it is expected will be issued at a later date, will be accompanied by a list of the products on which the United States will consider granting concessions to the United Kingdom, and will specify the latest date for the submission of statements and briefs to the Committee for Reciprocity Information, the latest date for receiving applications to be heard at the public hearings, and the date on which the customary public hearings will begin. It is not known at this time what products will appear on the list. You will, of course, receive in the regular course of distribution a copy of any further announcement that is made in this connection.

In the meantime, I am having your letter brought to the attention of the Committee for Reciprocity Information which in turn will bring it to the attention of all the agencies of the Government represented in the trade-agreements organization.

As I assured you in my letter to you of June 28, 1935, the trade-agreements program is intended to help in the general effort to rehabilitate agriculture and industry together. As you know, 16 trade agreements have already been concluded, and because of the great care taken in their formulation American interests have found no real cause for complaint. On the contrary, by increasing our foreign trade these agreements have increased employment and consumer purchasing power to the benefit of American producers and workers generally.

Sincerely yours,

CORDELL HULL.

Mr. HATCH. Mr. President, I interrupted the Senator from Wyoming in connection with the request of the Senator from Colorado because of the statement the Senator from Wyoming had made before the Senator from Colorado entered the Chamber. I ask the Senator to repeat that statement in connection with his correspondence with the President and the State Department to the effect that there had been no violation of the agreement, shall we say, as to wool, in that raw wool is not contemplated by this agreement.

Mr. O'MAHONEY. That is correct. Wool is not embraced in the list of commodities which may be the subject of the agreement; so that under the interpretation of the State Department no concession whatever will be granted on the tariff upon raw wool, but a large number of wool manufactures are listed.

Mr. ADAMS. Of course, the Senator from Wyoming would have been entirely satisfied, when the bill was up in the first instance, if the Secretary of State had written to him that the Department would not enter into any negotiations as to raw wool, but would enter into negotiations as to manufactured products made out of foreign wool.

Mr. O'MAHONEY. I am not satisfied that it is the intention of the Department to grant any concessions upon manufactured wool because, with the textile industry of the United States in the perfectly helpless state in which it is, with thousands and hundreds of thousands of workers being laid off, and with pay rolls declining, it is inconceivable to me that we shall transport across the sea to Great Britain what little textile industry we have left.

Mr. ADAMS. I will ask the Senator to explain the situation as to the market for the wool which comes off the backs of the sheep in western and central United States, as to its prices, and as to the prices for pelts.

Mr. O'MAHONEY. That market has practically disappeared.

Mr. HATCH. Will the Senator pardon one more question?

Mr. O'MAHONEY. I yield.

Mr. HATCH. I desire to interrupt the Senator to refer to the loan requested from the R. F. C., the Senator from Wyoming having said in his statement today that that request was in the nature of a public petition to the R. F. C. Inasmuch as I represent one of the States concerned, I merely express my willingness to sign that petition.

Mr. O'MAHONEY. Let the Senator make his petition here on the floor also.

Mr. HATCH. I join the Senator from Wyoming in the request.

Mr. O'MAHONEY. Complying with the request of the Senator from Colorado, I shall read the letter which I received from the President of the United States. It is as follows:

THE WHITE HOUSE,
Washington, June 5, 1934.

Hon. JOSEPH C. O'MAHONEY,
United States Senator, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: My concern that agricultural prices should be protected and, where possible, substantially raised, ought to be well known by this time. This is why I was surprised that a question should be raised about wool. The new tariff bill has been thought of as one of the emergency measures which would help in the general effort to rehabilitate agriculture and industry together. The wool industry is one of those which needs price protection; and the suggestion that the new tariff bill might be used to lower those prices is one which would not have occurred to me. That is the thought I expressed to you, Senator Costigan, and others on May 9.

I have read the statement which you issued, and as I might expect, it correctly reports the facts. I hope you will have no further concern for fear that something damaging to the industry may result from this legislation.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. President, let me say I am altogether confident that that letter represents the attitude of the President.

The statement which I issued on May 9, 1934, after the conference in the White House to which the letter of June 5, 1934, refers, reads as follows:

President Roosevelt today gave renewed evidence that he is in complete sympathy with the West. Immediately after signing the sugar bill, which stabilizes the price of sugar for all domestic producers, the President, in the presence of Senator Costigan and Assistant Secretary of Agriculture Tugwell, authorized me to say that he and his administration are as much concerned in maintaining the price of wool as they are in maintaining the price of wheat, cotton, and other agricultural commodities.

I told the President that wool buyers recently have been making low offers on wool and that there has been considerable apprehension lest the reciprocity policy would mean sweeping reduction in the tariff on wool and an adverse effect upon the market. I told him that I have been advising the people of my State that an administration, the primary object of which is to improve the

condition of agriculture, could be depended upon not to take any hostile action toward the wool industry. The President replied that in this position I was exactly correct. Both he and Secretary Tugwell agreed that this administration should do everything possible to maintain the price of wool, and the President said that he recognized wool growing as one of the fundamental agricultural industries and desired to be helpful to it.

EXHIBIT A

DEPARTMENT OF STATE,
January 7, 1938.

Attached are the following:

1. Trade-agreement negotiations with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire.
2. Public notice of the Department of State.
3. Public notice of the Committee for Reciprocity Information.
4. List of products on which the United States will consider granting concessions to the United Kingdom, Newfoundland, and the British Colonial Empire.

DEPARTMENT OF STATE,
January 8, 1938.

TRADE-AGREEMENT NEGOTIATIONS WITH THE GOVERNMENT OF THE UNITED KINGDOM AND WITH THAT GOVERNMENT ON BEHALF OF NEWFOUNDLAND AND THE BRITISH COLONIAL EMPIRE

The Secretary of State issued today formal notice of intention to negotiate a trade agreement with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire. This notice of intention to negotiate, prescribed by the Trade Agreements Act, supplements the preliminary announcement of November 18, 1937, that trade-agreement negotiations with the Government of the United Kingdom were contemplated.

The Committee for Reciprocity Information issued simultaneously today a notice setting the dates for the submission to it of information and views in writing and applications to appear at public hearings to be held by the Committee, and fixing the time and place for the opening of the hearings. Suggestions with regard to the form and content of presentations addressed to the Committee for Reciprocity Information are included in a statement released by that Committee on December 13, 1937.

A further announcement by the Secretary of State, released today, contains a list of products which will come under consideration for the possible granting of concessions by the Government of the United States. Representations which interested persons may wish to make to the Committee for Reciprocity Information need not be confined to the articles appearing on this list, but may cover any articles of actual or potential interest in the import or export trade of the United States with the United Kingdom, Newfoundland, or any part of the British Colonial Empire. However, only the articles contained in the list issued today or in any supplementary list issued later will come under consideration for the possible granting of concessions by the Government of the United States.

The inclusion of any product in this list does not mean that a concession with respect to it will necessarily be granted. The concessions to be granted are not decided upon until after interested parties in the United States have been given full opportunity to present information and views in writing and orally.

DEPARTMENT OF STATE,
Washington, D. C., January 8, 1938.

PUBLIC NOTICE

TRADE-AGREEMENT NEGOTIATIONS WITH THE GOVERNMENT OF THE UNITED KINGDOM AND WITH THAT GOVERNMENT ON BEHALF OF NEWFOUNDLAND AND THE BRITISH COLONIAL EMPIRE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An act to amend the Tariff Act of 1930," as extended by Public Resolution No. 10, approved March 1, 1937, and Executive Order No. 6750 of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information, in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications and the time set for public hearings.

CORDELL HULL, *Secretary of State.*

COMMITTEE FOR RECIPROCITY INFORMATION,
Washington, D. C., January 8, 1938.

PUBLIC NOTICE

TRADE-AGREEMENT NEGOTIATIONS WITH THE GOVERNMENT OF THE UNITED KINGDOM AND WITH THAT GOVERNMENT ON BEHALF OF NEWFOUNDLAND AND THE BRITISH COLONIAL EMPIRE

Closing date for submission of briefs, February 19, 1938.
Closing date for application to be heard, February 19, 1938.
Public hearings open, March 14, 1938.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing and all applications for supplemental oral presentation of views in regard to the negotiation of a trade agreement with the Government of the United Kingdom, notice of intention to negotiate which has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 m., February 19, 1938. Such communications should be addressed to Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Streets NW., Washington, D. C.

A public hearing will be held beginning at 10 a. m. on March 14, 1938, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Written statements must be either typewritten or printed and must be submitted in six copies, of which one copy shall be sworn to. Appearance at hearings before the committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information, this 8th day of January 1938.

JOHN P. GREGG, *Secretary.*

DEPARTMENT OF STATE,
January 8, 1938.

LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO THE UNITED KINGDOM, NEWFOUNDLAND, AND THE BRITISH COLONIAL EMPIRE

With reference to his public notice, issued today, of intention to negotiate a trade agreement with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire, the Secretary of State announces that, unless supplementary announcement is made, the granting of concessions by the United States will be considered only with respect to the articles listed below. However, interested persons may present to the Committee for Reciprocity Information, in written or oral form, information or views concerning concessions on any article imported into the United States from the United Kingdom, Newfoundland, or the British Colonial Empire, or concerning any article imported into those countries from the United States.

The attached list is not a list of articles on which concessions are proposed, but rather a list of articles which will come under consideration for the possible granting of concessions. Their publication enables interested persons to learn whether or not products in which they are interested may be considered for the granting of concessions to the Government of the United Kingdom. Concessions will not be granted on any article not covered by the present or supplementary listing, and decision to grant a concession on any article covered in the listing will not be made until after the dates set by the Committee for Reciprocity Information for the presentation of briefs and for supplementary oral hearings. Some of the products listed may not be the subject of any concession under the terms of the agreement, and the import duties on those items which are included in the agreement as finally negotiated may or may not be changed.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, or, as the case may be, to the appropriate sections of the Revenue Act of 1932, as amended, or of the Revenue Act of 1934, as amended. The descriptive phraseology is, however, in many cases limited to a narrower field than that covered by the numbered tariff paragraph or section in the Revenue Acts. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions. Concessions ultimately granted may cover articles as described in the list, or may be limited to certain specific commodities or groups of commodities falling within the limits of the descriptive phraseology of the list.

United States Tariff Act of 1930

Par.	Description of article	Present rate of duty
1	Carbon dioxide, weighing with immediate containers and carton, 1 lb. or less per carton	1 cent per pound on contents, immediate containers, and carton.
1	Stearic acid	25 percent.
5	Sodium alginate	Do.
5, 23	All medicinal preparations not specially provided for, whether or not in any form or container specified in par. 23	15 or 25 percent.
7	Ammonium carbonate and bicarbonate	2 cents per pound.
13	Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for and not containing alcohol.	25 percent.
20	Chalk or whiting or paris white, precipitated	Do.
27 (a) (2), (5)	Metacresol, orthocresol, and paracresol, all the foregoing having a purity of 75 percent or more, but less than 90 percent, and metaparacresol having a purity of 75 percent or more.	40 percent and 7 cents per pound.
27 (b)	Metacresol, orthocresol, and paracresol, all the foregoing having a purity of 90 percent or more	20 percent and 3½ cents per pound.
31 (a) (1)	Cellulose acetate, and compounds, combinations, or mixtures containing cellulose acetate:	
	In blocks, sheets, rods, tubes, powder, flakes, briquets, or other forms, whether or not colloided, and waste wholly or in chief value of cellulose acetate, all the foregoing not made into finished or partly finished articles.	50 cents per pound.
31 (b) (2)	All compounds of cellulose (except cellulose acetate, but including pyroxylin and other cellulose esters and ethers), and all compounds, combinations, or mixtures of which any such compound is the component material of chief value: Finished or partly finished articles not specially provided for, made in chief value from transparent sheets, bands, or strips.	60 percent.
34	Halibut liver oil, natural and uncompounded, not edible, and not specially provided for	10 percent.
38	Extracts, dyeing and tanning: Myrobalan, and mangrove, not specially provided for, and combinations and mixtures thereof, not containing alcohol.	15 percent.
39	Flavoring extracts and natural or synthetic fruit flavors, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for.	25 percent.
41	Isinglass	Do.
42	Glycerine, refined	1¾₁₆ cents per pound.
43	Ink, and ink powders not specially provided for	10 percent.
43	Drawing ink	15 percent.
49	Magnesium carbonate, precipitated	1½ cents per pound.
49	Magnesium oxide or calcined magnesia	7 cents per pound.
52	Sod oil	5 cents per gallon.
52	Sperm oil, refined or otherwise processed	14 cents per gallon.
52	Spermaceti wax	3½ cents per pound.
52	Seal oil	6 cents per gallon (plus 3 cents per pound under sec. 601 (c) (8) of the Revenue Act of 1932, as amended. See below).
52	Wool grease:	
	Containing more than 2 percent of free fatty acids	1 cent per pound.
	Containing 2 percent or less of free fatty acids and not suitable for medicinal use	2 cents per pound.
	Suitable for medicinal use, including adeps lanae, hydrous or anhydrous	3 cents per pound.
52	Marine animal and fish oils, fats, and greases, not specially provided for	20 percent.
53	Linseed or flaxseed oil, and combinations and mixtures in chief value of such oil	4½ cents per pound.
54	Palm-kernel oil	1 cent per pound (also subject to processing tax of 3 cents per pound under sec. 602½ of the Revenue Act of 1934, as amended. See below).
58	Patchouli oil, not containing alcohol	12½ percent.
61	Bath salts:	
	If not perfumed	25 percent.
	If perfumed (whether or not having medicinal properties)	75 percent.
65 (a)	Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors:	
	(2) In tubes, jars, cakes, pans, or other forms, not exceeding 1½ pounds net weight each, and valued at 20 cents or more per dozen pieces, and not assembled in paint sets, kits, or color outfits:	
	In tubes or jars	2 cents per tube or jar and 40 percent.
	In cakes, pans, or other forms	1¼ cents per cake, pan, or other form and 40 percent.
	(3) In tubes, jars, cakes, pans, or other forms, not exceeding 1½ pounds net weight each, when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawings, stencils, or other articles.	70 percent on the value as assembled.
	(4) In bulk, or in any form exceeding 1½ pounds net weight each	8¼ cents per ounce.
66	Enamel paints, whether dry, mixed, or ground in or mixed with water, oil, or solutions other than oil, not specially provided for.	25 percent.
68	Ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine:	
	Valued at more than 10 cents per pound	4 cents per pound.
	Valued at 10 cents per pound or less	3 cents per pound.
72	Lead pigments:	
	Litharge	2½ cents per pound.
	Red lead	2¾ cents per pound.
	All pigments containing lead, dry or in pulp, or ground in or mixed with oil or water, not specially provided for:	
	In chief value of suboxide of lead	3 cents per pound, but not less than 15 nor more than 30 percent.
	Other	30 percent.
73	Umbers, crude or not ground	⅛ cent per pound.
73	Iron-oxide and iron-hydroxide pigments, not specially provided for	20 percent.
75	Spirit varnishes:	
	Containing less than 5 percent of methyl alcohol	$2.20 per gallon and 25 percent.
	Containing 5 percent or more of methyl alcohol	25 percent.
	All other varnishes, including so-called gold size or japan, not specially provided for	Do.
77	Zinc oxide and leaded zinc oxides containing not more than 25 percent of lead:	
	In any form of dry powder	1¾ cents per pound.
	Ground in or mixed with oil or water	2¼ cents per pound.
80	Toilet soap	30 percent.
80	Soap and soap powder, not specially provided for	15 percent.
81	Sodium chloride or salt, in bags, sacks, barrels, or other packages	11 cents per 100 pounds.
82	Sodium hydrosulphite, hydrosulphite compounds, and all combinations and mixtures of the foregoing	35 percent.
201 (a)	Bath brick, not specially provided for	25 percent.
202 (a)	Clay tiles, glazed, ornamented, hand painted, enameled, vitrified, semivitrified, decorated, encaustic, ceramic mosaic, flint, spar, embossed, gold decorated, grooved or corrugated, valued at more than 40 cents per square foot.	60 percent.
202 (a)	Quarries or quarry tiles:	
	Valued at not more than 40 cents per square foot	10 cents per square foot, but not less than 50 nor more than 70 percent.
	Valued at more than 40 cents per square foot	60 percent.
205 (a)	Plaster rock or gypsum, ground or calcined	$1.40 per ton.
207	Clays or earths, including common blue clay and Gross-Almerode glass pot clay, not specially provided for:	
	Unwrought and unmanufactured	$1 per ton.
	Wrought or manufactured	$2 per ton.
207	China clay or kaolin	$2.50 per ton.
207	Fuller's earth:	
	Unwrought and unmanufactured	$1.50 per ton.
	Wrought or manufactured	$3.25 per ton.
208 (e)	Mica plates and built-up mica	40 percent.
210	Rockingham earthenware	25 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
211	Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semi-porcelain earthenware, and cream-colored ware, and terra cotta:	
	Any of the foregoing which is tableware, kitchenware, or table or kitchen utensils:	
	Plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner.	10 cents per dozen pieces and 45 percent.
	Painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner	10 cents per dozen pieces and 50 percent.
211	Stoneware, and all articles composed wholly or in chief value of stoneware:	
	Plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for.	10 cents per dozen and 45 percent.
	Painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for.	10 cents per dozen and 50 percent.
212	China and porcelain tableware, kitchenware, and table and kitchen utensils, any of the foregoing containing 25 per cent or more of calcined bone:	
	Plain white, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner.	10 cents per dozen separate pieces and 60 percent.
	Painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner	10 cents per dozen separate pieces and 70 percent.
213	Graphite or plumbago, crude or refined:	
	Natural amorphous	10 percent.
	Crystalline lump, chip, or dust	30 percent.
214	Ground feldspar	Do.
214	Ground Cornwall stone	Do.
216	Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light:	
	If less than ½ inch in diameter or of equivalent cross-sectional area	40 percent.
	If ½ inch or more in diameter or of equivalent cross-sectional area	30 percent.
216	Electrodes, composed wholly or in part of carbon or graphite, and wholly or partly manufactured, for electric furnace or electrolytic purposes.	Do.
216	Brushes, or whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes.	45 percent.
216	Articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for.	30 percent.
217, 810	Bottles, wholly or in chief value of glass, not specially provided for, when filled with any article provided for in schedule 8 of the Tariff Act of 1930, except solid or condensed malt extract:	
	If holding more than 1 pint	½ cent per pound.
	If holding not more than 1 pint and not less than one-fourth of 1 pint	½ cent per pound.
	If holding less than one-fourth of 1 pint	16⅔ cents per gross.
217	Jars, covered or uncovered demijohns, and carboys, any of the foregoing, wholly or in chief value of glass, not specially provided for, when filled with any article provided for in schedule 8 of the Tariff Act of 1930, except solid or condensed malt extract:	
	If holding more than 1 pint	1 cent per pound.
	If holding not more than 1 pint and not less than one-fourth of 1 pint	1½ cents per pound.
	If holding less than one-fourth of 1 pint	50 cents per gross.
218 (a)	Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in pars. 217 or 218 (e) of the Tariff Act of 1930), finished or unfinished, wholly or in chief value of fused quartz or fused silica.	50 percent.
218 (b)	Tubes (except gage glass tubes), rods, canes, and tubing, with ends finished or unfinished, for whatever purpose used, wholly or in chief value of fused quartz or fused silica.	40 percent.
218 (b)	Gage glass tubes, wholly or in chief value of glass	60 percent.
218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, if cut or engraved and valued at not less than $1 each.	30 or 60 percent.
226	Ophthalmic lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plane or coquille glasses, wholly or partly manufactured, with the edges unground.	40 percent.
227	Optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment, or for optical parts, scientific or commercial, in any and all forms.	50 percent.
228 (b)	Photographic lenses, finished or unfinished, not specially provided for	45 percent.
231	Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized	30 percent.
301	Iron in pigs and iron kentledge, not containing more than 0.04 percent of phosphorus	$1.12½ per ton.
302 (a)	Manganese ore (including ferruginous manganese ore) or concentrates, and manganiferous iron ore, all the foregoing containing in excess of 35 percent of metallic manganese.	½ cent per pound on the metallic manganese contained therein.
302 (g)	Tungsten metal, tungsten carbide, and mixtures or combinations containing tungsten metal or tungsten carbide, all the foregoing, in lumps, grains, or powder.	60 cents per pound on the tungsten contained therein and 50 percent ad valorem.
302 (g)	Tungstic acid, and all other compounds of tungsten, not specially provided for	60 cents per pound on the tungsten contained therein and 40 percent ad valorem.
302 (k)	Chrome metal or chromium metal	25 percent.
304	Steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars, whether solid or hollow; shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; concrete reinforcement bars; all descriptions and shapes of dry sand loam, or iron molded steel castings; sheets and plates and steel not specially provided for all the foregoing:	
	Valued above 8 and not above 12 cents per pound	2½ cents per pound.
	Valued above 12 and not above 16 cents per pound	3½ cents per pound.
	Valued above 16 cents per pound	20 percent.
305 (l)	Additional duty to be levied, collected, and paid under par. 305 (l) of the Tariff Act of 1930 on any steel or iron in the materials and articles enumerated in pars. 303, 304, 307, 308, 312, 313, 315, 316, 317, 318, 319 322, 323, 324, 327, and 328 of the said act, and valued at more than 8 cents per pound.	8 percent.
310	Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin.	1 cent per pound.
312	Sashes and frames of iron or steel	25 percent.
316 (a)	Wire rope	35 percent.
316 (a)	Telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, platinum, tungsten, or molybdenum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering.	Do.
319 (a)	Iron or steel anchors and parts thereof; forgings of iron or steel, or of combined iron and steel, not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for.	25 percent.
321	Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, whether finished or unfinished, for whatever use intended.	8 cents per pound and 35 percent.
327	Castings of malleable iron, not specially provided for	20 percent.
328	Lap-welded, butt-welded, seamed, or jointed wrought-iron pipe, not thinner than sixty-five one-thousandths of 1 inch:	
	If not less than three-eighths of 1 inch in diameter	¾ cent per pound.
	If less than three-eighths and not less than one-fourth of 1 inch in diameter	1¼ cents per pound.
	If less than one-fourth of 1 inch in diameter	1¾ cents per pound.
328	Tubes, finished or unfinished, not specially provided for:	
	Cold-drawn steel	25 percent.
	Seamless wrought-iron	Do.
329	Chains of iron or steel, used for the transmission of power:	
	Of not more than 2-inch pitch and containing more than 3 parts per pitch, and parts thereof, finished or unfinished.	40 percent.
	All other chains used for the transmission of power, and parts thereof	35 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
335	Grit, shot, and sand of iron or steel, in any form	¾ cent per pound.
337	Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation:	
	When manufactured with round iron or untempered round steel wire	20 percent.
	When manufactured with tempered round steel wire, or with plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool	45 percent.
339	Carbonated water siphons which are table, household, kitchen, or hospital utensils, composed wholly or in chief value of copper, brass, steel, or other base metal (other than aluminum), not plated with platinum, gold, or silver, and not specially provided for	40 percent.
339	Table, household, kitchen, and hospital utensils, and hollow or flatware, not specially provided for:	
	Plated with silver	50 percent.
	Composed wholly or in chief value of copper or pewter, not plated with platinum, gold, or silver, and not specially provided for	40 percent.
341	Steel plates, stereotype plates, electrotype plates, half-tone plates, photogravure plates, photoengraved plates, and plates of other materials, engraved or otherwise prepared for printing	25 percent.
343	Crochet needles or hooks	$1.15 per thousand and 40 percent.
343	Tape, knitting, and all other needles, not specially provided for, bodkins of metal, and needle cases or needle books furnished with assortments of needles or combinations of needles and other articles	45 percent.
345	Saddlery and harness hardware:	
	Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware	35 percent.
	All articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware	50 percent.
	All the foregoing, if plated with gold or silver	60 percent.
346	Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at more than 50 cents and not more than $1.66⅔ per hundred	15 cents per 100 and 20 percent.
349	Buttons of metal, not specially provided for	¾ cent per line per gross and 15 percent.
350	Pins with solid heads, without ornamentation, including hairpins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry, and not including safety, hat, bonnet, and shawl pins	35 percent.
351	Pens, not specially provided for:	
	Of plain or carbon steel	15 cents per gross.
	Wholly or in part of other metal	18 cents per gross.
	Any of the foregoing with nib and barrel in 1 piece	20 cents per gross.
353	All articles suitable for producing, rectifying, modifying, controlling, or distributing electrical energy; electrical telegraph (including printing and typewriting), telephone, signaling, radio, welding, ignition, wiring, therapeutic, and X-ray apparatus, instruments (other than laboratory), and devices; and articles having as an essential feature an electrical element or device, such as electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, and signs; all the foregoing, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17½, 20, 25, or 35 percent.
355	Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for:	
	With handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, or other metal than aluminum, nickel silver, iron, or steel	16 cents each and 45 percent.
	With handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material	8 cents each and 45 percent.
	With handles of any other material:	
	If less than 4 inches in length, exclusive of handle	2 cents each and 45 percent.
	If 4 inches in length or over, exclusive of handle (except hay forks and 4-tined manure forks)	8 cents each and 45 percent.
	Any of the foregoing without handles:	
	With blades less than 6 inches in length	2 cents each and 45 percent.
	With blades 6 inches or more in length (except hay forks and 4-tined manure forks)	8 cents each and 45 percent.
355	Hay forks and 4-tined manure forks, all the foregoing, finished or unfinished, not specially provided for, with handles of any material other than those specifically mentioned in par. 355 of the Tariff Act of 1930, if 4 inches in length or over, exclusive of handle	4 cents each and 22½ percent.
	Hay forks and 4-tined manure forks, finished or unfinished, not specially provided for, any of the foregoing without handles, with blades 6 inches or more in length	4 cents each and 22½ percent.
356	Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, meat-slicing cutters, and all other cutting knives and blades used in power or hand machines	20 percent.
357	Pruning and sheep shears, and blades for the same, finished or unfinished, valued at more than $1.75 per dozen	20 cents each and 45 percent.
358	Safety razors, and safety-razor handles and frames	10 cents each and 30 percent.
358	Blades for safety razors:	
	In strips	½ cent each and 30 percent.
	All other, finished or unfinished	1 cent each and 30 percent.
359	Surgical needles (other than hypodermic), composed wholly or in chief value of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished	55 percent.
360	Scientific and laboratory instruments, apparatus, utensils, appliances (including surveying and mathematical instruments), and parts thereof, wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, not specially provided for (except instruments, apparatus, or appliances for determining the strength of materials or articles in tension, compression, torsion, or shear, and parts thereof)	40 percent.
365	Shotguns and rifles valued at more than $50 each	32½ or 65 percent.
368 (a)	Ships' logs and other nautical mechanisms, devices, and instruments, intended or suitable for measuring time, distance, or speed, whether or not in cases, containers, or housings:	
	(1) If valued at not more than $1.10 each	55 cents each.
	Valued at more than $1.10 but not more than $2.25 each	$1 each.
	Valued at more than $2.25 but not more than $5 each	$1.50 each.
	Valued at more than $5 but not more than $10 each	$3 each.
	Valued at more than $10 each	$4.50 each.
	(2) Any of the foregoing shall be subject to an additional duty of	65 percent.
	(3) Any of the foregoing containing jewels shall be subject to an additional cumulative duty of	25 cents for each jewel.
368 (c)	Parts for any of the foregoing shall be dutiable as follows:	
	(1) Parts (except plates provided for in clause (2) of this subparagraph, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in subparagraph (a) of this paragraph (whether or not suitable for use in such movements, mechanisms, devices, or instruments). But this clause of this subparagraph shall not be applicable to that portion of all the parts in the shipment which exceeds in value 1½ percent of the value of such complete movements, mechanisms, devices, or instruments.	45 percent.
	(2) A plate suitable for assembling thereon the clockwork mechanism constituting or contained in any of the foregoing movements, mechanisms, devices, or instruments, shall be subject to one-half the amount of duty which would be borne by the complete movement, mechanism, device, or instrument for which suitable. If 2 or more such plates are imported together they shall be dutiable as 1 plate if they are necessary, as a set, for such assembling.	
	(3) Each assembly or subassembly (unless dutiable under clauses (1) or (4) of this subparagraph) consisting of 2 or more parts or pieces of metal or other material joined or fastened together. For the purpose of this clause and clause (4), bimetallic balance wheels and mainsprings with riveted ends shall each be considered as one part or piece.	65 percent plus 3 cents for each such part or piece of material, except that in the case of jewels the specific duty shall be 25 cents instead of 3 cents.
	(4) Each assembly or subassembly consisting in part of a plate or plates provided for in clause (2) of this subparagraph shall be subject to the rate of duty provided for such plate or plates, plus additional duty.	5 cents for each part or piece of material (except such plate or plates) in such assembly or subassembly, except that in the case of jewels the specific duty shall be 25 cents instead of 5 cents.
	(5) No assembly or subassembly shall be subject to a greater amount of duty than would be borne by the complete movement, mechanism, device, or instrument for which suitable.	
	(6) All other parts (except jewels)	65 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
369 (a)	Automobile trucks valued at $1,000 or more each, automobile truck and motorbus chassis valued at $750 or more each, automobile truck bodies valued at $250 or more each, motorbusses designed for the carriage of more than 10 persons, and bodies for such busses, all the foregoing, whether finished or unfinished	25 percent.
369 (b)	All other automobiles, automobile chassis, and automobile bodies, and motorcycles, all the foregoing, whether finished or unfinished.	10 percent.
369 (c)	Parts (except tires and except parts wholly or in chief value of glass) for any of the articles enumerated in subpar. (a) or (b), finished or unfinished, not specially provided for.	25 percent.
370	Internal-combustion motorboat engines having as an essential feature an electrical element or device, and parts thereof.	30 percent.
371	Bicycles, and parts thereof, not including tires	Do.
372	Reciprocating steam engines (except locomotives), and parts thereof, not specially provided for, wholly or in chief value of metal or procelain.	15 percent.
372	Sewing machines, not specially provided for and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain (but not including shuttles):	
	Valued at not more than $75 each	15 percent.
	Valued at more than $75 each	30 percent.
372	Steam turbines, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain	20 percent.
372	Embroidery machines, including shuttles for sewing and embroidery machines, lace-making machines, machines for making lace curtains, nets and nettings; and parts not specially provided for, wholly or in chief value of metal or porcelain, of any of the foregoing.	30 percent.
372	Knitting, braiding, lace braiding, and insulating machines, and all other similar textile machinery, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	27½ or 40 percent.
372	Textile machinery, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	40 percent.
372	Wrapping and packing machines, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	27½ percent.
372	Cordage machines, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	Do.
372	Internal-combustion engines not having as an essential feature an electrical element or device, and tractors (except agricultural implements) containing such engines, all the foregoing, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	Do.
372	Machines for preparing or fabricating tobacco or tobacco manufactures, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain.	Do.
373	Shovels, spades, scoops, and drainage tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured.	30 percent.
373	Forks, hoes, and rakes, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured.	15 percent.
374	Aluminum, and alloys (except those provided for in par. 302 of the Tariff Act of 1930) in which aluminum is the component material of chief value, in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares.	7 cents per pound.
381	Seamless brass tubes and tubing	8 cents per pound.
381	Bronze tubes	Do.
389	Nickel, and alloys (except those provided for in par. 302 or 380 of the Tariff Act of 1930) in which nickel is the component material of chief value:	
	Tubes and tubing	25 percent.
	And in addition, if cold-rolled, cold-drawn, or cold-worked	10 percent.
390	Bottle caps of metal, collapsible tubes, and sprinkler tops:	
	If not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color	30 percent.
	If decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color	45 percent.
395	Used print blocks, of whatever material composed, used for printing, stamping or cutting, designs	60 percent.
397	Containers, not specially provided for, wholly or in chief value of tin plate, but not plated with platinum, gold, or silver, or colored with gold lacquer.	45 percent.
397	Articles or wares not specially provided for, if composed wholly or in chief value of silver or plated with silver, whether partly or wholly manufactured.	65 percent.
397	Articles or wares not specially provided for, composed wholly or in chief value of iron, steel, or other base metal, but not plated with platinum, gold, or silver, or colored with gold lacquer; typewriter spools; luggage hardware; parts of carbonated water siphons; hair curlers; and cases and sharpening devices for safety razors.	45 percent.
397	Articles or wares not specially provided for, if composed wholly or in chief value of lead, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether wholly or partly manufactured.	Do.
405	Veneers of wood	20 percent.
412	Furniture, wholly or partly finished, and parts thereof, wholly or in chief value of wood, and not specially provided for.	40 percent.
412	Doors, wholly or in chief value of wood, not specially provided for	33⅓ percent.
412	Tennis-racket and badminton-racket frames, wholly or in chief value of wood	Do.
502	Molasses and sugar sirups, not specially provided for, which contain soluble nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 percent of the total soluble solids:	
	Testing not above 48 percent total sugars	¼ cent per gallon.
	Testing above 48 percent total sugars	0.275 cent additional for each percent of total sugars and fractions of a percent in proportion.
505	Salicin	50 percent.
506	Sugar candy and all confectionery not specially provided for	40 percent.
603	Manufactured or unmanufactured tobacco, not specially provided for	55 cents per pound.
605	Cigarettes	$4.50 per pound and 25 percent.
704	Venison, fresh, chilled, or frozen, not specially provided for	6 cents per pound.
706	Meat pastes, prepared or preserved, not specially provided for, packed in airtight containers	6 cents per pound, but not less than 20 percent.
712	Birds, dead, dressed or undressed, fresh, chilled, or frozen, except chickens, ducks, geese, guineas, and turkeys	10 cents per pound.
714	Horses, unless imported for immediate slaughter, valued at more than $150 per head	20 percent.
719	Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in airtight containers weighing with their contents not more than 15 pounds each):	
(2)	Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), when containing more than 43 percent of moisture by weight.	¾ cent per pound.
(4)	Herring, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each and containing each more than 10 pounds of herring, net weight.	1 cent per pound net weight.
720 (a) (3)	Herring, smoked or kippered (except herring packed in oil or in oil and other substances and except herring packed in airtight containers weighing with their contents not more than 15 pounds each), eviscerated, split, skinned, boned, or divided into portions.	1½ or 3 cents per pound.
721 (c)	Fish paste and fish sauce	30 percent.
722	Patent barley and barley flour	2 cents per pound.
726	Oatmeal, rolled oats, oat grits, and similar oat products	80 cents per 100 pounds.
733	Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind.	30 percent.
736	Blueberries, prepared or preserved, or frozen, but not in brine and not dried, desiccated, or evaporated, and not specially provided for.	25 percent.
736	Edible berries, frozen, not specially provided for, not including blueberries	35 percent.
738	Cider	5 cents per gallon.
738	Malt vinegar	8 cents per proof gallon.
743	Limes, in their natural state, or in brine	2 cents per pound.
747	Pineapples, prepared or preserved, and not specially provided for	Do.
751	All jellies, jams, marmalades, and fruit butters	35 percent.
753	Cut flowers, fresh, dried, prepared, or preserved	40 percent.
754	Cuttings, seedlings, and grafted or budded plants of deciduous or evergreen ornamental trees, shrubs, or vines, and all other nursery or greenhouse stock, not specially provided for (not including rose stock or rose plants).	25 percent.
758	Coconuts	½ cent each.
763	Crimson clover seed	2 cents per pound.
763	White clover seed	6 cents per pound.
763	Clover seed, not specially provided for	3 cents per pound.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
763	Rye grass seed	3 cents per pound.
763	Fescue grass seed	2 cents per pound.
764	Turnip and rutabaga seeds	4 cents per pound.
774	Celery in its natural state	2 cents per pound.
781	Mustard seeds (whole)	Do.
781	Mustard, ground or prepared in bottles or otherwise	10 cents per pound.
781	Curry and curry powder	5 cents per pound.
802	Whisky of all types and classes:	
	Aged in wooden containers 4 years or over	$2.50 per proof gallon.
	Other	$5 per proof gallon.
802	Rum, in containers holding each 1 gallon or less	$2.50 per proof gallon.
802	Gin	Do.
802	Bitters of all kinds containing spirits	$5 per proof gallon.
805	Ale, porter, stout, and beer	50 cents per gallon.
806 (a)	Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for, containing less than one-half of 1 percent of alcohol.	70 cents per gallon.
806 (a)	Lime juice, not specially provided for, containing less than one-half of 1 percent of alcohol	Do.
806 (b)	Concentrated lime juice, fit for beverage purposes, whether in liquid, powdered, or solid form	70 cents per gallon on the quantity of unconcentrated natural juice contained.
808	Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than one-half of 1 percent of alcohol, not specially provided for.	15 cents per gallon.
901 (a)	Cotton yarn, including warps, in any form, not bleached, dyed, colored, combed, or plied:	
	Of numbers exceeding No. 39 but not exceeding No. 90	17 to 32 percent.
	Of numbers exceeding No. 90	32 percent.
901 (b)	Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied (but not including prepared brass-bobbin yarns):	
	Of numbers exceeding No. 39 but not exceeding No. 90	22 to 37 percent.
	Of numbers exceeding No. 90	37 percent.
901 (b)	Prepared brass bobbin cotton yarns:	
	Of numbers not exceeding No. 90	10 percent and, in addition thereto, for each number, 3/10 of 1 percent ad valorem.
	Of numbers exceeding No. 90	37 percent.
902	Cotton sewing thread	½ cent per 100 yards, but not less than 20 percent nor more than 35 percent ad valorem.
904 (a)	Cotton cloth, not bleached, printed, dyed, or colored, containing yarns the average number of which—	
	Does not exceed No. 90	10.35 to 41.5 percent, but not less than 55/100 of 1 cent per average number per pound.
	Exceeds No. 90	41.5 percent, but not less than 55/100 of 1 cent per average number per pound.
904 (b)	Cotton cloth, bleached, containing yarns the average number of which—	
	Does not exceed No. 90	13.35 to 44.5 percent.
	Exceeds No. 90	44.5 percent.
904 (c)	Cotton cloth, printed, dyed, or colored, containing yarns the average number of which—	
	Does not exceed No. 90	16.35 to 47.5 percent.
	Exceeds No. 90	47.5 percent.
904 (d)	Additional duty to be levied, collected, and paid under subpar. 904 (d), Tariff Act of 1930, on cotton cloth woven with 8 or more harnesses, or with Jacquard, lappet, or swivel attachments.	10 percent.
904 (d)	Additional duty to be levied, collected, and paid under subpar. 904 (d), Tariff Act of 1930, on cotton cloth woven with 2 or more colors or kinds of filling (but not including cotton cloth woven with 8 or more harnesses or with Jacquard, lappet, or swivel attachments).	5 percent.
906	Cloth, in chief value of cotton, containing wool	60 percent.
907	Tracing cloth, cotton window hollands, and all oilcloths (except silk oilcloths and oilcloths for floors)	30 percent.
907	Filled or coated cotton cloths not specially provided for	35 percent.
907	Waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, whether or not in part of india rubber	30 percent.
909	Twill-back velveteens, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, and valued at 50 cents or over per square yard.	44 percent.
909	Velveteen polishing cloths, wholly or in chief value of cotton	62½ percent.
911 (b)	Sheets and pillowcases, wholly or in chief value of cotton	25 percent.
911 (b)	Polishing cloths, dust cloths, and mop cloths, wholly or in chief value of cotton, not made of pile fabrics	Do.
912	Fabrics, with fast edges, not exceeding 12 inches in width, wholly or in chief value of cotton and not specially provided for.	35 percent.
912	Spindle banding, and lamp and stove wicking, wholly or in chief value of cotton or other vegetable fiber	30 percent.
912	Boot or shoe lacings, wholly or in chief value of cotton or other vegetable fiber	Do.
913 (a)	Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber or of cotton or other vegetable fiber and india rubber.	Do.
913 (b)	Rope used as belting for textile machinery, wholly or in chief value of cotton	40 percent.
918	Handkerchiefs and woven mufflers, wholly or in chief value of cotton, finished or unfinished, not hemmed, shall be subject to duty as cloth; and, in addition, if hemmed or hemstitched.	10 percent.
919	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of cotton, and not specially provided for.	37½ percent.
919	Shirt collars and cuffs, of cotton, not specially provided for	30 cents per dozen pieces and 10 percent.
920	Lace window curtains, nets, nettings, pillow shams, and bed sets, and all other fabrics and articles, by whatever name known, plain or Jacquard-figured, finished or unfinished, wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, wholly or in chief value of cotton or other vegetable fiber.	60 percent.
923	Ladder tapes, printers' rubberized blanketing, badminton nets, bandages; all the foregoing, if wholly or in chief value of cotton, and not specially provided for.	40 percent.
924	All the articles enumerated or described in schedule 9 of the Tariff Act of 1930 (except in par. 922) shall be subject to an additional duty on the cotton contained therein having a staple of 1⅛ inches or more in length.	10 cents per pound.
1001	Flax, not hackled	1 or 1½ cents per pound.
1001	Flax, hackled, including "dressed line"	3 cents per pound.
1001	Flax tow and flax noils	1 cent per pound.
1003	Twist, twine, and cordage, composed of 2 or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is—	
	Coarser than 20-pound	3½ cents per pound.
	20-pound up to but not including 10-pound	5 cents per pound.
	10-pound up to but not including 5-pound	6½ cents per pound.
	5-pound and finer	8 cents per pound.
	And in addition thereto, on any of the foregoing twist, twine, and cordage, when bleached, dyed, or otherwise treated.	2 cents per pound.
1004 (a)	Single yarns, of flax, hemp, or ramie, or a mixture of any of them:	
	Not finer than 60 lea	35 percent.
	Finer than 60 lea	25 percent.
1004 (b)	Threads, twines, and cords, composed of 2 or more yarns of flax, hemp, or ramie, or a mixture of any of them, twisted together.	40 percent.
1005 (a) (1)	Cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns:	
	Wholly or in chief value of sisal	1 cent per pound.
	If smaller than three-fourths of 1 inch in diameter	1 cent per pound and 7½ percent.
	Wholly or in chief value of manila (abaca), henequen, or other hard fiber	2 cents per pound.
	If smaller than three-fourths of 1 inch in diameter	2 cents per pound and 15 percent.
1006	Gill nettings, nets, webs, and seines, and other nets for fishing, wholly or in chief value of flax, hemp, or ramie, and not specially provided for.	45 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
1007	Hose, suitable for conducting liquids or gases, wholly or in chief value of vegetable fiber	19½ cents per pound and 15 percent.
1008	Woven fabrics, wholly of jute, not specially provided for:	
	Not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable	1 cent per pound.
	Bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable	1 cent per pound and 10 percent.
1009 (a)	Woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax (except such as are commonly used as paddings or interlinings in clothing), exceeding 30 and not exceeding 100 threads to the square inch, counting the warp and filling, weighing not less than 4 and not more than 12 ounces per square yard, and exceeding 12 inches but not exceeding 36 inches in width.	55 percent.
1009 (b)	Woven fabrics, such as are commonly used for paddings or interlinings in clothing:	
	Wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding 30 and not exceeding 120 threads to the square inch, counting the warp and filling, and weighing not less than 4½ and not more than 12 ounces per square yard.	40 percent.
	Wholly or in chief value of jute, exceeding 30 threads to the square inch, counting the warp and filling, and weighing not less than 4½ ounces and not more than 12 ounces per square yard.	50 percent.
1010	Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for.	30 percent.
1011	Plain-woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than 4 ounces per square yard.	35 percent.
1013	Table damask, wholly or in chief value of vegetable fiber, except cotton, and all articles, finished or unfinished, made or cut from such damask.	45 percent.
1014	Towels and napkins, finished or unfinished, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value:	
	Not exceeding 120 threads to the square inch, counting the warp and filling	55 percent.
	Exceeding 120 threads to the square inch, counting the warp and filling	40 percent.
1014	Sheets and pillowcases, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value.	Do.
1016	Handkerchiefs, wholly or in chief value of vegetable fiber, except cotton, finished or unfinished:	
	Not hemmed	35 percent.
	Hemmed or hemstitched, or unfinished having drawn threads (but not including handkerchiefs made with hand-rolled or hand-made hems).	50 percent.
1017	Shirt collars and cuffs, wholly or in part of flax	40 cents per dozen and 10 percent.
1019	Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing more than 32 ounces per square yard.	3/10 cent per pound.
1020	Linoleum, including mats and rugs:	
	Inlaid	42 percent.
	Other, including corticine and cork carpet	35 percent.
1020	Floor oilcloth, including mats and rugs	20 percent.
1021	Floor coverings not specially provided for	40 percent.
1023	All manufactures, wholly or in chief value of flax, not specially provided for	Do.
1105 (a) (b)	Wool and hair wastes:	
	Top waste, slubbing waste, roving waste, and ring waste	37 cents per pound.
	Garnetted waste	26 cents per pound.
	Noils, carbonized	30 cents per pound.
	Noils, not carbonized	23 cents per pound.
	Thread or yarn waste	25 cents per pound.
	Card or burr waste, carbonized	23 cents per pound.
	Card or burr waste, not carbonized	16 cents per pound.
	Wool waste, not specially provided for	24 cents per pound.
	Shoddy, and wool extract	Do.
	Mungo	10 cents per pound.
	Wool rags	18 cents per pound.
	Flocks	8 cents per pound.
1106	Wool, and hair of the kinds provided for in schedule 11 of the Tariff Act of 1930, if carbonized, or advanced in any manner or by any process of manufacture beyond the washed or scoured condition, including tops, but not further advanced than roving.	37 cents per pound and 20 percent.
1107	Yarn, wholly or in chief value of wool other than Angora rabbit hair:	
	Valued at not more than $1 per pound	40 cents per pound and 35 percent.
	Valued at more than $1 but not more than $1.50 per pound	40 cents per pound and 45 percent.
	Valued at more than $1.50 per pound	40 cents per pound and 50 percent.
1108	Woven fabrics, weighing not more than 4 ounces per square yard, wholly or in chief value of wool, except fabrics having the warp wholly of cotton or other vegetable fiber:	
	Valued at not more than $1.25 per pound	50 cents per pound and 50 percent.
	Valued at more than $1.25 but not more than $2 per pound	50 cents per pound and 55 percent.
	Valued at more than $2 per pound	50 cents per pound and 60 percent.
1108	Woven fabrics, weighing not more than 4 ounces per square yard, wholly or in chief value of wool, and having the warp wholly of cotton or other vegetable fiber:	
	Valued at not more than $1 per pound	40 cents per pound and 50 percent.
	Valued at more than $1 but not more than $1.50 per pound	40 cents per pound and 55 percent.
	Valued at more than $1.50 per pound	40 cents per pound and 60 percent.
1109 (a)	Woven fabrics, weighing more than 4 ounces per square yard, wholly or in chief value of wool (except woven green billiard cloths, in the piece, weighing more than 11 ounces but not more than 15 ounces per square yard, wholly of wool):	
	Valued at not more than $1.25 per pound	50 cents per pound and 50 percent.
	Valued at more than $1.25 but not more than $2 per pound	50 cents per pound and 55 percent.
	Valued at more than $2 per pound	50 cents per pound and 60 percent.
1109 (b)	Felts, belts, blankets, jackets, or other articles of machine clothing, for paper-making, printing, or other machines, when woven, wholly or in chief value of wool, as units or in the piece, finished or unfinished:	
	Valued at not more than $1.25 per pound	50 cents per pound and 25 percent.
	Valued at more than $1.25 but not more than $2 per pound	50 cents per pound and 27½ percent.
	Valued at more than $2 per pound	50 cents per pound and 30 percent.
1111	Blankets, and similar articles (including carriage and automobile robes and steamer rugs), made of blanketing, as, units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding 3 yards in length:	
	Valued at not more than $1 per pound	30 cents per pound and 36 percent.
	Valued at more than $1 but not more than $1.50 per pound	33 cents per pound and 37½ percent.
	Valued at more than $1.50 per pound	40 cents per pound and 40 percent.
1112	Felts, not woven, wholly or in chief value of wool:	
	Valued at not more than $1.50 per pound	30 cents per pound and 35 percent.
	Valued at more than $1.50 per pound	40 cents per pound and 40 percent.
1114 (b)	Hose and half-hose, finished or unfinished, wholly or in chief value of wool:	
	Valued at not more than $1.75 per dozen pairs	40 cents per pound and 35 percent.
	Valued at more than $1.75 per dozen pairs	50 cents per pound and 50 percent.
1114 (c)	Knit underwear, finished or unfinished, wholly or in chief value of wool:	
	Valued at not more than $1.75 per pound	40 cents per pound and 30 percent.
	Valued at more than $1.75 per pound	50 cents per pound and 30 percent.
1114 (d)	Outerwear and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for (except hats, bonnets, caps, berets, and similar articles):	
	Valued at not more than $2 per pound	44 cents per pound and 45 percent.
	Valued at more than $2 per pound:	
	Infants' outerwear made or cut from Jersey fabric knit in plain stitch on a circular machine	50 cents per pound and 25 percent.
	Other infants' outerwear	50 cents per pound and 75 percent.
	Other than infants' outerwear	50 cents per pound and 50 percent.
1115 (a)	Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, wholly or in chief value of wool (except hats, bonnets, caps, berets, and similar articles, and except bodies, hoods, forms, and shapes for the same, whether or not pulled, stamped, blocked, or trimmed):	
	Valued at not more than $4 per pound	33 cents per pound and 45 percent.
	Valued at more than $4 per pound	50 cents per pound and 50 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
1116 (b)	Carpets, rugs, and mats, of oriental weave or weaves, made on a power-driven loom; chenille Axminster carpets, rugs, and mats; all the foregoing, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width.	60 percent.
1119	Tapestries and upholstery goods (not including pile fabrics), in the piece or otherwise, wholly or in chief value of wool.	Subject to applicable rates of duty imposed upon woven fabrics of wool in pars. 1108 or 1109.
1120	All manufactures, wholly or in chief value of wool, not specially provided for	50 percent.
1122	Fabrics (except printing-machine cylinder lapping in chief value of flax), in the piece or otherwise, containing 17 per cent or more in weight of wool, but not in chief value thereof, and whether or not more specifically provided for, shall be dutiable as follows: That proportion of the amount of the duty on the fabric, computed under schedule 11 of the Tariff Act of 1930, as modified, which the amount of wool bears to the entire weight, plus that proportion of the amount of the duty on the fabric, computed as if paragraph 1122 of said tariff act had not been enacted, which the weight of the component materials other than wool bears to the entire weight.	
1208	Hose and half-hose, knit or crocheted, finished or unfinished, wholly or in chief value of silk	60 percent.
1209	Handkerchiefs and woven mufflers, wholly or in chief value of silk, finished or unfinished:	
	Not hemmed	55 percent.
	Hemmed or hemstitched	60 percent.
1309	Hose and half-hose, knit or crocheted, finished or unfinished, wholly or in chief value of rayon or other synthetic textile.	45 cents per pound and 65 percent.
1311	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of rayon or other synthetic textile, and not specially provided for.	Do.
1402	Sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated.	10 percent.
1404	Papers commonly or commercially known as stereotype paper, carbon paper, coated or uncoated, and pottery paper, colored or uncolored, white or printed:	
	Weighing not over 6 pounds to the ream, and whether in sheets or any other form	6 cents per pound and 20 percent.
	Weighing over 6 pounds and less than 10 pounds to the ream	5 cents per pound and 15 percent.
1404	India and bible paper weighing 10 pounds or more and less than 20½ pounds to the ream	4 cents per pound and 15 percent.
1405	Simplex decalcomania paper not printed	5 cents per pound and 10 percent.
1405	Unsensitized basic paper, to be sensitized for use in photography	5 percent.
1405	All boxes of paper or papier-mâché or wood covered or lined with paper or vegetable fiber and provided for in par. 1405 of the Tariff Act of 1930.	5 cents per pound and 20 percent.
1406	Pictures, calendars, cards, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for, exceeding twenty one-thousandths of 1 inch in thickness.	8¾ cents per pound.
1407 (a)	Drawing paper weighing 8 pounds or over per ream	3 cents per pound and 15 percent.
1409	Hanging paper, printed, lithographed, dyed, or colored	1½ cents per pound and 20 percent.
1409	Filtering paper	5 cents per pound and 15 percent.
1409	Unmounted stencil paper, not specially provided for	30 percent.
1410	Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for (except unbound or bound prayer books and sheets or printed pages of prayer books):	
	If of bona fide foreign authorship	15 percent.
	All other	25 percent.
1410	Blank books, slate books, engravings, maps, and charts (except diaries, notebooks, and address books)	Do.
1410	Book bindings or covers wholly or in part of leather, not specially provided for	30 percent.
1412	Playing cards	10 cents per package and 20 percent.
1413	Noisemakers, wholly or in chief value of paper, not specially provided for	35 percent.
1501 (a)	Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufactures of any of the foregoing.	40 percent.
1501 (b)	Molded, pressed, or formed articles, in part of asbestos, containing any binding agent, coating, or filler, other than hydraulic cement or synthetic resin.	25 percent.
1502	Lawn-tennis and table-tennis balls	30 percent.
1502	Golf balls	Do.
1502	Baseballs, footballs, and other balls, finished or unfinished, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), except balls wholly or in chief value of rubber.	Do.
1502	Field-hockey sticks and guards, polo mallets, table-tennis bats, croquet mallets, golf clubs and tees, soccer guards, and tennis nets.	Do.
1504 (b) (4)	Hats, bonnets, and hoods, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, Cuba bark, ramie, or manila hemp, whether wholly or partly manufactured, if sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained).	$3 per dozen and 50 percent.
1506	Tooth brushes and other toilet brushes, the handles or backs of which are composed wholly or in chief value of any product provided for in par. 31 of the Tariff Act of 1930.	2 cents each and 50 percent.
1506	Handles and backs for tooth brushes and other toilet brushes, composed wholly or in chief value of any product provided for in par. 31 of the Tariff Act of 1930.	1 cent each and 50 percent.
1506	Toilet brushes, ornamented, mounted, or fitted with gold, silver, or platinum, or wholly or partly plated with gold, silver, or platinum, whether or not enameled.	60 percent.
1506	Other tooth brushes and other toilet brushes	1 cent each and 50 percent.
1506	All other brushes, not specially provided for	50 percent.
1506	Hair pencils in quills or otherwise	40 percent.
1510	Buttons not specially provided for (except buttons wholly or in chief value of compounds of casein, known as galalith or by any other name, wood, or glass).	45 percent.
1511	Stoppers, wholly or in chief value of artificial composition, or compressed cork:	
	Over three-fourths of 1 inch in diameter, measured at the larger end	10 cents per pound.
	Three-fourths of 1 inch or less in diameter, measured at the larger end	12½ cents per pound.
1513	Toys not specially provided for: Figures or images wholly or in chief value of metal; construction sets wholly or in chief value of metal; and stuffed animal figures.	70 percent.
1514	Emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for; and all papers, cloths, and combinations of paper and cloth, wholly or partly coated with artificial or natural abrasives, or with a combination of natural and artificial abrasives; all the foregoing.	20 percent.
1518	Boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers, flowers, leaves, or other material mentioned in the dutiable provisions of paragraph 1518 of the Tariff Act of 1930.	60 percent.
1519 (a)	Dressed furs and dressed fur skins (except silver or black fox), and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins.	25 percent.
	All the foregoing, if dyed	30 percent.
1523	Human hair tops, roving, and yarns, of which human hair is the component material of chief value	6 cents per pound and 25 percent.
1523	Press cloth, of which human hair is the component material of chief value	8 cents per pound, and 40 percent.
1523	Press cloth, of which camel's hair is the component material of chief value	40 percent but not less than 25 cents per pound.
1523	Hair press cloth, not specially provided for	40 percent.
1525	Haircloth (including haircloth known as hair seating), wholly or in chief value of horsehair, not specially provided for.	35 percent.
1526 (a)	Hats, caps, bonnets, and hoods, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals:	
	For men's or boys' wear, valued at more than $48 per dozen	$16 per dozen and 25 percent.
	For women's or girls' wear—	
	Valued at more than $18 and not more than $24 per dozen	$9 per dozen and 25 percent.
	Valued at more than $24 and not more than $30 per dozen	$12 per dozen and 25 percent.
	Valued at more than $30 and not more than $48 per dozen	$13 per dozen and 25 percent.
	Valued at more than $48 per dozen	$16 per dozen and 25 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
1526 (b)	Men's silk or opera hats, in chief value of silk	$2 each and 75 percent.
1527 (c) (2)	Articles valued above $5 per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person: Cigar and cigarette lighters, compacts, powder and vanity cases, chains, and charms, all the foregoing, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of subparagraph 1527 (c) of the Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls.	⅗ cent each and ⅗ cent per dozen for each 1 cent the value exceeds 20 cents per dozen, and 25 percent.
1528	Precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry: Cat's-eye and opal.	10 percent.
1529 (a)	Nets and nettings made on bobbinet or Mechlin machines, wholly or in chief value of filaments, yarns, threads, or rayon or other synthetic textile, not embroidered.	65 or 90 percent.
1529 (a)	Flouncings, all-overs, neck ruffings, flutings, quillings, ruchings, and tuckings, all the foregoing, wholly or in chief value of cotton.	45, 50, 60, or 90 percent.
1529 (a)	Hose and half-hose wholly or in chief value of wool:	
	Embroidered with clocking not exceeding 1 inch in width and 6 inches in length exclusive of the fork	75 percent.
	Otherwise embroidered	90 percent.
1530 (b)	Leather (except leather provided for in subpar. (d) of par. 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species:	
	(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting.	12½ percent.
	(2) Leather welting	Do.
	(3) Leather to be used in the manufacture of harness or saddlery	10 percent.
	(4) Side upper leather (including grains and splits), and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.	15 percent.
	(4) Patent leather, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.	10 percent.
	(5) Upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished.	20 percent.
	(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls	Do.
	(7) All other, rough, partly finished, finished, or curried, not specially provided for	15 percent.
1530 (c)	Leather (except leather provided for in subpar. (d) of par. 1530 of the Tariff Act of 1930), made from reptile skins or shark skins, in the rough, in the white, crust, or russet, partly finished, or finished, if imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.	10 percent.
1530 (c)	Pigskin leather, in the rough, in the white, crust, or russet, partly finished or finished:	
	If imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.	Do.
	Other	15 percent.
1530 (c)	Vegetable-tanned rough leather made from goat or sheep skins (including those commercially known as India-tanned goat or sheep skins).	10 percent.
1530 (c)	Rough-tanned walrus leather (except leather provided for in subpar. (d) of par. 1530)	25 percent.
1530 (c)	Glove and garment leather (except leather provided for in subpar. (d) of par. 1530 of the Tariff Act of 1930), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished.	Do.
1530 (d)	Leather made from hides or skins of cattle of the bovine species, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied.	30 percent.
1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather by the process or method known as welt, not specially provided for.	20 percent.
1530 (f)	Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing.	35 percent.
1530 (f)	Saddles made wholly or in part of pigskin or imitation pigskin	Do.
1530 (f)	Saddles and harness, not specially provided for, and parts thereof, except metal parts, finished or unfinished	15 percent.
1531	Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and manufactures of leather, rawhide, or parchment, or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for.	35 percent.
	Any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets.	50 percent.
1532 (a)	Gloves made wholly or in chief value of leather, whether wholly or partly manufactured:	
	Men's gloves not over 12 inches in length	$6 per dozen pairs.
	For each inch or fraction thereof in excess of 12 inches	50 cents per dozen pairs.
	Women's or children's gloves, lined, or trimmed with fur, not over 12 inches in length	$5.50 per dozen pairs.
	For each inch or fraction thereof in excess of 12 inches	50 cents per dozen pairs.
	Provided, That, in addition thereto, on all the foregoing, there shall be paid each of the following cumulative duties:	
	When machine seamed, otherwise than overseamed	$1 per dozen pairs.
	When seamed by hand	$5 per dozen pairs.
	When lined with cotton, wool, silk, or other fabrics	$3.50 per dozen pairs.
	When trimmed with fur	$4 per dozen pairs.
	When lined with leather or fur	$5 per dozen pairs.
	Provided further, That all the foregoing shall be dutiable at not less than	50 percent.
1532 (b)	Gloves wholly or in chief value of leather made from horsehides or cowhides (except calfskins), whether wholly or partly manufactured.	25 percent.
1535	Artificial flies, snelled hooks, leaders' or casts, finished or unfinished	55 percent.
1536	Manufactures wholly or in chief value of wax, not specially provided for	20 percent.
1537 (a)	Manufactures wholly or in chief value of whalebone, not specially provided for	25 percent.
1537 (b)	Manufactures of india rubber or gutta-percha, or of which these substances or either of them is the component material of chief value, not specially provided for: Heels and soles; nursing-bottle covers and nipples; golf-ball centers; and gloves.	Do.
1537 (b)	Molded insulators and insulating materials, wholly or partly manufactured, composed wholly or in chief value of rubber or gutta-percha.	30 percent.
1537 (b)	Manufactures composed wholly or in chief value of india rubber known as "hard rubber," not specially provided for, finished or unfinished.	35 percent.
1537 (c)	Combs of whatever material composed, except combs wholly of metal, not specially provided for:	
	If valued at $4.50 or less per gross	1 cent each and 25 percent.
	If valued at more than $4.50 per gross	2 cents each and 35 percent.
1541 (a)	Musical instruments not specially provided for: Chimes, peals, and sets of tuned bells other than carillons, and parts of any of the foregoing: Jew's-harps, and piano keys with ivory tops.	40 percent.
1541 (c)	Carillons, and parts thereof	20 percent.
1542	Phonograph records, not specially provided for	30 percent.
1545	Sponges:	
	Commercially known as yellow, grass, or velvet	25 percent.
	Hardhead or reef	15 percent.
1547 (a)	Paintings in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same, all the foregoing which are works of art, not specially provided for.	20 percent.
1550 (b)	Stylographic pens, and parts thereof	72 cents per dozen and 40 percent.
1551	Photographic dry plates, not specially provided for	15 percent.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
1551	Photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits:	
	Exposed but not developed, except undeveloped negative moving-picture film of American manufacture exposed abroad for silent or sound news reel.	2 cents per linear foot.
	Exposed and developed	3 cents per linear foot.
1551	Photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made.	1 cent per linear foot.
1552	Common tobacco pipes and pipe bowls made wholly of clay:	
	Valued at not more than 40 cents per gross	15 cents per gross.
	Valued at more than 40 cents per gross	45 percent.
1552	Tobacco pipe bowls, wholly or in chief value of brier or other wood or root, in whatever condition of manufacture, whether bored or unbored, and tobacco pipes having such bowls, except tobacco pipes, wholly finished, having bowls wholly or in chief value of brier wood, valued at less than $1.20 per dozen.	5 cents each and 60 percent.
1552	Pipes (except tobacco pipes having clay bowls (not including meerschaum) and mouthpieces of material other than clay), pipe bowls, cigar and cigarette holders, not specially provided for, and mouthpieces for pipes, or for cigar and cigarette holders, all the foregoing of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored.	Do.
1552	Pouches for chewing or smoking tobacco, and cases suitable for pipes, cigar and cigarette holders, finished or partly finished.	60 percent.
1552	Cigar and cigarette cases and parts thereof, finished or unfinished, not specially provided for, wholly or in chief value of leather.	Do.
1554	Walking canes, finished or unfinished	40 percent.
1606 (a), (b)	Dogs and horses imported by a citizen of the United States specially for breeding purposes	Free, subject to the provisions of par. 1606 (a) and (b).
1609	Annatto and gambier, and extracts thereof, not containing alcohol	Free.
1612	Arrowroot, crude or manufactured, and arrowroot starch and flour	Do.
1616	Chrysotile asbestos, unmanufactured, crudes, fibers, and stucco	Do.
1617	Waste bagging, and waste sugar sack cloth	Do.
1621	Bibles, comprising the books of the Old or New Testament, or both, bound or unbound	Do.
1628	Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.	Do.
1629	Hydrographic charts and publications issued for their subscribers or exchanges by scientific or literary associations or academies, and publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign governments; books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which have been printed more than 20 years at the time of importation. *Provided*, That where any such books have been rebound wholly or in part in leather within such period, the binding so placed upon such books shall be dutiable as provided in paragraph 1410 of the Tariff Act of 1930.	Do.
1631	Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart, for its own use or for the encouragement of the fine arts, and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe.	Do.
1645	Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured	Do.
1647	Chromite or chrome ore	Do.
1650	Anthracite coal; culm and slack; and coke	Do.
1651	Coal-tar products: Acenaphthene, anthracene having a purity of less than 30 percent, benzene, carbazole having a purity of less than 65 percent, cumene, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene which after the removal of all the water present has a solidifying point less than 79° C., pyridine, toluene, xylene, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids less than 5 percent of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other materials or products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not specially provided for in par. 27 or 28 of title I of the Tariff Act of 1930.	Do.
1653	Cocoa or cacao beans, and shells thereof	Do.
1656	Coir	Do.
1662	Cotton waste	Do.
1665	Curling stones	Do.
1668	Diamonds, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process whether in their natural form or broken, glaziers' and engravers' diamonds, any of the foregoing not set, miners' diamonds, and diamond dust.	Do.
1669	Cubebs in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol.	Do.
1670	Dyeing or tanning materials: Logwood, and mangrove bark, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, and not containing alcohol.	Do.
1681	Furs and fur skins, not specially provided for, undressed: Caracul, ermine, fitch, fox (other than silver or black fox), hare, kolinsky, lamb, kid, sheep, goat, marmot, marten, monkey, pony, sable, skunk, and squirrel.	Do.
1683	Goldbeaters' molds and goldbeaters' skins	Do.
1684	Sisal, not dressed or manufactured in any manner	Do.
1685	Guano, basic slag (ground or unground), manures, and (notwithstanding any other provision of the Tariff Act of 1930), those grades of all other substances used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.	Do.
1686	Gums and resins: Damar, dragon's blood, benzoin, and myrrh	Do.
1691	Hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles	Do.
1692	Hones, whetstones, and grindstones	Do.
1697	India rubber and gutta-percha, crude, including jelutong or pontianak, guayule, gutta balata, and gutta siak, and scrap or refuse india rubber and gutta-percha fit only for remanufacture.	Do.
1699	Iridium, osmium, palladium, rhodium, and ruthenium, and native combinations thereof with one another or with platinum.	Do.
1701	Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact	Do.
1710	Limestone-rock asphalt; asphaltum and bitumen	Do.
1714	Manuscripts, not specially provided for	Do.
1719	Cornwall stone, unmanufactured	Do.
1719	Columbium ores or concentrates	Do.
1721	Monazite sand and other thorium ores	Do.
1722	Carragheen or Irish moss, crude or unmanufactured, not specially provided for	Do.
1724	Needles, hand sewing or darning	Do.
1725	Nets or finished sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila	Do.
1726	Newspapers and periodicals, unbound	Do.
1727	Palm nuts, and palm-nut kernels	Do.
1731	Oils, distilled or essential: Cinnamon, citronella, and lime, all the foregoing not containing alcohol	Do.
1732	Expressed or extracted palm-kernel oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him.	Free (subject to processing tax of 3 cents per pound under sec. 602½ of the Revenue Act of 1934, as amended. See below.)
1735	Duplex decalcomania paper not printed	Free.
1736	Parchment and vellum	Do.
1738	Shells, not sawed, cut, flaked, polished, or otherwise manufactured, or advanced in value from the natural state (except tortoise shell and mother-of-pearl).	Do.
1744	Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of 1 inch in thickness, sponge, or scrap.	Do.
1750	Rag pulp; paper stock, crude, of every description, including all grasses, fibers, rags, waste (including jute, hemp, and flax waste), shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for, including old gunny cloth, and old gunny bags, used chiefly for paper making, and no longer suitable for bags.	Do.

United States Tariff Act of 1930—Continued

Par.	Description of article	Present rate of duty
1753	Sago, crude, and sago flour	Free.
1759	Sheep dip	Do.
1765	Seal skins (not including fur skins), raw	Do.
1768 (1)	Spices and spice seeds: Cloves; clove stems; cinnamon and cinnamon chips; ginger root, not preserved or candied; mace; nutmegs; and pimento (allspice); all the foregoing, if unground.	Do.
1768 (2)	Coriander seeds	Do.
1771	Stamps: Postage or revenue stamps, canceled or uncanceled, and Government stamped envelopes or post cards bearing no other printing than the official imprint thereon.	Do.
1776	Strontianite or mineral strontium carbonate and celestite or mineral strontium sulphate	Do.
1777	Sulphur in any form	Do.
1782	Locust or carob beans, and pods and seeds thereof	Do.
1783 (b)	Tea not specially provided for	Do.
1786	Tin in bars, blocks or pigs, alloys in chief value of tin not specially provided for, and grain or granulated and scrap tin, including scrap tin plate.	Do.
1787	Tobacco stems not cut, ground, or pulverized	Do.
1790	Turtles	Do.
1801	Witherite, crude, unground	Do.
1803 (2)	Mahogany and satinwood, in the log	Do.
1806	Sticks of rattan in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.	Do.
1807	Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and woodcuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same; but the terms "sculpture" and "statuary" as used in this paragraph shall be understood to include professional productions of sculptors only, whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only; and the words "painting," "drawing," "sketch," "sculpture," and "statuary" as used in this paragraph shall not be understood to include any articles of utility or for industrial use, nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings," "engravings," and "woodcuts" as used in this paragraph shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes.	Do.
1810	Stained or painted window glass and stained or painted glass windows which are works of art imported to be used in houses of worship, valued at $15 or more per square foot, when imported expressly for presentation to an incorporated religious society.	Do.
	REVENUE ACT OF 1932, AS AMENDED	
Sec. 601 (c) (8)	Seal oil	3 cents per pound.
	REVENUE ACT OF 1934, AS AMENDED	
Sec. 602½	Palm-kernel oil (for possible binding of present excise treatment)	3 cents per pound.

NOTE.—In the event that articles which are at present regarded as classifiable under the descriptions included in the above list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles and the granting of concessions with regard to them will not be precluded.

PERSECUTION OF JEWS IN RUMANIA

Mr. DAVIS. Mr. President, I ask unanimous consent to submit a resolution and have it printed in the RECORD, and then to make a few brief remarks in connection with it.

There being no objection, the resolution (S. Res. 218) was received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with public interest, any information in his possession concerning prospective edicts against Jews and other minorities in Rumania recently reported to have become the announced program of the Rumanian Government and to use his good offices to obtain a peaceful settlement of proposed threats to the well-being of these minorities.

Mr. DAVIS. Mr. President, recent press dispatches from Rumania carry accounts of terrorism there which must fill the minds of all citizens of foreign birth in this country with grave foreboding. I speak of this subject with the utmost restraint, hoping that moderate measures may be taken to safeguard the rights of almost a million Jews in Rumania. I have had cordial relations with hundreds of American citizens of Rumanian descent in Pennsylvania. I have lived and worked side by side with many of them and know the splendid enterprise and industry which have characterized their notable contributions to this country. I know that many of these deplore the news which now comes from their native land. They do not favor the hand of the oppressor, having come to this free land in order to enjoy the liberties guaranteed them here under our Constitution.

I have seen Rumanians, Greeks, Poles, Serbs, Hungarians, Germans, and Jews living and working together harmoniously in our Pennsylvania communities. I have seen Greek Catholics, Roman Catholics, Hebrews, Lutherans, and other religious groups carrying on their respective traditions, and yet without intolerance or bigotry. As neighbors, they have rubbed shoulder to shoulder in the promotion of our great industrial enterprises, each adding something of great value to the welfare of the whole. In the present emergency in Rumania, I trust that this same spirit of cooperation which has proved its worth in our own land may be brought to life over there, so that the distressing situation which now confronts a million Jews as well as other minorities in Rumania may be met in a peaceful and satisfactory way.

It has been reported that following a national election held on December 20 the King of Rumania has appointed as his Prime Minister Octavian Goga, leader of the National Christian Party, although that party secured less than 10 percent of the votes of the people. It is reported that with but few exceptions the men comprising the Goga Cabinet are also representatives of this minority party. The chief point of concern is the fact that the platform of the minority party calling for the complete elimination of Jews from the political, economic, and cultural life of Rumania has received official sanction.

Mr. President, it is reported that immediately following his appointment Premier Goga announced that his Government would carry out the principles of the party in all phases of Rumanian national life. Specifically, it is said, he declared that it was his intention to enact measures providing, first, expropriation of land owned by Jews; second, cancelation of licenses held by Jews to sell wines and liquors, tobacco products, salt, and other articles of general consumption; third, prohibition of Jews from establishing themselves as merchants in villages; fourth, forbidding employment of Jews by Rumanian newspapers; fifth, removal of Jews from all agricultural enterprises; sixth, revision of all naturalizations since 1920; and seventh, exclusion of Jews from all Government offices.

It will require very little study of these proposals to show that if carried into effect they would close almost all avenues of employment to Jews in Rumania. These stern measures seem even more unwarranted when it is realized that Rumania is one of the few countries in Europe in

which there is virtually no unemployment. As recently as August 1937 the Ministry of Labor announced that in 1936 the number of unemployed fluctuated between 7,496 and 19,653. Whatever motives have led to these proposals, it is obvious that if enacted they will result in the impoverishment and possibly the eventual expulsion of the Jews from Rumania, who, according to the census of 1930, numbered close to a million persons. With conditions as they have been in recent months in the Holy Land, where the national refuge of the Jews has been so seriously threatened, the possible expulsion of a million Jews from Rumania would be a matter of such importance as to cause unwanted international complications.

There are many reasons why the American people have a genuine interest in these current trends in Rumania. We have an honorable tradition of moral championship of persecuted minorities. America has been a haven of refuge for the oppressed of every land. In this Republic we have developed through the years the deepest respect for minority rights. This is the strong rock on which the Constitution of the United States is founded. The spirit of racial and religious toleration which we cherish here cannot be limited to our own shores. In the case of the Jews of Rumania the record of our concern for them goes back to 1867. Again, in 1902, in a note to the powers who were signatories of the Treaty of Berlin, under which Rumania was established and in which she agreed to emancipate her Jewish population, Secretary of State John Hay protested against the persecution of this population in violation of that treaty.

Mr. President, I ask that the statement of Secretary of State Hamilton Fish of 1872 and that of Secretary of State John Hay of 1902 regarding the oppression of Jews in Rumania, and also a resolution submitted in the House of Representatives in 1913 on the same subject, be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, the statements referred to by the Senator from Pennsylvania will be printed in the RECORD.

The statements referred to are as follows:

THE UNITED STATES PROTESTS OPPRESSION OF JEWS IN RUMANIA

In the year 1872, when Rumania was still a protectorate of the old Ottoman Empire, Secretary of State Hamilton Fish, on April 10, 1872, sent the American consul general at Bucharest the following message:

"Among the large number of Israelites in this country there are probably few whose sympathies have not been intensely excited by the recent intelligence of the grievous persecutions of their coreligionists in Rumania. This feeling has naturally been augmented by the contrast presented by the position of members of that persuasion here, who are equals with all others before the law, which sternly forbids any oppression on account of religion. Indeed, it may be said that the people of this country universally abhor persecution anywhere for that cause, and deprecate the trials of which, according to your dispatches, the Israelites of Rumania have been victims.

"This Government heartily sympathizes with the popular instinct upon the subject, and while it has no disposition or intention to give offense by impertinently interfering in the internal affairs of Rumania, it is deemed to be due to humanity to remonstrate against any license or impunity which may have attended these outrages in that country. You are consequently authorized to address a note to the Minister of Foreign Affairs of the principalities, in which you will embody the views herein expressed, and you will also do anything which you discreetly can, with a reasonable prospect of success, toward preventing a recurrence or continuance of the persecution adverted to."

On August 11, 1902, Secretary of State John Hay, in the administration of President Theodore Roosevelt, addressed an official note of protest to the Rumanian Government pointing out that the tendency of its anti-Semitic legislation would be to produce an abnormal stream of emigration to the United States. The following are the essential passages of that note:

"The teachings of history and the experience of our own Nation show that the Jews possess in a high degree the mental and moral qualifications of conscientious citizenhood. No class of immigrants is more welcome to our shores when coming equipped in mind and body for entrance upon the struggle for bread and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will; but when they come as outcasts, made doubly paupers by physical and moral oppression in their native land and thrown upon the long-suffering generosity of a more favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that even in the countries where anti-Semitism has no foothold it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal.

"The United States offers asylum to the oppressed of all lands, but its sympathy with them in no wise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country and to judge accordingly.

"Putting together the facts now plainly brought home to this Government during the past few years, that many of the inhabitants of Rumania are being forced by artificially adverse discriminations to quit their native country, that the hospitable asylum offered by this country is almost the only refuge left to them, that they come hither unfitted by the conditions of their exile to take part in the new life of this land under circumstances either profitable to themselves or beneficial to the community, and that they are objects of charity from the outset and for a long time, the right of remonstrance against the acts of the Rumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Rumania upon the charity of the United States.

"This Government cannot be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the Treaty of Berlin, to which it was not and cannot become a signatory, but it does earnestly appeal to the principles consigned therein because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Rumania itself has effectively joined the United States to them as an interested party in this regard."

PROCEEDINGS IN CONGRESS RE OPPRESSION OF RUMANIAN JEWS

On October 13, 1913, the Honorable Walter M. Chandler, of New York, spoke in the House of Representatives about the Jews of Rumania, their rights under the Treaty of Berlin (1878), and introduced House Joint Resolution 138, reading, in part, as follows:

"Whereas the Government of Rumania accepted the terms of said articles of said treaty as a condition precedent to the recognition of her independence; and

"Whereas it is a matter of certain knowledge that the Jews of Rumania, numbering about 250,000, have been the barbarized and impoverished victims of Rumanian discriminatory legislation and of Rumanian riots and massacres for a period of more than 30 years in violation of both the letter and the spirit of the Treaty of Berlin: Therefore be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is the sense of the American Congress that the interests of civilization, the rights of humanity, the principles of eternal justice, and the dignity and sanctity of international law demand that the signatory powers of the Treaty of Berlin compel Rumania to observe the stipulations of the Treaty of Berlin in the matter of the treatment of the Jews.

"*Resolved*, That the Secretary of State be requested to transmit a copy of this resolution to the Governments of Great Britain, Germany, Austria, Russia, France, Italy, and Turkey."

Mr. DAVIS. Mr. President, Representative SIROVICH, of New York, has brought this matter to the attention of the other House in House Joint Resolution 552, asking that the President use his good offices in behalf of the oppressed Jews of Rumania. The purpose of my resolution is to seek a peaceful solution for the grave problem which now threatens the lives and liberties of the million Jews in Rumania.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate took a recess until Monday, January 10, 1938, at 12 o'clock meridian.

SENATE

MONDAY, JANUARY 10, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CHARLES O. ANDREWS, a Senator from the State of Florida; WARREN R. AUSTIN, a Senator from the State of Vermont; THEODORE G. BILBO, a Senator from the State of Mississippi; FRED H. BROWN, a Senator from the State of New Hampshire; EDWARD R. BURKE, a Senator from the State of Nebraska; PETER G. GERRY, a Senator from the State of

Rhode Island; and FREDERICK HALE, a Senator from the State of Maine, appeared in their seats today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, January 8, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lewis	Radcliffe
Bailey	Donahey	Lodge	Reynolds
Bankhead	Duffy	Logan	Russell
Barkley	Ellender	Lonergan	Schwartz
Berry	Frazier	Lundeen	Schwellenbach
Bilbo	George	McAdoo	Sheppard
Bone	Gerry	McCarran	Shipstead
Borah	Gibson	McGill	Smathers
Bridges	Gillette	McKellar	Smith
Brown, Mich.	Glass	McNary	Steiwer
Brown, N. H.	Graves	Maloney	Thomas, Okla.
Bulkley	Guffey	Miller	Thomas, Utah
Bulow	Hale	Minton	Townsend
Burke	Harrison	Moore	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	Nye	Wagner
Chavez	Holt	O'Mahoney	Wheeler
Clark	Johnson, Calif.	Overton	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Oklahoma [Mr. LEE] and the Senator from Massachusetts [Mr. WALSH] are detained on important public business.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

OPERATIONS UNDER EMERGENCY RELIEF APPROPRIATION ACTS OF 1935, 1936, AND 1937

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations, as follows:

To the Congress of the United States:

As required by the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, and 1937 I present herewith a report of the operations under these acts to the end of the calendar year 1937.

This report includes detailed statements of expenditures made, obligations incurred by classes and amounts, and status of funds under each of the acts.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 8, 1938.*

REPORT OF ALLEY DWELLING AUTHORITY FOR THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the District of Columbia, as follows:

To the Congress of the United States:

In accordance with the provisions of section 5 (a) of the District of Columbia Alley Dwelling Act, approved June 12, 1934, I transmit herewith for the information of the Congress the report of the Alley Dwelling Authority for the District of Columbia, for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 10, 1938.*

[NOTE.—Photographs accompanied similar message to the House of Representatives.]

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on January 7, 1938, that committee presented to the President of the United States the following enrolled bills:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; and

S. 2575. An act to increase the efficiency of the Coast Guard.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

A bill (S. 3206) for the relief of disbursing officers of the United States and of officers and employees of the Department of the Interior who have suffered disallowances on account of airplane travel; and

A bill (S. 3207) authorizing the Comptroller General to settle and adjust the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3208) to promote sustained-yield forest management in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife; to the Committee on Agriculture and Forestry.

By Mr. LEWIS:

A bill (S. 3209) authorizing the Secretary of War to grant a perpetual easement to the city of Highwood, Lake County, Ill., over certain portions of the Fort Sheridan Military Reservation for the purpose of constructing a waterworks system; to the Committee on Military Affairs.

By Mr. JOHNSON of Colorado:

A bill (S. 3210) granting an increase of pension to Ursula S. G. Cleaver; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3211) to provide for the formulation of a plan for the construction of certain through highways in the United States; to the Committee on Post Offices and Post Roads.

By Mr. BYRD:

A joint resolution (S. J. Res. 243) to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior; to the Committee on Public Lands and Surveys.

PREVENTION OF AND PUNISHMENT FOR LYNCHING—AMENDMENTS

Mr. McKELLAR submitted four amendments intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which were ordered to lie on the table and to be printed.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mrs. CARAWAY submitted the following resolution (S. Res. 219), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills hereby is authorized to employ for the remainder of the present session an assistant clerk to be paid from the contingent fund of the Senate at the rate of $1,800 per annum.

PRINTING SUPPLEMENT TO COMPILATION ENTITLED "TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS, AND AGREEMENTS"

Mr. PITTMAN submitted the following resolution (S. Res. 220), which was referred to the Committee on Printing:

Resolved, That there shall be compiled and printed as a Senate document a supplement to the compilation entitled "Treaties, Conventions, International Acts, Protocols, and Agreements between the United States and Other Powers," which shall be revised up to and including December 31, 1937, and that 500 additional

copies be printed and bound for the use of the Committee on Foreign Relations of the Senate.

ENFRANCHISEMENT OF WOMEN

Mr. COPELAND. Mr. President, 60 years ago today, at the instance of Elizabeth Cady Stanton, of New York, the then Senator from California, Senator Sargent, introduced a resolution providing for the enfranchisement of women. That resolution, after having been subject to long debate, emerged exactly as Mrs. Stanton wrote it in the first place.

There is an excellent description of the event and of its significance from the hand of Katherine Devereux Blake. I ask unanimous consent that, in connection with these brief remarks, the statement made by her be printed in the body of the RECORD. If time permitted, I should speak at greater length regarding this notable event.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the New York Times of January 7, 1938]

AN ANNIVERSARY FOR WOMEN—SUFFRAGE AMENDMENT INTRODUCED IN THE SENATE 60 YEARS AGO

To the EDITOR OF THE NEW YORK TIMES:

On January 9 it will be just 60 years since the amendment to the Constitution enfranchising women was first introduced in the Senate of the United States. Surely it is a date to be remembered.

That winter of 1878 Susan B. Anthony had gone on a trip to the West with her brother and made no preparation for a Washington convention of the National Woman Suffrage Association. Feeling that this was a mistake, my mother, Lillie Devereux Blake, and Isabella Beecher Hooker called a convention. Many responded and it was a great success.

While in Washington for the convention Mrs. Elizabeth Cady Stanton was a guest in the home of Senator Sargent, of California, and he listened to her brilliant speech in the convention on January 8, in which she demanded an amendment to the Constitution giving the vote to women. The next day Senator Sargent introduced the joint resolution calling for the amendment exactly as Mrs. Stanton had written it.

For 41 years that brief amendment was heatedly discussed, but never was a word changed in it. The last necessary State having voted for it, the Secretary of State officially proclaimed it a part of the Constitution of the United States on August 26, 1920, and so it stands today as it was introduced 60 years ago.

On that date all women received the right to vote, but no training prepared them for it. During the later years of their struggle for freedom they had not asked for rights lest that should hinder their enfranchisement. Then, as now in Fascist countries, they were told that woman's place was in the home and that politics was too dirty a business for nice women to mix in. Hence the reproach sometimes heard, "What have women done with their vote?"

To this I answer: They have done exactly what such training would lead them to do; they have worked to protect the home and, so far as possible, their personal rights. Thus after years of struggle they have won equal rights of citizenship though married to foreigners, the right to work though married, in some States the right to sit on juries, and, to quote the New Standard Encyclopedia, their "influence was felt in the increasing volume of welfare legislation throughout the States."

As time has gone on women have looked beyond the personal home. The new generation has forgotten the struggle and look at the world much as do their brothers, and they are taking a deep interest in the good government of the whole world. No reform mayor of New York was ever reelected when men alone were the voters. Last November was the first time since their franchisement that a reform mayor was offered for reelection, and his victory was triumphant. The votes of the women carried that victory.

From 1848 till 1893, when she ceased to be president of the National American Woman Suffrage Association, Elizabeth Cady Stanton was the progressive leader of that struggle for the vote. She called that famous first convention of 1848, she wrote the amendment giving women the right to vote, and it is well to remember her on this important anniversary.

KATHERINE DEVEREUX BLAKE.

NEW YORK, January 6, 1938.

CONSIDERATION OF NOMINATIONS BY JUDICIARY COMMITTEE

Mr. ASHURST. Mr. President, I have received a communication requesting information as to what procedure is adopted by the Senate Committee on the Judiciary respecting nominations that come to that committee.

The practice is now, and for years has been, that all hearings on nominations coming to that committee are heard openly. Any coherent citizen who wishes to be heard respecting any nomination coming to that committee will be heard by the committee or a subcommittee thereof. That rule will be adhered to in the future, as it has been in the past. It is a good rule. There is on our calendar a resolution, submitted by the able Senator from New Hampshire [Mr. BRIDGES] proposing a rule requiring that all hearings on nominations shall be open and public. With this proposal I am in accord, and I give notice, so far as I have any authority, whether such rule is adopted by the Senate or not, that the Senate Committee on the Judiciary will continue to give to all coherent citizens an opportunity to be heard respecting any nomination, and this particularly applies to nominations made to the office of Justice of the Supreme Court of the United States.

SPEECH OF THE PRESIDENT AT JACKSON DAY DINNER, WASHINGTON, D. C.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the address delivered by the President of the United States at the Jackson Day dinner held at the Mayflower Hotel, Washington, D. C., January 8, 1938, which appears in the Appendix.]

JACKSON DAY DINNER SPEECH BY SPEAKER OF THE HOUSE OF REPRESENTATIVES

[Mr. DUFFY asked and obtained leave to have printed in the RECORD the speech delivered by Hon. WILLIAM B. BANKHEAD, Speaker of the House of Representatives, at the Jackson Day dinner on January 8, 1938, at the Mayflower Hotel, Washington, D. C., which appears in the Appendix.]

THE HOUSING PROGRAM—ADDRESS BY SENATOR WAGNER

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address on the subject of the housing program, delivered by Senator WAGNER on December 27, 1937, which appears in the Appendix.]

ADDRESS BY HON. OSCAR L. CHAPMAN AT JACKSON DAY DINNER, RALEIGH, N. C.

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address by the Honorable Oscar L. Chapman, Assistant Secretary of the Interior, delivered at the Jackson Day dinner, Raleigh, N. C., January 8, 1938, which appears in the Appendix.]

ADDRESS BY HON. WILLIAM O. DOUGLAS BEFORE BOND CLUB OF HARTFORD, CONN.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman, Securities and Exchange Commission, before the Bond Club of Hartford, at Hartford, Conn., on January 7, 1938, which appears in the Appendix.]

ADDRESS BY HON. WILLIAM O. DOUGLAS AT JACKSON DAY DINNER, NEW HAVEN, CONN.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman of the Securities and Exchange Commission, at the Jackson Day dinner, held in New Haven, Conn., on the evening of January 8, 1938, which appears in the Appendix.]

POSTAL AID TO NEWSPAPERS AND MAGAZINES

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article from the Nashville Tennesseean with reference to postal aid to newspapers and magazines, which appears in the Appendix.].

COAL AND ITS VALUE TO WEST VIRGINIA

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Carl Scholz, published in the January 1938 issue of the West Virginia Review, entitled "Coal and Its Value to West Virginia," which appears in the Appendix.]

JACKSON DAY DINNER ADDRESS AT CHICAGO BY HON. HOMER CUMMINGS

[Mr. DIETERICH asked and obtained leave to have printed in the RECORD an address delivered by Hon. Homer Cummings, Attorney General of the United States, on the 8th day of January 1938, at the Jackson Day banquet in Chicago, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mr. HARRISON. Mr. President, on last Saturday night throughout the country there were gatherings of Democrats and followers of the teachings of that great American, one of the chief advocates and expounders of democratic doctrine, Andrew Jackson. So far as I have seen or heard, some of the fine philosophy once expressed by him was not uttered by anyone at any of these occasions. So, in the atmosphere that surrounds the discussion of the question before the Senate, I wish to read a few passages which are most pertinent to the issue here.

My experience—

Said Andrew Jackson—

in public concerns and the observation of a life somewhat advanced confirm the opinions—

And I should like to have the ears, if not the hearts and judgment, of my Democratic colleagues while I am reading this statement—

confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy and finally to despotism and military domination. In proportion, therefore—

And I speak now directly into the ears of my friend from New York [Mr. WAGNER], one of the authors of the pending bill, who presided at one of the great meetings in New York City Saturday night—

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. * * *

Every attempt to exercise power beyond these limits—

Says Andrew Jackson—

should be promptly and firmly opposed, for one evil example will lead to other measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated Government.

I hope my Democratic colleagues who paid their $100 the other night to attend the dinner will think about these words before they vote upon this legislative proposal.

Until now I have said nothing with reference to this bill. I have kept my peace because to me, as a Senator from the South, it is abhorrent to discuss any question which might raise a sectional issue, or to bring forth the race question, so delicate in its nature that it is bound to give great concern to those of us who come from a section that cannot forget its history, embedded as it is in our hearts and in our memories. So in speaking to you today I shall not be long. I shall attempt to be calm. I shall not say things that I wish I could say, but I am going to talk to my Democratic brethren in all sincerity and from a practical standpoint.

Oh, what embers does this question stir in my section. What fear does it put into the hearts of the womanhood of the South. Not solely because of what is in the lines of the bill, because the purposes of it may never be fulfilled. Of course, you know and I know that if the people on the grand juries and the petit juries in the State courts will not indict, the same people that make up the grand juries and petit juries in the Federal courts will not indict. But the very question itself arouses the dormant instincts of individuals. It magnifies a situation that should be minimized; it condemns a people who deserve sympathy; it builds up a case upon false premises. It is a poisoned arrow, pointed directly at the heart of the South. Of course, there have been lynchings elsewhere, but this proposal is a challenge to constitutional government in the South, and an insult to the people of that section.

Some of you have never been in the South. You may know the conditions in New York City, Chicago, or in your own States, but you do not know a tinker's damn about the situation that confronts the southern people and the tragic era through which they passed. You have not the slightest idea and cannot appreciate how a proposal such as this gives them deep concern and creates an atmosphere of fear that this is only the beginning of greater inroads upon the police powers and sovereign rights of a State.

Ah, Senators, Kipling was right when he said:

If you can keep your head when all about you
Are losing theirs and blaming it on you—

Do not lose your heads. I know that a new convert is generally very enthusiastic. I have been to camp meetings and have seen people get religion; they wanted to shout immediately. I know that a certain group of Americans voted the Democratic ticket in the past two campaigns, and you have been converted to them. You were pleased; you were happy, and as a Democrat I am happy. But let me tell you that nearly all groups as such are fickle, and the fact that they voted for you one time is no sign that they are going to vote for you next time. You had better build your record upon a surer and sounder foundation. In order to retain the political support of a group in this country, do not ravish the Constitution of the United States. Do not tear down the pillars upon which the white civilization of this country was builded. Do not go into my section, which has had its troubles, and offer an insult to its people in order to get votes elsewhere.

Situations should be studied in the light of all the facts and should not be viewed through prejudiced and dark political glasses. Because of the very delicate nature of this subject, our vision must remain clear and not become blurred. The price paid to form this Government is too dear for it to be transformed upon a false issue of political expediency. You talk about crime committed by mobs, and yet, by the passage of this legislation, you are committing a crime greater than that you seek to arrest. Most of the mobs that have lynched persons in the South did so to protect her women. You are acting like a mob to promote your own political future. Yes; you have the majority. You have the votes. Let me remind you that "it is excellent to have a giant's strength; but it is tyrannous to use it like a giant."

Ah, this is an unusual proceeding! I have never seen anything like it in my 27 years' experience in the American Congress. For 5 or 6 weeks—it seems to me more than that—this proposal has been before this body. The whip and spur have been applied by a certain group to keep it here. The President of the United States has made his proposals for a fine legislative program, and has asked for its immediate consideration. "But no!" the advocates of this bill say, "This is the paramount question. The all-important thing to do is to pass this antilynching bill." So it has been kept before us for weeks and weeks and weeks; and the peculiar and unusual thing to me is that in all that time not a proponent of the measure has cited a case in support of it, has made an argument for it, or has given a single reason for its passage.

Is not that a fact? Is it not the usual thing that when a bill of this importance and magnitude is brought to the floor of the Senate, those who seek to pass it and who have charge of it upon the floor should explain it, should make their arguments in support of it? But no; in this case it has not been done. The time has been taken up by those who opposed the bill, and opposed it sincerely. It was not a political opposition that they advanced. They have cited cases against the bill to show that it ravishes the Constitution; that it is in violation of every principle of local self-government; that it would steal and rob the sovereignty of the States; and yet the proponents of the measure sit here silent, speechless, spineless, and say not a word in support of it. They are like Boss Tweed, when the organization in New York was charged many years ago with every phase of corruption. Those who were conspiring with him never said a word; and one day when asked, "Why so silent," Tweed said, "Why speak? We've got the votes."

Yes; unless there is a change, you have the votes; but I am appealing to you to stay on the broad ground of Americanism, upon the broad basis of the Constitution, and free yourselves from the thought of sectionalism or political advantage.

Think of the Constitution of the United States, which was won by the sacrifice and blood of the fathers. I appeal to your judgment, to your hearts, and to your conscience not to be swayed by the threats and appeals of any group. If you do insist upon this political scheme, you will open a Pandora's box that will plague you in the future.

In all this discussion, without a word of argument being made by the proponents of the bill, I find in the report prepared by the distinguished Senator who comes from Indiana [Mr. VAN NUYS] the brief sentence I am about to read. There is no Senator for whom I have greater respect or warmer friendship than for the Senator from Indiana; but this is the way the matter is handled by the proponents of the bill. Here is the report. There is not a word in it citing cases in support of the legislation; not an argument in behalf of its constitutionality. The only thing that is said about it in the report is found in the last 10 words of the report, and here is what it says:

> There is ample authority supporting the constitutionality of this legislation.

Then there is a blank page. The next page is blank. The next page is blank. The next page is blank. The only hint, the only squint, the only suggestion about the constitutionality of the bill, is found in those remarkable but simple words in the last few lines of the report:

> There is ample authority supporting the constitutionality of this legislation.

What has been said in opposition to this legislation? If it did not get too warm for you to sit in your seats, you heard some of as fine and as logical and as constitutional arguments made in opposition to the bill as have ever echoed through the rafters of this great and historic old Chamber. The Senator from North Carolina [Mr. BAILEY] made a masterful argument on the constitutionality of the bill. The brilliant Senator from Texas [Mr. CONNALLY] cited case after case on the subject, and handled it in a magnificent way. And, oh, the great Senator from Idaho [Mr. BORAH]—and he will go down in history as a great Senator.

In the years to come, as we pass away, there are mighty few of us whose names will ever be remembered. The people will not know that we were ever in the Senate unless they get hold of one of these old RECORDS to see who represented a certain State away back yonder. But BORAH's name will live, because he is big enough not to look at a question like this from a sectional standpoint. He is seeking no political advantage from it. He places his argument upon the sound foundation of constitutional government. So, as a southerner and as an American, I offer to him my appreciation and gratitude for rising in his place on the other side of the aisle and speaking a word of kindness for the people of the South and for constitutional government. By the speech he made the other day, and by speeches he has heretofore made on this question, he has built for himself a monument in the hearts of the womanhood and manhood of the South. Yes; he has gone further than that, because while you may think that everyone in the North and everyone in the West is favorable to this legislation, that is not the case. People read, they think, they know; and so they do not want to have constitutional government destroyed. They know that local self-government must be preserved.

The distinguished Senator from Idaho was a candidate for the Republican nomination for President 2 years ago, and certain groups "took it out" on him. He made a speech up at Brooklyn, and let me read to the Senate what happened there. I take this account from the newspapers of that day:

> JANUARY 29, 1936.—Now, in this connection—

Said the Senator from Idaho. This newspaper quoted his speech to a great crowd of people. Outside there were placards. They held him up to criticism, saying he had opposed the antilynching bill. The Senator said:

> In this connection a question has been submitted to me by Mr. Ashcroft, of the seventeenth assembly district. He is a Progressive Republican. He is a colored gentleman. He is deeply interested in what is known as the Wagner-Costigan antilynching law. I respect his sincerity. I respect the sincerity of all those who are placarding me on the streets tonight.
>
> I have no intention to challenge their sincerity. Of course, they are sincere. And this question is presented to me:
>
> "News articles appearing in the daily press state that your opposition to the Wagner-Costigan antilynching bill emanates from a fixed opinion that the provisions of this bill are unconstitutional and would be so declared by the Supreme Court of the United States. Bearing in mind that the local government in the Southern States is powerless to stop or punish savage lynching mobs, and further bearing in mind that there are 13 of these Southern States who can effectively prevent an amendment to the Federal Constitution giving the United States Government power to cope with this evil, will you please state your program for ending this blot on American institutions?"

His answer was:

> When the Dyer antilynching bill of 1922 came over to the Senate, old Senator Nelson, of Minnesota, chairman of the Committee on the Judiciary—

And, Mr. President, I remember that fine old gentleman well. He was a splendid, sturdy old man, who came to this country in his youth from a foreign land. He said to Senator BORAH:

> I want you to take the subchairmanship of the subcommittee that is to pass upon this antilynching bill.

Senator BORAH stated:

> I did so. I reported it to the entire committee, and the entire committee passed upon it, and there was not a single member of that committee, not one, who did not agree with me that the bill was clearly unconstitutional.

Mr. President, those were Republican days. That was when Republican Senators controlled the Judiciary Committee of the United States Senate, and Senator BORAH said to this crowd, speaking to them in a campaign for the nomination for the Presidency, that there was not a single Senator on the Committee on the Judiciary who believed in the constitutionality of the bill.

Senator BORAH said further:

> The only Senator who wanted it to go to the Supreme Court—

And there are some who just want to have things go to the Supreme Court—

> was Senator Sterling, of South Dakota, who, nevertheless, agreed with the legal proposition which I had presented, but thought it was best to present it to the Court again.
>
> Senator Nelson came to me about it. "Well," I said, "Senator, you can do as you please, but I do not change my view upon constitutional questions through political expediency."

What a man is the Senator from Idaho! What would be the fame and glory of Daniel Webster if in his day and his time he had advocated in this body the passage of such a political monstrosity as the measure before us?

I see around me Senators who come from States which have been represented by great men. Would it have enhanced the standing and reputation of such men as Breckenridge, as Blackburn, as Beck, as Carlisle, and Clay, who came from the great State of Kentucky, the orators of which State, on the hustings every Fourth of July, speak of their attainments and achievements? Would they ever have stood for such a proposition as this? Do the Senators representing the great State of Indiana believe that such a character as old Daniel Voorhees or Ben Shiveley would ever have stood for such a proposal as this? Do the Senators who come from the great State of Missouri believe that Benton, or Vest, or Cockrell, and the other great men who have represented that State, would have grown in the love of the people of their State if they had advocated such an unconstitutional measure as this? No, my friends, and Senators now Members of this body, are not adding to their future glory, standing, or reputation, by trying to rape the Constitution of the United States in order to win the political favor of a small group of American citizens.

Why the haste for the passage of this proposal? Why is it necessary to enact such legislation at this time? Senators have heard the figures. Is there any other crime through the years which has shown such constant and astonishing decrease as has mob violence? No. Offenses in New York involving sex and other offenses increase in startling numbers, yet in the South and all over the country there has been a

constant decrease in crimes of mob violence. Senators have already cited the remarkable decrease, but it is such a factor in the consideration of this bill that I cannot help calling the figures again to the attention of the Senate.

From 1882 to 1892 there was an average of one lynching for every 380,000 people in this country. During the next 11 years, from 1893 to 1903, there was one lynching for each 555,000 people. During the next 11 years, from 1904 to 1914, there was one lynching for every 1,308,000 people, and from 1915 to 1925 there was one lynching to every 2,129,000 people. During the next period, from 1926 to 1936, there was one lynching to every 7,488,000 people, and last year there were only eight lynchings in the whole United States.

I have before me a report from the Tuskegee Institute, one of the greatest Negro institutions in this country, which has done more good industrially, educationally, and commercially for the Negro than any other institution on the face of the earth. One of its early presidents was Booker T. Washington, a great statesman, a great educator, a great man, a man who understood the problems of the South better than any other Negro. They publish their reports, and in a recent report of their president he states:

> From 1914 to 1919 the number of persons lynched was much greater than the number of persons prevented from being lynched. From 1920 to the present the number each year prevented being lynched has greatly exceeded the number lynched.

Does not that show progress? In the same report it is also stated:

> In 56 instances, officers of the law prevented lynchings that involved 5 white men and 72 Negroes. Five of these instances occurred in Northern States and 51 in the South.

In that year there were only eight lynchings in the whole United States. But in the South, into which it is sought to stick a dagger, 51 lynchings were prevented by the officers of the States.

Senators have not a leg to stand on when they say that this is an important and a necessary measure. Why have they waited through all these years to enact a law on the subject? The Government was under the control of the Republican Party for a long time, for 16 years, before Woodrow Wilson came into office, and then we had control of it for 8 years, the Republicans then returned to power, and I believe were in control for 12 years, and we have now been in control for 5 years. Did the Republicans pass a measure like this during their administrations? They did not. Did they ever make any real attempt to do so? They did not. A few made gestures once in a while for political purposes, but there was no such determined and organized effort as now before us, and this when the Democrats control everything! The Republicans refrained from forcing it upon us, but the Democratic organization is trying to ram it down the throats of the people of the South.

What about pioneer days? Let me recall to the Senate that as civilization marched on from the East into Ohio, and Kentucky, and Tennessee, and on to the West there was crime in the new settlements, and there were lynchings in the new settlements. When a mining camp would be located out in Arizona or Montana or elsewhere, how did the people protect themselves? They went out and lynched the fellows who violated their code or the law. In those days they believed that a fellow who stole a cow or horse was worse than a man who lynched another, and throughout the West there are monuments to what the pioneers did in those days in stringing up some person to a nearby limb.

A few days ago I read a most entertaining book, written by a man named Lewis, I believe, called "Tombstone." Tombstone is a town in Arizona. It used to be an important community, a mining town, where the pioneers located and persons gathered. It is said that in Tombstone signs still remain indicating where some fellow had been hanged some years ago or where a mob had congregated and tied to a tree some fellow who had stolen a cow or a horse. There was a cemetery out there which they named "Boot Hill." It was on the side of a little hill, and the idea for the name arose because in the beginning no one could be buried in Boot Hill except those sturdy and rugged fellows who died "with their boots on."

Mr. President, those were the pioneer days. Was any voice lifted then to demand that the Federal Government take over the sovereignty of those States because they had not enforced the law? No; such a thing is left to this generation—to the wise, alert, humane, and constitutional lovers of this Congress.

A little while later came the Civil War, that terrible struggle which divided the two sections, brought on because some gentlemen from the East who were commercial-minded, and avaricious, and good traders conceived the idea that they ought to go to Africa, get together some of the native Negroes, put them on board a ship, chain them, and bring them here. They knew, because the South was thoroughly agricultural, they could sell the slaves most advantageously to the people of the South, and they did so. So slavery was built up. I am glad it is gone. Everyone is glad it is gone. But do not blame just the people of the South for slavery. Give a little of the blame to the people who concocted the scheme and brought the Negroes over here and induced the people of the South to own them.

So slavery spread—it became a menace, and upon the principles which underlaid it the war was fought. It is the proud history of this country that the bravery and courage of those that composed the armies both of the North and of the South is the common heritage of the Nation. In the fires of that bloody conflict was cemented a stronger country and a greater Government.

Following that what happened? Our people went through the fires of hell. They were called the days of reconstruction. How does anyone in New York who never read the history of that time, who did not pass through the fires of it, and who has not had it told to him by father or mother or friend, know anything about reconstruction times?

The carpetbaggers came south under the inspiration of Thaddeus Stevens and established a policy that today is condemned by every Republican and every good American. Everyone now recognizes it as one of the Government's worst mistakes. What happened then makes us appreciate the memory of Lincoln the more. But what did they do there? They came with their guns and their bayonets. They whispered into the ears of some of the leaders of the Negroes of the South, they infuriated them, they made them ambitious, and so the Negroes organized, and then they set up government down there, and the people who had once been their masters, who had been their benefactors, their friends, were driven out of office and denied the right to vote. A carpetbagger was sent down to my State of Mississippi as Governor. They elected a Negro as Lieutenant Governor, and a Negro as superintendent of education. Every State office was filled by a Negro, and we had a legislature which was dominated by Negroes throughout both house and senate.

Yes, Mr. President, they went wild. They spent ruthlessly and extravagantly. They carried the State into debt. They passed every kind of unsound law. And what happened there happened in every southern State during the reconstruction days. You can appreciate the reign of terror that spread from one end of that section to the other and the fear implanted in the breast of every southern woman. The white people were unprotected. They had no law to protect them. Government was gone. The political powers in the hands of this infuriated crowd were spurred on by white people who did not understand our problems, but were bent upon exploitation and officeholding.

The Negro of the South is not to be blamed for the reconstruction period. It was the selfish political buccaneer, carpetbagger, and agitator that set fire to that powder keg. And so, when groups of citizens, for their own protection and that of their wives and children, were compelled to take the law in their own hands, not only to inflict punishment upon the guilty but to put fear in the minds of others, the records of lynchings did increase, and increased tremendously. As a Senator here now I offer no apologies for my section for what the white people of the South did during that period. I have no doubt that my father and fathers of

other gentlemen here played their parts; and if I had lived in that day and been confronted with the same situation that confronted them, I have no doubt that I would have attended their daily councils and been present at their nightly meetings.

But, Mr. President, times have changed. Order in the Government reigns in every part of the United States and our possessions throughout the world. Every State in the Union is doing its best to see that all laws are enforced. The story is told in the figures to which I have called the attention of the Senate.

There has been created in this country an impression that lynchings are confined to the South; that mob violence is a disease of that section; but, Senators, you know bad as is the disease and as accursed as is my section at times with mob violence, it has not only bloomed there but often it has been found in every part of this great land of ours. Human nature is the same in every part of this land. Impulses of people are at times just as much impossible of being controlled in the North as in the South, in the West as in the East. There is no State whose scroll has not at one time or another been stained by this horrible impulse of an organized crowd. I could take up the time of the Senate for hours citing instance after instance in the long history of this country where communities have been shocked by this dreaded disease. Before me here is a news item carried from Marion, Ind., in the papers of August 7, 1930. It reads:

Two Negroes were lynched in the public square here tonight before a mob estimated at between 10,000 and 15,000 people, comprising half the white population of Grant County, of which Marion is the county seat.

Late tonight while the bodies of the Negroes were swinging from trees in the courthouse yard, the mob reentered the jail and dragged out a third Negro and beat him severely, only to discover that he was not the man they sought.

A coroner's jury this afternoon returned a verdict to the effect that the two Negroes, Smith and Shipp, both came to their deaths by being hanged by a mob composed of persons unknown.

Despite the fury of the mob, little physical violence resulted during the attack. Sheriff Campbell ordered that no shots be fired and no blows struck for the defense of the prisoners for fear of injuring hundreds of women and children, who crowded close to watch the proceeding.

According to the same news item, when the district attorney of that section of Indiana was questioned concerning possible action against the members of the mob, the paper says:

The district attorney shrugged his shoulders.

"I might get indictments, but I doubt very much that I could get a conviction," he said. "The self-satisfaction of the people over the lynching is a psychological matter resting on dissatisfaction of verdicts returned by juries and the sentences imposed. The people feel that the only way to get justice is to take the law into their own hands."

The same paper carries this startling news:

Since 1890 there has been 26 lynchings in Indiana; 16 Negroes and 10 whites.

I read a news item carried in the papers of January 29, 1931, from Schafer, N. Dak.:

One day before Charles Bannon, 22 years old, was to have been arraigned on charges of murdering a family of six, he was taken from the McKenzie County jail here shortly after midnight by a crowd of 80 men and hanged from a bridge.

The papers of November 28, 1933, carried this startling news from St. Joseph, Mo.:

Lloyd Warner, a 19-year-old Negro who confessed an attack on a white girl, was hanged to a tree on the courthouse lawn tonight by a mob which seized him in the county jail.

While the body swung in the air, members of the mob applied torches of flaming gasoline-soaked rags.

The mob began forming at dusk. Stones were hurled at the jail. A small group seized a 5-inch pipe and rammed it against the front door. The door held, and the group, seemingly leaderless, desisted.

But the crowd was too powerful. Hundreds crashed in through the unprotected rear door of the jail. Others smashed down the barriers of an areaway from the courthouse to the jail in quest for the accused man. They raced through the corridors and along cell tiers.

The muscular Negro, striving to find some place to hide, was dragged from the building and beaten by the throng as it marched across the courthouse lawn.

The opinion was expressed generally that the sheriff did the only thing possible in yielding up the victim. He faced the possibility of bloodshed among the thousands of the mob and his officers, and held that it was better to give in, as the mob was on the verge of breaking the last barrier of the jail.

There are items here graphically depicting mob violence in California; and on one occasion only a few years ago you will recall that when the kidnapers of Brooke L. Hart had been lynched by a mob in San Jose, Gov. James Ralph, of that State, said:

This is the best lesson that California has ever given the country. We show the country that the State is not going to tolerate kidnaping.

Why, there are items after items before me, calling attention to lynchings after lynchings—in New Jersey, New York, Maryland, Kentucky, Illinois, Kansas; and race riots where hundreds of Negroes and whites were killed in conflicts between the two races—at Springfield, Ill.; at Herrin, Ill.; at East St. Louis, Ill.; and at Chicago, Ill. These riots have not been confined to the State of Illinois, they have occurred in practically every State of the Union—Cleveland, St. Louis, Louisville—and here in our own beautiful Capital City of the Nation.

Why, Mr. President, it is not unusual to read in this better day of Christian belief and law enforcement where celebrations or festivities are being held at these old spots throughout the North made famous by the action of some uncontrolled mob, when the old lynching post or the hangman's tree was removed or cut down. This is the dawn of a new day. I only cite these instances to remove the erroneous impression that people in other communities in other sections have not been guilty of the same offense for which the South has been indicted and held up to the Nation as the only offender.

Mr. President, I have called to the attention of the Senate the assault that this bill makes upon local self-government—the usurpation of the sovereign rights of people. But let me point out to the Senate what a remarkable innovation it seeks to make in carrying out its nefarious scheme. Did Senators ever think they would be called upon to vote to destroy the rule of evidence that presumes a man to be innocent until he is proved guilty beyond every reasonable doubt? Did Senators ever think they would vote for a law that would take away the right of a man being guaranteed the presumption of innocence? Did Democratic Senators ever believe they would be called upon by a Democratic majority to say that when the officers of a State are charged with a failure to protect a man, although the laws of that State provide for the punishment of officers who, when called to enforce the laws of the State fail to do so, that those State officers are presumed to be willfully negligent, and in order to escape punishment or liability the preponderance of evidence must be presented by the defendants themselves? That is what this bill provides.

I thought my State, perhaps, had gone further than any other state when, in connection with damage suits against railroads, it laid down the rule that when a train killed a person all that had to be done was to prove that the person had been killed; and that was prima facie proof of the negligence of the railroad company. We have a statute to that effect; but the statute as interpreted by the court holds that after the defendant has offered evidence that removes the prima facie presumption of negligence, and the question of negligence then becomes one for the judgment of the jury.

I know of no State or Federal statute that has approached the limit to which this bill goes in changing the rules of evidence. When a fiend has committed the foulest crime against the virtue of the fairest flower that grows in my State, and three persons do not wait for the law to take its course, but take the law in their own hands, and against the provisions of this bill, kill the criminal, the county or governmental subdivision in which the offense is committed must suffer and pay from $2,000 to $10,000 to the children of this criminal, or the wife of this criminal, or the brothers of this criminal for having committed the offense, instead of his having been hanged through a judgment of the court. And

in obtaining this judgment, the payment thereof will come from the innocent taxpayers of the county or other governmental subdivision, who may already be burdened with heavy taxes, and who may know nothing at all about the offense, and who may all condemn the offense; but it makes no difference—they must pay. In the trial of the case, all that is necessary, under the provisions of this bill, is to prove the lynching or the killing, under the definition of a mob as laid down in this proposal, and the failure of the State courts to prosecute the members of the mob, willful neglect upon the part of the officers is presumed, and from the start of the litigation to the end the governmental subdivision must show, by a preponderance of the evidence, that there was no willful neglect upon the part of the officers of the subdivision.

I know that certain racial propagandists and organizations seek to create in the public's mind a condemnation of those who oppose this legislation. They would have the people of other sections to believe that the Negro in the South is maltreated, unprotected and discriminated against in every way by the people of the South. That is a lie. The white people of the South as a whole are the best friends the Negro ever had. They understand each other. We know their strong points and weaknesses. They know the southern white people appreciate that there are as good citizens among them as can be found in the whole country, and that the southern white people will go further in the protection of their rights, their lives, and their property than the citizens of any other section. I concede to no Senator here a greater interest in the welfare of the American Negro as a race, and a greater love and devotion to certain members of that race than that which I feel toward them. I base that on my record as a prosecuting attorney in the courts of my State, and upon my association and life among them. I glory in their advancement and the progress that the Negro has made. It is a matter of pride to me to read of the members of that race who have gone to the front in law, in medicine, in the pulpit, in the schoolroom, upon the screen, on the stage and the athletic field. It is a practical situation that I am trying to analyze and a constitutional government that I am trying to preserve.

This legislation, if passed, will not satisfy anybody. You may receive the thanks and the applause of certain members of the Society for the Advancement of the Colored People, and others, for a little while. You may win their favor for a short period; but paid lobbyists and representatives of such organized groups are never quiet; they must remain active; they must be kept busy; and when they shall have accomplished the passage of this measure through your generous but dangerous votes, they must then get busy upon something else. I read the other day where the Negro Representative from Illinois had introduced a bill taking away from the States the right to enact Jim Crow car laws and to segregate the races in public places. No doubt that will be followed by an appeal for the enactment of another Federal statute taking away the right of States to enforce laws prohibiting the miscegnation of the races; and when that has been accomplished they will come back here with another demand, and that demand will no doubt seek the help of the majority party to deprive the States of the constitutional right to say who shall vote in their elections. And in that demand they will no doubt seek to have the Federal Government, perhaps under the cover of bayonets, compel every State to permit Negroes to vote in white Democratic primaries of the South.

Ah, Mr. President, a little child with a match can sometimes cause the explosion of a large and dangerous magazine. A careless hunter, after lighting his cigarette, may throw away the match and start a forest fire that may devastate millions of acres and destroy billions in property. A crawfish can sometimes work its way into the great levees that this Government has builded at great expense to harness the raging waters of the Mississippi, and in time create a crevice that will cause those mad and rushing waters to destroy many lives and untold millions in property.

May I be permitted to say to all the aspiring gentlemen of this body who may entertain some hope of becoming the nominee of the Democratic Party for President of the United States, that you had better stop, look, and listen. If you are going to embark upon that journey and sail those seas, you had better get a stronger bark than that afforded in the purposes of this bill. And those sweet, pliant, amiable gentlemen who answer to their names when the roll of the Senate is called, and who nowadays every time a newspaper correspondent calls you out for an interview experience a fluttering of the heart because you think the news may have come from the White House that your nomination is going to be sent to the Senate to fill the vacancy on the Supreme Court of the United States caused by the resignation of Mr. Justice Sutherland, had better beware. You do not add to your standing as lawyers or your qualifications for a place on the highest tribunal in this land by voting for such a legislative monstrosity as that now pending before this body. By so doing, you give the assurance that you are going upon the Court to destroy this dual form of Government and to rob the States of their sovereignty.

I love my party. I do not believe anybody will deny that statement. My record here confirms it. I may sometimes say unwise things. I may sometimes say things that should not be said; but in this case I have such an intense feeling for my people, such a love for my section, and can see so many dangerous possibilities in the enactment of this legislation that I cannot remain silent in the circumstances. The South is now Democratic. Before the War between the States that could not be said of it. There was always in every election a titanic struggle between the then two great political parties. One State would go Whig at one election and in the next it would go Democratic; and so it went along. There was no certainty as to the result in controversies involving political preferment. After the war and the sad and tragic days of reconstruction the situation changed. What happened then was burned in the hearts of the people of the South. They knew that what had been done during reconstruction was done under Republican control of the Government. So they became Democratic, wildly Democratic; and in season and out of season, at every election, the people of that section remained true and devoted to the Democratic Party. For the most part that condition arose because of their strong belief in local self-government, in the sovereign right of the States; and, secondly, they believed that the Democratic Party would stand on guard and seek at all times to protect and preserve the white civilization of the South. But now, what a delusion. With the Democrats in control of every branch of the Government, and especially by a large majority in this body, the people of the South for the first time since the days of the Force bill are confronted with the determined effort of having the Federal Government usurp the rights of their States and destroy the fundamental principles of their government. Do you believe, my Democratic friends, that by your action you are strengthening the faith of the South in our party? Do you believe that its long and devoted love warrants any such treatment? Then, if you do, I say, "Beware! Beware!"

The PRESIDING OFFICER (Mr. McGILL in the chair). The question is on the amendment, as modified, of the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Brown, N. H.	Dieterich	Harrison
Andrews	Bulkley	Donahey	Hatch
Ashurst	Bulow	Duffy	Hayden
Austin	Burke	Ellender	Herring
Bailey	Byrd	Frazier	Hitchcock
Bankhead	Byrnes	George	Holt
Barkley	Capper	Gerry	Johnson, Calif.
Berry	Caraway	Gibson	Johnson, Colo.
Bilbo	Chavez	Gillette	King
Bone	Clark	Glass	La Follette
Borah	Connally	Graves	Lewis
Bridges	Copeland	Guffey	Lodge
Brown, Mich.	Davis	Hale	Logan

Lonergan	Moore	Radcliffe	Thomas, Okla.
Lundeen	Murray	Reynolds	Thomas, Utah
McAdoo	Neely	Russell	Townsend
McCarran	Norris	Schwartz	Truman
McGill	Nye	Schwellenbach	Tydings
McKellar	O'Mahoney	Sheppard	Vandenberg
McNary	Overton	Shipstead	Van Nuys
Maloney	Pepper	Smathers	Wagner
Miller	Pittman	Smith	Wheeler
Minton	Pope	Steiwer	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, several days ago I mentioned the fact that I was very happy indeed to learn from the President himself, in his address before the two bodies of the United States Congress, that he was very much interested in preparation for adequate defense of our country; and he particularly mentioned the fact that our Navy should be materially increased, along with the other units of our national defense.

At that time, on January 8, I stated as follows: I read from the CONGRESSIONAL RECORD of that date:

I desire again to say that I believe we should develop our Navy.

That was in accord with the ideas pronounced by our President.

We have a great stretch of coast to patrol; and we ought to develop our Navy in accordance with the recommendations of our great leader in the White House, Mr. Roosevelt, regardless of the cost of the naval vessels, because the man who is prepared is not going to experience any trouble with anybody, and after all a nation is not a thing in the world but an aggregation of individuals; and a nation that is prepared is not going to stand the chance of having trouble that a nation that is not prepared is liable to have. I believe, too, that we should have a fine air force; and it is a splendid thing from the standpoint of protection that in this country during the Roosevelt administration—this is one thing of which I like to speak—we have developed our air-landing facilities. There are in the United States of America about 3,200 counties, and of those 3,200 counties more than 2,000 are possessed of airports, landing fields. That is a wonderful thing. Oh, how far-sighted is President Roosevelt! The time will come when we will thank the good Lord above that we had at the head of our great Nation a man with the foresight that President Roosevelt possesses.

Mr. President, at the time I made those remarks I was in accord with the President of our Nation in reference to the development of our Navy; but at that time I suggested that it might be well to bring about an enlargement of our air forces, and at that time I suggested that it might perhaps be well to eliminate the construction of a battleship or two and use the money in the purchase of airplanes, great bombers.

Mr. President, I was thoroughly delighted this morning when I observed, through the columns of the press, an article to the effect that the President had altered his defense plans. I am happy, indeed, to know that the President, according to the columns of the press, has seen fit to urge that we develop our air forces and thereby, I assume, perhaps eliminate the construction of a battleship or two and use the money for the purpose of buying airplanes.

I read the article, which I clipped from a morning newspaper. It is headed:

PRESIDENT ALTERS DEFENSE PLANS

President Roosevelt's special message on national defense, which he will send to Congress this week, will recommend a huge aircraft-building program and construction of more submarines and destroyers instead of more battleships, it was learned last night.

The President, in his Budget message last week, recommended construction of two superdreadnaughts in addition to two now under way. In tentatively abandoning plans for two more he was said to feel that existing building facilities would be overtaxed.

Mr. President, in connection with that matter, I desire to bring to the attention of the Members of this body another clipping which I took from one of the morning newspapers of the city of Washington. This article relates to bombers, fighting airplanes. It is headed:

FLYING FORTRESS BREAKS RECORD—BOMBER MAKES ROUND TRIP TO CALIFORNIA IN 26 HOURS AND 28 MINUTES

The article is dated Langley Field, Va., January 9, 1938. I read from the article:

A 20-ton Boeing flying fortress skimmed to its base here shortly before noon today with two transcontinental speed records to its credit.

The four-engined bomber spanned the continent twice in 26 hours 28 minutes flying time. Each flight was nonstop.

LIEUTENANT COLONEL OLDS COMMANDS

Lt. Col. Robert Olds and a crew of six took off from here at midnight Thursday, landing 13 hours 27 minutes later at March Field, Riverside, Calif., for the new east-west speed record for service planes.

Tail winds clipped to 11 hours 1 minute the elapsed time on the east-bound trip, starting last midnight. West-bound, the bomber bucked an almost constant 27-mile wind.

Olds said the flights were in fulfillment of a "routine mission," whose purpose was to test speed, maneuverability, and fuel consumption of the ship.

FLIGHT UNEVENTFUL

The Air Corps has 13 flying fortresses, 12 of which are assigned to the second bombardment group, second wing, general headquarters, air force, under Colonel Olds' command.

Colonel Olds described the flights as "uneventful but significant." He said:

"They demonstrate the strides in training and equipment of the G. H. Q. Air Force as well as the ease with which either coast can be reinforced if tactical units are provided planes of similar type."

STRAIGHT LINE FOLLOWED

Officers here said Army pursuit and fighter planes have produced higher speeds on short flights but lack the fuel capacity and endurance for transcontinental trips at such speeds. The "fortress" averaged 240 miles an hour.

The route followed the almost straight-line "Mecators" course over Nashville and Oklahoma City and south of Amarillo, Tex. Average altitude was above 11,000 feet.

Mr. President, to my mind that article is extremely interesting; and particularly is it extremely interesting when taken in connection with the President's recommendation for the enlargement of our air forces, and taken in connection with the good that will be derived from airplanes as contrasted with the good that will be derived from battleships as to cost and as to practicability of use during these modern times.

I have gone to the trouble of doing a little bit of research work upon this topic, because it is a subject in which America is vitally interested at this time; more so, perhaps, than at any other time in the history of the Nation, which is most certainly attributable to the condition of affairs throughout the world today.

What do we find in comparing the cost of two battleships and the utilization of two battleships with the cost of bombers, fighting planes, and the utilization of fighting planes?

I find that a big battleship, as mentioned by my distinguished colleague from Washington [Mr. BONE] the other day, will cost about $60,000,000. The bombers I have in mind, such as are described in the article I have brought to the attention of the Senate, cost approximately $300,000 each. In other words, while a battleship costs $60,000,000, three big bombers can be built for every million dollars and have left over $100,000. That is to say, $60,000,000, the cost of a single battleship, will buy approximately 200 bombers.

Let us see what we have here further in respect to bombers. To get down to details relative to cost, a bomber—that is to say, a Boeing B–17 bomber—costs $192,000, less Government-furnished equipment. The cost to the Government of engines, propellers, superchargers, guns, instruments, and a great lot of other equipment which is used on different types of airplanes, and which it is cheaper for the Government to buy in large contracts and then ship to the airplane builders, is such that the complete airplane would cost between $295,000 and $305,000, approximately. As I have just stated, a Boeing bomber, type B–17, will cost our Government, fully equipped, ready for action, $300,000.

To repeat, in order that I may impress my hearers with the significance of this statement, our Government can purchase approximately 200 of these bombers at the cost of the construction of one battleship, $60,000,000. The bombers I have in mind and have partially described carry a crew of from seven to nine men, including the commanding officer, the pilot, the copilot, the navigator, the engineer, the bomber, the radio operator, and the guns. This type of bomber does not carry any gun larger than a .50-caliber gun, which is a one-half-inch bullet or shell. It carries five of those death-dealing guns. We must remember, however, that bombers of this type are capable of rising to and keeping a distance from

the earth's surface of about 20,000 feet, which is beyond the reach of antiaircraft guns, and without difficulty they can be loaded with tremendously big bombs that might be used in the destruction of battleships or cities.

Having discussed the cost of bombers, and having discussed the relative cost of battleships, I now desire to go into a different phase of the question.

One of the real reasons for the construction of the Panama Canal—the first thing we had under consideration in its construction—was this: It was not built for commercial purposes. It was not built for the purpose of conveniencing our merchant marine. It was not built for the purpose of saving time for our merchant marine. It was not built for the purpose of conveniencing the ships of the world which are plying the seven seas. The fundamental idea and purpose in mind in the construction of the Panama Canal was that of bringing our Pacific Fleet to the Atlantic, or taking our Atlantic Fleet to the Pacific. By the utilization of the Panama Canal, many, many days and thousands upon thousands of dollars of expense could be saved. We figured that if we ever had any difficulty with a nation lying beyond the expanse of the blue waters of the Atlantic and wanted to bring our Pacific Fleet east, we could do so at a saving of many, many days by having a canal across the Isthmus. We figured that if we had trouble with any of the countries of the Orient, to the west, we could save a great deal of time and expense by bringing our Atlantic Fleet through a canal to the Pacific.

Since the construction of the Panama Canal, however, the airplane has come into its own. The airplane has become a real factor in the fighting forces of the nations of the world and is indispensable at the present time. Now, what do we find? We have on the west coast, for example, a battleship that costs $60,000,000. We desire to bring that battleship from San Francisco to the east coast of the United States.

Let us say that we could use the Panama Canal, and that we brought that $60,000,000 investment, that $60,000,000 battleship, from San Francisco to New York by way of Manila, Singapore, Suez, and Gibraltar. That is a distance of 17,780 miles, and it would require 62 steaming days at 12 knots an hour. If there were no great urgency the ship would spend about 28 days in port, 1 week at Manila, 1 week at Singapore, 1 week at Suez, and 1 week at Gibraltar; but in case the fleet in the waters adjacent to the great city of San Francisco and California were brought to New York by way of Manila, Singapore, Gibraltar, and Suez, of course no stop could be made at any of the places I have just mentioned, and therefore the time of the stops I have indicated could be deducted from the 62 steaming days to which I have referred.

The total fuel cost of getting that $60,000,000 battleship from San Francisco to New York would be $46,084 at current prices of fuel. The total pay of officers and crew of the ship during that time would be $283,800. The total rations consumed by the crew on that trip in carrying that $60,000,000 battleship from San Francisco to New York by way of Manila, Singapore, Suez, and Gibraltar would be $50,400. The consumable supplies and miscellaneous expenses would amount to approximately $44,716. In other words, the cost of bringing that $60,000,000 battleship from San Francisco to New York along the route I have just named would total $425,000.

In case the same $60,000,000 battleship were brought from San Francisco to New York by way of the Panama Canal, the cost incident thereto would be in the neighborhood of $100,000. This refers to just one ship we are contemplating bringing from San Francisco to New York, from the waters of the Pacific to those of the Atlantic.

Let us see what it would cost to bring $60,000,000 worth of airplanes across the continent; $60,000,000 worth of airplanes represent about 200 bombers, each carrying a crew of from 8 to 10 men, each carrying five ½-inch guns, each loaded with probably from a half ton to 2 tons of dynamite and other high explosives, which, properly dropped, would destroy some of the largest cities of the United States.

The cost of bringing a bomber from San Francisco to New York overland would be about $500. It would depend, of course, on how fast the ship was tuned up, and the wind to be bucked, whether it was a head or a tail wind, and so forth. For the transportation under their own power of 200 bombers, at $500 apiece, from San Francisco to New York, it would cost only $100,000, or the cost of bringing only one $60,000,000 battleship from San Francisco to New York.

Mr. President, the interesting part about it is that whereas a battleship going from San Francisco southward and entering the Suez Canal, passing through the locks there, and then through the waters of the Atlantic and up to New York, would take 10 or 12 days, a fleet of bombers could leave San Francisco this morning at 6 o'clock, and at 6 o'clock tonight 200 birds of battle, with steel beaks, would be cruising over the largest city in the world, the city of New York. That is the difference. So I am very happy that our great and beloved President has, according to press reports, seen fit to permit the expenditure of a considerable portion of the money to be allotted for national defense in the construction of airplanes. In order to appreciate the tremendous part planes will play in war it is only necessary to ascertain the figures of cost of transportation and the time consumed.

Mr. President, I wish now briefly to bring to the attention of the Members of this body another matter. Several weeks ago, during the extraordinary session, the second session of the Seventy-fifth Congress, I suggested and advised that we remove our marines from Chinese soil, and that we remove from Chinese waters our gunboats. I made that suggestion on a Saturday in the Senate. I predicted on that day that unless we did remove our gunboats there would probably be another *Maine* incident, such as we experienced when the battleship *Maine* was blown up in the harbor of Habana, which incident brought on the Spanish-American war. The next day after my prediction, Sunday, a gunboat of ours in Chinese waters just north of Nanking, the old capital of China, was attacked and sunk, and Americans were killed. On Monday, of course, I naturally took advantage of the opportunity to mention the fact that my prediction had come true.

I wish now to take the opportunity to warn that if we do not get our marines out of China and our gunboats from Chinese waters we are going to become involved in serious trouble, and what the American people want is that we stay away from foreign entanglements and embroilments and stay out of war.

Every mother in the United States of America is opposed to war, and 95 percent of the people of this country are opposed to war. I say unhesitatingly that 90 percent of the people of the United States are favorable to our taking our gunboats out of Chinese waters and removing our marines from Chinese soil, because they recognize, as I do, that China wants the support of the United States and Great Britain wants us to join arms with them in these Asiatic troubles. Great Britain has millions upon millions, indeed, billions, invested over there, and they want us to help them draw their chestnuts from the fire. The Chinese naturally want us to become involved, so that they may have our aid against Japan.

What further may happen? With our gunboats and battleships in Chinese waters, suppose some Chinamen should blow up about half a dozen of our battleships? We would never know who blew them up. We do not to this day know who blew up the *Maine* in Habana Harbor, and if four or five of our battleships were blown up in Chinese waters today, the American people would be so thoroughly aroused, so outraged, that, regardless of sentiment against war, we would go to war tomorrow. Let us get our ships out now. Let us get them out before Japan declares war upon China. By the way, I noticed in this morning's paper that Japan was getting ready to declare war against China in order that she could, one might say, legally effect a blockade, but I use the word "legally" improperly in applying it to any thought in reference to Japan, because in my opinion Japan never does anything legally. She has broken every pact and every treaty she ever made wherein the United States

was interested. I recall there was the Boxer protocol, which was entered into in order to keep clear the channels of trade between the north and the south in China, then there was the Briand-Kellogg Pact, and there was the nine-power pact. Japan has broken every treaty she ever made. She does not do anything legally.

I have mentioned these things because I found on my desk when I came into the Senate a few moments ago a little folder entitled "American Nationals, Troops, and Capital in China." I have been very much interested in obtaining information as to this subject from an authoritative source, because my estimates heretofore pronounced upon the floor of the Senate have truly been estimates; but I have here before me now some information in which the American people are greatly interested. The American people are interested in ascertaining how many ships we have in Chinese waters, how many American citizens reside in China, and how much capital American citizens have invested in China.

This pamphlet contains a letter from our very able Secretary of State, Hon. Cordell Hull, transmitting, in response to Senate Resolution No. 210, certain information concerning American nationals, American troops, and American capital in China.

I digress here to say, Mr. President, that if we should withdraw our gunboats and battleships from China and withdraw our marines from Chinese soil we might lose face with the orientals, we might lose face with the Japanese, and we probably would lose face with the Chinese. The Chinese want our help. I repeat, however, that I, as an American citizen, interested in the 130,000,000 people of America, would rather have our country lose face with the orientals than to have one single American life lost. Further, I am not in sympathy with following the American dollar around the world. If we want to fight for dollars, let us not fight for a paltry $150,000,000 or $200,000,000 which American citizens have invested in China. If we want to fight for money, if we want to destroy the lives of our sons and bring to the cheeks of the mothers of this land cruel tears, if we want to fight for American dollars, let us not fight for any $200,000,000 over in China, but let us get into a fight with Great Britain, which owes us about $5,000,000,000, or some of the other countries which owe us billions of dollars and will not pay. Let us get the idea of fighting for American dollars out of our consideration. I would rather lose the $200,000,000 which American citizens have invested in China than to have the life of one American citizen lost.

The American people feel that way about it, too.

This letter from the Secretary of State is dated January 8, 1938. It is headed "Department of State" and is addressed to the Vice President, United States Senate:

> SIR: On January 6 I received a copy, attested by the Secretary of the Senate, of Senate Resolution No. 210 of January 5, 1938, which reads as follows:
>
> "*Resolved*, That the Secretary of State is requested to transmit to the Senate at the earliest practicable time the following information, based upon the latest available statistics: (1) The approximate number of American nationals residing in the Republic of China on or about August 9, 1936, the number temporarily in China on said date, and the number now residing therein; (2) if not inconsistent with the public interest, the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed in said Republic; and (3) the approximate amount of American capital invested in said Republic and the names and addresses of the principal investors."

In the reply from the Secretary of State, Mr. President, we learned that the number of American residents in China as of August 9, 1936, would approximate 10,350 nationals. With regard to the number of American nationals now residing in the Republic of China, we learned from the information available, which we have received from the Department of State, that in July of 1937 there were 10,500 American nationals in China; that of this number, 4,600 were taken out up to November 6; and that there are now, at the present moment, in China approximately 6,000 American nationals.

Why do they not get out of there? They are imperiling and endangering the lives of 130,000,000 Americans. I do not hesitate to state to this body that, in my opinion, those 6,000 Americans who are now in China and who persist in staying there are selfish. Why are they staying there? They are staying there because they have investments; because they have money there. They are putting the almighty dollar above the lives of American marines, sailors, and soldiers. Why do not those 6,000 Americans over there come on back home?

What about the number of sailors and marines we have over there? The approximate number of officers and enlisted personnel of our Army and Navy and Marine Corps stationed in the Republic of China at this speaking is about 528 at Peiping. They are United States marines. About 814 soldiers of our Army are at Tientsin, and 2,555 United States marines are at Shanghai.

In other words, Mr. President, according to the information provided us by the Secretary of State, our Government has in China 3,897 sailors, soldiers, and marines. Up to the present time only about 100 soldiers or marines or sailors have been withdrawn from that section.

With regard to the approximate number of officers and enlisted personnel of our Navy stationed in Chinese waters, I am informed by the Navy Department that at this time the total personnel on all of the United States naval vessels in Chinese waters is 129 officers and 1,671 men.

In other words, on land in China we have 3,897 marines and soldiers. In Chinese waters we have 129 officers and 1,671 men, including marines on the ships.

Let us see about the fleet over there in the Pacific. I had no idea that we had so many ships in the neighborhood of those danger spots until this report came to my desk this morning. The report says:

> The United States Asiatic Fleet comprises 44 vessels, which, with the exception of the flagship, the U. S. S. *Augusta*, a heavy cruiser, are ships of the lighter categories—destroyers, submarines, and gunboats, with certain auxiliary vessels. Of the 44 vessels of the Asiatic Fleet, only 13 are now in Chinese waters, and of this 13 only 9, consisting for the most part of small river gunboats, are on duty exclusively in Chinese waters.

Mr. President, I wish to put emphasis upon that word "only." I wish that I could say that we have none in those waters, instead of saying perhaps that we have only a few. But at the present speaking we have 13 in Chinese waters.

With regard to the approximate amount of American capital invested in the Republic of China, in which we are all interested, I learn what are the latest official figures with respect to American investments. The report in that regard says:

> The latest official figures of American investments abroad on a by-country basis are those published in the Balance of International Payments of the United States in 1933, pages 53 to 62. Insofar as China is concerned, the total remains practically the same as in 1933—$132,000,000. To this total, for some purposes, may be added (1) approximately $40,000,000 of Chinese obligations that have been in default since the World War; (2) from twenty-five to thirty million dollars to cover the properties of American citizens permanently residing in China; and (3) about $40,000,000 of properties of American missionary and charitable organizations.

In other words, I observe—and I am very happy indeed to make that observation to myself, so to speak—that I have been about right all along when for a long time I have been approximating the amount of our investments in China as a total certainly not to exceed $250,000,000.

The other day I noticed in a newspaper that the British investments were about six times the amount of the investments of the United States. That being true, it would place the British investments at approximately $1,500,000,000. But I say that the investments of the British people and the British Government in China are no less than $3,000,000,000. Why do I say that? Because it is admitted by the British that they have $1,500,000,000 invested over there, and that is exclusive of the value of their island of Hong Kong, the second largest port in China. That is exclusive of their interest in the foreign settlement of Canton, 70 miles north

of Hong Kong, where they control the facilities and the trade and the commerce of that port.

Let us now let the Negro out from under the woodpile; let us let the cat out of the sack. What is this whole thing about? Great Britain is just doing her level best to keep us over there—doing her level best to get us to join her in that enterprise over there. None of us approve the roughshod manner in which things are being carried on over there by the Japanese. We look with horror upon the slaying of innocent men, mothers, little boys, and little girls, the killing of noncombatants. We look with horror upon the destruction of millions and millions of dollars worth of property by the Japanese. But at the same time, if you ask me, Mr. President, so far as I am concerned, I will let that go on before I will put the sons of American mothers over there to be slaughtered. I repeat, we ought to bring the marines away from over there; we ought to bring our sailors away from over there; we ought to bring our gunboats and battleships away from over there. Let us do that before Japan declares war upon China, because the minute she declares war upon China she has a right to seize and search every merchant vessels or any other kind of vessel which she suspects carries arms, munitions, and ammunition and aid to the enemy.

Mr. President, in view of the tremendous amount of interest in this subject, I respectfully ask leave to have incorporated as a part of my remarks in the RECORD the report of the Secretary of State addressed to the Vice President, United States Senate, as of January 8, 1938. I ask that it be incorporated in the main body of the RECORD as a part of my remarks, because I have made frequent reference to the report in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, January 8, 1938.

The VICE PRESIDENT,
United States Senate.

SIR: On January 6, I received a copy attested by the Secretary of the Senate of Senate Resolution No. 210 of January 5, 1938, which reads as follows:

"*Resolved*, That the Secretary of State is requested to transmit to the Senate at the earliest practicable time the following information, based upon the latest available statistics: (1) The approximate number of American nationals residing in the Republic of China on or about August 9, 1936, the number temporarily in China on said date, and the number now residing therein; (2) if not inconsistent with the public interest, the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps now stationed in said Republic; and (3) the approximate amount of American capital invested in said Republic and the names and addresses of the principal investors."

In reply:

1. The request for figures giving the approximate number of American nationals residing in the Republic of China on or about August 9, 1936, the number temporarily in China on said date, and the number now residing therein, can be answered only by the use of and the making of certain estimates. The figures available to the Department are approximate figures as of the dates January 1, 1936, January 1, 1937, and November 6, 1937.

(a) On the basis of figures relating to January 1, 1936, and the figures relating to January 1, 1937, it is the Department's belief that the number of American residents in China as of August 9, 1936, would approximate 10,350.

(b) For the number of American nationals temporarily in China on or about August 9, 1936, there are no figures available. However, there were issued or renewed during the year 1936 for travel in the Far East American passports to the number of 10,636, and it is to be presumed that a considerable number of the persons who received these passport services visited China (or, if residing there, were there or returned thereto) during that year.

(c) With regard to the number of American nationals now residing in the Republic of China, the information available to the Department indicates that in July 1937, at the beginning of the present Sino-Japanese hostilities, there were in China approximately 10,500 American nationals; that of this number some 4,600 were evacuated up to November 6; and that there now are in China approximately 6,000 American nationals.

2. With regard to the approximate number of officers and enlisted personnel of our Army, Navy, and Marine Corps stationed in the Republic of China, the United States now has armed forces ashore at three points in China:

At Peiping (U. S. Marines)	528
At Tientsin (U. S. Army)	814
At Shanghai (U. S. Marines)	2,555

Of the force of United States marines at Shanghai approximately 1,500 represent reinforcements and relief sent to that port in August 1937 for temporary duty as a result of, and in order to cope with, problems occasioned by the present emergency situation in the way of protecting American nationals. Approximately 100 of this reinforcement have already been withdrawn.

With regard to the approximate number of officers and enlisted personnel of our Navy stationed in Chinese waters I am informed by the Navy Department that at this time the total personnel on all United States naval vessels now in China waters is 129 officers and 1,671 men, including marines on ships. This personnel is on 13 United States naval vessels, which constitute a part of the United States Asiatic Fleet, based on Manila. The United States Asiatic Fleet comprises 44 vessels, which, with the exception of the flagship, the U. S. S. *Augusta*, a heavy cruiser, are ships of the lighter categories—destroyers, submarines, and gunboats, with certain auxiliary vessels. Of the 44 vessels of the Asiatic Fleet, only 13 are now in Chinese waters, and of this 13 only 9, consisting for the most part of small river gunboats, are on duty exclusively in Chinese waters. These 9 gunboats have a total personnel of 69 officers and 896 men.

3. With regard to the approximate amount of American capital invested in the Republic of China and the names and addresses of the principal investors, the most authoritative information available to the Department of State as to American investments in China is that contained in the statement which the Secretary of Commerce sent to Senator GERALD P. NYE under date January 4, 1938, the text of which is published in the CONGRESSIONAL RECORD of January 5, pages 50, 51. For convenience of reference there is quoted the first paragraph of the statement furnished by the Secretary of Commerce, reading as follows:

"The latest official figures of American investments abroad on a by-country basis are those published in the Balance of International Payments of the United States in 1933, pages 53 to 62. Insofar as China is concerned, the total remains practically the same as in 1933—$132,000,000. To this total, for some purposes, may be added (1) approximately $40,000,000 of Chinese obligations that have been in default since the World War; (2) from $25,000,000 to $30,000,000 to cover the properties of American citizens permanently residing in China; and (3) about $40,000,000 of properties of American missionary and charitable organizations."

With regard to the names and addresses of the principal American investors, the Department maintains no complete lists of individual American investors in China and is not authoritatively informed as to the amount of the investments of individual firms, societies, or organizations. Prof. Charles F. Remer's book entitled "Foreign Investments in China" (the Macmillan Co., New York, 1933)—which is referred to in the statement of the Secretary of Commerce mentioned above—contains statements that American "business investments" include the investments of 353 different firms, of men in the various professions, and of clubs and similar organizations; that the property of American missions and philanthropic societies includes the investments of over 40 Protestant societies, 9 Catholic societies or orders; and 10 educational, medical, and philanthropic institutions.

It may be considered of interest as a part of the background of general policy to give additional information and comment as follows:

With regard to the United States marine detachment at Peiping and the United States Army detachment at Tientsin, the American Government maintains these small detachments—and several other interested governments maintain similar detachments—pursuant to the provisions of the so-called Boxer protocol of 1901, which was concluded between China and the representatives of the interested governments, including the American Minister to China. The purpose of maintaining these troops is to contribute to the protection of American nationals (including the diplomatic personnel) and, in case of emergency calling for evacuation, making available an armed escort.

With regard to the United States marine detachment at Shanghai, the Government of the United States has since 1927, as have various other governments, maintained in the International Settlement at that port a small detachment of armed forces for the purpose of assisting in protecting the large number of American citizens residing in that area from the dangers incident to serious disorders possibly beyond the control of the local authorities.

With regard to the United States naval vessels in Chinese waters, the Government of the United States has, as have other similarly interested governments, maintained gunboats in Chinese waters since the 1840's primarily for the purpose of contributing to the protection of American citizens. The authority for stationing naval vessels in Chinese waters is found in the Sino-American treaty of 1858 and in provisions of somewhat similar treaties between China and other foreign powers, which provisions inure to the benefit of the United States through most-favored-nation treatment.

American armed forces in China are there for the protection of American nationals primarily against mobs or other uncontrollable elements. They have no mission of aggression. It has been the desire and the intention of the American Government to remove these forces when performance of their function of protection is no longer called for, and such remains its desire and expectation. Developments in China during the years immediately preceding the outbreak of the present hostilities between China and Japan afforded the Government of the United States reasonable expectation that the armed forces of this country might soon be withdrawn

from China in an orderly way and to the advantage of this and other countries. The normal trend of events, however, was interrupted when fighting broke out and spread to various parts of China.

During the current situation in China, as in various previous situations of emergency, the American armed forces in China have rendered important service in protecting the lives of American nationals, in assisting in evacuating Americans from areas of special danger, and in making possible the maintenance of uninterrupted communication with and for our nationals and our diplomatic and consular establishments in the areas involved.

Confronted by the present emergency situation in the Far East, which is attended by extraordinary hazards to everyone in the affected areas, this Government has endeavored to accord to American nationals in that region appropriate and practicable protection, as the Government of the United States always has done in similar situations in all parts of the world. From approximately 1825 until the outbreak of the Spanish-American War the United States maintained a squadron of naval vessels in the Mediterranean, primarily for the purpose of according protection in the broadest possible sense to American citizens. Subsequent to the World War the United States maintained a squadron of naval vessels in European waters for the same general purpose. This squadron was gradually withdrawn. In July 1936, when civil war developed in Spain, there happened to be a number of United States naval vessels cruising in European waters. Because of the hazard to the lives of American nationals in Spain, and with a view to facilitating withdrawal of American citizens from that country and rendering needed protection, three of the United States naval vessels then in European waters were sent to Spanish ports; also a United States Coast Guard cutter which was then in European waters. The United States now maintains three naval vessels in proximity to Spanish waters for the purpose indicated above. Thus, what the Government of the United States is doing in China is entirely consistent with long-established policy and practice of the United States and the well-recognized duty of the Government to afford protection to American nationals.

The interest and concern of the United States in the far eastern situation, in the European situation, and in situations on this continent are not measured by the number of American citizens residing in a particular country at a particular moment nor by the amount of investment of American citizens there nor by the volume of trade. There is broader and much more fundamental interest, which is that orderly processes in international relationships be maintained. Referring expressly to the situation in the Far East, an area which contains approximately half the population of the world, the United States is deeply interested in supporting by peaceful means influences contributory to preservation and encouragement of orderly processes. This interest far transcends in importance the value of American trade with China or American investments in China; it transcends even the question of safeguarding the immediate welfare of American citizens in China.

In connection with the problem of affording appropriate protection to Americans in China, there must be kept in mind the fact that we have nationals residing in practically every country of the world, and that every year some 200,000 of our citizens go abroad; that these include large numbers of students, teachers, religious leaders, laborers, executives, and merchants—men, women, and children; that the number of Americans proceeding abroad for business purposes is not greater than, is probably less than, the number who go abroad for educational, cultural, and philanthropic purposes; and that a policy of abandoning American nationals in any one part of the world would have inevitable and serious repercussions adverse to the legitimate rights of Americans and the legitimate interests of this country in other parts, in most parts, of the world.

In emergency situations such as that which now prevails in the Far East, the Government endeavors to pursue in regard to the question of affording appropriate protection a course based upon calm reason. We endeavor to afford those measures of protection which are called for by and are in accord with the realities of the situation. Since the beginning of the present Chinese-Japanese conflict, this Government and its officers in China have repeatedly and earnestly advised American citizens, in face of dangers incident to situations of danger, to withdraw, and in the present situation we are making every effort to provide safe means whereby they may depart. When situations of acute danger develop or seem likely to develop at particular points, our officers redouble their efforts to effect the safe withdrawal of American citizens from those points. When the situation at particular points becomes more tranquil and less likely to present serious hazard to the lives of American citizens, the course is followed of withdrawing armed forces which may have been sent to those points.

In the present situation in the Far East the Government of the United States is affording appropriate protection and assistance to American nationals, as this Government always has done. The American Government is also upholding principles as it has always done. It has asked and is asking that the rights of the United States and the rights of our people be respected, and at the same time it has sought and is seeking to avoid involvement of this country in the disputes of other countries.

The principles which the Government of the United States is following in its international relationships are set forth in the statement which I made on July 16, 1937. A copy of this statement and a copy of a further statement which I made on August 23 are enclosed for convenience of reference. We are directing our whole thought and effort toward making effective the policies, especially the policy of peace, in which this country believes and to which it is committed.

I have the honor to be, sir,
Your obedient servant,

CORDELL HULL.

DEPARTMENT OF STATE

[For the press, July 16, 1937]

STATEMENT BY THE SECRETARY OF STATE

I have been receiving from many sources inquiries and suggestions arising out of disturbed situations in various parts of the world.

Unquestionably there are in a number of regions tensions and strains which on their face involve only countries that are near neighbors but which in ultimate analysis are of inevitable concern to the whole world. Any situation in which armed hostilities are in progress or are threatened is a situation wherein rights and interests of all nations either are or may be seriously affected. There can be no serious hostilities anywhere in the world which will not one way or another affect interests or rights or obligations of this country. I therefore feel warranted in making—in fact, I feel it a duty to make—a statement of this Government's position in regard to international problems and situations with respect to which this country feels deep concern.

This country constantly and consistently advocates maintenance of peace. We advocate national and international self-restraint. We advocate abstinence by all nations from use of force in pursuit of policy and from interference in the internal affairs of other nations. We advocate adjustment of problems in international relations by processes of peaceful negotiations and agreement. We advocate faithful observance of international agreements. Upholding the principle of the sanctity of treaties, we believe in modification of provisions of treaties, when need therefor arises, by orderly processes carried out in a spirit of mutual helpfulness and accommodation. We believe in respect by all nations for the rights of others and performance by all nations of established obligations. We stand for revitalizing and strengthening of international law. We advocate steps toward promotion of economic security and stability the world over. We advocate lowering or removing of excessive barriers in international trade. We seek effective equality of commercial opportunity and we urge upon all nations application of the principle of equality of treatment. We believe in limitation and reduction of armament. Realizing the necessity for maintaining armed forces adequate for national security, we are prepared to reduce or to increase our own armed forces in proportion to reductions or increases made by other countries. We avoid entering into alliances or entangling commitments, but we believe in cooperative effort by peaceful and practicable means in support of the principles hereinbefore stated.

DEPARTMENT OF STATE

[For the press, August 23, 1937]

(Confidential release for publication at 8 p. m. eastern standard time. Not to be previously published, quoted from, or used in any way)

At his press conference on August 17 the Secretary of State announced that (1) legislative action to make available funds for purposes of emergency relief necessitated by the situation in the Far East had been asked and that (2) this Government had given orders for a regiment of marines to prepare to proceed to Shanghai. The Secretary then discussed at some length the principles of policy on which this Government was proceeding.

The situation at Shanghai is in many respects unique. Shanghai is a great cosmopolitan center, with a population of over 3,000,000, a port which has been developed by the nationals of many countries, at which there have prevailed mutually advantageous contacts of all types and varieties between and among the Chinese and people of almost all other countries of the world. At Shanghai there exists a multiplicity of rights and interests which are of inevitable concern to many countries, including the United States.

In the present situation the American Government is engaged in facilitating in every way possible an orderly and safe removal of American citizens from areas where there is special danger. Further, it is the policy of the American Government to afford its nationals appropriate protection, primarily against mobs or other uncontrolled elements. For that purpose it has for many years maintained small detachments of armed forces in China, and for that purpose it is sending the present small reenforcement. These armed forces there have no mission of aggression. It is their function to be of assistance toward maintenance of order and security. It has been the desire and the intention of the American Government to remove these forces when performance of their function of protection is no longer called for, and such remains its desire and expectation.

The issues and problems which are of concern to this Government in the present situation in the Pacific area go far beyond merely the immediate question of protection of the nationals and interests of the United States. The conditions which prevail in that area are intimately connected with and have a direct and fundamental relationship to the general principles of policy to which attention was called in the statement of July 16, which statement has evoked expressions of approval from more than 50 governments. This Government is firmly of the opinion that the principles summarized in that statement should effectively govern international relationships.

When there unfortunately arises in any part of the world the threat or the existence of serious hostilities, the matter is of concern to all nations. Without attempting to pass judgment regarding the merits of the controversy, we appeal to the parties to refrain from resort to war. We urge that they settle their differences in accordance with principles which in the opinion not alone of our people but of most peoples of the world should govern in international relationships. We consider applicable throughout the world, in the Pacific area as elsewhere, the principles set forth in the statement of July 16. That statement of principles is comprehensive and basic. It embraces the principles embodied in many treaties, including the Washington Conference treaties and the Kellogg-Briand Pact of Paris.

From the beginning of the present controversy in the Far East, we have been urging upon both the Chinese and the Japanese Governments the importance of refraining from hostilities and of maintaining peace. We have been participating constantly in consultation with interested governments directed toward peaceful adjustment. This Government does not believe in political alliances or entanglements, nor does it believe in extreme isolation. It does believe in international cooperation for the purpose of seeking, through pacific methods, the achievement of those objectives set forth in the statement of July 16. In the light of our well-defined attitude and policies, and within the range thereof, this Government is giving most solicitous attention to every phase of the far eastern situation, toward safeguarding the lives and welfare of our people and making effective the policies—especially the policy of peace—in which this country believes and to which it is committed.

This Government is endeavoring to see kept alive, strengthened, and revitalized, in reference to the Pacific area and to all the world, these fundamental principles.

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BERRY in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lewis	Radcliffe
Bailey	Donahey	Lodge	Reynolds
Bankhead	Duffy	Logan	Russell
Barkley	Ellender	Lonergan	Schwartz
Berry	Frazier	Lundeen	Schwellenbach
Bilbo	George	McAdoo	Sheppard
Bone	Gerry	McCarran	Shipstead
Borah	Gibson	McGill	Smathers
Bridges	Gillette	McKellar	Smith
Brown, Mich	Glass	McNary	Steiwer
Brown, N. H.	Graves	Maloney	Thomas, Okla.
Bulkley	Guffey	Miller	Thomas, Utah
Bulow	Hale	Minton	Townsend
Burke	Harrison	Moore	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	Nye	Wagner
Chavez	Holt	O'Mahoney	Wheeler
Clark	Johnson, Calif.	Overton	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, there is a quorum present.

The question is on the amendment, as modified, offered by the Senator from Illinois [Mr. LEWIS] to the amendment reported by the committee.

Mr. MILLER. Mr. President, I have no desire unduly to consume the time of the Senate in a discussion of the bill which is the pending order of business; but in view of the remarkable nonperformance of the proponents of the bill, and the extraordinary form in which the debate is proceeding, I feel justified, as one coming from the section of this Nation to which this bill is said to be directed, in submitting a few remarks.

It has always been my belief that the American Congress should not enact legislation unless there is a pressing existing reason for its enactment; and, second, unless such legislation is in accord with our system of government and has the sanction of the American Constitution.

I have examined, in my own way, this proposed legislation. I fail to find in it any reason to support its enactment. There may be a demand from some organized groups that legislation of this character be enacted, but there is no demand from the American people. No good purpose could be served by its enactment, and many bad results might follow its enactment.

We have reached the time in this country, Mr. President, when the American Congress should, as never before, pay some heed and give some thought to the direction in which we are going. I know that every Senator, I know that every good American citizen, is interested in maintaining our form of government. I know, too, that there is not anything that I can say in this body that will change the mind of the able Senators who are espousing this measure. But, nevertheless, I feel that I would be derelict in my duty as a member of this body if I did not call to the attention of the Senate, with all the power I may possess, the reasons why I think the enactment of this bill would not be for the best interests of the country.

I know Senators have analyzed the bill, but I hope they will bear with me in calling to their attention and to the attention of the people of the country the provisions of the measure. It is far-reaching. Not the terms of the bill alone but the underlying philosophy of the bill is what I am concerned with. Section 1 of the bill, beginning on page 6, may be termed mere "window dressing." It is a mere caption and means nothing; it cannot mean anything; and in interpretation or construction by a court it can mean nothing.

Section 2, down to the word *"Provided"* on page 7, undertakes to define a mob. I wish to pass over that.

The next seven lines embrace the proviso to which there is an amendment now pending proposing to strike those lines from the bill. However, let me call your attention, Mr. President, to that amendment, by way of digression. The amendment has been offered by the distinguished senior Senator from Illinois [Mr. LEWIS]. You may strike those lines from the bill, if you will, but by doing so you will restore the idea contained in the proviso. I should like Senators from those States that are confronted by this problem to bear in mind that the provisions of this bill will not apply merely, as it is said, to persons who may be in the custody of peace officers, because I should like to call attention to section 2, beginning at the bottom of page 6, which provides:

> Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer—

Most people stop there; and they say that it does not apply to anybody except those in the custody of a peace officer; but the next word is the disjunctive "or"—

> or suspected of, charged with, or convicted of the commission of any offense.

"Suspected" by whom? Strike out the lines as proposed by the distinguished Senator from Illinois and this bill, when it becomes a law, will be applicable to every form of violence engaged in by three or more persons.

I heard the distinguished junior Senator from Illinois [Mr. DIETERICH] say the other day in debate that that particular amendment was not intended to apply to the activities of gangsters and other criminal organizations; but if we strike out that provision, in accordance with the amendment of the senior Senator from Illinois, it will apply to them.

However, I desire to pass over that and come to section 3 of the bill. As I have said, Mr. President, I am anxious that Senators understand this bill. I may not do so; I may be incapable of understanding it. I used to practice law in Arkansas, more especially "by ear," but I acquired knowledge of some fundamentals. I should like to have the Senate analyze section 3 of this bill. It is divided into three parts. The first reads:

> SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching—

Let us stop there and consider that portion of the section alone, because the next provision begins with the conjunction "and", and a new subdivision starts there.

The new subdivision begins:

And any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person—

Read that down to the word "lynching", on line 3, of page 8 and it will be seen that that provision applies merely to those failing to protect the person after he has been taken into custody. Then begin with the conjunction "and", in line 3, page 8, and read the rest down to the word "mob", in line 8, and again it will be seen that it applies only to individuals failing to prosecute the mob. So that that section, instead of applying to States, instead of applying to municipalities, instead of applying to governmental subdivisions, applies only to individuals; and I say that because of what I am going to say later in reference to the fourteenth amendment.

The remainder of that section is the penalty part of it. Nowhere in the section do we find any direction or any intimation against States or municipalities or governmental subdivisions.

The next section, section 4——

Mr. BORAH. Mr. President, before the Senator passes on, will he yield to me?

Mr. MILLER. I yield.

Mr. BORAH. Am I correct in my construction of the first subdivision of section 3, that it would include the Governor of the State?

Mr. MILLER. Undoubtedly it does, I will say to the distinguished Senator from Idaho. I expect to say more in regard to that later.

Section 4 of the bill is the most nonsensical provision—and I say that with all due deference to the distinguished committee that reported the bill and to the proponents of the bill—but I call upon Senators to analyze section 4. All in the world it provides is that somebody may submit to the Attorney General an affidavit alleging that one of the three things named in section 3 has happened, and then what shall happen? The Attorney General shall investigate, and that is all. That is all in the world that is provided in section 4.

Section 5 merely provides as follows—and that section, again, should be divided according to the conjunctions and the disjunctions:

Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

The most remarkable provision I have ever heard in any bill—for one government to say to another government, "You shall be responsible for something happened within your boundaries."

Next the section says:

Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction.

Did you ever hear anything like that? I challenge any Senator to say that he did; and I am not unmindful of the ability of Senators.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Arkansas yield to the Senator from Texas?

Mr. MILLER. I yield.

Mr. CONNALLY. I very much regret that the Senator from New York [Mr. WAGNER] who is the author of the bill, is not here to hear the challenge of the Senator from Arkansas and have his attention called to this particular section of the measure. The Senator from New York seems to be interested only in getting a vote, and takes no particular interest in the debate, or in answering the attacks on the measure by its opponents.

Mr. LEWIS. Mr. President, I ask the Senator to allow me to say that I happen to be the seat neighbor of the Senator from New York; and having come over from New York this morning, as I understand, he missed his breakfast, and has gone down to the restaurant to get some lunch.

Mr. SMITH. I think that is more important than the bill.

Mr. CONNALLY. If the Senator from Illinois is going to represent the Senator from New York in his absence, I shall be glad to have the Senator from Illinois listen to the challenge of the Senator from Arkansas, and be prepared at a later date to reply to it. I think it is kind of the Senator from Illinois to look after the demands of the physical appetite of the Senator from New York, but I think it is a much higher duty to look after his mental and moral appetities.

Mr. LEWIS. I rose merely to announce that the statement of my able friend from Texas that the Senator from New York had gone away, and was not giving heed to his cause, was made under a misapprehension. As to the other matters, I am quite sure the Senator from New York will be quite able to present his own cause without aid from me or from any other source. The Senator from Arkansas is making an interesting legal argument, which I am sure will be interesting, and ought to be educational, to any one who hears his analysis of the bill.

Mr. VAN NUYS. Mr. President, will the Senator yield?

Mr. MILLER. I yield to the Senator from Indiana.

Mr. VAN NUYS. I am sure the fine Senator from Texas will not criticize the Senator from New York because of the fact that he stepped down to the restaurant for 15 minutes to get a bite of lunch and asked me to stay in his place while he was gone. That is the reason for his absence at this particular time.

Mr. CONNALLY. I will say that, so far as the legal question is involved, I think it would be much more fortunate if the Senator from Indiana would take over entirely the defense of the bill than to allow it to remain in charge of the absent Senator from New York, who, while the real sponsor of the bill sits in the gallery and directs the efforts of the Senator from New York from the gallery, is downstairs feeding the physical body.

The Senator from Texas is sufficiently interested that he does not eat any lunch and does not expect to eat any lunch until this bill is disposed of, if by so doing he has to remain off the floor and fail to hear the arguments.

I have been waiting now for some time to hear the presentation of this bill by the Senator from New York. He has never seen fit to take the floor and explain the bill. He has never seen fit to advance the reasons, if there are any reasons, why he advocates the bill. While he is now off, Lucullus-like, banqueting on choice viands and food, he demands that the rest of us remain here to hear this debate.

If the Senator from Texas has it within his power to do so, he is going to bring the Senator from New York in on this floor so that he may hear the challenges of this bill by eminent Senators, such as the Senator from Arkansas, who knows what the bill is about, while, I am sorry to say, the Senator from New York does not seem to understand the bill at all.

Mr. MILLER. Mr. President, I may say as an aside that I do not fall out with any Senator for not listening to anything I may say. As I said, I proceed with some degree of timidity in undertaking to interject an argument on this bill because of the fact that I have had the honor of being a Member of this body for only a short time.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from Arkansas need not have any timidity. From what the Senator has already said, it is perfectly apparent that he knows all about the bill; and what he is saying is well worthy to be listened to by other Senators.

Mr. MILLER. Mr. President, in view of what I am going to say later, and in view of our system of government, which I know every Senator loves, I want to call attention again to that remarkable provision:

Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction.

Mind you, that part of the bill proceeds upon the theory that the unfortunate victim is taken from the custody of an officer; but he is not necessarily taken from the custody of an officer if he is suspected of some crime, according to section 2 of this bill—not charged with it, not under an indictment, not under arrest, but if he is suspected. Suspected by whom? Let some Senator favoring the bill answer that question at some time. Suspected by whom?

Then the bill proceeds:

> Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured, or to his or her next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000 as monetary compensation for such injury or death.

Then the bill sets up a proviso, and undertakes to regulate the burden of proof:

> *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched: *And provided further,* That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

The next subdivision, on page 10, deals primarily and only with the question of the suit to be filed in the United States district court—a suit against a sovereign State, if you please, a suit against a municipality—for what purpose? Because the State of Arkansas permitted some fellow to be lynched in Missouri; because some fellow passed through Arkansas at some time and then was lynched in Missouri.

The next section, on page 11, is the separability clause. The other day I read a very interesting article on the separability clause, and I should like to call the attention of the Senate to it. It is in the Harvard Law Review. I should like to call attention to the fact that we are working the separability clause overtime. The article to which I refer is very interesting to men who may have any curiosity about the separability clause; but I want to discuss now another matter.

I did not intend to discuss the constitutionality of the bill, because I say very frankly that I do not think there is a Member of the Senate who believes that the bill is constitutional. That, however, is not the thing that worries me. The thing that bothers me most is for the United States Senate and for the Democratic Party—the party in charge of government, the party in power in the United States Senate—to ask for the enactment of a bill which everybody knows to be unconstitutional, a bill which strikes at the very heart of our form of government.

Senators may talk about this bill being aimed at the South if they want to. It is true I am from the South, and I am proud of it; but this bill is not aimed at the South any more than it is aimed at the North. Pass this bill, and if perchance the Supreme Court, through some hocus-pocus arrangement, should hold it constitutional, it will sound the death knell of the power of every State in the Union to regulate and govern its own affairs.

I have always thought that the Democratic Party was a constitutional party, was a party that believed in a constitutional form of government; but if this bill represents or has the approval of a Democratic administration and the Democratic leadership of the Senate, I must confess to you, Mr. President, that all the principles of democracy that I learned around my mother's knee, and that were taught to me by a father and a grandfather who knew what it was to make the supreme sacrifice to sustain the democratic form of government, are not in accord with this conception of democracy.

I am constrained to believe, Mr. President, that the bill cannot have the approval of the Democratic Party, and that this action on the part of the Democratic leadership is mere camouflage. No man who professes to believe or who does believe in our form of government can consistently support the bill. Our Government is pyramidal in its construction. It emanates from the individual, from the individual to the community, and from the community to the State, and the capstone is the Federal Government. This Government cannot be inverted. The pyramid cannot be stood on its apex or point. The power of the Government rests with the people themselves. The proponents of the pending bill are trying to lodge the power in the capstone, in utter disregard of the foundation of our form of government.

It is inconceivable to me that men who are professed followers of Jackson and professed followers of Jefferson, men who love our form of government, are willing, under their oaths as Senators, to say that the Federal Government may reach its hand down into our communities and attempt to regulate their affairs. Do not forget that if a mob can be defined as three persons or five persons and a statute enacted providing that because of the happening of certain events the Federal Government may extend its strong arm into the State, it is likewise true that the act of an individual may be regulated.

As I have said, I do not care to engage in an argument on the constitutionality of the bill; I recognize my shortcomings; but I do wish to call the attention of the Senate, if I may, to some of the history of our Constitution. I have no desire to repeat some of the things which have been said by the able Senator from Idaho [Mr. BORAH] and the able Senator from Mississippi [Mr. HARRISON] and others about the conditions prevailing when the fourteenth amendment was adopted. It is declared that the bill is bottomed upon the fourteenth amendment; but Senators overlook the fact that the fourteenth amendment is directed to State action and not to individual action; and therein lies the error of the proponents of the bill.

Thaddeus Stevens, a man who came nearer to becoming a dictator in this country than any other man in our political life, when the fourteenth amendment was reported by the Committee on Reconstruction had something to say about it. I quote from the Congressional Globe of May 8, 1866. Referring directly to the fourteenth amendment, Mr. Stevens said:

> I can hardly believe that any person can be found who will not admit that every one of these provisions is just. They are all asserted, in some form or other, in our Declaration or organic law. But the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all.

Mr. President, that was the argument of Mr. Stevens, the proponent of the fourteenth amendment, that it was meant to correct "the unjust legislation of the States," not individual action but unjust legislation of the States. I should like to have any Senator point out wherein there is any constitutional authority to the effect that individual action may be regulated as is attempted by the pending measure.

Mr. President, while I am speaking of this point I must call the attention of the proponents of the bill to another thing, and I wish to talk directly to those of my own party who may be interested. I desire to appeal to them to have some regard for our Constitution.

During the last regular session of the Congress a memorable contest was waged. We heard much about the Constitution. We heard much about our form of government. Able Senators who are now advocating the enactment of the pending bill rendered an outstanding service to this Nation and to posterity in pointing out the dangers contained in certain proposals contrary to the Constitution. Yet today some of the same Senators seek by this proposal to destroy the same Constitution they were defending and to utterly disregard it, under the excuse that the fourteenth amendment gives them the authority to pass such measures.

Let me say to Senators who call themselves Democrats—and I know they are—it has been said that this measure is directed against the South. I deny that; it is not directed against the South any more than it is directed against our form of government. There is rampant in this country today—and sometimes I think it has the approval of those

in high places—a feeling that the Federal Government is the supreme boss and dictator of the American citizen. There is today rampant in the Nation a disease that might be called "federalitis"; it is sweeping the country, and those afflicted with it are calling upon the Federal Government to correct every wrong, either fancied or real, which some group may conceive is being perpetrated.

The South has in years gone by been the one force which has held and saved democracy. The time was when those States which are coming here asking that the Constitution be set aside knew not democracy, but now, at the first opportunity the Democratic Party has to return the Government to the principles of Jackson and Jefferson, we find Senators yielding under black pressure and willing to surrender their birthright.

I know that politics is fickle. I know that sometimes our constituents may seem to forget, but let me warn Senators with all of the sincerity that I possess that while those States which have borne the brunt of the fight, which have fought Democracy's battles because they believe in the fundamental principles of Democracy, will suffer long and have patience, yet, if by the strength of the votes of the proponents of this measure this thing shall be thrust upon us and our local governments annihilated and our State governments destroyed, and there shall be injected into our communities the long hand of the Federal Government, the people of the South, because they love their Government, and because they love and revere the Constitution, will revolt; and I will not blame them.

If Democracy does not mean anything to the men in charge of the Senate, if the principles of Democracy do not mean anything, then let us strip ourselves of all camouflage and answer to our right names. If Democracy is only an outward show, if it is a label by which gentlemen desire to ride into office, then let them say so. But if Democracy is like religion, something which finds lodgment in the heart, then let gentlemen be the disciples of it they profess to be, and return the Government to a constitutional basis, and cease the further consideration of the pending bill.

Mr. President, at this time I call the attention of the Senate to a pronouncement of our Supreme Court in the Civil Rights cases. It answers so completely, it answers so adequately, every contention that can possibly be made for the enactment of the bill, that I desire to read a few extracts from the decision. Speaking of the fourteenth amendment, the Court said:

> It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights—

Mr. President, there is nothing in this bill except an attempt to regulate private rights—

> But to provide modes of redress against the operations of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment.

When the actions of the State, through its officials, by virtue of State laws and acting under State legislation, are subversive of the rights guaranteed by the fourteenth amendment, then, and then only, does that amendment authorize the Congress to act.

> Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

What operation and effect? The operation of the State laws and the effect of the State laws. This bill is called an antilynching bill. There is not a State in the Union, there is not a government in the world, that does not have laws against murder in its various forms. There is not a State in the Union which does not have laws punishing lynching and other forms of murder. The proponents of the bill cannot say that the South has refused to pass laws on the subject. They cannot say that because of our failure to pass laws, or because our laws apply unequally, this bill is justified. It is not.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point the next paragraph of the case from which I have been reading in One Hundred and Ninth United States Reports, beginning, on page 12, with the words "An apt illustration" and continuing to the end of the paragraph.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

> An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected; and this power was exercised. The remedy which Congress actually provided was that contained in the twenty-fifth section of the Judiciary Act of 1789 (1 Stat. 85), giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this Court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the United States courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875 (ch. 137, 18 Stat. 470), giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason that the constitutional prohibition is against State laws impairing the obligation of contracts.

Mr. BORAH. Mr. President, will it interrupt the Senator in his discussion if I ask him to yield for a moment?

Mr. MILLER. I gladly yield to the Senator from Idaho.

Mr. BORAH. What the Senator has been saying as to the fact that the fourteenth amendment relates only to State action and cannot be construed to cover individual acts, is confirmed by the fact that the language proposed at one time but rejected as the fourteenth amendment would have permitted State action with reference to individual citizens. This language was proposed:

> Congress shall have power to make all laws which shall be necessary and proper to secure to citizens of each State all privileges and immunities of the citizens of the several States, and to all persons in the several States, equal protection of the right to life, liberty, and property.

That was the proposition which was submitted, but which the Northern States promptly rejected. As Stevens said, they desired to confine the fourteenth amendment so as to cover actions of the State, and not permit the National Government to legislate concerning anything which related to individual action or to the rights of citizens as between themselves and the States. Had the language proposed been adopted this bill could be sustained but its rejection reveals how clearly it is outside the language finally adopted.

Mr. MILLER. I thank the able Senator. That is true. I wish the American people had an opportunity to read the report of the Committee on Reconstruction, and to read the debates which occurred in the Congress in 1865 and 1866. It would probably be enlightening. I have the report of that committee on my desk. The whole field was considered by it. Very frankly, there is not any doubt that it was the intention of the Congress, and that the Congress meant, and that

the people by the ratification of this amendment meant, that it should apply only to the acts of the States, to the legislation of the States.

I read further:

An inspection of the law—

That is, the Civil Rights bill that was passed—

shows that it makes no reference whatever to any supposed or apprehended violation of the fourteenth amendment on the part of the States.

This bill, Mr. President, is not bottomed upon a violation of the fourteenth amendment by the States. I challenge its proponents to point out to the Senate wherein it is so bottomed. They owe it to the Senate and they owe it to the American people to show wherein it is bottomed upon the proposition of a violation on the part of the States. It is bottomed upon the assumption and upon the proposition of a violation of individual rights by individuals acting contrary to and not in accordance with State legislation.

It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses—

The Court is speaking about the Civil Rights Act that was passed. But how applicable is it? Here is what the Court said the act did:

It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States.

That is what this bill does. It proceeds ex directo to declare that such acts of commission and omission on the part of individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States.

It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws as to those which arise in States that may have violated the prohibition of the amendment.

No judge, no court, no person, can pen today words that more correctly describe this bill than the words of the Supreme Court in the Civil Rights cases.

In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

It will not do, Mr. President, to say that the State is acting or failing to act when an officer fails to protect from the mob a man charged with crime. That man is not acting under the State law. He is acting contrary to it.

I am not unmindful of the fact that there has been a great deal of propaganda released in this country. The very title of the pending bill is designed to catch support. Everyone, of course, is against lynching. This bill, designated an anti-lynching bill, more properly should be called a bill to promote lynching. The sad part of it, however, the sad commentary, is that it will not only promote lynching of individuals, but it will amount to a lynching of our form of government.

Senators talk about a mob. The Senate is composed of some of the ablest lawyers in the Nation, men whose every act in their private lives and whose conduct as citizens has been such as to inspire the confidence of their fellow men, men who were sent here because of the faith of their fellow men that they believed in and would preserve and protect the Constitution. But let this body so forget itself, and so surrender to the propaganda that is sweeping the country, as to undertake to do some such thing as is provided in this bill, and see what the consequences will be.

Mr. President, as I said a while ago, there ought to be some reason for the enactment of this bill, and the bill ought not to be enacted unless there is a reason for it. As I said, I think it is admitted by all, and I wish the American people could know and could understand fully that every Senator who has given any thought to this bill knows, that it is unconstitutional. Senators cannot tell me that the American people do not still believe in the Constitution of the United States. They are not yet willing to surrender their destinies to any official Government; I care not whether it be in charge of Democrats, Republicans, or what party. If the American people knew what this bill really does, we should see this propaganda fade away.

I was struck by some of it. One was a little circular issued by a certain organization in this country appealing for financial support. When has it become necessary to appeal to the people of this country for financial support to ask the Congress to enact wholesome legislation? Whenever we find any organized group, I do not care what the name of the group may be, appealing to the people of the country for money to promote legislation, we can well afford to scrutinize most carefully any proposition that may be advanced by such group. That is what has been done in this case.

Many figures have already been put in the RECORD and have been referred to by able Senators; but let us admit, Mr. President, for the sake of the argument, that the Congress has the authority and the right to pass this bill. Let us admit that for the sake of the argument, and let us see whether there is any real reason for it. Certainly Congress has something else to do than to devote its time to this particular proposed legislation. We have been criticized, and the press will continue to criticize us, for undertaking to prevent the passage of this bill. For my part, I do not wish to engage in a filibuster. I am not going to engage in that kind of tactics; but this bill ought to be debated until the American people know what it is about. Whenever they find out what it is about, we shall see the bill withdrawn from further consideration.

I resent the implication that those who may be opposed to the bill are seeking to prevent the passage of legislation that might be beneficial. We are rendering a service to the people of the country in trying to help save our Government by preventing the passage of this measure.

I heard the distinguished Senator from Mississippi [Mr. HARRISON] say earlier in the day that no crime in the history of our country has so decreased as has the crime of lynching.

I should like those who may be interested in the figures to comprehend, if they will, the force of the figures which I am about to submit, and which are furnished by the Tuskegee Institute—that great institution of the South, that is doing more for the Negro race than is any other institution in the United States; that institution that really has the welfare of the Negro at heart. I may say that the time is coming, as in the past, when the thoughtful American Negro will know that the best friend he has is the South. Senators who are now appealing to that group for their suffrage will find out later on that the South knows more about the problem than do those living in other sections of the country can ever know, because it has been our problem; it was thrown into our laps generations ago. The trouble with the North is that in that section there is the fundamental lack of understanding of the American Negro.

However, I wish now to call attention to the figures. Here [indicating] is a chart which I desire to have inserted in the RECORD, and I ask unanimous consent that it may be inserted in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). The Chair is advised by the parliamentary clerk that before a chart of the character indicated may be printed in the RECORD it must be sent to the Joint Committee on Printing and receive their endorsement.

Mr. MILLER. I may state to the Chair that I am aware of that fact.

Mr. CONNALLY. Mr. President, a parliamentary inquiry. What is the request?

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to insert in the RECORD as a part of his remarks a chart or graph which he presents to the Senate, but the Chair is advised by the parliamentary clerk that, under the rules of the Joint Committee on Printing,

it is necessary that the request be submitted to that committee before such chart or graph may be printed in the RECORD.

Mr. MILLER. Mr. President, I may say that I think I am familiar with that rule, and, being familiar with it, I believe the chart which I submit comes within the rule. That is the reason I am making the request.

Mr. BONE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. BONE. Because of the general interest in the subject, I should like to be advised whether the chart contains figures, and, if so, if it might not serve the Senator's purpose to insert the figures? I know the chart has lines drawn on it, but the Senator probably could achieve the same result by having the figures set out instead of asking that the black lines on the graph be printed in the RECORD.

Mr. MILLER. It has the figures, and I can follow the suggestion of the Senator from Washington and accomplish what I desire in that way.

Mr. BONE. I was thinking that the Senator, by reading the figures into the record of his speech, might achieve the same result in that way.

Mr. MILLER. I much prefer that the chart be printed as it is, and I wish to submit it. Then, if it is contrary to the rule, the figures may be used. I ask unanimous consent that that may be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The chart referred to is as follows:

1882–92

Average population, 59,243,000.
Average number lynchings per year, 155.8.
Average number lynchings per year per million of population, 2.6.

1893–1903

Average population, 73,976,000.
Average number lynchings per year, 133.1.
Average number lynchings per year per million of population, 1.8.

1904–14

Average population, 90,264,000.
Average number lynchings per year, 69.
Average number lynchings per year per million of population, 0.7.

1915–25

Average population, 107,104,000.
Average number lynchings per year, 50.3.
Average number lynchings per year per million of population, 0.46.

1926–36

Average population, 122,480,000.
Average number lynchings per year, 16.4.
Average number lynchings per year per million of population, 0.13.

1936

Population, 128,429,000.
Number lynchings, either 8 or 9.
Number lynchings per million of population, 0.07.

1937

Population, 129,400,000.
Number of lynchings, 8.
Number lynchings per million of population, 0.06.

Mr. MILLER. Mr. President, I should like Senators to realize the force of these figures. First, I desire to call attention to those covering the period from 1882 to 1892. The average population for those 10 years was 59,243,000. During that time, on the average, 155.8 persons were lynched per year. That means that 2.6 persons were lynched per million people in the United States during that 10 years.

The next period is from 1893 to 1903, when the average population was 73,976,000, or approximately 74,000,000. The average number of lynchings during that 10-year period was 133.1, and the average number of people lynched per million was 1.8.

Then we find a steady decline from that time down until 1937. Last year, with a population of 130,000,000, the total number of lynchings in the United States was 8—8 people out of 130,000,000; showing that six one-hundredths of a person was lynched for every million people, or that 1 out of 16,000,000 people was lynched in the United States in 1937.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. MILLER. I yield.

Mr. NORRIS. Is the Senator able to give us, in a brief way, the nature of those eight lynchings?

Mr. MILLER. I will say to the Senator I will come to that in just a few moments.

Mr. NORRIS. Very well.

Mr. MILLER. Mr. President, so I submit the crime of lynching has been reduced to the minimum of 8 persons out of 130,000,000. In view of this showing, what is the national necessity for the enactment of any such legislation as is proposed here?

I repeat that I do not wish unduly to burden the Senate with figures, but I have in my hand a table prepared by Dr. Monroe N. Work, director of the department of records and research of the Tuskeegee Institute of Alabama. The figures begin with the year 1882 and conclude with the year 1936. The table shows the total; it shows the cause of every lynching in the United States from 1882 down to January 1, 1937, and the character of crime committed by the persons lynched or charged to have been committed by the persons lynched. I ask unanimous consent to insert that table in the RECORD.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Causes of lynchings classified, 1882–1936

Year	Homicides	Felonious assault	Rape	Attempted rape	Robbery and theft	Insult to white persons	All other causes
1882	54	0	33	0	16	0	10
1883	71	0	24	3	4	0	28
1884	62	0	36	0	10	0	103
1885	91	2	28	0	1	0	62
1886	70	1	32	0	8	0	27
1887	54	0	41	0	6	0	19
1888	62	0	31	0	3	4	37
1889	73	1	34	6	10	1	45
1890	35	0	31	2	5	0	23
1891	58	14	39	2	12	1	58
1892	93	3	49	12	15	1	58
1893	60	2	34	4	8	2	41
1894	75	1	37	12	5	1	61
1895	68	0	34	13	7	0	57
1896	39	6	35	6	6	0	31
1897	67	2	26	9	14	2	38
1898	68	7	15	6	8	2	14
1899	43	2	17	9	7	1	27
1900	43	5	21	16	7	1	22
1901	51	7	17	8	10	0	37
1902	37	6	18	12	2	0	17
1903	50	7	15	8	0	1	18
1904	37	1	15	7	0	2	21
1905	32	3	11	7	2	0	7
1906	25	7	16	10	2	1	4
1907	16	7	12	12	4	1	1
1908	35	8	15	14	3	1	28
1909	46	5	14	5	3	4	5
1910	41	3	18	5	4	2	3
1911	36	3	6	7	3	4	8
1912	34	2	11	3	4	3	6
1913	25	4	7	3	1	1	11
1914	30	7	6	1	2	1	5
1915	26	9	11	6	9	3	3
1916	21	7	3	9	8	2	4
1917	7	3	7	6	1	6	8
1918	27	3	10	6	5	2	11
1919	29	8	9	10	1	7	19
1920	23	9	15	3	0	3	8
1921	19	8	16	3	0	3	15
1922	15	5	14	5	4	2	12
1923	5	5	6	1	1	2	13
1924	4	2	5	2	0	3	0
1925	8	1	4	2	0	1	1
1926	13	3	2	3	1	1	7
1927	7	2	2	3	0	0	2
1928	5	2	3	0	0	0	1
1929	1	3	3	0	0	2	1
1930	5	0	8	2	3	0	3
1931	5	3	0	5	0	0	0
1932	1	2	1	1	0	1	2
1933	8	4	3	3	1	1	8
1934	2	2	2	4	1	3	1
1935	8	1	3	3	0	1	4
1936	1	0	3	3	0	1	1
Total	1,921	198	908	282	227	81	1,056

Source: Compiled by Monroe N. Work, director, department of records and research, Tuskegee Institute, Alabama.

Mr. MILLER. I may say that there was a total of lynchings for homicide of 1,921. A total of 198 were lynched for felonious assault; a total of 908 were lynched for the crime

of rape; a total of 282 for attempted rape; a total of 227 for robbery and theft; a total of 81 for what is marked as "insult to white persons"; and a total of 1,056 charged with all other crimes.

Mr. President, again I wish to quote some figures compiled by Dr. Work representing the years from 1914 to 1936 and showing a comparison of the number of persons lynched with the number of lynchings which were prevented during that period. I am advised that the institute does not have a specific record covering the number of instances in which lynchings were prevented further back than 1914. In 1914 there was a total of 52 persons lynched in the United States, and there were 24 persons whom the officers of the law prevented from being lynched. The ratio of persons lynched is also given. The ratio of persons lynched to the number of persons prevented from being lynched was 2.17 percent.

Then there was a steady decline from 1914 to 1936, so that in 1936 the ratio of persons lynched to the number who were prevented from being lynched by the local officers was 0.11 percent.

I ask unanimous consent, Mr. President, to insert this table in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Comparison, number persons lynched with number prevented being lynched, 1914–36

Year	Number persons lynched	Number persons prevented being lynched	Ratio of persons lynched to number prevented being lynched
1914	52	24	2.17
1915	67	25	2.68
1916	54	25	2.16
1917	38	23	1.65
1918	64	19	3.37
1919	83	43	1.93
1920	61	84	.72
1921	64	108	.59
1922	57	114	.55
1923	35	56	.59
1924	16	61	.26
1925	17	53	.32
1926	30	40	.75
1927	16	68	.24
1928	11	40	.28
1929	10	34	.29
1930	21	60	.35
1931	13	91	.14
1932	8	43	.19
1933	28	48	.58
1934	15	74	.20
1935	20	84	.24
1936	9	79	.11

Source: Compiled by Monroe N. Work, director, department of records and research, Tuskegee Institute, Alabama.

Mr. BONE and Mr. ANDREWS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. MILLER. I yield first to the Senator from Washington.

Mr. BONE. Can the Senator advise us what States, if any, have legislation on their statute books which makes it possible for the family or dependents of the person lynched to recover damages because of such lynching, and if so, which States they are? It might also be well, if the Senator has that matter, to put it into the RECORD.

Mr. MILLER. I will state to the distinguished Senator from the State of Washington that last year the Committee on the Judiciary of the House of Representatives held rather extensive hearings on a bill similar to the one here pending. That committee went into that question, but I do not have the information available further than to say that, as I recall, there is one State—I believe it is Virginia—which has a statute, enacted during the time the present Senator from Virginia [Mr. BYRD] was Governor, providing that suit may be brought against a municipality under certain circumstances. So far as I know, however, that is the only State which has such a statute; except, of course, as the Senator is well aware, in all States I think a suit may be maintained against individuals committing a tort.

Mr. BONE. Of course, the Senator is aware of the rule that the sovereignty is not liable for the tortious act of a public servant?

Mr. MILLER. Yes.

Mr. BONE. And, of course, that rule of law, which is practically universal, would bar suits against the sovereignty, the city, county, or State.

Mr. MILLER. Precisely.

Mr. BONE. But I was wondering, in the event that there was legislation of that kind on the books of any State, is it, in any wise, parallel in its terms with the provisions of the pending bill which is before us? If there is any such legislation, I should like to see it and note how its terms compare with those of the pending bill.

Mr. MILLER. I will say to the Senator that I will procure, if I can do so, the Virginia statute, and insert it in the RECORD as a part of my remarks, if I can do that between now and some time tonight. If not, I shall try to supply the information and put it in the RECORD at some other time.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Florida?

Mr. MILLER. I yield to the Senator from Florida.

Mr. ANDREWS. I should like to ask the Senator from Arkansas if he has statistics showing the number of innocent people of Illinois, for instance, who were murdered by gangsters in 1937 or 1936?

Mr. MILLER. Mr. President, I will say to the distinguished Senator from Florida that I do not believe gangsters keep statistics. I have never been able to find any statistics that that bunch of operators have kept. To attempt to reply to the Senator's question would be more guesswork than anything else on my part. I am unable to supply that information to the Senator, but I believe his information is probably superior to mine on that point. However, judging from newspaper reports, the number is considerable.

Mr. President, I should like now to insert in the RECORD some more figures prepared by Dr. Work covering the period from 1882 to 1936.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Lynching, whites and Negroes, 1882–1936

Year	Whites	Negroes	Total
1882	64	49	113
1883	77	53	130
1884	160	51	211
1885	110	74	184
1886	64	74	138
1887	50	70	120
1888	68	69	137
1889	76	94	170
1890	11	85	96
1891	71	113	184
1892	69	162	231
1893	34	117	151
1894	58	134	192
1895	66	113	179
1896	45	78	123
1897	35	123	158
1898	19	101	120
1899	21	85	106
1900	9	106	115
1901	25	105	130
1902	7	85	92
1903	15	84	99
1904	7	76	83
1905	5	57	62
1906	3	62	65
1907	2	58	60
1908	8	89	97
1909	13	69	82
1910	9	67	76
1911	7	60	67
1912	2	61	63
1913	1	51	52
1914	3	49	52
1915	13	54	67

Lynching, whites and Negroes, 1882–1936—Continued

Year	Whites	Negros	Total
1916	4	50	54
1917	3	35	38
1918	4	60	64
1919	7	76	83
1920	8	53	61
1921	5	59	64
1922	6	51	57
1923	4	29	33
1924	0	16	16
1925	0	17	17
1926	7	23	30
1927	0	16	16
1928	1	10	11
1929	3	7	10
1930	1	20	21
1931	1	12	13
1932	2	6	8
1933	4	24	28
1934	0	15	15
1935	2	18	20
1936	0	9	9
Total	1,289	3,384	4,673

Source: Compiled by Monroe N. Work, director, department of records and research, Tuskegee Institute, Alabama.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Texas?

Mr. MILLER. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lewis	Radcliffe
Bailey	Donahey	Lodge	Reynolds
Bankhead	Duffy	Logan	Russell
Barkley	Ellender	Lonergan	Schwartz
Berry	Frazier	Lundeen	Schwellenbach
Bilbo	George	McAdoo	Sheppard
Bone	Gerry	McCarran	Shipstead
Borah	Gibson	McGill	Smathers
Bridges	Gillette	McKellar	Smith
Brown, Mich.	Glass	McNary	Steiwer
Brown, N. H.	Graves	Maloney	Thomas, Okla.
Bulkley	Guffey	Miller	Thomas, Utah
Bulow	Hale	Minton	Townsend
Burke	Harrison	Moore	Truman
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Caraway	Hitchcock	Nye	Wagner
Chavez	Holt	O'Mahoney	Wheeler
Clark	Johnson, Calif.	Overton	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, there is a quorum present.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. CONNALLY. How many Senators have answered to their names?

The PRESIDING OFFICER. The Chair has just announced that 91 Senators had answered to their names. A quorum is present.

Mr. CONNALLY. Another parliamentary inquiry. Where are the 91 Senators now?

The PRESIDING OFFICER. The Chair will state that theoretically, whether in the flesh or not, 91 Senators have been here during the call of the roll. The Senator from Arkansas is recognized.

Mr. LEWIS. Mr. President, with the consent of the Senator from Arkansas, I beg to introduce a bill which relates to military affairs and ask that it go to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, the bill will be received and referred.

Mr. CONNALLY. Mr. President, reserving the right to object, does the Senator from Illinois desire to have the bill go to the Committee on Military Affairs?

Mr. LEWIS. Yes, sir.

Mr. CONNALLY. Then I ask the Senator to make a motion to that effect.

Mr. LEWIS. I move that the bill be referred to the Committee on Military Affairs.

The PRESIDING OFFICER. Is there objection to the introduction of the bill?

Mr. CONNALLY. The question is on the motion; and the motion is that the bill be referred to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, the motion is agreed to, and the bill will be referred to the Committee on Military Affairs.

(The bill introduced by Mr. LEWIS appears on p. 251 under the appropriate heading in today's RECORD.)

Mr. LEWIS. Mr. President, I do not understand this meticulousness.

Mr. BARKLEY. Mr. President, the Senator ought to understand that the performance which has just been accomplished makes it possible to make another point of no quorum within 5 minutes, if any Senator desires to do so.

Mr. CONNALLY and Mr. LEWIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. MILLER. I yield to the Senator from Texas.

Mr. CONNALLY. Further reserving the right to object, the Senator from Texas would like to observe to the Senator from Kentucky that the Senator from Texas is trying to aid the Senator from Kentucky, because the other day he urged that Senators attend and keep a quorum here; and it is rather amazing that he should now object to somebody getting a quorum for him.

Mr. BARKLEY. I am not objecting. I am simply trying to answer the question of the Senator from Illinois as to what these maneuvers meant.

Mr. LEWIS. Mr. President I think it is very evident that I was thrown immediately into a maze by the performance of my distinguished friend, which is wrapped in such mystery that my friend from Kentucky found it necessary to unravel it. [Laughter.]

The PRESIDING OFFICER. The Chair desires to state that the same result has been attained by granting unanimous consent as if the request had been put in the form of a motion.

Mr. MILLER. Mr. President, I have just obtained unanimous consent to insert in the RECORD some figures compiled by Dr. Work, covering the years 1882 to 1936, inclusive, giving a division between races of the persons lynched during those years. I should like to call the attention of the Senate to the fact that during that period of time 1,289 white persons were lynched in the United States, and 3,384 colored persons were lynched; and that during the first part of the period, from 1882 to 1886 and even a few years later, the number of white persons lynched greatly exceeded the number of colored persons lynched. I should like to have the Senate bear that in mind in view of the statement I am going to make presently as to the causes of some of the lynchings.

I further ask unanimous consent to insert in the RECORD at this point some other figures prepared by the Tuskegee Institute showing the number of persons lynched in percentage of the population from 1892 down to and including 1937.

Mr. BONE. Mr. President, do the figures which the Senator has prepared and which he has introduced into the RECORD indicate in what States lynchings have occurred since the eighties?

Mr. MILLER. The table I am now inserting in the RECORD gives the statistics in percentage of the population, and I shall in a moment present a statement giving the number of lynchings in 1937 by States.

Mr. BONE. If there is a break-down of the figures, I should like to see the statistics.

The PRESIDING OFFICER. Is there objection to the inclusion of the figures offered by the Senator from Arkansas?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Statistics on lynching

Year	Population	Number of persons lynched	Population per person lynched	Number lynched per million population
1892	65,665,810	231	284,000	3.5
1893	66,970,496	151	443,000	2.2
1894	68,275,182	192	355,000	2.8
1895	69,579,868	179	388,000	2.5
1896	70,884,554	123	568,000	1.7
1897	72,189,240	158	456,000	2.1
1898	73,493,296	129	612,000	1.6
1899	74,798,612	106	705,000	1.4
1900	76,129,428	115	661,000	1.5
1901	77,747,402	130	598,000	1.6
1902	79,365,396	92	862,000	1.1
1903	80,983,390	99	818,000	1.2
1904	82,601,384	83	995,000	1.0
1905	84,219,378	62	1,358,000	.7
1906	85,837,372	65	1,320,000	.7
1907	87,455,366	60	1,290,000	.6
1908	89,073,360	97	918,000	1.9
1909	90,691,354	82	1,105,000	.9
1910	92,267,080	76	1,214,000	.8
1911	93,682,189	67	1,398,000	.7
1912	95,097,298	63	1,509,000	.6
1913	96,512,407	52	1,856,000	.5
1914	97,927,516	52	1,883,000	.5
1915	99,342,625	67	1,482,000	.9
1916	100,757,735	54	1,866,000	.5
1917	102,172,845	38	2,688,000	.3
1918	103,587,955	64	1,618,000	.6
1919	105,033,065	83	1,265,000	.7
1920	106,543,031	61	1,746,000	.5
1921	108,207,853	64	1,690,000	.5
1922	109,872,675	57	1,928,000	.5
1923	111,537,497	33	3,380,000	.3
1924	113,202,319	16	7,075,000	.1
1925	114,867,141	17	6,786,000	.1
1926	116,531,963	30	3,884,000	.3
1927	118,196,785	16	7,387,000	.1
1928	119,861,607	11	10,896,000	.09
1929	121,526,429	10	12,152,000	.08
1930	123,191,000	21	5,866,000	.2
1931	124,070,000	13	9,544,000	.1
1932	124,822,000	8	15,603,000	.07
1933	125,693,000	28	4,489,000	.2
1934	126,425,000	15	84,216,000	.1
1935	127,521,000	20	6,376,050	.1
1936	128,429,000	9 or 8	{ 14,269,000 / (16,054,000) }	.07
1937	129,400,000	8	130,000,000	.06

Source: Tuskegee Institute; figures on number of lynchings.

Mr. MILLER. Mr. President, I stated awhile ago that there was no reason why this bill should be enacted, and I challenge any Senator to show to the Senate any reason. I call attention to the report of Dr. F. D. Patterson, president of Tuskegee Institute, as to lynchings in 1937, which appeared in the New York Times on January 1, 1938. Dr. Patterson said:

I send you the following information concerning lynchings for the year 1937. I find, according to the records compiled in the department of records and research of the Tuskegee Institute, that there were 8 persons lynched in 1937. This is the same number (8) as for 1936, 12 less than the number (20) for 1935, and 7 less than the number (15) for 1934. All of the persons lynched were in the hands of the law; three were taken from jails and five from officers of the law outside of jails. Two of the victims were tortured with a blowtorch, then one was shot to death, and the other was burned to death.

This is the point I should like the Senate to bear in mind:

There were 56 instances in which officers of the law prevented lynchings.

Yet it is said, Mr. President, that the Southern States and the other States where lynchings have occurred are not doing anything about it. The person who makes such a statement is simply speaking without information.

There were 56 instances in which officers of the law prevented lynchings. Five of these were in Northern States and 51 in the Southern States.

Yet it is said that in the dark South barbarism runs rampant, and that lynching is a matter of everyday occurrence. In 51 cases lynchings were prevented by the vigilance of local officers in the South.

In 51 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the five other instances armed force was used to repel the would-be lynchers. A total of 77 persons, 5 white men and 72 Negroes, 2 women and 70 men, were thus saved from death at the hands of mobs.

Let Senators pass this law if they will—and they can do it—and then watch the communities in the North and in the South make no attempt at local self-government, but pass on that responsibility to the Federal Government, a responsibility which the Congress in its wisdom says should be accepted by the Federal Government.

Now I wish to read something which I believe furnishes the information the senior Senator from Nebraska asked me for a while ago. Referring to 1937, Dr. Patterson says:

Of the eight persons lynched, all were Negroes. The offenses charged were: Rape, 1; crime against Nature and robbery, 1; murder, 4; wounding officer of the law, 2.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 1; Florida, 3; Georgia, 1; Mississippi, 2; Tennessee, 1.

Yet able Senators say that local self-government has broken down when only one person out of 16,000,000 was lynched in the United States, and in only the 5 States here named out of the total of 48 States did lynchings occur.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McKELLAR. I call the Senator's attention to a crime which occurred in the Senator's own State, just across the river from the city where I live, on Christmas night. The men implicated in the crime were tried in the county of Crittenden, at the little town of Marion, and, as I remember, the local authorities had 6 troopers and 15 deputy sheriffs there to prevent trouble of any kind. The prisoners are being guarded by troopers and deputy sheriffs in sufficient number to protect them from violence of any kind.

Mr. MILLER. Of course, and I thank the able Senator for calling my attention to that matter.

Mr. President, I may say, in connection with the remarks of the able Senator from Tennessee, that while I would have refrained from mentioning the matter to which he has referred because it occurred recently in my own State, that is not an extraordinary occurrence in Arkansas or elsewhere in the Southland. The regret I have is that Senators who know nothing about local conditions in that section of the country will stand on the floor of the Senate and say that local self-government is a failure, that we are failing to protect the people within our borders, when we do protect them, and it matters not what their color may be.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. ANDREWS. Does the Senator feel that if the pending bill shall become the law and an attempt made to enforce it from Washington, it will take the same course followed in the attempt to enforce prohibition?

Mr. MILLER. I do not believe there is any doubt about it. I know that the able proponents of the bill know far more about psychology and know far more about the law in every branch than I do; I know they know more about human nature than I do; but the enforcement of criminal law depends on public sentiment, and in a community which is not law-abiding there is not an enforcement of the criminal law.

Consider the figures I have offered and which will appear in the CONGRESSIONAL RECORD tomorrow. The record of the number of lynchings from 1882 down to the present time shows that as civilization developed, as government followed the migration of people, and as government was established and public sentiment was crystallized, lynching has declined continually from year to year, until now it has reached the vanishing point.

I am interested in not having the Federal Government inject itself into the picture and furnish, not a preventive but an incentive for the people to neglect the enforcement of the law in their own local communities.

Mr. President, no doubt Senators read yesterday an editorial which appeared in one of the local newspapers, but at the risk of being somewhat tedious I desire to call attention to this editorial in the Washington Post of yesterday on the subject we are discussing. I do not know much about the

Washington Post; I do not know anything at all about its editorial department or the man who wrote the editorial; but I do know that the editorials which have appeared in that newspaper since this agitation began reflect a breadth of vision and statesmanship not altogether evidenced in some actions of the American Congress. In this editorial the writer stated:

Senator BORAH's address on the antilynching bill stands out like a beacon of light amid the prejudice, politics, sectionalism, and trifling arguments that have gone into the debate on this subject. It is difficult to see how sponsors of the bill—

I should like to have the sponsors of the bill pay attention to this editorial—

It is difficult to see how sponsors of the bill can continue pressing for its enactment without a sense of infidelity to the basic principles of American government.

I want the sponsors of the bill to explain the consistency of their stand with the principles of our Government.

The strength of Senator BORAH's opposition to the bill arises from his abhorrence of lynching—

And everyone else abhors it—

and his freedom from racial prejudice as well as from his keen understanding of our political system. He has no sympathy with those who contend that mob murder is essential to law enforcement in the South. Indeed, he denounces the antilynching measure in the belief that it would inflict greater suffering upon Negroes by reviving racial antagonism that is gradually subsiding.

One of the strongest arguments made for the bill is that some States of the South discriminate against Negroes in the enforcement of their laws. Wherever that attitude exists it is indefensible. But the remedy provided in this measure is the prosecution of negligent State officials by the Federal Government. Senator BORAH points out that the Federal Government itself is guilty of discrimination against many Negroes in making civil-service appointments. Of course, that does not excuse discrimination in the States, but it does emphasize Mr. BORAH's point that Federal intervention is not the right solution.

In Washington, as the Senator points out, Congress has an excellent opportunity to strike at crimes of violence. For Congress to ignore the disgraceful record of the Capital City, where Federal authority is complete, and attempt to penalize the States for isolated crimes of horror would be inconsistent to the point of absurdity. There is every reason for Congress to be perturbed by the flourishing of lawlessness under its own jurisdiction. But only a grave emergency would justify a direct encroachment upon the powers of local government reserved to the States.

I am told the Washington Post is a Republican newspaper. I do not know whether it is or not, but I do know that the man who wrote this editorial is an American, he is a believer in our form of government, and I call the attention of the proponents of the bill to his words when he says:

Only a grave emergency would justify a direct encroachment upon the powers of local government reserved to the States.

Convincing evidence has been offered to show that no such emergency exists. Lynchings have declined from an annual average of 84 in the 30-year period ended in 1918 to 16 in 1924, and only 8 last year. According to the Tuskegee Institute, officers prevented 56 potential lynchings in 1937. By the slow process of education and better law enforcement the South is solving its own problem. To strike a blow at local responsibility in the face of these improvements would be incredibly stupid.

And when we think, Mr. President, of the Democratic Party, the party of the South, striking a blow at local self-government, doing something which will tend to bring about the destruction of local self-government, I must confess that I can hardly restrain my language to that of decency.

At present lynching is not as serious a problem as kidnaping. Twenty persons were kidnaped in the United States last year. If State officials, including Governors, are to be prosecuted for negligence in bringing lynchers to justice, the Government should also crack down when kidnaping and murder cases are bungled.

Yes; when kidnaping cases, and murder cases, and other cases are bungled the Federal Government should crack down.

Following the theory of the antilynching bill to its logical conclusion, therefore, law enforcement would soon be a Federal problem and local self-government would be on the road to extinction.

When the final vote comes it is difficult to believe that the Senate will ignore these vital issues, even though it is eager to express its horror over the now infrequent cases of mob murder.

Mr. President, it is difficult to conceive that when the final vote comes on this bill the Senate of the United States will be willing to pay the price that the enactment of this bill will cost, and go ahead in utter disregard of its consequences, and pass it.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. ANDREWS. If this bill should become a law, would not also its enforcement violate the constitution of every State in the Union? Each State constitution has in it a uniform provision which provides not only that those charged with crime must be indicted in the county in which the crime occurred but that they shall have the constitutional right to be tried in the county where the crime occurred. The offense now under consideration is a local offense. Is there any possible way to avoid violating a State constitution if such a law as this is enacted?

Mr. MILLER. Not if we pay any attention to State constitutions; but we are not paying attention to any constitution.

Mr. ANDREWS. That is correct.

Mr. MILLER. Let me say to the able Senator that the proponents of this bill are disregarding not only State constitutions but the Constitution of the United States in advocating the passage of the bill, and everyone knows it.

Last year, Mr. President, when this bill was before the House of Representatives, there occurred in the State of Mississippi an unfortunate lynching. It occurred during the time the bill was under debate in the House. It was called the Duck Hill lynching. The Washington Post at that time printed an editorial on the occurrence, which was spoken of in the House of Representatives at that time as justification for the passage of the bill. That occurrence was an unfortunate one, yes, and it has been referred to and will be referred to again.

I desire to read that editorial from the Washington Post under date of April 15, 1937:

The latest lynchings in Mississippi are an effective stimulus to the demand for enactment of the Gavagan bill now under debate in the House. This proposed antilynching law would allow the Federal Government to take over the case if after 30 days the State has not indicted and prosecuted the lynchers. Because of the extraordinary hideousness of the Duck Hill crime, even residents of that community might be expected to approve such intervention.

But sober analysis—

That is what we lack here, Mr. President. If it were possible to remove ourselves from politics, I cannot think the Senate would pass such a bill. Sometimes I feel that there is a deep-seated feeling of sectionalism. If we could remove ourselves from that, and look at this question from a sober, clear, unbiased viewpoint, and analyze this bill carefully, I am confident that its sponsors would withdraw it.

The editorial continues:

But sober analysis of the Gavagan measure as it would apply to lynchings generally raises doubt that it would accomplish its purpose. For, in addition to authorizing the Federal Government to proceed against lynchers and the officers who fail to restrain them, the bill would make any county in which a lynching occurs liable to suit for damages. In spite of its laudable purpose this coercion of local government by Federal action tends to make the proposal distasteful.

The reasoning advanced by Mr. Gavagan and his supporters is that the history of lynching shows local authorities generally unwilling to move against mob murderers, though every State has a law requiring their punishment. Under these circumstances, it is argued, it becomes necessary for the Federal Government to step in and insure the protection of citizens' lives. The implicit presumption, however, that jurymen in, say, the Duck Hill region will not indict when serving on a State panel but would when sitting in a Federal court seems open to considerable question.

Nor do all States with high Negro populations where lynchings predominate deserve the charge of inaction against the crime. Virginia is one notable exception; there has not been a lynching in Virginia for 10 years.

And why has there not been?—

This is clearly the result of the fact that public opinion in Virginia has come to demand an end to lynching.

So it is in the entire South and elsewhere. Public opinion demands an end of lynching.

And, to an appreciable extent, this same enlightenment is spreading through the South.

That is a pretty strong admission, coming from that newspaper editorially, that we are being enlightened in the South.

At least fewer than 10 lynchings were recorded throughout the country last year as against 20 in 1935.

The solution of the lynching problem seems to lie in this direction rather than in that proposed by the Gavagan bill, which might result in reviving the bitter emotions of reconstruction days. By a bitter irony, too, it is crimes of such extreme bestiality as that reported from Duck Hill which will hasten the reform in public opinion necessary to end them forever.

Mr. President, I want to call one thing to the attention of Senators who may investigate this problem. I said a while ago that there was no just cause for the enactment of this bill. I wish it were possible for me to pay tribute to the great class of American Negroes who are rendering a service not only to the white people but to their class and to their race. I have not sufficient command of language to pay the tribute I should like to pay to some Negroes of my own State and of other States. They are doing a great work. The mere fact that a Negro man commits the unspeakable crime against the womanhood of the South does not brand the race as a race of rapists. They are good people. They are good citizens. They are property owners. Some Senator a few days ago—I do not remember just now who it was—placed in the RECORD conclusive proof that the average Negro in the South is fast becoming a home owner and fast identifying himself with the property interests of the South and taking his place in the economic life of the Southland.

The Tuskegee Institute wrote a letter, dated February 16, 1937, to F. W. Le May, chief of bureau of the Associated Press, concerning the bill. I want the proponents of the bill to determine the question whether or not they are willing to follow the Negro agitators and those who are collecting money from the Negro race and other organizations in this country or whether they are willing to follow the Negro statesmanship of this country as evidenced by the Tuskegee Institute, when the writer of the letter says, speaking of the figures I have put in the RECORD, which were compiled by that institute:

There are a number of interesting features to be noted: From 1882–85 there were more whites lynched than Negroes. Concerning the decline of lynchings in the United States, I call attention to sheet No. 2 "Lynchings white and Negroes by periods 1882–1936." You will note that there has been a steady decline in the number of lynchings for each of the 10-year periods 1887–96 to 1927–36. Judging from the trends shown in this table, there is every reason to believe—

Senators, these are not my words. They are the words of the Tuskegee Institute; and no one, I care not where he comes from, can say that that institution and the men in charge of it do not have at heart the interest of the American Negro; but, with it all, they are Americans.

The letter continues:

Judging from the trends shown in this table, there is every reason to believe that there will be a further decline in lynchings.

There are probably three major factors that have contributed to this decline. The first of these is the tendency for frontier characteristics in the South to disappear (lynching was a special characteristic of the frontier in America, both in the West and in the South). Second, the breaking down of isolation in the South by increased facilities: (1) Rural free delivery, (2) more telegraph offices, (3) more telephones in small towns and rural areas, (4) and recently the radio and paved roads.

Third. Increasing agitation within the South—

Not from New York or Indiana but within the South—

during the past 40 years against lynchings. This has resulted in an increasing sentiment against the evil. This sentiment has expressed itself in the increasing efforts to prevent lynchings. From 1914 to 1919 the number of persons lynched was much greater than the number of persons prevented being lynched. From 1920 to the present—

And you can very readily understand, Mr. President, what happened from 1914 to 1919, the period of the war, when there was great national agitation—

From 1920 to the present the number each year prevented being lynched has greatly exceeded the number lynched.

These facts and trends seem to indicate unquestionably that there will continue to be a decline in lynchings in the United States.

Who is supporting this bill? It is not the enlightened Negroes of the South; it is not the good Negro citizens of this Nation.

Not only in these statistics but in many other ways is there implied a growth in the humanitarian attitude of the American people. This growth, I believe, has paralleled the development of educational and social agencies, all of which bid fair to rid this Nation of the barbaric practice of lynching.

That letter is signed by F. D. Patterson, president of the Tuskegee Normal and Industrial Institute.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Arkansas yield to the Senator from Florida?

Mr. MILLER. I yield.

Mr. ANDREWS. Is there any provision in this bill, if enacted into law, which undertakes to punish any person who engages personally in a lynching?

Mr. MILLER. No; there is not.

Mr. ANDREWS. In other words, the provisions of this bill undertake to punish people who are not even present at a lynching, who are innocent of any crime committed?

Mr. MILLER. But section 3 of the bill is directed to the acts of omission or commission of officers of whatever character such officers may be.

Mr. President, I am going to bring my remarks to a close, for I must confess that I know of nothing further that I may say that would cause the Senate to consider the consequences that are just as sure to follow the enactment of this proposed legislation as night follows day. In saying what I have said I have been motivated by one desire, and that was to help in the solution of this problem.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Hayden	Nye
Andrews	Caraway	Hitchcock	Pope
Austin	Connally	Johnson, Colo.	Radcliffe
Barkley	Davis	Logan	Russell
Berry	Donahey	McGill	Sheppard
Bone	Ellender	McKellar	Shipstead
Borah	Frazier	McNary	Smith
Brown, N. H.	George	Maloney	Truman
Bulow	Gibson	Miller	Van Nuys
Burke	Graves	Moore	Wagner
Byrd	Guffey	Murray	
Byrnes	Hatch	Norris	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators; and Mr. COPELAND, Mr. DUFFY, Mr. GILLETTE, Mr. HALE, Mr. LODGE, Mr. MINTON, Mr. NEELY, Mr. OVERTON, Mr. PITTMAN, Mr. SCHWELLENBACH, Mr. STEIWER, and Mr. THOMAS of Utah answered to their names when called.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present.

(At this point Mrs. CARAWAY asked and obtained leave to introduce a resolution, Senate Resolution 219, which appears in today's RECORD, p. 251, under the appropriate heading.)

Mr. MILLER. Mr. President, as I stated before the interruption of the roll call, what I have submitted has been said in an effort to be helpful to the Senate in determining whether or not this bill should be enacted into law. I have been motivated by a desire to render service, not especially to my own State, but to the American people in the solution of this problem.

Mr. President, we have no foolproof system of government. No such system has ever been devised by mortal man. Of the great instrument under which we are living, Gladstone wrote:

The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man.

I do not think the Constitution of the United States was written by any one man. It was written as a result of the

experience of the ages. The lines of the Constitution are merely the record of the experience of mankind since the dawn of civilization.

There is nothing new in the Constitution. There is nothing new in that form of government. It originated in the first century, back in the Germanic forests. The time of Tacitus was the time when the first demonstration of real democratic government was given. That government exists today in this country and will continue to exist here only so long as the American people exercise their right and their power to govern.

The one thing that is alarming in this Nation today is the fact that the American people, while possessing the power to govern, are not exercising that power. By their failure to exercise that power, if they continue to do so, they will in the end lose it, and constitutional government and democratic processes will cease to exist.

I challenge the history of the ages for an exception to that statement. Every government that has failed to function and has ceased as a government has done so because the people failed to exercise the rights that were guaranteed to them. Our Constitution is implanted not so much in the document which may be looked upon over here in the Library of Congress as in the hearts and lives of the American people. It is the thing which rests and abides in the hearts of the American people that I am pleading to the Senate to help preserve. I am pleading and asking Democrats in this body to preserve, if they will, these democratic processes of government. No reason exists for removing from the American people the responsibility to govern. I want to see the Democratic Party continue to function; I want to continue to function as a member of that party; but I think more of the principles upon which this Government is based than I do of any particular party label. If the time has come in this Nation when the leadership of the Democratic Party is willing to sacrifice the concepts of the American Government and willing to brush aside the principles of democratic processes merely for expediency, then I say to you that it is time for those of the Southland who have borne the brunt of the battles of Democracy in this country to say, "Take your party and go hither with it."

Mr. President, I hope no such thing will occur in this country. I appeal to the proponents of this legislation, in their sober moments, upon reflection, to withdraw this iniquitous proposal—this proposal that has no foundation in conscience, in American principles, or in any written Constitution. I appeal to them to withdraw it and let the Senate proceed with other work that affects the welfare of our people, and preserve to the people the rights they have fought for, the rights they have established over the centuries that are gone, through the sacrifices they have made in the past, that they may continue as the guiding hand of this Government; and that can be done only by retaining for our people at home, in the various States, the right of local self-government. The one course that is open is the withdrawal of the bill from further consideration at this time, in order that we may proceed with the orderly affairs of Congress.

SENATOR FROM ALABAMA

Mrs. GRAVES. Mr. President, I send to the desk two letters which I ask to have read and placed on file.

The PRESIDING OFFICER. Without objection, the letters will be read.

The legislative clerk read as follows:

UNITED STATES SENATE,
Montgomery, Ala., January 10, 1938.

The Honorable BIBB GRAVES,
Governor of Alabama, Montgomery, Ala.

DEAR SIR: I, DIXIE BIBB GRAVES, a Senator of the United States of and from the State of Alabama, do hereby tender this my resignation as such Senator, effective at once.

I am,
Respectfully,

DIXIE BIBB GRAVES.

MONTGOMERY, ALA., *January 10, 1938.*

Accepted this date, effective at once.

BIBB GRAVES,
Governor of Alabama.

MONTGOMERY, ALA., *January 10, 1938.*

To the Senate of the United States:

I, Bibb Graves, Governor of Alabama, in and by the authority vested in me by law as such Governor, do hereby appoint the Honorable LISTER HILL a Senator of the United States of and from the State of Alabama to fill the vacancy occasioned in said office by the resignation of DIXIE BIBB GRAVES, formerly such Senator, which resignation has this day been accepted by me as Governor, to have and to hold such office from this date until the same shall have been filled by an election of the electorate of Alabama heretofore called, to be held on the 26th day of April, 1938.

BIBB GRAVES,
Governor of Alabama.

The PRESIDING OFFICER. The communications will be placed on file.

Mrs. GRAVES. Mr. President and fellow Members of the Senate, I feel that I cannot let this occasion pass without a word of appreciation to this body. It will be pleasing hereafter to remember these things; for "I was a stranger, and ye took me in." I had expected, of course, formal courtesy from such a group as this, but I was quite unprepared for the more than generous welcome you extended me, for you took me in as one of yourselves, and more than that no one could have asked. Ever since I came into the Senate I have been the recipient of every courtesy, not only on the part of the Members of this body, but of every official of the Senate, from the highest to the lowest. Every want was anticipated, my ignorance was shielded, my steps were guided.

I am grateful, indeed, to my fellow woman Senator, a woman who, though she first came to the Senate by appointment, yet has made such a name for herself and for womanhood that her own people have honored her with election to this great office, and I do devoutly hope that in time to come their example will be followed in other States.

I like to think of this body collectively, these men of whom I have heard and read so much, who are here representing the States, it is true, but more than the States, for they come together to counsel for the good of their country; they come to seek the more abundant life for the people of their country, and to deal with the other countries in a spirit of peace and of comity.

I feel that it would not be proper for me to leave these Halls, Mr. President, though I have been here for so short a time and have had no opportunity heretofore to express my sentiments, without saying that I have been happy to serve in this great body and among you great men, all of whom, I believe, have the same common purpose, differing only as to means. I like to think of you individually that—

> Each, in his separate star,
> Shall draw the thing as he sees it,
> For the God of things as they are!

I am happy to serve in the present administration, Mr. President and fellow Senators, under the inspiring leadership of that man who, sitting quietly in the White House, keeps watch over his own, the American people; that man, born to riches, who has ever felt the needs of the poor; who, clothed in privilege, has passionately fought for social justice, who has given every strength of his great heart and mind to his people, the American people. We honor him, we cherish him today, but in that great tomorrow to which we all must come, I verily believe that when the Great Judge of all compiles the roster of immortals, the name of Franklin Roosevelt will be enrolled as one who loved his fellow man.

I have been privileged, I have been honored, far beyond my deserts, far beyond any expectations I may have had, in serving at such a time and in such a group, and I verily believe that with your counsel and the President's counsel working together, all will be well with our beloved country.

Mr. BARKLEY. Mr. President, I am sure I speak the sentiments of the entire membership of the Senate when I say that we deeply appreciate the very generous words which have been uttered by the retiring Senator from Alabama upon her departure. I think all will agree that no Senator, whether man or woman, who has come into this body in recent years, has made a more favorable impression. I think we all agree that the Senator from Alabama has conducted herself with dignity and poise, with an intelligent

and alert interest in all the problems which have faced the Senate since she entered it. That is somewhat unusual on the part of a Senator coming into the Senate for so short a time, as was known to be her tenure when she was appointed.

We all regret to see you leave, Senator GRAVES. We wish for you long life and happiness and prosperity, and now that you have the privilege of the floor, we hope that you may grace this Chamber with your visits frequently in the future, though you may not be a Member of the Senate.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. RUSSELL. Mr. President, I inquire of the Senator from Kentucky whether he intends to have the session this afternoon continue further.

Mr. BARKLEY. Does the Senator desire to address the Senate on the pending bill?

Mr. RUSSELL. I wish to address myself to the bill, but I should prefer to go on tomorrow.

Mr. BARKLEY. I appreciate the Senator's situation. It is nearly time for a recess, and I shall therefore accede to his suggestion that we suspend at this time. Does the Senator desire to be recognized and to take the floor tomorrow?

Mr. RUSSELL. I might say, Mr. President, that while I have been a Member of this body for 5 years, and this anti-lynching matter has been pending all that time, I have never addressed myself to the subject. I do not make the statement expecting that it will have any effect on the charge that I am filibustering, but I merely wish to state that I will speak to the bill.

Mr. BARKLEY. I am sure we will all be delighted to hear the Senator's remarks on this subject tomorrow.

DEATH OF JAMES R. WICK

Mr. COPELAND. Mr. President, I have just learned with the deepest regret of the death of one of our official reporters, James R. Wick. I always had for Mr. Wick a feeling not only of respect and regard, but of real affection. I never have known a finer man than Mr. Wick, and I speak feelingly when I make these few remarks.

In view of my background, I cannot resist the temptation to say what I have said many times in the Senate, that men here ought to take the greatest care of themselves. By no stretch of the imagination can the senatorial life be counted a normal one, speaking from the physical standpoint. Men here ought to give the greatest attention to themselves. I think Mr. Wick has done that; yet, because of the very abnormalities of life and the demands made upon him and upon Members of the Senate, great powers of resistance are essential. To come into this room and then rush down into some other room with different temperature, to withstand all the physical vicissitudes incident to activity in the Senate, is conducive to shortness of life.

According to my recollection, since I have been in the Senate 38 Senators have died in office. This is an uncomfortable record. The life led by our friend who passed away this very day has been the same sort of a life we all lead here. So it is with great seriousness I say to my colleagues that they should give every possible consideration to all those things which make for good health.

I am sure I speak for every Member of the Senate in expressing to the family of Mr. Wick the great sorrow we entertain over his untimely death.

Mr. AUSTIN. Mr. President, I could not let this occasion pass without expressing my great sorrow and regret at the sad news announced by the Senator from New York. The death of Mr. James R. Wick is, of course, a great shock and surprise to us all, and to me it is a matter of much personal sorrow. Mr. Wick has shown so many kindnesses to me here in the Senate and has so expressed his friendship for my State of Vermont and for me that I felt a very close personal relationship to him. I would have the Senate in a formal way at least express its sympathy to those who were close to him, and who must feel his passing with great sorrow.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MCKELLAR in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON INTERSTATE COMMERCE

As in executive session,

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the following nominations, which were ordered to be placed on the Executive Calendar:

Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1937, to which office he was appointed during the last recess of the Senate; and

Charles D. Mahaffie, of the District of Columbia, to be an Interstate Commerce Commissioner for a term expiring December 31, 1944. (Reappointment.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.) took a recess until tomorrow, January 11, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 10 (legislative day of January 5), 1938

WORKS PROGRESS ADMINISTRATION

Philip Flanner, of Wisconsin, to be State administrator in the Works Progress Administration for Wisconsin.

PUBLIC HEALTH SERVICE

The following-named sanitary engineers to be senior sanitary engineers in the United States Public Health Service, to rank as such from the dates set opposite their names:

William H. W. Komp, January 21, 1938.

Lawrence M. Fisher, April 2, 1938.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 10, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With a calm and undrooping gaze, O God, we would lift our eyes unto the hills; our help cometh from the Lord. Thy breath is breathed through all the universe; Thy name is love. Again Thou hast spread over us the mantle of rest and peace; we therefore praise Thee. Give us understanding, O Lord, that we may know Thy testimonies and incline our hearts to the words of Thy mouth. As we walk life's common ways, let courage and hope whisper to the lowliest soul; the Lord God remember the hearts that go hungering through the world. We pray Thee that we may possess much of the fervor and the divine bounty of our Savior. Assure us that he that followeth after righteousness and mercy findeth honor and that a good name is rather to be chosen than great riches and loving favor than silver and gold. In the dear Redeemer's name. Amen.

The Journal of the proceedings of Friday, January 7, 1938, was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. DALY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief letter from the American Legion and the Veterans of Foreign Wars on the Ludlow proposed amendment to the Constitution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution by the clergymen of my city favoring the Ludlow resolution and my reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a speech I delivered in the House of Representatives on January 11, 1928, and a resolution I introduced in the House a few days ago, plus an address by the Speaker of the House of Representatives, and also including an editorial of about a quarter of a column appearing in the Washington Star of a few days ago.

Mr. RICH. Mr. Speaker, reserving the right to object—and I am not going to object to the speeches the gentleman made or the speech the Speaker made—but does not the gentleman think we have had enough editorials of the newspapers in this country printed in the RECORD? We are filling up the RECORD every day in this way, and I want to call the attention of not only the gentleman from New York but other Members of the House who have spoken putting in newspaper editorials to the fact I think the RECORD should contain an account of things that happen in the House of Representatives and we should not add newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Gaelic-American in answer to an attack made upon The Star-Spangled Banner.

Mr. RICH. Mr. Speaker, reserving the right to object, when anybody attacks The Star-Spangled Banner, of course, that means something; but I do not believe the gentleman should come in here and ask that we should put all these newspaper editorials in the CONGRESSIONAL RECORD.

Mr. SWEENEY. This is the first time I have made such a request.

Mr. RICH. And the majority leader should try to protect the RECORD in this respect.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from the New York Times of yesterday, January 9, containing a statement issued by 14 church leaders in support of the Ludlow war-referendum resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an excerpt from a radio address made by me on Saturday evening, and also include an editorial from the New York Times of yesterday substantiating my remarks.

Mr. RICH. Mr. Speaker, reserving the right to object, I do not care whether the Member comes from the Democratic side or the Republican side, it is time we stopped these newspaper articles going into the CONGRESSIONAL RECORD, and I think the Members of the House of Representatives ought to do that themselves without having me get up here and try to stop it.

The SPEAKER. Does the gentleman from Pennsylvania object?

Mr. RICH. I think we ought to object to it—yes; I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. OLIVER. Mr. Speaker, if the gentleman will withhold his objection for a moment, the particular article I have in mind gives some indication of how the national income of this Nation can be increased materially within a reasonably near future. I believe it has some very good material that the gentleman from Pennsylvania, as well as the rest of us, should read.

The SPEAKER. Objection is heard to the request.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an article by Joseph S. Edgerton, an authority on aerial navigation, with respect to a large national airport.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address delivered last night on the Ludlow amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD upon the subject of newspaper subsidies.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLELLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the RECORD some quotations from Andrew Jackson's speeches and messages to Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and forty-seven Members are present, a quorum.

REFERENDUM ON WAR

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, pursuant to rule XXVII, I call up the motion to discharge the Committee on Rules from further consideration of House Resolution 165.

The SPEAKER. The gentleman from Indiana calls up a resolution, which the Clerk will report by title.

The Clerk read as follows:

Resolution to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business.

The resolution is as follows:

Resolved, That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of House Joint Resolution

199, a public resolution which has remained in the Committee on the Judiciary for 30 or more days without action. That such special order be, and is hereby, created, notwithstanding any further action on said joint resolution by the Committee on the Judiciary or any rule of the House. That on said day the Speaker shall recognize the Representative from Indiana, LOUIS LUDLOW, to call up House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said House Joint Resolution 199. After general debate, which shall be confined to the joint resolution and shall continue not to exceed 6 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said House Joint Resolution 199 and the Member of the House who is opposed to the said House Joint Resolution 199, to be designated by the Speaker, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion, except one motion to recommit. The special order shall be a continuing order until the joint resolution is finally disposed of.

The SPEAKER. The gentleman from Indiana [Mr. LUDLOW] is recognized for 10 minutes.

Mr. LUDLOW. Mr. Speaker, I yield myself 2 minutes.

The gentleman from New York [Mr. O'CONNOR] at whose feet I often worship, has told us many times that a majority of the House can do anything it wants to do. A majority of the House can decide that this war referendum resolution shall remain entombed in the Judiciary Committee, where it has been for 3 years, but I hope the majority will see the justice and fairness of bringing it to the floor for final determination by all of the representatives of the people.

I hope this debate, and the further debate that will follow if the discharge resolution is adopted, will be conducted without criminations and recriminations. At a time when the national mind is deeply worried by war's alarms, all of us in both legislative and executive establishments are earnestly and conscientiously striving from our varying points of view to keep our country out of war. While groping for a remedy we should in all fairness give full faith and credence to one another and should examine and appraise every peace measure that is offered in a spirit of the broadest catholicity and in the light of reason. All of us should respect the views of those who differ with us just as we hope they will respect the sincerity of our views and purpose.

In the so-called resolution for referendum on foreign wars we bring to you what we believe to be a valuable contribution to the cause of peace. We believe that if given the opportunity, we can prove that it would be a practical and dependable means of keeping out of war. We ask you not to close the door against it at the very threshold but to allow it to come up before the House to be debated as a proposed permanent future policy, and amended, and then to receive the verdict of this great legislative body on a basis of its merit. The adoption of this resolution would mark an epochal advancement in the cause of popular rule. In the name of those who have to fight and die in war and to bear the indescribable burdens and costs and griefs of war, I plead with you not to kill this resolution, which holds so much of hope for the future of democracy, before it has fairly started on its journey. [Applause.]

The supporters of House Joint Resolution 199 have agreed to some amendments which we are willing to accept. These will be explained to the House later by Mr. FISH, ranking minority member of the Committee on Foreign Affairs.

The SPEAKER pro tempore (Mr. JONES). The Chair recognizes the gentleman from New York [Mr. O'CONNOR] for 10 minutes in opposition to the resolution.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. BANKHEAD]. [Applause.]

Mr. BANKHEAD. Mr. Speaker and Representatives of the people, I must admit that it is with great reluctance that I leave my place as an impartial presiding officer of the House of Representatives to take a place here on the floor to speak with reference to the pending proposal. It is with extreme personal regret that I cannot accept the views of many of my beloved comrades and associates in this House on this proposition. I ungrudgingly accord to them, of course, and all of them, the same high measure of respect and appreciation for their views that I am sure they will accord to me and those who believe with me upon this proposal. I measure my words when I say that in my opinion this is the gravest question that has been submitted to the Congress of the United States since I became a Member of it, more than 20 years ago. I shall not have the time, of course, to enter into any argument with reference to the advisability or the wisdom of the pending proposal; but I do assert and I feel that a proper analysis of the resolution itself and what it conveys in its ultimate application means a radical—and I use that word in the proper sense, of course—and revolutionary—and I use that in its usually accepted sense—attack upon the fundamental basic principle of a representative democracy for a free people. [Applause.] I loathe and abominate war and all of its horrors as much as any man in this House or out of it. I was here when we went through the World War, and I know the reactions upon its miseries and its exactions; but I am unwilling, my colleagues, to abandon—even though I recognize there is a great temporary sentiment among our people for the resolution—the wisdom and judgment of the framers of our Constitution who established the fundamental law, our Constitution, and depart from it in times like these, and say that no longer are the people of this country willing to trust their chosen Representatives in the Congress of the United States to reflect their views, or to protect the security of the Republic. [Applause.]

And those, my friends, are the views of the Chief Executive of this Nation, our Commander in Chief, a man who loves peace as passionately and devotedly as any man that breathes the air of God in America this day or anywhere else in the world.

I want to read you his words, in conclusion, upon this proposal, in a letter addressed to me in reply to a request I made of him for his attitude upon the Ludlow resolution.

THE WHITE HOUSE,
Washington, January 6, 1938.

MY DEAR MR. SPEAKER: In response to your request for an expression of my views respecting the proposed resolution calling for a referendum vote as a prerequisite for a declaration of war, I must frankly state that I consider that the proposed amendment would be impracticable in its application and incompatible with our representative form of government.

Our Government is conducted by the people through representatives of their own choosing. It was with singular unanimity that the founders of the Republic agreed upon such free and representative form of government as the only practical means of government by the people.

Such an amendment to the Constitution as that proposed would cripple any President in his conduct of our foreign relations, and it would encourage other nations to believe that they could violate American rights with impunity.

I fully realize that the sponsors of this proposal sincerely believe that it would be helpful in keeping the United States out of war. I am convinced it would have the opposite effect.

Yours very sincerely,

FRANKLIN D. ROOSEVELT.

The Honorable WILLIAM B. BANKHEAD,
Speaker of the House of Representatives.

[Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH], the ranking member of the Committee on Foreign Affairs.

Mr. FISH. Mr. Speaker, in answer to the distinguished and honorable Speaker of this House, I have an abiding faith and profound confidence in the American people, and I believe in their right to make this awful decision as to whether they want to go into any foreign war. [Applause.]

I have been authorized and instructed by the gentleman from Indiana [Mr. LUDLOW] and those supporting this war referendum resolution to offer certain perfecting amendments which have been approved by the supporters of this proposed peace amendment, as follows:

SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

SEC. 2. Congress shall by law provide for the enforcement of this section.

SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution.

Every public poll taken shows that approximately 80 percent of the people favor a referendum before being involved in a foreign war.

If the Congress refuses to even permit consideration of the Ludlow resolution, the greatest peace proposal before Congress during the 18 years I have been a Member of the House, there is only one answer, and that is to carry the fight by way of referendum into every congressional primary and election throughout the United States.

Why should the Congress be afraid of submitting this peace amendment to the will of the people? If there is another world war, and I anticipate one before 1940, the American people are entitled to say whether the United States shall stay out.

There has been all kinds of misleading propaganda against this resolution, even to the extent of claiming that alien influences are behind it. Such a statement is a reflection on a big majority of the war veterans of the House, who favor the resolution, including the only Member of Congress who won a medal of honor. I never have and never will compromise with either the alien Communist or Fascist in attempts to undermine our free institutions. Alien influences have nothing to do with this resolution, and, as a matter of fact, the Daily Worker, the official Communist newspaper, has openly opposed it editorially.

I know of no measure that has been so viciously attacked and in such a misleading manner.

I am for a Navy second to none, but I will do everything in my power to keep this country out of unwarranted foreign wars. I know of no better way of accomplishing this than to give the American people the right to vote upon the question themselves. If we set such an example, the people of other nations will want the same right in the future, whether they be in Italy, Germany, or Soviet Russia. Nothing could accomplish more for world peace and to destroy the war system than the passage of the Ludlow referendum resolution.

I am in favor of millions for adequate national defense, but not one dollar to send American soldiers to foreign lands to fight other peoples' battles, and I believe the American people should determine this issue themselves.

If the old nations of the world go stark, raving mad, arm to the teeth, and go to war, it is their war and not ours, and the American people should have the right to say whether we shall keep out of such conflicts. Those who will sacrifice in blood and treasure, those who will carry the muskets, and those who pay the bills have an inalienable right to decide whether they want to keep out of ancient foreign blood feuds and boundary disputes or if they want to police China or quarantine other nations.

I loathe and abhor war, and as a veteran and as a member of the Committee on Foreign Affairs I appeal to every Member of this House who believes in peace to vote to bring the Ludlow referendum resolution up for full and fair consideration, for debate and amendment. A vote to stifle debate is not only a vote against peace but also a vote of want of confidence in popular government, in our free institutions, and in a government by the consent of the governed. What harm can there possibly be in letting the people back home, who will do the fighting and the dying, vote on the Ludlow referendum amendment?

Former Secretary of State Frank B. Kellogg, author of the Briand-Kellogg Pact to outlaw war as an instrument of national policy except for defense, which was ratified by 60 nations, approved the Ludlow referendum in 1935 in the following words:

I believe that if a national referendum were required before the United States should engage in a war except in the case of repelling an invasion, it would go a long way toward preventing any war. There is not likely to be an invasion of the United States. The only danger is that the United States may be dragged into a war in which she has little, if any, interest.

If the House actually denies an opportunity for consideration and debate of the Ludlow referendum resolution, the fight will only just begin, and will automatically become a popular issue in the congressional campaign. It will not down until it is settled right, and the people can determine by referendum this greatest of issues, involving us in a foreign war, an issue which may mean the preservation of our country and its free institutions.

Members of Congress, Republicans and Democrats alike, cannot afford to let the people down. The American people should have this inalienable right to decide this great issue of war or peace themselves. Eighty percent of the American people want the right to vote whether we shall enter into any more foreign wars. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this matter, the so-called Ludlow amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, either we are for or against democracy. That is the issue. To me democracy is absolutely necessary to spiritual evolution, to the fullest development and rapid advance of civilization.

The unbridled action of representative government is not democracy.

Let me quote the following statement from Thomas Jefferson:

Believing as I do that the mass of the citizens is the safest depository of their rights, and especially that evils flowing from the duperies of the people are less injurious than those from the egotism of their agents, I am a friend to that composition of government which has in it the most of this ingredient. An elective despotism was not the government we fought for.

Abraham Lincoln said:

A government of the people, by the people, and for the people. According to our ancient faith, the just powers of government are derived from the consent of the governed.

The Kansas City Star of October 2, 1910, has a translation of stenographic notes by A. H. McCormick of a conversation by Lincoln with a general, as follows:

General, the day will come, but it will not be in your day or mine, when every State in this Union will have the initiative and referendum. When that day comes the people will rule; the people will rule.

James Russell Lowell says:

Democracy gives every man the right to be his own tyrant.

Emerson says:

Law is a memorandum of public sentiment.

The question now before the House is not whether or not in the future it will be wise or unwise to engage this country in a war against another nation. The only question now before the House is whether or not we shall be allowed to discuss and vote upon a resolution to give the people the right to

vote "yes" or "no" on a proposal to declare war on some other nation. The motion now to be voted on by us merely proposes to make it possible for us to discuss and vote upon the wisdom and desirability of providing by law that the people of the United States shall have a vote, the final say, in declaring any war. If this motion is voted down then we, the representatives of the people, cannot even have a vote upon or discuss the desirability of giving the people the right by law to have the final say by their votes as to whether or not their sons shall be sent off to foreign countries to engage in battle. Is that true liberalism? Is that even fair unqualified representative government not to speak of democratic representative government? Of course it is not.

The gentleman from New York would have us believe that to adopt the referendum would make it necessary to abolish representative government. Certainly that is not correct. In many States the people now can have a direct or referendum vote on any law passed by the State legislature, and yet such States have representative government and the representatives in their legislatures pass laws just as does Congress, the work of which is not subject to the initiative and referendum. It is the direct and final control of lawmaking by the people which constitutes a government a democracy. It is not necessary in order that the people shall have direct control of their lawmaking that they shall gather together in one crowd and vote by word of mouth. They can, under the referendum, vote as directly and effectively by marking their ballots in a booth.

No, my friends, the question after all is: Shall the people rule? It is their right to decide what kind of laws and government they shall have.

It is said that the people may make mistakes. Their elected representatives also sometimes make mistakes. As long as there is difference of opinion as to what is right and wrong in government the people have the right to the final decision by their own vote in the privacy of the election booth.

I say let the people rule and that is all that would be made possible by our providing for a referendum vote. To deny that is to deny the principle of popular government.

The same arguments which are made against this proposed referendum could likewise be advanced against proposals to let the people say by their votes whether they are for or against any law which may be passed by their representatives. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Speaker, this resolution is not the result of a sudden hysterical awakening on the part of the American people; it is a part of a great movement among all the nations of the world, all the peoples of the world—not of their rulers. It is a movement of the people, by the people, for the people, for all humanity, and for the salvation of generations to come. It has taken on the nature of a crusade, and, as such, it transcends all other loyalties.

Mr. LUDLOW. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. IZAC].

Mr. IZAC. Mr. Speaker, let me enumerate a few reasons why we should adopt the Ludlow amendment:

First. Because it will not tie the President's hands, since he has the right to use the armed forces in any part of the world as he sees fit. If this amendment is adopted, he will still be able to exercise these same functions as head of the Army and Navy.

Second. Because it would require at least one hundred 20-knot transports, escorted by a larger fleet than our own, to bring to our shores an invading force of sufficient size to be dangerous. No world power possesses 100 such ships, or anywhere near that number.

Third. Because if we did want to carry the war to foreign shores and send an army to fight there, it would take so long to prepare such an army and provide enough ships to carry that army, that the slight delay occasioned by a vote of the people would have no effect whatsoever.

Fourth. The number of war veterans in this House who today speak for this amendment should be conclusive proof that those who profess to speak for some of the organized veterans do not speak for the 4,000,000 veterans who are survivors of the World War.

I cannot help but view the present situation as fraught with momentous possibilities. Two hundred and eighteen Members of this House have acceded to the wishes of great numbers of their constituents, and have signed a petition to bring this so-called Ludlow amendment on the floor for discussion.

The question is whether or not we want to discuss the right of the people to be consulted before we raise and equip an army and send that army across the waters from three to six thousand miles away from American shores to fight a foreign enemy.

In olden times, humanity knew no rights. People were pressed into service and ordered to fight sometimes "for God," sometimes "for king," sometimes "for country," and sometimes for no reason at all. I hope we have advanced to a point where this philosophy may safely be discarded. In other words, I believe that in twentieth-century America the American people are sufficiently independent and sufficiently enlightened and sufficiently well acquainted with their own desires to be able to pass with some degree of accuracy on the question whether or not they are willing to sacrifice life or limb for any reason whatsoever.

Now because this question is so far reaching in its effect, I want to discuss it in its broader aspects and with especial reference to whether or not it devitalizes the national-defense policy of the United States.

In the 1850's, we took steps to open up the oriental countries with their tremendous possibilities. Even that long ago we were a producing Nation with a considerable surplus to be sold abroad. And our far-sighted statesmen realized that the day was fast approaching when Europe alone would no longer be able to consume what we produced in such large surpluses. Likewise the European peoples, being as highly developed as ourselves, were themselves supplying to one another, in an increasing degree, all that their people could consume. So it was logical that we should turn toward the Orient.

Now in the course of the last three-quarters of a century, we have seen a considerable opening up of the Orient and have profited, to a certain extent, by exports to the Asiatic nations. We have likewise received from them much in return. But do not let us forget that this trade has been accomplished under considerable handicaps and with considerable cost to ourselves.

Great old China, at various times in her history while passing from one dynasty or political system to another, has been unable to maintain complete order and a stable, respected, and unified national authority. One of the times that this chaotic condition has existed has, unfortunately, been during the past 40 years. Now, in order to safeguard the property and the money that have been invested by American citizens in that vast nation of 450,000,000 people, and to safeguard the lives of those Americans who either for commercial or missionary reasons have found it desirable to live there, we have demanded and have obtained for ourselves certain privileges in that country.

In the first place, we have been granted the privilege of extraterritoriality and the further privilege of keeping our men-of-war in strategic places along her shores and in her rivers and harbors.

Now, it must be realized that we have two objectives in China: One to save souls and the other to make dollars. And I want to assure my colleagues that it has proved a mighty costly undertaking even under the best of conditions, for we have 37 naval vessels over there now, which is a pretty heavy insurance to have to pay to safeguard the American capital invested in that country.

Many people feel that we should insist on people trading with us and permitting our exploitation of their national resources or of their trade possibilities; and that, of course,

is a question of policy about which everyone has a right to express himself. I know many contend that unless we can ship our cotton to the Orient and unless we can do business in other lines with all the nations of the earth, we will have a disastrous economic recession in this country.

Some talk of the necessity of protecting our right to trade wherever we want to in order to guarantee an adequate supply of strategic materials essential in peacetimes and indispensable in war. I will say that by the expenditure of a moderate sum, which I believe will not exceed $2,000,000,000, we can amply provide for any shortage caused by interruptions of war or dislocations of trade.

But I believe that you cannot force other people to trade with you unless they want to, and I further want to point out that slowly but surely other nations are finding it possible either to replace the things they have in the past obtained from America or to substitute something just as good which they themselves can produce in ample quantities for their own needs.

I have only to mention the fact that China can produce enough cotton for all the Orient and will some day do so. Why, we even see it in Europe. The great northern plains of Italy are today a vast cornfield, whereas 20 years ago one never saw a stalk of American corn in all that land.

France, that used to buy great quantities of wheat from us and other nations, is today completely self-supporting. And it is illegal to import into that country a single bushel of wheat.

Other nations will probably be very glad to trade with us those commodities of which there is a surplus in their country to obtain from us what they themselves cannot produce. And I believe the most scientific and the most logical handling of this trade situation has been done by our present Secretary of State, Mr. Hull, in effecting the so-called trade agreements.

During the hostilities in China of the past several months the President has been accused of not following the mandate of Congress and invoking the neutrality law. I believe the proof of the pudding there is, Did he keep us out of war or not? For the Neutrality Act was undoubtedly enacted for that purpose.

Japan could not insist on our withdrawal unless she in turn went to war with us. And by our very presence we asserted our right to the continuance of the trade and other agreements which we had had for many years with China.

The question that naturally arises is not "What were we doing there?" nor "Why did we have those agreements?" but rather "What should our policy be in the future?" I believe I can outline a plan which will render it unnecessary for us to jeopardize the lives of great numbers of American boys, which would be the result of recourse to war, just for the express purpose of doing our share of trading with the Orient.

The idea of general world agreements to keep the peace or for any concerted action of any kind is apparently predoomed to failure. But there are two reasons why most nations will be willing to listen when we care to assert ourselves. The first is that practically every nation, be it Japan, or China, or the nations of Europe, need some things that they can get from America better than anywhere else. True, the number of these commodities is decreasing every day as each nation becomes more self-contained. But this is still a good talking point in diplomatic relations. And second, and the biggest factor of all, is the fact that the United States actually controls the destiny of the Western Hemisphere. There is not a nation that has the power—and I trust none ever will have—to dispute with us our naval supremacy in the waters surrounding the two Americas. And as the world has been, as the world is likely to continue to be, there is no danger of a coalition of foreign nations launching themselves on a great adventure against the United States, leaving in their rear an equally powerful coalition of enemies anxious for just such an opportunity to deal a crushing blow to their former foes.

Now, the President has the right, and always has had as Commander in Chief of the Army and Navy, to use these forces as he sees fit and as dictated by national necessity. If, for instance, Japan should intimate that the presence of American ships and American nationals and American traders could no longer be tolerated in Asia, he could reply that he deemed it necessary to deny similar activity to Japanese in the Western Hemisphere. The President can say to those powers that would deny us any privileges in their sphere of authority that he felt compelled to reciprocate in kind.

Some would have us believe that if we would make it possible for the people to be consulted when danger of foreign war is imminent that it would tie the hands of the President of the United States. Such an assertion is utterly ridiculous.

There is in my city of San Diego an expeditionary force of marines ready at a moment's notice to be sent to any part of the world where the President decrees.

We have a Navy which, thanks to our President, is rapidly being brought to full strength, and which can be sent anywhere the President dictates. The passage of this amendment would in no way restrict the liberty of action now possessed, and frequently exercised, by Presidents of the United States, but would in a way strengthen his right to use our professional armed services to detain an enemy force far beyond the borders of our Nation.

I have frequently pointed out here on the floor of the House that the United States fleet operating in that great area from the peninsula of Alaska to the Hawaiian Islands, and from thence to the Panama Canal, is fully capable and, unless we lose our senses and lessen its power, will always be capable of denying to Japan or to any other nation in existence the use of those waters for unfriendly purposes.

That is why I have consistently supported efforts to bring our fleet to a parity with the fleets of the leading nations. Likewise in the Atlantic—even the naval might of Great Britain is insufficient to span 3,000 miles of ocean and overcome our fleet which stands between her and the American coast.

In this connection, and to make doubly sure of our ability to shift our fleet from the Pacific to the Atlantic and vice versa, I am shortly introducing a bill asking for the building of the long-projected Nicaraguan Canal, giving us two canals through Central America.

Now why cannot we depend on those best equipped for the guaranteeing of American rights and the proper defense of our shores? We can. We must. We have, to my mind, the most highly efficient Navy in the world today—a Navy that is ready at an instant's notice to sacrifice itself rather than permit a single foreign foe to scar American soil or blot out an American life.

And if the time should come when the occasion seems to demand the sending of an army across the ocean to fight other nations on foreign land, I can see no reason why the people most interested—the very people who have to give themselves and their sons to the slaughter—should not be permitted to say whether or not it is their wish.

I, for one, am not willing to revert to the medieval custom of taking a man's dearest possession next to his honor—his life—on the pretext that there is no other way of settling international disagreements.

If we lived as do the European nations—veritably under the guns of each other, with the possibility of whole cities being wiped out in the space of an hour—I could appreciate the necessity for an entirely different national policy. But here we are, supreme in the Western Hemisphere, with the two great oceans separating us from concentrations of political and financial power, the waters of which guarantee a gap on the one side of 3,000 miles and on the other side of 6,000 miles.

By all means let us continue with an adequate Navy, doing business with our neighbors under voluntarily executed trade agreements, and with a neutrality policy which states our determination to stay out of other people's wars, and thus guarantee to the American people that peace which we all profess to want.

I predict, if this is done, the necessity will never arise where we have to resort to a referendum of the people, as contemplated by the Ludlow amendment.

However, in recognition of the correctness of the democratic principle involved, and my own deep conviction that the American people have a right in the determination of questions that mean life and death to them individually, I must support this measure. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, and my colleagues on both sides of the aisle, I have taken this place many times in the past 24 years in order to call the attention of my colleagues to matters that I deemed of grave importance to my country. I have never taken the floor, however, at any time during those long years when I felt I had a more serious duty to perform than at the present time.

If the Congress of the United States in this hour of trouble in this unhappy world should vote to discharge the committee and submit this proposed constitutional amendment—and I measure my words when I make this statement—it would make the most tremendous blunder it has ever made since the formation of our Government under the Constitution.

Mr. Speaker, by the signatures of 218 good men and good women we have already been misunderstood throughout the world to the point where it is embarrassing to our Secretary of State and to the President of the United States, who is Commander in Chief of the Army and Navy. The President of the United States, who knows more about world conditions at the present time than any man in the Republic, and the Secretary of State, who, next to him, is charged with our international affairs, state that this matter will not only embarrass this President but in years to come it would embarrass any who occupies that high position.

Mr. Speaker, hating war as I hate it, having been called upon 20 years ago to vote to send this country to war and being willing to do anything in my power as a citizen or as a public servant to keep this country out of war, I believe if the House discharged this committee and adopted the resolution, it would ultimately do more to plunge this country into war than any action the Congress of the United States could take. [Applause.]

Mr. LUDLOW. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Speaker and colleagues of the House of Representatives, we now have before us one of the most momentous measures that can ever come before a legislative body. Under the rules of this body we are allowed to debate exactly 20 minutes on the question of whether or not we will allow the Ludlow war referendum resolution to be discussed on the floor of this House of Representatives.

The most powerful and well-organized forces have been called into action to prevent this measure from coming up for open discussion and a vote. We can either gag ourselves against such an open consideration or we can bring the resolution up for an open discussion, subject it to amendment, and vote on it. If we are deprived of an opportunity to discuss this proposition and get a vote thereon, it will demonstrate to the American people that we are well on our way to dictatorship and that we are a democracy in name only. There is not one earthly advantage to be derived from preventing a full and free discussion of this resolution. Mr. Speaker and colleagues, in the name of American democracy I plead with you to give this measure its day in court.

For many years Congress has had before it proposals to add an amendment to our Constitution which would give each citizen the right to vote on whether or not we will send our boys to foreign shores to engage in other people's wars. The people of this country should be allowed to have the full facts on the case as they will be developed in an open debate. Both the friends and foes of this resolution have repeatedly pronounced it to be one of the greatest public questions of the day. Are we, then, to allow such a vital question to be hushed up and hidden behind a cloak of silence? [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. BIGELOW].

Mr. BIGELOW. Mr. Speaker, there is no attack on representative government in this resolution. In an effort to save our country from the insanity of another world war I think we should have an appeal from the decision of the Congress to a direct vote of the fathers and mothers of America. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, I hope the Judiciary Committee will not be discharged from consideration of the pending resolution by the action of the House today. It should be left in that committee for further hearings. The proper place for a full discussion of this matter is before the Judiciary Committee, where everyone can be heard. An amendment to the Constitution should not be written on the floor of the House. When you amend the Constitution you build for all time.

This resolution is either an idle gesture or one of tremendously serious importance. Personally, I believe it is a very serious matter.

Mr. Speaker, I saw the horrors of the war overseas. I have observed the result of the sufferings of that war ever since. In running for Congress and in taking my oath of office I accepted a great responsibility, the responsibility of protecting in every way possible the welfare of the Nation. I feel my responsibility at this time is to try to keep peace and endeavor to be prepared to keep that peace. This measure, in my opinion, would indicate a lack of preparedness. Every subversive influence in this country, as well as every potentially hostile nation abroad, would be extremely glad to see the Ludlow resolution passed. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Speaker, I want to emphasize the fact that the issue before us for the present moment on this vote is very clear and simple. It is not on the war referendum. It is whether we as Representatives may consider and discuss and then vote on this war referendum. That is all there is to it. Are you going to deny us that right and still talk about being Representatives of the people in a democracy?

Right here let me remind my colleagues that this has become too much the practice in this body. First of all, a chairman of some committee may refuse to report out a bill, as was the case in the Ludlow bill, the chairman of the Judiciary Committee refused to permit its consideration. He is a most lovable Member and a good personal friend, but in this case, as in the refusal to submit the Court issue for discussion on the floor, he is a dictator, pure and simple. Or a small majority of a committee, as in the wage-hour bill, before the Rules Committee, may be the oligarchy which refuses the other Members of the House the right to discuss an important bill. Then we must resort to the undemocratic and slow method of securing 218 signatures to a petition on the Speaker's desk to force the bill from a committee. And how strange the reasoning of some leaders. In the wage-hour bill, the leadership used its influence to secure signers to the petition because they were favorable to the legislation, even going so far as to have their pictures taken with the last signer of the petition. But in the Frazier-Lemke farm bill, and the Ludlow petition, they did their utmost to discourage signers. Lastly, when sufficient signatures have been secured, the administration and leadership of the House bring pressure to bear upon Members so as to prevent a fair and full consideration of the issue on the floor of the House. What, may I ask, is the function of this body anyway? Is it to study, discuss, and go on record on

important issues presented in due form by regularly elected representatives of the people, or to do the bidding of a leadership which has lost its power of leadership because it drives instead of leads?

The Speaker—and we all personally love and respect him—well said that this is the most important and most momentous vote since he became a Member. It is not only a test as to whether Representatives may discuss and go on record but also will deny or permit discussion of the most important question before the American people, who have made their decision based upon their first-hand knowledge of how we were tricked into the World War. The Gallup poll shows more than 70 percent favorable to the Ludlow amendment.

I am aware that leaders of certain organizations have flooded the membership with telegrams and letters. But may I say that too many leaders of organizations today do not in any way represent the rank and file.

You have heard and read the proposed substitute for the original Ludlow amendment. In clear, concise statements it simply provides that we will not engage in any warfare across the Atlantic or the Pacific except by the express wish of the people whose sons must fight and die, and who must bear the burden of the taxation. Is not this democratic? It does change the Constitution in this respect, but have not the people at any time the right to change their Constitution by orderly procedure? And yet there are Members here who not only deny us the right to discuss this proposition, but deny the right of the people to pass on an amendment to that effect.

I have no animosity against any of my colleagues, but I thoroughly disagree with and denounce such action in the name of representative democracy. It is Hitlerism and Stalinism by a small group who temporarily sit in the Halls of Congress.

Should this resolution be defeated and then this Congress or the Seventy-sixth Congress engage in foreign warfare, I sincerely hope those who vote for such a war may be the first to be put into the trenches, regardless of age and regardless of station. If I should vote to engage in a foreign war without giving my constituents an opportunity to pass on this momentous matter, I would be the first to enlist and make my vote seem rational and sincere.

This is only the beginning of this fight, my friends. From ocean to ocean and from the Great Lakes to the Gulf of Mexico this fight will go on until victory comes for the fathers who pay, the mothers who weep, the sons who fight, and the daughters who wait, and the children who become orphans by the greatest scourge of modern times—war. That is the only issue. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, on Friday last I spoke at great length on this matter, and my views appear fully at pages 164 and 165 of the CONGRESSIONAL RECORD of January 7, 1938.

First, may I say, Mr. Speaker, this discharge motion presents a rather anomalous parliamentary procedure under which we are proceeding to discharge a committee, the Rules Committee, from consideration of a matter which was never before that committee.

However, that irregular parliamentary procedure is very similar to the main proposal itself, the Ludlow referendum on war. If you are in favor of either, this discharge motion against an innocent Rules Committee or in favor of the Ludlow amendment, then you subscribe to the kind of democracy that the gentleman from Ohio [Mr. CROSSER] had in mind, a "pure democracy," the opposite of representative government; in fact, it is the elysian fields of the demagog. There he besports himself in his political nudism—the only friend of the "peepul"—indifferent to the fact of government or his own country. Once you have this "pure democracy," the next step is a dictatorship.

That is what we are fighting here today. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Speaker, I yield the remainder of my time to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, the President of the United States and the Administration leaders in this body have made the point that a provision for a referendum is a threat to representative democracy. May I say to the Members of the House the proposed referendum presently being discussed, if approved, would not establish a precedent. A referendum was provided for in connection with the administration's farm program. This administration has supported referendums in connection with farm legislation. I submit to the Members of the House that if it is fair and if it is right to submit to a small group of the people, the farmers, the right to determine whether or not they should lead little pigs to slaughter, it is fair and it is right that all of the people should be permitted by a referendum vote to determine whether or not the sons and the daughters of these same farmers, among other citizens, should be led to slaughter upon the battlefields of foreign countries. [Applause.]

I appeal to the Members of this House to preserve democracy, to fight the forces which are opposed to democracy, the forces of communism and of fascism who oppose this resolution, and to help the friends of democracy, who are supporting the Ludlow amendment. I hope we will have an opportunity to consider this resolution today and that we will give the people the right to vote on the question of whether or not we are to engage in foreign wars. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. LUDLOW] to discharge the Committee on Rules from further consideration of the resolution (H. Res. 165).

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LUDLOW. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 209, answered "present" 4, not voting 30, as follows:

[Roll No. 2]

YEAS—188

Aleshire	Dies	Johnson, Okla.	Rankin
Allen, Ill.	Dirksen	Johnson, W. Va.	Reed, N. Y.
Allen, La.	Ditter	Kelly, Ill.	Rees, Kans.
Allen, Pa.	Dixon	Kelly, N. Y.	Reilly
Amlie	Dockweiler	Kinzer	Rich
Anderson, Mo.	Dondero	Kniffin	Rigney
Andresen, Minn.	Dowell	Knutson	Robinson, Utah
Arends	Dunn	Kvale	Robsion, Ky.
Ashbrook	Eckert	Lambertson	Rockefeller
Barry	Eicher	Lanzetta	Rogers, Okla.
Barton	Fish	Leavy	Rutherford
Bates	Fitzgerald	Lemke	Ryan
Beam	Fleger	Lord	Sadowski
Bernard	Fletcher	Luckey, Nebr.	Sauthoff
Biermann	Ford, Calif.	Ludlow	Schneider, Wis.
Bigelow	Ford, Miss.	Luecke, Mich.	Secrest
Binderup	Fries, Ill.	McFarlane	Seger
Boehne	Fulmer	McGehee	Shafer, Mich.
Boileau	Gehrmann	McGroarty	Shanley
Boyer	Gilchrist	McKeough	Shannon
Brewster	Gildea	McLean	Short
Buckler, Minn.	Gray, Ind.	Martin, Colo.	Simpson
Burdick	Gray, Pa.	Mason	Sirovich
Cannon, Mo.	Green	Massingale	Smith, Okla.
Cannon, Wis.	Greenwood	Michener	Smith, Wash.
Carlson	Griswold	Mills	Stack
Carter	Guyer	Moser, Pa.	Stefan
Case, S. Dak.	Gwynne	Mosier, Ohio	Sutphin
Casey, Mass.	Halleck	Mott	Sweeney
Church	Hartley	Murdock, Ariz.	Taylor, Tenn.
Citron	Havenner	Murdock, Utah	Telgan
Clark, Idaho	Healey	Nichols	Thom
Clason	Hendricks	O'Brien, Mich.	Thomas, N. J.
Cluett	Hildebrandt	O'Day	Thurston
Cochran	Hill, Wash.	Oliver	Tobey
Coffee, Wash.	Hoffman	O'Malley	Tolan
Cole, N. Y.	Hook	O'Neal, Ky.	Towey
Collins	Hope	O'Neill, N. J.	Treadway
Connery	Houston	Patterson	Umstead
Cravens	Hull	Patton	Voorhis
Crawford	Hunter	Pettengill	Welch
Crosser	Imhoff	Phillips	White, Ohio
Crowe	Isac	Plumley	Withrow
Crowther	Jacobsen	Poage	Wolfenden
Culkin	Jarrett	Polk	Wolverton
Dempsey	Jenkins, Ohio	Powers	Woodruff
DeMuth	Johnson, Minn.	Ramspeck	Zimmerman

NAYS—209

Allen, Del.	Bell	Brooks	Celler
Andrews	Bland	Brown	Champion
Arnold	Bloom	Buck	Chandler
Atkinson	Boland, Pa.	Bulwinkle	Chapman
Bacon	Boren	Burch	Clark, N. C.
Barden	Boykin	Byrne	Claypool
Beiter	Bradley	Caldwell	Coffee, Nebr.

Colden	Haines	Mahon, Tex.	Scrugham
Colmer	Hamilton	Maloney	Sheppard
Cooley	Hancock, N. Y.	Mansfield	Smith, Va.
Cooper	Harlan	Mapes	Snell
Costello	Harrington	Maverick	Snyder, Pa.
Crosby	Hart	May	Somers, N. Y.
Cullen	Hennings	Mead	South
Cummings	Hill, Ala.	Meeks	Sparkman
Curley	Hobbs	Merritt	Spence
Daly	Holmes	Mitchell, Ill.	Starnes
Delaney	Honeyman	Mitchell, Tenn.	Steagall
DeRouen	Jarman	Mouton	Sullivan
Disney	Jenckes, Ind.	Nelson	Sumners, Tex.
Dorsey	Johnson, Luther A.	Norton	Swope
Doughton	Johnson, Lyndon	O'Brien, Ill.	Taber
Doxey	Jones	O'Connell, R. I.	Tarver
Drew, Pa.	Kee	O'Connor, N. Y.	Taylor, Colo.
Driver	Kennedy, Md.	O'Leary	Taylor, S. C.
Duncan	Kennedy, N. Y.	O'Toole	Terry
Eberharter	Kenney	Pace	Thomas, Tex.
Edmiston	Keogh	Palmisano	Thomason, Tex.
Elliott	Kerr	Parsons	Thompson, Ill.
Engel	Kirwan	Patrick	Tinkham
Englebright	Kitchens	Pearson	Transue
Evans	Kocialkowski	Peterson, Fla.	Turner
Faddis	Kramer	Peterson, Ga.	Vincent, B. M.
Farley	Lambeth	Pfeifer	Vinson, Fred M.
Fernandez	Lamneck	Pierce	Vinson, Ga.
Fitzpatrick	Lanham	Quinn	Wadsworth
Flaherty	Larrabee	Rabaut	Wallgren
Flannagan	Lea	Ramsay	Walter
Flannery	Lesinski	Rayburn	Warren
Forand	Lewis, Colo.	Reece, Tenn.	Wearin
Frey, Pa.	Lewis, Md.	Reed, Ill.	Weaver
Fuller	Long	Richards	Wene
Gamble, N. Y.	Luce	Robertson	West
Gambrill, Md.	McAndrews	Rogers, Mass.	Whelchel
Garrett	McClellan	Romjue	Whittington
Gasque	McCormack	Sabath	Wigglesworth
Gavagan	McGrath	Sacks	Wilcox
Gearhart	McLaughlin	Sanders	Williams
Gifford	McMillan	Satterfield	Wolcott
Gingery	McReynolds	Schaefer, Ill.	Woodrum
Goldsborough	Maas	Schuetz	
Gregory	Magnuson	Schulte	
Griffith	Mahon, S. C.	Scott	

ANSWERED "PRESENT"—4

Cox	Creal	Dingell	Smith, Conn.

NOT VOTING—30

Boylan, N. Y.	Eaton	Kopplemann	Patman
Buckley, N. Y.	Ferguson	Lucas	Randolph
Cartwright	Greever	McGranery	Smith, Maine
Cole, Md.	Hancock, N. C.	McSweeney	Smith, W. Va.
Deen	Harter	Martin, Mass.	White, Idaho
Dickstein	Jenks, N. H.	O'Connell, Mont.	Wood
Douglas	Keller	O'Connor, Mont.	
Drewry, Va.	Kleberg	Owen	

So the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Randolph (for) with Mr. Dingell (against).
Mr. Kopplemann (for) with Mr. Smith of Connecticut (against).
Mr. Eaton (for) with Mr. Drewry (against).
Mr. Patman (for) with Mr. Lucas (against).
Mr. Douglas (for) with Mr. Owen (against).

General pairs:

Mr. Cartwright with Mr. Martin of Massachusetts.
Mr. Smith of Virginia with Mr. Jenks of New Hampshire.
Mr. Hancock of North Carolina with Mr. Smith of Maine.
Mr. Boylan of New York with Mr. Keller.
Mr. O'Connell of Montana with Mr. Harter.
Mr. Kleberg with Mr. Buckley of New York.
Mr. O'Connor of Montana with Mr. Wood.
Mr. Ferguson with Mr. White of Idaho.
Mr. McSweeney with Mr. Deen.
Mr. McGranery with Mr. Greever.
Mr. Dickstein with Mr. Cole of Maryland.

Mr. COSTELLO. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called and failed to hear his name called?

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman from California may be permitted to qualify despite the rule.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HARRINGTON changed his vote from "yea" to "nay."

Mr. DINGELL. Mr. Speaker, I had arranged for a live pair with my colleague the gentleman from West Virginia, Mr. RANDOLPH. If the gentleman from West Virginia were present, he would have voted "yea." I therefore withdraw my vote of "nay" and answer "present."

Mr. CREAL. Mr. Speaker, I qualify and answer "present."

Mr. McREYNOLDS. Mr. Speaker, the gentleman from Georgia, Mr. WHELCHEL, was in an automobile accident, as was the gentleman from California, Mr. COSTELLO, and has just arrived. I ask unanimous consent that he may be permitted to vote at this time.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker, on this vote I have a pair with the gentleman from Connecticut, Mr. KOPPLEMAN, who, if he were present, would vote "yea." I therefore withdraw my vote of "nay" and answer "present."

Mr. BOILEAU. Mr. Speaker, the gentleman from Montana, Mr. O'CONNELL, is unavoidably absent. If present, he would vote "yea."

Mr. O'CONNOR of New York. Mr. Speaker, I demand the regular order, which is the announcement of the result of the vote.

The SPEAKER. The regular order is to announce the vote.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Congress of the United States:

In accordance with the provisions of section 5 (a) of the District of Columbia Alley Dwelling Act, approved June 12, 1934, I transmit herewith for the information of the Congress the report of the Alley Dwelling Authority for the District of Columbia, for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 10, 1938.*

FURTHER MESSAGE OF THE PRESIDENT OF THE UNITED STATES—EMERGENCY RELIEF APPROPRIATION ACTS OF 1935, 1936, AND 1937

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Expenditures in the Executive Departments:

To the Congress of the United States:

As required by the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, and 1937, I present herewith a report of the operations under these acts to the end of the calendar year 1937.

This report includes detailed statements of expenditures made, obligations incurred by classes and amounts, and status of funds under each of the acts.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 8, 1938.*

DISTRICT OF COLUMBIA

Mr. RAYBURN. Mr. Speaker, after consultation with the Chairman of the Committee on the District of Columbia, I ask unanimous consent that the business of the Committee on the District of Columbia in order on today may be dispensed with. I may state that the chairman of that committee is agreeable to my making this request.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. OLIVER. Mr. Speaker, I renew the request I made earlier in the day, and ask unanimous consent to extend my remarks in the RECORD by including therein a radio address by me on Saturday evening, together with a copy of an editorial in the New York Times of yesterday substantiating my own viewpoint to a certain extent.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Ludlow resolution.

The SPEAKER. Under general leave, the gentleman has that permission.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a radio address delivered by me and appended thereto two short resolutions which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8837, the independent offices appropriation bill, 1939, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I know that following a matter in which so many Members have been so vitally and enthusiastically interested, it will perhaps be hard to claim the attention of the Committee for a routine speech on an appropriation bill.

This bill, Mr. Chairman, provides for 39 independent establishments of the Government. It is unlike any other appropriation bill that is brought to the floor of the House, because here are 39 widely separate and independent establishments of the Government that are provided for in this bill in the sum of nearly $1,500,000,000. The gross amount provided in the bill is almost one-third more than it has ever been. This does not mean there is an increase of one-third in the total amount of the appropriations, but in this bill we have two or three of the new agencies of Government that have never been in the bill before. One is the Tennessee Valley Authority, and there are one or two other large items included in the measure. So the gross amount of the bill is very much more than the previous amount, but what you will be interested in is knowing that the amount appropriated for comparable activities is about $118,000,000 less for 1939 than the amount appropriated for similar activities for 1938. So to this extent at least we bring you an encouraging report.

May I say at this time about the independent bureaus and offices of the Government that we so often hear them referred to as being necessary evils, bureaucracies, or what not; but if you will look at the index of the bill, you will find that some of the most important functions of Government, some of the functions of Government that lie closest to the hearts of the people, are provided for in this bill. If you will turn the 1,400 or so pages of hearings which our committee conducted, covering a period of nearly 1 month, you will find that the Government has drawn to its service some splendid, well-equipped men and women who are contributing their time and talent to the service of the Government.

This being the first appropriation bill, the committee feels that a great deal of whatever may be accomplished in the present session of Congress in the matter of trying to bring finances into balance will be accomplished on this bill; that is to say, the attitude of the Congress on this particular bill will be reflected throughout the session.

We have given this matter the most careful and considerate judgment of which we are capable. We commend the hearings to your consideration; and if the bill commends itself to you, we ask your assistance and your cooperation in passing the measure as the committee has brought it to you.

Mr. Chairman, in the matter of the state of finances of the Government, the present prospect is that we may expect a deficit of approximately $950,000,000 for 1939. If you will look at the deficit since 1934, you will see it has gradually declined; and if we can hold the deficit in 1939 to $900,000,000, a great deal will have been accomplished in meeting our objective. This is the smallest deficit since we embarked upon the recovery program.

If we can hold this deficit to what is set out in the President's message, $950,000,000, I think it will be a step in the right direction. If you gentlemen have been sufficiently interested to follow the remarks that I have made in the last several years on the floor in presenting this bill, you will recall that I have never been so optimistic as to believe that we could wave a magic wand and bring the Budget into balance in 1 year. There are a great many people who are just as anxious as you and I to balance the Budget, who feel it would be tragical to try to do it in 1 year. This demonstrates how hard it is. Take this bill, for instance. I find some enthusiastic gentlemen who are anxious to cut down expenses and bring the Budget into balance who will advance this sort of an argument: "Take the independent offices bill or any other bill, and cut 15 or 25 percent off it; that is the way to do it," we will be told. Mr. Chairman, they seem to think that it is a smart act, or that you are doing something to chastise some bureau chief by cutting down the appropriations. I do not need to tell you that I am interested in trying to cut Federal expenses. My record speaks for that. Take what would happen in this bill under those circumstances. Suppose you take the appropriation for the Veterans' Administration and cut it 15 percent, what would that mean? It would mean that you would have to cut at least 10 percent of it, perhaps 12½ percent of it, from the direct compensation that you would be paying the veterans, and you would have to take 2½ percent from the administrative expenses, which would mean that you would take nurses and doctors and food and medical care away from the veterans.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mrs. ROGERS of Massachusetts. Will the gentleman tell me what has been done regarding the Veterans' Administration appropriation this year?

Mr. WOODRUM. We have allowed the Budget estimate; there has been no cut in it.

Mrs. ROGERS of Massachusetts. Is there a cut from last year?

Mr. WOODRUM. Yes; it is about $6,000,000 less than the current fiscal year.

Mrs. ROGERS of Massachusetts. Why?

Mr. WOODRUM. The amount that we are paying for pensions is growing less on account of the Spanish and Civil wars, because the veterans are passing away. That has decreased more than the World War pensions have increased, so it permitted a small decrease.

Mrs. ROGERS of Massachusetts. It has not been cut in any essential way?

Mr. WOODRUM. No.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. COCHRAN. Do the hearings disclose that they are reducing the overhead cost of the Veterans' Administration to any extent?

Mr. WOODRUM. I think so. The gentleman knows that General Hines has given his personal attention and thought to the question of cutting the administrative costs as deeply as they can be cut without interfering with the direct service we are giving to the veterans. He is not willing, nor do I think the Congress would be willing, to economize on the services we are giving to the veterans.

That means the cutting of nurses and doctors and food or medical care, but the consolidation of facilities has enabled him to make some savings and, of course, as against that we have been opening new facilities which require the employment of more physicians and nurses.

Mr. COCHRAN. If the gentleman reviews as I do, from time to time, the files in veterans' cases, he will realize that there is a tremendous amount of paper work in connection with every veteran's case which certainly, in my opinion, goes beyond what is actually necessary. In that way the overhead cost could be reduced and it would not in any way reflect on any of the benefits we are now extending to the veterans of the various wars. I insist there is too much paper work in the Veterans' Bureau.

Mr. WOODRUM. I think there is a great deal in what the gentleman says. Mr. Chairman, I could go through each of these Bureaus in the same way as I have suggested in respect to the Veterans' Administration. Take the Social Security Board. That carries an appropriation of approximately $250,000,000. Somebody said to cut that 10 percent, that we could do that without any trouble. A distinguished Member of this body seriously suggested to me that we make a 10-percent cut in that, and then he went ahead to tell me how many people they had on their rolls over here and how many people they had over there in Baltimore. I said very well, that a 10-percent cut would mean $25,000,000. The whole administrative expenses amount to but $21,000,000, so that by such a cut you would take all of that away, and $4,000,000 away from the direct benefit payments. So I say, for this purpose, let us not be misguided into thinking we can apply an ax and chop here and there indiscriminately. That is what I call "hysterical economy" and you do not get anywhere by doing it. We have pared this bill down, and it is nearly $4,000,000 under the Budget estimate. It is $118,000,000 less than it was last year, and $225,000,000 less than what the Departments asked the Bureau of the Budget to allow them for their 1939 expenses. There are some things that could be done which would help in this current fight to balance the Budget.

In the first place, I hope this session of Congress will get an opportunity to pass on the suggestion made in the President's message, which is but a repetition of the suggestion that has been made many times by many Presidents, that the Chief Executive be given the authority to veto individual items in appropriation bills. I do not think we could do any one thing that would help more to hold down unnecessary public expenditures than to give the Chief Executive that power.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. CASE of South Dakota. In South Dakota the Governor has the power of vetoing individual items in appropriation bills, and it has proved very helpful.

Mr. WOODRUM. They have it in Virginia and it has saved us down there. I think most of the States have experienced that. I hope that if a constitutional amendment is necessary we shall submit it this session and give the President this right. It is a terrible thing to send an appropriation bill to the White House right in the closing days of a session and make the President exercise the alternative of vetoing a whole bill which if he signed would unbalance his Budget with unnecessary public expenditures; and I hope this Congress will give the President that power. I feel that if we do we shall take a big step in the direction of helping him balance the Budget.

There are in this bill two or three controversial items. I will only mention them for they will come up again for discussion under the 5-minute rule, and I do not want to take too much of your time. In the first place, as I have stated before, not wishing to reiterate at this time, we save money and we balance the Budget not by cutting off a few thousand dollars here and a few thousand dollars there, but by curtailing Government activities when we can. There are two points in this bill where substantial savings are sought to be made by the curtailment of governmental activities; one is in the Civilian Conservation Corps, the other is in the Tennessee Valley Authority; and I wish to discuss these two things for just a few moments.

The Civilian Conservation Corps was the peculiar function set up by the Government at the suggestion of the President of the United States—and I think it is fair to say that more than any other it is one activity as to whose ultimate merits we are nearly in unanimous accord. I think the Civilian Conservation Corps has been one of the finest things we have done through the help it has rendered young men in rehabilitating themselves, in finding a place where they could carry on during these troublesome times when so many were taken out of college and could not carry on in their normal way. I think much useful, permanent, public benefit has come from the functions of the Civilian Conservation Corps.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mrs. ROGERS of Massachusetts. Would it not be possible to effect economy there by placing most of the jurisdiction under the War Department? In this way more young men could be given a chance in the Civilian Conservation Corps without spending so much money. I think the Army has done a very fine piece of work; Mr. Fechner has too.

Mr. WOODRUM. The question of coordination of the C. C. C. under one authority, the distinguished gentlewoman will remember, was the subject of quite careful scrutiny when we had up the bill to make it a permanent corps; and there is in the country a very persistent and a very definite objection to putting it under the War Department, for reasons which will readily appear to the gentlewoman. It is thought that it should be kept separate, the disciplinary end of it to be handled by the War Department. Personally I do not believe there is much lost motion there. I think the savings that could be made from a $350,000,000 appropriation by having it all under the War Department would be more or less inconsequential.

Mrs. ROGERS of Massachusetts. I am afraid I am going to vote for an increase in the gentleman's appropriation bill.

Mr. WOODRUM. I am sorry to hear the gentlewoman say that, because I had hoped she would back up the President and help him balance the Budget, action she has been calling for many times.

Mrs. ROGERS of Massachusetts. The gentleman is quite correct; but I feel that this is a most valuable activity for the improvement of morale and the molding of character.

Mr. WOODRUM. Most of us Budget balancers, of course, are willing to balance the Budget if it does not affect something in which we are particularly interested. But now we are being given an opportunity here to decrease a governmental function. May I emphasize that for a moment.

We have been talking for several sessions of Congress about reorganization of governmental activities. Well, it is mostly talk. When it comes to a question of major savings, savings that will really make a dent in the deficit, it is not done by reorganization. I am not for a moment saying that it is not desirable to have some reorganization, for I think a regrouping of some of the departments would make for some economy, perhaps, and increased efficiency. It possibly would do more for increased efficiency than anything else. It would avoid some duplication, and it is quite desirable; but from a Budget-balancing standpoint it does not make a dent in the surface.

Someone made the statement that we could put the Federal Housing Administration and the Home Owners' Loan Corporation together and save $35,000,000 in administrative expenses. The expense of both of those departments is not that much, however. What usually happens when you put two departments together is that there is an increase ultimately in the outlay of money. So from the standpoint of saving money and holding down this $7,000,000,000 Budget with which we are faced, and we will have a fight to keep it down to the $7,000,000,000, when we get the opportunity to decrease governmental functions that is when we save money. In the Civilian Conservation Corps the President has asked us to provide funds for 1,200 camps.

Mr. Chairman, it must be remembered that when the Civilian Conservation Corps was set up it was for the primary

purpose of taking care of young men on the relief rolls, and young men from relief families, and instead of handing out a dole or a basket of provisions to the family, the young man who could not get employment would be given a job and would be permitted to send $25 a month to the family in lieu of relief.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The relief rolls are very large now all over the country?

Mr. WOODRUM. Yes; but we have changed the idea now. These young men do not have to come from the relief rolls. We have provided that any unemployed young man may get a job in the C. C. C. Up to the time that we continued the policy of taking them from the relief rolls we could not recruit the camps and some of the camps had to be closed. We did not have enough young men coming from the relief rolls to recruit 1,500 camps. So we changed the policy.

Mrs. ROGERS of Massachusetts. But some still come from the relief rolls, and I believe more could be cared for who are on the relief rolls.

Mr. WOODRUM. Yes; there are many who come from the relief rolls.

The argument is going to be made when the time comes that when you reduce the number of camps from 1,500 to 1,200 camps there will be some boys who want to enlist in these camps and will not be able to enlist. That is true and has always been true. That has been true all through our relief program. However, we have never sought to provide or attempt to provide work relief for the eight, nine, twelve, or fifteen million unemployed. What we have tried to do is work out a program which would take up some of the slack, with the hope the remainder of the men would find a place in industry.

The charge will be made here that unless you put the number of camps back to 1,500 and restore the amount of money that the President has taken out of the Budget, there will not be enough facilities to permit all of these young men who wish to enlist there to have jobs in the C. C. C. camps. That is quite true. But under this program there will be provision for an enrollment of 250,000.

The committee has not cut the Budget estimate. The committee has appropriated the full amount which the President requested for the Civilian Conservation Corps for next year, and we are told that the corps can be maintained on that amount of money, giving the boys the proper clothing and the standard of food to which they have been accustomed. That matter will come up for further consideration and discussion at the proper time and I imagine we will hear more about the proposition.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself 15 additional minutes.

Mr. HOFFMAN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Will the gentleman tell me what proportion of the population is taking care of the C. C. C. camps? In other words, what proportion is furnishing the funds for these relief agencies?

Mr. WOODRUM. I do not get the gentleman's question.

Mr. HOFFMAN. The people that are earning and producing are necessarily taking care of the C. C. C. camps.

Mr. WOODRUM. Does the gentleman mean the families of the boys in the C. C. C. camps?

Mr. HOFFMAN. The number of workers who are furnishing the money in the form of taxes.

Mr. WOODRUM. I do not have that figure.

The other item in this bill in which we have made a substantial reduction is the Tennessee Valley Authority. We provide funds for a continuation of the study of the Gilbertsville Dam, but we take out the funds suggested by the Budget for the beginning of the construction of that dam. There will be found a full discussion in the hearings at page 927, if anyone is interested.

This dam at Gilbertsville is supposed to be one of the largest dams in the Tennessee Valley development. When the dam is completed the lake will be something like 6 miles wide and 184 miles long. It is supposed to be, and I have no doubt will be, an important and indispensable link in the Tennessee Valley development. But it is a hundred-million-dollar project and there is even yet a very wide difference of opinion among engineering experts as to where this dam should be located, whether it should be a high dam or a low dam, and so forth.

The committee felt that this was a project that came within the category of those mentioned by the President where at least a postponement of beginning upon this $100,000,000 project would not ultimately hurt anything; therefore, we have taken out of the Budget something like $2,000,000 for the beginning of the construction of that dam, but have given them an added amount of money to continue their engineering studies and surveys in order that they may come to a definite conclusion as to just what kind of a dam it should be.

Mr. MITCHELL of Tennessee. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Tennessee.

Mr. MITCHELL of Tennessee. If I understand the chairman of the Subcommittee on Appropriations correctly, this is rather a delay than otherwise in the particular instance?

Mr. WOODRUM. That is the way the committee feels about it. This is to give the engineers an opportunity to further study the matter. I may say to the gentleman there is still a wide difference of opinion as to the effect of the dam, how it should be built, and where it should be built.

Mr. MITCHELL of Tennessee. This other reduction heretofore referred to by the chairman of the Subcommittee on Appropriations does not affect the agency of the T. V. A. proper as its plans are now being carried out?

Mr. WOODRUM. Not at all.

Mr. DONDERO. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Michigan.

Mr. DONDERO. Was a report of the Army engineers sought or obtained in relation to the Gilbertsville Dam, or were their views presented to the gentleman's committee?

Mr. WOODRUM. It was not, because our committee has not yet permitted them to begin construction. The whole matter is in the stage of investigation.

Mr. DONDERO. I was wondering whether the difference of opinion was between the Army engineers and the engineers representing the T. V. A.

Mr. WOODRUM. Our committee did not have that information, but the committee understands there is a difference of opinion between the Army engineers and the engineers of the Tennessee Valley Authority.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield for a further question?

Mr. WOODRUM. I yield.

Mr. MITCHELL of Tennessee. Are sufficient funds available under this bill to continue surveys of other rivers in the adjoining territory with respect to the question of navigation and flood control?

Mr. WOODRUM. Does the gentleman mean the question to relate to Gilbertsville particularly or the Tennessee Valley Authority?

Mr. MITCHELL of Tennessee. The Tennessee Valley Authority.

Mr. WOODRUM. We have made no curtailment of that feature of their program.

Mr. MITCHELL of Tennessee. I am pleased to know that is the situation.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. VOORHIS. May I ask the gentleman about what I understand was a curtailment of the money for the Tennessee Valley Authority for soil conservation and fertilizer development? Is it not true the amount asked was rather a

small amount? I should like to know why the amount was cut out?

Mr. WOODRUM. The amount is small, and the committee does not feel a reduction of this small amount in any way curtails their activities. I shall be pleased to yield to my colleague the gentleman from Illinois [Mr. DIRKSEN], because he has given special consideration to this, and he will answer the gentleman's question.

Mr. DIRKSEN. I may say to the gentleman from California the amount was not cut out; it was merely cut down. We were guided in the matter by the duplication of effort we thought was taking place in the Bureau of Chemistry and Soils in the Department of Agriculture and in several other subdivisions of the Government. However, amounts remain for every item which was brought before the committee. In some cases we scaled down the amount, it is true, but some of the amounts we made higher than they were last year. We do not believe, however, we are crippling the work which is to be done.

Mr. VOORHIS. May I ask whether the work being done by the T. V. A. in connection with the development of the cheap phosphate fertilizer will be interfered with in any way?

Mr. DIRKSEN. We do not believe so.

Mr. STEFAN. Mr. Chairman, will the gentleman yield so I may ask a question of the gentleman from Illinois?

Mr. WOODRUM. I yield to the gentleman from Nebraska.

Mr. STEFAN. Will the gentleman from Illinois tell me whether or not a reduction was made in the appropriation for research or experiment in the manufacture of sodium chlorate, in which I am very much interested? In Nebraska and certain other States we need sodium chlorate very badly in the eradication of the bindweed. The Tennessee Valley Authority has been doing some experimenting along this line. Has this appropriation been curtailed?

Mr. DIRKSEN. I do not believe so. The specific item has never come before the committee, and I do not know whether the appropriation applies to chlorate or not.

Mr. STEFAN. What effect will the reductions mentioned have on it?

Mr. DIRKSEN. These reductions are found in four items which were submitted to the committee. We let stand about as much money as they have been using over a year or so. For all practical purposes their demonstration and experiment work can go along just the same as before.

Mr. STEFAN. The gentleman realizes how important sodium chlorate is in the eradication of bindweed in some States in the Middle West.

Mr. DIRKSEN. Yes, indeed.

Mr. STEFAN. The Tennessee Valley Authority has been doing some experimenting along this line. We cannot buy the commodity in this country.

Mr. DIRKSEN. They can go ahead and do just the same as before.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is any part of the appropriation of last year or the current year for the Gilbertsville Dam for construction?

Mr. WOODRUM. None is for construction.

Mr. WHITTINGTON. Congress has not heretofore appropriated anything for construction?

Mr. WOODRUM. Not for direct construction.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Missouri.

Mr. SHORT. The proposed site of the Gilbertsville Dam is in the earthquake area?

Mr. WOODRUM. In the earthquake area?

Mr. SHORT. Yes. There is some possibility there may be earthquakes in the area where the dam is proposed to be constructed.

Mr. WOODRUM. I may say to the gentleman that is a feature which has never been called to my attention. There are two or three sites in that particular neighborhood concerning which there has been a difference of opinion as to where the dam should be located. The engineers of the Tennessee Valley Authority believe they have now found a place where the dam should be located, but there is still some difference of opinion whether the dam should be constructed, or just what effect it will ultimately have on flood control. I should be fair and say that my own individual opinion is that the Gilbertsville Dam should be constructed and is a vital and a necessary part of the development in that area, but I do not believe the project will suffer by putting it off a year, and I do believe it should be deferred a year.

Mr. SHORT. May I ask the gentleman from Virginia if it was the sentiment in the committee that the Government should not embark upon further expansion in the T. V. A. until certain fundamental legal questions have been definitely decided by the Supreme Court of the United States?

Mr. WOODRUM. I may say to the gentleman this question did not influence the committee in taking its action on Gilbertsville. We felt this project was as yet sufficiently in the elementary stage to hold it in abeyance for at least another year.

Mr. KRAMER. Mr. Chairman, will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. KRAMER. May I ask the gentleman if anything has been done in the way of investigating the necessity for the large amount of travel expense? I notice the various independent agencies report a large amount of travel expense on the part of employees of the agencies. In one instance to which I make particular reference an employee of an agency here was sent to Chicago to get some information.

He could have received the same information by transmitting a letter. He spent a considerable amount of time in Chicago, stopping at the Palmer House or perhaps one of the finer hotels, at an expense of $5 a day; or has that allowance been increased to $10?

Mr. WOODRUM. No; it is $5 a day.

Mr. KRAMER. Even though it is $5 a day I find that even in California there is a large number of these employees traveling back and forth or flying back and forth, and if we are to economize and balance the Budget the Government itself should set the example in its own departments by cutting down this expense which in many instances is unnecessary. I have had something to do with the matter, and I know that on the slightest excuse they will send a man to California or Chicago, or raise the telephone and put in a long-distance call when a letter would answer the same purpose. I would like to know what the gentleman's committee has done in this respect?

Mr. WOODRUM. The committee has done the best it could with the facilities it has at hand. As the gentleman knows, the facilities of the committee are very poor in trying to cope with the amount of work we have to do. I have said this for several years, and I will repeat the song and story by saying that no matter how much work the subcommittee puts on these 39 establishments, with an appropriation of one billion and a half dollars, where there are hundreds of thousands of dollars for travel and communication and for printing and binding, when we bring the item in here, the best we can say about it is that we hope it is an intelligent guess.

Mr. KRAMER. But so much of it is useless.

Mr. WOODRUM. That is the whole thing in a nutshell. I will say to the gentleman from California, and I hope the time is going to speedily come when the Congress will go into this matter carefully and realize what we are trying to do, so that we may not have to rely entirely on Government officials as to the amount of money they should have. There is one agency here in the bill with a travel item of $275,000, and another agency has 6,000 employees in its regional offices, and, in addition to that, a number of State offices. They are performing important functions, and it is an important agency of the Government, and there is not any

member of the committee who would willingly do anything to cripple the service it is rendering to our constituents, but I have grave doubts about the necessity of all these regional offices and State offices and employees, but how am I ever going to know about it, I will ask the gentleman?

Mr. SHORT. It is a matter of administration rather than legislation.

Mr. WOODRUM. Yes; and, of course, back in the early days of the Congress when the total appropriation was $1,000,000,000 divided among eight or nine committees, the committee could go into these matters, and my position has always been, and is now stronger than ever, that the Congress itself, not the General Accounting Office and not the Treasury, but the legislative body itself, should have its own personnel, its own experienced, well-paid, responsible personnel go into the field and go into the departments and get the information and sit at the committee table when we frame these bills so we may have a little evidence of our own and not have to rely entirely on building up our case by cross-examining the other fellow's witnesses.

Mr. KRAMER. If the gentleman will yield right there, that is just the point I want to make. Why is it Congress could not appoint a committee to make an investigation of these various departments with respect to their expenses and find out just how far these expenses are really necessary, and, for instance, why this great amount of printing is necessary.

Mr. WOODRUM. The committee cannot do it. We have plenty of committees. We need well-trained, experienced, sophisticated auditors and investigators who can spend days and months in the Department and in the field working on and checking the records in order to familiarize themselves with what is going on, and then come back and bring the information to the committee. We have plenty of committees and we do not need any more. The Lord deliver us from any more committees. My good friend here, the gentleman from Missouri [Mr. COCHRAN], has the Committee on Expenditures in the Executive Departments.

Mr. KRAMER. He does not seem to get anywhere.

Mr. COCHRAN. As the gentleman knows, I have been trying to get such assistance for years and have never been able to get the slightest assistance.

Mr. WOODRUM. The gentleman is one of the ablest Members of the House.

Mr. COCHRAN. Not half as able as the gentleman himself.

Mr. WOODRUM (continuing). And stands for economy. He is an economist, and not only preaches economy but votes that way. [Applause.]

Mr. COCHRAN. Let me say to the gentleman from Virginia, I happen to know what went on behind closed doors when you were marking up this bill the other day. The Committee on Expenditures has been trying to do the very thing the gentleman from Virginia wants done, secure some outstanding investigators. We have been trying to do this for years, but we have been unable to get the least assistance. We have even tried, through the Rules Committee, to amend the rules so that we may have more power to get some of this information which the gentleman refers to, but we have never succeeded, and on two occasions I have appeared before the Rules Committee in the last 8 years.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself 3 additional minutes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Missouri.

Mr. COCHRAN. There is another matter I want to ask about. The medical profession and the dental profession throughout the United States have been greatly exercised over the group health associations that are springing up in the Government service. Personally I do not believe there was any authority of law whatever for the spending for this purpose $40,000 by the Home Owners' Loan Corporation. It is certainly going very far to spend money in that way. It seems to me the Corporation officials should not have taken this responsibility but should have come to the Congress and specifically asked for authority to do so. Does the gentleman feel the authority to spend money for group health associations is in the law?

Mr. WOODRUM. Not the slightest in the world.

Mr. COCHRAN. Will the limitation that appears on the last page of the bill be sufficient to prevent this in the future—using any of the moneys appropriated in this bill, for advances for group health associations?

Mr. WOODRUM. The Home Owners' Loan Corporation say that they are not going to so expend any more money, that they have given this donation of $40,000 and that they are through.

Mr. COCHRAN. How about some other of these independent agencies?

Mr. WOODRUM. I do not know.

Mr. COCHRAN. If we do not put some limitation upon them then one after another of the independent agencies might do the same thing. The physicians, surgeons, and dentists of this country are taxpayers. It seems to me we should protect them and not spend the taxpayers' money to form such associations thus taking bread and butter away from the medical profession. We cannot control the employees, I know. They can go out and form any kind of a group that they want to form, but so far as taking money that we appropriate for specific purposes for such a thing, and for heads of departments to turn that money over to employees' associations to further group health associations or anything of that kind, I say is wrong, and until the Congress specifically provides by law for it, they should not be permitted to do it.

Mr. WOODRUM. I quite agree with the gentleman.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. BEITER. Has the gentleman's committee had an opportunity to check and see whether the Home Owners' Loan Corporation has violated any other sections of the law? I have in mind now the men who are employed in the regional offices. It is my understanding that the men who are employed in the regional offices must be taken from the State in which the H. O. L. C. is located. Let us take the State of New York. I understand that some forty-odd persons are employed in the regional offices there that come from other sections of the country, particularly Connecticut and the New England States. Has the gentleman had an opportunity to check that?

Mr. WOODRUM. If the gentleman will recall, that provision was not enacted into law. I do not understand that is the law. The provision the gentleman speaks of, I think, was never put into the law. It was pointed when that amendment was suggested that if you provide that everyone who works in, say, the New York regional office should come from New York State, and everybody who works in the Jersey City office should come from Jersey, immediately we would find people who live in either place and who commute. Also, take the situation in Bristol, Tenn. People who live on the other side of one of the streets there live across the State line. That would run into so many administrative difficulties that it would be impossible to administer it, but the authorities assured us that so far as it was humanly possible that rule was being carried out.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. ALLEN of Delaware. I want to know who made the suggestion that the C. C. C. camps be cut by $125,000,000. Did that originate in the gentleman's committee, or did it come direct from the President?

Mr. WOODRUM. It came direct from the President himself, over his own signature.

Mr. ALLEN of Delaware. The gentleman is the chairman of the committee, and in my judgment the committee is doing one of the worst things that could possibly happen to this country when they cut down the C. C. C. camps. In my judgment, and I am only one member of this body, I

think the C. C. C. boys and the C. C. C. camps are doing one of the finest things that this administration has ever done for the country, and I want to go on record as saying that.

Mr. WOODRUM. I quite agree with the gentleman on that.

Mr. ALLEN of Delaware. I am not in accord with cutting them down one penny.

Mr. WOODRUM. That is a difference of opinion. I am going to follow the President on that.

Mr. ALLEN of Delaware. I will follow the President so long as I think he is right, but when I do not think he is right, I shall follow myself.

Mr. WOODRUM. A great many people do that.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. KRAMER. Something has been said with reference to the H. O. L. C. Now, with respect to various other departments, has there been any investigation of, say, the War Department or the Navy Department or the W. P. A. and these other agencies?

Mr. WOODRUM. They are not in this bill.

Mr. KRAMER. In this bill you do not have provision for the investigation of these various other departments, but they just fly all around the country like geese, unnecessarily, and they transfer help from Washington to California.

Mr. WOODRUM. The gentleman cannot blame them for going to California surely.

Mr. KRAMER. I know that, but they are sending out help from Washington to California when they have employees there who are out of work and who could fill the bill as stenographers or clerks.

Mr. WOORUM. Of course, they cannot all live in Virginia and some of them have to go to California.

Mr. KRAMER. Oh, I know that the gentleman from Virginia would like to go to California.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. TABER. I notice that we are still carrying authorization to use $28,000,000 in the H. O. L. C. According to information I have, the number of foreclosures has not anywhere near reached the total they anticipated when they were up here a year ago. The amount of money, therefore, that is expended for the administration, collecting, and handling of properties ought to diminish. It seems to me we have reached the point where there could be a further cut than is proposed; that is, the cut to $28,000,000 might be put on this organization, and they still could function efficiently.

Mr. WOODRUM. I may say to the gentleman from New York that two matters are involved here: First, as of course, the gentleman knows that any cut made on that would not affect the amount appropriated because they use their own funds.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself 5 additional minutes.

The other point is that the gentleman will see they have made a very substantial reduction in personnel and have been making a pretty substantial reduction right down since the time they quit making loans. We went into that, we think, pretty carefully and fully. I think certainly the majority of the committee felt that it would be dangerous to cut them any more until we at least knew more about it. That is one of the expenses of which I spoke to the gentleman, one of the expenses these regional officers have which they say is absolutely necessary to service these loans. So far as we know they are, but we would like to know more about it; and I think by the time the next bill comes here we will know more about it.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. LEWIS of Colorado. The gentleman has referred to the need for some better agency, some greater help, in ferreting out the real needs of these departments. Last year the gentleman spoke of the same thing. Familiar as he is with the problems of the Appropriations Committee, I am sure he would receive a great deal of help if he would prepare and introduce such a bill.

Mr. WOODRUM. I may say to the gentleman from Colorado that I had the matter up with the Appropriations Committee this year, and the matter is under advisement; and that is where I will leave it. It has not been done, but it is under advisement.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. RICH. This bill carries $1,410,478,515. Last year the bill carried $1,152,000,000. I appreciate the attitude of the gentleman from Virginia toward cutting down governmental expenditures. Notwithstanding the fact that we have added a couple of new functions to those provided for in this bill in former years, expenditures for this particular group of activities have tremendously increased, they are entirely too large. From the statements made by the President, he has four times increased the amount of the deficit for this year until now it is over $1,000,000,000. Before he gets through with it in June it will be over $1,500,000,000 if at the beginning of this session we start bringing in appropriation bills carrying such increases as the present one. This bill is over the estimate for last year.

Mr. WOODRUM. It is not over that.

Mr. RICH. I am not trying to criticize the subcommittee, because I know the gentleman's committee and I know that the gentleman himself wants to keep expenditures down; but I know that we have men on the Appropriations Committee who would not keep anything down, and I know we have men in the House of Representatives who are not going to cut down any of the expenses of government.

It is high time that somebody in the administration took charge of the Appropriations Committee, took charge of the Members of the House of Representatives, and did what the gentleman from Virginia would like to do. I take off my hat to the gentleman from Virginia because he is trying to reduce expenditures, but cannot the gentleman, in the name of common sense, get other Members on his side of the House to join him?

Mr. WOODRUM. I am going to talk with them about that. [Laughter.]

Mr. RICH. I hope the gentleman will, and I hope he will be successful. I ask again: Where are you going to get all this money?

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. ALLEN of Delaware. Why does not the gentleman from Pennsylvania be fair and give us the names of the men on the Appropriations Committee whom he wants taken off the committee? The gentleman stated that there were some members on the committee who ought to be taken off.

Mr. RICH. I know, and the gentleman knows men on the Appropriations Committee who do not care a rap.

Mr. ALLEN of Delaware. Be man enough to name them.

Mr. RICH. Not only are there such men on the Appropriations Committee but there are others in the House. They do a lot of talking about cutting down expenditures on every one of the measures, but you cannot get them to do anything; they do not start to cut them down. [Applause.]

Mr. ALLEN of Delaware. The gentleman says a whole lot but he is not man enough to name the people.

Mr. RICH. I am on the Appropriations Committee, and I tell the gentlemen that I would like to reorganize the committee.

Mr. ALLEN of Delaware. But the gentleman is not man enough to name them.

Mr. RICH. I am a member of the committee. I hear them talk about not spending, talk about saving, but they never cut anything down; instead they vote for increases.

Mr. ALLEN of Delaware. That is all right, but the gentleman is not man enough right now to name the men he wants taken off.

Mr. RICH. If I were chairman I would change the whole committee.

Mr. ALLEN of Delaware. Yes; but the gentleman is not big enough to name the man.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 25 minutes.

Mr. Chairman, at the outset I want to express my appreciation to the majority Members of the subcommittee for the unfailing consideration which they have accorded at all times in connection with the consideration of the pending bill. It has been a great pleasure to work with them under the able leadership of the distinguished gentleman from Virginia [Mr. WOODRUM]. I want also to express my appreciation to the able clerk of our subcommittee [Mr. Orr], who has supplied the committee, as usual, with faithful and efficient assistance without which it would have been impossible to bring this bill before the House for consideration at the present time.

The totals carried in this bill are the largest that the bill has ever carried. Eliminating deficiency items the totals carried in recent years were substantially as follows:

1935	$617,000,000
1936	777,000,000
1937	880,000,000
1938	958,000,000

For 1939 the bill now under consideration provides for the regular agencies $1,410,000,000; for regular, emergency, and permanent appropriations of $1,571,000,000.

I insert at this point a table which I have prepared breaking down the totals carried in the bill for 1938 and 1939.

	1938	1939
Comparison, 1938-39:		
Regular agencies	[1]$1,529,357,315	$1,410,478,515
Contracted authorization	4,000,000	4,340,000
Total	1,533,357,315	1,414,818,515
Emergency agencies	61,871,180	57,317,288
Permanent appropriations	96,422,685	98,829,860
Total	1,691,651,180	1,570,965,663

[1] Including reappropriations of $74,767,082 and deficiency items.

You will note that the total for permanent appropriations for which the Budget figure has been allowed shows an increase of something over $2,400,000. The total for the emergency agencies for which Budget figures have also been allowed shows a decrease of about $4,554,000. The difference between this figure and that which appears in the report is due to a typographical error in respect to the appropriation for the Home Owners' Loan Corporation last year, which should read $30,000,000 instead of $32,000,000. The total for the regular agencies shows a reduction over the Budget figure of $3,730,000 and a decrease as compared with comparable items for the present year of about $118,500,000.

To be exact, the total carried in this bill, taking into consideration all classes of appropriations, shows a reduction as compared with the Budget figures of $3,732,020, and as compared with comparable items for the present fiscal year of $120,685,517.

I call attention in this connection, however, to page 2 of the committee report, on which are listed the principal items of reduction. If you will add together the reduction requested by the President for the Civilian Conservation Corps of about $124,000,000, the reduction for the Railroad Retirement Board under new legislation of about $24,000,000, and the reduction for the Veterans' Administration, due largely to the termination of payments under 20-year military and naval insurance policies of about $38,000,000, you will find reflected a total saving of about $186,000,000. It follows mathematically that the other 35 items in the bill reflect an increase rather than a decrease of about $66,000,000.

The whole saving in the bill is more than reflected in the three items to which I have referred. In fact, it is more than reflected in the single item for the Civilian Conservation Corps. If this item should be restored, either by Congress, or, as has been suggested, by a subsequent appropriation for relief purposes, the apparent saving in this bill would, of course, be wiped out.

Mr. Chairman, the scope of this bill is greater than it has ever been before, not only because of the fact it carries about $1,600,000,000 but because it carries appropriations or authorizations of expenditures for 38 separate agencies of Government, 29 regular agencies and 9 emergency agencies, including the C. C. C., the T. V. A., and a small item for the Pan American Exposition which appear in the bill for the first time.

Obviously in the time available today it is impossible to treat these items comprehensively. All that can be done is to refer to a few considerations, which it seems important to emphasize for the Members of the House as a whole.

LACK OF PROPER ACCOUNTING AND AUDIT

Mr. Chairman, I refer first to the work of the General Accounting Office. This Office asks for an appropriation of $5,306,540, the same figure as allowed for the present fiscal year. In addition it hopes to receive, as it received this year, about $4,400,000 out of relief funds.

The Comptroller General is, of course, the agent of this Congress in respect to Federal expenditure. Several times in the past I have pointed out instances in which to my mind proper control over Federal expenditures has been lacking insofar as the General Accounting Office was concerned.

I call attention at this time to the fact which appears in the RECORD that there are no less than 25,000,000 rental and benefit payments under the Department of Agriculture, extending over a period of 4 years, and aggregating no less than $1,281,723,478, which have not been audited. The Department of Agriculture has simply failed despite requests from the Comptroller's office to furnish either contracts or vouchers in this connection.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The gentleman has indicated that $1,400,000,000 has been paid out and up to this time no audit has been made.

Mr. WIGGLESWORTH. The figure furnished by the General Accounting Office is approximately $1,282,000,000 worth of rental and benefit payments.

Mr. ROBSION of Kentucky. How long ago have these payments been made for which there is no audit?

Mr. WIGGLESWORTH. Some as long as 4 years ago.

Mr. ALLEN of Delaware. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Delaware.

Mr. ALLEN of Delaware. Does the gentleman mean to tell this Congress some of these payments have been made as long as 4 years ago and there has been no audit?

Mr. WIGGLESWORTH. I do. The record so indicates.

Mr. ALLEN of Delaware. Be specific, now. Does the gentleman mean to tell this Congress the business of the United States has been going on for 4 years without being audited?

Mr. WIGGLESWORTH. I have tried to be as specific as I can. I may say to the gentleman I can only repeat that the record indicates that rental and benefit payments under the Department of Agriculture to the number of 25,000,000, aggregating approximately $1,282,000,000, have not been audited by the General Accounting Office. Some of these accounts are as much as 4 years old.

Mr. ALLEN of Delaware. I should like to get the record on that.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is it a question of jurisdiction in this case? In other words, does the Department of Agriculture hold the law does not provide for audit by the General Accounting Office?

Mr. WIGGLESWORTH. I may say to the gentleman that while I may not be informed in detail on this matter, it is my understanding that there has been available to the Department only one copy of each rental and benefit contract, and the Secretary of Agriculture has taken the position that it has been impossible up to this time for him to part with his copy of these contracts.

Mr. COCHRAN. Has not the Department of Agriculture been auditing its own accounts, as a matter of fact?

Mr. WIGGLESWORTH. That I do not know.

Mr. COCHRAN. I am in agreement with the gentleman in respect of the General Accounting Office auditing these accounts, but I believe whether or not it is the fault of the law would be well worth investigating. If the law does not specifically provide the General Accounting Office shall not have control, then the General Accounting Office is certainly within its rights in demanding that it be permitted to audit such accounts.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to my colleague from Massachusetts.

Mr. GIFFORD. The gentleman realizes this looks like a deliberate evasion, because it is clearly asked in the present farm bill that the funds may be spent by the Secretary of Agriculture without regard to any other audit by the Government. They intend to have this privilege, and they have used it, and are apparently getting away with it.

Mr. COCHRAN. This is exactly what I felt existed in connection with this matter the gentleman is now discussing.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield to me for just a moment?

Mr. WIGGLESWORTH. I will yield briefly.

Mr. ALLEN of Delaware. I am sure the gentleman from Massachusetts does not intend to indicate the Government is lax in its auditing of accounts, meaning not only this account but all accounts of the Government.

Mr. GIFFORD. If I may add to the gentleman's statement, I have often taken the well of this House and shown how lax even the Treasury Department itself is in respect of auditing.

Mr. ALLEN of Delaware. Will the gentleman from Massachusetts please designate some department which has not been audited?

Mr. GIFFORD. The Treasury Department itself.

Mr. ALLEN of Delaware. I am sure the gentleman from Massachusetts does not intend to make that assertion.

Mr. RICH. If the gentleman will yield, does not the gentleman think the accounts ought to be audited, when many of the farmers of this country, to their great surprise, have received checks for agricultural relief, not knowing what the checks were for? Does not the gentleman believe under such circumstances it is about time somebody does audit the accounts of the Department of Agriculture?

Mr. GIFFORD. If the gentleman will yield for just one more statement, may I ask the gentleman to read the report of the Treasury, wherein it is shown that seed loans to farmers, dated way back in 1921, have not been audited and are carried at their full value.

Mr. WIGGLESWORTH. I cannot yield further, Mr. Chairman.

I want to point out in this same connection that there are 16 activities of the Government which are not required to submit accounts to the General Accounting Office and 12 activities which the Comptroller General indicates are required to submit their accounts but which are not in fact doing so. I insert at this point the names of these agencies, which he has given me.

LIST OF ACTIVITIES WHICH ARE NOT REQUIRED BY LAW TO SUBMIT ACCOUNTS TO GENERAL ACCOUNTING OFFICE

Central bank for cooperatives.
Comptroller of Currency (assessments and insolvent banks, etc.).
Corporation of foreign security holders.
Federal home-loan banks.
Federal intermediate credit banks.
Federal land banks.
Federal Reserve banks.
Federal Reserve Board.
Gorgas Memorial Institute.
Inland Waterways Corporation.
Panama Railroad Co. (including Panama Railroad Steamship Line).
Production credit corporations.
Reconstruction Finance Corporation.
Reconstruction Finance Mortgage Co.
Regional Agricultural Credit Corporation.
Regional banks for cooperatives.

LIST OF ACTIVITIES WHICH ARE NOT SUBMITTING ACCOUNTS TO THE GENERAL ACCOUNTING OFFICE AS REQUIRED

Alien Property Custodian.
Electric Home and Farm Authority (partial).
Federal Deposit Insurance Corporation.
Federal Farm Mortgage Corporation (partial).
Federal Savings and Loan Insurance Corporation.
Home Owners' Loan Corporation.
Hospital funds of various services.
Insular government funds in United States Treasury, except Virgin Islands.
Smithsonian Institution (trust funds).
Tennessee Valley Associated Cooperatives, Inc.
Various special deposits.
War Finance Corporation.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Very briefly.

Mr. MAY. While the gentleman is on the question of auditing accounts, I may call his attention to the fact that the Acting Comptroller General has just released a report with respect to the Tennessee Valley Authority.

Mr. WIGGLESWORTH. I was just coming to that point. As the gentleman from Kentucky has just indicated, the Acting Comptroller General has just published his annual report. If any of you have had occasion to read this report, you will see he indicates that several agencies recently created have failed to establish proper accounting control as required by law and regulation. He indicates that the result of this has been that hundreds of millions of dollars have been received and expended by the Federal Government or agencies thereof without having been covered into the Treasury, and for which a proper accounting and audit have not been had.

The Acting Comptroller General refers specifically to several agencies provided for in this bill. For instance, he quotes the following statement by the Home Owners' Loan Corporation, as late as September last, I believe:

> Having failed in this period of time to establish an accounting system to your satisfaction, we feel compelled to abandon the effort and to establish an accounting system and forms according to our own best judgment, which we believe under the law to be our duty.

The Acting Comptroller General comments as follows:

> Such a statement can only be viewed as an acknowledgment of the unwillingness of the officials to provide adequate accounting records and to make a full and complete accounting for the funds of the Corporation.
>
> The funds are not being covered into the Treasury, there is no accounting rendered to the General Accounting Office, and there is no independent audit of the transactions of the Corporation, a condition which should not be permitted to continue.

The contribution of the Home Owners' Loan Corporation to the Group Health Association, Inc., has already been referred to, a contribution of $40,000 out of money provided by the Congress for administrative expenses.

I refer in this connection to the statement embodied in the report of your committee as follows:

> Entirely irrespective of the merits of the work proposed to be done under the Group Health Association, for which the Home Owners' Loan Corporation recently made a contribution of $40,000, the committee is of the unanimous opinion that the expenditure was one not authorized by any law and that such expenditures should not hereafter be made without specific legal authority.

Mr. Chairman, it seems to me that proper control over expenditure is impossible under existing conditions, and I urge that a general survey be made by the Committee on Expenditures in the Executive Departments, by the Committee on Reorganization, or otherwise in order to bring about, insofar as possible, a proper audit of all agencies charged with the expenditures of Federal funds.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield a moment?

Mr. WIGGLESWORTH. I yield very briefly because I must hurry on.

Mr. ALLEN of Delaware. I simply want to ask the gentleman one question. Why has not this audit been made? The gentleman is elaborating in his speech on an audit of these expenditures, but he does not say why the audit has not been made.

Mr. WIGGLESWORTH. If the gentleman from Delaware will read the report of the Acting Comptroller General, to which I have referred, I think he can satisfy himself very quickly. I cannot yield further now because I have other matters to refer to. I shall be glad to yield later if time permits.

PROPAGANDA

Last year, Mr. Chairman, I made some remarks about the enormous expenditures by agencies included in this bill for the purpose of propaganda or promotion. In this connection I quote again from the report of your committee as follows:

> The committee views with disfavor the tendency to expend disproportionate sums for the printing of publications, often on high-priced paper and under expensive covers, or the preparation of press releases, magazine articles, broadcasts, motion pictures, etc., the primary purpose of which is to build up a public demand for the services of the agency issuing the publicity. There has been some improvement in this respect, but the committee believes a substantial reduction of outlay in this quarter can be effected by many of the agencies without diminution of service.

There has been some improvement in this respect, but in my judgment there is still an immense amount of waste of the people's money in this connection.

Without going too much into detail, I refer particularly to the Federal Housing Administration, which asks for a force of 17 and funds to the extent of $300,000 for this purpose; to the Social Security Board, which has had a personnel of 69 and $228,000; to Rural Electrification Administration, which asks for a personnel of 22 and about $122,000, if we include printing and binding expenditure for the R. E. A. News, pamphlets, and folders; to the T. V. A., which asks for $100,000 for rural electrification education; to the P. W. A., which asks for a personnel of 20 and an expenditure of $49,000; and the H. O. L. C., which asks for a personnel of 15 and an expenditure of $33,880.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield briefly.

Mr. CULKIN. Does the measure include any amount of money to reimburse people who were damaged by reason of the T. V. A. flooding land in the Tennessee Valley? I note a statement that Senator BERRY and his associates have a claim of $622,000,000. Is any such estimate included in the bill?

Mr. WIGGLESWORTH. That matter is still pending before the court or before appraisers, as I understand it, and is not included in the bill.

Mr. CULKIN. Was that included in any estimate of cost of the T. V. A. at any time?

Mr. WIGGLESWORTH. I do not think so.

I call especial attention to page 862 of the hearings, where the Federal Housing Administration sets forth its promotional activities. During the present fiscal year the F. H. A. reports, among other things, weekly releases to 800 newspapers, a monthly publication to about 20,000 financial institutions, a clip sheet twice a month to 1,600 daily and weekly newspapers, and many special articles for newspapers and magazines. It also reports 328 network broadcasts, representing 82 hours of time over the Big Three chains; 147,339 broadcasts, representing 28,160 hours of time, over independent stations at an estimated commercial value of something like $7,200,000. It also reports 350,000 motion-picture showings in commercial theaters to an attendance estimated at about 94,000,000, as well as various exhibits to about 869 home shows, and 1,031 fairs.

This from a single agency in a single fiscal year.

Mr. MICHENER. What agency is that?

Mr. WIGGLESWORTH. That is the Federal Housing Administration.

Mr. WADSWORTH. Did they do any sky writing?

Mr. WIGGLESWORTH. The record does not reach as high as that.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. TABER. What was the object of all this expenditure?

Mr. WIGGLESWORTH. It seems to come under the general head of promotion.

Mr. MICHENER. The gentleman says promotion. Does he mean promotion of the real objective or propaganda as to what it is going to do some day?

Mr. WIGGLESWORTH. In my judgment, a great deal of the expenditure of this character by Federal agencies is clearly propaganda.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. TREADWAY. May I ask the gentleman, in proportion to the amount he designates the F. H. A. is expending for publicity and propaganda, what would be his estimate as to the total expenditure for this same purpose throughout the administration?

Mr. WIGGLESWORTH. This bill covers only 38 agencies of the Government. It is impossible for me to make any estimate of the picture as a whole that would be worth much.

However, the Social Security Board indicates that its publicity service has prepared about 1,200 press releases, 200 special articles, 28 addresses, and 4 motion pictures, and the R. E. A. reports that in addition to its R. E. A. News, pamphlets, folders, and lantern slides, it has given a weekly service of 10 minutes radio script to from 100 to 120 different stations. All this in the face of statements by the R. E. A. appearing in the RECORD, which I quote, as follows:

> Demands for projects have assumed such proportions as to outrun our resources four to one. We would be wasting our time if we tried to blow up very much of a publicity balloon, because the demand is so aggravatingly greater than we can take care of, that it is a great annoyance.

Mr. Chairman, from my point of view, disproportionate expenditure of this character is entirely unjustified. It should be eliminated or cut to the bone.

FEDERAL COMMUNICATIONS COMMISSION

On Thursday last I made some observations in regard to the Federal Communications Commission. I am not going to say anything more in regard to that agency at this time except to refer to the remarks of the gentleman from Texas [Mr. MCFARLANE] which appear in the RECORD of Friday last and which afford further evidence of conditions existing in this agency.

TARIFF COMMISSION

I want to say something now in regard to the Tariff Commission. That Commission asks for $933,000, which is an apparent reduction, as compared with the appropriation for the present year of $12,000. The request, in my judgment, might well be cut by at least $25,000. I say this for two reasons. First, because the Commission shows an estimated saving in the present fiscal year amounting to $37,000 and, second, because in my mind the testimony as a whole on behalf of the Commission raises squarely the question of the extent and value of its functions.

The record indicates that there has been no formal action whatsoever under the "unfair practices" section of the act, that there has been little apparent action under the "discrimination" section of the act, that there has been no affirmative recommendation under the so-called "flexible provisions" of the act, and that the State Department, the committee for trade agreements, and the committee for reciprocity information have taken over the lion's share of the work in the field of trade agreements.

If we look at the testimony in respect to the flexible provisions of the act, we find that an investigation in regard to furs was completed, but that no findings were made because, among other things, of the difficulty of making a comparison of costs between foreign and domestic articles. We find that investigations in regard to cotton velveteen, cotton hosiery, and wool knit gloves were suspended despite the fact that

quota arrangements entered into between American producers and Japanese exporters have apparently been exceeded. We find that the investigation in regard to pottery, the importation of which, according to the testimony of the Commission itself, has supplied no less than 43 percent of our domestic consumption, was dismissed after 4 long years, because of "serious questions of comparability."

One investigation is still pending. That is the investigation in respect to cemented shoes. That is an investigation in which I personally have been very much concerned, because of the fact that there are thousands of shoe workers and their families in the district which I represent who have seen the importations of cemented shoes increase no less than 1,500 percent in the past 2 years, and who fear the loss of millions of hours of employment in the event that the proposed trade agreement with Czechoslovakia is concluded.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. TREADWAY. Has the gentleman received any information from the Tariff Commission as to when there is likely to be a report on the cemented-shoe question and also whether or not there has been any understanding with the State Department that delay will be occasioned in the Czechoslovakia agreement until such time as that report has been received?

Mr. WIGGLESWORTH. I have not been able to receive a satisfactory assurance in either respect, and I want to say that the delay of the Commission in this connection seems to me to be particularly difficult to understand. Ever since July 9, 1937, the Commission has had before it a request from the New England Shoe and Leather Association for an investigation into the comparative costs of these shoes under the flexible-tariff provision of the act. Ever since that time they have known that a treaty with Czechoslovakia was proposed in respect to which this information would be vital. Ever since August 19, 1937, they have known that an investigation was mandatory because of the resolution adopted by the Senate. And yet, Mr. Chairman, it was not until December 3 that two representatives of the Commission, who admittedly have no special information as to the manufacture of boots and shoes, were sent to Czechoslovakia with a view to obtaining the costs of production in that country. On December 9, when the representatives of the Tariff Commission appeared before your subcommittee, it was clearly indicated that the Commission was not in a position to state a fair cost for domestic production, a fair cost for foreign production, or a fair cost for foreign production based on invoice prices.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. TREADWAY. Has the Tariff Commission or any other authority given any assurance that these men going to Czechoslovakia will obtain from Czechoslovakian producers any valuable information for our purposes?

Mr. WIGGLESWORTH. They have given no assurance which is satisfactory to me; and it seems to me almost impossible for them to give such an assurance under prevailing conditions.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. CULKIN. I ask the gentleman from Massachusetts if it is not a fact that the Tariff Commission is absolutely dominated by the State Department and times its report on these questions according to the will of the State Department?

Mr. WIGGLESWORTH. I think their functions have become largely subservient to those of the State Department and the other two committees to which I have referred particularly in this field.

Mr. TREADWAY. In connection with the Czechoslovakian matter, is it not a fact that if the authorities there realized that we were sending agents to get information from them they would put every obstacle possible in the way of getting that information?

Mr. WIGGLESWORTH. I cannot see anything to be gained from the point of view of those producing shoes in Czechoslovakia in disclosing more than the minimum information in this connection.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes; I yield to the distinguished gentleman from Missouri.

Mr. COCHRAN. The gentleman certainly does not want to convey the impression that the Tariff Commission is dominated in any way by the Secretary of State.

Mr. WIGGLESWORTH. I think, as I tried to state, that the functions of the Commission have become largely subservient in this field to those of the State Department, the committee on trade agreements, and the committee on reciprocity information.

Mr. COCHRAN. The gentleman knows, of course, that I come from a great shoe center myself, the greatest shoe center in the world. I am just as much interested in this reciprocal treaty with Czechoslovakia from the standpoint of shoes as is the gentleman. Does not the gentleman feel that our commercial attaché in Czechoslovakia should have this information in reference to the cost of production in that country?

Mr. WIGGLESWORTH. I think he should, and it seems to me inconceivable that we should not be able to arrive at a fair basis of comparative costs of production in the period of time which has elapsed since July 9, 1937.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. DIRKSEN. I just wanted to make an observation on this shoe matter with reference to the answer of the gentleman from Missouri. I think if anybody from the Tariff Commission is going over there to investigate cost of production they should get somebody who has familiarity with the shoe business, who knows the technique of shoemaking, who knows something about costs, inventories, and other matters affecting the industry; but apparently that has not been done thus far so that the information we have gotten does not necessarily represent expert opinion on the subject by any means.

Mr. WIGGLESWORTH. Mr. Chairman, from a more general standpoint, the action of the Commission in this connection seems to be consistent with the statement of the Commission which also appears in the RECORD and which to me is an amazing statement; namely, that the Tariff Commission, although the adviser of the State Department and others responsible for our so-called trade agreements, has made no investigation of foreign costs of production for items in respect to which protection has been slashed under trade agreements concluded with countries from which we obtain no less than 43 percent of our entire importations. It would seem, Mr. Chairman, that the administration is content to slash protection with its eyes shut but is unwilling to increase protection no matter how essential it may appear to be except after most laborious and at times apparently fruitless investigation.

If a trade agreement is concluded with Czechoslovakia prior to a determination of comparative costs of production; if it is concluded in such terms as to preclude the possibility of increased protection against the importation of cemented shoes, those responsible for the action, in my judgment, will not only fly squarely in the face of the manifest intent of the Senate in adopting the resolution of August 19, but they will proceed without information which is vital for the proper protection of the thousands of workers and their families dependent upon the boot and shoe industry of the Nation. This comment, it seems to me, applies as well to other items and other trade agreements.

Incidentally, in view of the order which has just been more or less dragged out of the Department of Labor, as I understand it, to the effect that no Government agency will purchase shoes in respect to which a minimum wage of

less than 40 cents has been paid, it will be exceedingly interesting to see whether if this trade agreement is concluded, the same stipulation is insisted upon in respect to shoes produced in Czechoslovakia or any other nation.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 5 additional minutes.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. I yield.

Mr. ALLEN of Delaware. Does the gentleman want to go on record in this Congress as disagreeing with and not being satisfied with the reciprocity agreements that our country has made with foreign countries?

Mr. WIGGLESWORTH. I thought my position was clear in that respect.

Mr. ALLEN of Delaware. Please answer me directly.

Mr. WIGGLESWORTH. I am answering the gentleman.

Mr. ALLEN of Delaware. Say yes or no.

Mr. WIGGLESWORTH. I will say yes to the gentleman. I am glad to go on record as feeling that much in connection with those treaties has not been helpful to the Nation.

Mr. ALLEN of Delaware. Then you are against reciprocity agreements?

Mr. WIGGLESWORTH. I am certainly against the present methods.

Mr. ALLEN of Delaware. Then the gentleman is not in agreement with the present regime?

Mr. WIGGLESWORTH. I have opposed the present methods of putting the so-called reciprocal-trade agreements into effect.

Mr. ALLEN of Delaware. Tell me yes or no.

Mr. WIGGLESWORTH. I answer the gentleman in the affirmative as emphatically as he desires.

Mr. ALLEN of Delaware. I thank the gentleman.

TENNESSEE VALLEY AUTHORITY

Mr. WIGGLESWORTH. Mr. Chairman, there is another matter about which I wanted to say something, and that is the Tennessee Valley Authority appropriation carried in this bill. The Tennessee Valley Authority asks for $40,000,000, plus authority to contract obligations to the extent of $4,000,000. This compares with an appropriation last year of $40,166,270 and a contract authorization of $4,000,000.

The ultimate cost of this project is now estimated at about $505,000,000. Of this amount $190,000,000 has been appropriated to date and $170,000,000 obligated.

The project contemplates the construction of 12 dams, 3 of which are now constructed, 4 under construction, and 5 not yet embarked upon. It also contemplates the construction of power stations or substations, as they are called, and hundreds of miles of transmission lines. It also includes a fertilizer and soil-conservation program, a national-defense program, and certain other expenditures for regional studies of other items.

The proposal of the T. V. A. presented to your committee includes, among other things, a substantial increase in the sums to be made available for preliminary investigations in respect to the dams at Watts Bar and Coulter Shoals. The request is for $671,000 as compared with an appropriation for this year of $265,000 or thereabouts.

There is also included expenditure in reference to dams constructed or under construction of some $28,000,000.

It includes an item of about $3,000,000 for the start of work on the Gilbertsville project. It includes about $5,760,000 for substations and transmission lines which the Authority is unable to define or specify at this time. It includes about $3,000,000 for fertilizer and soil conservation, $211,000 for national defense, about $218,000 for regional studies, and about $40,000 for other expenditure.

Your committee has recommended two reductions in this appropriation. First, in regard to fertilizer and soil conservation it has recommended reductions aggregating about $300,000 in respect to items which will be found on page 1020 of the hearings, the committee being careful to avoid cutting the actual manufacturing operations of the Authority. The reductions have been made in items covering chemical engineering, research, and experimentation; controlled soil and fertilizer investigations; research and development of farm equipment; and reforestation and erosion control. No reductions have been made in regard to major plant and demonstration units, phosphate rock production, manufacturing operation, or farm unit and large-scale test demonstrations.

About $3,000,000 will be allowed for this program if the committee's position is sustained. The committee does not believe that the work in this connection will be hampered by the cut recommended.

Mr. WADSWORTH. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from New York.

Mr. WADSWORTH. Listening to the remarks of the gentleman, I am impressed with the possibility, indeed the probability, that expenditures by the T. V. A. for soil conservation, forest conservation, and other investigations relating to the fertility of soil must of necessity duplicate the work of the Department of Agriculture?

Mr. WIGGLESWORTH. I may say to the gentleman that that was taken into consideration in connection with the action taken by the committee. It was felt there was some duplication and this afforded an additional justification for the reductions to which I have just referred.

Mr. WADSWORTH. Will the gentleman state to the committee and give the committee an explanation, if he can, what use the $211,000 out of the $40,000,000 is to be put in the interest of national defense?

Mr. WIGGLESWORTH. I may say to the gentleman that on page 1034 of the hearings he will find a complete breakdown of the item which is authorized. Generally speaking the item includes maintenance of idle property, construction and rehabilitation, general equipment and inventories, and mineral investigations.

Mr. WADSWORTH. Is that all under the head of national defense?

Mr. WIGGLESWORTH. Yes.

Mr. Chairman, with regard to the reduction recommended in respect to the Gilbertsville Dam, may I say the committee eliminated about $2,600,000 requested to start the actual construction of this dam. It increased by $100,000 the amount requested for preliminary investigations in this connection, the thought being that the construction might well be deferred for the time being, while at the same time a more adequate investigation of the feasibility of the project might be conducted.

The action is consistent with the message of the President of the United States to the Congress in which he appealed to the Congress to—

> Join hands with the Executive in curtailing any Federal activity which can be eliminated, curtailed, or even postponed without harming necessary Government functions or the safety of the Nation from a national point of view.

The cost of this project is estimated at $112,000,000. In other words, to start this project now is tantamount to increasing the national debt to that extent. Moreover, the project is a tremendous undertaking, and it is highly important we be sure that the right course is followed in constructing whatever dam may be constructed at this point. The dam contemplated is 8,600 feet long, it is 150 feet high, and is going to have a normal reservoir area of 160,000 acres. It will create a lake which will have a shore line of something like 2,000 miles, and is intended to control the river for a distance of approximately 185 miles.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Missouri.

Mr. SHORT. Will the gentleman tell us if there are any deposits of marble in the area which will be inundated?

Mr. WIGGLESWORTH. I assume the gentleman has in mind the deposits of marble which are now the subject of contention before a court or a board of appraisers. I think these deposits have already been flooded by the Norris Dam.

May I emphasize, Mr. Chairman, there seems to be a real difference of expert opinion as to whether or not the type of dam suggested for Gilbertsville is in fact the right type of dam to erect there. At the recent hearing in Chattanooga I understand Colonel Putnam, a former district engineer in Chicago, testified to the contrary, recommending a low-dam construction from a navigation standpoint, at a large saving to the Federal Government. In the course of the same hearing I understand Mr. Ford Kurtz, formerly of the Coast and Geodetic Survey, and resident engineer of the United States Nitrate No. 2 steam plant, also testified to the contrary from a flood-control standpoint, recommending detention reservoirs at and above Chattanooga at a large saving to the Federal Government.

At page 1068 of the hearings Members will find a statement by Capt. Donald Wright, river pilot and editor of the Waterways Journal in St. Louis, before the Committee on Rivers and Harbors, emphasizing the dangers from a navigation standpoint of the proposed Gilbertsville project. It is also urged, I believe, that the decision of the Army engineers in respect to the Ohio River system of control, with some 87 detention reservoirs, is evidence against the construction which is now contemplated.

I may point out in passing, in this connection, that the T. V. A. a year ago was itself uncertain as to what is the most desirable location for this project, that it examined no less than five different locations, and that, as appears in the letter from the gentleman from Michigan [Mr. DONDERO] at page 1076 of the hearings, the T. V. A. officials increased between September and December of this year by approximately 24 percent their estimate as to the volume the project contemplated.

Mr. REECE of Tennessee. Mr. Chairman, if the gentleman will yield, will he state before he concludes if the sums requested for the development of the river have been broken down to show what amounts may be chargeable to navigation, flood control, and power?

Mr. WIGGLESWORTH. I regret to say they have not been broken down in this manner. I will come to that point in just a moment.

It seems to me there is clearly no urgency in starting this particular project. The record indicates the population served amounts to only about 2,000,000. Navigation over the river is only 2,000,000 tons, about 54 percent of this being Government freight. From the power angle there is already available a surplus of about 150 percent, as compared with present demands.

It seems to me the course of wisdom to postpone the start of this construction and satisfy ourselves, preferably through a check by the Army engineers, or some other independent body, that we are not making a mistake and proceeding along lines which are not for the best interests of the country.

Mr. Chairman, the T. V. A. is, of course, charged with unfair competition with private industry. It is charged with competing unfairly, both directly and indirectly, through municipal distribution plants financed at less than cost by P. W. A. and through power produced at less than cost by T. V. A. It is also charged with making available at public expense low rates for large industry, which can move into the T. V. A. area, with consequent loss of employment for thousands of workers in the coal mines, as well as other workers.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. I yield very briefly.

Mr. TABER. Did the committee make any study of the operation of the contract between the T. V. A. and the Aluminum Co. of America and the Monsanto Chemical Co., which provides the T. V. A. shall furnish electricity without any regular monthly charge as is required of other people?

Mr. WIGGLESWORTH. I may say to the gentleman I believe there is no detailed analysis of these contracts, but the situation to which the gentleman refers, and which he and I examined to some extent in the spring when the T. V. A. was before the subcommittee on deficiencies, still persists.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I am sorry, I cannot yield.

Mr. Chairman, I want to make one final point with respect to the T. V. A. I wish the Members of the House would read a part at least of the testimony before your subcommittee and see if they are satisfied with the responses given to the questions submitted by members of the committee.

Regardless of the charges to which I have referred, and which, of course, raise fundamental questions of policy, I submit that Congress and the country are entitled to an administration of T. V. A. which is both cooperative and competent. I submit that any engineering concern undertaking this work or any part of it could have promptly estimated an allocation of costs to power, flood control, and navigation, as suggested by the gentleman from Tennessee [Mr. REECE]. I submit that any concern proposing to carry power to this or that community, as the T. V. A. has done, could surely have stated what power was available in a community as well as the demand for power in that community. I submit that any businesslike organization would have made a balance sheet of its operations and would have had its accounts audited. And yet, Mr. Chairman, after more than 4 years of operation T. V. A. is unable or unwilling to make any allocation of its costs as between navigation, flood control, and power in respect to any one of the projects constructed or to be constructed. T. V. A. is unable or unwilling to give any statement as to power facilities or power demand, before T. V. A., in the communities which it is now serving or is about to serve with power. T. V. A. is either unable or unwilling to present to the Congress a balance sheet of its operations, and it has failed to obtain any proper audit of its expenditures for the year 1934 or any subsequent year. The question arises in my mind as to how long a situation of this character is to be tolerated by Congress.

Mr. SHORT. Mr. Chairman, will the gentleman yield at that point?

Mr. WIGGLESWORTH. I yield.

Mr. SHORT. The facts just disclosed by the gentleman from Massachusetts would certainly warrant an investigation, a thorough and full and complete investigation, of T. V. A. activities.

Mr. WIGGLESWORTH. I agree with the gentleman, and I understand such an investigation has been proposed.

Mr. SHORT. I take it the gentleman from Massachusetts would prefer to have that investigation made by an impartial body rather than turned over to the Federal Power Commission?

Mr. WIGGLESWORTH. I would be very happy to have it made by an impartial body.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I am sorry I have not the time.

Mr. Chairman, there are many other things that might be discussed in connection with this bill, but my time is exhausted.

Under leave to extend, I insert at this point certain brief comments in respect to other agencies:

CIVIL SERVICE COMMISSION

The testimony of the Civil Service Commission appears on page 358 of the hearings. It shows, among other things, an increase in the personnel of the Federal Government since 1932 of 263,000, or more than 50 percent. The figures furnished by the Commission are as follows:

Employees	1932	1937 (June 30)
Classified	467,161	532,073
Unclassified	111,070	309,591
Total	578,231	841,664

The total does not include the legislative, judiciary, Army, Navy, District of Columbia, or about 30,000 employees in the C. C. C.

THE NATIONAL RELATIONS BOARD

The testimony in behalf of the National Relations Board appears on page 729 of the hearings. Explanation of the Board in respect to complaints as to its partisanship and incompetency is included. The manner in which the complaints of experienced labor officials is dealt with by the Board merits consideration.

SECURITIES AND EXCHANGE COMMISSION

The testimony in behalf of the Securities and Exchange Commission will be found on page 670 of the hearings. The statement of the Chairman of the Commission in respect to charges recently made by those interested in or subject to the jurisdiction of the Commission is also worthy of notation.

RAILROAD RETIREMENT BOARD

The testimony in behalf of the Railroad Retirement Board appears on page 596 of the hearings. The Board is now operating under the 1937 legislation. It estimates that 85,000 workers will be eligible to benefits in 1939, with an addition of about 15,000 a year thereafter. The average annual annuity is $68.16 a month.

SOCIAL SECURITY BOARD

The testimony in behalf of the Social Security Board will be found on page 1078 of the hearings. The full amount requested for benefits payable has been allowed. The record indicates an estimated increase in personnel from 6,817 in 1937 to 9,066 in 1939. It also indicates existence of 12 regional offices and 324 other local offices. Particular attention is called to the contribution of some $18,000,000 to what is described as an expanded Wagner-Peyser employment service in the several States and to the investment of taxes for old-age insurance and unemployment compensation, dealt with so effectively by the gentleman from New York [Mr. REED] on the floor of the House on November 24 last.

VETERANS' ADMINISTRATION

The testimony in behalf of the Veterans' Administration will be found on page 1 of the hearings. A reduction of $38,000,000 in the total appropriation is explained in large measure by the termination of military and naval insurance payments. Additional beds to the extent of 10,498 are provided for in the bill, as well as additional hospital construction to the extent of $4,500,000.

COMMODITY CREDIT CORPORATION

The testimony in behalf of the Commodity Credit Corporation will be found on page 788. The Corporation reports an actual loss of $23,000,000 and an estimated loss based on present market values of $75,000,000. It has on hand more than 3,000,000 bales of cotton and anticipates a total of between five and six million bales.

RECONSTRUCTION FINANCE CORPORATION

The testimony in behalf of the Reconstruction Finance Corporation will be found on page 1184 of the hearings. The record indicates authorizations divided substantially as follows:

Loans and investments	$9,200,000,000
Transfers	1,000,000,000
Relief	1,800,000,000

Of the $9,200,000,000 loans and investments, the report makes a further division as follows:

Canceled	$1,700,000,000
Disbursed	6,600,000,000
Repaid (72 percent)	4,800,000,000

It is understood that the Chairman of the Corporation desires to cancel the items for transfers and relief. It would seem that this should be done in fairness to the Corporation as the items are nothing more than concealed appropriations.

HOME OWNERS' LOAN CORPORATION

The testimony in respect to the Home Owners' Loan Corporation will be found on page 1288 of the hearings. The last loan of the Corporation was made on June 12, 1936. Nevertheless, the Corporation asks for a personnel of 13,239 and an appropriation of $28,000,000, as compared with a personnel of 14,942 and an appropriation of $30,000,000 for the current fiscal year. Despite the fact that it is in liquidation, the record indicates a Property Management Division costing $5,000,000, and reflecting an increase of $1,400,000 in 2 years; a Loan Service Division costing $5,000,000; a Reconditioning and Appraisal Division costing $3,000,000; 409 offices in the field; a large expenditure for legal services, partly in respect to personnel of the Corporation, partly in respect to other attorneys; and a printing and binding item of $550,000. Justification of the Corporation is based largely on properties acquired by foreclosure and otherwise numbering today about 58,000 and estimated for 1939 at about 145,000. Those on hand are given a value of $293,000,000. The organization seems top-heavy for its work in liquidation.

In conclusion, I want to endorse, 100 percent, the recommendation of the distinguished chairman of this subcommittee, the gentleman from Virginia [Mr. WOODRUM], looking to a slight increase in the force of assistants in the Appropriations Committee. I spoke in favor of that principle several years ago on the floor of the House. I believe it would repay itself many times over, and I hope when in concrete form it comes before the House for consideration it will receive the unanimous approval of the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. WIGGLESWORTH] has expired; all time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, namely:

Mr. COCHRAN. Mr. Chairman, I move to strike out the the last word.

Mr. Chairman, I cannot conceive there is a single Member of Congress who is not fully aware of the situation that not only confronts the President but the country. My barometer is personal contact, the press, and my mail. I can reach but one conclusion. If there is not cooperation from every class we will find ourselves receding until we reach a condition such as confronted us back in the real dark days after the crash of 1929. That there is much to be done you cannot deny.

When the President addressed us a few days ago I not only weighed his words with care but I studied his expressions, and therein I found even more than his utterances. I saw pictured a situation that is giving him a great deal of concern.

How could one more honestly and seriously have asked for cooperation, not only from us but from the people of this country? The question now is whether we propose to give the assistance which he seeks. So far as I am concerned my answer is "Yes."

Our first test comes on this bill. I have always said, and I repeat now, the Civilian Conservation Corps has been one of the most beneficial activities proposed by the administration. I am ready at the moment to make it a permanent organization, and I predict that it will not be long before it is made a permanent set-up. Its value to the youth of the country cannot be estimated. It has improved the morale as well as the health, physical and mental, of those who have been fortunate enough to have been selected for service. Words fail me in even attempting to praise the work of the Director, Robert Fechner.

It galls me to even think of reducing this appropriation, but I assert this is the first test of cooperation which the President asked. If we desert him at the outset, what will we do with his other recommendations?

You need not tell me of the value of the C. C. C.—that I know. You need not tell me that the improvements the corps is responsible for are lasting—that I know. You need not tell me deserving veterans and young men with dependents in my district will be affected—that I know. Even with this knowledge I am willing to recognize the necessity of making this outstanding organization suffer a reduction in appropriation in order to cooperate with the President.

I weigh my words when I tell you our action on this, the first appropriation bill, is being watched, and will be reflected throughout the Nation, if not throughout the world. It will be our answer to the President's appeal. If by any chance he is rebuked—and I think rebuke is the proper word—then the people of this country will say, "Why should we support and cooperate with the President when his overwhelming Democratic majority in the Congress refuses to do so?"

Support of his recommendations will go a long way toward securing the cooperation from all citizens, which is so much needed at the moment.

Like you, I have received hundreds of letters asking for a balanced Budget. The way to approach a balanced Budget is to stop spending. This cannot be done overnight, in a week, a month, or a year, but we will never reach the goal unless we start, and the hour has arrived to make that start. I am more interested, however, in letting the country know that we, especially members of his party, have ceased to let political expediency govern us in acting on legislation, but by our votes here serve notice that this Democratic Congress is going to do its share to bring about general cooperation, which the President so earnestly appeals for.

I have nothing but contempt for those who will wire and write us to reduce expenditures, and then when suggestions are advanced to reduce some appropriation in which they are interested, for selfish reasons, tell us to find some other way to cut, but leave this or that appropriation alone.

I represent a constituency that will be as much affected by reducing these appropriations as any of your people.

A few weeks ago when I tried to reduce interest rates on small loans under the housing bill, which is now in conference, a Member said my people lived in marble palaces. I did not get an opportunity to answer him, but I will tell you now the only marble palaces in my district are mausoleums erected in the large cemeteries which are in my district. The great majority of my constituents are employees, not employers.

A moment ago I stated this is our first test. It is most important that we stand behind the committee now. You will recall the chairman of the Committee on Roads, in answer to the President's request for a reduction in the annual appropriation for Federal aid for highways, said, in effect, he would go along if there was a general cut. If we now refuse to start the program, will he not be justified in refusing to agree to a reduction in the authorization for roads?

If we were confronted with the question of retaining either the C. C. C. or the highway appropriation—only one to survive—I frankly tell you I feel the C. C. C. would be of more value to the country, but still I propose to support the President and the committee and vote for the reduction recommended. If we get an opportunity to vote to amend the authorization for roads, I will vote to reduce that appropriation as the President has asked.

I know these are not what can be called popular votes, but it is the bitter medicine that makes us well when we are ill, not the sweet. There is not a Member of this House who cannot justify supporting the President in his efforts to reduce expenditures if called upon to do so.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Chairman, I am very much displeased with some of the increases in this bill. If I had my way I would reduce every appropriation except the so-called fixed charges, such as interest on the public debt, veterans' appropriation, and so forth, and not even think of voting increases, other than possibly for our national defense.

As chairman of the Committee on Expenditures in the Executive Departments, and as one who knows something about the manner we have been running our Government for 25 years, I say now and without fear of contradiction, there is not a Government agency that is not overmanned. I have been giving a great deal of study to this question. It is my purpose in the very near future, as soon as the reorganization legislation is out of the way, to ask the members of my committee to do some very constructive investigation work with a view to bringing to light conditions that will prove my contention. The thought I have is to appoint subcommittees and start investigations that will include every Government agency. I will want the subcommittees to visit each agency and make a detailed investigation of its activities. If our committee had some outstanding investigators, I am sure we could disclose conditions that would save the Government millions of dollars. I know the Members have little time for investigations, but I am in hopes we can find some way to make some personal inspections that will be beneficial.

This is in line with the remarks made by the gentleman from Virginia [Mr. WOODRUM] and other gentlemen of the House. I may say that they are exactly right in saying that we should have information with respect to appropriations other than the information furnished by the department heads when they come before our committee. We should make our own personal investigations. I would have my committee divided up into subcommittees and go from place to place to see what is going on, and by no means let the departments know in advance we are coming, because whenever you do that you are going to find there will be a set-up there that will show you how busy they happen to be at the moment. They will be digging out files and covering their desks with papers.

Mr. Chairman, this is a most serious question. As I have said, this is the first of the great appropriation bills. I have stood by the Committee on Appropriations time and again when it has hurt, and I am going to stand by them now, and I hope the House will follow the recommendations of the committee and reduce expenditures as the President has asked.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. JOHNSON of Oklahoma. The gentleman has mentioned the C. C. C. camps and has referred to the work the camps are doing. Does not the gentleman feel it would be more equitable and fair to have each department of government, say, take a 10-percent cut rather than have the Civilian Conservation Corps take a cut of $123,000,000 as proposed?

Mr. COCHRAN. The gentleman well knows from his experience as a member of the Committee on Appropriations, and especially his experience when he handled the bill for the Department of the Interior last year on the floor of the House during the sickness of the chairman, it is absolutely impossible to have a 10-percent cut all the way down the line. For instance, suppose you ordered a 10-percent cut upon the interest on the public debt and we failed to pay 10 percent of the interest that would be due, the credit of this Government all over the world would be worth nothing. The same thing is true of the veterans' appropriation and other fixed charges.

Mr. JOHNSON of Oklahoma. Then the gentleman is willing for other departments of the Government to have a decided increase in this bill and have all or practically all of the cut taken by the Civilian Conservation Corps?

Mr. COCHRAN. So far as I am concerned I say to the gentleman that outside of fixed charges and possibly an increase in our national defense, and I am for adequate national defense, I say we should not increase the appropriations of any of the Government agencies at this session of Congress.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. ALLEN of Delaware. Would the gentleman go on record as advocating a cut of $125,000,000 in the C. C. C. camps that are doing the finest kind of work?

Mr. COCHRAN. I am not only willing to go on record by voice, but by vote, in order to comply with the suggestion of the President of the United States, who pleads with us, as Democrats, who led us to victory, to help him start the ball rolling to reach a balanced Budget, and now is the time to start it, and if the gentleman throws him down on this appropriation, he will regret it in the future.

Mr. ALLEN of Delaware. I am not going to throw him down, but I am going to help 25,000 or 30,000 boys to retain their manhood.

Mr. COCHRAN. Help the Nation as a whole by cooperating with the President.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

The Clerk read as follows:

EXECUTIVE OFFICE

COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

For compensation of the President of the United States, $75,000.

For compensation of the Vice President of the United States, $15,000.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. Is there objection?

Mr. WOODRUM. Mr. Chairman, I shall not object this time, but I hope no other Member will make any such request, because we are very anxious to proceed with the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Chairman, I rise at this time to discuss, as I stated, in 5 minutes or less, the question of the vote this morning of some of us—and I speak only for myself—on the so-called Ludlow amendment. I am concerned lest some foreign nation or foreign individual or individuals may look at the size of the vote this morning in favor of bringing that bill to the floor and think that we have weakened in this country in our moral fiber in our self-defense. I voted to bring this bill out. Some 2 weeks ago or more I wrote a public letter to the Hartford Courant stating that I was opposed to the Ludlow amendment and giving my reasons therefor. I was still opposed to the Ludlow amendment this morning, and I would have voted against the Ludlow amendment had it come to a vote for or against it. However, believing that committees of the House should promptly consider matters as important as the Ludlow bill and bring them before this House for consideration and discussion, I voted to bring the Ludlow amendment out. There undoubtedly may have been other Members who voted as I did. Therefore, as I stated at the outset, lest some foreign nation or nations or individual or individuals think that the large vote this morning to bring the Ludlow resolution out showed we are weakening in our moral fiber in our own self-defense, I take the floor at this time to explain but not to apologize for that vote.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For all printing and binding for the Central Statistical Board, $1,000.

Mr. TABER. Mr. Chairman, I move to strike out the last word. The Central Statistical Board was established about 2 years ago for the purpose of coordinating statistical work and perhaps reducing expenditures of the Government along that line. Frankly I have yet to see any results from the operations of that Board. The cost of gathering statistics has gone on increasing and increasing. In the Treasury Department alone I know of places where in the course of the 2 years it has increased $250,000. There seems to be no result from this operation. I am wondering if the chairman of the committee would not feel that this Board would get along to better advantage if it were carried as it was last year at about half this figure.

Mr. WOODRUM. Mr. Chairman, the work of the Board was greatly disturbed last year because of the fact that its appropriation was cut out entirely and its personnel had to be recruited by borrowing personnel from the departments, but the gentleman will find in the hearings, if he has not already familiarized himself with them, that the Board has made a very creditable showing and I believe the gentleman's colleagues will agree with that. While the Board has not accomplished everything that we had hoped it would accomplish, it has done a great deal toward preventing the duplication of statistical research in many departments, which is of course the primary purpose of the Board, and in stopping a great many relief statistical projects they have more than justified their existence.

I believe there is real need for such an agency. In answer to the gentleman specifically, I believe the appropriation should be carried as we have carried it in the bill and I believe the subcommittee is unanimous in its opinion in that regard.

Mr. TABER. I shall not at this time offer an amendment to the bill because of things I know about and which will be brought out next week but were not called to the attention of the committee until Saturday.

Unless they meet the responsibility that is theirs, next year I shall move to strike out the entire appropriation. I think that this board has completely failed in coordinating the handling of the gathering of statistics on the part of executive Departments. It may have done something on the special alphabetical agencies, but insofar as the regular Departments are concerned it has been a complete failure.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. PHILLIPS. The gentleman speaks of next year. I am wondering if the gentleman is certain he is going to be here next year.

Mr. TABER. Perhaps the gentleman can prophesy better than I. Maybe the gentleman himself will not be here next year.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

CIVILIAN CONSERVATION CORPS

For all authorized and necessary expenses to carry into effect the provisions of the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, including personal services in the District of Columbia and elsewhere; the purchase and exchange of law books, books of reference, periodicals, and newspapers; rents in the District of Columbia and elsewhere; the purchase (including exchange), operation, maintenance, and repair of motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes; hire, with or without personal service of work animals, animal-drawn and motor-propelled vehicles, and watercraft; printing and binding; travel expenses, including not to exceed $2,000 for expenses of attendance at meetings concerned with the work of the Corps when specifically authorized by the Director; construction, improvement, repair, and maintenance of buildings, but the cost of any building erected hereunder shall not exceed $25,000; and all other necessary expenses; $226,331,000, of which $133,467,000 shall be available only for pay, subsistence, clothing (and repair thereof), transportation, and hospitalization of enrollees: *Provided*, That an enrollee in the Civilian Conservation Camp, or member, or former member of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient, shall be entitled to be paid therefor a reasonable sum not to exceed $50.

Mr. PHILLIPS. Mr. Chairman, I offer a perfecting amendment, which I have discussed with the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: On page 10, line 24, after "$50", strike out the period and insert "for each of such transfusions undergone."

Mr. PHILLIPS. Mr. Chairman, it is quite plain from the language at the bottom of page 10 that the intent is to allow up to $50 for each transfusion undergone, but it does not read so; it simply reads "a sum not to exceed $50"; yet the man or woman might undergo a number of transfusions in any given year. I therefore offer this perfecting amendment, which will allow $50 for each blood transfusion voluntarily undergone by each enrollee in the Civilian Conservation

Corps or member or former member of the Military Establishment who shall furnish his or her blood by transfusion to some sufferer needing it. I have discussed this perfecting amendment with the gentleman from Virginia [Mr. WOODRUM], in charge of this bill.

Mr. WOODRUM. Mr. Chairman, I have no objection to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 10, line 14, after the word "expenses", strike out "$226,331,000" and insert "$271,331,000"; also, after the word "which", insert $178,467,000."

Mr. JOHNSON of Oklahoma. Mr. Chairman, the purpose of the pending amendment is to reduce the appropriation for the Civilian Conservation Corps $80,000,000 under last year's appropriation, instead of $124,000,000 as proposed in this bill. Considering the great work these camps have done an $80,000,000 cut is, in my judgment, entirely too drastic. I proposed in the committee and on this floor that the Civilian Conservation Corps take the same cut as other departments of Government.

Those who heard my remarks last Thursday on this matter of so vital importance to the people of this country, know that the committee has seen fit to make practically all the cut, all the saving effected in this bill, at the expense of the Civilian Conservation Corps.

Mr. WOODRUM. Not the committee.

Mr. JOHNSON of Oklahoma. Oh, yes; the committee cannot escape its responsibility in connection with these appropriations. It is no excuse to merely say we followed the Budget estimates.

I suggested a few moments ago, when I interrogated the gentleman from Missouri [Mr. COCHRAN], that I was perfectly willing that the C. C. C. camps should take a reasonable cut, but it occurs to me that for the Civilian Conservation Corps to have 300 and more camps abandoned at one time with a program being formulated to abandon at least 300 more next year and turn them over to some relief agency which is undoubtedly in the making, is not what I feel this Congress or the country wants done. Many of you remember that last year a proposal was made to reduce unreasonably the Civilian Conservation Corps at a time when there were 2,400 camps, all of them filled. Some of us made a desperate effort to prevent that cut at that time. We finally reached a gentleman's agreement that if those of us—and there were some 260 Members of Congress who had agreed to oppose any further cut—we were given to understand by leaders and others in authority that if we would drop our fight that we had the votes to win at that time that an agreement would be worked out whereby there would be a minimum of 1,500 camps. So the bill, you will recall, to make the C. C. C. camps permanent was sent to this body. That bill, like some other administration measures, was not prepared originally by a committee of Congress.

A bill was prepared and handed us to make a permanent institution out of the C. C. C. camps and the number was to be fixed at 1,500. Those of us who supported that bill did so in the belief that the Civilian Conservation Corps camps were to remain at 1,500; but like a clap of thunder from a clear sky there came to the committee from the Budget another proposal to cut not 10 percent, not 15 percent, not 20 percent, but 35 percent of the Civilian Conservation Corps camps, and they proposed to turn out between now and July 1, 50,000 to 75,000 boys on the highways and byways to look for jobs, they, of course, will be unable to find. That reduces the Conservation Corps enrollees from 300,000 to possibly 225,000, not 250,000 as the Budget told us, but 225,000 if the camps are to be maintained at the present high standard. It means simply that these boys have got to be fed. If they are not fed by the Civilian Conservation Corps they are going to be fed on relief.

Now get this straight so there will not be any misunderstanding about it: As these camps are abandoned they will be turned over to the relief agency to become "flop houses," and the Civilian Conservation Corps which has from the beginning up until now been a very popular institution will become the laughing stock of the Nation. What do you propose to do about it?

Mr. TAYLOR of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. TAYLOR of South Carolina. We should put some provision in the bill guaranteeing that the money we appropriate for this purpose will be spent for this purpose.

Mr. BOILEAU. Yes. That brings to mind the experience of last year. Last year we appropriated $350,000,000. By Executive order that amount was reduced to $315,000,000; in other words, $35,000,000 of what Congress appropriated for this purpose was recovered into the Treasury.

If you are going to increase the appropriation, it seems to me, to be consistent, we must put language in the amendment to insure that the increase we put in will not be taken off by Executive order.

Mr. JOHNSON of Oklahoma. I should be glad to see that done if it were possible to do so. I know many camps were abandoned last year.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, camps were abandoned right in the midst of projects. They were abandoned after having been there for 6 months or a year and at a time when they were in the midst of a very useful and important project. They have been ordered abandoned in many instances with only a few hours' notice. There are now some 1,400 abandoned camps that were set up at the expense of an average of $25,000 each. They are standing there, many of them on or near Federal or State highways, like signboards to the passers-by as a silent tribute to the extravagance of the New Deal. In a great majority of cases those 1,400 camps were abandoned before the projects were completed. In many instances they had hardly gotten under way. You will recall there were 2,900 camps at the peak of enrollment. There have been instances where they were right in the midst of a tree-planting program. I have reason to believe that Mr. Fechner would like to go back to such places and finish the job.

Mr. Chairman, my amendment would not affect the overhead expense, but would take care of many thousands of young men who are begging for an opportunity to earn a livelihood. Remember that under this bill you are proposing to cut the rations for the enrollees to the extent of a million dollars a year, and I am unable to believe that any Member of Congress really wants to do that.

Mr. ALLEN of Delaware. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Delaware, who I am glad to say is an enthusiastic supporter of the C. C. C. camps.

Mr. ALLEN of Delaware. Will the gentleman also tell the Congress that in addition to what the enrollee is doing for his country, $25 out of the $30 goes for relief? We have to face the fact we need relief in this country today.

Mr. JOHNSON of Oklahoma. That is a very important consideration. You are not saving any appreciable amount of money here. Do not fool yourselves into believing you are saving this amount of money, because each of these boys is sending $25 a month home to a father or mother, many of whom are aged, many of whom are unable to help themselves and nearly all of whom were actually taken off the relief rolls when their sons entered these camps. By your vote today you propose to place many of them back on relief.

[Here the gavel fell.]

Mr. LORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize that the C. C. C. camps have taken care of a great many boys. I question somewhat the benefits we have received, but it has really taken care of some of our boys and kept them off the streets. This has to end some time. We have got to put the boys to more useful work. It is proposed to reduce the highway fund that is being paid to the different States. I am hoping that we may save some money in this bill and reduce the expenditures so that we may continue the highway appropriations. If we could continue the highway work and take the boys from the C. C. C. camps and put them to constructing farm to market highways I think it would be much more beneficial to the young men and to the country. We need highways throughout all of the country. These boys can do this useful work and it will not cost any more than keeping them in camp. I am in hopes if we cut down the C. C. C. appropriation we will not have to cut down the highway appropriation and we will be much better off in this Nation than to cut down the highway fund and continue the C. C. C. camps.

[Here the gavel fell.]

C. C. C. PAYS DIVIDENDS

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON]. A reduction of 35 percent in the C. C. C. appropriation, coming on top of the reduction already made, means just exactly what the gentleman suggested—serious loss by stopping work in progess. On account of the last cut, the work in two camps adjoining my district was stopped. One project was a flood-control project. The work was stopped before the riprapping was completed, which means a great deal of the work done and money spent will be wasted unless it can be resumed before damage occurs.

The last gentleman spoke about highway construction. May I say that some of the most important road construction we have had in western South Dakota through the national forests has been done by the C. C. C. boys. This is paying dividends, because the construction of trails and roads through the woods means a great deal in the prevention and control of fires.

Mr. LORD. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New York.

Mr. LORD. In my section the C. C. C. boys are not allowed to construct highways. They may build roads and trails through the woods.

Mr. CASE of South Dakota. The roads they have built in my country have been very valuable. On account of these roads they have been able to control forest fires. During the dry years we had some of the most threatening fires that we have ever had. Only the presence of the C. C. C. boys and the control that they exercised prevented greater loss. If we can control the fires in our national forests it means a dollar and cents saving and benefit to the country.

January 1 saw an enrollment to fill vacancies that developed during the October-January period. Figures furnished me by the State director of social security showed there were over four times the number of applicants to fill the available vacancies. What are you going to do with the other boys? Turn them over to other relief agencies?

The amendment offered by the gentleman from Oklahoma is very conservative. Compromising at the figure he suggests still means a cut of $80,000,000. That is a heavier cut than is proposed for any other agency and we will lose the supposed saving in other ways. I therefore urge you to support the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON]. It will save 150 camps.

[Here the gavel fell.]

Mr. MASSINGALE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I may observe in regard to the amendment offered by my colleague the gentleman from Oklahoma [Mr. JOHNSON] that the operation of the C. C. C. camps in our portion of the country has convinced me this is the best governmental agency we have for the relief of people in hard circumstances. I presume the people residing in the Midwestern section of the country have felt the depression more than those in any other section of the United States, due to the very severe droughts which have prevailed in that section for the last 4 or 5 years.

Let me illustrate what happened in my district. Last year when recruits were being sought for camps in the extreme Northwest, better than a thousand young men from my congressional district were recruited and taken to Oregon, Washington, and other Northwestern States to fill the quotas. The reason these young men could be recruited in my section of the country was that they could not find any work to do. The C. C. C. has really offered an opportunity for a young man who wanted to work, who had some energy, and who wanted to contribute to the support of his parents and home folks, to join one of the camps. We in Oklahoma filled the State quota and could have filled it several times. We sent a thousand or more men from my district to the west coast. If there is a further cut in C. C. C. operations in my district, it is going to mean, on the basis of the thousand men who were taken from my district to the west coast, and figuring four or five to the family who must resort to the dole, that four or five thousand additional people must be taken care of by the Government of the United States.

I do not know of a more unhappy cut the Committee on Appropriations could have recommended than the cut in the appropriation for the C. C. C. camps. I certainly believe, although it may not be so gratifying to the Budget, the Committee on Appropriations, or the President of the United States, we ought to take into consideration the facts which are facing the people in the various sections of the Union and try to do the right thing by them. The right thing would be not to decrease the number of camps but either increase them or let us continue to recruit boys whose families are in distress and who want work and cannot get it. We have no industries in Oklahoma. Just as sure as I am standing on this floor now, if you carry through this cut, you will force 5,000 or 6,000 people in my district back onto the dole.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield for a question?

Mr. MASSINGALE. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. The cost for each one of these boys per year is approximately $1,200. Does not the gentleman believe this $1,200 a year put into W. P. A. would do his people more good?

Mr. MASSINGALE. No; I do not. I believe the best thing that can happen to them is to employ them in the C. C. C. camps. These camps are doing a good service and are needed. Furthermore, the enrollees in the C. C. C. are able to and are required to contribute directly to their families.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

Mr. TAYLOR of South Carolina. Mr. Chairman, reserving the right to object, does that request cover this amendment only?

Mr. WOODRUM. Just this amendment.

Mr. TAYLOR of South Carolina. I have no objection, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I can subscribe heartily to everything which has been said on yesterday or today about the Civilian Conservation Corps, the fine work it has done, the splendid job Mr. Fechner has done, and the desirability of keeping the corps operating, but I want to take my lead from the statement of the distinguished gentleman from Oklahoma [Mr. MASSINGALE], who just preceded me. We must remember the people of the country and try to do the square thing by them. Of course, the objective is not

to put boys in C. C. C. camps and keep them there, but to try so to reconstruct the economic condition of this country there will be profitable labor for them in legitimate business and industry all over the country. Unless somebody, some Congress, and some administration, some time or other, and not in the too far distant future, gets the idea in their heads you cannot keep on spending more money than you are taking in, there will be no industry or business to give these fine boys work anywhere. [Applause.]

I fancy, Mr. Chairman, you do not have to make any argument to the President of the United States about the value of the Civilian Conservation Corps, because it is his baby. This is one of the finest things he has ever done. The President states he would like to maintain the Corps during the next year at the level of 1,200 camps, which will furnish employment to 250,000 fine American boys. Of course, there will be young men who will want to enlist in these camps but will not be able to enlist in them, just as there are men who want to get on W. P. A. whom we have never been able to take on. The idea never has been to furnish a place for all of them, but to take a portion of them in order to take up some of the slack and relieve some of the unemployment, with the hope that others might find employment elsewhere. The President has asked us for 1,200 camps for 250,000 enrollees. There is to be no diminution in the quality of the food to be given these boys, and they are to have the same type of clothing. The camps will be kept at the same high standard.

I believe it would be a terrible thing and a very bad precedent to set to override, on the first amendment which is offered to this first appropriation bill of the session, the specific recommendations of the President, when we are trying here to reduce governmental activities. This is the only place you can save money, not by making a little indiscriminate, illogical 10-percent cut here and there. When you can cut out governmental activities without hurting the cause of recovery, then you are getting somewhere in the effort to balance the Budget.

Mr. ALLEN of Delaware. Mr. Chairman, will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from Delaware.

Mr. ALLEN of Delaware. Can the gentleman justify his position with regard to cutting down the number of C. C. C. camps, when the President has come out in favor of giving a billion dollars more for W. P. A. work, and when the gentleman knows in his heart the C. C. C. is the best project the administration has ever undertaken?

Mr. WOODRUM. I am trying to justify my position. I think the C. C. C. is a fine thing.

Mr. ALLEN of Delaware. Let the gentleman justify his position, then.

Mr. WOODRUM. I do not know whether I have done so or not, but I am trying to do it.

Mr. ALLEN of Delaware. The gentleman cannot do it, and he knows he cannot do it. He cannot justify his position.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. I may say to the gentleman from Virginia I realize his position; but if we are going to be face to face with the proposition of providing money for the W. P. A., the gentleman can, of course, make the same argument with regard to the W. P. A. appropriation he is now making with respect to this one. My people are going to suffer. I do not know what course we can take to apportion these things with exact justice. I merely want to call attention to the fact that my boys must rely upon either the W. P. A. or the C. C. C. to get anything to do. We cannot take them to the Atlantic seaboard and get them jobs in factories, because we are not situated as fortunately as the gentleman from Virginia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The amendment was rejected.

The Clerk read down to and including line 6, page 30, of the bill.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the independent offices appropriation bill (H. R. 8837), had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on tomorrow after disposition of matters on the Speaker's desk.

The SPEAKER. The Chair cannot entertain that request unless the gentleman requests it after the conclusion of the legislative program of the day.

Mr. DOCKWEILER. That would mean finishing the bill we have under consideration now.

May I ask unanimous consent to proceed, then, for 3 minutes?

The SPEAKER. The Chair will submit the request of the gentleman from California.

The gentleman from California asks unanimous consent that on tomorrow, after the reading of the Journal and disposition of matters on the Speaker's table, he may be permitted to address the House for 3 minutes.

Mr. WOODRUM. Mr. Speaker, reserving the right to object, does the request mean that the remarks are to follow the consideration of the bill?

Mr. DOCKWEILER. No; before that.

Mr. WOODRUM. Is it on any subject connected with the bill?

Mr. DOCKWEILER. No; I want to address the House briefly on the question of the Merchant Marine Act and how it affects the Pacific Coast States. There are several very important meetings being held on the Pacific coast on this question, and I want to get my views in the RECORD at this particular point. Of course, I could ask unanimous consent to extend my remarks.

Mr. WOODRUM. I have no objection, personally, to the gentleman speaking whenever he pleases, but I do not think he ought to speak on the bill before we go into its consideration tomorrow.

Mr. DOCKWEILER. It will not be on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RALPH B. SESSOMS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5871) for the relief of Ralph B. Sessoms, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 10, after "(C–627929", insert: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. TABER. Mr. Speaker, reserving the right to object, there is no material change in the bill, which, as I understand, is a claim bill?

Mr. BEITER. There is no material change.

Mr. TABER. The only change is adding a provision limiting the fees to attorneys to 10 percent, which is the usual proviso and one that should have been in the bill before it left the House?

Mr. BEITER. That is right.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BOLAND of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein an address by our colleague the gentleman from Illinois [Mr. LUCAS] on January 8.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE LUDLOW RESOLUTION

Mr. HANCOCK of North Carolina. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HANCOCK of North Carolina. Mr. Speaker, I have asked for this time in order to explain why I was not present this morning to vote on the motion to discharge the committee from consideration of the Ludlow resolution.

Under the old schedule the Seaboard Air Line left Henderson at 6:58 a. m., arriving here at 12:36 p. m. Under the changed schedule, it left Henderson at 7:20 a. m. and arrived here at 1:05 p. m., and for that reason I was not present to vote on the resolution. If I had been present, I would have voted "yea," which would have been a vote to discharge the committee so that the resolution could have been considered.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial commending the Federal Trade Commission on its activities during the past year.

The SPEAKER. Is there objection?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend the remarks I made today and to include therein certain tables and information from the agencies included in the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD made today, and to include some tables taken from the reported hearings on the bill.

The SPEAKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION

Mr. JOHNSON of Oklahoma. Mr. Speaker, my colleague, Mr. CARTWRIGHT, was unavoidably detained this morning and therefore unable to vote on the Ludlow resolution to discharge the Committee on Rules from further consideration of the war referendum resolution. Had he been present he would have voted "aye."

ADJOURNMENT

Mr. WOODRUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Tuesday, January 11, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 11, 1938, at 10 a. m.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, January 11, 1938, at 10:30 a. m., to hold hearings on a report recommending the improvement of the Houston Ship Channel and Buffalo Bayou, Tex.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 12, 1938, for the public consideration of H. R. 8711 and H. R. 7369.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RANDOLPH'S Subcommittee on Public Utilities of the Committee on the District of Columbia will meet Thursday, January 13, 1938, at 10 a. m., in room 362 (caucus room), House Office Building. Business to be considered: H. R. 6811, streetcar capacity; H. R. 6362, maximum-fare investigation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

976. A letter from the legislative representative, Veterans of Foreign Wars, transmitting the proceedings of the thirty-eighth national encampment of the Veterans of Foreign Wars of the United States, held at Buffalo, N. Y., August 29 to September 3, 1937 (H. Doc. No. 466); to the Committee on Military Affairs, and ordered to be printed, with illustrations.

977. A letter from the executive director, Social Security Board, transmitting a copy of the Second Annual Report of the Social Security Board, covering the first full fiscal year of its operation (H. Doc. No. 474); to the Committee on Ways and Means, and ordered to be printed, with illustrations.

978. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to provide for the reimbursement of Donald W. Supernois, a fireman first class, United States Navy, for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood, in February 1937; to the Committee on Claims.

979. A letter from the Acting Secretary of the Treasury, transmitting report of the Surgeon General of the Public Health Service for the fiscal year 1937 (H. Doc. No. 371); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

980. A letter from the Attorney General, transmitting a report showing the special assistants employed under the appropriation "Pay of special assistant attorneys, United States Courts," as required by the said appropriation act; to the Committee on Expenditures in the Executive Departments.

981. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the legislative establishment, United States Senate, fiscal year 1938, $160,000 (H. Doc. No. 473); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURDOCK of Arizona: A bill (H. R. 8886) to provide for the erection of a monument or plaque as a memorial to Anson H. Smith, in a suitable public place at the site of Boulder Dam, in Mohave County, Ariz.; to the Committee on the Library.

By Mr. McCORMACK: A bill (H. R. 8887) to designate United States Highway No. 6 as the "Grand Army of the Republic Highway"; to the Committee on Roads.

By Mr. STARNES: A bill (H. R. 8888) to provide for the establishment of minimum labor standards in employments in and affecting interstate commerce, and for other purposes; to the Committee on Labor.

By Mr. PIERCE: A bill (H. A. 8889) to amend an act entitled "An act to establish a Civilian Conservation Corps, and for other purposes" approved June 28, 1937 (50 Stat. 319); to the Committee on Labor.

By Mr. PATMAN: A bill (H. R. 8890) relating to the ownership of preferred stock, common stock, capital notes, and debentures of banks the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 8891) relating to the publication in places where branch banks are operated of statements of resources and liabilities of banks, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. RAMSEY: A bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States, pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America, and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 8893) to amend the act approved June 28, 1934, to compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War; to the Committee on World War Veterans' Legislation.

By Mr. EICHER: A bill (H. R. 8894) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce; to foster, regulate, and promote interstate and foreign commerce in the major agricultural commodities, to provide for the orderly marketing of such commodities, and the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture.

By Mr. HARRINGTON: Resolution (H. Res. 398) to authorize the submission to Congress of a comprehensive plan for the construction of an impounding dam at or near Gavins Point on the Missouri River, near Yankton, S. Dak., and the establishment of an irrigation district below said dam, and the development of hydroelectric power and as a further aid in the control of floods, the return of subsoil moisture, navigation, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. SMITH of Oklahoma: Resolution (H. Res. 399) for the relief of Lora Hill; to the Committee on Appropriations.

By Mr. HAMILTON: Joint resolution (H. J. Res. 557) to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALLECK: A bill (H. R. 8895) granting a pension to Mabelle Birch Wallis; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 8896) for the relief of the Board of County Commissioners of Brevard County, Fla.; to the Committee on Claims.

By Mr. MILLS: A bill (H. R. 8897) for the relief of the Ouachita National Bank, of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.; to the Committee on Claims.

By Mr. O'BRIEN of Illinois: A bill (H. R. 8898) for the relief of Quirino G. Polanco; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN of Michigan: A bill (H. R. 8899) granting an increase of pension to Ruth A. Martin; to the Committee on Pensions.

By Mr. SHANLEY: A bill (H. R. 8900) to place Edwin H. Brainard on the retired list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. TABER: A bill (H. R. 8901) granting an increase of pension to Frances K. Knoblock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8902) granting an increase of pension to Nettie M. Barker; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 8903) for the relief of Frederick Rush; to the Committee on Military Affairs.

Also, a bill (H. R. 8904) for the relief of Barney Boyle; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3755. By Mr. LUTHER A. JOHNSON: Memorial of J. E. McDonald, commissioner of agriculture of the State of Texas, Austin, Tex., favoring Senate bill 2215, to extend section 75 of the Bankruptcy Act relating to the farm-mortgage moratorium; to the Committee on Banking and Currency.

3756. By Mr. THOMASON of Texas: Petition of the Women's Missionary Society of the Fort Stockton, Tex., Methodist Church, advocating passage of an amendment to provide for national referendum regarding declaration of war; to the Committee on Foreign Affairs.

3757. By Mr. SHAFER of Michigan: Petition of 10 citizens of Kalamazoo, Mich., favoring an amendment to article XXII of the Constitution of the United States; to the Committee on the Judiciary.

3758. By Mr. ASHBROOK: Resolution of the American Peace Movement, Inc., urging the adoption of House Joint Resolution 553, proposing an amendment to the Constitution relating to the power of Congress to declare war; to the Committee on the Judiciary.

3759. Also, petition of 40 residents of Richland County, Ohio, and adjoining county, favoring the Ludlow war referendum; to the Committee on the Judiciary.

3760. By Mr. THURSTON: Petition of residents of Lucas and Wayne Counties, Iowa, requesting the enactment of House bill 4797, to provide for grants to the States for assistance to needy incapacitated adult persons; to the Committee on Ways and Means.

3761. By Mr. ASHBROOK: Petition of 57 citizens of Coshocton, Ohio, urging passage of Ludlow war referendum resolution; to the Committee on the Judiciary.

3762. Also, petition of 55 citizens of Richland County, Ohio, favoring the Ludlow referendum; to the Committee on the Judiciary.

3763. Also, petition of 14 citizens of Coshocton, Ohio, urging passage of the Ludlow war referendum resolution; to the Committee on the Judiciary.

3764. Also, petition of 38 citizens of Danville, Ohio, favoring the Ludlow war referendum; to the Committee on the Judiciary.

SENATE

TUESDAY, JANUARY 11, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 10, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

SENATOR FROM ALABAMA

Mr. BARKLEY. Mr. President, I understand that the newly designated Senator from Alabama is present and desires to take the oath.

Mr. BANKHEAD. Mr. President, Hon. LISTER HILL, who has been appointed Senator from Alabama, is present and ready to take the oath of office. I request that he be sworn in at this time.

The VICE PRESIDENT. If the Senator-designate will advance to the desk, the oath will be administered.

Mr. HILL, escorted by Mr. BANKHEAD, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call in order that a quorum may be secured.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Lonergan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Glass	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Truman
Bulkley	Hale	Miller	Tydings
Bulow	Harrison	Minton	Vandenberg
Burke	Hatch	Moore	Van Nuys
Byrd	Hayden	Murray	Wagner
Byrnes	Herring	Neely	Walsh
Capper	Hill	Norris	Wheeler
Caraway	Hitchcock	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent because of illness.

The Senator from Oklahoma [Mr. LEE] is detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5871) for the relief of Ralph B. Sessoms.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5871) for the relief of Ralph B. Sessoms, and it was signed by the Vice President.

ANNUAL REPORT OF THE FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, together with additional activities to December 1937, which, with the accompanying report, was referred to the Committee on Commerce.

PETITIONS

The VICE PRESIDENT laid before the Senate a letter from Kirchner & Renich, of Minneapolis, Minn., expressing their views on the cause of unemployment, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Columbus and Franklin County Council of Parent Teacher Associations, Columbus, Ohio, favoring the enactment of legislation in behalf of permanent peace, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the board of supervisors of Contra Costa County, Calif., favoring the enactment of the bill (H. R. 4199) to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful employment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from the Independent Voters League, of Texarkana, Tex., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 3212) to establish the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3213) to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended; to the Committee on Commerce.

A bill (S. 3214) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Irrigation and Reclamation.

By Mr. AUSTIN:

A bill (S. 3215) for the relief of Griffith L. Owens; to the Committee on Claims.

By Mr. KING:

A bill (S. 3216) relating to certain entries for stock-raising homesteads; to the Committee on Public Lands and Surveys.

By Mr. REYNOLDS:

A bill (S. 3217) for the relief of John Quincy Adams; to the Committee on Claims.

By Mr. BULKLEY:

A joint resolution (S. J. Res. 244) authorizing the Secretary of War to construct a dam for the storing of water for recreational and conservational purposes in Cowan Creek Valley, Clinton County, Ohio; to the Committee on Commerce.

PREVENTION OF AND PUNISHMENT FOR LYNCHING—AMENDMENT

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table and to be printed.

JACKSON DAY DINNER ADDRESS BY SENATOR LONERGAN AT NEW HAVEN, CONN.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator LONERGAN at the Jackson Day dinner, New Haven, Conn., January 8, 1938, which appears in the Appendix.]

FEED AMERICANS FIRST—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtainod leave to have printed in the RECORD a radio address delivered by him over the Mutual Broadcasting Network on Monday, January 10, 1938, on the subject Feed Americans First, which appears in the Appendix.]

ADDRESS BY HON. HENRY A. WALLACE AT JACKSON DAY DINNER, DES MOINES, IOWA

[Mr. HERRING asked and obtained leave to have printed in the RECORD an address delivered by Hon. Henry A. Wallace, Secretary of Agriculture, at the Jackson Day dinner held in Des Moines, Iowa, on the evening of January 8, 1938, which appears in the Appendix.]

DEMOCRACY AT WORK—ADDRESS BY JAMES W. MORRIS

[Mr. HARRISON asked and obtained leave to have printed in the RECORD an address delivered by James W. Morris, Assistant Attorney General, at the Jackson Day banquet, Concord, N. H., January 8, 1938, which appears in the Appendix.]

THE LIQUOR TRAFFIC

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD a letter from the American Business Men's Research Foundation, addressed to the President of the United States and the Members of the Congress of the United States, relative to the liquor situation, also a memorandum from the same organization as to the record of the legalized liquor traffic from 1933 to 1937, and also correspondence with the Federal Government of Mexico in regard to the official program of alcohol education, which appear in the Appendix.]

SEPARATION OF PHILIPPINE ISLANDS FROM THE UNITED STATES

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an editorial appearing in the American Chamber of Commerce Journal of Manila, P. I., relative to the separation of the Philippine Islands from the United States, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Georgia [Mr. RUSSELL] had the floor. The Chair understands, however, that the Senator from Georgia desires to yield to the Senator from South Carolina [Mr. BYRNES].

Mr. RUSSELL. Mr. President, yesterday afternoon I gave notice that I desired to take the floor this morning. It has developed that the Senator from South Carolina, who is in charge of very important business of this body, finds it more convenient to address himself to the pending measure at this time than at some later date. I will, therefore, defer my remarks until the conclusion of the remarks of the Senator from South Carolina.

Mr. BYRNES. Mr. President, lynching is murder. The fact that the murder is committed by a mob does not lessen the offense, it only aggravates it. Murder is punishable by the laws of every State in the Union. In many of the States the penalty is death. The only justification, therefore, for this bill must be that the States of the Union have not enforced, to the satisfaction of the authors of the bill, the law against persons guilty of murder. These authors want the Federal Government to do that which they believe certain States have failed to do.

The purpose of this bill, as declared in its title, is "to punish the crime of lynching." Its title should be, "A bill to arouse ill-feeling between sections, inspire race hatred in the South, and destroy the Democratic Party."

That there is no justification for the bill is evident from the statistics often quoted, that out of more than 130,000,000 people in this country, only 8 were lynched during the year 1937. There is nothing of which the people of this Nation can more justly be proud than the fact that since 1883, when there were 238 lynchings, there has been a steady decline in the number of lynchings for each 10-year period until 1937, when only 8 men died at the hands of mobs. It is my hope and the hope of every good man in the South that soon the day will come when not a single murder of this kind will occur in the United States.

The year 1883 is the first for which we have statistics as to the crime of lynching. At that time 40 percent of the victims of lynching were white persons, 60 percent Negroes. Most of the cases in which white persons were lynched occurred in the West. The lynching of Negroes occurred in the South. In order to understand lynchings in the South one has to recall the conditions existing in the Southern States following the War between the States. The reconstruction period came to an end in 1876. Its evil effects, however, lived for years thereafter. I think I understand how the South came to suffer during that period. I remember that at the close of the World War every soldier across the seas who had a home or a business to which he desired to return was pleading for immediate discharge. It caused me to believe that at the close of the War between the States the same thing had occurred. After being away from home and business for 4 years, every good man in the Union Army desired immediate discharge. Those who voluntarily remained in the South were, as a general rule, the men who cared little for home and little for business.

The Government, in its well-intentioned efforts to aid the Negro, had placed the ballot in his hands. The adventurers who remained in the South led these Negroes just released from slavery, with no experience in self-government, in directing the governments of the Southern States. The liberated slaves were given not only liberty but license. Under corrupt governments, with dishonest and unscrupulous judges and jurors, the property of the people was confiscated, white men were killed, and white women outraged.

In those days we did not have the means of communication now at hand. When the people of the South complained of the outrages that were being perpetrated by the carpetbaggers and scalawags then misleading the freed slaves, the soldiers of the North learned of it only through a partisan press. I can well understand that they believed the complaints to be untrue, and I can understand how they concluded that the people of the South were poor losers and were still disloyal to the Government of the United States. Today they know that those complaints were justified; and no man of the North who has ever investigated the happenings of the reconstruction days in the South offers any justification for it.

When the first statistics of lynchings were compiled, lynching occurred in the South because the victim of the mob had committed the crime of rape. In recent years in some cases that has not been the cause of lynching. It was inevitable that once men took the law into their own hands to punish the violator of one law, other men would resort to lynching for other causes.

Men may not agree upon all the factors contributing to the remarkable improvement in the decreased number of lynchings. However, they will agree that one factor was the certainty of punishment bringing fear to the hearts of the criminal Negro; and all will agree that an even greater factor has been the action of the law-abiding people of the South, patiently educating the citizenship that the commission of one crime did not justify the commission of another, and consistently upholding and supporting courageous officers of the law who protected prisoners. Pulpit and press have done more to stamp out lynching than all the laws that have been enacted in Southern States to prevent it.

The South is proud of its record in preventing this crime. It makes it all the more difficult for the South to understand why at this time the Congress should seek to enact legislation based solely upon the idea that it has not only failed but refused to enforce its own laws; that its people are incapable of electing honest and courageous officers; that they can be driven into enforcement of the law only by the threat of being sent to jail or being fined by the Government of the United States.

If the Federal Government is determined to destroy the sovereignty of the States and assume control of the police powers within the States, why should its power be limited to the one crime which has decreased, and not be extended to cover the crimes which have increased?

Take the crime of rape, to which I have referred as being the cause of lynching in the majority of cases: The Second Quarterly Bulletin issued in 1937 by Hon. J. Edgar Hoover, of the United States Department of Justice, sets forth statistics of crimes occurring in cities having a population of over one hundred thousand. It gives the figures for the first 6 months of each year from 1931 to 1937. It shows that for the first 6 months of 1931, in cities of over one

hundred thousand, rape occurred in 568 cases, and that the number of cases had increased each year until in the first 6 months of 1937 there were 891 cases. He states further that the daily average of cases for the first 6 months of 1937 was 4.9. That means that each day during the 6 months there were five cases of rape in the 67 cities which have a total population of 19,000,000. If the same ratio should prevail in the other cities and in the rural districts of the country, it would mean that in the first 6 months of last year there were more than 5,000 cases of rape in the country. For the entire year it would be 10,000 cases.

In this terrible record of increase in so heinous a crime, the authors of this bill see no justification for the Federal Government enforcing the law; but when eight men are lynched in the entire year of 1937, the Congress must enact law to have the Government punish the duly elected officers of the State, and make the counties liable in damages.

The authors of this bill may say there is a difference in the offense. There is. In the case of rape, the victim is innocent. In the case of lynching, the victim is a criminal, or at least suspected of being a criminal. The proponents of this bill want the United States Government to protect the savage criminal, but deem it unnecessary for the United States Government to protect the innocent girls of the Nation!

Is the passage of this bill justified because of the inability of State governments to arrest and convict those guilty of the crime of lynching? I do not want to cite the record of crimes in other States; but, if anyone is interested in the record, I ask him to read the reports compiled by Mr. Hoover, of the Department of Justice, showing the lack of enforcement of the laws against rape in many of the States of the Union. Because this bill seeks to give to the United States Government the power to prevent lynchings within the States, it is fair to ask whether the record of the United States Government in the enforcement of the law against kidnaping justifies the belief that more offenders would be arrested; and one cannot forget the record of the United States courts in the enforcement of the prohibition law.

I discuss only the question whether or not we can look with any great hope to the United States Government more effectively to enforce this law. The Senator from Idaho the other day most ably and eloquently discussed this question. Does the record as it stands justify the belief that more offenders of the crime against lynching would be arrested by the United States Government within the States? Can one forget the record of the United States Government in the enforcement of the prohibition law? That record is fresh in the mind of each of us.

In the enforcement of the prohibition law the United States Government had the cooperation of State officials. In every State there was a majority, or at least a strong minority, in favor of the enforcement of the national prohibition law. Notwithstanding that, we found State officials becoming indifferent as to the prosecution of offenders for violation of State laws; and the lack of enforcement of the Volstead Act finally resulted in the successful fight for repeal.

Another factor that has contributed to reducing lynchings in the South is the fact that there has been fewer assaults by Negroes on white women. That, in turn, has been due to the moral improvement of the Southern Negroes. The development of the race in this respect is due to the cooperation of the white people of the South. The South is proud of what it has done to educate the Negro. The Negro problem is our problem; but the problem was forced upon us. The Negro was brought to the South by the slave traders of the North. The slaves were freed by the North and given citizenship without giving the slightest thought to their capacity for citizenship. Notwithstanding the deplorable conditions existing in the Southern States following the war, and particularly following the days of reconstruction, the white people of the South have recognized that they must furnish the opportunities of education to the Negro in their midst.

The record in South Carolina is typical of the entire South. I have before me the figures for 1934 showing that the average number of days that school was attended by white children was 137. The average number of days of school attendance by Negro children was 129. The enrollment of the schools in South Carolina was 257,870 white children and 228,842 Negro children. The ratio of enrolled school children to population between 5 and 17 years of age was 82.4 white children and 79.5 Negro children.

It is this education and the patient, persevering efforts of the leaders of the Negro race, as well as the leaders of the white race, that have resulted in the moral improvement of the Negro, reflected in the reduction of attacks which have been the cause of lynchings in the South.

The economic development of the Negro has been encouraged in every possible way by his southern neighbors. The number of Negro property owners in the South will greatly exceed the number of property owners in other sections. In the courts of the South the Negro has always been fairly treated.

I remember some years ago that Booker T. Washington was making a speech in the city of Brooklyn. To my mind, he was the greatest leader his race has ever produced. Preceding Washington, a white man in public life made a speech. In order to elicit applause from the Negro audience he stated that in the courts of the South the Negro did not receive justice. Following him, Booker Washington stated that he could not let the statement pass unchallenged; that in his opinion the Negro always received justice in the courts of the South, and the only complaint he had was that sometimes the white men did not.

In my opinion, Booker Washington's statement was accurate. In a long experience, first as court reporter, then as prosecuting attorney, and as a practicing lawyer, I have never known a case where a Negro defendant in a court, even where the race question was involved, was not justly treated. The average jury of white men in the southern courts have two yardsticks by which to measure a defendant. One yardstick applies to the white defendant. The question is solely as to his guilt or his innocence. An entirely different yardstick is applied by a jury of southern white men to a Negro defendant. Having served as prosecuting attorney, I know the difference. I know that often when a jury retired to the jury room some juror would be heard to argue, and we would hear the argument, that the Negro should not be held to the same accountability as a white man; that he lacked the education and the moral training; that for him some allowance should be made; that even if there were doubt as to his guilt, it would be better to send him back to his work rather than to convict him and place him by the side of criminals; that he would make a better citizen if given another chance; that he would sustain sufficient punishment in having to employ lawyers to present his defense. These and other similar pleas prevailed too often and defendants were acquitted.

I know that in my own experience as a prosecuting attorney whenever there came into my hands a case against a white man for the murder of a Negro I found myself giving more time and more energy to the prosecution of the defendant than in other cases. I have no apology to make for it; I knew the latent prejudice in the hearts of men. I did not want even a suspicion justified as to indifference in prosecution.

On one occasion, in submitting a case to a jury in the county which had possibly the worst reputation for lack of enforcement of the criminal laws, I remember stating to the jury that if they found the white defendant not guilty because of the fact that he was a white man, if they were willing to violate their oaths, they ought at least to have the courage to write in pencil beneath the verdict, "Because he killed a Negro." I made that plea in the hope that if on the jury there was a man who entertained such a prejudice he would be shamed into taking a different course. I rejoice to say that in that case there was not an acquittal.

In the county in which I reside white men have often been convicted either of murder or assault and battery upon Negroes. In cases where property rights are involved there is not a man familiar with the courts of the South who will not say that the Negro receives justice.

Mr. President, even if the pending measure were constitutional, even if it were wise, it would be ineffective if enacted. Years ago the State of South Carolina, in its effort to prevent lynchings, enacted a law making a county in which a lynching occurred liable to the estate of the victim. That was written into the constitution of South Carolina in 1895. It was part of the campaign on the part of the leaders of the white men in the South to stamp out lynching. But we found, as men have always found, that public sentiment is necessary for the enforcement of any law. What was the record in our State as a result of the efforts, sought to be revived in the pending bill, to hold the taxpayers of a county liable where a lynching occurred?

Pursuant to the constitution of 1895 a statute was enacted in 1896. State-wide publicity was given to the action of the constitutional convention and the legislature. In the early part of 1898 a suit was brought under the statute and a fine was actually paid by the county. A verdict for the plaintiff was directed by the court. Instead of the number of offenses being reduced, the number of lynchings in the following year increased, so that instead of being 4, as in 1896, South Carolina had in 1898 14 lynchings, the largest number ever recorded in the history of the State.

Thereafter no suit was brought for a number of years. Lynchings were reduced in number. In 1915 another suit was brought, and again a fine was paid. The only result was that in 1916 there was an increase in lynchings from one to two.

In 1920 another suit was brought. A fine of $2,000 was paid, and the following year lynchings increased from one to five.

Again, in 1924, there was a lynching, the fine was paid, and in 1925 there were no lynchings, but in 1926 there were three. In most of these cases verdicts were directed by the court.

In 1930, however, the supreme court of the State held that the question of whether the facts of a case constituted a lynching should be determined by the jury. The jury in the case, after the facts had been placed before it, decided that the crime was a murder and not a lynching. This followed in 1931 by a decision of the supreme court that it could not by mandamus compel county officers to levy a tax they were unauthorized by legislation to levy in order to pay a judgment against a county, but could compel county officials to include the amount in an estimate of the amount necessary to meet county expenses. The effect of the decision was to prevent the payment of the judgment.

If the bringing of such suits had previously resulted in deterring lynchers, these decisions of the courts should have offered encouragement to them. They should have resulted in an increase in the number of lynchings; but the fact is that in the year following there were no lynchings, and none the following year. It is a matter of gratification that from 1934 to this date there have been no lynchings in the State of South Carolina.

The enactment of the pending measure would do the greatest possible injury to the very people whom its authors declare they want to help. The records show that last year approximately 50 lynchings were prevented. Today in all the South there is not a man holding the office of Governor who does not cherish as his ambition that during his administration there shall be no lynching within his State. To achieve this, the officers of the law are on the alert at all times. If there is even a suspicion that a criminal is in danger he is taken to the State penitentiary for safekeeping. How will these Governors feel if the Congress of the United States, by enacting the pending bill, declares to the world that they are either incapable or unwilling to enforce the laws of their States? Disappointed and disgusted, they would be less than human if they did not say to the Federal Government, "If you assume the responsibility of enforcing this law, then protect these criminals." Every man knows what would be the result. We saw it in the attempt to enforce the prohibition law, where the constitutional amendment was ratified by the States themselves. This action would be attempted in defiance of the States and in a flagrant effort to degrade and humiliate them.

What about the sheriffs? Throughout the South many of them have not only sacrificed their political lives but they have gone to their graves defending Negro criminals against the attacks of mobs. By their heroism and courage they have succeeded in stamping out lynching. Is the Congress now to reward their sacrifices by humiliating them and the States they serve?

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. On the point just made by the Senator, I call his attention to the fact that he has on his desk data showing that in 1937 in 56 cases officers protected, sometimes at the risk of their own lives, those charged with offenses, and prevented lynchings, whereas there were only 8 actual lynchings in the entire United States. Fifty-six times the officers of the law prevented lynchings.

Mr. BYRNES. Mr. President, every man who lives in the South is familiar with such cases. I recall that in the county in which I once resided the sheriff, who was my dearest friend, in attempting to arrest a Negro bootlegger, was killed, and the throat of his deputy was cut so that he was in danger of death. That deputy time after time had gone into danger, aiding Sheriff Howard, of Aiken County, in enforcing the law. He saw his friend, his chief, dead. When a mob sought to lynch the Negro, it was the plea of the deputy sheriff, with blood flowing from his neck, that caused those men, whose passions were aroused, to refrain from lynching the Negro prisoner.

The case had a tragic ending. The Negroes involved were taken to the penitentiary for safe keeping. When they were placed on trial, attorneys were appointed to defend them. Then the National Association for the Advancement of Colored People intervened and employed counsel who were not residents of the county to come into the county to defend the Negroes who were on trial. As a result there occurred something that caused the good people of that county to hang their heads in shame. The Negroes were taken from the officers and were lynched. It was the last lynching that occurred in this county. The responsibility for it can be placed at the door of these nonresidents, these people in New York who intervened, and who caused men to do that which they had refused to do in answer to the plea of the deputy sheriff in the presence of his dead chief.

Mr. President, a law enacted by the Congress cannot be enforced where the people of a State believe they are being unjustly treated. Last Saturday the Governor of South Carolina announced that if this bill should be enacted never again would he order out the National Guard, that he would leave it to the United States Government to protect any defendant threatened. That statement was carried in the newspapers of Sunday. Other Governors will feel the same way. Today our Governor has one man in the penitentiary for safekeeping. During his term there has been no lynching, and he is proud of it and the people of our State are proud of it.

When the Congress of the United States rewards the efforts of the chief executives of sovereign States by indicating lack of confidence in them through the enactment of such a measure as that before us, what will occur? Would anyone hesitate to say it would be lack of due diligence on the part of a Governor not to order out the National Guard? The Governors have been ordering out the National Guard when circumstances seemed to warrant it. Under the terms of the pending bill the officers of a State charged with the enforcement of the law can be prosecuted if they fail to exercise due diligence. If the Governor of a State is charged with failure to enforce the law, is he to be prosecuted? If so, by whom? I visualize the spectacle in my own State. The Governor of South Carolina, because he fails to order out the National Guard in some instance, is charged with lack of due diligence. Who is to prosecute him? I see the United States district attorney in South Carolina prosecuting him. I know what would occur, in all probability. Fearing that

his efforts might be under suspicion by those who are in control of the administration of law at this time, he would ask that a lawyer be assigned from the Department of Justice. That is done in many cases. If he did not do it, I know that if the National Association for the Advancement of Colored People asked that a man be sent to assist the United States district attorney in the prosecution, one would be sent.

I think to complete the picture, if that should ever occur, they ought to send the Negro who is now assistant attorney general.

Mr. President, I know what would happen. Regardless of any views that the people might at that time entertain with regard to their Governor, he would be made a hero if he was prosecuted for a violation of this law. Worse than that—the law-abiding white people who have been responsible for building up public sentiment which has resulted in stamping out this crime, when they turn in resentment and countenance or acquiesce in the failure to enforce this law, their policy will soon influence criminals among the white people of the South.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Lonergan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Stelwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Glass	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Townsend
Bulkley	Hale	Miller	Truman
Bulow	Harrison	Minton	Tydings
Burke	Hatch	Moore	Vandenberg
Byrd	Hayden	Murray	Van Nuys
Byrnes	Herring	Neely	Wagner
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	O'Mahoney	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, when interrupted I was discussing the effect that efforts to enforce this law would have upon the public sentiment in the State where prosecutions resulted. I can think of nothing worse than a prosecution under this law.

The Governors, the State prosecuting attorneys, or the sheriffs in the State of South Carolina, who have labored to stamp out lynching; who have at times pleaded at the risk of their lives for the preservation of law and order, if prosecuted by the Federal Government, will be found resenting interference by the United States Government in administering the police power of the State. As they denounce this law the criminal white man will be encouraged to violate other laws, and the result of it all will be that the race hatred aroused will bring untold suffering to the unfortunate Negroes of the South who today know nothing of the political activities of the professional Negro politicians of the North, and who, if they could speak to you, would plead to be let alone to work out their salvation with the aid of their white neighbors in the South.

In view of the fact that lynching as a crime has been practically stamped out, no man can seriously argue that the purpose of this legislation is to prevent that crime. That might have been said in 1883; it cannot be said today. No matter how wrong it might have been, it would have been possible to understand the motives of the proponents of such a bill in 1883. We could understand it, too, if it came from Thaddeus Stevens, who wanted the South treated as a conquered territory. But even Stevens did not attempt this. Not all the blind hatred nor all of the passion of the days succeeding the war induced the political partisans of that day to propose this legislation, notwithstanding the large number of lynchings which then occurred. Now that the crime is no more, a Senator from New York proposes to do what Stevens did not and would not do. I know that Stevens in his attacks upon the South was prompted by motives different from those prompting the Senator from New York. Stevens was prompted by hatred. The Senator from New York is not prompted by hatred. He is prompted by hope—the hope of securing votes from the Negroes of New York City.

No man will deny that this bill is aimed at the South. If the purpose be not to prevent crime, if Senators will agree with me that it will be ineffective, then its purpose must be either to punish the South for what occurred in the past or to promote the political fortunes of some people in public life at present. If the purpose be to punish the South for its past history as to lynching, notwithstanding the fact that this offense has practically disappeared, I ask, Who are these people to be thus punished? Are they aliens? No. In South Carolina less than one-half of 1 percent of the population is foreign born, and the percentage of children of foreign-born parents is not much greater. They live in what Traddeus Stevens called a conquered territory; but surely they have proved their loyalty to the United States Government.

We claim to possess no superior patriotism, but we assert that the loyalty of the people of the South to the United States Government in the years that have passed justifies us in expecting that at least we shall not be punished or humiliated. After all the ill-feeling engendered during the War between the States and during the days of reconstruction, when some years later the Nation went to war the soldiers of the South followed Joe Wheeler to Cuba, fighting under the flag of the United States. In the World War they again demonstrated their loyalty. They did not wait to be drafted. The county of Union, adjoining the county in which I reside in South Carolina, did not have one man drafted into the Army of the United States in the World War. It did not have one man drafted, because under the system that prevailed a county was given credit for its volunteers, and so many men volunteered before the draft was put into operation that it did not affect a single man in that county.

When the Hindenburg line was broken the National Guard of South Carolina, part of the Thirtieth Division, composed entirely of Southern men, was fighting beside the Twenty-seventh Division, of New York, its National Guard division. Of the first 75 Congressional Medals of Honor awarded to the heroes of the war, 6 were awarded to South Carolinians, and about a dozen in all to the Thirtieth Division, comprised entirely of southern soldiers. I earnestly submit that since the War between the States the people of the South in time of peace as well as war, have so amply demonstrated their loyalty to this country that there can be no excuse for any Congress seeking merely to inflict punishment upon them for the record of lynchings in the past.

Mr. President, if this legislation is proposed not to prevent a crime which has practically disappeared and not to punish the people of the South, then it can have but one purpose, as I stated a moment ago, and that is to promote the political fortunes of some gentlemen in public life today.

Mr. President, this bill was first proposed by Representative Dyer, a Republican Member of the House from Missouri. I desire to recall the history of this proposed legislation. It was considered by the House in December 1921. I was then a Member of that body. The Democrats constituted a small minority of the House of Representatives; but they stood together in opposition to a bill similar to this. They endeavored to filibuster even to the extent of breaking a quorum of the House. I recall the gallant fight made by the small minority to defeat legislation of this kind. Who did it? who conducted the filibuster against it in the House? Among those then in the House of Representatives who voted to prevent the consideration of the bill and who

voted against its passage was the present distinguished Vice President of the United States, Hon. John N. Garner, who now presides over this body. Was he in favor of lynching? Was the Vice President of the United States willing to give countenance to those who were violating the law? No. Garner, of Texas, followed Garrett, of Tennessee, in filibustering against such legislation because he believed first that it was unconstitutional and second that it was unwise.

Who else opposed legislation of this character in 1921? I see the Senator from Texas [Mr. CONNALLY] present. He was among those then serving in the House of Representatives who opposed it. The Senator from Arizona [Mr. HAYDEN], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, also opposed it, and, in addition, among those in the House from the South who opposed and filibustered against its passage was the distinguished Democratic leader of this body, the Senator from Kentucky [Mr. BARKLEY]. Under the leadership of Garrett, Garner, Barkley, Connally, Harrison, Byrnes, and others followed in the effort to filibuster a bill similar to this to death. Under the rules of the House it was not possible to kill it, and the bill came to a vote in January and was passed. The southern Democrats were joined by many men from without the South. Among those who voted against that bill were five Representatives from the State of California. There was one from Idaho, Mr. French. There were two from Maryland, Goldsborough and Linthicum, and Hawes, of Missouri, and Hersey of Maine, who opposed the Dyer bill in 1921.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator recall that one of the ablest and most effective speeches made against that bill in 1921 was made by Representative Hersey, of Maine, the State which is now represented in part by our distinguished friend, the senior Senator from Maine [Mr. HALE]? One of the most convincing and strongest speeches against that lynching bill was made by Mr. Hersey, of Maine. I heard it on the floor of the House.

Mr. BYRNES. Mr. President, I well remember that speech, and it was because it came back to my mind that I stopped to emphasize the name. Few of us who ever heard that speech will forget it, and certainly men who live in the South will not forget Mr. Hersey.

Amongst others who voted against the bill who were then in the House of Representatives were Jones, of Pennsylvania; Kelly, of Michigan; Kincheloe, of Kentucky; Thomas, of Kentucky; Rouse, of Kentucky; Cantrell, of Kentucky, or rather he was paired against it; and Barkley, of Kentucky; Luce, of Massachusetts; Parker, of New Jersey; Sinnott, of Oregon; and Stafford, of Wisconsin, who joined with the Democrats in the House of Representatives in an effort to prevent the passage of the bill.

At that time there were not eight lynchings as in 1937. No; in 1921 when the present Vice President of the United States, the Senator from Kentucky [Mr. BARKLEY], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, and others were fighting against the bill, there were 62 lynchings in the United States. There might have been some excuse for talking about the lack of enforcement of law at that time. Did these men oppose the bill because they favored lynching? No. They knew not only that the bill was unconstitutional but they knew it was unwise. They knew that the States of the South should be left to work out their own salvation. They urged that the States of the South be given a chance to enforce their laws.

Mr. President and Members of the Senate, the history of events has demonstrated the wisdom of the course they advocated, for, contrasted with 1921, with its record of 62 lynchings, we had in 1937 only 8 lynchings throughout the country.

Mr. President, that bill came over to the Senate, and when it reached here Oscar W. Underwood was the Democratic leader of this body. He was as distinguished a statesman, as patriotic an American as ever served in the House or the Senate. He was against this measure, and, with the support of his associates, announced his intention to filibuster against it. The filibuster succeeded; Underwood was followed by the Democrats of this body, and the South was enabled to continue its successful efforts to prevent lynchings.

O, Mr. President, I know now that a different condition exists in this country. In that earlier period, in 1920, and in the years succeeding it, when a bill such as this was offered, it came not from Democrats; it came from Republicans. It was proposed by Dyer, a Republican from Missouri, just as the Force bill in the previous years had come from the Republican side of the Congress. When the Force bill was pending in the Senate it was filibustered to death. The Senators from the South then had the assistance of northern Democrats. In the memorable debate upon the Force bill southern Democrats knew that they could hear the voice of Voorhees, of Indiana, of Turpie, Blodgett, and McPherson, of New Jersey, of Gray, of Delaware, and of others from the border States who joined southern Senators in the long fight, which finally succeeded and enabled the South to work out its own destiny. The assistance of these Democrats from the North was cheerfully given and never forgotten.

The South has ever been loyal to the Democratic Party. It took religious prejudice, which throughout the ages has influenced the thoughts of mankind, to cause the South even to waver in its party loyalty; but, even then, I assert the Democrats of South Carolina proved their loyalty. In 1928 the people of the South were not in favor of the nomination of Al Smith for President. In the first place, the majority of the voters had voted for prohibition. Governor Smith was opposed to prohibition. In addition, there were those who believed that while Governor Smith had an intimate grasp of State affairs, he did not possess sufficient acquaintance with national and international affairs to make him the best possible candidate. There were some who were not favorably impressed by his speeches, and then there were those—too many—who permitted their religious views to influence their political views. Notwithstanding the fact that the delegation from my State had voted against his nomination, once he was nominated the Democrats of South Carolina supported him with the same loyalty and, if anything, greater zeal than they had accorded any previous Presidential candidate. When during the campaign the poison distributors of both parties attacked Governor Smith because of his religious views, it caused the active support of men who never before had taken an active part in politics. The wounds of that campaign remained for a long while, but certainly in South Carolina the Democrats won the support for Smith by recalling that the Democrats of New York City, in particular, had stood by the South in all the fights that had ever been waged to injure the South. Upon every stump there was recalled the defense of Jefferson Davis by the brilliant O'Conor, of New York. While religious prejudice was victorious elsewhere, in South Carolina Governor Smith was given 9 out of every 10 votes cast in the State. Political gratitude was more potent than bigotry and intolerance.

But today what a difference! The greatest change in the political history of America has taken place. In the Senate there are 96 votes, and 76 Senators are registered as Democrats. Proponents of this bill claim 70 votes. I know of two or three Republicans who are disposed to vote against it. I must believe if the poll announced by the advocates of the bill is correct, that 55 out of the 76 Democrats of this body are counted in support of the bill. The lone voice coming from the North thus far in defense of the South and in opposition to this bill is that of the Republican Senator from Idaho [Mr. BORAH].

I would lose respect for the South should the day ever come when southerners fail to remember that speech and be grateful to him for it. I hope other Republicans will be found voting against the bill. But, Mr. President, we

have no claims upon them. If they vote against this bill, they will do it only because they believe the bill to be unconstitutional and unwise.

Democrats of the South have no justification for an appeal to the Republicans of the North. Southern Democrats have never voted for a Republican candidate. They have never learned how to scratch a Democratic ticket. It undoubtedly is true that the unity of the white people in the South in supporting the Democratic Party has been due to the belief that when problems affecting the Negro and the very soul of the South arose, they could depend upon the Democrats of the North to rally to their support.

Mr. President, southern Democrats may as well realize now the change that has taken place. If statements of Democratic Senators on political conditions in their States can be accepted as true, today 90 percent of the Negroes of the North, instead of voting for Republican candidates, are voting for Democratic candidates. The Negro has not only come into the Democratic Party, but the Negro has come into control of the Democratic Party. One Negro, whose name has heretofore been mentioned in the debate—Walter White, secretary of the Association for the Advancement of the Colored People—has ordered this bill to pass. If a majority can bring about a vote, the bill will pass.

On the opening day of the special session of the Congress, when the President submitted his legislative plan for the session, the majority leader of the Senate was anxious to proceed with the President's program. The proponents of this bill would not agree. They insisted upon the consideration of the bill. I know that the majority leader pleaded with them in behalf of the President's program; but the appeal was in vain. The Democratic leader of the Senate abandoned the plan of asking for consideration of the reorganization bill only because he knew that if he made the motion, and the Senator from New York moved as a substitute that the antilynching bill be taken up, the administration would be defeated in the very first vote of the session. Under the circumstances, I think he did the right thing. He had to maintain some control of the majority of this body.

If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside, its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard.

But, Mr. President, we of the South must look to the future. My years of experience in the House and the Senate have taught me the ways of lobbyists. For years this man White has worked for this bill. Now that he has secured the balance of the voting power in so many States, he can order its passage. But, Mr. President, he would be less than human if he were willing to stop there. His job would be at an end. I do not criticize him. He would be doing only what every white lobbyist I have ever known or heard of has done. He must advance to retain his leadership and his compensation.

What legislation will he next demand of the Congress of the United States? I do not know. Will he demand that Congress enact legislation to punish officials of a State who fail to protect Negroes in the right to stop at hotels where white persons are entertained, following the law the Negroes recently had enacted in Pennsylvania? Will he demand the enactment of laws providing for the supervision of elections within the States? I do not know; but I know he will make other demands, and that those who are willing to vote for this bill because he demands it will acquiesce in his subsequent demands.

Mr. President, politically the South has been an outcast. It matters not what attainments a Democrat of the South may possess; since the War between the States no southerner who still resides in the South has had a chance for serious consideration for a Presidential nomination. We have been content to fight the battles of the party as privates in the ranks, without ever daring to seek to lead our party. In every campaign the Democratic candidate has known that he had in the electoral college a block of southern votes without his ever making a speech in a southern State or spending a dollar for the purpose of organization. The South has been willing to furnish in each political campaign the best of its talent; and, though relatively poor, the South has furnished financial aid to carry on the campaign in the States of the North.

Today, the South may just as well know that because of its policy it cannot appeal to the Republicans of the North, and that it has been deserted by the Democrats of the North. Daily we hear of the influence of the Negro voter in the North. Into that section there have gone many southerners. I wish it were possible that every one of them, wherever he resides today, could read the speech of the distinguished Senator from Idaho [Mr. BORAH]. I hope they will read it; and, when they do, I hope their eyes will turn to the land that gave them birth, that their thoughts will turn to the people they left in that land, and who, if this legislation is passed, will need their help in the days to come. I hope they will remember those in the Senate who today stand by the South, and also remember those who seek to humiliate the white people of the South, and, intentionally or unintentionally, arouse race hatreds in a land where today there is only peace and good will.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HERRING in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Duffy	McNary	Schwellenbach
Berry	Guffey	Miller	Sheppard
Borah	Harrison	Moore	Steiwer
Brown, N. H.	Hatch	Neely	Thomas, Okla.
Bulkley	Hayden	Norris	Thomas, Utah
Bulow	Herring	Pittman	Truman
Burke	Hitchcock	Pope	Vandenberg
Byrnes	Holt	Reynolds	Wagner
Connally	Johnson, Colo.	Russell	Walsh
Dieterich	Lewis	Schwartz	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present.

The clerk will call the names of absent Senators.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the Chair announce that there was not a quorum present?

The PRESIDING OFFICER. Yes.

Mr. CONNALLY. Under the rules, there is nothing to be done except to call the names of the absent Senators or adjourn.

Mr. BARKLEY. Mr. President, was the announcement made by the Chair the result of the second roll call?

The PRESIDING OFFICER. The first call.

Mr. BARKLEY. Automatically the clerk will call the roll the second time.

The PRESIDING OFFICER. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and the following Senators entered the Chamber and answered to their names when called: Mr. ADAMS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BARKLEY, Mr. BILBO, Mr. BONE, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BYRD, Mr. CAPPER, Mrs. CARAWAY, Mr. CHAVEZ, Mr. CLARK, Mr. COPELAND, Mr. DONAHEY, Mr. ELLENDER, Mr. FRAZIER, Mr. GEORGE, Mr. GERRY, Mr. GIBSON, Mr. GILLETTE, Mr. GLASS, Mr. HALE, Mr. HILL, Mr. JOHNSON of California, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LOGAN, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCCARRAN, Mr. MCGILL, Mr. MCKELLAR, Mr. MINTON, Mr. MURRAY, Mr. O'MAHONEY, Mr. OVERTON, Mr. PEPPER, Mr. RADCLIFFE, Mr. SHIPSTEAD, Mr. SMITH, Mr. TYDINGS, Mr. VAN NUYS, and Mr. WHEELER.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, there is a quorum present.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. How many Senators are present?

The PRESIDING OFFICER. Eighty-eight.

Mr. CONNALLY. Will the Chair assure the continued presence of these 88 Senators?

The PRESIDING OFFICER. Absolutely. [Laughter.]

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LEWIS] to the amendment of the committee in the nature of a substitute.

Mr. RUSSELL. Mr. President, when the historian of the future comes to study this period a hundred years from now he will be bewildered and confused by the sorry page which is being written here today. He will find page upon page of the great metropolitan dailies thundering from both editorial and news columns the strident demand that the Congress forthwith and without debate enact an antilynching law to punish the crime of lynching. He will find that radio commentators and dozens of periodicals join the press in bitter denunciation and abuse, if not defamation, of those who have had the temerity on the floor of this body to resist the passage of the pending measure. He will find page upon page of the CONGRESSIONAL RECORD devoted to the remarks on this bill of those of us who play our brief part on this stage.

I am sure, Mr. President, that that student will conceive that at the time this measure was pending there was some great wave of crime in the form of lynchings sweeping over this country, threatening the lives and happiness of the people of the United States, so serious as to demand that the Congress of the United States, in this very critical period of reconstruction after a great depression, should shove into the background every measure dealing with the economic problems of the Nation, every measure dealing with the future advancement and progress of the Nation, and attempt to legislate to stamp out the awful crime of lynching, which no one condones and approves, and all clear-thinking citizens condemn.

Then, Mr. President, if that student should turn to study the annals of crime at this period, his bewilderment would know no bounds. He would find that the Congress of the United States saw fit to stall the wheels of legislation in an attempt to address itself to a bill which does not purport to cover but 8 of the 12,000 murders which are committed in this country each year. Murder in any form is abhorrent. It will be in the United States a hundred years from now as it is today. But it would be impossible for the unbiased mind of the student to conceive of any rhyme or reason for the Congress seeking to cull out and single out 8 of the 12,000 murders and make them the subject of national legislation.

Mr. President, if this student should then go to the trouble of reading this indefensible monstrosity, which is presented here masquerading as a bill to punish the crime of lynching, his confusion would become worse confounded. He could study this bill line by line, phrase by phrase, paragraph by paragraph, page by page; he could examine it topside and bottom, and he would not find one single word or phrase which attempted to provide for the punishment of those who band themselves together to commit a crime of violence or to deprive any person of his life.

Ah, Mr. President, there has been some misrepresentation about the terms of the bill. Thousands of good citizens of this country, good people living both North and South, have been led to sympathize with this measure on the theory and on the representation, implied, at least, that it is a bill which seeks to punish an abhorrent form of murder. The report has been spread throughout the country that under the bill the great machinery and power of the Federal Government will be set in motion to punish those who are guilty of banding themselves together for the purpose of taking human life without due process of law.

In the imagination of some people—and this has been asserted in some of the newspapers—they have seen the G-men, the representatives of the Federal Bureau of Investigation, going into the various communities of the Union with all of their skill and daring, uncovering the perpetrators of the crime, and bringing to justice the members of what are called lynching mobs. Whether through ignorance or deliberate attempt at unfairness I do not know, but the press and the professional agitators for this measure have never been fair enough to make it clear to the people of the United States that if the bill should be passed, and if it should become a law, not one single member of a mob guilty of murder in the form that is commonly called lynching can ever be haled before a Federal court and punished for his crime.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator recalls that neither the authors of this bill nor anyone who is in favor of it has ever explained its provisions even to the Senate, and not a single soul has risen in this body to defend it up to this hour.

Mr. RUSSELL. The Senator from Tennessee is eminently correct. It is the most amazing performance that these Halls have ever witnessed. Here is a measure brought into the Senate, and it is proposed to ram it through in the spirit of the mob merely because its proponents say they have the force and the votes to pass it, without the authors of the bill taking the floor to defend its constitutionality or to point out any pressing necessity for the putting away of other legislation, humanitarian and economic, in order to deal with this bill.

Mr. President, it is an amazing proposition. The authors of the bill have confined their remarks to a few brief statements without attempting to justify the presentation, much less the passage, of this piece of legislation.

If this bill clearly in all of its terms were exposed to all the people of the United States by those who have the prestige and power here to make themselves heard in the press throughout the length and breadth of the United States, such as the able Senator from New York [Mr. WAGNER], then, my fellow Senators, all would not be moonlight and roses and sweet music for the authors of this bill. If the people of this country understood just what this bill does and how it proposes to operate it would find scant sympathy anywhere.

It is called a bill to punish the crime of lynching. There is inserted in the caption of the bill the false premise that it is a bill to punish for the crime of lynching, and yet there is not within the terms of the measure a single phrase or clause or provision that attempts to carry out the words of this caption.

No, Mr. President, this is not a bill to punish the crime of lynching. This is a lynch bill. It is a bill to lynch the last remaining evidence of State's rights and sovereignty, a bill to financially lynch the innocent as well as any who might be guilty if they happened perchance to reside in a community where this unfortunate crime occurs, even though the innocent may be more strongly opposed to crimes of violence than the authors of this bill and all of the organizations that are pressing this measure here today. Yet it is called a bill to punish the crime of lynching.

Mr. President, a person might take a dead polecat or skunk and dress it up here in all kinds of fancy trimmings. He might wrap him up in fancy paper and put a big sign on him saying in clear letters, "This is hickory smoke cured ham," but the fact would remain that the package would contain a skunk just the same. He might get every professional agitator in this country to point to the label and say, "There is hickory smoke cured ham." He might have the press in this country write articles saying, "That is hickory smoke cured ham," but when he went into it, it would just be plain skunk meat. It would not be hickory smoke cured ham at all, and all the statements in the world would not make it ham.

To call this bill an antilynching bill, a bill to punish the crime of lynching, to go before the country and call this a bill to punish lynching is nothing short of deception. It is almost a fraud on the people of the United States, and it is worse than that to hold out to them that under the terms of this bill you will be able to send the investigators of the Federal Bureau of Investigation—the G-men—into the various communities of the State and to arrest and punish the members of a mob who might be guilty of this horrible crime of lynching.

Mr. President, if this bill went into effect and a lynching should occur over here in the State of Maryland, the members of that mob might come down here to Washington and

present themselves at the office of Mr. J. Edgar Hoover, Director of the Bureau of Investigation, and say, "Here we are, Mr. Hoover. We have just lynched a man out here. We have just strung a fellow up." And so far as arresting that crowd and making them amenable to the jurisdiction of a Federal court for that crime is concerned, Mr. Hoover would have to say, "Why, you men are taking up my time here, and I will have to ask you to leave my office."

Under this bill he would not have the slightest warrant in law to arrest those men and take them into a Federal court and punish them for their crime. Yet the country is told here by implication, if not in express terms, that this is a bill to punish the crime of lynching. I say to my friend from Tennessee [Mr. McKELLAR], no wonder the proponents of this bill will not take the floor and seek to defend this monstrosity or attempt to explain its provisions!

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I may explain to the Senator that the authors of the bill, the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS], will not even stay here to hear the speeches, much less make an argument themselves. The Sergeant at Arms cannot drag them in here and hold them long enough to listen to what is being said.

Mr. RUSSELL. The Senator from New York was kind and charitable enough to come by and tell me that it was necessary for him to leave the Chamber for a few minutes in order to go out to get lunch, and in order to pay a visit to the other House. But I say, Mr. President, that those of the Senate who have read this bill know that it is not a bill to punish the crime of lynching. I point to the fact that it is difficult to keep a quorum on the floor of the Senate because as Senators read the provisions of this bill and find out what they are called upon to support and what they have committed themselves to support, it makes them sick to hear about it.

For several days while the matter was under consideration the bill had not even been read by some Members of the Senate. The distinguished Senator from Tennessee in the course of his remarks called upon the Members then upon the floor who had read this bill to raise their hands, and three Members raised their hands. Since that time the Members have doubtless read this bill, and they are now so sick to see what they have committed themselves to support that they cannot stay here on the floor of the Senate and see the light of publicity and explanation turned upon this bill.

Mr. President, why was this bill thus drawn, piously parading here as a bill to punish the crime of lynching? Why was it drawn so as to punish the innocent many as well as the guilty few in a county where an unfortunate murder of this type might occur? The answer is simple enough. This is a political force bill. This is a sectional bill aimed at one section of the country to endeavor to catch votes in other sections to elect men to office. The proponents of this measure know that if they were to come here with a genuine attempt to penalize murder in all its forms and to protect human lives, or to enforce the provisions of the fourteenth amendment in all sections of the country, that if they were to reach the strong arm of the Federal Government down into their local communities and attempt to punsh all crime in the Federal courts that it would defeat the last single one of them.

They know that if the Federal Government were to come into their sections in an honest attempt to enforce all the laws against the various crimes that are committed that they would have a large number of their constituency constantly in the toils of the law. They seek instead to take all of the 12,000 murders that were committed in the United States last year and to skillfully, by verbiage, segregate and remove 8 of them from that list, because, forsooth, no crimes of that particular character which were called lynchings were committed in their States.

Mr. President, it has been truthfully said here, and unchallenged statistics have been cited to show, that lynching is the only form of murder, it is the only kind of felony, in the United States which is now on the decrease.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I suggest the absence of a quorum, Mr. President, on the assurance of the Chair that he will keep a quorum here.

The PRESIDING OFFICER. The Chair can only say that he will try. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pope
Andrews	Copeland	La Follette	Radcliffe
Ashurst	Dieterich	Lewis	Reynolds
Austin	Donahey	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gerry	McCarran	Smith
Bone	Gibson	McGill	Steiwer
Borah	Gillette	McKellar	Thomas, Okla.
Bridges	Glass	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Brown, N. H.	Hale	Miller	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hill	Norris	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	
Chavez	Johnson, Calif.	Pepper	
Clark	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to introduce a bill for the relief of John Quincy Adams.

Mr. BARKLEY. Mr. President, will the Senator defer the introduction of this bill until a little later in the day? It can be done later as well as now.

Mr. REYNOLDS. Certainly; but I should like to ask if there is any objection to my introducing for the Appendix of the RECORD a radio address that I delivered last night?

Mr. BARKLEY. There will be no objection later, but for the moment I must object.

Mr. REYNOLDS. Very well.

Mr. RUSSELL. Mr. President, at the time the quorum was called I was discussing the amazing fact that it is being urged here that the National Congress should select the only form of murder, the only form of felony in the United States that is decreasing as a subject of national legislation, and that it should blind its eyes to the startling facts shown by statistics that crime in all its other forms is rampant and on the increase throughout the entire Nation. Let no one think, even he who assumes a holier-than-thou attitude, that any one section of this country has any monopoly on virtue or any corner on lawlessness. The figures show crime is widespread. It may vary somewhat in its form; one may call the killing of a human being by three or four people a gang murder in New York and a lynching in Georgia, but the fact remains that even those who are here seeking to sustain this bill by their votes, if not by their voices, have conceded the fact that lynching is the only major crime that is on the decrease.

Our Republic bears the unenviable distinction of being the most lawless Nation of the earth. I do not think it is necessary for me to bring witnesses here at any length to establish that statement as a fact—it is generally conceded; but I will offer a brief statement from the writings of the Attorney General of the United States, the man charged with

the prosecution of violations of Federal statutes, the man in charge of the collation of all the figures and statistics affecting crime, to show, beyond any doubt, that we have many criminals in our midst. Listen to the words of the Attorney General of the United States. He is referring to the year previous to the time when this article was written:

> Every 20 seconds, hour after hour, day after day, a crime of desperate proportions—robbery, assault, burglary, rape, kidnaping, manslaughter, murder—was being committed within the boundaries of the United States—

Every 20 seconds a major felony was being committed within the United States—

> Over a 12-month period, the almost unbelievable total of nearly 1,500,000 such major crimes were committed.

One million five hundred thousand major crimes committed, and Senators here blind their eyes to that fact and say, "No; we cannot pay any attention to that," but they must rush in here and enact legislation against the crime of lynching, which is on the decrease, before the States themselves wipe out that crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. How does the number of lynchings compare in the entire United States with the number of major felonies that the Senator has cited for the year indicated by him?

Mr. RUSSELL. There were 8 lynchings and 1,500,000 major felonies. Yet it is said here we must tie up the business of the people of the United States; we must do away with all other legislation; we must fray the tempers of Senators and Members of the House of Representatives and array sectional bitterness in order to punish these eight crimes before they are entirely wiped out by the States themselves in the remarkable progress being made in that direction.

Mr. CONNALLY. Mr. President, will the Senator yield for another question? I dislike to interrupt him, but the question is right on that point.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. This bill is proposed as assuring to citizens of the United States their rights under the fourteenth amendment. Is it not true that each of the million and a half major felonies which the Senator has cited, is a violation, if lynching is a violation, of the rights of the victims who have been murdered or assaulted or raped or robbed of their rights under the fourteenth amendment?

Mr. RUSSELL. If the Congress of the United States has the power—which I do not believe that any constitutional lawyer will seriously assert it has—to invade the States to punish crimes of murder that are designated as lynching, they have equal power to invade the States to seek to punish the perpetrators of the 1,500,000 major felonies.

Mr. SMITH. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. SMITH. The Senator from Texas reverted to the crimes committed. What is the Senator talking about? This bill is not for the punishment of crime; it is to get some votes.

Mr. RUSSELL. I have stated, Mr. President, that the title of the bill was very misleading and that my opinion, as to at least one idea back of the bill concurs with that of the Senator from South Carolina.

Mr. SMITH. That is all there is to it.

Mr. RUSSELL. Mr. President, here we have as the Attorney General says, 1,500,000 major felonies. How many is that? It was pointed out by the Senator from Arkansas [Mr. MILLER] yesterday that there was 1 lynching for each 16,000,000 people in the United States last year.

But the Attorney General says that one major crime "against 1 out of every 84 American citizens, affecting 1 out of every 16 homes" was committed the year before this article was written.

He goes on to enumerate some of those crimes:

> Twelve thousand of our citizens were murdered. That was at the rate of 33 a day.

Thirty-three murders each day. The Federal Government, under the philosophy of the proponents of this measure, has no right whatever to take any steps against the crime of murder, which is taking away the lives of 33 of our citizens a day, but it does have a right to invade the States and seeks to deal with a crime that happens at the rate of one every 45 days. That is the position that is seriously taken by those who are pressing this measure.

> Fifty thousand citizens were robbed. A hundred thousand were assaulted—

Says the Attorney General—

> and the menace was growing every day.

Here is the menace of crime growing in all its other forms, while the crime of lynching is being reduced until it has almost been eliminated.

I turn again to the Attorney General's statement—

> There were probably twice as many people in the underworld carrying deadly weapons as there were in both the Army and the Navy—a whole half million of armed thugs, murderers, thieves, firebugs, burglars, and hold-up men—and the havoc this standing army of criminals wrought was costing the people of the United States, under some estimates, at least, as much as $18,000,000,000 a year. For every cent American taxpayers spent for education they paid 5, 6, or 7 cents toward the crime bill.

That is the statement, Mr. President, that the Attorney General made in referring to the alarming spread of crime in every form save and except lynching in the year 1933.

Has that record been improved? Witness after witness could be brought in to prove the contrary; one could read newspaper articles of horrible crimes in every form that have been committed throughout the United States from now until the first of next year; and I may take occasion later on in the debate to read some of them.

For the time being, however, I shall present only a brief statement from another witness; and I go to high authority. I go to the Honorable J. Edgar Hoover, head of the Federal Bureau of Investigation, a man who is recognized throughout the entire world as being one of the most accomplished administrators and law-enforcing officers in dealing with this horrible rising tide of crime other than lynching.

Here is what Mr. Hoover said:

> Let us look at the record. Figures for 1937 show a decided increase in the felonies committed this year as against the 1,333,526 major crimes in 1936. There has been a sharp increase in robberies, burglaries, larcenies, and automobile thefts. How can anyone say that crime is decreasing when we look at this record? Crime is not lessening; it is distinctly increasing. The records of 1937 show that more persons died by manslaughter, that more were murdered, and these same records reveal an alarming increase in the most horrible of criminal violations that exists—that of the degenerate attacks of filthy, prison-bred reptiles upon the women and children of America. Women strangled, beaten by the rotten fists of degeneracy; their virtue assailed and their lives taken. Innocent children lured into vacant houses, into deserted basements, into unfrequented ravines, their bodies defiled and assaulted.

That, Mr. President, comes from high authority, showing that crime in all of its forms, save in the form of lynching, is on the increase in these United States. Mr. Hoover went so far as to say, in view of this alarming increase in all forms of crime save and except lynching, that we are indeed at a crisis in the matter of crime. The question arises whether society shall control the criminal or whether criminals shall control society.

Mr. President, in view of that record, in view of that statement, in striking contrast to this appalling record of crime in all of its horrible forms is found the steady decrease in lynching in the Southern States, where it has been all but wiped out. Yet we have Senators who are so zealous to punish crime, and bring about a Utopia where no person will

be deprived of life, liberty, or property by criminals, whether banded together in the form of gangs or of lynch mobs or of individuals, that they obscure the fact that all other forms of crime are on the increase, and seek to come in here and legislate against the only form of crime which the States of the Union have shown themselves capable of controlling.

Why, Mr. President, to an unbiased observer who might come here from some foreign land, and see this picture of the United States Senate being tied up with the amazing proposal to single out these eight crimes for legislation, it would present a ludicrous situation. To our country it is not ludicrous; it is a pathetic situation. It is nothing short of tragic that the time and the talents and the tempers of the Members of the Congress of the United States should be frittered away in considering a measure of this kind merely, perhaps, to see that certain groups of voters are appealed to.

Mr. President, this bill is aimed at 8 of the 12,000 murders that occurred in the United States. It is not brought here by a Senator from a Southern State. I think we have a right to assume that most people would feel that they should set their own house in order before they attempt to go out and criticize and condemn their neighbors for their manner of living and for their infractions of the rules of society. This bill is presented here and largely urged by the Senator from New York; but when we investigate the record of crime in the State of New York and in the great metropolitan center known as New York City, and compare it with the record of the crime of lynching in this country, it is sufficient to amaze anyone as to why this one crime, which is on the decrease, should be singled out for the great legal and judicial experience of the Senator from New York, who was once an ornament of the judiciary in that State, and cause him to spend his time and exert his energies on this one decreasing crime. One out of 16,000,000 persons in the United States was murdered by lynching last year. In the State of New York, in 1936, 4 out of 100,000 of the citizens of that State lost their lives by murder; yet no effort is made here to punish that crime, wherever and in whatever form it may be committed unless someone can call it a lynching.

Mr. President, at this juncture I ask to have inserted in the RECORD, as part of my remarks, two tables showing the type of felonies, one applying to New York State for the years 1935 to 1937, and the other giving information as to the number of offenses known to the police in the cities of Chicago and New York for the years 1935, 1936, and the first three-quarters of 1937.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Without objection, it is so ordered.

The tables are as follows:

Number of offenses known to police, per 100,000 inhabitants, New York State, 1935–37

Type of crime	1935	1936	January–September, 1937
Murder, nonnegligent manslaughter	4.3	4.0	2.9
Rape	7.8	9.2	(1)
Robbery	15.7	15.7	11.4
Aggravated assault	30.1	31.1	25.0
Burglary—breaking or entering	90.7	158.6	113.5
Larceny—theft	424.0	399.1	309.1
Auto theft	157.2	129.6	102.3

[1] Not given.

Source: U. S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, vol. 6, no. 4, p. 13; vol. 7, no. 4, p. 137; vol. 8, no. 3, p. 117. Rates with reference to burglary, larceny, and auto theft are not based on reports for the same number of cities each year.

Number of offenses known to the police in Chicago and New York, 1935, 1936, 1937 (first 3 quarters)

City and year	Murder, nonnegligent manslaughter	Rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny—theft		Auto theft	Total
						$50 and over	Under $50		
Chicago:									
1935	243	184	10,177	1,785	18,857	3,790	13,906	6,726	55,758
1936	221	198	5,895	1,589	13,772	3,302	11,669	3,527	40,173
1937:									
First quarter	46	46	1,558	367	3,233	797	2,603	735	9,385
Second quarter	51	74	986	410	2,896	680	2,820	773	8,690
Third quarter	61	(1)	1,195	438	2,967	810	3,320	744	9,535
New York City:									
1935	369	628	1,184	2,479	2,788	(2)			7,448
1936	364	771	1,240	2,561	2,536	7,172		7,701	22,345
1937:									
First quarter	82	182	296	539	646	(2)		1,815	3,560
Second quarter	87	209	303	740	752	(2)		1,924	4,015
Third quarter	85	(1)	273	887	866	(2)		1,775	3,886

[1] Not given. [2] Not reported.

Source: U. S. Department of Justice, Federal Bureau of Investigation. Uniform crime reports for United States, vol. 6, no. 4, pp. 15 and 16; vol. 7, no. 4, pp. 140 and 142; vol. 8, no. 1, p. 13; vol. 8, no. 2, p. 66; vol. 8, no. 3, p. 119. Totals computed from figures given.

Mr. RUSSELL. But, says the Senator from New York in one of the very brief statements he has made on this bill, it is necessary for the States to be invaded by the Federal power in this instance because of the fact that the States are not punishing this crime, even though they have reduced it to a minimum. I am sure one would think, from that statement, that in the State of New York all of the malefactors and offenders against the laws of the State are brought to judgment and to punishment; but the figures for the year 1935—which is the only year for which I have been able to get definite statistics from the Bureau—show that in the city of New York there occurred 369 homicides, 369 murders, as against the record of 8 throughout the entire United States in the form of lynching. Were all the murderers convicted? Why, Mr. President, only 167 of them were ever indicted. Two hundred and two of them were never indicted by the grand jury of the State of New York.

What was the record further? Why, we find that only 75 of those murderers were ever convicted. Therefore, in New York State, from which this great Senator comes bearing this bill to criticize and condemn other States because he says they have not enforced their penal statutes, we find that out of 369 murders only 75 murderers were ever convicted by the courts.

Mr. President, it is interesting to observe the difference in the various forms of lawlessness in this country. I have here a little news item from the Associated Press which is a general story of the methods employed in various sections of the country to celebrate the advent of the New Year—what is commonly known as the celebration to take place on New Year's Eve. In it I find this striking paragraph:

In Brooklyn—

Which is part of Greater New York—

parishioners of the Church of the Holy Rosary celebrated their services an hour earlier than usual, and under the protection of a special police detail, on hand because of a long series of beatings and hold-ups in that section.

Why, Senators from States where people cannot gather in the house of God to pursue their devotions in an orderly manner without being compelled to call upon the officers of the law to guard them against thugs, footpads, those who would beat and abuse and rob them, come in here now to summon other States before the bar of judgment of the

Nation and of the world because 8 out of 12,000 murders in the United States happened to be unfortunately of the kind, as abhorrent as any, known as mob violence or lynching.

I find here another news item in regard to the same story, sent out by another great news agency, in which it is said that not only did the police have to guard these people but the police advised the parishioners "to emulate the Pilgrim Fathers, who carried guns to church as protection against the Indians"—advising people on their way to church in this good year of 1938 to carry their blunderbusses and muskets on their shoulders to protect themselves from the Indians who might be lurking around the corners in New York City.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Is there any significance in the fact that the people were called upon to protect themselves against the Indians in New York, members of the wigwam of which the Senator from New York is one of the outstanding members? [Laughter.]

Mr. RUSSELL. Mr. President, the Indians in this country have been greatly victimized in times past. Unfortunately, massacres of Indians have happened in elections here in the present day. We have had one recently in New York. However, out of regard to the Senator from New York, I shall not comment on the very pertinent suggestion of the Senator from Texas, which could apply to the recent mayoralty election in New York, where the Indians to which he refers were decimated politically.

Mr. CONNALLY. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from Georgia further yield to the Senator from Texas?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. Does the Senator mean that this quotation from the press is a report of an incident happening in Brooklyn, N. Y., in the United States of America, on the 1st day of January 1938, in which the officers of the law—who were charged, of course, with the enforcement of all rights under the fourteenth and all other amendments—deliberately urged parishioners who were attending worship in a temple of God to go there armed to protect themselves from assault, robbery, and intimidation from constituents of the Senator from New York, who is the author of this bill?

Mr. RUSSELL. Mr. President, if the Associated Press and the United Press may be relied upon, not only was it found necessary to call out a detail of policemen in this year of enlightened civilization, 1938, to protect the church-going people of New York in their devotions, but the police went further than that and advised the people who desired to go to church to go an hour earlier than usual and to carry along guns, in order that they might augment the forces of the police in the collisions with the forces of crime that were anticipated in the shadow of the temple of the church.

Mr. President, I have here another newspaper clipping which shows something about the method in which various other crimes are disposed of in New York City. As I stated, I have been making a study of the subject of crime since this matter has been pending, and at some later date I may go more into individual cases, but for the time being I shall use only this case as somewhat typical of the methods which are employed in law enforcement in some cases in New York City.

I read from an article appearing in the New York Times:

BIG SHOT WEINER DIES AFTER AFFRAY—NOTORIOUS CRIMINAL SUCCUMBS IN BELLEVUE PRISON WARD TO PISTOL BATTLE WOUNDS

Robert (Big Shot) Weiner, one of the most notorious criminals in the city, died in the prison ward at Bellevue Hospital shortly after noon yesterday. He had been a prisoner there, charged with felonious assault since an affray in front of 55 West Seventy-fourth Street early last Saturday in which he was shot in the throat.

Mr. CONNALLY. Mr. President, was that a Senator who was shot in the throat? [Laughter.]

Mr. RUSSELL. No. Each State is allowed only two Senators, but it seems that some of the States are allowed countless numbers of gangsters and racketeers. Despite gang wars, the supply is inexhaustible.

Weiner, who was 33 years old, had been arrested 13 times in the past 13 years and on one occasion spent 13 months in the death house at Sing Sing before the court of appeals reversed his conviction of murder.

Mr. REYNOLDS. Mr. President, is the Senator referring to the record of a criminal alien?

Mr. RUSSELL. I am. I am sure the Senator from North Carolina will be interested in this on account of his very careful study and attention to the problem that is confronting the people of this country by reason of the very grave crimes ofttimes committed by those who have no right within our borders. I might say to the Senator that this man apparently had been naturalized in New York State, however, and was not subject to deportation for his crime. I hope, however, that while this matter is pending here, while we are discussing this awful crime situation in the United States, the Senator from North Carolina will give the Senate the benefit of the study he has made of crimes among aliens and others in the United States. I think it would be an enlightening page of the RECORD. I think it might well cause the Senate to turn aside from its efforts to direct the power of the Federal Government against the only decreasing crime and to exert it against some crimes that are on the increase.

I read further about this criminal. The article shows he was arrested 13 times, that the police knew he was engaged in every conceivable racket, but his only conviction was reversed and he was set free.

He had been found guilty of smuggling pistols and ammunition into the Tombs for use in the attempted jailbreak of November 3, 1926, which cost five lives.

Weiner was born in Russia but was a naturalized American citizen. His home recently had been at 1572 Eastern Parkway, Brooklyn. He always gave his occupation as a fish peddler, but the police said that he had long since abandoned that occupation for a series of rackets—the cosmetic racket, the drug-store racket, the grocery racket, and lately the narcotics racket.

His criminal record began with a 30-day sentence for petit larceny in Seattle in 1922, but all his subsequent arrests had been in this city. Despite the frequency with which he was brought in, he had only a single conviction against him here, one for unlawful entry, besides the one that was reversed.

Weiner was arrested within a few hours after the attempted break at the Tombs, and he signed a confession, the police said, that he had thrown two pistols and ammunition in a package over the Tombs wall. He also admitted, they said, that he was waiting in a car outside the Tombs when the break was attempted by three desperate gunmen.

He maintained that the confession had been beaten out of him by detectives in the basement of police headquarters, and although the jury convicted him, the court of appeals eventually accepted his statement.

Although Weiner told the police, after he had been taken to Roosevelt Hospital early Saturday, that he had been standing at a corner of Columbus Avenue and Seventy-fourth Street when he felt a pain in his neck and realized he had been shot, the detectives learned from witnesses that four men, arguing loudly about "dope," had engaged in a pistol battle in front of 55 West Seventy-fourth Street.

Mr. REYNOLDS. I appreciate the compliment paid me by the able Senator from Georgia, and I should like to be permitted to make an observation at this time, if it will not interfere materially with the trend of the Senator's thought. I am sure it will not, because it is directly in line with his remarks.

Mr. RUSSELL. If it relates to the subject of crime, which is the subject now being considered, I shall be delighted to yield.

Mr. REYNOLDS. It relates to crime and I am sure the Senator will welcome what I have to say, because I recall that only a few moments ago, when I entered the Chamber, I talked with a Senator in regard to the situation which exists within the confines of this country now, and at that time I recall the Senator brought to my attention an appalling figure, involving the mention of $18,000,000,000 annually that crime costs the taxpayers of America.

In connection with that I might add that it is my information from the Bureau of Investigation, of the Department of Justice, that there are as many criminals in America today—4,400,000, according to statistics—as many men violating the law in this country today as the number we had in uniform and under arms during our brief participation in the World War, from April 6, 1917, to November 11, 1918.

I wish to add, for the information of the able Senator from Georgia, who is the very worthy chairman of the Committee on Immigration of the Senate, that only a few days ago I introduced in this body a bill which would require the mandatory expulsion or deportation of aliens in this country who were guilty of committing certain crimes, and although some may have become naturalized under the law, I ask for the expulsion of those naturalized who are preaching against the fundamental doctrines of our own Government. I wish to say to the Senator from Georgia that I am happy indeed to know that he is taking this subject up so carefully and displaying such interest on behalf of the American people.

Mr. RUSSELL. Mr. President, my discussion of the case of this man who had been an alien is merely incidental, but I wish to reiterate the hope that the Senator from North Carolina will at some future date address the Senate at some length on the subject of crimes by aliens. I recall that the Senator gave the Senate some very interesting information on this subject some time ago, and inasmuch as there will undoubtedly be various amendments offered to the pending bill to add other crimes than this decreasing crime of lynching to those sought to be condemned by the Congress I think it would be very appropriate and very instructive to have the Senator from North Carolina give the Senate the benefit of his research and study in crimes which are committed by the class known as aliens.

Mr. REYNOLDS. In connection with that, if the Senator will yield again, I might add that I have a list of names and addresses of some 25 criminal aliens in this country, that is to say, those who have come from foreign lands and who have had the protection of our flag, who have made a lot of money here during good times, but who do not think enough of the country to take the oath of allegiance, and are not willing to become American citizens. I have a list of about 25 names of 25 criminal aliens in this country who have committed crimes, among them Hauptmann, the man who was arrested, convicted, and executed for the kidnaping and murder of the baby of Colonel Lindbergh. I wish to discuss that and a number of others, and I will do so at the first opportunity.

Mr. RUSSELL. Of course, the Senator from North Carolina realizes that under the pending bill as it now stands not one of the victims of the crimes of violence which are perpetrated by the aliens to whom he referred can come into court and recover $10,000 in liquidated damages, not a single police officer or peace officer can be sent to the penitentiary for not apprehending them in their crimes. For that reason, the information will be very important when we come to consider some of the amendments which will be offered to the bill in order to make it apply to other crimes.

Mr. CONNALLY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. I call the attention of the Senator to the fact that most of the crimes referred to by the Senator from North Carolina are expressly exempted under the bill under the designation of "gangsters" and "racketeers."

Mr. RUSSELL. That is very true, and I will deal with that later, when I get to that phase of the bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I call the particular attention of the Senator and of the Senate to something from the Illinois Crime Survey Report.

Mr. CONNALLY. Mr. President, I think the Senator ought to withhold that until the Senator from Illinois [Mr. LEWIS] is present.

Mr. RUSSELL. I might say to the Senator that I have that report here, and I intend to read from it some excerpts now, and perhaps at some later date read all of it to the Senate for our information and enlightenment.

Mr. McKELLAR. I should like to call the Senator's attention to one thing in the report.

Mr. RUSSELL. It is an appalling book when you consider the crimes it recounts and exposes.

Mr. McKELLAR. I read:

There have been no convictions in gang murders in Chicago during the period covered by this analysis—1935–37. This immunity from punishment is apparently due in part to collusion between politicians and racketeers and to the rule of silence required by the underworld code of ethics.

My recollection is that the number of slayings in Chicago was 130 for the period mentioned. Yet not a single person who killed 1 of the 130 in the city of Chicago alone has been punished, nor has any attempt been made to punish those who killed the 130. However, there is a desire on the part of some that a bill like this be passed.

Mr. RUSSELL. The Senator from Tennessee does not reveal the shocking length to which that report of the Illinois Crime Commission, composed of leading and outstanding citizens of Illinois, goes; and I am amazed that my beloved friend the Senator from Illinois [Mr. LEWIS] is not familiar with the report. If he had been familiar with it I am sure he would not have stated on the floor of the Senate the other day that he wanted to strike the provision as to gangsters out of the bill because it was a reflection on the State of Illinois, and because the State of Illinois, as he stated, had full power and willingness and capacity to, and did, deal with its criminal element and bring them before the bar of justice. When I get into this report of the Illinois crime survey it will be developed that in the two years for which the survey was made 760 murders, I believe, were known to the police, and there were 9 sentences of death in a State whose laws prescribe death as the punishment for the crime of murder. It will show some rather amazing things. I think I shall hasten through with some very brief statements about New York, and perhaps give to the reporter some excerpts from the Illinois crime survey.

Mr. President, in this latter day, despite the fact that advice is given by the police of New York City to deal with the criminal element as the Indians were dealt with, for the people to arm themselves as they went to church, the people of the United States have been more appalled and dismayed by new types of crime which have made themselves manifest of late.

I shall read just briefly a short article from the Literary Digest. I have very little regard for the Literary Digest as a prophet of what will happen in any election, but when it comes to recording facts which have already transpired I think it is about as worthy of attention as almost any periodical of the day. When it comes to quoting people, I should think it was about as authentic and reliable as any magazine of this type. I shall read only briefly at this time from the article. The article is headed "Sex Crime Wave Alarms United States," and I read an excerpt:

In New York City at the present time—

This was April 10, 1937—

a man is arrested, charged with some revolting sex offense, every 6 hours on the average.

Every 6 hours a man was arrested for a crime of this character. What happened to them?—

Of the 1,460 individuals so arrested annually few, police say, ever reach prison or asylum.

Between 1931 and 1936, the figures and graphs of the Federal Bureau of Investigation of the Department of Justice (G-men), gathered quarterly from 1,618 cities with a combined population of 58,820,588, show ominous increases in this type of offense.

A recent report of the F. B. I. remarked:

"Offenses of rape showed a marked increase in 1935, and the number in 1936 is almost as large."

The daily average of such offenses, "known to the police" in 69 cities of more than 100,000 population with an approximate total population of 20,000,000, rose from 914 in 1931 to 1,169 in 1936.

In recent weeks, the press of New York, Buffalo—

Which is also situated, as I understand, in New York—

Minneapolis, Chicago, Cleveland, and many other cities has been filled with the lurid details of cases in which rape and murder, of both children and adults, have been the subject.

I shall skip a part of the article, but perhaps I will have an opportunity at some future time to come back to it. Skipping a portion of the article, let us now see how the authorities are dealing with this offense.

Authorities nevertheless remain puzzled and uncertain as to remedies. Their bewilderment was expressed a few days ago by Police Commissioner Lewis J. Valentine of New York City.

This is what the commissioner said:

The most horrible menace confronting the people of this city is the type of criminal who attacks children. He represents not only the most terrible phase of crime, but the greatest—because that class of crime is growing greatly * * * it is the most difficult to control or suppress * * * what form prevention and cure will take remains uncertain.

He was speaking to reporters after viewing the body of * * * 9-year-old Brooklyn girl who had been attacked and slain by * * * a barber, even then out on bail for a sex offense.

"Cops are tough," continued the New York commissioner, who used to pound a beat himself.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I asked the Senator to yield so I could ask him a question. Does the Senator mean to say that this criminal who committed this sex offense was out on parole?

Mr. RUSSELL. He was out on parole; out on bail.

Mr. CONNALLY. For a former sex offense?

Mr. RUSSELL. Yes; for a former sex offense.

Mr. CONNALLY. This occurred in New York?

Mr. RUSSELL. Yes. I was reading the statement by the city commissioner of New York, the man charged with crime prevention.

Mr. CONNALLY. The commissioner of the same city of New York to which we look for moral uplift and leadership in the United States.

Mr. RUSSELL. Yes; the same New York that gives the impetus in this bill, to send it forth into other States, and seeks to cast a stigma on a great section that has already almost wiped out the most horrible form of murder that is known in that section, while these horrible manifestations of crime in all its forms run rampant within New York City without anything being said about it here and no effort being made to curb it by using the powers of the Federal Government.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understand the Senator, the victim was a little girl 9 years old?

Mr. RUSSELL. Yes, sir. That is what the article states. I specifically did not read the name of the child nor the one who committed the act because I did not think that would add anything to it. The New York commissioner went on to say:

Cops are tough, and I suppose I've seen enough crime * * * to be callous.

If the Senator from Tennessee will follow this article he will find that it gives a brief statement about the crime.

But when I saw that little girl's body * * * with her little hands stiffened in death as she had raised them * * * in an agony of horror and appeal to that beast—well, I've been a cop for a long time, and I've been shaken for days by some sights, but nothing ever hit me like that.

Listen, Senators, to this significant statement. Hear this as coming from the commissioner of New York City.

The commissioner went on to point out that no proposed legislation met the problem.

Where is the legislation in this bill to meet this growing crime, this horrible crime that is increasing until it is referred to as a crime wave? Oh, no; we are told we must devote all of the time of the Senate to an attempt to legislate with respect to a crime that has been all but wiped out—a crime which the States have shown that they could and would control.

Mr. President, I marvel at the auditory powers of the Senator from New York, for above this appeal of the police commissioner, above the rattle of the machine guns of the gangsters, above the exploding of bombs of racketeers, terrifying those who would do a legitimate business, above the moans of the widows and orphans of those who are murdered and stricken down, without the murderer paying the penalty of the law, above the feeble outcries of the little girls and the women who are referred to so graphically by the city commissioner, why, the Senator heard a still small voice: "Get out, go forth in a suit of armor of white."

Go into other States. Push through this monstrosity you call a bill to punish lynching and the insult that it implies to other sections which have all but wiped out this horrible crime of lynching. But not one word about these increasing crimes is found in the bill. No, the Federal power is not broad enough to reach a crime of this kind. The Federal Government has no right to seek to legislate in a matter of this kind.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Let me ask the Senator with respect to that child that was murdered and assaulted if her rights of equal protection under the law, under the fourteenth amendment, by the State of New York are not just as sacred as the rights of any citizen anywhere; and if we have authority to pass this bill, why could not the authors of this bill insert in it a clause providing that any State which through its officers does not protect that child in her life and liberty and person should be amenable to her and her family in the sum of $2,000 to $10,000 for failure to protect her rights under the Constitution?

Mr. RUSSELL. Of course, the Senator from Texas is correct; but he knows the theory of this bill. And everyone who has read it knows the theory of this bill. If a person who is murdered by three men is charged with a crime, his family will get $10,000 from the county, and the sheriff of the county has to go to the penitentiary. But if the murdered man is as innocent of any offense as a new-born babe, even though his record in life has been as white as the driven snow, then he can be shot down, or can be abused, or attacked, or assaulted, or have any kind of horrible crime committed against him; but when he is dead, does his family get the $10,000?

Oh, no; that man was not charged with a crime. He was innocent of any offense. His widow and orphans have no right of action against the county. They go to the relief rolls or go to some charitable organization or they can starve.

And how about the police officer? If he happens to live out here in some country county where there occurs a crime such as that which they would seek to cull out and designate by this bill, they would send the sheriff to jail or to the penitentiary for 5 years. If a crime like this happens to take place in New York in some gang killing or in connection with some racket, or something like that, the policeman on the beat where the murder took place does not go to the penitentiary. He cannot be punished under the bill. Likely as not he increases his weekly "take" not to reveal the perpetrators of the crime.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. MOORE in the chair). Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator did not read all of the article, or perhaps did not wish to read all of the article. Does the article state what punishment was meted out to the man who assaulted the little girl 9 years of age?

Mr. RUSSELL. Mr. President, this seems to have been written just after the crime had been committed, but I cannot conceive for even 1 minute that there is any section on earth, certainly not in the United States, where the extreme penalty of the law would not be visited on a beast of that

kind. I believe that even in a city that has the appalling crime record that these figures and statistics indicate exist in New York City that there would not be a soul in that city to rise up and say that that beast should not pay the extreme penalty for his crime.

Mr. President, it is amazing, as I said, that this should happen. I have in my hand an article from the New York Times which shows something about the extent to which these sex crimes are spreading in New York. I have already shown that. The commissioner there is looking for legislation to remedy the situation, urging that something be done about it. The article from the New York Times of Thursday, December 2, 1937, says:

Urges new courts for sex offenders. Littleton proposes private trials, with names kept secret to protect victims.

Mr. President, this is significant for the reason that Mr. Martin W. Littleton, who is the district attorney of Nassau County, says that not half of these sex crimes are ever known to the police. Therefore among the 1,400 arrested, one every 6 hours, that Mr. Valentine, the commissioner of police, referred to, less than half of those guilty of such crimes are arrested.

URGES NEW COURTS FOR SEX OFFENDERS—LITTLETON PROPOSES PRIVATE TRIALS, WITH NAMES KEPT SECRET TO PROTECT VICTIMS

A constitutional amendment to authorize private courts to take sex cases out of the public view, and thus shield innocent persons involved from embarrassing publicity, was proposed today by Martin W. Littleton, district attorney of Nassau County.

* * * * * * *

Mr. Littleton said he knew of about 40 sex crimes that were not prosecuted because parents of children involved did not care to brave the publicity that surrounds such cases. He also suggested prohibition against publication of names and pictures of persons involved.

"Morbid morons," he declared, "fill the court room at these trials, subjecting a child victim to a harrowing experience which will mark him or her for all time.

"A public trial is the greatest detriment to prosecution of these cases. Neither a child nor an adult in most instances will consent to prosecute a sex criminal for fear of public display."

Mr. President, I do not make these statements and read these articles here showing crime conditions in New York in order to reflect on any good citizen of New York. I make them to show that it is an absurd proposition to have the Congress tied up in any such manner as this to deal with the only decreasing crime in the United States, and not to say that the Congress has the right to go into this other matter, or that it shall not deal with crime in all of its phases.

Mr. President, I am reminded of a story I heard about 20 years ago about a preacher who went into a community where he had not been theretofore, to take over a new charge. Several denominations attended the union church that they had there, and the preacher preached his first sermon, and happening to be a member of the Methodist Church, he preached a little Methodist doctrine, and he took occasion to jump on those in the community who were guilty of card playing. He condemned dancing and he also said something about drinking. The next day a committee called on him, and the chairman of the committee said, "This, being the only church in the community, is a union church of several denominations. There are not many Methodists in it, so you cannot preach the Methodist doctrine. The ladies here in this community all play bridge, and they play it for a little money, and therefore don't you be talking about playing cards. Old man Cy Brown down here, who is the most liberal contributor we have to this church, takes a little toddy every Saturday night, and once in a while he gets a little bit tight, so therefore you have got to go sort of easy on this business of drinking liquor."

"All of our young people dance, and you cannot preach against that." "Well," the preacher said, "Brother Jones, what on earth can I preach on, then?" The chairman of the committee scratched his head a little and said, "'Why, just jump on the Jews and Seventh-Day Adventists and give them hell. There ain't a one of them comes to our church, anyhow." [Laughter.]

So that is the philosophy that inspired—I do not say that it does inspire, but that could have been the idea that the Senator from New York [Mr. WAGNER] had in mind. He looked over all this list of crimes, and with respect to the only crime, because it is called gang killing instead of lynching in New York, under which none of his constituents could possibly be prosecuted, he comes out then and says, "We will invoke the Federal power here in this crime of lynching, that is all but eliminated and all but wiped out."

Mr. President, I regret the absence of the Senator from Illinois [Mr. LEWIS], because I wanted to read somewhat from the report of the Illinois Crime Commission, to which the Senator from Tennessee [Mr. MCKELLAR] has referred.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. May I say to the Senator from Georgia that I understand the majority leader desires to have an executive session at this hour. I assume that the Senator from Georgia has not concluded his remarks, and I assume that it will be agreeable for him to proceed tomorrow in the event that he suspends at this time.

Mr. RUSSELL. It will be agreeable to me to proceed tomorrow. As a matter of fact, if my remarks are to be interrupted this afternoon, I should prefer that the interruption should come right now, because I was getting ready to take up a new phase of the subject involving a different section of the country.

Mr. BARKLEY. Mr. President, I did not know how much longer the Senator intended to speak.

Mr. RUSSELL. I intended probably to speak for another hour—not at great length—an hour or two at this time.

EXECUTIVE SESSION

Mr. BARKLEY. With the understanding that the Senator from Georgia will be recognized tomorrow, if he wishes to speak, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Pepper
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Austin	Dieterich	La Follette	Radcliffe
Bailey	Donahey	Lewis	Reynolds
Bankhead	Duffy	Logan	Russell
Barkley	Ellender	Lonergan	Schwartz
Berry	Frazier	Lundeen	Schwellenbach
Bilbo	George	McAdoo	Sheppard
Bone	Gerry	McCarran	Shipstead
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Steiwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkley	Hale	Miller	Truman
Bulow	Harrison	Minton	Tydings
Burke	Hatch	Moore	Vandenberg
Byrd	Hayden	Murray	Van Nuys
Byrnes	Herring	Neely	Wagner
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	O'Mahoney	Wheeler
Chavez	Holt	Overton	

The PRESIDING OFFICER (Mr. MOORE in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Eilenberger, deceased, which was referred to the Commitee on Post Offices and Post Roads.

THIRD ASSISTANT POSTMASTER GENERAL

Mr. MCKELLAR. Mr. President, the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Post-

master General, vice Mr. Eilenberger, came in this morning. The Post Office Committee has been polled, with the exception, I believe, of the Senator from Vermont [Mr. GIBSON], about the nomination. From the Committee on Post Offices and Post Roads, I ask unanimous consent to report the nomination favorably at this time, and I ask that the nomination be considered and confirmed.

The PRESIDING OFFICER. Without objection, the report will be received, and, without objection, the nomination is confirmed.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported adversely the nomination of John P. Adair to be postmaster at Highlands, N. J., in place of J. P. Adair.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favoraby the nomination of George A. Cook, of Illinois, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1939, vice James W. Carmalt, deceased.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Marine Corps.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar in their order.

COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia, which nomination had been reported adversely.

Mr. BARKLEY. Mr. President, inasmuch as there is no controversy over the other nominations on the calendar, I suggest that this nomination be passed over until the others are acted upon.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

WORKS PROGRESS ADMINISTRATOR

The legislative clerk read the nomination of Will G. Metz to be State administrator for Wyoming.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read the nominations of several postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Charles D. Mahaffie, of the District of Columbia, to be Interstate Commerce Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RAILROAD RETIREMENT BOARD

The legislative clerk read the nomination of Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the nominations on the calendar with the exception of the one passed over, which will now be stated.

COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke, of Morgantown, W. Va., to be collector of internal revenue for the district of West Virginia, which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. HOLT. Mr. President, I assure the Senate I shall not take much of its time to discuss this nomination. I speak at all only because some Senators have requested me to state my reasons for maintaining that the nomination is personally obnoxious to me.

I wish to say that Mr. F. Roy Yoke is personally obnoxious to me as a United States Senator from the State of West Virginia. I want it clearly understood that I am not interested in any way at all with the patronage involved. If the United States Senate shall not confirm Mr. Yoke my senior colleague [Mr. NEELY] will have control of naming the man who will be his successor. I wish to say further that if he be not confirmed there are 500,000 other Democrats in the State of West Virginia, any one of whom could be named for this position, and if I were called upon to state one other individual against whom I would raise the question of personal obnoxiousness I do not believe I could name that man at this time.

It has been a rule of the United States Senate that when a Senator states that a person nominated to an office confined to his State and his State alone is personally obnoxious to him the nomination should be rejected. It has not always upheld the contention if the nominee is named for an office in a district or to a Federal position beyond the confines of the particular State; but this nomination is to fill a position entirely within the State of West Virginia. Today I raise the question of personal obnoxiousness. Tomorrow what one of the 95 other Senators may not raise a similar question and expect to be upheld by the United States Senate?

I desire the Senate to understand something about the case and see if there is a single Member of the United States Senate who would not raise the same question under similar conditions. The person in question, Mr. Frank Roy Yoke, was superintendent of schools where I attended school in Weston, W. Va. While superintendent of schools he took great delight in attacking every individual in the Holt family. While I was a student only 12 years of age we were called to the assembly—we had assembly every week in the Weston School—I went to the school assembly, and there I sat, of course, as merely a young student in high school. Mr. Yoke, as superintendent of schools, got up before all the assembly, before all the students, and made the statement that "old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall." May I say that "Doc Holt," as he referred to him, is my father. I leave it to the Members of the Senate, if they were in my place, to say that such a man would not be personally obnoxious to them.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Washington?

Mr. HOLT. I am glad to yield.

Mr. SCHWELLENBACH. I notice in reading the report of the hearings that during the Senator's campaign in 1934 Mr. Yoke supported the Senator in his campaign and rendered some assistance. I should like to ask the Senator whether or not at that time he had knowledge of the fact that Mr. Yoke was supporting the Senator in the campaign?

Mr. HOLT. No; I did not have any particular knowledge of his support, except that I was told afterward that the Internal Revenue Department had become active for the party. This, however, is not a political matter; this is an incident that goes away beyond that, and I do not consider politics involved in it.

Mr. SCHWELLENBACH. The Senator has raised the question whether or not this man is personally obnoxious to him—and the rule relating to that matter is one for which I have a great deal of sympathy—but I do not think that the Senator should raise the question that a man is obnoxious to him and unfit to occupy a Federal position if he was not too obnoxious to him to accept his support in his political campaign.

Mr. HOLT. I may answer the Senator by saying that I have no control over what he did, and I may say publicly that I never once asked him, either by myself or through

any agent in my campaign, to support me either publicly or privately—never.

However, I wish to go ahead a little further and tell the Senate what this individual has done. He advocated the mobbing of my own mother and helped to institute a mob that did stone my mother and knock her down with rocks on the main street of Weston. Who in the United States Senate who has any manhood about him would not stand here and fight for his mother under such conditions as that and say that such a man was personally obnoxious to him? May I tell the United States Senate that Mr. Yoke told, with all the gleefulness that he could, that that was what ought to happen to a person who would dare not advocate America's entrance into the World War. Those are issues that are too deep for politics to become involved.

I have never asked a single individual to support me unless he thought that I was right in the principles I espoused. I think that everyone else with manhood would do the same as I have done.

I should like to read to the United States Senate a letter written by Mr. Anglin, formerly a teacher of the Weston High School, with 40 years' experience. Here is what he said in a letter to me.

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly, and even made an effort—

Listen to this—

and even made an effort to get your grades reduced in your classes. It was a hostility that I never before witnessed in my 40 years of high-school work.

Yours truly,

J. N. ANGLIN.

I may say that another teacher—whose name I do not intend to bring into this argument—told me that the same superintendent of schools went to him and asked that my grades be reduced so that I would not be on the honor roll in Weston High School.

I can throw that aside. I cannot, however, throw aside the fact that this man advocated the killing of my father because of a conscientious belief on my father's part.

Yes; my father was opposed to the World War. He was conscientiously opposed to it, and made no pretense that he was not. Yes; he did so; and just because of that conscientious belief, this Mr. Yoke said that my father ought to be lined up against a white wall and shot until his blood stained the wall. That remark seared my heart then, and it is still in my heart today. I do not think there is a real man in this body today whose heart it would not have seared had he heard it against his own parent.

When we look at these things, and note the incident, why should this man, and he alone, be named as collector of internal revenue in the State of West Virginia? To those who do not entirely follow the rule of personal obnoxiousness, let me say that I am sure all of you agree that any man who would go to that extent would not fairly and properly enforce the internal-revenue laws, but would use them as a weapon by which his enemies could be punished and his friends could be rewarded.

On the question of personal obnoxiousness, here is a letter I received from Illinois, from another man. He says:

As a native of Buckhannon—

Which is only a few miles from Weston—

I recall the bitter accusations that were passed against your father by Mr. Yoke during the war days.

Yes; the fact was so well known that this man recalls it now; and yet it is thought by some persons that I should sit idly by while a man is nominated who said that my father ought to be killed and my mother ought to be mobbed. I believe, and I think every Member of the Senate ought to have enough of manhood to stand up and say, and if I be the only one to stand on this ground I should be glad to go down to defeat because I think my mother and my father are worthy of my defense at any time and at any place.

Personal. What could be more personal? Some men raise questions of personal obnoxiousness because certain persons were opposed to them in campaigns. I do not carry personal obnoxiousness to that point; not at all.

I do not want to take the time of the Senate, but I do want the Senate to realize the facts I have stated; and I want to say that many, many, many instances show that Mr. Yoke has taken a great delight, not merely at that time during the war but since that time, in attacking each and every individual by the name of Holt. I believe that any man who, just because he disagreed with a person of that name, would carry his animosity to the extent of wanting his opponent killed, could not possibly believe in the protection of life, liberty, and pursuit of happiness. How could he swear to uphold the Constitution, which protects individuals in those rights, if he himself would kill a man for a difference of opinion upon that ground?

Upon that statement I rest my case and say that this man is personally obnoxious to me, and that I see no reason why the United States Senate should not uphold such a reason against his confirmation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOLT. I shall be glad to yield.

Mr. KING. As I understand the testimony—and I was chairman of the subcommittee of the Committee on Finance which examined into the matter—it appeared that Mr. Yoke was the teacher of the school in which the junior Senator from West Virginia was a student. I find in the testimony the following:

The antagonism—

That is, the antagonism to the father of the Senator, in part—

came when my father filed a protest against him for being drunk on duty as a member of the school system. One day, as I remember it, the school closed down and it was found Mr. Yoke was not able to be present.

I will ask the Senator whether any denial was made by Mr. Yoke, when he was on the stand before the subcommittee, of the charge that he was drunk at a time when he was a teacher, and that the school had to close down, and did close down because of that fact, and that the Senator's father preferred the charge against him because he was drunk as a teacher.

Mr. HOLT. No. I want to say that this particular individual was and had been drunk in many instances; and my father, as a patron of the schools, who had contributed taxes to that school for 50 years, and whose entire family had gone there, and who lives there today at the age of 87, was tired of seeing the school closed down because of the superintendent, through drunkenness, not being able to do his duty. The superintendent gave as his excuse that the engine was broken down; but my father found out that Mr. Yoke had broken down, due to drunkenness, and exposed that fact.

That was away back in 1915. From that day on he started to make this attack, and continue to make this attack. I want to say there are many things that I could tell the Senate about this particular man's record as to dishonesty and immorality as superintendent of schools and since that time, but I do not think it is necessary, since the question has been raised on the point that the man is personally obnoxious to me.

Mr. NEELY. Mr. President, let me, by way of prolegomena, invite the attention of Senators—particularly those on the Republican side of the aisle—to certain historical facts that some of them may have forgotten. During my first 8 years' membership in the Senate the Republican Party was in power and consequently in control of all Federal patronage. My West Virginia colleagues during these years were the distinguished Republican Senators Davis Elkins, Guy Goff, and Henry D. Hatfield. Within this period hundreds of West Virginians were, upon the recommendations of these Senators, nominated for Federal appointments to service in my State, and their nominations were sent here for confirmation.

Some of those who were nominated were politically hostile to me in the highest degree. Some of them had vigorously attacked me from the stump or through the columns of Republican newspapers. But never in a single case did I raise my voice or cast my vote against the confirmation of anyone who had been appointed upon the recommendation of one of these colleagues.

Throughout those years it was my opinion, and it is my opinion still, that the duly recognized dispenser of Federal patronage in his State should, in the absence of manifest inefficiency or glaring disability on the part of the appointee, be unhampered in the matter of choosing those of his constituents upon whom Federal appointments should be conferred.

And to what extent have I practiced the gospel I now preach? The answer to this question should, in my opinion, encourage considerable sympathetic cooperation with me in the case now before the Senate. Let me submit two concrete illustrations of my attitude toward appointments which were proposed by those who, at the time they were made, controlled the Federal patronage in West Virginia.

On a certain occasion a Republican President, upon the recommendation of Senator Guy Goff, nominated the Honorable Edward Brast, a prominent Republican politician, for collector of internal revenue for West Virginia. Mr. Brast had been involved in factional politics and had many enemies in his own party.

A highly influential Republican ex-prosecuting attorney of one of the most populous counties in West Virginia came to see me almost immediately after Mr. Brast's nomination had been made and offered to bring me a written pledge signed by 6,000 Republican voters of the counties of Wood, Wirt, Jackson, and Pleasants to the effect that they would support me in the next campaign if I would defeat, or vigorously endeavor to defeat, the confirmation which was advocated by my colleague, Senator Goff. My instant reply was that my colleague had been elected by the people of West Virginia for the purpose, among other things, of recommending to the President who should receive Federal appointments in West Virginia, and that notwithstanding the fact that I should be glad to have the 6,000 votes which were offered me, I could not, under a Republican administration, seriously consider a proposal to resist the confirmation of anyone who had been appointed upon the recommendation of Mr. Goff, who at that time was the senatorial spokesman for his party in my State.

On a later occasion, a prominent Republican woman was refused a reappointment as postmaster in a district which was then represented by a Democratic Member of the House. As the administration was Republican, my colleague, Senator Hatfield, controlled the appointment of this influential postmaster's successor. A Republican former Federal official, whose influence was important if not decisive in one of the counties of the Third Congressional District of West Virginia at that time, came to Washington and informed me that he resented Senator Hatfield's refusal to reappoint the lady postmaster and that if I would defeat the confirmation of her successor, he and his entire following would support me when I next ran for office. My reply to this offer was, in substance, identical with the reply that I had made to the offer of 6,000 votes for an effort on my part to defeat the confirmation of Mr. Brast.

Upon the solid foundation of fact, established by my 8 years of consistent conduct in the Senate in matters concerning the confirmation of those nominated by the President, I now stand and appeal to the entire membership of this body—regardless of politics—to confirm the nomination of Roy Yoke as collector of internal revenue for the State of West Virginia.

Mr. Yoke is in the prime of life. His natural ability, thorough education, long experience as a public servant, and unquestioned fidelity to the discharge of every moral, social, and official obligation preeminently qualify him to perform in a most satisfactory manner all the duties of the office to which the President has appointed him. Mr. Yoke holds the degrees of bachelor of arts and bachelor of laws from the West Virginia University.

For 9 consecutive years he was superintendent of the free schools of Weston, the home city of the junior Senator from West Virginia. Eventually he voluntarily retired from school work to become the executive secretary of the West Virginia University Alumni Association. The duties of this office were to promote the interests of West Virginia's greatest institution of learning. The association, composed of prominent men and women of every political affiliation, occupation, profession, and religious belief, elected Mr. Yoke to discharge the important duties of this office for 10 consecutive years, during which time, to the best of my information, not a single complaint of any kind was ever made against him.

Mr. Yoke next became a candidate in Monongalia County for membership in the West Virginia House of Delegates. He was elected by a majority greater than any other member of his party had ever received in that county. During his service as a delegate he was generally recognized as one of the leaders of the lower house. While he was a member of the legislature he was elected governor of the twenty-fourth district of Rotary Clubs. He discharged the duties of that office to the entire satisfaction of all concerned.

Before Mr. Yoke's term as a member of the legislature expired he was made chief deputy collector of internal revenue for West Virginia, and held that office continuously from July 1, 1933, until he was, on the 1st day of October 1937, appointed collector of internal revenue for his State. The Honorable Guy T. Helvering, head of the Revenue Department, says, in substance, that Mr. Yoke, as a deputy collector, was highly efficient and that his service as collector has been thoroughly satisfactory in every particular.

Today no man in West Virginia stands higher than Mr. Yoke in public esteem. His character is without a spot; his reputation is without a stain. The spokesmen for practically all important business, labor, civic, and political organizations in West Virginia have volunteered to write or wire their approval of Mr. Yoke's appointment to the Members of the Senate. These offers, made both to Mr. Yoke and me, although deeply appreciated, have been uniformly declined, because we have believed that public endorsements are not necessary and that the messages conveying them would unjustifiably add to the burden of correspondence under which practically every Member of the Senate staggers every day and all day long.

Mr. Yoke's confirmation is opposed by the junior Senator from West Virginia on the grounds which are stated in the printed hearings and which the Senator has repeated on the floor this afternoon.

Let me digress for a moment to respond to the inquiry made by the Senator from Utah [Mr. KING], who presided over the hearings of the subcommittee. Mr. Yoke was not present when the junior Senator accused him of the intoxication to which the Senator from Utah referred a moment ago. Mr. Yoke did not learn of this accusation until he received a copy of the printed hearings. He then promptly wrote me that the charge was false, and that his school had never closed because of his having been under the influence of liquor.

Objection to the confirmation is based chiefly upon the charge that Mr. Yoke once said Dr. Holt, the father of the junior Senator, was a traitor to his country and ought to be shot or hanged. Although Mr. Yoke does not admit that he ever used this particular language, he does frankly concede that he severely criticized Dr. Holt soon after this country entered the World War.

Senators cannot judge equitably between Mr. Yoke and the members of the Holt family in the matter in question unless they know the background of the controversy.

According to a letter which Mr. Yoke has written me, the real trouble between Dr. Holt and him began about the year 1914, when Mr. Yoke, as superintendent of the schools of Weston, compelled Matthew Holt, the junior Senator's oldest brother, to repair or pay for some school property which Mr. Yoke asserts that Holt had wantonly defaced or destroyed.

Mr. Yoke says that ever since the time of this event he has been ceaselessly and relentlessly assailed by Dr. Holt, against whom God forbid that I should willingly say an unkind word. He and I opposed each other in two elections—one for the office of United States Senator; one for that of a Member of the House of Representatives. To the best of my recollection, he and I have never exchanged a single harsh word. But candor compels me to say that Dr. Holt is an unusually strong character and a man of the most positive, outspoken convictions. His life, ever since I have known him, has been one of perpetual turmoil. He has always courageously and unsparingly condemned, in most vigorous language, all those with whom he has disagreed.

Mr. Yoke avers that for about 7 years after the Matthew Holt difficulty, the doctor did everything in his power to have him removed from the superintendency of the Weston schools. But although the personnel of the Weston board of education changed from time to time, it continued to employ Mr. Yoke, as before stated, for 9 consecutive years.

But let us return to the objections to the confirmation, which are based upon Mr. Yoke's alleged observation that Dr. Holt ought to be shot or hanged as a traitor. The circumstances in which Mr. Yoke condemned Dr. Holt are as follows: On the 11th day of April 1917—5 days after this country had formally entered the war against Germany and her allies—Dr. Holt, according to the newspapers, said in a speech before a Socialist convention in St. Louis, "that he would not let his boy fight for the Stars and Stripes; that he had sent his boy to South America so that he would not have to go to war."

These utterances appeared on the front page of the Clarksburg Exponent, which then was and still is one of the leading daily newspapers of West Virginia. It then enjoyed and still enjoys a wider circulation in the city of Weston than any other daily paper. The caption of the article in which the foregoing quotation appears is in large black-face type and in these words: "Holt, of Weston, Spurns United States Flag as Socialists Cheer Him." The last paragraph of the article in question says:

Thomas Williams, of California, was hissed from the rear of the convention hall when he declared that he was an American. He said that the convention was too pro-foreign to do justice to Americanism and openly showed its pro-Germanism.

In order to refresh the memory of Senators concerning the extraordinary state of public opinion at the time Mr. Yoke is accused of having maligned Dr. Holt, attention is invited to a photostatic copy of the front page of the Clarksburg Exponent for the 3d day of April 1917—just before we entered the war—which contains, among other things, the banner announcement: "Pacifist Knocked Down by Senator Lodge When He Passes Lie to Him." Under that banner is the following—and I am sorry that the junior Senator from Massachusetts, who is a blood relative of the renowned historian and statesman, the late Henry Cabot Lodge, is not present at the moment to hear what I am about to read.

Pacifism and patriotism clash in the Capitol today on the occasion of the gathering of the new Congress.

It was a verbal clash in the earlier hours of the morning, when the throngs of peace advocates assembled about the great white pile on the hill and began their series of buttonholing attacks on the legislators but it culminated toward the middle of the afternoon in actual fisticuffs when the dignified Senator Lodge, of Massachusetts, resented parodies on the lips of one of the buttonholers and called him a liar.

Alexander Bannward, of Boston, accompanying Mrs. Anna May Peabody, of Cambridge, had stopped at the Senator's private office in the course of the presentation of arguments to legislators. Senator Lodge politely told Bannward that he thought he needed no information as to the attitude of Massachusetts in the present international emergency.

"Anyone who wants to go to war at a time like this is a coward," Bannward hissed to the Senator.

Meaning Senator Lodge.

"You are a liar," crisply enunciated Senator Lodge.

By way of further acquainting Senators with the resentful environment in which Mr. Yoke made his alleged unkind remarks about Dr. Holt, I now read from the leading editorial in the Exponent for the thirteenth day of April 1917:

AN UNDERHANDED "HOLT"

"I sent my boy to South America so that he would not have to go to war," quoth Dr. M. S. Holt in a speech at St. Louis, April 11, 1917.

The Exponent is not prone to dignify traitors to the flag of this Nation with editorial discussion, but Dr. Holt lives and enjoys the blessings of freedom in our neighboring city of Weston, W. Va., and we take notice of his anti-American statements, as they were wired to the Exponent by the St. Louis Republic, on the same basis that it is sometimes necessary for a gentleman to step aside long enough to kick a dog!

But first let us give the predicate: "In a dramatic appeal to the gathering not to assist the United States in its war with Germany, Dr. M. S. Holt, of Weston, W. Va., today addressed the meeting of Socialists in convention at the Planters Hotel and was loudly cheered when he stated that he would not let his boy fight for the Stars and Stripes," says the dispatch from the Republic.

"I do not believe that the state can last in which Jesus and Judas have equal weight in public affairs," declared Carlyle to an American clergyman. The Exponent sometimes wavers in its faith of the perpetuity of American institutions when travesties on mankind are allowed to rear on their hind legs and deliberately insult the American flag even while that flag is being fired on by a hellish foe abroad and abused and dragged in the mire by copperheads, traitors, renegades, perfidious and disloyal folk like Holt at home.

We are a bit amazed at Weston folk—rather astonished that they permit a nuisance to go unabated in their midst. Are Westonians, yea West Virginians losing their patriotic pep? Has the unmatched, unafraid spirit of Stonewall Jackson, George A. Custer, Lewis Wetzel, and many thousand others who have marched from this domain in every war that the Nation has faced right up into the jaws of hell to fight for the old flag that makes such damnable counterfeits as M. S. Holt free, dead?

If the people of Weston do not keep M. S. Holt's son in South America and put a curb bit on M. S. Holt himself when he shows up there after he spilled that diarrhea of bunk and damnation in St. Louis, we shall be still more amazed. Any man who would utter such sentiments against the Nation that protects him when it is at war with a foreign foe should be strung up by the thumbs and attended to with a baseball bat.

The Exponent is not a hell-benter for war, but it is distinctly and everlastingly for the old flag, as Stephen Decatur once said, right or wrong—and the Exponent hopes that if it ever falls so low as to utter anything on the order of this flannel-mouthed copperhead of Weston that its tongue will cleave to the roof of its mouth and that its good right arm shall wither and die!

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BAILEY. The Senator is reading the newspaper statement. I wish that statement would be considered in the light of the statement made by Senator HOLT appearing at the bottom of page 6 in the report:

Senator HOLT. Of course, I realize the purpose of the evidence is to raise the question of patriotism and make it appear that my brother went to South America to get out of war. My brother did go to Mexico, but he enlisted in the draft and served in the United States Army, and has a very high recommendation from the Chief of Engineers of the United States for the work he did in the building of such camps as Camp Sherman, Camp Ticonderoga, and many other camps in the United States. My father was against the war, but he has emphatically said, not once but many times, that the statements attributed to him such as were alleged to have been made in St. Louis were not true statements.

So the young man did go to war.

Mr. NEELY. Yes; he did; and if I have time I shall read from a letter which states that Matthew Holt, the son in question, came back from South America, to which he had fled, when the feeling was running even higher against him than it ran in the month of April 1917, and became a member of a noncombatant organization, namely, the Engineering Corps. The only intimation that I have that he served with distinction is contained in the statement that has just been read by the Senator from North Carolina.

I beg the Senate to believe me when I assert that I have read this newspaper article not for the purpose of disparaging Senator HOLT or his family.

I again digress long enough to say that no man ever had a finer mother than has Senator RUSH HOLT, but I cannot afford to have an innocent man crucified on the charges that are made against Roy Yoke in the circumstances of this case, no matter how noble the mother of the prosecutor may be.

Whether one voted for entrance into the war, as I did, or stood on the side lines and extolled it or condemned it in those feverish days of 1917—now, with 20 years' experience crying out to every sane man and woman in this weary old world with

the voice of an archangel that modern warfare is hell-born disaster to the human race and that it never settles any question right—those of us who voted for it 20 years ago would not vote for it in similar circumstances now. We would profit from the wisdom of this body's greatest Member, Senator NORRIS, of Nebraska, and the wisdom of that other equally great man—as great as any other that ever sat in this Chamber—the beloved "Battle Bob" La Follette, of Wisconsin, who so well knew and so clearly proved that we ought to stay out of the World War.

Many of us now wish that we also had voted against the war instead of voting for it. But I appeal to those who opposed it; even to those who may have shared the views of Dr. Holt, to put themselves in the place of Roy Yoke at the time he criticized the doctor 5 days after the war had been declared. If a man with the venerable Senator Lodge's habitual self-control was swept away, by the deluge of patriotic passion which was raging all over the land, to the extent that he had a fist fight with one of his pacifist constituents, who will dare to condemn Roy Yoke, who, in the enthusiasm of young manhood, is charged with having said, 5 days after we entered the war, that one should be shot or hanged as a traitor because of his opposition to this country in that great struggle?

Mr. BONE. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BONE. As I read this record it is not quite clear whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war. Did he?

Mr. NEELY. No, Mr. President.

Mr. NORRIS. Mr. President, it is impossible for us on this side of the aisle to hear what the Senator from Washington is saying.

Mr. BONE. Mr. President, I was asking the Senator from West Virginia whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war.

Mr. NEELY. No; he was the head of a family at that time, as he is now.

Mr. President, I implore Senators to vote on this question in the light of the situation that existed on the 12th day of April 1917. In every community in the land banners were waving, bugles were sounding, drums were throbbing, and patriotic speeches were being made on every corner. Every band was playing the wild, weird music of war.

Four million American boys who were not too proud or too cowardly to fight, whose fathers would not send them to South America to prevent them from defending the flag—4,000,000 boys in the morning time of life, with every door in the world of infinite opportunity open wide to receive them, with every breeze bringing them promises of future glory—unlike Dr. Holt's boy Matt—came forward from the quiet walks of peace and laid their last hope and their last ambition upon the altar of their country and went forth to sacrifice, to suffer, and to die for the honor of their native land.

They went beyond the sea to battle for America and the great Government for which it stands—until German Kaiser, Austrian Emperor, and Turkish Sultan had been conquered or scourged from their blood-stained thrones, and the peace of the world had been reestablished upon a foundation which we all then believed or hoped would be as enduring as the everlasting hills.

No matter how unspeakably disappointed we have been by the results of that war; in spite of the fact that we now know there is no finality in any decision that is rendered by roaring cannon or piercing bayonet or poisonous gas; although we now know that those who live by the sword must sooner or later die by the sword, we did not know it then.

The statements attributed to Mr. Yoke concerning Senator Holt's father would, of course, be offensive to any son who had even a scintilla of self-respect; but the people of West Virginia are always generous; they forgot the charges that were made against Dr. Holt; they forgot that his son had been sent to South America or had gone there to evade service in the Great War. The wounds which had been inflicted in the time of strife had long since healed, and, so far as anything that had transpired in that great struggle was concerned, West Virginians were at peace with all the members of the Holt family.

Not those who nailed the Savior to the cross inflicted the greatest pain upon the only perfect Man, but the miscreant who stuck the spear into his Savior's suffering side was the one who caused him the greatest agony and heaped the greatest infamy upon himself and the human race to which he belonged. The young man from Weston has, as a result of the hatred he has carried smoldering in his breast for more than 20 years, by means of this contest, given more publicity to the alleged disloyalty of which his father was long the storm center than could have been given it in any other manner in a hundred years.

In all the extraordinary friction there has been between the junior Senator from West Virginia and me, I have never assailed him here and shall never do so, except in self-defense.

I have never washed the soiled political linen of my State in this Chamber, and I hope that I may never willingly descend to that degrading conduct. But I must say that I would not, for all the gold in the world, have thrust the spear of unfavorable and humiliating notoriety into my father's side as it has been thrust into the side of Dr. Holt by the action of his own flesh and blood in this unhappy and unnecessary controversy.

Mr. Da Costa Smith, who was in 1917 a member of the board of education in Weston and also a member of the draft board of Lewis County, writes me that until the Senator's charge appeared in the newspapers he had never heard it and that he did not know anybody in the city of Weston who ever had heard that Mr. Yoke had been accused of saying that Dr. Holt should be stood up against a stone wall and shot or that he should be hanged.

I have a letter from another teacher of the Weston school to the effect, that while he knows nothing about what Mr. Yoke may have said to the teacher whose statement the junior Senator from West Virginia has read, Mr. Yoke did on one occasion, in an assembly, state to the teachers, "I want you, if possible, to give every member of the Holt family a passing grade."

Today, in spite of what has been said in disparagement of Mr. Yoke, in spite of the fact that he has been accused of having drunk intoxicating liquor in days gone by, I assure the Senate that he has been a teetotaler for a number of years.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. NEELY. Yes.

Mr. HATCH. It is a point in which I am very much interested, and I was called out when the senior Senator from West Virginia was speaking, and I do not know whether he touched on it. I desire to know if there has been any serious objection raised as to the qualification and fitness of this man to hold the office. Has any one raised any question on that point?

Mr. NEELY. No; the only objections are those that have been stated here this afternoon.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. NEELY. Yes.

Mr. BONE. To those of us who know nothing of conditions in West Virginia, it seems logical to assume that whatever bitterness and controversy grew out of the conditions the Senator describes all of that bitterness and that controversy seem to have abated and become completely cold, in light of the fact that the son of Dr. Holt was elected to the United States Senate from the State of West Virginia. That would seem to indicate that, if any bitterness existed there, it has long since ceased to exist. Am I right in so assuming?

Mr. NEELY. That is entirely true.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. NEELY. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. What I wanted to inquire about was touched on by the Senator from New Mexico [Mr. HATCH].

Of course, all of us who are old enough to have observed anything that occurred during the World War, those of us who were here in Congress and who voted for or against the declaration of war can recall the high tension that existed at that time, 20 years ago, among those who favored our entry into the war and those who opposed it. I suppose there is scarcely a county in the country in which there were not large or small groups of people who were not in sympathy with the policies of President Wilson leading up to and at the time we entered into the war and subsequent thereto, and in which there were not the same sort of bitter controversy and denunciation which seem to have existed in West Virginia.

Of course, many people, I dare say, then said things and gave utterance to sentiments in the high tension of the war atmosphere that they would not now repeat or which they have since then regretted. But, casting that aside, I should like to know a little more about what this man has been doing, what his occupation has been since the war and during the last 18 or 20 years. What has his occupation been? What has he done that would indicate his qualifications for the position to which he has been nominated?

Mr. NEELY. I stated that earlier in my address, but evidently the Senator from Kentucky did not hear me.

Mr. BARKLEY. The Senator said that following this incident Mr. Yoke remained for 9 years superintendent of schools in Weston. Was that by popular election or by the action of the board?

Mr. NEELY. That was by election by the board of education, the personnel of which changed many times during the 9 years, and on seven of those occasions, according to my reports, Dr. Holt vigorously opposed Mr. Yoke's election as superintendent of schools.

Mr. BARKLEY. How were the members of the board of education selected?

Mr. NEELY. They were elected by the people.

Mr. BARKLEY. Following the 9-year period during which Mr. Yoke was superintendent of public schools in Weston, what has he done since then?

Mr. NEELY. For the next 10 years he was the executive secretary of the alumni association of West Virginia University, and the service of that official was to further the interests of the West Virginia University, to visit high schools and urge graduates to go to the university to complete their education. For that service the legislature appropriated a substantial salary.

Mr. BARKLEY. How was he selected for that position?

Mr. NEELY. He was selected by the vote of the alumni association, made up of people of every shade of political opinion and religious belief.

Mr. BARKLEY. Was that a position which was supposed to have some connection with the university and its advancement?

Mr. NEELY. The sole purpose of that office was to further the interests of the West Virginia University.

Mr. BARKLEY. That accounts for 19 years since 1917. Since he relinquished that work with the university what has been his occupation?

Mr. NEELY. In the fall immediately following the time when the legislature ceased to make an appropriation to pay the salary of the executive secretary of the alumni association Mr. Yoke became a candidate for membership in the House of Delegates of West Virginia, and he was elected in Monongalia County by a greater majority than any other member of his party had ever received.

He served through a full session of the legislature. Before the expiration of his 2-year term he was made chief deputy revenue collector for the State of West Virginia, and Mr. Commissioner Helvering says that in this office he was efficient and that his services were entirely satisfactory to all concerned.

Mr. BARKLEY. Did he hold that position until he was nominated by the President for the position of collector of internal revenue?

Mr. NEELY. He held that position until he was given the nomination which is now before the Senate for confirmation.

Mr. President, let me make this brief reply to the deduction that might be drawn from the statement of the junior Senator that nobody else in West Virginia whom he could now think of would be opposed by him on the ground of personal obnoxiousness. Regardless of how that may be, the members of the Post Office Committee know that during the last session, which ended just before Christmas, there were 12 postmasters nominated from West Virginia. And by the way, I see one of the distinguished Members of the other House, Mr. RANDOLPH, on whose recommendation one of those nominations was made by the President, now sitting in the rear of the Hall.

Those nominations were sent here for confirmation. The junior Senator from West Virginia, who was at Weston, and who was reported ill, by telegraph or otherwise called on the Senator from Tennessee [Mr. MCKELLAR], the chairman of the committee, to hold up every one of them until he could return here, presumably to resist them.

After a month of waiting for the objections that never came, the Senator from Tennessee sent to the junior Senator from West Virginia a message to the effect that unless specific objections were made, confirmation would be in order. I saw the answer which the junior Senator from West Virginia sent to the Senator from Tennessee. I shall not attempt to quote its exact words, but, among other things, it said in effect:

Your cheap political message received.

Please transport yourselves on the wings of imagination for a moment to a former session of the Senate. When the members of the Bituminous Coal Commission were appointed, the junior Senator from West Virginia for days held up the confirmation of all of them, despite the fact that only one of the number was from West Virginia.

When, on my recommendation, Harry Watkins, one of the best qualified and most deserving men of West Virginia, was nominated for judge of a district court of the United States for West Virginia, the junior Senator refused to give his permission to have the nomination brought to the floor of the Senate until after it had lain before the Committee on the Judiciary for the period of 7 days, required by the rule.

If the objections to Mr. Yoke are sustained, then, during the continuance of the junior Senator from West Virginia in this body—which will be until January 1941—no one should hope to have confirmed a single nomination of a member of the American Legion from West Virginia, because there is probably not a Legionnaire in the State who has ever heard of Dr. Holt's opposition to the war after we had entered it who has not said at least as much as Mr. Yoke said against the Senator's father; and many of them have said much more, and in language that could not be repeated here without violating the rules of the Senate.

In my opinion, there are not 500 persons in the county in which Dr. Holt lives against whom there could not be made the same charges and the same objections that have been made against Mr. Yoke. In my opinion, there are not 2,000 persons in the State of West Virginia who had reached the age of maturity at the time of the World War against whom the same or more vigorous charges could not be truthfully made.

Members of the Senate, for 13 years I have served in this body with a large number of those present. For more than 21 years I have served with a number of you, here and in the House of Representatives. Without attributing to myself—the most erring creature on earth—a single virtue, I earnestly ask those of you with whom I have served whether my conduct or my relationship with you has been such as to impel you to vote against Mr. Yoke, whom I have chosen, and thereby cause my constituents to propound to you the inquiry: "Is our servant the senior Senator a dog, that in the circumstances of this case you have embarrassed him by helping to satisfy an unholy longing for revenge that has been harbored against a noble man for 20 years?"

Do not be deceived about an alleged injury to one's father 20 years ago. Roy Yoke is the father of three children—one, a beautiful young lady in West Virginia University, soon to be graduated from that institution; another, a young man soon to be graduated from high school; another who is in a grammar school. Think of these children and their father when you vote. Last Sunday Mr. Yoke's mother celebrated her eighty-second birthday. Do not commit an unpardonable sin against those children and that 82-year-old mother and the talented, faithful wife of Roy Yoke by voting against a father, son, and husband whom they dearly love.

Let me entreat you not to vote for revenge—an all-consuming passion for which has destroyed the young man's health and kept him in the hospital much of the time since he was elected to this body; a passion which, if perpetuated, will cost him his life before he has lived out half of his allotted three score years and ten.

Let me implore you, in the words of the Prophet Amos, not to turn judgment to wormwood in the Senate this afternoon, but to let judgment run down as waters, and righteousness as a mighty stream.

Mr. BAILEY. Mr. President, the chairman of the Committee on Finance designated me to make this adverse report to the Senate. I rise to sustain the report.

There are only two questions involved here, and there can be only two questions. One is, Did Mr. Yoke make the statement attributed to him and complained of by the junior Senator from West Virginia [Mr. HOLT]? The other is, Was the statement sufficient to justify the objection of personal obnoxiousness? The lapse of time, the relationship of the Senators, the sentimental appeals, are all out of the window, so far as I am concerned.

Let me take the first question first. Did Mr. Yoke make the statement? There is no question that he did. Here is the record. Here is the testimony of the complaining Senator:

I am objecting to him on the ground of personal obnoxiousness.

Here is the accusation:

Mr. Yoke was superintendent of schools in Weston, W. Va., my home city, when I was a child. He and my father became enemies. That was about the time of the late World War. My father was opposed to that war and the fact of his opposition was generally known. Although I was only a child—I was just 14 when I graduated from high school—I remember one time when he had an assembly—

That is, Mr. Yoke, the superintendent, had an assembly—

and we had one every week in Weston High School, and I went to assembly as part of the school work, this Mr. Yoke got up before the entire student body and made this statement about my father, "Old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall."

Did Mr. Yoke say it? If he said it, I will recall the testimony of the senior Senator from West Virginia [Mr. NEELY] to sustain my proposition that that is personal obnoxiousness. Let us see if he said it.

Here is the testimony in the form of an extract from a letter submitted by the junior Senator from West Virginia before the subcommittee:

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly and even made an effort to get your grades reduced in your classes.

That is simply corroborative. Now, let us see what Mr. Yoke says.

Mr. Yoke does not deny it, but in substance admits it. The senior Senator from West Virginia put this question to Mr. Yoke before the committee:

I do not attempt to quote Senator HOLT's words exactly, but I quote what I understand to be the substance of his objection to you, Mr. Yoke. Mr. HOLT says that when you were superintendent of the Weston schools in his home town, about the time of the World War, before an assembly of students and public citizens besides, I assume, you made the following statement before the whole crowd [reading]:

"Old Doc Holt ought to be stood up before a wall and shot until his blood stained the wall."

What have you to say about that?

Mr. YOKE. I do not know whether I remember making a statement of that kind; making that statement in the way it was framed.

As much as to say, "The substance of it is true. I did not put it in just those words; the question is not framed right," but he does not deny it.

Senator NEELY. I think we might frankly tell the committee what your feeling was and what your attitude toward Dr. Holt's position with regard to the war was.

Senator KING. I would like to ask him what did he say at that meeting to which Senator HOLT referred and to which Senator NEELY also referred.

Mr. YOKE. I cannot remember what I said. I know that I did say some things about the attitude of Dr. Holt during wartime.

Now, let us go further in Mr. Yoke's own testimony: This is a question from Senator NEELY:

Have you anything further to say about the statement I have made before the committee?

Mr. YOKE. I do not want to convey the impression to the committee I did not criticize Dr. Holt; I did. But I was simply expressing in my futile way the thoughts of the great majority of the citizens of our section of the State out there.

Still no denial, but extenuating on the ground that he was reflecting public opinion.

Senator NEELY. Mr. Holt further stated before you came in, in effect, that you said on either that occasion or some other occasion, and I believe a different occasion, that in time of war disloyal soldiers or spies were not shot but hanged and that Dr. Holt should be hanged; have you anything to say in regard to that?

Mr. YOKE. I think I know procedure well enough to know that spies are shot. If I made any reference to Dr. Holt along that line, I said he should be shot.

In the other statement he had just said that he did make a reference to him. Now he says that if he did make a reference he said he should be shot, so I take it that the man himself stated that he said the father of the junior Senator from West Virginia ought to be shot.

Senator NEELY. You do not deny it?

Mr. YOKE. No, sir; I do not, because I do not remember.

He has remembered now; he has now admitted that if he said anything about him he said he should be shot, and in the other testimony he did say he said something about it, but that he was reflecting the opinion in the community.

Mr. President, that is not all. I read further:

Senator KING (interposing). Do you desire to ask the witness any questions, Senator HOLT?

Senator HOLT. You admit, Mr. YOKE, that you did abuse and attack my father in Weston?

Mr. YOKE. I admit this: That I said the same things in my way about his war conduct that the other people of that vicinity were saying; if that is abuse and attack, I abused and attacked him.

That is sufficient. We have the testimony of the junior Senator from West Virginia, which is unquestioned; we have the corroboration in the extract of the letter, and there is no contradiction of that, and we have three separate statements from Mr. Yoke himself, in none of which he denies that he made the statement. Taking the three together, we are bound to reach the conclusion that he did say it; at least he himself said that Mr. HOLT's father should have been shot.

The question arises at once, Is that sufficient ground for the rejection of the nomination? I come to that on the testimony of the senior Senator from West Virginia, with which I thoroughly agree. As I recall his statement, he said just now that any son of a father would resent a statement such as this attributed to Mr. Yoke concerning his father so long as he had a scintilla of self-respect. I fully agree.

Mr. President, that is all there is here for me to pass on. Was the statement made? The witness accused admits it. Does the statement justify the objection of personal obnoxiousness? If it does not, then let us throw the rule as to personal obnoxiousness out of the window, and never let it come back here again.

So far as I am concerned, that is the whole case.

I do not care to become involved in the difficulties between any Senators. I do think that if we are to sustain the unwritten law of the Senate known as the personal obnoxiousness rule we have to apply it equally here amongst Senators.

Republicans cannot deprive Democrats of its privilege, and Democrats cannot deprive Republicans of its privilege. It is a rule which rises above the courtesies we owe to every Senator. When it is invoked by a Senator, the whole question in my mind is, is his action arbitrary, is it political? If so, I would have a right to reject it. But if it is well founded, then my respect for the Senate rule, a sense of my own self-protection under similar conditions, commands me to sustain the rule.

I take this position with regard to any Senator. It is not a matter of party, it is not a matter of patronage, it has no relationship to patronage. The Senate can make an exception in this case, and if it makes an exception, then it sets a precedent, and I should think that the rule would go.

I rather think it is best that the rule should not go. It has been a rule of the Senate a long time. I have never felt that we should exercise it arbitrarily. I have never felt that a Senator should have the right to deprive a man of an appointment just as a matter of his own will, but I do feel that when an appointment is sent to the Senate from a State and either Senator from the State files an objection based on personal obnoxiousness and reasonably sustains it, the whole rule is at stake, and we cannot judge between Senators.

I pass no judgment here between these two Senators. I am not taking sides against the senior Senator. I am merely taking sides for the equal application of the rule. I would take sides in behalf of the junior Senator from West Virginia as quickly as I would for any other Senator, but no more quickly.

If I am right about this, we have no recourse but to sustain the adverse report of the committee.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia?

Mr. NEELY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. AUSTIN (when his name was called). I announce my general pair with the Senator from Louisiana [Mr. OVERTON] and withhold my vote.

Mr. CONNALLY (when his name was called). On this vote I have a pair with the Senator from Ohio [Mr. BULKLEY], who is absent. If the Senator from Ohio were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. JOHNSON of Colorado (when his name was called). On this vote I am paired with the junior Senator from Kentucky [Mr. LOGAN]. If the Senator from Kentucky were present and permitted to vote, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. McKELLAR. I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], which I transfer to the junior Senator from New Jersey [Mr. SMATHERS], and vote "yea."

Mr. McNARY (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. LEE]. Not knowing how he would vote, in his absence, I withhold my vote.

Mr. STEIWER (when his name was called). On this vote I have a pair with the senior Senator from Maryland [Mr. TYDINGS], who is detained from the Chamber. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent from the Senate because of illness.

The Senator from Colorado [Mr. ADAMS], the Senator from Ohio [Mr. BULKLEY], the Senator from Missouri [Mr. CLARK], the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Kentucky [Mr. LOGAN] are unavoidably detained.

The Senator from New York [Mr. COPELAND], the Senator from Connecticut [Mr. MALONEY], and the Senator from Montana [Mr. WHEELER] are detained in committee meetings.

The Senator from Georgia [Mr. GEORGE], the Senator from Connecticut [Mr. LONERGAN], and the Senator from Georgia [Mr. RUSSELL] are detained in Government departments.

The Senator from Ohio [Mr. DONAHEY], the Senator from Oklahoma [Mr. LEE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are absent on important public business.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Rhode Island [Mr. GREEN].

The Senator from Pennsylvania [Mr. DAVIS] has a pair with the Senator from Connecticut [Mr. MALONEY]. The Senator from Pennsylvania is necessarily absent.

Mr. LA FOLLETTE. On this vote I have a special pair with the junior Senator from Delaware [Mr. HUGHES], who is detained from the Senate on account of illness. I am advised that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The result was announced—yeas 46, nays 15, as follows:

YEAS—46

Andrews	Dieterich	McAdoo	Radcliffe
Ashurst	Duffy	McGill	Reynolds
Bankhead	Ellender	McKellar	Schwartz
Barkley	Gibson	Miller	Schwellenbach
Berry	Gillette	Minton	Sheppard
Bilbo	Guffey	Moore	Thomas, Okla.
Bone	Hatch	Murray	Thomas, Utah
Brown, Mich.	Hayden	Neely	Truman
Brown, N. H.	Herring	Norris	Van Nuys
Bulow	Hill	Pepper	Wagner
Caraway	Hitchcock	Pittman	
Chavez	Lewis	Pope	

NAYS—15

Bailey	Byrnes	Harrison	Lodge
Bridges	Frazier	Holt	McCarran
Burke	Gerry	Johnson, Calif.	Smith
Byrd	Hale	King	

NOT VOTING—35

Adams	Donahey	Lonergan	Smathers
Austin	George	Lundeen	Steiwer
Borah	Glass	McNary	Townsend
Bulkley	Green	Maloney	Tydings
Capper	Hughes	Nye	Vandenberg
Clark	Johnson, Colo.	O'Mahoney	Walsh
Connally	La Follette	Overton	Wheeler
Copeland	Lee	Russell	White
Davis	Logan	Shipstead	

So the nomination of F. Roy Yoke to be collector of internal revenue, West Virginia, was confirmed.

Mr. BANKHEAD. Mr. President, I move that the vote by which Mr. Yoke's nomination was confirmed be reconsidered.

Mr. NEELY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative business.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 12, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate Tuesday, January 11 (legislative day of January 5), 1938

THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Eilenberger, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 11 (legislative day of January 5), 1938

THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black to be Third Assistant Postmaster General.

COLLECTOR OF INTERNAL REVENUE

F. Roy Yoke to be collector of internal revenue for the district of West Virginia.

WORKS PROGRESS ADMINISTRATOR

Will G. Metz to be State administrator in the Works Progress Administration for Wyoming.

INTERSTATE COMMERCE COMMISSIONER

Charles D. Mahaffie to be an Interstate Commerce Commissioner.

RAILROAD RETIREMENT BOARD

Murray W. Latimer to be a member of the Railroad Retirement Board.

POSTMASTERS

NEW JERSEY

Peter J. Egan, Montclair.
William Dudley Carleton, Ringwood Manor.
Walter W. Lance, White House Station.

NEW YORK

Frances H. Courtney, Wilmington.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 11, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite God, out of the vastness of a Father's love let there come patience to still us, strength to help us, and faith to guide us. O love unmeasured, restrain us from making the downward step; in humility of soul and in the spirit of sacred awe may we touch the hem of Thy holy garment. Life's final achievement is to grow in grace and in the knowledge of our Lord and Savior. We pray Thee in these days as we turn the bend in our Nation's history to bless us with a strange power that shall enable us to set problems in their right relation. O wisdom of God, come throbbing in upon the present and unfold to us Thy long, long purpose for humanity. May our country be led into Thy righteous morning, and let all discouragements spend their sighs upon the night winds. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF MEMBER

The SPEAKER. The Chair lays before the House the following resignation:

JANUARY 11, 1938.

Hon. W. B. BANKHEAD,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I beg to inform you that I have this day transmitted to the Governor of Alabama my resignation as a Representative in the Congress of the United States from the Second District of Alabama.

Respectfully,

LISTER HILL.

RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation from committee:

JANUARY 8, 1938.

The Honorable WILLIAM B. BANKHEAD,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on World War Veterans' Legislation.

Respectfully,

CHARLES A. BUCKLEY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

BOARD OF VISITORS, COAST GUARD ACADEMY

The SPEAKER. The Chair lays before the House the following letter from the chairman of the Committee on Merchant Marine and Fisheries:

JANUARY 6, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of April 16, 1937 (Public, No. 38, 75th Cong., 1st sess.), I have appointed for the remainder of the third session of the Seventy-fifth Congress the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy: Hon. LINDSAY C. WARREN, Hon. EDWARD J. HART, Hon. RICHARD J. WELCH.

As chairman of the Committee on Merchant Marine and Fisheries I am authorized to serve as an ex officio member of the Board.

Yours very sincerely,

S. O. BLAND, *Chairman.*

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that on tomorrow after completion of the legislative program for the day I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEAVE OF ABSENCE

Mr. BUCK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUCK. Mr. Speaker, on yesterday, due to his sense of patriotic duty, my colleague, the gentleman from California, Mr. COSTELLO, appeared in the House to vote on a measure of the utmost importance to the Nation. By doing so he undoubtedly canceled the indefinite leave of absence which has been granted him heretofore.

Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COSTELLO] may be granted further indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I make the same request on behalf of the gentleman from Georgia, Mr. WHELCHEL, who appeared yesterday under similar circumstances.

The SPEAKER. Without objection, indefinite leave of absence will be granted to the gentleman from Georgia [Mr. WHELCHEL].

There was no objection.

EXTENSION OF REMARKS

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Illinois [Mr. LUCAS] may be permitted to extend his remarks in the RECORD by including an address delivered by the Honorable Louis Johnson, Assistant Secretary of War, at Los Angeles on January 5.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the recent so-called Andrew Jackson dinner.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT

Mr. OLIVER. Mr. Speaker, I wish to announce that my colleague the gentleman from Maine, Mr. SMITH, was unavoidably detained from the session of the House yesterday because of illness. I was unable to obtain a live pair for him in support of the resolution to discharge the Rules Committee from consideration of the Ludlow resolution. Had he been present he would have voted "yea" on that resolution.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, the annual report of the Acting Comptroller General of the United States, which was referred to the committee of which I am chairman, severely criticized several governmental agencies, including the Treasury Department. The Secretary of the Treasury has sent me a letter replying to that criticism. I have only one copy of the letter. Considerable publicity was given to the Acting Comptroller General's report. Therefore, in a spirit of fairness, I ask unanimous consent that I may be permitted to place in the RECORD the reply of the Secretary of the Treasury. It is not my purpose at the moment to make any comment on the controversy between the Acting Comptroller General and the Secretary of the Treasury, but certainly there can be no objection to the public getting both sides of the questions at issue.

Mr. RICH. Mr. Speaker, reserving the right to object, I say to my colleagues from Missouri, that if the President would appoint a Comptroller General so that we would have a man in that office that has been filled for 15 years, a man who knows he can criticize without fear of reprisal any of the departments when he sees something that needs criticism, that he may fearlessly say what he means, the President would be doing something really worth while; but he does not want to have these departments criticized. He refuses, therefore, to make the appointment. I think the President ought to be jacked up by the gentleman's committee and requested to appoint a Comptroller General of the United States so these accounts can be audited.

Mr. COCHRAN. It looks as though the gentleman from Pennsylvania is doing the jacking up. I have no desire to even attempt to tell the President what to do. No doubt he has good reasons for the course he is following.

Mr. SNELL. Mr. President, reserving the right to object, I shall have no objection to the gentleman's putting in the reply of the Secretary of the Treasury provided at the same time he puts in the recommendations made by the Acting Comptroller General. If one is going into the RECORD the other ought to go in.

Mr. COCHRAN. I am perfectly willing to do that.

Mr. SNELL. If the gentleman is going to put the reply in, he should put the recommendations of the Acting Comptroller General in, and they should appear first. I hope the gentleman will modify his request.

Mr. COCHRAN. Mr. Speaker, I modify my request in keeping with the suggestion of the gentleman from New York and ask unanimous consent that I may be permitted to place in the RECORD the statements contained in the annual report of the Acting Comptroller General referred to and the reply of the Secretary of the Treasury.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Philadelphia Record of today bearing on the vote of the House on the Ludlow resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address given by the Honorable Louis Johnson, Assistant Secretary of War, at San Francisco, Calif., on January 6.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. TABER. Mr. Speaker, reserving the right to object, someone else made the same request a few minutes ago.

Mr. THOMPSON of Illinois. Mr. Speaker, in reply to the gentleman from New York [Mr. TABER], I may say I made a request on behalf of my colleague the gentleman from Illinois [Mr. LUCAS] to insert a speech delivered by the same official at Los Angeles, Calif.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Mr. Ickes and Mr. Eccles, all three separately.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Mr. Speaker, reserving the right to object, are these the remarks made by Mr. Ickes on the 60 families?

Mr. MAVERICK. No; that is already in the RECORD.

Mr. RICH. I thought it was, but I wanted to call attention to that fact, because I did not want to get it in a half dozen times. It is not worth printing more than once.

Mr. MAVERICK. I am glad the gentleman admits it is worth printing once. In any event, it has been inserted in the RECORD already for the information of the American people.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REHABILITATION OF THE AMERICAN MERCHANT MARINE

The SPEAKER. Under a previous order, the gentleman from California [Mr. DOCKWEILER] is recognized for 3 minutes.

Mr. DOCKWEILER. Mr. Speaker, in Monday morning's press I noticed that much space was devoted to the announcement that a huge shipbuilding program to rehabilitate the American merchant marine would be immediately undertaken by the Maritime Commission set up under the terms of the Merchant Marine Act of 1936, and that, among other things, Joseph P. Kennedy, Chairman of that Commission, stated $110,000,000 would be spent for the construction of 53 ships. Even this number of passenger and freight ships, he said, might eventually be increased to perhaps 63 ships through long-term subsidy agreements.

In any event, Mr. Speaker, this program represents the greatest shipbuilding program in America's peacetime history and will be a boon to shipyards and their workers. It is proposed that these ships, which are to be placed in foreign trade, replace the slow, worn-out vessels in use today, many of which were built during the World War.

Mr. Speaker, coming as I do from the Pacific coast and from the city of Los Angeles, which has the reputation of possessing one of the largest and finest harbors in continental United States, through whose portals come in and out such a volume of trade in tonnage and in value as to place Los Angeles Harbor second only to New York, you may readily understand that I am intensely interested in the upbuilding of the merchant marine of the United States; but I am more particularly interested in two important results that will flow from this rehabilitation of our merchant marine.

First, if this program is carried out according to the letter of the Merchant Marine Act of 1936, the people of the United States should have at the conclusion of this building program a line of subsidiary vessels that will serve a most important need of the Navy and supply a most important part of our national-defense program in this country. No thinking citizen will gainsay the fact that the Navy will find it necessary, not only in peacetime but more particularly, of course, in time of emergency, to have at hand such auxiliary fast freight and passenger steamers as the present advancement of shipbuilding can produce. In other words, at this particular time, with international affairs and relationships tense, we must bend every effort to improve and implement our national defense; and so, as before, I do again commend the Congress of the United States upon the enactment of the Merchant Marine Act of 1936, and I commend the President of the United States upon his selection of good and worthy men who serve as members of this Commission, and more

particularly Mr. Joseph P. Kennedy, who has shown great ability and discernment in modeling the program of this Commission.

Second, upbuilding the merchant marine will employ hundreds of thousands of artisans and workers who have been out of employment since shipbuilding has been on the decline. At the present moment we are in the midst of a recession in business. The launching of this shipbuilding program will do much to stop that recession and set in motion the wheels of employment in the shipyards and in industries related to shipbuilding. At the present moment may I say I am more interested in the question of reemployment of the shipyard workers, who have been idle for many months or for even many years, than I am immediately concerned with the other benefits that might flow from this program. We on the Pacific coast have several splendid shipbuilding concerns. We on the Pacific coast have had the experience of building ships from the mightiest to the lowest. We have built for this Nation her battleships, her cruisers, submarines, and destroyers, and if we can do these things for the United States Navy I am certain that we can undertake the building of such passenger and freight ships, tankers, and such other subsidiary types of ships as are called for in this splendid program announced by Mr. Kennedy.

But, Mr. Speaker, somehow or other the shipyards of Bremerton, Wash.; of Portland, Oreg.; of San Francisco, of Los Angeles, and San Diego, I am fearful, will be overlooked, if not entirely ignored, in this program. We have an executive organization for building such ships, and down from this executive organization to the very lowliest shipworker we have such people, one might say, walking the streets of the principal Pacific coast cities, capable, ready, and willing to undertake to do their share in this important program. But I might almost predict, if my prediction is worth anything, that not a single ship of the 53 or 63 proposed to be built, as announced in this morning's press, will be built on the Pacific coast; nor will any of the 12 cargo ships, on which bids have been asked by the Maritime Commission and on which eighteen to twenty-three million dollars will be spent; or any of the 12 high-speed tankers which the Commission will help the Standard Oil build be constructed in Pacific coast shipyards. This is going to be regrettable not only from the economic viewpoint of business on the Pacific coast, not only because we of the Pacific coast should be permitted to have a hand in upbuilding the national-defense program of this country, but more especially, Mr. Speaker, because we will be denied the right to employ so many good men who might otherwise be employed and taken from the ranks of the unemployed today on the Pacific coast.

Now, Mr. Speaker, I am going to direct my remarks to what I conceive to be the most essential part of this address. What I have said thus far is to demonstrate to the Members of the House of Representatives, as well as the Nation and the executives in charge of this merchant-marine program, that the Pacific coast will in all likelihood receive none of the benefits of this wonderful construction program and, after a careful perusal of the act, I doubt very much whether the language of the act permits the Commission to really let contracts on the Pacific coast. I doubt whether, under the terms of the Merchant Marine Act of 1936, the Commission will find themselves in a position to let contracts readily on the Pacific coast for various and sundry reasons, and I am confident that the Commissioners would wish to permit the shipbuilding yards or such new industries as might be developed for shipbuilding to have some of this business. But I assume that the competition will be spirited and exacting so far as the Atlantic coast shipbuilders are concerned and we on the Pacific coast will be again slighted and prevented from building ships. So, Mr. Speaker, after a careful perusal of the statute, I have come to the conclusion that there is only one way to enable the Maritime Commission of the United States to favor the Pacific coast in the building of ships of the various categories that are intended now to be built or may be built in the future. That way is to compel the Commission to award Pacific coast shipyards a certain percentage of the moneys to be spent. So far as this percentage is concerned, its expenditure should be confined to Pacific coast area shipyards, and bids for construction should be limited to the lowest responsible bidder on the Pacific coast. If we do this thing, then both Pacific and Atlantic coasts will have their share of construction, and workers on both the Pacific and Atlantic coasts, whose years of experience have been devoted to shipbuilding will be reemployed.

I have this date introduced a bill proposing to amend the Merchant Marine Act of 1936, under the simple terms of which, whenever the Maritime Commission allocates moneys to be spent for ship construction in any category, 40 percent of such moneys or approximately that percentage thereof, shall be allocated for ship construction on the Pacific coast and in Pacific coast shipyards, irrespective of the additional cost that might be entailed in building the ships there, or irrespective of the comparative cost of building ships there as compared with the Atlantic coast, and that such bids shall be accepted and approved which represent the lowest and best qualified bidder of the Pacific coast group of shipyards.

Now, Mr. Speaker, I believe that every Member of Congress wishes to be fair, and I believe the people of the United States wish to be fair in this matter, and, working on that assumption, I have proposed this amendment, and I trust that the appropriate committee of Congress will give its very serious consideration to this amendment and after due consideration will report this measure to the floor of the House so that it may be acted upon by the Congress of the United States in this, its third session, and if the committee approves and the Congress sees fit to consider my proposition as an amendment to the Merchant Marine Act of 1936, we will be serving the national defense of this country and the unemployed, and we will lend appropriate encouragement and subsidy to a most essential industry in this country.

And while on the subject of the Merchant Marine Act of 1936, I wish to call the House's attention to the fact that because of some of the harsh provisions of this act, which has recently gone into effect, most of our fine intercoastal shipping companies will be compelled to withdraw their services in the near future. I have reference to the Panama Pacific Line that operates the steamships *Virginia*, *Pennsylvania*, and *California*; and the Grace Line operating the boats commonly known as the "Santa" boats. These two lines have plied both passenger and freight traffic between New York, Los Angeles, and San Francisco and other Pacific coast ports. In fact, one of them has already ceased to do business with the Pacific coast and, as I recollect, the officers of this company are frank to admit that having to pay the heavy tolls for passage through the Panama Canal and failing to receive any subsidy, whether an operation subsidy or otherwise, they cannot continue to serve the Pacific coast and the Atlantic coast. The officials of these companies have made the statement that even if they were to do a 100 percent passenger traffic business and carry a full load of freight, as they very frequently do, they could not afford to maintain and keep these lines in operation without Government subsidy.

Mr. Speaker, there are bills now pending in the House of Representatives and before the appropriate committee to relieve such intercoastal lines of a portion, if not all, of the Panama Canal tolls and affording such lines relief. Without relief of some sort and appropriate amendment to the Merchant Marine Act of 1936 the Pacific coast will be deserted of this fine intercoastal service. [Applause.]

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein several excerpts as well as a poem on the ratification of the United States Constitution by the State of Connecticut.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

Mr. DOCKWEILER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from California [Mr. DOCKWEILER] makes the point of order a quorum is not present. Evidently there is not a quorum present.

Mr. WOODRUM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Bates	Deen	Jenks, N. H.	Pearson
Beam	Dempsey	Keller	Pettengill
Biermann	Disney	Kelly, Ill.	Poage
Bigelow	Douglas	Kennedy, Md.	Robertson
Boylan	Duncan	Kleberg	Rogers, Okla.
Buckley, N. Y.	Dunn	Kniffin	Sacks
Burdick	Eaton	Kvale	Scrugham
Byrne	Englebright	Lucas	Smith, Conn.
Cartwright	Ferguson	McGroarty	Smith, Maine
Celler	Fitzpatrick	McSweeny	Smith, W. Va.
Chapman	Gasque	Maas	Somers, N. Y.
Citron	Griswold	Mahon, Tex.	Spence
Cole, Md.	Harrington	O'Connell, Mont.	Tinkham
Cole, N. Y.	Harter	O'Connor, Mont.	Vinson, Fred M.
Costello	Hennings	O'Leary	Wallgren
Cummings	Holmes	Owen	Whelchel
Daly	Jacobsen	Patman	Wood

The SPEAKER. Three hundred and sixty Members have answered to their names. A quorum is present.

On motion of Mr. WOODRUM, further proceedings under the call were dispensed with.

Mr. WOODRUM. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8837, the independent offices appropriation bill, for the fiscal year ending June 30, 1939, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

NATIONAL LABOR RELATIONS BOARD

Salaries and expenses: For three Board members, and for all other authorized and necessary expenditures of the National Labor Relations Board in performing the duties imposed by law or in pursuance of law, including rent and personal services in the District of Columbia and elsewhere; repairs and alterations; communications; contract stenographic reporting services, and not to exceed $300 for lawbooks; books of reference; newspapers; periodicals; operation; maintenance and repair of one automobile, $2,830,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed $50.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 30, line 16, after the word "automobile" and the semicolon, strike out "$2,830,000" and insert "$1,000,000."

Mr. TABER. Mr. Speaker, some people have the mistaken idea that one should not approach the proposition of curtailing a Federal activity which is bad or one which is doing bad work by means of an appropriation bill, but that in these days is the only recourse and the only way the Congress has of curtailing this type of activity.

The appropriation of $2,830,000 for this Board involves an increase of nearly $400,000 above last year's appropriation. The appropriation for the National Labor Relations Board last year was supplemented by a deficiency appropriation of about half the total for the current year.

What is the situation that is presented to us? During the period this Board has been in power we have had, as appears on pages 747 and 748 of the hearings, the greatest number of strikes and more labor trouble than this country has ever seen heretofore. This means that the operation of the National Labor Relations Board has been not to smooth over and settle labor disturbances but to foment those disturbances.

The situation became so bad last fall that even the membership of the Board was obliged in October to make a statement saying that no longer were they going to show partiality between the two major labor organizations, the C. I. O. and the A. F. of L. They did not come out, however, and say that they were going to be impartial in the performance of the duties that were entrusted to them by the statute as between the employer and the employee. They did not say, as they should have said, that they were going to try to do away with those practices which have made it almost impossible for industry to function in any way whatever during the last 5 or 6 months.

Unless the Congress intends to take the bit in its teeth and put the brakes on the operations that have been going on so far as this Board is concerned, there will be no protection for the honest laboring man who wants to work, and this includes 85 percent of the employees of the factories of our Nation. There is no protection as between rival organizations. There is nothing but disturbance and the impossibility of putting people to work.

I feel the House should at this time adopt my amendment and cut down the excesses that have been going on in this Board. I feel we should not hesitate to take the responsibility that is placed in our hands under the Constitution of the United States to legislate and appropriate money. We should not because of any squeamish feeling fail to meet this responsibility. We should cut down the operations of this Board so that there may be an opportunity for economic recovery and in order that there may be an opportunity given the people of this country to go to work.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had in mind offering an amendment at this point, but since the gentleman from New York has done so I am not going to offer my amendment. However, I wish to say some things concerning the National Labor Relations Board.

A few years ago I voted for the creation of this Board. I thought at the time that, like a knight in armor in defense of labor, and, like in the old days when the knights and the nobles wrested from King John the Magna Carta, I had done something great and noble for the laboring man of this country.

Unfortunately, I am disappointed. I find there have been more strikes and disorders than ever before in the history of the country since this enactment, and great economic loss, which cannot be estimated.

If the National Labor Relations Board had been thoroughly impartial, if in the conduct of its affairs it had considered the employer, the employee, and the public, I have believed, and still believe, this act had within it the germ of doing what it was the purpose of the act to do, to lessen the disquieting labor relations between employer and employee.

In my congressional district there are several huge plants and factories. I have in my pocket a telegram from one of the organizations of employees in one of these factories, and in it Mr. Rose, president of the Aircraft Workers' Union, states:

Have filed petition with National Labor Relations Board, Los Angeles district, March 30, 1937, for election to determine status and express desires of workers. Have called back numerous times, late as last week, presenting signed cards of over 4,100 workers designating Aircraft Workers' Union as their choice for collective

bargaining agency. Received no satisfaction; can make no headway with Board here; do not even receive courteous treatment.

This number of workers represents over a majority of the workers in that particular factory, in which are employed some 8,000 souls.

I plead for the workers of these factories, that they be given consideration. We have had strikes and riots in that particular factory. Men have been injured and men have been intimidated, and today, a year after their request for an election, no election has been held. The workers are entitled to a better deal than that.

There seems to be a conspiracy of silence against constructive criticism of that which might have been good in this Nation, and I believe I rise to give constructive criticism. The thing seems to be one-sided in my country, and you know what I mean. The American Federation of Labor has criticized this Board and criticized it in the same way I do today on the floor of the House. Either these people should be given money to proceed with the program as we enacted it in Congress, and do the things and serve the purposes for which we enacted the law, or they should not be given any money. I say there is something wrong, but not in the State of Denmark. [Applause.]

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 30 minutes. The Chair can apportion the time. All I want is 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. May the Chair make this statement before the gentleman from Washington proceeds, in justice to the Chair, regarding gentlemen who desire recognition on this amendment, in order that the time may be apportioned among them. Twelve gentlemen have asked for recognition within the 30 minutes of debate allowed on the pending amendment. Subtracting the 5 minutes for which the gentleman from Washington is recognized, only 25 minutes would be left for distribution among the 12 Members.

Mr. MAVERICK. Mr. Chairman, I believe the gentleman from Washington should be recognized for 5 minutes, and then the 30 minutes be in addition to that.

The CHAIRMAN. The Chair had recognized the gentleman from Washington for 5 minutes before the request of the gentleman from Virginia was made. If all debate on the pending amendment closes in 30 minutes, 25 minutes would remain after the remarks of the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. Does this list of 12 include the gentleman from Washington?

The CHAIRMAN. The Chair understood the request of the gentleman from Virginia to be that all debate on this amendment close in 30 minutes.

Mr. WOODRUM. Mr. Chairman, conceivably everybody cannot speak on one amendment and make the same arguments. It seems to me 30 minutes, 15 minutes on a side, on an amendment which I believe we understand is at best more or less perfunctory, is sufficient, especially since my request was not that debate be closed on the section.

The CHAIRMAN. May the Chair inquire of the gentleman from Virginia whether or not the 30 minutes to which he requested debate be limited would include the 5 minutes of the gentleman from Washington?

Mr. WOODRUM. My request did include that 5 minutes, Mr. Chairman, and I believe this leaves a reasonable time for debate on one amendment.

Mr. MAVERICK. Mr. Chairman, I ask that the time be equally divided between those who are for and those who are against the amendment.

Mr. DIRKSEN. Mr. Chairman, I will withdraw my name from the list.

Mr. SHORT. The gentleman from Missouri would like to offer an amendment of his own. If I may have some assurance of recognition at the close of debate on this amendment. I would be willing to withdraw my name from the list.

The CHAIRMAN. The gentleman would have the right to offer his amendment. The request with reference to the limitation of debate related only to the pending amendment.

Mr. SHORT. I withdraw my request for time on the pending amendment, Mr. Chairman.

Mr. LUECKE of Michigan. Mr. Chairman, I withdraw my request for time.

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is recognized for 5 minutes.

Mr. LEAVY. Mr. Chairman, I am going to speak during these 5 minutes to sustain the position of the Committee on Appropriations on this item. I do not necessarily appear before this House as a champion of the National Labor Relations Board, but I do appear here, if I can, to dispel a lot of the misinformation and the prejudice that has been raised in this country concerning this Board and its activities as well as the act itself.

The act was passed by the Congress and was upheld by the Supreme Court. It is controversial because it injects into American life by legislative enactment a new thought, one that labor has fought for during half a century—the right by law to organize and deal collectively. The Supreme Court has said this legislation is constitutional. Propaganda has gone out over the country, and the gentleman from California [Mr. DOCKWEILER] and the gentleman from New York [Mr. TABER], in stating that this Board has shown deliberate partiality, cannot and do not substantiate the charge by facts. I challenge them to produce proof from the record made by the Board during the 25 months it has been in existence.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I have only 5 minutes. If I can get additional time, I shall be pleased to yield.

Let me show you what the record discloses in this regard. Since this Board has been functioning it has heard 2,150 A. F. of L. cases and 2,337 C. I. O. cases. It has made total settlements in 720 A. F. of L. cases and in 670 C. I. O. cases. Certainly, you cannot charge that this is partiality.

The N. L. R. B. has acted well within the law, because 20 of its decisions have been appealed, either by the employer or by the Board itself, and the circuit courts of appeals and the Supreme Court of the United States have upheld it 17 times out of 20. Surely, this cannot be said to be a record of partiality or proceeding outside the law.

It is true, as every one of us must admit, the very nature of the act, perhaps, lends itself more readily to a plant union than it does to a craft union. The act itself does this. You should not hold this against the Board. The Board has interpreted the act that wherever there is an existing craft union, that craft union shall have the opportunity and the right and the privilege of deciding whether they want to continue in the plant as a craft organization, and those outside of the craft can decide whether they will go into either one of the great unions, or in any other union, so long as such union is independent of the employer.

It has not been 60 days since there was a decision rendered in Illinois directly against the C. I. O. and directly in favor of the A. F. of L. If time permitted, I could cite many instances, each showing an impartial decision. The courts daily render decisions always where one loses and another wins. Is it fair to say that in such a controversy you should always conclude that he who sits in judgment has shown partiality because he has rendered a decision that helps one and hurts the other? The decision is just, if based upon the law as it is written and the facts as they are proven by

evidence. I challenge the critics of the National Labor Relations Board to take the act itself and the interpretation placed upon it by the Supreme Court of the United States and then cite concrete illustrations of where they have been partial. [Applause.]

The CHAIRMAN. Without objection, each of the gentlemen on the list which the Chair has will now be recognized for 3 minutes, and the Chair will recognize at this time someone in support of the amendment.

Mr. RICH. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania for 3 minutes.

Mr. RICH. Mr. Chairman, I wish to accept the challenge made by the gentleman from Washington in this respect. I question very much whether the act is being administered entirely as was intended by the Members of Congress when they put this law on the statute books. It was intended to settle strife and differences between employer and employee. In this it has failed. However this may be, the fact of the matter is the manufacturer today has no rights whatever in talking to his employees. He cannot even discuss matters with them. If he does this for any reason, then this Board declares any organization outlawed because they can refer to some individual who may have gone to the manufacturer and discussed the matter with him. A sad state of affairs when employee cannot talk to the employer and vice versa.

This was not the intention of Congress when they enacted the law. The intention was to settle strikes peaceably. We should change the law at once.

The only way you can have a satisfactory adjustment of matters affecting capital and labor is to have a law that will give each side the same consideration.

I wish to call the attention of the Members to the number of strikes we have had recently.

For the first 10 months of last year there were over 4,017, and the number of workers involved was 1,768,791, and the number of man-days lost was 26,509,205.

I am sure every Member of the Congress will agree that this is a great waste of time and energy and will also agree that the law which we enacted and is now on the statute books is doing just the opposite from what we would have it do. I believe we should cut down the appropriation until the law is changed so that we give the manufacturer the same right that we give labor. If you will do this, we will stop the strife that exists, we will put men back to work in industry instead of on the Government relief projects. Businessmen today have been so harassed the past 3 years by Government that they want to quit and get out. It certainly is a serious situation, and we must recognize the fact. We must encourage industry if we want jobs. Why cannot this Congress get some real sense and stop strife, encourage thrift, and give men jobs, not a dole?

Mr. VOORHIS. Mr. Chairman, I think everyone in the House knows full well that this committee has examined with great care every bit of the appropriations for the National Labor Relations Board and determined it to be no more than the Board needs to carry on its work. I think we also know that as a matter of fact the cut proposed by this amendment to the appropriation for the Board amounts precisely to an attempt to cripple the machinery behind the law for collective bargaining in this Nation. The real issue is whether you believe in collective bargaining and whether you want to provide decent machinery to see that that right is enforced or not.

It has been said that the Board is stirring up conflicts. I point out that out of 10,000 cases which the Board has heard and taken under its jurisdiction, 4,127 have been settled through the efforts of the Board's agents by voluntary agreement of both sides; that 1,031 were dismissed altogether, and 1,538 were withdrawn; that the Board has been directly responsible for the avoidance of 483 strikes during its short history and has held 867 elections to give workers a chance to make their own choice as to what organization they want to have represent them.

CONSTRUCTIVE WORK OF BOARD NOT PUBLICIZED OR KNOWN ABOUT

We always hear and read about all of the strikes and troubles that take place, but the newspapers do not report the constructive work being done by this Government agency which is attempting to do a very difficult job and which inevitably runs into criticism because of the fact that it is, as the gentleman from Washington has pointed out, responsible for carrying forward an attempt upon the part of our Nation to recognize and protect a new right of citizenship heretofore not recognized in this country—the right of collective bargaining.

Now, Mr. Chairman, the great troubles in the field of labor are two: First, attempts on the part of some—by no means all—employers to deny the right of collective bargaining to their workers; and, second, the serious split in the ranks of labor itself. For neither of these conditions, obviously, is the National Labor Relations Board in the slightest degree responsible; on the contrary, both of them merely add to the difficulty of the Board's task.

BREACH IN LABOR'S RANKS MUST BE HEALED—RANK AND FILE MUST DEMAND IT

It is necessary, above all things, that the breach in the ranks of labor be healed. The rank and file of labor throughout the Nation wants it healed and some day, I confidently expect, is going to demand that it be healed. The sooner that day comes the better for America and especially for labor itself. Meantime the most foolish thing that could be done would be to hypocritically cut this appropriation, make it impossible for the Board to do a decent job or for the Wagner Act to be enforced, and still to pretend that we believe in that act.

The Board, of course, has not done a perfect job. I do not know any board or agency or business or institution that has done a perfect job. It is up to us to improve in every way the Board's work. But you certainly cannot do it by cutting off its head.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the amendment. The gentleman from California [Mr. DOCKWEILER] read a telegram a little while ago in which some labor organization criticized the National Labor Relations Board because of the fact that they had not given to the matter under consideration as much time as they should have, and that they had not brought the matter to a conclusion. They criticized the Board because they had not settled that particular case and that the matter had not been disposed of. If the gentleman from California wants to be consistent in this respect, if he entertains such views as those, he should be here today, asking for an increased appropriation rather than to reduce the appropriation, because that Board has been working day and night from its inception. That Board has been working harder than any other agency in the United States Government. That Board has had a tremendous task, and I say that in my judgment it has been performing a pretty good job. They have been working day and night, have been called to all sections of the country, and the reason they have not been able to settle these matters as expeditiously as some gentlemen would want is because of the fact that we have not appropriated enough money, because they have been short-handed and have not had enough assistance in the field, because we have not appropriated enough money for them to do the job right. I am not here asking for increased appropriations. I recognize the fact that the provision written into the bill is about all that can be obtained at the present time. I emphasize the fact that the telegram the gentleman from California read and the argument that he made, in my judgment, are the very best arguments against cutting down this appropriation.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. DOCKWEILER. I am not the author of this amendment; I am not asking for any cutting down. I was trying to render constructive criticism. It has been almost a year since this particular plant asked for an election. I do not think an election costs a lot of money.

Mr. BOILEAU. I am very glad to hear the statement of the gentleman from California. The gentleman started to say that he would have offered an amendment had not one been offered by the gentleman from New York. I am glad to know that the gentleman would not have offered that particular amendment to cut the appropriation, and I am glad to know that the gentleman from California agrees with us that the appropriation should not be cut.

SUPPORT LABOR BOARD, REGULAR AGENCY OF GOVERNMENT

Mr. MAVERICK. Mr. Chairman, let me make a purely legal observation. The gentleman from New York [Mr. TABER] made the statement a moment ago that the way to cut out what he terms "the bad work of the National Labor Relations Board" was to substantially cut down the appropriation.

This is not a partisan argument. I say it would be just as proper to cut this appropriation as it would be for the Democrats to cut down the appropriation for the Supreme Court of the United States because we did not happen to like one of their decisions, and that is all there is to it. For us to cut down an appropriation of a board which has been created by the Congress of the United States is merely to break down our own law, to cut the throat of our own creation.

REVIEW OF WORK OF N. L. R. B.—ACCOMPLISHMENTS

Let us review a little of the history of the Labor Board. Practically all of the sit-down strikes and most of the industrial strife occurred during the time that the law was being litigated. After this law was litigated back and forth over the land and declared constitutional by the Supreme Court, the Labor Board got into operation and conducted a good piece of work, and, as far as I am able to see, an impartial piece of work.

The gentleman from Washington [Mr. LEAVY] and the gentleman from California [Mr. VOORHIS] have both presented statistics, actual facts, of the amount of work these Labor Board people do in such a way that it would indicate they are doing as good a piece of work as any ordinary part of the United States Government.

SPLIT IN LABOR NO EXCUSE TO KILL BOARD

Let me tell you the reason why this criticism of this Board is made. There is a split in organized labor between the C. I. O. and A. F. of L. as everyone knows. Each of those two bodies criticize this Board. We should not permit those who want to break down the rights of labor here to use that split in order to break down this law.

Mr. FORD of California. Is it not true that any new agency has a great deal of difficulty in beginning its task, especially under circumstances such as those that existed when this Board started to function?

Mr. MAVERICK. Certainly. This is a new agency; it is just starting out. It was the same way with the Supreme Court of the United States, with the War Department, the Navy, and every other activity.

The gentleman from New York said that the way to settle this thing was to cut down the appropriation. That is not what the enemies of labor want to do; they want to cripple the National Labor Relations Board and break down the law which was put into action by this Congress, adopted by this Congress. The amendment ought to be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. COFFEE] for 3 minutes.

Mr. COFFEE of Washington. Mr. Chairman, I rise in opposition to the amendment. I rise to supplement and fortify the remarks made by the gentlemen who have preceded me, and further in support of the opinions and findings of the National Labor Relations Board. I hope what I shall say will not be reiteration.

As has been well said by the gentleman from Texas [Mr. MAVERICK] the criticism against the National Labor Relations Board gravitates from the fact that labor has been split temporarily between two great organizations; but we should hesitate to do indirectly what we refuse to do directly. If we are opposed to the National Labor Relations Board let us attack it directly, openly, and categorically on the floor of this House; let us not try to sterilize the effectiveness of its functions; let us not try to emasculate the strength of labor's protection by cutting down this appropriation; let us not devitalize this Board. Mr. Chairman, I earnestly plead, therefore, that this body support the administration, that we legislatively endorse the progressive reforms advocated in two national platforms of the Democratic Party, that we lend our right arm of strength and pecuniary support to this great agency. The Board members are doing a great work, and despite the criticism that has been directed and focused upon this agency, it becomes our solemn duty here as Members of this great deliberative body to lend that financial sinew to the organization that will make possible its effective functioning. If false assertion were argument and its reiteration proof, the case against the Labor Board would be definitely closed.

If we oppose the National Labor Relations Board we should fight it openly, but if we favor an opportunity being given to labor to work itself out of its own difficulties, if we favor belligerently that an opportunity be accorded to labor to work and, without intimidation, develop itself; that is, to allow labor to join unions of its own choosing or create unions of its own choosing, then let us support this agency financially so that it can perform its functions effectively.

This Board is engaged in a pioneering endeavor. Its very potency inevitably forces it to incur virulent opposition. Naturally it is not infallible. If treated sympathetically it will go on quickly to great accomplishment. [Applause.]

Mr. Chairman, in the newspapers, and even on the floor of this House, the National Labor Relations Board has often been depicted as a streamlined, V–8 version of the Spanish Inquisition. There has been a campaign, as skillful as it is vicious, to undermine public respect for the Board by attributing to it the sinister purposes of the Inquisition. From this campaign we get a picture of the Board violating the civil rights of certain employers by star-chamber proceedings, in which it probes the hearts and minds of industry's benevolent despots for heresy. We get a picture of the Board as an inquisitorial body which seeks out and punishes a few benefactors of the working class, generous dispensers of work and wages, merely because they have made some mental reservations about the orthodoxy of collective bargaining. The apologists for the Board's "victims" skillfully avoid the issue, putting the emphasis on the Board's prying "persecution" and neglecting the clear evidence of overt violation of the law which the Board has revealed.

HENRY FORD AND THE NATIONAL LABOR RELATIONS BOARD

The other day this House was treated to a eulogy of Mr. Henry Ford. I do not deny that Mr. Ford made a contribution to industrial progress through his inventions and his development of mass-production methods. Mr. Ford has been amply rewarded for his efforts. Great as his contribution is, I do not think American traditions will countenance the principle that anything a man may do puts him above and beyond the law that governs his fellow citizens.

Mr. Ford is a collector of early American furniture and a student of early American folk dancing. But he appears to have little fondness for that earliest of American treasures—the belief that all men are equal before the law.

I think the RECORD should show at this time what the charges against Mr. Ford really are and to what extent they have been substantiated. In the brief time at my disposal I can only summarize the story of Mr. Ford's lawbreaking career, but I recommend to my colleagues that they read carefully the decision of the National Labor Relations Board in the matter of Ford Motor Co. and International Union, United Automobile Workers of America.

After long weeks of open hearings, at which Mr. Ford's agents, as well as his workers, had ample opportunity to present the facts, the Board rendered its decision on December 22, 1937. Mr. Ford promptly and publicly denounced the decision of the Board and announced that, in accordance with his legal rights, he would take the case into court. The law provides that a respondent to a Board case may have 10 days for compliance. Before the 10 days were up, the Board itself decided to take the Ford case to court, for

it was convinced that it had a bulletproof case against the Ford Motor Co. which any court in the land would uphold.

FORD TRIES HIS CASE IN THE NEWSPAPERS

Ford hired Frederick H. Wood, Wall Street lawyer who has led the attack on other crucial New Deal measures, to head his legal army against the Board. But in spite of his bravado and his brilliant legal strategists, Mr. Ford was afraid to trust his case to an American court of law.

On the ninth day of the 10-day period for compliance the Ford Motor Co. took its case to the newspapers in an attempt to avoid court action. Ford filed a propaganda petition asking for a rehearing by the Board on matter clearly irrelevant to the issue, and which, if relevant, could have been presented at the original hearing. What was the reason for Mr. Ford's turning away from the justice of the courts, which even he has not yet dared to question, and seeking a new trial from the very Board which he had smeared with charges of prejudice? Two purposes were served by this maneuver. First, it delayed the inevitable decision that Mr. Ford is guilty of breaking the law. Second, it moved the case from the jurisdiction of court and Board into the jurisdiction of the newspapers where Mr. Ford could hope to find anti-New Deal support. In spite of his charges of unfairness and prejudice, in spite of his open defiance of the Board and his threat to go to court, Ford is doing everything possible to stay out of court. We must conclude that he fears the courts will find the Board's judgments against him sound and his judgments against the Board unsound.

FORD, THE BENEVOLENT EMPLOYER

The hearings in the Ford case and the Board's decision do not make pleasant reading. Accounts of the riot of May 26, 1937, when members of the U. A. W. A. sought to distribute leaflets to Ford workers as a part of their organizing campaign, destroy the sentimental picture of Henry Ford, devotee of square dancing and collector of spinning wheels. I quote from the Board's decision:

> The story of the attack is almost unbelievably brutal. Reuther and Frankensteen were singled out for particular attention and given a terrific beating. Each of them was knocked down and viciously pounded and kicked in all parts of the body. They were then raised in the air several times and thrown upon their backs on the concrete. Reuther was then kicked down the north stairway and beaten and chased down Miller Road. Frankensteen, who was beaten into insensibility for a few moments, was also kicked down the north stairway, after which he was driven for several hundred yards along the streetcar tracks within the fence.

That day's sadism and brutality resulted in serious injuries to many workers, some of whom have forever lost the capacity to work and earn. But that is only one day, one incident. Another quotation from the Board's decision gives a picture of terror and intimidation in the River Rouge empire which goes on every day in the year. I quote:

> No résumé of the measures taken by the respondent to fight the organization drive of the U. A. W. is complete without some further reference to the part played by the Ford service department. The duties of that department supposedly consist of guarding the respondent's plants and protecting Ford property. Since the start of 1937, however, it has been vastly enlarged and service men now patrol the aisles during all working hours watching for any signs of union activity. Employees seen talking together are taken off the assembly lines by service men and discharged, irrespective of the wishes of their foremen. With service men present and interfering with the normal operation of the assembly lines in every department, the River Rouge plant has taken on many of the aspects of a community in which martial law has been declared and in which a huge military organization, whose voice is final, has been superimposed upon the regular civil authorities.

This is what Mr. Ford wants to preserve—these little Ford communities, where Fordism is law, martial law, and the civil authorities and the law of the United States do not count.

The National Labor Relations Board has other cases against Mr. Ford in Kansas City, in St. Louis, in Buffalo. These cases are as clear as the River Rouge case. On Tuesday, January 11, a complaint against Mr. Ford will be heard by the Board's Buffalo trial examiner, Dean Francis Shea, of the Buffalo Law School. Only last week, after the complaint had been filed, the Ford Co. offered to reinstate all the men whom the complaint alleges were discharged for union activity. Mr. Ford is willing to do anything to prevent exposure of his ruthless and open violation of the law.

Congress passed the Wagner Act and established a board to administer the law. Mr. Ford has shown that he intends to be a law unto himself. This is a situation which calls for the finish fight to which the President referred in his Jackson Day speech. The Board needs more than an adequate appropriation to carry on that fight successfully. It needs the full support of the Congress and of all liberty-loving Americans. I am sure that we shall not let the Board or the people down. [Applause.]

[Here the gavel fell.]

Mr. FORD of California and Mr. SCOTT rose.

The CHAIRMAN. The Chair will state to the gentleman from California [Mr. FORD] that the Chair feels constrained to recognize first those Members who indicated a desire to be heard on this amendment, inasmuch as time of debate on this amendment was limited.

The Chair recognizes the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I think I recognize the fact that it is not necessary to make an argument against this proposed amendment, because it probably will not pass, but I think I likewise recognize in the amendment an attack perhaps upon the personnel throughout the country of the National Labor Relations Board. I hesitate to allow a blanket attack like that to be made against their work, against their motives, or against anything else without speaking briefly on the subject of the man who is directing the work of the National Labor Relations Board in my part of the country, southern California, Dr. Towne Nylander, formerly professor of political science at one of the larger universities in the State of California who was called into this work to do what he could to eliminate labor strife in southern California. I think he has done a good job. I do not believe he has gone as far in taking jurisdiction of labor difficulties as I might have gone had I been in his place. I have asked him to take jurisdiction over some of the disputes that have arisen out there but he has said that he could not do it because the law did not give him jurisdiction.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. SIROVICH. I merely want to make the observation that the most successful method of sabotaging the work of a constructive agency of this Government is to cripple it by cutting its appropriations.

Mr. SCOTT. The gentleman is correct. There are other Members of this House who think as highly of the personnel directing the work of the Labor Relations Board in their districts as I do of the work that is being done by Dr. Towne Nylander in Los Angeles. I feel certain that they, too, resent this wholesale attack.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. RAMSPECK] for 3 minutes.

Mr. RAMSPECK. Mr. Chairman, this attack on the National Labor Relations Board, it seems to me, grows out of three factors. First, a group of employers in this country would like to see destroyed the theory of collective bargaining. They are not in favor of it and they do not propose to have any law requiring it if there is any way in the world they can destroy this right which has been given to the workers of the country. They refused to abide by the law until the Supreme Court upheld it. Now they are trying to destroy the Board which this Congress authorized to administer the law.

Second, it grows out of a division in the ranks of organized labor itself, which all of us regret and which is most unfortunate to all labor as well as to people who belong to labor organizations. But that is no justification for destroying the principle involved in the law.

Third, it grows out of the failure, I think, of the examiners employed by the Board to properly understand their prerogatives and duties. If I were operating the National Labor Relations Board I would call all of the examiners

to Washington and say to them: "Gentlemen, you represent a semijudicial body and as such you ought to conduct yourselves in the proper manner and with proper respect for all parties who come before you."

I make that statement as a friend of the Board and as a friend of the act. I make that statement as one who helped perfect the law and as one who helped pass it in this Congress. I think they ought to call those examiners in and caution them in regard to the methods by which they conduct the hearings.

Mr. Chairman, I am opposed to the amendment and rely upon the judgment of this able subcommittee of the Appropriations Committee which has fixed the amount it deems desirable and necessary to carry on the functions of this Board. May I say to the gentleman from Pennsylvania [Mr. RICH] that cutting down the appropriation is not going to cut down strikes. Strikes arise out of dissatisfaction with working conditions. This act has a tendency to stop strikes because it furnishes the working people a place where they can get a hearing on the merits of the controversy. We are not going to stop strikes by taking away from them the machinery by which these strikes may be adjusted.

Mr. RICH. Does the gentleman call this a perfected bill?

Mr. RAMSPECK. I did not understand the gentleman.

Mr. RICH. Does the gentleman call the National Labor Relations Board a perfected organization?

Mr. RAMSPECK. There is no such thing as a perfected legislative act. We are always improving on it.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. FORD] for 1 minute.

Mr. FORD of California. Mr. Chairman, I am opposed to the amendment cutting this appropriation on the general principle that the Republican side which offers it is opposed to the National Labor Relations Board because that Board stands for better labor conditions in the United States. They had 50 years of uninterrupted power and not one law did they pass favoring labor.

May I say also that no board starting out in its first year can be perfect. We ought to give it all the money it needs and if the law itself proves defective then it is up to the Congress to fix the law by amendment later on in order to make it workable. Then the failure will be on the shoulders of the Board. If we fail to so amend this act, then the failure is ours.

Mr. SIROVICH. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from New York.

Mr. SIROVICH. If a human being had a hemorrhage from his nose, we would not cut off his head to stop the hemorrhage. Likewise if there are any imperfections in the National Labor Relations Board's work, cutting its appropriation would only kill the enforcement of its just provisions for collective bargaining.

Mr. FORD of California. In answer to the distinguished gentleman from New York, let me say collective bargaining is one of the bright spots in the present administration's galaxy of brilliant achievements. Labor has gained more in the 4 years of President Roosevelt's administration than in 50 years of Republican rule.

That is why all the people, except a few economic royalists represented by the Republicans, are for President Roosevelt.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, the Budget and the Appropriations Committee have given this matter careful consideration. The Budget pared this Board down to the very bone, and the subcommittee reduced it still further. For this reason I hope the ill-considered proposal which comes freshly before us will not be approved by the Committee.

This agency ought to be permitted to develop and to continue the rather revolutionary work that it has been designed to carry forward. In time, as a result of the experience gained through the practical application of this very beneficent legislation, I am sure it will satisfy all critics. The Board is doing good work, and I hope the appropriation recommended by the subcommittee will receive your approval. In the days to come it will be generally acclaimed.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOODRUM] for the remainder of the time.

Mr. WOODRUM. Mr. Chairman, the situation here has been very clearly explained by the different gentlemen who have spoken, and especially the gentleman from Georgia [Mr. RAMSPECK] who is chairman of the Committee on Labor and as we know he is familiar with all the facts.

The subcommittee handling this matter, if you will refer to the hearings, went into the matter very carefully. Mr. Madden and his associates on the Board were confronted with the criticisms that have been made and which have been voiced here today so far as partiality between the American Federation of Labor and the Committee for Industrial Organization is concerned. Mr. Madden went into the matter very carefully and I thought he made a very good case for the Board and its effort to try to be impartial in these matters.

We also called the Board's attention to the fact that there had been delay in a great many cases and that it had also been charged with stirring up trouble rather than settling difficulties. It is true that without regard to whatever criticism we may have of this Board, it is the only agency the Congress has set up after very deliberate consideration to insure organized labor its right to collective bargaining; which undoubtedly was being denied by many employers in the country. If the Board is not functioning right, then it is our duty by proper process to see that it does function right and we should do this, not by the indirect method of cutting its appropriation which, instead of helping my friend from California, would make it impossible to answer these calls.

Mr. DIRKSEN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I think it should be remembered that the Wagner Labor Relations Act was not sustained by the Supreme Court until April 1937.

Mr. WOODRUM. Yes.

Mr. DIRKSEN. And the tremendous increase in the number of cases has sprung from that date and accounts for the increased duties of the Board.

Mr. WOODRUM. The Board has been deluged with complaints of various sorts and, in addition to that, has been right in the middle of this unfortunate controversy between these two groups of labor in America.

As far as the committee and I are concerned, we believe it would be very bad to cripple the Board further by reducing this appropriation or in this appropriation bill making any change in the set-up of the Board. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 19, noes 83.

So the amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 30, line 14, after the word "exceed", strike out "$300" and insert in lieu thereof "$1.50"; and strike out the word "law" at the end of the line.

Mr. HOFFMAN. Mr. Chairman, I have another amendment on the Clerk's desk, and I ask unanimous consent that I may discuss the two amendments together.

The CHAIRMAN. Without objection, the Clerk will report for the information of the committee the further amendment offered by the gentleman from Michigan.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 30, line 6, after the word "automobile", strike out "$2,830,000" and insert in lieu thereof "$1,830,000."

Mr. BOILEAU. Mr. Chairman, I make the point of order against the second amendment, which seeks to change the figure, that the matter has already been disposed of, as the committee has agreed upon a figure.

Mr. HOFFMAN. No; this amendment gives the Board $830,000 more than the amendment of the gentleman from New York [Mr. TABER].

The CHAIRMAN. The Chair may state to the gentleman from Wisconsin that in the opinion of the Chair the fact that the amendment offered by the gentleman from New York was defeated does not preclude any other Member from offering an amendment with reference to a different amount. The Chair, therefore, overrules the point of order.

May the Chair inquire of the gentleman from Michigan if it is a part of his request that the two amendments be voted on at the same time?

Mr. HOFFMAN. Yes; except that I want my full time on each one, although I do not expect to use it.

The CHAIRMAN. Under such circumstances the amendments would have to be considered separately.

Mr. HOFFMAN. I have no objection to their being voted on at the same time. I anticipate the fate of the amendments.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes on the first amendment offered.

(Mr. HOFFMAN asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. WOODRUM. Mr. Chairman, I should like to fix a limit on debate on this amendment.

Mr. HOFFMAN. On my two amendments I would be entitled to 10 minutes, but I expect to get through in 6 minutes or 4 minutes.

Mr. WOODRUM. The gentleman's amendment is almost a pro forma amendment. We have debated a similar amendment.

Mr. Chairman, I ask unanimous consent that all debate on these two amendments and all amendments to the section close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HOFFMAN. Mr. Chairman, I believe those who have spoken in opposition to the preceding amendment overlook the fact that the Wagner law itself is not only imperfect in its present form but that it imposes an impossible burden upon industry and discriminates against the independent worker. They overlook the fact that we are not now having true collective bargaining by the workingmen themselves. One of the gentlemen who spoke in opposition to the amendment challenged those who supported it to cite a single instance where an act of the Board was unfair. We may all honestly disagree with the decisions of the courts or the decisions of the Board, so I make no reference to any decision rendered by the Board. I will cite its administrative acts. I do charge that the Board has been unfair, arbitrary, and biased in its practice of refusing to give workingmen an opportunity to determine their bargaining agencies. If there is any one thing the Wagner law was intended to give to the man who works, it is the opportunity to choose his representative for collective bargaining, and this is conceded. This right, which is the foundation of the Wagner Act, has been denied him.

If the course of the Board was followed, hearsay evidence, what others say about it and its activities, might be considered sufficient to prove the truth of this charge.

For example, I might quote Senator NYE, who said:

> The National Labor Relations Board seems to have gone out of its way to demonstrate to the public that it is a partisan body rather than a judicial institution.

I might quote from an issue of the Pittsburgh Post-Gazette, which in an editorial said:

> It comes as a shock to find an agency of the Government abandoning its traditional neutrality in disputes between private individuals or groups and assuming an aggressively partisan role.

> The National Labor Relations Board approaches more nearly a packed court than anything this country has ever seen or thought could exist under our democratic system.

I might refer to the more recent statement of the Democratic Governor of Oregon, Charles H. Martin, who, on the 7th day of December, pledging himself to end the threat of gangsterism in his State, demanded that the "damned Labor Relations Act should be thrown off the books," or "if that can't be done, it ought to be drastically amended."

Describing the conditions in his State, Governor Martin said:

> Homes of workers have been stoned, men slugged and beaten, women and children have been threatened and intimidated by the hired thugs and gun squads that have taken part in the unholy and unnecessary warfare. The people of this State will no longer tolerate the implications of anarchy and disregard for law and order.

The American Federation of Labor has characterized it as biased and prejudiced, unfair and partisan. The C. I. O. itself has condemned its activities. The Board apparently pleases no one. Criticism of it is universal. Some of its decisions are outrageous, and some time in the near future, when time permits, I hope to lay before the Members of this House a statement more in detail showing some of the absurdities, some of the injustices perpetrated by this Board.

Suffice it for the present to say this: The unfairness of the Board is shown beyond any controversy by the undisputed facts, a few of which I now cite.

At Grand Rapids, Mich., less than 50 of the more than 800 workers of the Globe Knitting Works belonged to the C. I. O. Nevertheless, they called a strike and closed the plant. When the independent union asked the regional director of the National Labor Relations Board, who was sent into the field, for an election, their request was denied.

In the same city, during the same period of time, there was a strike in the W. B. Jarvis Co. plant. There the membership was almost equally divided. C. I. O. claimed an overwhelming majority. There, at their request, an election was ordered. It turned out that their claims were exaggerated and they were defeated by a small majority.

Here were two strikes in two factories in the same city. In the one, it was evident to everyone that C. I. O. was in the minority. In the other one, practically all observers thought C. I. O. was in the majority. Where it was thought that an election would show the C. I. O. in power an election was ordered. Where it was certain it would be defeated an election was denied. This instance might be multiplied many times the country over. About this there is no question.

The same course of procedure was followed at Monroe, Mich., where some 1,300 men were driven from their jobs by a small minority.

We are all familiar with the situation at Flint, where in the beginning less than 10 percent of the workers were C. I. O. members. Nevertheless, thousands were driven from their jobs by the C. I. O. which claimed the right of collective bargaining.

Did the Board order an election at Flint? Did the Board order an election in other instances where the C. I. O. called sit-down strikes? It did not. If it wanted to avoid strife, if it desired to promote collective bargaining, it should have ordered an election, for an election is the peaceable, democratic way of choosing representatives.

I charge, and the charge is made deliberately, that the action of the Board—and by the Board I mean its examiners, its conciliators, and its subordinate officers, for through them it functions—has been biased, unfair, and arbitrary in that it has, where workers affiliated with a union other than the C. I. O. have been in the majority, either failed or refused to call an election to determine the bargaining agency or to give relief.

It has repeatedly created the impression, and this throughout the length and breadth of our land, that the Federal Government itself stood back of the C. I. O. and the C. I. O. organizers.

Its conduct has been so reprehensible, so biased, and so unfair that practically every publication which had occasion to comment upon its activities has condemned it.

As an illustration, this week's Collier's, which might be termed a New Deal supporter through thick and thin, condemns it.

The Saturday Evening Post of January 15, on the editorial page, states:

> And every decision under the Wagner Act is, and must be, biased, because it is cut on a bias.

More recently it has started upon a head-hunting, witch-burning expedition against Henry Ford and the Ford Motor Co.

Frankensteen, of Detroit, it was, who, on April 8, 1937, said:

> Henry (Henry Ford) will either recognize the union or he won't build automobiles.

Within a month Frankensteen has been appointed by Michigan's absentee Governor as one of the State officials to distribute relief funds, thus serving notice upon Henry Ford, all employers, and all taxpayers in Michigan that men need not work in that State; that they can depend, so long as the funds last, upon Michigan welfare funds for support and maintenance, thus placing in the hands of the C. I. O., of Frankensteen, and of the U. A. W. A., of which he is an officer, a weapon of incalculable benefit.

The Detroit Free Press of January 8, 1938, gives information of an investigation by the mayor of that city of the reported tie-up between the welfare and the C. I. O. It carries the information that G. R. Harris, welfare superintendent, had an agreement with U. A. W. A. to investigate cases for the welfare department, and it contains the copy of an order for groceries issued by an employed United Automobile worker. And the excuse of the welfare superintendent was:

> We thought that the union could take over some of the work.

It was also on April 8, 1937, that John L. Lewis said:

> Henry Ford will change his mind or he won't build cars.

To enable Lewis to make good on this statement, the N. L. R. B. is persecuting Ford, not only at St. Louis and Buffalo but at Detroit.

In the Detroit area, where some 80,000 men are employed, the Board has been able to find 29 who, it alleges, were discharged for union activities, and it has ordered their reinstatement.

I could cite as an illustration what happened at Monroe and also at Newberry, in Michigan.

Mr. FORD of California. Would the gentleman be in favor of the National Labor Relations Board if it functioned perfectly?

Mr. HOFFMAN. I believe in arbitration, of course, and I believe in collective bargaining. I realize that as a practical proposition there will be many errors and mistakes, and this will probably always be true, but the mistakes and the errors should diminish in number.

Mr. FORD of California. Why not give the Board a chance?

Mr. HOFFMAN. Give them a chance? Listen to this: At Ford's 80,000 men are employed. The Board ordered 29 men reinstated. If the 29 are put back to work, it would require Ford's entire police force to protect them from the other workers. The C. I. O. there is trying to get into the Ford factory to collect dues from the 80,000 employees, and what does it do with the dues when it gets them? The union does not increase the yearly income. In far too many instances its activities have been followed by a loss of jobs. What did they do in the last campaign? They contributed a portion of the dues they collected from the workers to the campaign fund of the New Deal. The gentleman does not believe in that any more than I.

Mr. FORD of California. Might they not contribute the dues to somebody else next year?

Mr. HOFFMAN. They contribute the dues to the party in power, I realize that.

Mr. FORD of California. They might contribute next year to some other party, but I do not care what they do about that. I want to give the Board a chance.

Mr. HOFFMAN. No part of these dues should ever be contributed to any political party.

Those who conducted this hearing at Detroit are so lacking in intelligence, so ignorant of the true situation, that they are not aware that, were it not for the protection afforded by the Ford organization, that were these men reinstated they would be bodily thrown out of the factory as fast as they could enter.

What is the purpose of the Board? Anyone viewing its activities, with a knowledge of the facts, would say it is this: The Board intends by its interpretation of the Wagner Act to assist John L. Lewis in obtaining a monopoly of labor. It proposes to assist him in levying tribute upon every man who would work.

By its orders and its rulings it is forcing the man who would work to sign on the dotted line of the card prepared by Lewis and the C. I. O. organization; to pay the initiation fee fixed by him; to pay the dues, the fines, and the levies decreed by that organization; and, in turn and for this favor, Lewis throws the votes of his organization, insofar as he can control them, and a portion of the funds so corruptly collected in support of the national and local New Deal organizations—a more corrupt, a dirtier political practice never saw the light of day.

[Here the gavel fell.]

Mr. SHORT. Mr. Chairman, I voted against the National Labor Relations Act, commonly known as the Wagner bill, because I thought it was bad legislation then, and I think it is bad legislation now, notwithstanding the Supreme Court of the United States has upheld its validity. In my opinion the Court, composed of human beings possessing fallible judgments, slipped a cog and bent over backward in the attempt to save itself when it upheld the constitutionality of that law.

The legislation was proposed and passed by the Congress to settle labor disputes and to end strikes among our laborers in industrial centers, yet if we will look at the facts we will discover that in 1933 we had 1,562 strikes; in 1934, 1,856; in 1935, 2,014; in 1936, 2,172 strikes, and for the first 10 months of 1937, January to October, inclusive, we had 4,017 strikes, involving 1,768,791 workers and a loss of man days during this months of 26,509,205. This enormous increase in the number of sit-down strikes with their attendant violence and destruction of life and property is one of the chief causes of our present depression.

Mr. Chairman, it seems to me that the act has failed to carry out the purposes for which it was written and enacted. It has disrupted industry, it has divided labor, it has closed manufacturing plants and factories, it has thrown thousands of satisfied men out of peaceable and gainful employment and added them to our relief rolls. Chaos and depression necessarily follow, and unless abuses in administration of the act are corrected the inevitable result will be panic, anarchy, revolution, and ruin.

The President of the United States can come into this Chamber and in his annual message to us blame big business for this depression, a weak and silly alibi, because businessmen are the last to welcome a depression; but, Mr. Chairman, in my humble but honest opinion the facts and figures I have just quoted and the unfair and punitive activities of the National Labor Relations Board will answer largely for the awful present predicament in which we find ourselves. This offensive and oppressive Government agency has substituted coercion for cooperation, supplanted understanding with suspicion, destroyed long-established friendly relations between employer and employee, and encouraged and promoted that very sectionalism and class hatred which the President himself so recently and bitterly condemned.

This Board has equaled, if not excelled, some code authorities under the N. R. A. in its exercise of tyranny over both employer and laborer. It is, in my judgment, a partial, partisan, prejudiced, perfidious, persecuting, penalizing, putrid

institution to browbeat, bulldoze, and bully the people of this country in order to force them to comply with the arbitrary and ambiguous rules and regulations that it arrogantly and ruthlessly lays down; in fact, many of the proponents and supporters of the Wagner Act itself will admit, I think, that as it now stands it is a lopsided, a one-sided measure. I call it a modern Spanish inquisition, comparable in its reign of terror to the French Revolution.

So, in order to try to offer constructive criticism, I suggest that the Congress should make certain amendments to the Wagner Act. It is our duty and responsibility.

First, to make unlawful any contract that requires membership in any organization, political, religious, or labor, a condition of employment. There is no justification for aiding and abetting professional labor racketeers. Some employers have been forced to recruit members of unions and then collect or pay their dues.

Second, to subject employees, as well as employers, to the penalties of unfair labor practices. All the guilty should suffer alike.

Third, Mr. Chairman, to require that these hearings be held under an impartial tribunal that is independent and free of the dictation by the prosecuting board and under certain rules of legal procedure that are fixed and not violative of individual rights.

As the law stands today the employer is the only one who is subject to the orders of the National Labor Relations Board or subject to contempt penalties imposed by some United States circuit court of appeals for not complying with the dictatorial orders laid down by this partisan and biased Board. This is manifestly unjust. Yet, the President condemns business and demands its cooperation.

Fourth, to compel labor unions to incorporate, being held equally liable with industry in the carrying out of agreements. What is sauce for the goose is sauce for the gander. Neither signatory to a contract should be excused from its performance. Both the employer and the employee should be responsible and held to the contract.

O Mr. Chairman, I wonder how much longer the American people must suffer before they really become awakened to the nefarious practices that have gone on during the past 18 months? [Applause.]

Mr. GIFFORD. Mr. Chairman, I desire to venture just a word at the moment because I am so greatly impressed with the prayer of the businessmen of the Nation that the Congress come to their relief. Certainly, they have lost their faith in the high priests of planned economy and the medicine men who have been appointed to torture them.

No gesture that could be made would be so important to the businessmen as to do away, at least for the present, with this Board which has shown itself so biased, so prejudiced. No one can read of the workings of this Board without his blood reaching the boiling point. They tell labor that it is for the benefit of labor. It is of no benefit to labor if it tends to bring about fewer jobs. It is to help the walking delegate pry into business to make trouble and on slight pretense summon them before this Board prejudiced in advance of any hearing. It seems to have been proven to be a mischievous Board.

Reference has been made to the number of strikes which occurred in 1937. We could not have had more strikes if we had had two Wagner Acts. Business at the moment needs reassurance and has appealed to the Congress for relief.

It is nothing new to take away the entire appropriation for a board in order to express our disapproval. Last year in another branch the entire appropriation of the Central Statistical Board was taken away. This is one way we can reassure business and show our desire to assist in a return of confidence. Nobody will be put back to work unless business does it.

A week ago I spoke on the floor here and called attention to the abrupt and swiftly falling business index. We find since that time the business barometer is dropping still further down. Will we not give the people of this country some little reassurance? This is surely an opportunity to express ourselves, that business may know that we, at least, are friendly and desire to cooperate.

I am pleading for this action, but of course I know it is futile. You will say that I do not believe in collective bargaining. I most assuredly do. But I am pleading for the recovery of business. Certainly with this Board it is a case of "4 inches of tail wagging 96 inches of dog." It seems to be the policy to turn the hose on the crowd in order to drown out one business culprit. But you cannot do it without soaking most of the crowd. It is time that something was done by the Congress itself, and the people are a little hopeful that we will stem this tide of business persecution, as businessmen have lost faith in those medicine men. No one here can doubt that this is true.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. SHORT. Of course, we all believe in the right of collective bargaining and the right of labor to organize, but under the powers held by the N. L. R. B. only those witnesses who appear, who have been subpenaed, or whom they want to attend the trial on behalf of the Board, have their expenses paid. Whereas the employer is often delayed for days at a time, and many pages of testimony are taken at great expense, which in the end might absolutely force him into bankruptcy.

Mr. GIFFORD. Everyone knows that the proceedings of this Board have been severely criticized. The Board ought at least to be curtailed. The principle may be right, but the performance has brought most unfortunate results. At these critical moments our own Government instrumentalities must not further engender hatred. As was well said at a recent hearing before a legislative committee, "If we all—industry, labor, and Government—would quit hating one another, this recession would stop immediately." Temporarily curtailing the activities of this Board would be a fine gesture to make for the recovery of business in this country.

Mr. LUECKE of Michigan. Mr. Chairman, the gentleman from Michigan [Mr. HOFFMAN] made the statement that strikes in Newberry, Mich., which happens to be in my district, and the troubles resulting therefrom, were due to the National Labor Relations Board. Those strikes took place before the Board began to function.

I want to bring a different viewpoint into this argument, and that is that, in my opinion, the National Labor Relations Board is one of the pillars of democracy. It stands for free labor. It means free labor. It means that labor shall have the same rights as other groups in this country, and if you will come with me to other nations in the world today you will see that where you do not find free labor you will also not find religious liberty; you will not find the right of peaceable assemblage.

In those countries where the right of collective bargaining is denied you will not find any of those liberties, and I hope the day will never come when we see this act wiped off the statute books. Democracy depends on this sort of legislation. Unless we are liberal in these things, the time will come when we shall not be free in other things also. Make no mistake about that.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LUECKE of Michigan. Only the other day I read an account of where in Spain 80 men were garroted because they belonged to a fraternal order. I know that no one wants that to happen in this country; but if these continual attacks are made on collective bargaining in this country, that is just what is going to happen. That is a step toward fascism. There is no other argument against it. We are turning toward fascism when we take the rights of labor away, because that is proven by what has happened in other countries today.

The argument is often put up on this floor time and again, "Oh, I am for this piece of legislation, I am for wages and hours, but I do not want it done in this way." That is only subterfuge. You are not for that kind of legislation; you know you are not for it. It is merely a repetition which has

been going on time after time, putting out a smoke screen as it were, because you do not mean what you say.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LUECKE of Michigan. If this act is not administered in the right way, let us fix it up so that it will be administered in the right way, but let us not forget that it is a new agency, that it has not been functioning very long, and that no agency that was ever created was ever perfect right from the beginning.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. HOFFMAN. Mr. Chairman, I want to speak on my second amendment.

The CHAIRMAN. Amendments were submitted and subsequently a unanimous consent was agreed to that all debate upon the section and all amendments thereto close in 20 minutes. But one minute remains of that.

Mr. HOFFMAN. That will be enough.

The CHAIRMAN. For which the Chair must recognize the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I shall be glad to give the gentleman half that minute.

Mr. HOFFMAN. Mr. Chairman, that is fine. Half a minute is all I want in order to reply to the gentleman from Michigan [Mr. LUECKE] who argues that the Board stands for free labor. How does that check up with the closed shop and the check-off?

Mr. WOODRUM. Mr. Chairman, we have gone into this matter very carefully. This is the only agency for collective bargaining for labor. Let us give them enough money to do the job and if they do not do it right, the Congress has the machinery to see to it that they do it right. That is the way to handle this.

The CHAIRMAN. The time of the gentleman from Virginia has expired, all time on this amendment has expired.

For the information of the House the Clerk will report the first amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 30, line 14, after the word "exceed", strike out "$300" and insert "$1.50"; and strike out the word "law" at the end of the line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 30, line 16, after the word "automobile", strike out "$2,830,000" and insert "$1,830,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

For all printing and binding for the National Mediation Board, $2,300.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I make this motion in order to call attention to the fact that the National Mediation Board is to spend only $2,300 for printing. I commend it. We have just made provision for $125,000 for the National Labor Relations Board, and we are about to give the National Railroad Adjustment Board $40,000 for this purpose. The 20 agencies to which this bill specifically gives money for printing will receive $1,834,000, an average of $91,700 each. I call attention to this because yesterday there came to my office from the Federal Communications Commission the batch of mimeographed sheets I hold in my hand. I have had the curiosity to count their number, and I find that there are 130 mimeographed pages. If they were sent to every Senator and Representative there were used 69,030 pages of perfectly good paper for perfectly useless matter. If any man here went through these sheets and will rise and say he found any profit in them at all, I shall be surprised.

This is a transcript of the routine doings of this Board in December, with one item relating to November, wholly wasteful, extravagant in the last degree.

This for me was the last straw that broke the camel's back. It drives me to remonstrance.

I have been disturbed and annoyed and grieved by all this wasting of the people's money. I would ask the chairman in charge of the bill if any provision is made anywhere along the line of public administration for any censoring of such material as I hold here.

Mr. WOODRUM. I may say to the gentleman that with such facilities as the committee has we have gone into the matter of printing, binding, multigraphing, and duplicating such as the gentleman has called attention to. The gentleman will find in the back of the report a statement by the committee.

The committee is just as apprehensive as is the gentleman from Massachusetts. I saw the particular document to which the gentleman from Massachusetts refers. It was of no interest to me. I do not know what was the occasion for having such a voluminous record sent to Members of Congress, but the committee is exerting every precaution that it knows how to exert to try to prevent unnecessary printing and binding, multigraphing, and duplicating of various sorts.

Mr. LUCE. I have no criticism to make of the committee. I have no doubt they are doing all they can.

Mr. WOODRUM. The gentleman's colleague the gentleman from Massachusetts [Mr. WIGGLESWORTH] has been unusually diligent in that particular inquiry, and the whole committee is anxious to cut out as much of it as is possible.

Mr. LUCE. I call attention to this in order to point out the necessity of doing something more, the necessity of having some official or some board somewhere along the line which will prevent the publishing of a 130-page mimeographed report of the doings of one agency, almost wholly those of a single month, the detailed record of a commission with which most of us having nothing to do and in which we take no interest. It is a striking illustration of saving at the spigot and wasting at the bung. Until we have sense enough to provide for censoring these wasteful, extravagant agencies of our Government, we are going to continue a burden that ought to be taken from the taxpayers' shoulders.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

RURAL ELECTRIFICATION ADMINISTRATION

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports necessary to carry out the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, including the salary of the Administrator and other personal services in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance of officers and employees at meetings when determined by the Administrator to be necessary in furthering the work of the Administration; contract stenographic reporting services; expert witness fees; materials, supplies, equipment, and services; rentals, including buildings and parts of buildings and garages, in the District of Columbia and elsewhere; purchase and exchange of books, law books, books of reference, directories, and periodicals; not to exceed $200 for newspapers and press clippings; financial and credit reports; purchase, rental, exchange, operation, maintenance, and repair of typewriters, calculating machines, and other office appliances; operation, maintenance, and repair of one motor-propelled, passenger-carrying vehicle to be used only for official purposes; and all other expenses necessary to administer said act, $1,587,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Rural Electrification Administration when the aggregate amount involved does not exceed $100.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 36, line 8, after the word "act", strike out "$1,587,000" and insert "$1,556,820."

Mr. WIGGLESWORTH. Mr. Chairman, on yesterday I said something about the matter of publicity or propaganda by various agencies included in this bill. One of the agencies

to which I referred was the Rural Electrification Administration. There is carried in this bill for this purpose something over $120,000 reflected in two items; first, in the item which is immediately before us to the extent of about $60,360; second, in the item immediately following for printing and binding to the extent of $61,500 for R. E. A. news pamphlets, folders, and so forth.

The amendment which I offer and one which I shall offer to the following paragraph will serve, if adopted, to cut the total in half so that in place of $120,000, or thereabouts, the appropriation for publicity purposes will be reduced to about $60,000. Without taking the time of the committee unduly, I call attention to the fact that in the hearings before your subcommittee, at pages 666, 668, and 669 will be found the following statements on behalf of R. E. A. in reference to this matter:

Demands for projects have assumed such proportions as to outrun our resources 4 to 1.

A good deal of this, Congressman [R. E. A. publications], was gotten out to encourage interest in rural electrification. We do not need to do that any more. The interest has outgrown the need for it.

We would be wasting our time if we tried to blow up very much of a publicity balloon because demand is so aggravatingly greater than we can take care of that it is a great annoyance.

I believe the sum of $60,000, which will be left for this purpose if the amendment I have now offered and the subsequent one are adopted, will be ample for the needs of this activity.

[Here the gavel fell.]

Mr. MITCHELL of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the midst of so much criticism of Government agencies, it is refreshing to be able to commend the action and conduct so far as I have been able to ascertain of this particular administration and agency of government.

May I say to the Members of the House, referring to what has been done by the Rural Electrification Administration in my State of Tennessee, that in the past 12 months or about that period of time there have been made loans amounting to $1,766,658 for nine projects to my people. As a result of these loans 1,602 miles of rural electrification lines have been constructed, accommodating 7,467 customers or heads of families, averaging 5 to the family, would constitute a population of 35,000 to 40,000 people who are receiving for the first time in my State the benefit of electric light and current. This money has been loaned at a rate of about 3-percent interest with a 20-year period of time in which to repay the obligation, after which time the cooperative organizations will own the lines.

May I say that we who have lived in Tennessee and the sections adjoining thereto can appreciate what is being done under the T. V. A. development and under the Rural Electrification Administration. Previous to this legislation it was impossible for thousands and thousands of our people who lived in the country to receive electric current under any circumstances.

The utilities refused to serve rural districts and would only serve the towns or the populous centers. Today I commend the Rural Electrification Administration for making wise loans in the sections of my State where I have no doubt that every dollar of the money will be refunded. This fine service is like a huge network in Tennessee and the adjoining States of Mississippi, Alabama, and Georgia, and we in the rural districts for the first time have been able to get electric current.

There is no need to amplify on the benefits and the great benefactions that come to our people as a result of this service. While we hear criticism and occasionally adverse comment on the T. V. A. and the Rural Electrification Administration, may I say to my colleagues here that our people are receiving electric current at less than one-third of what they previously paid for it when they could get it. In other words, there was two-thirds more charged previously for electricity throughout that jurisdiction than is now being charged the consumers. We appreciate what is being done by the Rural Electrification Administration and by the Tennessee Valley Authority in our behalf.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was rejected.

The Clerk read as follows:

Printing and binding: For printing and binding for the Rural Electrification Administration, $65,000.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 36, line 14, after the word "Administration", strike out "$65,000" and insert "$39,250."

Mr. WIGGLESWORTH. Mr. Chairman, as I have stated, the record indicates clearly that out of the total requested for printing and binding, $61,500 is to be used for R. E. A. news, pamphlets, folders, and so forth.

The following is the list of printing and binding requests furnished your committee by R. E. A.:

Printing and binding—Tabulation of costs

Publication	Number of copies	Cost
R. E. A. News	240,000	$18,850
Form of Construction Contract	500	1,210
Utilization Placards	300,000	3,300
Steps in Loan Building	500	550
Farm Electrical Equipment Handbook	90,000	1,000
Borrowers' Manual	1,500	1,500
Pamphlet on—		
Wiring	56,000	830
Lighting	50,000	830
Plumbing	100,000	1,600
Refrigerators	100,000	1,600
Electric ranges	100,000	1,600
Water heaters	100,000	1,600
Electric washers	100,000	1,600
Irons and ironers	100,000	1,600
Vacuum cleaners	100,000	1,600
Radios	100,000	1,600
Roasters	100,000	1,600
Brooders	100,000	1,100
Milkers	100,000	1,100
Milk coolers, etc	100,000	1,100
Cream separators	100,000	1,100
Hot beds	100,000	1,100
Utility motors	100,000	1,100
Pumps and water systems	100,000	1,100
Electric fencing	100,000	1,100
Incubators	100,000	1,100
Dairy refrigeration	100,000	1,100
Motor-driven machines	100,000	1,100
Technical lighting	100,000	1,100
Improved use of lighting	100,000	1,100
Improvement in cooking	100,000	1,100
Improved use of refrigeration	100,000	1,100
Improvement in laundry work	100,000	1,100
Improvement in kitchen planning	100,000	1,100
Improvement in house cleaning	100,000	1,100
Letterheads, forms, etc		8,500
Total		70,000

The effect of my amendment is to reduce the sum available for R. E. A. pamphlets, folders, and so forth, by 50 percent. This will leave over $30,000 for this type of publication.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was rejected.

The Clerk read as follows:

Loans, Rural Electrification Administration: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7, of the Rural Electrification Act of May 20, 1936 (7 U. S. C. 901–914), $30,000,000.

Mr. RANKIN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: On page 36, line 19, strike out "$30,000,000" and insert "$40,000,000."

Mr. RANKIN. Mr. Chairman, the reason that I offer this amendment providing for $40,000,000 is because that is the

limit we can go under the law in any one year. If I were permitted to do so, I would make it at least a hundred million dollars. It is useless for me to repeat what the gentleman from Tennessee has just stated.

The Rural Electrification Administration is rendering the greatest service to the farmers of the Nation of any organization of its kind I have ever known. Every State in the Union has applications for these loans. Understand, this is not money given away, but it is money that will be paid back with interest.

The report shows that against the amount provided there are now on hand requests for which no funds are available for loans in the total sum of $78,000,000. This is not a personal matter with me, because I may say frankly, and I am probably the only Member of Congress who can make this statement, that every county in my district has a rural electrification project now under way. However, I find the following States in which the excess of applications over funds available is more than a million dollars:

Iowa, $8,144,000; Minnesota, $7,000,000; Nebraska, $6,000,000; Texas, $5,000,000; Ohio, $5,000,000; Michigan, $4,000,000; and Georgia, $3,000,000. The list also includes the States of Kentucky, Wisconsin, Indiana, Pennsylvania, Idaho, New Mexico, Arkansas, Kansas, Oklahoma, Illinois, Missouri, and others. These are the States wherein applications amount to a million dollars more than the funds allotted. The smaller States, mine included, all have made application for such loans.

While we cannot make the appropriation more than $40,000,000 a year, I believe we would be more than justified, if we could do it, in raising the appropriation to $100,000,000 a year. I hope the law may be later changed so we can raise it to $100,000,000 a year. Then, instead of spending money which will not come back to the Treasury, we will be lending to the farm communities, the rural counties, money which will come back, money which will help the man who is trying to help himself, money which will light his home, money that will lift from him the drudgeries of farm life, and money that will help to lift from the shoulders of his wife and children the onerous burdens of household drudgery.

I sincerely trust this amendment will be unanimously adopted.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on the pending section and all amendments thereto close in 10 minutes.

The CHAIRMAN (Mr. COOPER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. PACE. Mr. Chairman, I hope the Committee will approve this increase. In the first place, the Rural Electrification Act provides that for the first 8 years the appropriation for rural electrification shall be $40,000,000 annually. The bill now before you provides for only $30,000,000. The pending amendment is to increase this amount to $40,000,000, as provided in the act.

I do not believe any New Deal project has been undertaken which has done as much for the comfort, welfare, and betterment of the people of the rural districts as the Rural Electrification Administration is doing today. The R. E. A. is not only serving them with electric light and power, which they have never enjoyed before, but is providing considerable employment for those who manufacture electrical appliances. The committee report shows there are now pending $78,000,000 in applications, with only $30,000,000 appropriated under this bill to take care of them, and with new applications being filed every day. In every State of the Union, as is shown by the hearings, applications are pending in amounts ranging from a few thousand dollars to eight or ten millions of dollars. I believe it is certainly in the interest of the principle which inspired the passage of the Rural Electrification Act that an appropriation of the amount set by that act, $40,000,000 annually, should be authorized at this time.

From my own district in Georgia there are now pending six or eight applications which have been approved, but no funds are available. These applications aggregate several hundred miles of electric power lines to serve several thousand farm families. Those people are entitled to the comforts, conveniences, and advantages which electric light and power will bring to them. I want to see a power line going into every farmhouse in my district.

May I remind you that this money is not a gift or grant. It is to be loaned to organizations of farmers to build electric lines, at 3 percent for 20 years, and every dollar of it will be paid back. It will also provide additional employment in building the lines and for those who can work in plants which manufacture wire, refrigerators, stoves, electric motors, and other electric appliances.

Mr. LUCKEY of Nebraska. Mr. Chairman, I hope the amendment now pending will be supported. In my district there are a number of counties where rural electrification is well under way, but there are other counties which cannot be developed because not enough funds are available.

During the time between the regular and special sessions last summer I was in Europe and had an opportunity to visit various countries, including Sweden, Denmark, Germany, Switzerland, and France. I was amazed at the wonderful progress which has been made in those countries along the line of rural electrification. For instance, 95 percent of the farms in Sweden are electrified, and in Switzerland practically everything is electrified. Everyone has electricity. This is something we must do in our country because there is a great demand for power. In eastern Nebraska we will have to resort to pump irrigation. If we have rural electrification we can get cheap power so a farmer can irrigate a number of acres for his farm lot, his garden lot, his orchards, and the like.

Rural electrification will help to reduce the burden of farm life and make farm life more attractive.

This increase will not require additional funds from the Treasury because the money will be loaned and will be paid back to the United States Government with interest. If we could have the additional amount sought in this amendment it would help to put many people back to work in the building of rural electrification lines, and would also create a demand for appliances. In agricultural States like Nebraska it will increase farm prosperity and will help maintain balanced farm income.

I hope you will support this amendment. [Applause.]

[Here the gavel fell.]

Mr. CREAL. Mr. Chairman, a slogan of the Democratic Party is "Equality to all and special privileges to none." Unless we extend these benefits to some of the other approved projects, I am afraid we will be guilty of doing something in violation of this slogan.

In my district six counties have rural electrification, but eight more, which are just as well qualified in every respect, do not have it. To some extent I blame the administration of the Rural Electrification Administration for going around and whetting the appetite of these people to receive benefits. They have made the people believe they would receive rural electrification, and have told them they were qualified. Now there is great disappointment. If the administration of Rural Electrification Administration had not followed this course, then this great inequality would not now exist in many congressional districts.

One gentleman referred to the fact that we in rural America are far behind men of like circumstances in many parts of Europe. Rural electrification is not in competition with power companies, but penetrates a field where the power companies have never gone, and serves people who would not be served in this generation, or probably the next, except by this method. It is not a dole and not an appropriation for relief. I believe it is the soundest proposition on which the Government has ever lent money. We have had large losses in the farm loans, home owners' loans, and others. Experiment in connection with rural electrification has shown that practically every customer has consumed more electricity than he anticipated he would, thus strengthening the financial set-up of the situation.

Mr. WOODRUM. Mr. Chairman, I can heartily subscribe to what gentlemen have said in commendation of the program of the Rural Electrification Administration. I believe it is a fine program; one in which our farmers are interested. I would not do anything to cripple it. I know it is close to the President's heart, and I believe it is close to the heart of Congress. Further, the distinguished and vigorous gentleman at the head of the Rural Electrification Administration, Mr. Carmody, I believe, is doing a fine job and we appreciate it. For this reason we have allowed the R. E. A. $30,000,000 of the people's money to lend the farmers of the country during the next year for this purpose.

This is merely one of the links in the chain to help the farmers of America. This is the same amount they had last year for loans and administrative expenses and is the exact amount which the Budget and the President think should be expended on this activity during the next fiscal year.

While it is true these loans have to be paid back, yet the money comes out of the Treasury and is a charge upon the Treasury and is reflected in the Budget picture.

Notwithstanding how much we may think of this activity, Mr. Chairman, I think it would be disastrous to increase the Budget estimate $10,000,000 in this bill, which is the first appropriation bill to come up this session.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. RANKIN. I am correct, am I not, in the statement that the applications for loans already exceed the amount allowed by $78,000,000?

Mr. WOODRUM. Yes; that is correct, and if we made it $40,000,000 there would still be $38,000,000 which could not be granted.

Mr. RANKIN. I understand this is not enough and I said that in the beginning of my remarks. I would like to increase the amount more, but this is all we can increase it under the present law.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. MAY. Has there been a single agency of the Government that has not asked for more money than the committee has given them?

Mr. WOODRUM. Yes; there have been some agencies of the Government that have not asked for more money than has been recommended.

Mr. MAY. But there have been many that have asked for more than they were given?

Mr. WOODRUM. Yes; that is true.

Mr. DIRKSEN. Mr. Chairman, will the gentleman from Virginia yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. If the extra $10,000,000 were allowed, the administrative costs would go up and there would be other expenses involved and it would be almost a year before they could give the right kind of supervision to this work, so if we authorized the increased amount of money they could not spend it for some time.

Mr. RANKIN. My friend from Illinois is so far wrong.

Mr. DIRKSEN. No; your friend from Illinois does not go by everything that appears in the record the gentleman has there, because often things happen or statements are made that are off the record.

Mr. RANKIN. And, perhaps, the gentleman from Illinois is talking to a Member who has had more experience in this matter than any other Member of the House. I say that the personnel is already on the pay roll and the applications have been approved, and there will be no extra expense of that kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 37, noes 47.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WOODRUM and Mr. RANKIN.

The committee again divided; and the tellers reported that there were—ayes 53, noes 64.

So the amendment was rejected.

The Clerk read as follows:

SOCIAL SECURITY BOARD

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it in titles I, II, III, IV, VII, IX, and X of the Social Security Act, approved August 14, 1935, including three Board members, an executive director at a salary of $9,500 a year, a director of the old-age benefits division at a salary of $9,000 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed $10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman; not to exceed $10,000 for payment of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph, and not to exceed $900 for teletype news services and tolls; newspapers and press clippings (not to exceed $1,500), periodicals, manuscripts and special reports, purchase and exchange of lawbooks and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; purchase and exchange, not to exceed $25,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, $21,450,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase by the Board when the aggregate amount involved does not exceed the sum of $100: *Provided further*, That the Board may expend not to exceed $25,000 of the sum herein appropriated for temporary employment of persons or organizations, by contract or otherwise, for special accounting, actuarial, statistical, translating and reporting, engineering, and organizational services determined necessary by the Board, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided further*, That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further*, That this latter proviso shall not apply to the salaries of the Board members nor to the compensation of persons or organizations temporarily employed for the special services described in the second proviso of this paragraph.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 39, line 19, after the word "chairman", strike out the semicolon, insert a colon and the following: "*Provided*, That no part of the funds herein appropriated for travel shall be used for travel in foreign countries."

Mr. DIRKSEN. Mr. Chairman, the amendment speaks for itself. It simply puts a limitation on the travel allowance so that no part thereof can be used for travel in foreign countries.

Mr. WOODRUM. I have no objection to the amendment, Mr. Chairman.

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman.

I notice in line 21, page 39, there is an authorization of "not to exceed $10 per diem in lieu of subsistence" Is this authorization uniform with the practice of the Government in other branches?

Mr. WOODRUM. This is for persons who are not on the pay roll, who are asked to come here in an advisory capacity and are not employees of the Government.

Mr. WADSWORTH. Is that made perfectly clear there?

Mr. WOODRUM. I think it is; yes. The language is "not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity."

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Social Security Board, $329,300,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word to inquire of the chairman of the committee about the Federal aid for old-age assistance. What part does the Government take with reference to the amount paid these pensioners?

Mr. WOODRUM. The Government matches the amount paid by the States, not to exceed $15 a month.

Mr. DOWELL. That is the point that I want to get at. As I understood this bill, it provided that the Government should match the amount the State paid to the pensioner. In other words, if the pensioner receives $25, the Government appropriates up to $15 a month.

Mr. WOODRUM. Twelve dollars and fifty cents a month.

Mr. DOWELL. Does that go to the pensioner or to the State?

Mr. WOODRUM. It goes to the State. It reimburses the State.

Mr. DOWELL. Then, as I understand, the pensioner receives no special benefit by reason of the assistance by the Government.

Mr. WOODRUM. Oh, yes; he does, because the State could not pay the $25 unless it got the $12.50 from the Federal Government to do it. The fact that the State knows that the Federal Government is going to pay half enables the State to increase the amount that it pays to the pensioner.

Mr. DOWELL. Some of the States enacted legislation prior to the passage of the bill by the Congress.

Mr. WOODRUM. That is a matter of State policy. The Congress cannot control that.

Mr. DOWELL. In that event the State receives the benefit and not the pensioner?

Mr. WOODRUM. That is true.

Mr. DOWELL. In other words, the Government is not contributing to the pensioner, but it is making a contribution to the State. How many of the States are receiving this benefit?

Mr. WOODRUM. I think all of the States are participating in that.

Mr. DIRKSEN. Yes; and Hawaii and Alaska, and I think Puerto Rico.

Mr. DOWELL. Then it is not increasing the pension to the pensioner because of the contribution to the State by the Federal Government.

Mr. WOODRUM. I think an overwhelming majority of them are enabled to pay the pensions because of the fact that the Federal Government is giving this assistance. I think the case the gentleman has in mind is a rare instance.

Mr. DIRKSEN. This money does not go to the State as such. The State can use it for no other purpose except to pay the pensioner, so it is to the benefit of the pensioner.

Mr. DOWELL. But the pensioner receives his or her benefit from the State.

Mr. DIRKSEN. Certainly.

Mr. DOWELL. Then the amount is not paid to the pensioner, but the Government contributes to the State after the State has already paid it?

Mr. DIRKSEN. No.

Mr. WOODRUM. It reimburses the State to the amount of 50 percent.

Mr. DOWELL. Is it not true that the pension laws of the several States are not uniform? In other words, the pension provided may be $15 or $10, or in some other State $25. Then, as I understand it, the Government does not make an equal contribution to the various States for the number of pensioners, but pays according to the amount that the State pays.

Mr. WOODRUM. The amount paid to the pensioner and his eligibility for receiving benefits are matters that must be left to the individual States, but they have to present their pension plans, which in essential detail must conform to a certain standard set up by the Social Security Board.

Mr. DOWELL. But, of course, under that system the Government does not contribute equally to the pensioners, because in one State the pensioner may be getting a small amount and in another State a large amount.

Mr. WOODRUM. It is equal within the States, and that is as far as we can go.

Mr. DOWELL. Are there any States where the contribution by the Government is added to the amount provided by the State?

Mr. WOODRUM. If it is already being paid by the State. As to where it has been increased, I do not know what the situation is.

Mr. DOWELL. The gentleman does not have that information?

Mr. WOODRUM. It probably appears in the hearings, but I have forgotten.

Mr. DIRKSEN. The proceeding is entirely uniform with respect to all of the States.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TAYLOR of Tennessee. Mr. Chairman, I rise in opposition to the pro forma amendment. When we had before us the Social Security Act, when it was first enacted, it was certainly the intention or at least the hope of Congress that the entire $30 per month would be paid to indigent aged over 65 years of age. In my State the legislature, I regret to say, has limited that amount to $25, which, if the maximum pension is allowed, would require a contribution by the Federal Government of only $12.50. There has been general dissatisfaction in Tennessee, especially in my district, with the administration of this old-age pension assistance. Pensions as low as $10 per month have been allowed, which would represent $5 from the State and $5 from the Federal Government. I do not know any way by which we in Congress can correct this abuse, but at the time this bill was before the Congress I introduced an amendment which would have required the Federal Government to pay out of the Treasury the entire pension.

But we were informed by the majority leader at that time that the President would not approve the measure unless it required equal participation on the part of the State. Mr. Chairman, I merely wish to call the attention of the House to the unsatisfactory administration of this old-age assistance fund in Tennessee, and I understand the complaint is general throughout the country.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. TREADWAY. May I ask the gentleman if the unsatisfactory administration is not of a State nature rather than Federal nature?

Mr. TAYLOR of Tennessee. Absolutely.

Mr. TREADWAY. Is not the Federal Board complying with the Social Security Act in its method of dividing the cost with the State? If a State does not see fit to give a large pension that is not the fault of the Federal system.

Mr. TAYLOR of Tennessee. There can be no legitimate criticism of the Federal Government so far as the administration of the act is concerned; the criticism attaches exclusively to the State administration.

Mr. TREADWAY. I wanted to make sure that I understood the gentleman.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

TARIFF COMMISSION

For salaries and expenses of the Tariff Commission, including personal services in the District of Columbia and elsewhere, purchase and exchange of labor-saving devices, the purchase of professional and scientific books, lawbooks, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (19 U. S. C. 1330–1341), $918,000,

of which amount not to exceed $2,500 may be expended for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the Commission; and not to exceed $7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed $1,700 for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed $50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: On page 44, line 6, after "1341", strike out "$918,000" and insert in lieu thereof "$893,000."

FOREIGN-TRADE AGREEMENTS

Mr. TREADWAY. Mr. Chairman, members of the committee who listened to the explanation of the hearings before the Appropriations Committee made yesterday by my colleague the gentleman from Massachusetts [Mr. WIGGLESWORTH] need no argument presented to them at this time to show that we can very readily reduce this appropriation by $25,000 in view of lessened activity on the part of the Tariff Commission in carrying on investigations and other functions wherein they have saved $25,000 this year. If I understand the figures correctly, that amount is being appropriated to be continued in the coming year.

I wish at this time particularly, Mr. Chairman, to call attention to the RECORD of last Saturday, wherein there is listed, in fine print, nine and one-half pages of articles on which this country will consider granting concessions in connection with the proposed British trade treaty. This list practically shows the intention of the administration in relation to the coming agreement about to be entered into with Great Britain. Virtually the whole of the Tariff Act is there brought to the attention of the people as indicating the items that will be considered by the trade treaty negotiators on the part of this country and, I suppose, a similar group from Great Britain.

If a substantial number of these articles are finally included in the proposed treaty, as, of course, will be the case, it will amount to a general tariff revision. In other words, a horizontal tariff reduction all along the line.

The concessions granted to Great Britain will, under the existing policy, be extended gratuitously to all other countries.

Never before has the danger inherent in the authority granted to the President to make tariff reductions been so manifest.

Great Britain regards this hearing as so important that the British Ambassador, Sir Ronald Lindsay, according to today's press, is to head the British group.

I submit, Mr. Chairman, that if there is anything at all in the system under which this Government has operated for so many years, namely, a protective tariff, that now is the time when Congress should assert itself and tell the country that it is not prepared to enter into any form of agreement with any nation on the face of the globe for reducing nearly every item in the tariff.

I was one of those who opposed the reciprocal-treaty procedure from the start, and particularly am I opposed to any reciprocal method that does not recognize the difference in cost of production between this country and a foreign country with whom we are to enter into a treaty. I think there is something fundamentally wrong when we invite another nation to send representatives to this country and enter into a trade agreement with that nation that attacks practically every competitive industry we have in this country.

There is not a schedule in the Tariff Act that is not included in the list published in the RECORD of last Saturday. Over 400 items are mentioned.

There is almost a page of items under the chemical schedule, including various oils, paints, and so forth, and soap.

There is nearly a page of articles in the earthenware and glassware schedule.

The list of articles under the metal schedule covers nearly every item in that schedule, including steel and iron products of all kinds, hardware, machinery, and engines, and so forth.

Several items under the wood schedule are included.

Items in the sugar and tobacco schedules are listed.

A number of items under the agriculture schedule are included.

The same is true of the liquor schedule.

When the textile schedules are reached the list again becomes virtually a recitation of the law, including cotton yarn, cotton cloth, and other cotton manufactures, flax, linen fabrics and manufactures, certain wools and various woolen fabrics and manufactures of wool, together with certain silk and rayon manufactures.

A long list of items under the paper schedule are included.

It requires over a page and a half of the RECORD to list the items under the sundries schedule, including shoes.

Thus we see the enormity of the changes contemplated.

Who are the people that are going to tell us, the Congress elected by the people, what tariff rates shall henceforth apply to foreign imports? Why, Mr. Chairman, the representative of the Tariff Commission on the reciprocity committee is the gentleman who came here originally to write the Reciprocal Treaty Act, Mr. Grady, the man who today is chairman of that committee. At the time the reciprocal treaties were put into effect he was the man who assisted Professor Sayre.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Chairman, this appropriation for the Tariff Commission is too important a matter to pass over lightly here at this time. I, therefore, moved to reduce by a very small amount the funds the Tariff Commission may spend in various forms of investigation.

I maintain, Mr. Chairman, that the reciprocal-treaty procedure is unconstitutional, as invading the treaty-making power of the Senate and the revenue-raising power of the House of Representatives. But, in any event, we should not destroy the industries of this country by entering into bargains favorable to other nations where practically every article of a competitive nature is named in the possible agreement with the foreign country.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. KNUTSON. I am sure the gentleman from Massachusetts wants to be fair. He has mentioned Mr. Grady. Mr. Grady merely reflects the sentiments of this administration, and this administration is out-and-out free trade.

Mr. TREADWAY. I do not question the capacity or ability of Mr. Grady. I, for one, maintain that we might at least have an impartial board. To the heads of the administration who are so favorable to giving away our industrial prosperity, I say I can see no reason why there should come into New England a group of men to look over our industries—textiles, cotton, woolen, machinery, almost every kind of industry is represented in New England—and say what we can produce here and what we must buy from abroad.

Mr. TABER. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from New York.

Mr. TABER. The gentleman spoke of our industrial prosperity. Where is our industrial prosperity?

Mr. TREADWAY. It has receded very tremendously, like the picture in the Star the other night, which depicted the gentleman now in the White House on the beach of depression.

Mr. GREEVER. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Wyoming.

Mr. GREEVER. Does not the gentleman feel there should be legislation which would require the submission of these treaties to Congress before being ratified?

Mr. TREADWAY. Absolutely.

Mr. KNUTSON. We tried to have that done.

Mr. TREADWAY. That is what the minority advocated at the time the treaty program was adopted. However, we were run over roughshod and as a result there is no control whatsoever over what goes into effect.

Mr. KNUTSON. The gentleman from Massachusetts offered an amendment on the floor of this House and it was defeated on a strict party vote, the Republicans voting for it.

Mr. WHITE of Ohio. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Ohio.

Mr. WHITE of Ohio. Does not the gentleman think if we are going to make reciprocal-trade treaties at all we should refuse to make them with any Nation that has failed to settle its war debt with us?

Mr. TREADWAY. I think that is a very pertinent question, but it is not directly involved in the prosperity of industry throughout the United States or the protection of American labor. The gentleman from Ohio has in his State the pottery industry, which is one of the great industries of that State. The pottery manufacturers claim there is not a sufficient duty for them to compete with the products of foreign countries. Pottery is down with the industries of New England to be considered, together with such other items as shoes and so forth, in a proposed reciprocal treaty that the State Department now wants to put into effect with Great Britain. It means the ruination of the industries of our country.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The sheep industry in my State is at a standstill because of the uncertainty that has been created by not knowing what will happen to wool in the proposed trade agreement with Great Britain.

Mr. TREADWAY. I may say to the gentleman he has no monopoly on fear. We have it all over the country. On account of the uncertainty as to what kind of legislation may be passed by this Congress from day to day at the dictation of the arbiters of our welfare, this fear exists.

Mr. CASE of South Dakota. And that is responsible for the recession?

Mr. TREADWAY. That is one of the reasons for the recession. We are going right ahead and making it worse all the time.

Mr. BATES. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Massachusetts.

Mr. BATES. Will the gentleman state to the House what he considers to be the reason for the very serious situation which exists in the shoe industry of Massachusetts?

Mr. TREADWAY. I yield to the gentleman from the shoe section to describe that situation to the House. Perhaps he can tell the House why there is such a serious situation in the shoe industry.

Mr. BATES. Will the gentleman state to the House also what the trouble is with the woolen industry, which is our second largest industry?

Mr. TREADWAY. The gentleman could go right straight on down the line and mention machinery, cotton, and every branch of the textile industry.

Mr. Chairman, I have called this long list of articles to the attention of the House and to the country for the purpose of emphasizing that if the policy of protection is to be saved, the proposed treaty with Great Britain will be the last-ditch fighting ground. After this treaty is entered into there will be nothing left on which to make any more concessions.

The gravity of the situation is apparent when we consider the fact that while we are in a period of rising production costs, which automatically increase the foreign cost of production advantage, the administration is making wholesale tariff concessions, further increasing that advantage. The inevitable result will be ruin for large sections of American industry and agriculture.

Every time we buy foreign articles that displace similar products made here, we take work away from our own people. There is no assurance under the trade treaties that other American industries will be compensated by increased exports. We are playing a losing game, which helps other countries and hurts our own.

I am for tariff reciprocity, but of the McKinley type, under which protection and reciprocity go hand in hand. Under that policy we exchange our surpluses for the products which we need and do not produce. This involves no loss of employment to our own labor nor the destruction of any American industry. The present reciprocal-tariff policy is not of that kind.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I know my good friend from Massachusetts and all of the enemies of the Tariff Commission and reciprocal-trade agreements feel better now because annually they get all of this out of their systems.

The Congress has set up this activity and has provided for it. This is the Budget estimate and I ask the gentlemen to support the committee because if they do not do so my friend would have heart failure and I would not want him to have that because I know he expects you to follow the committee.

Mr. TREADWAY. The working people of the country are the ones who are getting heart failure as a result of legislation the gentleman is advocating.

Mr. WOODRUM. I am going to have heart failure if my friend comes here and sheds any tears about the working people of the country.

Mr. TREADWAY. I do not want the gentleman to have heart failure.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The amendment was rejected.

The Clerk read as follows:

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933 (16 U. S. C., ch. 12a), as amended by the act approved August 31, 1935 (49 Stat. 1075–1081), including the continued construction of Pickwick Landing Dam, Guntersville Dam, Chickamauga Dam, and Hiwassee Dam, and for construction of a dam at or near Gilbertsville, Ky., and for preliminary investigations of sites for dams at or near Watts Bar and at or near Coulter Shoals on the Tennessee River, Tenn., and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, fiscal year 1939, $37,087,000: *Provided*, That this appropriation and any unexpended balance on June 30, 1938, in the "Tennessee Valley Authority fund, 1938", and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1939 (except as limited by section 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority fund, 1939", to remain available until June 30, 1939, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1938" and for contractual obligations for the procurement of equipment as authorized in the Second Deficiency Appropriation Act, fiscal year 1937: *Provided further*, That in addition to the amount herein appropriated, the Tennessee Valley Authority is hereby authorized to incur obligations and enter into contracts for the procurement of equipment to be installed in dams and power-houses in an amount not in excess of $4,000,000, and this action shall be deemed a

contractual obligation of the Tennessee Valley Authority and the United States for payment of the cost thereof.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 45, line 23, after "1939", strike out "$37,087,000" and insert in lieu thereof "$36,159,000."

Mr. TABER. Mr. Chairman, this is an amendment which I think the Committee of the Whole and the House would approve if they would study it carefully.

In 1938 it was estimated that the Tennessee Valley Authority would spend $390,000 for special and miscellaneous expenses. In 1939 the Authority has asked, and the committee has allowed, $1,240,000.

I propose by my amendment a cut of $500,000, which would still leave an increase of $300,000 to be expended in 1939 for that particular item. I propose also a cut of $22,000 in their expenditure for printing and binding. That is the increase over the allotment this year.

In this connection I call the attention of the House to the fact that all of the estimates in these appropriation bills were made up on the basis of a large increase in the cost of paper for the year 1938. These are the facts: Bids were asked by the Government Printing Office for paper in June 1937, and these bids showed an increase, and the Budget estimates for printing and binding are based on that increase. The bids received in December 1937 showed a decrease of something like 20 percent below previous figures. Unless we assume a large increase in the cost of paper we cannot justify any of these printing and binding appropriations.

To bring this figure down within that limit, I have proposed this $22,000 cut.

I have also proposed that we go back to the figure allotted for this fiscal year for the development and research work on Coulter Shoals Dam and Watts Bar Dam. These dams it is not proposed to build for another year. The appropriation for research and investigation on Watts Bar is proposed to be increased from the 1938 figure of $115,000 to $463,000, and on Coulter Shoals from $150,000 to $208,000, the two increases totaling $406,000. I propose to reduce this appropriation by the total of these sums. It is perfectly apparent that if the T. V. A. could get along with what they have this year for these activities no harm can be suffered by them. Unless we take steps to cut down appropriations where they can be cut, we are not going to get anywhere in balancing the Budget. I ask even of the friends of this Authority support for this amendment, because it is perfectly clear that without any damage whatever these cuts can be adopted and put into practice, and $928,000 saved the Treasury.

Mr. Chairman, I ask the adoption of this amendment.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. KNUTSON. Mr. Chairman, within the past month I have had a man down in the Tennessee Valley at my own expense looking into the set-up and operation of the T. V. A. The facts he has uncovered are perfectly amazing. I venture the assertion that if this Congress will vote a full and complete investigation of the activities of the T. V. A., the result will make Teapot Dome look like a mole hill.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Missouri.

Mr. COCHRAN. If the gentleman will bring the evidence about which he is talking before the Committee on Expenditures in the Executive Departments, we will give it every consideration, and if there is anything to the evidence along the line the gentleman has stated, that it is worse than Teapot Dome, the gentleman can get an investigation by the committee and there will be no delay.

Mr. KNUTSON. I expect to lay my facts before the House.

Mr. COCHRAN. Why does not the gentleman bring them before the committee which has the jurisdiction to investigate?

Mr. KNUTSON. The gentleman's committee has not shown a very strong desire to expose anything in the way of inefficiency, waste, and graft under the New Deal. However, I will take a long shot and submit some very interesting evidence to the gentleman.

Mr. COCHRAN. We will be very pleased to have it.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Michigan.

Mr. MICHENER. I take it, then, that if the gentleman from Minnesota submits this evidence to the gentleman from Missouri, the gentleman from Missouri will come on the floor of the House with a resolution seeking authority to investigate, because he has no such authority now?

Mr. COCHRAN. The committee of the gentleman from Missouri has authority to investigate and does not require further permission of the House.

Mr. MICHENER. The gentleman's committee cannot swear witnesses and cannot subpena witnesses.

Mr. COCHRAN. The gentleman from Minnesota says he has the evidence. You hear that on the floor every day. Now, bring over the evidence that will show a condition worse than Teapot Dome and you will have the investigation. Is that not plain enough?

Mr. MICHENER. But the gentleman's committee has no jurisdiction.

Mr. COCHRAN. Bring it over or keep still. I say we have jurisdiction.

Mr. KNUTSON. Just keep your shirt on.

Mr. COCHRAN. I have not attempted to take it off as yet.

Mr. KNUTSON. You are liable to lose it if you do not.

Mr. Chairman, the T. V. A. has spent several hundred million dollars without having its books audited by the General Accounting Office. Let me call to the attention of the gentleman from Missouri one incident down there, where they built a filling station at Norristown at a cost of $70,000, which local people say they could duplicate for $10,000.

I will give the gentleman my evidence, and I want him to do something about it.

Mr. COCHRAN. Bring it over, or if you telephone me I will call for it.

Mr. KNUTSON. Mr. Chairman, in these days when our people are being bled white to pay taxes of all kinds, I feel it is incumbent upon Congress to see to it that the money we wring from our people should be expended in the best possible way, free from waste and graft.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Virginia [Mr. WOODRUM] is recognized for 2 minutes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield for a question?

Mr. WOODRUM. I yield for a question.

Mr. COCHRAN. Did the gentleman from Minnesota [Mr. KNUTSON] bring before the gentleman's subcommittee any of the evidence he has spent money out of his own pocket to secure?

Mr. WOODRUM. No. The subcommittee was in session and went into details. One Member came before us and made a statement, which appears in the record.

Mr. KNUTSON. How many days was the gentleman's committee in session on this item?

Mr. WOODRUM. On this item we have been in session 30 or 40 days.

Mr. KNUTSON. I say, on this item.

Mr. WOODRUM. Thirty or forty days. If the gentleman had asked for a hearing, he could have had it.

Mr. KNUTSON. The gentleman's committee was in session 1 day on this subject.

Mr. WOODRUM. We heard everybody who wanted to be heard, and the gentleman did not come.

Mr. KNUTSON. Let me say to the gentleman——

Mr. WOODRUM. I do not yield further to the gentleman—so sit down and keep your shirt on a little bit.

Mr. Chairman, with all due deference to my good friend, I have heard the wind blow before; and I doubt exceedingly whether this gentleman he is paying out of his own pocket will bring back anything except something dripping with partisan hatred, in which our committee is not interested.

Mr. KNUTSON. No; of course not.

Mr. WOODRUM. With respect to this appropriation, we have cut the Tennessee Valley Authority $2,913,000, and, with this cut, what we authorize them to expend next year is something like $10,000,000 below what they are expending this year. We also take out their right to begin construction on the Gilbertsville Dam.

I do not know whether or not there ought to be a general investigation of the Tennessee Valley, but I do not believe they ought to proceed upon the construction of the Gilbertsville Dam or perhaps any other very wide operations, until at least there is some semblance of harmony and unity in that Board. I believe every Member of Congress would like to see the members of that Board get together and know what they want to do before we give them very much more money. However, we have cut them to the bone here.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 25, noes 49.

So the amendment was rejected.

Mr. STARNES and Mr. COCHRAN rose.

Mr. STARNES. Mr. Chairman, I offer an amendment.

Mr. WOODRUM. Mr. Chairman, I would like to see if we can agree on time. I observe there are three amendments about to be offered and I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. COCHRAN. Mr. Chairman, reserving the right to object, this is a very important paragraph of the bill and I would like to have 5 minutes. Why not follow the same procedure followed by the chairman of the Committee on Agriculture when he had his bill up here and find out who wants to speak and fix the time in that way?

Mr. WOODRUM. There are only three amendments.

Mr. COCHRAN. But there are about 10 Members who want to speak on them.

Mr. WOODRUM. We have a lot of the bill to finish and the gentlemen do not want to stay here all night.

Mr. COCHRAN. You are appropriating a lot of money.

Mr. WOODRUM. We are cutting down the items, too.

Mr. COCHRAN. You are not cutting them down very much.

Mr. WOODRUM. It seems to me 30 minutes should be sufficient.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. COCHRAN. I object, Mr. Chairman.

Mr. WOODRUM. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 35 minutes.

The motion was agreed to.

Mr. STARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARNES: On page 45, line 23, after the comma following the figures "1939", strike out "$37,087,000" and insert in lieu thereof "$37,187,000."

Mr. STARNES. Mr. Chairman, the purpose of this amendment is to restore an item of $100,000 to the amount estimated to be used for the chemical engineering research and experimentation department of the Tennessee Valley Authority.

Looking to the historical background of the development of the Muscle Shoals area, Wilson Dam was constructed for the purpose of manufacturing nitrates in war and fertilizer in time of peace, and the committee here, I think, goes entirely too far in its desire for economy, which is laudable, in taking from the amount allotted for research on fertilizer and soil improvement this item of $100,000.

I live in this area. I know that the T. V. A. has made remarkable strides in its chemical research and in the development of a finer and a higher grade of fertilizer—first, triple superphosphate and then later metaphosphate, about 70 percent of which is plant food, the highest content ever developed in the history of the fertilizer industry.

This fertilizer is not sold but is given out to the Extension Service of the Department of Agriculture, and through farm cooperatives to farmers to be used on their land; and I do know from personal experience that the farmers in this area are deriving a great benefit from the use of the fertilizer. I may say that 90 percent of the commercial fertilizer used in this country is used in the 10 Southeastern States that are adjacent to the T. V. A. territory.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. STARNES. I will be pleased to yield to the gentleman from New York.

Mr. TABER. Does not the gentleman think that the Authority could save enough out of the items in which I have suggested a cut, without hurting anything at all, to take care of what the gentleman has in mind?

Mr. STARNES. That is aside from the subject. This is the amount allotted by the Budget.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I will be pleased to yield to the chairman of the subcommittee.

Mr. WOODRUM. As I understand, the amendment which the gentleman has now offered merely refers to the $100,000 reduction below the Budget figure for chemical engineering research and experimentation?

Mr. STARNES. The gentleman is correct.

Mr. WOODRUM. Does the gentleman intend to offer amendments to take care of the other $200,000?

Mr. STARNES. Yes; I do.

Mr. WOODRUM. I will say to the gentleman from Alabama I have conferred with the gentlemen of the minority. The committee reduced the amount for experimentation in fertilizer $300,000.

Mr. STARNES. That is right.

Mr. WOODRUM. The committee felt there was some leeway and a curtailment could be made. I have discussed the matter with the gentleman and a great many Members are interested in it. As far as the committee is concerned, and I am authorized to speak for all the gentlemen, it will be satisfactory to split that amount and reinsert one-half of the amount of the reduction, which would be $150,000, and if the gentleman will so amend his amendment, I shall be pleased to agree to that.

Mr. STARNES. I will be glad to do that, Mr. Chairman. I am delighted that the chairman of the subcommittee has agreed to accept my amendment restoring $150,000 for chemical engineering research and experimentation, controlled soil and fertilizer investigations, research and development of farm equipment, and reforestation and erosion control. Fertilizer constitutes a great item of farming cost in my area. The farmers are entitled to cheap fertilizer. By the use of fertilizer soil fertility is restored. Soil control and prevention of soil erosion is being practiced daily, thereby conserving and utilizing the Nation's greatest natural resource for the benefit of its people. Under the reforestation program of the T. V. A., denuded hillsides in that area are being reforested. These things with improved farm methods are providing a happier and richer life for our people.

The CHAIRMAN. The Chair understands the gentleman from Alabama to ask unanimous consent to modify his amendment. Without objection, the Clerk will report the amendment as modified.

Mr. JENKINS of Ohio. Mr. Chairman, reserving the right to object, where does this other amendment apply?

Mr. STARNES. To the same item. The total amount of the paragraph is involved.

Mr. JENKINS of Ohio. The gentleman means the same item or paragraph?

Mr. STARNES. The same paragraph containing the figures for construction, research, and so forth.

Mr. JENKINS of Ohio. If the T. V. A. appropriation is embodied in the figures on page 45, why did the gentleman introduce three different amendments?

Mr. STARNES. Because there were separate items listed in the committee's report.

Mr. JENKINS of Ohio. But they are all in the same general item?

Mr. STARNES. Yes.

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

There being no objection, the Clerk reported the amendment, as follows:

Modified amendment offered by Mr. STARNES: On page 45, line 23, after the comma and following the figures "1939", strike out "$37,087,000" and insert in lieu thereof "$37,237,000."

Mr. JENKINS of Ohio. I reserve the right to object. How can you offer an amendment raising the sum $150,000 when the amendment does not indicate where it applies?

Mr. WOODRUM. The debate shows where it applies. When the committee cut it out it did not show where it applies except in the report.

The CHAIRMAN. Is there objection to the request to so modify the amendment?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri for 3 minutes.

Mr. COCHRAN. Mr. Chairman, if it was sound to reduce this estimate in committee, submitted by the subcommittee, and the reduction approved by the full Committee on Appropriations, it is sound for the Committee to retain the reduction and defeat the amendment of the gentleman from Alabama, and not agree to a compromise.

I am going to read from an editorial in the St. Louis Globe-Democrat that tells you something startling about this new fertilizer. I read:

If T. V. A. scientists have developed a fertilizer that raises the yield of worn-out fields 63 percent, and if it can be widely distributed, A. A. A. plans for preventing crop surpluses will be jeopardized. The new concentrated fertilizer is called calcium metaphosphate and it is commonly known as "metaphos." The yield of a Georgia pasture increased 6 percent when it was treated with 1,000 pounds of lime, but when 300 pounds of metaphos was added production jumped 63 percent.

What would be the increase in cotton production if this powerful fertilizer were spread over all the acreage in the South that is still permitted to grow cotton, or will be after crop-control legislation now before Congress is enacted? There would be more bales of cotton than there ever had been in the unregulated past. New demands for acreage limitation would be heard, and there might also be demands for T. V. A. limitation, not voiced by the utilities. But it is not only plans to curb cotton production that are imperiled. The T. V. A. suggests that it will now be possible to utilize the great phosphate deposits of Idaho and adjoining States, since by the metaphos process with the use of electric power, which it says will be available in the Northwest, the plant food in the phosphates can be greatly concentrated and freight rates per effective unit can be reduced.

But at this time when there is so much talk about cooperation between Government and private industry it does seem that there should be better cooperation between different agencies of the Government. The A. A. A. and the T. V. A. should get their heads together and decide what is best for the farmers of the country. If it is larger yields, the production of metaphos should be promoted. But if decreased yields are what the country needs, then the T. V. A. should cease to utilize its process for making this highly concentrated and marvelously efficient fertilizer.

Mark my words. I tell you that when this bill comes back from the Senate the full amount will be in it, and this Committee will accept the full amount.

Here you have a fertilizer that they have developed that increases the yield 63 percent. Think of it. Increase the yield of cotton 63 percent, with cheap fertilizer, and what is going to be the price of your cotton? Those of you who represent cotton farmers can answer that question.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I have only a limited amount of time. On the one hand, we are appropriating hundreds of millions of dollars to reduce production and on the other hand we are appropriating money for research work that will improve or develop a fertilizer that will increase production 63 percent, and in a few days you will have the agricultural bill here with millions and millions of dollars for research work to show the farmer how to raise more and better crops. If you ever heard of an asinine program, that is one. What we ought to do is to take all this money and apply it to research work in trying to find some way to use the surplus agricultural products—cotton, corn, wheat, and others. [Applause.] That is what we ought to do and not appropriate money to increase the yield in one bill and then in another bill make large appropriations for the purpose of asking the people and paying them to reduce their yield.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. No; I have only a few minutes. I regret I cannot yield to the gentleman from Kentucky. It seems to me to be actually foolish on the part of Congress to provide this increase. As I said in the first instance, if it were sound for this committee to reduce the appropriation at the outset, it is sound to keep it at that sum in the bill. There should be no compromise. I hope the amendment will be defeated.

Mr. VOORHIS. Mr. Chairman, I shall not offer the amendment that I had in mind because it is covered by the amendment of the gentleman from Alabama [Mr. STARNES]. This research work in the field of chemistry and fertilizers that the T. V. A. is doing is, to my mind, a complementary work to the soil-conservation program and not a contradictory one. I have said several things about the production-restriction program in this House and I do not like it, but America faces a real crisis with regard to the conservation of the fertility of her soils as anybody knows who has paid any attention to it, whether he be a scientist or not. Three hundred million acres of our fertile topsoil is gone beyond hope of restoration. We must act now, and as a Nation, if we are to save the rest of our land. This chemical research work of the T. V. A. has been probably the most important research work in making possible the production of cheap and easily transported fertilizer ever carried on. It is bringing on the day when we can get the phosphates in Idaho where most of the supply exists and transport it to the rest of the Nation, thousands of miles away, at a cheap enough cost so that the farmers can use the fertilizer not on new land but on land that they are now using to restore fertility to the soil and build it up. That is the reason why this amount ought to be restored. It only means that we are putting back half of the cut under the Budget estimate that was made by the committee. I took the trouble to investigate this matter and find out about the possibility of future development, and the importance of restoring this $150,000 to the bill. I find that they are now working on experiments which may develop a 100-percent fertilizer, 65 percent phosphorus and 35 percent potash, which would be perhaps the greatest thing ever done along that line. It is too early to be sure what can be done; but it is very evident to me that for our children and children's children this work is so valuable and important that to cripple it now would be a flagrant case of being penny-wise and pound-foolish.

The CHAIRMAN. The time of the gentleman from California has expired. Taking the names of gentlemen who asked to be listed to offer an amendment, permitting them to speak 3 minutes under the time allotted, if that is agreed to by the Committee, the Chair will then recognize for 3 minutes each Mr. WIGGLESWORTH, Mr. PEARSON, Mr. MITCHELL of Tennessee, Mr. JENKINS of Ohio, Mr. DIRKSEN, and Mr. TAYLOR of Tennessee. That would leave 4 minutes remaining for the gentleman from Virginia [Mr. WOODRUM]. Otherwise, if the Chair recognizes gentlemen for 5 minutes, some of these gentlemen cannot be recognized within the limitation of time set by the Committee.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. As I understand it, all this debate which the Chairman has mentioned is on the entire section?

The CHAIRMAN. It is, and on amendments which have been sent to the Clerk's desk.

Mr. RANKIN. Why not dispose of the amendment that is being debated now? I move that all debate upon this amendment do now close.

Mr. PEARSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PEARSON. If the amendment now under consideration is adopted, would it preclude me from offering an amendment changing the original amount carried in the bill for this item?

Mr. RANKIN. That would be merely a pro forma amendment.

The CHAIRMAN. In the opinion of the Chair if the Starnes amendment were adopted, the figure would be changed. The gentleman, therefore, should offer his amendment as an amendment to the pending amendment.

Mr. PEARSON. Mr. Chairman, I offer an amendment to the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. PEARSON to the Starnes amendment: On page 45, line 23, after "1939", strike out "$37,087,000" and insert in lieu thereof "$38,679,000."

The CHAIRMAN. The Chair assumes that the suggestion of 3 minutes each is agreeable and recognizes the gentleman from Tennessee for 3 minutes.

Mr. PEARSON. Mr. Chairman, I regret very much that it becomes necessary to offer my amendment as an amendment to that offered by the gentleman from Alabama, but in view of the fact that my amendment carries a considerably larger amount than does the Starnes amendment, under the rules I have no alternative. I offer this amendment in all sincerity and earnestness and urge its adoption. I realize that we are in the midst of a wave of economy, and I assure the Members that I have no desire to ask the House to be extravagant in the expenditure of funds, because I agree with others of the committee that we should reduce expenditures as rapidly as possible.

In this amendment, Mr. Chairman, I am asking only for an appropriation to carry on work that has already been authorized by the Congress. During the last session I tried to prevail upon the committee to authorize the construction of a dam at Gilbertsville, Ky., but the committee could not see its way clear so to do, and it was voted down. When the bill went to the Senate the construction of this dam was authorized. This is the first time that the House has been called upon to appropriate for the construction to be carried on at Gilbertsville. The Budget calls for $2,895,000 to do this work for 1939, but the committee, in its wisdom, reduced the Budget estimate $2,613,000 and took all of the cut out of the funds which had been allocated for the construction of the dam at Gilbertsville.

I am not asking in this amendment that all of the cut be restored. I am following the testimony of the engineers of the Tennessee Valley Authority before the committee and asking only the restoration of $1,442,000 plus the $150,000 which the gentleman from Alabama is requesting in his amendment. According to the testimony of the consulting engineer of the Tennessee Valley Authority, precisely this amount of money will be necessary to carry on the investigating work, the location of roads, camp facilities, and preliminary construction work at Gilbertsville Dam. It leaves out of consideration $1,771,000 which the Authority asked for actual construction work, and I am not requesting that it be restored. I do, however, ask the committee in all sincerity seriously to consider the adoption of this amendment and permit us to proceed with the construction work which has already been authorized under a prior act of Congress.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. May the Chair inquire, in order to facilitate consideration, if any other Member desires recognition in opposition to this amendment? The Chair suggests that inasmuch as these are the only two amendments which have to do with the amount, that these amendments be disposed of before proceeding to other amendments to be offered.

Mr. JENKINS of Ohio and Mr. DIRKSEN rose.

The CHAIRMAN. The gentleman from Illinois, a member of the committee, is entitled to prior recognition. The Chair recognizes the gentleman from Illinois for 3 minutes.

Mr. DIRKSEN. Mr. Chairman, first, with reference to fertilizer, that decrease was made in the committee at my instance, and for this reason: Serving also on the subcommittee on agricultural appropriations, I know that we appropriated $260,000 last year for the Bureau of Chemistry and Soils, to include broad research in the field of fertilizer; and $460,000, as I remember, for the Bureau of Agricultural Engineering which not only does research and experimental work in new farm machinery, but in fertilizer as well. If we are going to have research agencies all over the country, with respect to fertilizer development, and kindred farm developments, we shall have a list of research agencies in this Government as long as one's arm. I sent to the library for information on this subject the other day and they sent me about a dozen typewritten pages of research agencies, all uncoordinated, if you please, and spending millions of dollars. Before we go too far in spending more money on this subject, let us have some regard for the Treasury and see how far afield they are going. I was willing to go along with the chairman of the subcommittee and cut it in half and make it $150,000. It is not my disposition to curtail essential work and research but it is high time a thorough investigation was made into duplicated efforts.

Now, about Gilbertsville: No construction has begun on the Gilbertsville Dam. The first funds for construction are carried in the 1939 appropriation bill and there is therefore presented to us the question of voting construction funds on this huge project or of first making an investigation of the T. V. A.

The Gilbertsville Dam is to be located 20 miles above Paducah. It contemplates a dam 8,600 feet long and a reservoir lake 185 miles long. There is no harmony in the commission or the board of directors right now. The two Mr. Morgans and Mr. Lilienthal, we are led to believe, are hardly on speaking terms. The President of the United States had to appoint an executive officer for T. V. A., who speaks for the directors of the T. V. A., and that is the simple truth, as was manifest when they appeared before our committee.

In the second place, there is a difference of opinion between the War Department engineers and the T. V. A. engineers with reference to the cost and kind of dams. The War Department engineers have previously stated that four small dams might do. Other engineers come along and recommend one large dam, which will cost $112,000,000. This is 25 percent of the total appropriation for the T. V. A., and I refer to the over-all ultimate cost. We can, therefore, afford to wait a little while before starting construction of this dam. The estimated date of completion of the dam is 1945—7 or 8 years hence. We can afford to take a year to look into this matter and find out what is wrong down there, and why there is defection and disagreement among the directors of the T. V. A. That is the reason the subcommittee left in the bill $285,000 for exploratory and preliminary engineering work and cut out the item for construction until we can find out what is going on and whether or not the recommendation of the T. V. A. with respect to one high dam instead of four low dams, as was ascertained by the War Department engineers, ought to prevail. I ask the Members of the Committee to stand by the subcommittee of the Appropriations Committee until we can go into this matter.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I want to take this time to discuss the Gilbertsville Dam. May I ask the gentleman from Illinois [Mr. DIRKSEN] whether or not the Gilbertsville Dam is considered to have any flood-control value or whether it is purely a power proposition?

Mr. DIRKSEN. That is speculative. It is in controversy. You can make a good argument on both sides of the question. That is the reason why we should not be too hasty

about the matter, because once you start the footings you have committed the Government to an expenditure of $112,000,000 to build the dam.

Mr. JENKINS of Ohio. As I understand it, if this bill passes as the committee has recommended, and if the Committee votes down the amendment offered by the gentleman, then the bill will carry no appropriation for the Gilbertsville Dam?

Mr. DIRKSEN. It will carry an appropriation for experimental and exploratory work but nothing for the construction or the undertaking of construction.

Mr. JENKINS of Ohio. The appropriation for this exploratory work could be used for any place in the T. V. A.?

Mr. DIRKSEN. It is set down for the Gilbertsville area, but they can go out and look around and see whether there are any better sites. This makes no commitment for the construction of the Gilbertsville Dam.

Mr. JENKINS of Ohio. What is the amount?

Mr. DIRKSEN. The amount asked for to start construction was $2,898,000. The over-all cost will be $112,000,000, as against $505,000,000, the total for the T. V. A. So the gentleman will see that is 25 percent of the total expenditure involving 12 dams.

Mr. JENKINS of Ohio. As I understand it now—and I am asking for information—this bill will only provide $2,000,000 for the Gilbertsville Dam, and this money will be used for exploratory purposes only?

Mr. DIRKSEN. The amount carried in this bill is $285,000.

Mr. JENKINS of Ohio. What would be the use of having any appropriation at all for the matter of exploration with reference to that dam?

Mr. DIRKSEN. For the simple reason that the question has arisen whether Gilbertsville is the proper site or whether Aurora or some other location should be the site, whether additional work should be done with respect to the substructure, footings, and so forth. In the interim period while they are expending this $285,000 we can go into the matter a bit more and find out whether they are headed in the right direction and whether or not a high dam ought to prevail as against a low dam, or whether one type or the other is better for flood control.

I have stated over and over again that I am not opposed to a continuation of the T. V. A. project, nor shall I do anything which will hamstring the activities of T. V. A. In 1933 I voted against the original T. V. A. enabling act. That is now water over the dam. Three dams have been completed and four are under construction. This Government is up to its very ears in this project and cannot back out without tremendous losses. We can do but one thing, and that is to proceed with the undertaking in a careful, orderly, and efficient way. But in proceeding with this development we do not have to close our eyes to the fact that T. V. A. needs a real investigation. The finest thing that the genuine friends of T. V. A. could do would be to urge an investigation. In that respect it might be stated that the Senator from Nebraska who is regarded as the father of T. V. A. has joined in this suggestion.

If the T. V. A. directorate is filled with friction, that fact should be fully and freely disclosed and particularly the reason for the friction. If there is something malodorous about an alleged deal on submerged marble in the T. V. A. area, that fact should be brought to the light of day. If we could save our Government a matter of $50,000,000 or $60,000,000 on the Gilbertsville Dam, that fact should be established or disestablished before construction begins and not afterward. If, as has been claimed by some engineers, the building of Gilbertsville Dam at the site indicated will actually destroy some of the reservoir capacity of the lower end of the Tennessee Valley and tend to aggravate the flood stages of the Ohio River at Cairo, Ill., and in the area of Paducah, we should know those facts beforehand and not after construction begins. All these considerations, coupled with the fact that the dam could not be completed until 1945, certainly commends the action of the subcommittee to the Members of the House.

One other thing should be mentioned: If one asks the T. V. A. staff for a break-down on costs and what costs are allocated to flood control, what portions to navigation, and what portions to power development, they will say that their studies on this subject have not yet been completed. If you ask them how they can set up a rate structure for electric power if they cannot allocate and apportion costs, they will give you as beautiful an example of unintelligible language to explain their position as ever dropped from the lips of a cloistered philologist. In the parlance of the day, it looks as if Congress has been receiving the "run around," and so it might be well to have a show-down on this matter right now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PEARSON] to the amendment offered by the gentleman from Alabama [Mr. STARNES].

Mr. WOODRUM. Mr. Chairman, I would like to be heard before that question is put.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, may I say, supplementing what my colleague the gentleman from Illinois [Mr. DIRKSEN] just said, that the committee has gone into this matter very carefully. We have put in here funds for a continuation of engineering studies. We believe it would be a major blunder to proceed with the construction of this $100,000,000 dam when there is internal dissension and disturbance within the Tennessee Valley Authority and when there is a wide difference of opinion as to when, where, or how the dam should be constructed.

Mr. PEARSON. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Tennessee.

Mr. PEARSON. Is it not a fact Mr. Bock, the consulting engineer for the Tennessee Valley Authority, testified emphatically that the site of the dam has been fixed at Gilbertsville?

Mr. WOODRUM. Yes.

Mr. PEARSON. And that that is where the work is going to be done?

Mr. WOODRUM. Yes; Mr. Bock is unequivocal about it, but there is a wide difference of opinion. It certainly cannot hurt to hold it up for 1 year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PEARSON] to the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken; and on a division (demanded by Mr. PEARSON) there were—ayes 17, noes 34.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken; and on a division (demanded by Mr. HOBBS) there were—ayes 45, noes 6.

So the amendment was agreed to.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 45, line 8, after the words "Hiwassee Dam", strike out "and for construction of a dam at or near Gilbertsville, Ky."

Mr. WIGGLESWORTH. Mr. Chairman, this amendment explains itself. Its purpose is merely to make the language of the bill conform to the decision which the Committee has just reached in its wisdom, and in keeping with the recent request of the President to the Congress. The amendment I believe is acceptable to the chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was agreed to.

Mr. MITCHELL of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Tennessee: Page 45, line 11, after the word "River", insert "and dam sites on the Cumberland and Caney Fork Rivers."

Mr. MITCHELL of Tennessee. Mr. Chairman, I hope the chairman of the subcommittee does not oppose this proposed amendment, which does not carry any appropriation or increase the appropriation called for in the bill. The amendment simply seeks to make the provision more specific and call to the attention of the engineers the Cumberland and Caney Fork Rivers in middle Tennessee. The Caney Fork River empties into the Cumberland River, and the Cumberland and Tennessee Rivers are very largely parallel as they cross the State southward.

I hope the subcommittee and its chairman will look with favor upon this proposed amendment, which simply makes the bill more specific and calls to the attention of the engineers the Cumberland and Caney Fork Rivers.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. I am pleased to yield to the gentleman from Kentucky.

Mr. MAY. I dislike extremely to differ with my colleague, but I want to ask him this question: The gentleman's amendment simply adds to the T. V. A. the territory embraced in the Cumberland River. Has the gentleman any estimate from the T. V. A. or has he any outside information as to the number of dam sites which may be selected on that river, and whether it does not involve a larger program than is the case with the Tennessee?

Mr. MITCHELL of Tennessee. The War Department, through its engineers, has heretofore surveyed the Cumberland River and located three prospective dams on the Cumberland and Caney Fork Rivers—one at or near Carthage, Tenn., another in Clay County, Tenn., at what is known as Dale Hollow, and a third possible dam site on the Caney Fork River in De Kalb County, Tenn. I may say for the information of the Committee the development of the Cumberland and Caney Fork Rivers could be very economically perfected under the same authority as the Tennessee Valley development. There is involved really a larger watershed than in the present Tennessee Valley development.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise at this time to make a point of order against the amendment offered by the gentleman from Tennessee [Mr. MITCHELL].

Mr. RANKIN. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late. The gentleman should have made it before there was any debate.

Mr. MAY. I was waiting for the gentleman to have the privilege of debating his amendment before making the point of order. I admit I did not reserve a point of order against the amendment.

Mr. RANKIN. The rule is that the gentleman must reserve a point of order or make it.

The CHAIRMAN. The Chair may state that in the opinion of the Chair it would have been necessary for the gentleman from Kentucky to have reserved the point of order before debate was had upon the amendment. Therefore, the Chair overrules the point of order of the gentleman from Kentucky.

Mr. MAY. Mr. Chairman, I had intended to speak in opposition to the amendment proposing authorization of the Gilbertsville Dam; but since the question on that amendment has been disposed of, I shall speak in opposition to the amendment offered by the gentleman from Tennessee [Mr. MITCHELL] seeking to include the Cumberland River in the territory within the jurisdiction of the Tennessee Valley Authority.

As stated by my colleague the gentleman from Tennessee, the Cumberland River is a larger drainage area than the Tennessee River. The Tennessee Valley Authority has already expended out of the Treasury of the United States $237,000,000 in the development of the Tennessee River up to the present time. The Authority plans the further development of the Tennessee River to the extent of a total of $520,000,000. The testimony before the committee which reported the original bill was to the effect that the program would run possibly 100 years, but this long planning was not disclosed until after the work had been under way for more than 2 years.

My objection to this amendment is that it seeks to widen the already too large scope of activities of the corporation within which this agency may go out and spend other hundreds of millions of dollars, and means the perpetuation of this riotous spending at a time when the Federal Government is not in a position to put up the money. Continued borrowing money to spend is bad practice, especially when the national debt is far above all-time records. Economy and sound policy is more important in Government than in individual affairs.

Mr. SHORT. Mr. Chairman, will the gentleman yield briefly at this point?

Mr. MAY. I yield to the gentleman from Missouri.

Mr. SHORT. May I ask the able chairman of the Committee on Military Affairs if there is not already existing an agency which could carry on this work without this additional appropriation?

Mr. MAY. We not only have existing agencies but we have pending before the Committee on Military Affairs of the House a bill for this particular purpose, submitted by sponsors of the Tennessee Valley Authority. The pending amendment is legislation upon an appropriation bill, although my point of order was made too late. I believe the committee ought to have hearings on this proposition to develop the evidence and find out whether or not this is an area which should be developed. For my warm personal friend, the distinguished gentleman from Tennessee [Mr. MITCHELL] I have such high regard that it is a matter of deep regret that I find it necessary in the interest of the President's efforts to balance the Budget, to oppose his amendment. He is so genial and courteous toward all his colleagues and so constant and faithful in the interests of his constituents, and the people of the entire State of Tennessee, that it makes it difficult for me to oppose anything he would ask, but my objections are to any further new activities of Government until we are out of the woods.

Mr. WOODRUM. Mr. Chairman, I regret very much that the committee and I personally cannot accept the amendment offered by our friend the gentleman from Tennessee. To insert here authority to begin engineering studies or surveys on the Cumberland and Caney Fork Rivers would open up new fields of activity not contemplated by the Tennessee Valley Authority Act and not provided for by the Budget. No funds are carried in this bill for any such activities. Much as we would like, from the standpoint of personal feeling, to accommodate our friend, we believe the matter should properly be presented to the Budget and come to the committee in that form, in order that hearings may be had upon it. I hope very much the Committee will not enlarge these activities. We believe we have done the best we could with what we have, and we do not want to go outside of that.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I say to the gentleman from Virginia that the recommendation of the President for the national planning legislation, which has been called the seven T. V. A.'s bill, contemplates putting the Cumberland River as well as the Tombigbee under the jurisdiction of the Tennessee Valley Authority. The bill to which I refer is pending before the Committee on Rivers and Harbors; and if it is reported out, which it undoubtedly will be, it will undoubtedly pass both Houses, and these two rivers will be placed under the jurisdiction of the Tennessee Valley Authority. Then, if this amendment is adopted, they would have permission to go ahead and make these surveys.

Mr. WOODRUM. We think that ought to come first. The committee feels that authorizing legislation ought to be passed before we are asked to appropriate the money.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. MITCHELL of Tennessee. May I not suggest that, possibly, the engineers would have the right, under the provisions of this bill, to do the very thing that my amendment seeks to accomplish; is not that true?

Mr. WOODRUM. I would not want to commit myself on that. If they do have the authority, then, of course, the amendment is unnecessary. I would not feel like writing an amendment in here that might be construed as specific authority to do this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MITCHELL].

The amendment was rejected.

The Clerk read as follows:

HOME OWNERS' LOAN CORPORATION

Not to exceed $28,000,000 of the funds of the Home Owners' Loan Corporation, established by the Home Owners' Loan Act of 1933 (48 Stat. 128), shall be available during the fiscal year 1939 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821–833); printing and binding; law books, books of reference, and not to exceed $500 for periodicals and newspapers; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, and Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461–1468).

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 56, line 20, strike out "$28,000,000" and insert in lieu thereof "$26,000,000."

Mr. TABER. Mr. Chairman, I have offered this amendment to reduce the amount that may be expended by the Home Owners' Loan Corporation from $28,000,000 to $26,000,000.

I propose that the cut be distributed $1,000,000 on the property management fund where $5,000,000 is now provided, $500,000 on the loan-service fund where $3,000,000 is now provided, and $500,000 on reconditioning and appraisals where $3,000,000 is now provided.

I call the attention of the committee to the fact that this organization has disposed of very few of its properties. I have watched the operations of different organizations that have had to take over properties upon foreclosure, and I have observed that unless they get rid of such properties promptly the cost of carrying them and the losses that follow increase tenfold. If we are going to have proper management of this organization we must see to it that they get rid of these properties.

This amendment is offered with the idea of cutting down the ridiculous sums they are spending and reducing the number of properties they are carrying. There is absolutely no sense in the Government carrying properties which are more or less wrecks when we might dispose of them for something. The longer we carry them the worse off the Government is going to be and the worse off the H. O. L. C. is going to be.

If we would adopt this amendment and reduce the amount they can spend for these operations, we would bring about greater efficiency, we would get rid of a great lot of properties that the Government ought not to hold any longer, and the longer we carry them the more out of date they will become and the more they will cost and the worse off we will be.

I hope the amendment will be adopted.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not a fact that this Corporation has been in process of liquidation since June 12, 1936?

Mr. TABER. The gentleman is correct, and it should have made more progress toward getting rid of these properties.

Mr. WIGGLESWORTH. And I also call the gentleman's attention to the fact that the record indicates no less than 409 local offices in the field with a personnel of about 6,000 in the regional offices alone.

Mr. TABER. Such figures indicate clearly that we ought to adopt this amendment and cut down these figures.

Mr. WOODRUM. Mr. Chairman, the Home Owners' Loan Corporation is in liquidation. They have made no loans for some time, as the gentleman from New York has said, but the record does show they have taken quite a considerable reduction in personnel. Whether they can stand a further reduction of personnel, to be very frank, I do not know. The committee went into it very carefully. There is some doubt in the minds of the committee, but it is a wide organization and reaches into every county in the United States. It is really important to the people, as he says, the constituents of every Member of Congress, that they be there to collect and service these loans, and the committee felt that $28,000,000 was as little as we could give them, at least until we have more accurate information, bearing in mind the fact that this is not a public charge on the Treasury at this time, and we have good reason to believe that with any kind of a reasonable break, it never will be. This does not figure in the Budget at all. If we should cut off the whole $28,000,000 it would not affect the Budget.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SAUTHOFF. And there is the further fact that occurs to me that because of unemployment many home owners are not able to meet their payments, and these men have to call on them about refunding their debt and working it out with them in accordance with their earnings.

Mr. WOODRUM. That is true. Not only that, but it would be very unfortunate, as the gentleman suggests, to get rid of this property. I do not think anyone would advocate dumping this property on the market until matters adjust themselves. The committee hopes very much they will be able to have this expense granted until we can get more accurate information next year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. KENNEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 50, beginning in line 9, strike out "Home Owners' Loan Corporation" and all following, down to and including line 2 on page 56.

Mr. KENNEY. Mr. Chairman, I offer this amendment because I believe that the operations of the Home Owners' Loan Corporation as such ought to be discontinued. I feel that it has outlived its usefulness. Whatever activities remain to it ought to be transferred over to the Federal Housing Administration or some other branch of the Government. Twenty-eight million dollars, or even $26,000,000, is a lot of money to do what the H. O. L. C. is doing. It is not loaning any more money on mortgages. That feature has ended. The personnel of the Corporation does not foreclose on its mortgages. They send them out to independent lawyers in the field to foreclose. The management of the homes taken in foreclosure is given to agents, the renting and selling.

All employees of the H. O. L. C. do not go around to see the Corporation's mortgagors in the sympathetic, courteous, encouraging way that the gentleman from Wisconsin [Mr. SAUTHOFF] suggests. It may be that the Corporation's representatives in his immediate neighborhood are kind and considerate and deal with his people as he would like to have them do, so as to be of assistance to them in their endeavor to meet the demands of the Corporation. In some parts of the country distressed owners with H. O. L. C. mortgages are offered no encouragement, no leniency from some of the H. O. L. C. men who go to see them. Roughly and toughly the home owners are told to go to the H. O. L. C. office and pay up or else. "Bring in the money or we will take the house away from you." No wonder. In the management of the Home Owners' Loan Corporation, capable men, with the right understanding, who were employed there were let out upon the ground that they did not have the proper background, although they had worked for the H. O. L. C. and satisfactorily performed their work of contacting the home owners for 2 and 3 years, and in their places new men were engaged from employment offices—the most hard-boiled men that could be found for the work of dealing with the home owner having a mortgage loan from the Home Owners' Loan Corporation.

The home owner who has a mortgage from the H. O. L. C. is not getting a square deal. He was the man in distress. This Congress undertook to relieve his distress so that he might retain his home. But he is or ought to be the most distressed owner of a mortgaged home. The Home Owners' mortgage man is worse off today than he was under the original mortgage. Look at the amortization he is required to pay. He is supposed to amortize in 15 years, and he has to amortize or lose his home.

That is not just. The H. O. L. C. mortgage home owner is the most burdened of any home owner whose mortgage is insured or guaranteed by the Government. In all fairness we should lift the burden as we sought to do in the beginning. The period of amortization should be extended from 15 to 25 years, and the interest rate should be reduced to forestall foreclosures and the rate should be reduced to 3½ percent.

The Federal Housing Act allows 20 years to amortize the mortgage, and under the recent housing bill amending that act, which we passed and sent to the Senate, the Senate adopted a provision for a 25-year amortization. The smaller the amortization payment the less danger there is of the home owner losing his home. The house will depreciate and there may be little left of it in 25 years. Well, there will be nothing left of the mortgage. The H. O. L. C. mortgage home owner is entitled to all the privileges accorded to owners having other Government insured or guaranteed mortgages. He should have more solicitude. But he is left to pay the pound of flesh.

The Home Owners' Loan Corporation opposes vehemently any extension of the amortization period, albeit it goes out and spends $40,000 in health insurance for its employees, and after the spirit of the entrenched banker, declines absolutely to consider or recommend a reduction in the interest rate. The gentleman from Virginia [Mr. WOODRUM] has said that the expenditure of the $40,000 will not cost the Government anything. It will cost the home owners $40,000, nevertheless, and besides, the additional cost of $28,000,000 a year will be paid by the home owners; all of which goes to convince me that the mortgage interest rate can properly be reduced and that the amortizing payments can be made easier by extending the amortization period to 25 years. We ought to extend this time and not delay in doing it. We ought to come in here and make up our minds to do that right away. We ought to reduce the interest charge. Millions and millions of dollars in homes have been foreclosed by the H. O. L. C. I feel we ought to do something about it. The quicker we do it, the better; and the best way to do it is to stop this appropriation. Then Congress will have to go to work to put the H. O. L. C. activities into the Federal Housing Administration and give the owner of a H. O. L. C. mortgage home the relief that may otherwise be denied him.

Mr. EBERHARTER. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of asking a question of the chairman of the subcommittee. I think the subcommittee went into the question of this grant of $40,000 by the Home Owners' Loan Corporation for this health institute, or whatever it was. I am wondering if the committee formed any opinion as to whether the Congress should take any action in that matter, or whether we are powerless to stop any such action by the Home Owners' Loan Corporation, or any other organization of the Government, or just what we would be able to do. I would appreciate the chairman's advising us what the subcommittee's recommendation or his own recommendation may be with respect to practices of that sort.

Mr. WOODRUM. The subcommittee had no recommendation to make. I think the subcommittee were unanimous, perhaps, in their opinion that the Home Owners' Loan Corporation had no authority to use $40,000 of their funds for that purpose; but if the gentleman will recall, in the basic act setting up the Home Owners' Loan Corporation they were given the right to use their own funds. They did not even have to come to Congress for authority to use funds for administrative purposes. They were given the right to use their own funds for any purpose which the board of directors decided was in line with the general purpose for which the board was created. This was very broad discretionary power, there is no doubt about it.

The general counsel of the Home Owners' Loan Corporation, a very eminent lawyer and a distinguished conscientious gentleman, came to the conclusion that the implied authority was broad enough to permit the Home Owners' Loan Corporation, when it came to the conclusion that the health and comfort of its own employees was a matter vital to the efficient operation of the Corporation, to contribute $40,000 to the health association. Personally I think that was a very strained construction, and so said in the hearing, but it has been done. No more funds will be paid to the health association by the Corporation, but the association is a self-perpetuating organization and there is nothing to be done about it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. RICH. Does not the gentleman from Virginia think that the suggestion made by the gentleman from New Jersey to combine the Home Owners' Loan Corporation with the Federal Housing Administration is a good one; that it could easily be done, would save the Government expense, and would do away with one bureau?

Mr. WOODRUM. I do not think you would save one dollar, I may say to the gentleman. Their functions and purposes are as widely different as day and night. You would find that not only would you have the Home Owners' Loan Corporation and the Federal Housing Administration but you would have to set up an intermediary organization to coordinate the two activities and would probably wind up by a $4,000,000 or $5,000,000 increased expense.

Mr. RICH. Every time anybody suggests anything in the nature of the elimination of a bureau there is no disposition on the part of the House to adopt it. Everything seems to be to continue bureaus instead of to reduce them.

Mr. WOODRUM. The gentleman knows that a reorganization bill is under consideration in the committee. Some of these days we hope to have it up for consideration in the House. Under this bill, we hope to work out the coordination of various agencies and the elimination of others; but the gentleman knows we cannot do it in an appropriation bill.

Mr. RICH. This administration will never reorganize the Government.

Mr. WOODRUM. The gentleman and I, of course, differ on that matter.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word in order to add a word with respect to group health insurance, because at no time in my service in Congress has there been an example that so indicates the necessity for care in drawing legislation as that offered by the Home Owners' Loan Corporation. The original act setting up the Home Owners' Loan Corporation was very, very broad. To effectuate the purposes therein set out, broad grants of authority were given to those who were to administer the Corporation. Speaking of this venture in health insurance, the General Counsel, Mr. Russell, told the committee that the question had been submitted to him as to whether the Director of the Home Owners' Loan Corporation could spend $40,000 of the Corporation's funds for the purpose of promoting the health of the employees by the establishment of a group health organization. He told the directors that, in his judgment, he thought they could undertake it. I think the chairman of the subcommittee asked:

> Do you think you could construct a gymnasium for your employees?

He said he thought they could.

I asked him whether he thought they could run a grocery store under that provision, and he said:

> If it will conduce to the carrying out of the objectives of the act, I think the act is broad enough to let them do so.

Under the broad powers implied by the Home Owners' Loan Corporation, it could very well start dental insurance or gymnasiums; it could run a bus line to pick up the employees of the Home Owners' Loan Corporation and bring them down to their offices and take them to their homes at night, if it could be established that it created greater efficiency in carrying out the objectives of the act.

All of this means that we must be very careful how we draw enabling legislation. In this case we were not, and they could spend $40,000 for the purpose mentioned. The stable door is to be locked afterward.

[Here the gavel fell.]

By unanimous consent, the pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was rejected.

The Clerk read as follows:

FEDERAL HOUSING ADMINISTRATION

Not to exceed $5,000,000 of the mutual mortgage-insurance fund and $3,500,000 of the funds advanced by the Reconstruction Finance Corporation to the Federal Housing Administration, created under authority of the National Housing Act of June 27, 1934 (48 Stat. 1246), in all, $8,500,000, shall be available during the fiscal year 1939 for administrative expenses of the administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821–833), but there may be allowed in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle reimbursement for the actual cost of ferry fares and bridge and tunnel tolls, and employees engaged in the inspection of property may be paid an allowance not to exceed 4 cents per mile for all travel performed by motor vehicle in connection with such inspection; printing and binding; law books, books of reference, and not to exceed $1,500 for periodicals and newspapers; not to exceed $1,500 for contract actuarial services; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed $2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the operation, maintenance, improvement, or disposition of real or personal property of the Administration acquired under authority of title II of said National Housing Act, shall be considered as nonadministrative expenses for the purposes hereof, and shall be paid from the mutual mortgage-insurance fund created by said act: *Provided further*, That except for the limitations in amounts hereinbefore specified and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of said act of June 27, 1934, as amended (12 U. S. C. 1701–1723): *Provided further*, That not exceeding $300,000 of the sum herein authorized shall be expended in the District of Columbia during the fiscal year 1939 for purposes of the Public Relations and Education Division.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: On page 58, line 5, after the words "insurance fund and," strike out "$3,500,000" and insert in lieu thereof "$3,350,000."

On page 60, line 3, after the word "exceeding," strike out "$300,000" and insert in lieu thereof "$150,000."

Mr. WIGGLESWORTH. Mr. Chairman, this is another amendment offered in an effort to regulate the excessive publicity and propaganda put out by agencies covered by this appropriation bill.

When McDonald, head of the Federal Housing Administration, for whose ability I have a high regard, appeared before your committee a year ago, he had a very large request for his Public Relations and Education Division. If I recall correctly, he stated at that time that in another year he thought the item could be largely discontinued.

Yesterday I pointed to the record of the Federal Housing Administration before your committee this year. I indicated that F. H. A. reported to your committee weekly releases to no less than 800 newspapers; a monthly publication to about 20,000 financial institutions; a clip sheet every 2 weeks to some 1,600 daily and weekly newspapers; many special articles for newspapers and magazines. It also reported 328 network radio broadcasts, representing 82 hours' time over the "big three" chains, 147,339 broadcasts, representing 28,160 hours of time over independent stations, at an estimated commercial value of something like $7,200,000. It also reported 350,000 motion-picture showings at commercial theaters to an attendance estimated at about 94,000,000, as well as various exhibits at home shows to the number of 869 and at fairs to the number of 1,031. This in a single fiscal year.

The object of my amendment is self-evident. It will reduce the appropriation for these purposes from $300,000 to $150,000, which seems to me to be entirely adequate for the needs in this connection.

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in hearty accord with the great interest the gentleman from Massachusetts is taking in trying to cut down unnecessary expenditures for publicity purposes in these agencies. However, in this particular instance I feel the committee has had its hearings, has made its report to the full committee, and the full committee has reported to the House. I would hate to see the House, without further evidence, make another reduction. This agency has used its own funds and we are trying to keep as close watch on them as possible. We are endeavoring to check them from year to year. I hope very much the House will permit the amount to stand that the subcommittee and the full committee reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The amendment was rejected.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I desire to ask a question of the gentleman from Virginia [Mr. WOODRUM]. Referring to page 58, lines 16 and 20, I was wondering if there is any necessity for limiting travel allowance to travel by motor vehicle?

Mr. WOODRUM. It is not limited to that. This makes it possible to reimburse wherever they do travel that way.

Mr. PHILLIPS. I was under the impression there is a limitation there.

Mr. WOODRUM. No; the gentleman is mistaken. It merely authorizes payment where they do travel that way.

The pro forma amendment was withdrawn.

The Clerk read as follows:

RECONSTRUCTION FINANCE CORPORATION

Not to exceed $9,250,000 of the funds of the Reconstruction Finance Corporation, established by the act of January 22, 1932 (47 Stat. 5), shall be available during the fiscal year 1939 for administrative expenses of the Corporation, and of the RFC Mortgage Company, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821–833); printing and binding; law books, books of reference, and not to exceed $1,000 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange, rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or The RFC Mortgage Company or in which they have an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said act of January 22, 1932, as amended (15 U. S. C. 601–617).

Mr. WOODRUM. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: On page 63, line 20, add a new section as follows:

"SEC. 2. The President is authorized to eliminate or reduce by Executive order, in whole or in part, any appropriation or appropriations made by this act, or any act or joint resolution, whenever, after investigation, he shall find and declare that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby: *Provided*, That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless the Congress shall by law provide for an earlier effective date of such Executive order: *Provided further*, That any appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury, and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section."

Mr. STARNES. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TABER. Will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. TABER. Will the gentleman accept an amendment which would except the Veterans' Bureau appropriation?

Mr. WOODRUM. I may say to the gentleman in explanation of the section that this carries with it the same authority to the President which we previously gave to the President.

Mr. STARNES. Mr. Chairman, I reserved a point of order against the amendment.

Mr. WOODRUM. Mr. Chairman, I make the point of order the gentleman's reservation comes too late. There has been debate on the amendment. The gentleman asked me a question and I am replying to him.

The CHAIRMAN. The Chair may say that the gentleman was on his feet.

Mr. STARNES. I made my reservation before any questions were asked.

Mr. WOODRUM. Mr. Chairman, I would be willing to accept an amendment that there may be no reduction made in the compensation of veterans. This is the same authority the President has under the reorganization plan, where he has the right to reduce appropriations or to veto items in appropriation bills, reporting his action back to Congress. The Congress then may take such action as it desires if it does not agree with the President. This is the authority the President asked for in his Budget message, I may say to my colleague, and it will do more to help the Congress and help the President try to control the appropriations of the Government than anything we can do in this Congress. I certainly hope my distinguished friend and my colleague on the Committee on Appropriations will not make a point of order against the amendment.

Mr. COCHRAN. The amendment further provides such an order is not effective until 60 calendar days after it is submitted to the Congress.

Mr. WOODRUM. The gentleman is correct. This is the same authority the President has under the reorganization plan. We voted this authority to President Hoover, and we voted it to President Roosevelt.

The gentleman from New York has asked me to accept an amendment which will except veterans, so they will not come under the operation of this amendment, and I am very pleased to do so.

I hope the gentleman from Alabama will permit the amendment to be considered.

Mr. STARNES. I may say to the gentleman from Virginia, whom I respect and love very much as one of the ablest and most sincere Members of the House, that in the fiscal year 1938 the Congress of the United States appropriated $121,000,000 less than was requested by the President of the United States or the Bureau of the Budget, and that the gentleman and his subcommittee are today bringing out a bill appropriating over $3,000,000 less than was requested. If economy is to be practiced in the activities of the United States Government I believe it ought to be practiced by the legislative body through its appropriate committee, and that is the Committee on Appropriations.

Mr. WOODRUM. If the gentleman will yield, may I say that of course Congress appropriates less than the Budget estimates on particular items, but that is not where the damage is done, as the gentleman very well knows. Where the Budget is put out of joint and where the President is put in a hole is that items are added to bills when such items have not gone through the Budget and estimates have not been provided therefor, and the President is then put in a position in this or other bills of having to swallow things he does not want or approve items he does not want in order to get an appropriation bill passed.

Mr. STARNES. May I say further to the gentleman from Virginia that last year when his subcommittee came in here with a bill providing an appropriation of a billion dollars for relief it was overridden by pressure from the executive department and $500,000,000 was added thereto. But for such action the Congress would have balanced the Budget last year.

Mr. WOODRUM. I hope the gentleman will permit this very important part of the authority the President asked for in his Budget message to be granted, and not be the one to make a point of order against the amendment.

Mr. STARNES. Mr. Chairman, God knows I want economy in the Federal Government, but at the same time I want the power to control appropriations to remain vested where the Constitution has vested it—in the Congress itself. I believe we ought to pass upon the wisdom of items of appropriation. If a bill is unsound, it should be vetoed. If it is not unsound, the item should go through.

Mr. Chairman, I am going to insist upon my point of order that this amendment is legislation upon an appropriation bill.

Mr. TABER. Mr. Chairman, I submit the point of order comes too late.

Mr. STARNES. No, Mr. Chairman, I reserved the point of order when the gentleman from Virginia offered the amendment.

The CHAIRMAN. The Chair may state that when the gentleman from Virginia rose to offer the amendment the gentleman from Alabama rose and said, "I reserve a point of order." It is the opinion of the Chair the point of order does not come too late, because as soon as the amendment was offered the gentleman from Alabama stated he reserved the point of order.

Mr. WOODRUM. The gentleman from New York had interrogated me and had asked me to yield, Mr. Chairman.

The CHAIRMAN. Before that, however, the gentleman from Alabama was on his feet and stated he reserved a point of order. The gentleman from Virginia probably was looking the other way.

Mr. WOODRUM. Mr. Chairman, I want to be heard on the point of order if the gentleman from Alabama insists upon it.

Mr. STARNES. I withdraw the point of order, Mr. Chairman.

Mr. WIGGLESWORTH. Mr. Chairman, in view of the statement of the gentleman from Virginia, I offer an amendment to his amendment to except the Veterans' Administration from the provisions of the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH as an amendment to the amendment offered by Mr. WOODRUM: After the word "section", at the end of the proposed amendment, insert the words "*Provided further*, That this section shall not apply to appropriations made for the Veterans' Administration."

Mr. WOODRUM. Mr. Chairman, I am willing to accept that modification.

The amendment to the amendment was agreed to.

Mr. PHILLIPS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia.

Mr. Chairman, as a freshman Member of this House, who is an admirer of the President and has supported the President, I feel somewhat presumptous in taking the floor of the House at this time for this purpose, but my conscience will not permit me to sit here and vote again to give power which belongs in this group to any one individual outside it. I respect the President of the United States and respect his requests. I am sorry I cannot agree with him, but for my part I would not care if 10 Presidents asked us to vote away any of our power.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. No; I do not yield at this time.

I am against yielding further one iota of the power vested in us by the authority of the Constitution and included in the rights and privileges which are ours as Members of the House. Therefore I must conscientiously oppose the amendment offered by the gentleman from Virginia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. None of the funds appropriated or authorized by this act, unless otherwise expressly provided herein, shall be obligated or expended except in accordance with the terms and provisions of the Budget and Accounting Act, 1921.

Mr. WIGGLESWORTH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think section 4 is a very important section and one that speaks for itself. However, after consulting with the General Accounting Office, I believe the language ought to be somewhat changed in order to carry out the intent of the committee in this connection.

Therefore, Mr. Chairman, I withdraw the pro forma amendment and offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 65, line 6, strike out all of lines 6 to 9, inclusive, and insert in lieu thereof the following:

"None of the funds made available by this act for administrative expenses of the agencies under the caption "Emergency agencies" shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the terms and provisions of the Budget and Accounting Act of 1921, as amended."

Mr. WIGGLESWORTH. Mr. Chairman, the amendment speaks for itself. Its purpose is to bring the administrative expenses of the emergency agencies under the same auditing procedure as is now being followed for the regular Departments. It will not affect the expenditures of the general funds of these agencies other than those provided in this bill for administrative expenses. For example, none of the transactions of the Home Owners' Loan Corporation incident to the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation, or in which it has an interest, are affected by the language of this section. Only the funds provided in this bill for administrative purposes are so affected.

Two years ago the Congress provided in the First Deficiency Appropriation Act, fiscal year 1936, that these emergency agencies should not thereafter incur any obligations for administrative expenses, except pursuant to an annual appropriation specifically therefor. Since that time this bill has included the amounts which these agencies may expend for such administrative expenses. The purpose of that provision was to bring these expenditures under annual legislative review. By the same token, it is believed wise and proper to round out the annual legislative review of these administrative expenses by subjecting them to the auditing review and control of that important agency of the legislative branch, namely, the General Accounting Office.

The only effect of the amendment is to specifically prescribe the procedure which has heretofore always been followed by the General Accounting Office in connection with the expenditures of moneys appropriated for the regular departments. It is believed essential to adopt this substitute so that the intent of the Congress in this matter shall be clear and unmistakable and not subject to construction.

I understand the amendment is satisfactory to the gentleman from Virginia, the chairman of the subcommittee, and I ask its adoption.

Mr. WOODRUM. Mr. Chairman, I believe the amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. FISH moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. FISH. Mr. Chairman, I have offered this amendment for the purpose of going back to the section having to do with the Home Owners' Loan Corporation and the appropriation provided to carry on that work.

I thought this might be a good opportunity to discuss briefly the situation with which we are confronted. As of November 30, the Corporation had on its books 265,932 delinquent accounts.

Thirty percent of these loans are classified as delinquent. Accounts are considered delinquent which are 90 days or more in arrears. The Corporation has authorized the foreclosure of 115,788, or 11.4 percent of the total loans closed by the Corporation. The issue we are confronted with, therefore, is that if this situation continues the Government will become the greatest real-estate owner in the world.

I believe some Member on the Democratic side has offered a bill to reduce the rate of interest on these loans to 3½ percent and to extend the time of the loans to 25 years. I am simply taking these few minutes to say I believe this is the only thing we can do—reduce the rate of interest to 3½ percent and extend the time of the loans to 25 years.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New Jersey.

Mr. KENNEY. I may say that I introduced such a bill.

Mr. FISH. Well, I am proud of you; but what are you doing to get favorable action on it? I believe the gentleman from Pennsylvania, Judge Ellenbogen, likewise introduced such a measure and he has a petition at the Clerk's desk, and if we want a little more representative government of the type we got yesterday on the war referendum we can go up there and sign it. If the Members do not sign and no legislation of this kind is brought before the House the 30 percent now delinquent will soon turn into 50 percent, and we will be owning all these homes and will fail in what we started out to accomplish. I voted for the Home Owners'

Loan Corporation Act. I believed in it then, and I still believe in it.

It was an emergency proposition to help the American home owners, and if we want to do something in this country to promote real Americanism, then we should help safeguard the ownership of American homes. Do not let these homes be taken away from their owners because they cannot pay the 5-percent interest rate and amortization charges in addition. If you want to do something to combat radicalism, socialism, and communism, then try to keep the American people in their own homes.

I have taken these few minutes of time as I saw no other opportunity to discuss this issue.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mrs. ROGERS of Massachusetts. Does it not seem that the Home Owners' Loan Corporation might allow these people to stay in their houses and not force evictions? It can do the Government no good to own these houses or to have these homes empty during the winter months. I think it is a great pity they are to be evicted, and I have written letters to the Home Owners' Loan Corporation to this effect.

Mr. FISH. I will say to the gentlewoman from Massachusetts we have 11,000,000 unemployed in America. We are in a serious depression.

It seems to me that something ought to be done by the Congress to reduce the rate of interest at this session of Congress and extend the time to 25 years. I do not know whether I want to advise it or not, but perhaps also grant a moratorium for 1 year, until the new Congress convenes next January. It is shameful to throw these people out of their homes at the present time in the midst of this depression, when they cannot get any work, through no fault of their own.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. RANDOLPH. I am certain that what the gentleman says about the condition of these people is true. In my own district from personal observation and knowledge of the families asking help, it comes from those who are not trying to escape payment, but who are only asking for leniency and the lengthening of the time because they themselves are hardworking American citizens, who will meet their obligations if possible.

Mr. FISH. I am very glad to hear the gentleman say that. I deplore the fact that the Congress is not doing anything about it. We on our side cannot do anything except speak about it, but we are willing to go along with the Democratic leadership if they will only take steps to alleviate the situation. I have also introduced legislation but realize that a Republican sponsored bill gets little attention.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MURDOCK of Arizona. I am in sympathy with what the gentleman says. I have cases in my own State along that line. Has the gentleman any suggestion whereby, without being too harsh, the Government's interest in such property can be safeguarded?

Mr. FISH. The gentleman from Pennsylvania [Mr. Ellenbogen] has a bill which he cannot get out of committee. It is at the Clerk's desk for signatures of Members. It reduces the rate of interest from 5 percent to 3½ percent. The Government can get this money for under 3 percent or at 3 percent, and yet we are charging 5 percent. This will reduce the interest rate to 3½ percent and extend the time for amortization from 15 to 25 years. I submit that is fair. The Government does not lose 1 cent, and why not agree to it? Members can go up and sign it, but I would rather that they would ask their leaders to have the bill reported out immediately. I predict such a measure would pass by an overwhelming, if not unanimous, vote.

Mrs. ROGERS of Massachusetts. Is it not true that the Government can borrow the money at less than 1 percent?

Mr. FISH. Probably not, but at least at 2¾ percent or not more than 3 percent. Time is of the essence, and it is of the utmost importance that some legislation be passed immediately to relieve the situation and make it possible, at least during the winter months, for these home owners to maintain and live in their own homes. Foreclosures and evictions by the Federal Government are not only not desirable but actually cruel during the winter months and in the business depression for which they are not responsible. Those who are responsible, such as this administration, should be the first to offer adequate relief in the emergency.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the motion of the gentleman from New York that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The question was taken and the motion was rejected.

Mr. STARNES. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STARNES: Page 65, after line 5, insert a new paragraph as follows:

"SEC. 5. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States or of any agency, the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States, unless such person is a citizen of the United States."

Mr. WOODRUM. Mr. Chairman, I have no objection to that amendment.

Mr. STARNES. Mr. Chairman and members of the Committee, during the first session of the Seventy-fifth Congress the House passed without a dissenting vote my bill (H. R. 3423) which would have given preferred employment to American citizens by all the various establishments of the Government, permanent and temporary. This bill is now slumbering in the Senate Committee on Education and Labor. In order to protect the integrity of the National Budget and to give preferred employment to American citizens I have offered this amendment which contains a prohibition against paying any compensation to any officer or employee of the Government of the United States out of the appropriation contained in this act which provides for the expenditure of approximately one and a half billion dollars or approximately 20 percent of the National Budget, unless such officer or employee is a citizen of the United States. The limitation does not apply to officers and employees outside continental United States.

At a time when millions of American citizens are unemployed and unemployment is increasing daily it is high time we weed out of our governmental agencies every employee who is not a citizen of the United States. When American taxpayers are taxed for the support of our regular governmental agencies and institutions certainly American citizens should be employed to administer these agencies and to receive the compensation raised by such taxes. Unquestionably hundreds of millions of dollars have been spent in the past 5 years in giving employment to people who were not American citizens even though we had millions of American citibens out of employment. This practice must stop. I urge the adoption of my amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R.

8837, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a special vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith with the following amendment: On page 45, line 23, after the figures "1939", strike out the sum "$37,237,000" and insert in lieu thereof "$36,159,000."

Mr. WOODRUM. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that the Clerk may have permission to correct the totals and section numbers.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and to include therein one table from the hearings.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE PENNSYLVANIA DELEGATION

Mr. GRAY of Pennsylvania. Mr. Speaker, in the February issue of the American Magazine in an article entitled "Keystone Joe," written by one John Janney, there appears this statement, which has no doubt interested the membership of this House:

He controls a solid block of 27 Pennsylvania Democrats in the House of Representatives, and knows how to use them when he needs them.

Mr. Speaker, I do not know what the estimation of the House is of the Pennsylvania Democratic delegation here, but I do not believe it is so low as is indicated in that statement.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the distinguished gentleman from New York City.

Mr. O'CONNOR of New York. Who is this "Keystone Joe," or whatever he is called in that article?

Mr. GRAY of Pennsylvania. "Keystone Joe," I take it, because the article says so, and here is a picture, is Senator GUFFEY, of Pennsylvania.

Mr. O'CONNOR of New York. Is he in the Senate still?

Mr. GRAY of Pennsylvania. He is still in the Senate, I understand. Here is a publication that claims a circulation running into the millions, going into hundreds of thousands of homes, onto the newsstands throughout the entire country, on railroad trains, on steamships sailing the seven seas, carrying an article in which the 27 Members of the Pennsylvania Democratic delegation in this body are held up to obloquy and public scorn.

It might not be so bad to charge our delegation, individually or collectively, with murder or treason, or other high crimes and misdemeanors, or stealing candy from a baby, or sneaking women's handkerchiefs; but to charge us with the scullion knavery of legislative servility to Senator GUFFEY—to allege baldly that he uses us when he needs us, for any purpose, at any time, and to any ends—that, sir, is adding infamy to injury, and heaping insult upon indignity.

For myself—I cannot speak for other Members of the delegation—I denounce that statement as utterly false and condemn it in its entirety. It is probably intended to, and actually does, bring every one of the Democratic Congressmen from Pennsylvania into public ridicule and contempt. There is, and there can be, only one inference, and that is that every Pennsylvania Democratic Congressman acts and votes, not in accordance with his oath of office or the Constitution, or the moral sentiment of the people in his district and in the country at large, or according to the honest convictions of his soul, but that his decisions, his acts, his votes, are controlled and directed by Senator GUFFEY.

Mr. STACK. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. Certainly I will yield to my distinguished and honorable colleague from Philadelphia.

Mr. STACK. Speaking for myself, I concur in the views of my Democratic colleague from Pennsylvania. I may say that neither JOE GUFFEY nor anybody else controls me here in this House. Only the people in my district control me. [Applause.]

Mr. GRAY of Pennsylvania. I felt sure that was the attitude of my friend from Philadelphia, and I hope it is the attitude of other Members in this House from Pennsylvania.

Mr. Speaker, I shall demand a retraction of this slanderous statement from the publishing company that produces this magazine. If a full and complete retraction is not immediately forthcoming, I expect to invoke my legal rights in order to get a vindication of my legislative integrity. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to revise and extend his remarks.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD by including therein an article by my colleague the gentleman from Connecticut [Mr. CITRON] on flood control in New England.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AN ADDRESS TO THE AMERICAN PEOPLE

Mr. CHURCH. Mr. Speaker, if there is one indictment which can be preferred against this so-called New Deal, it is that it has persisted in fostering among a free, friendly, and otherwise united people a spirit of hate, bitterness, intolerance, bigotry, and class consciousness. I do not believe our country has ever experienced a period in which there has been such widespread appeal to prejudices on the part of the Federal Government officials. Nor do I believe there has ever been such deliberate and inexcusable efforts on the part of the high officials of this administration to turn honest differences of opinion into bitter issues and to kindle the fires of hatred.

The United States is not composed of over 130,000,000 people sharply divided into classes with conscious differences which cannot be reconciled. The strength of our country as a democracy has always been the absence of defined classes with irreconcilable differences and clashing interests. The absence of class consciousness and class hatreds has enabled this country to continue forward while other nations suffer with revolutions.

For the sake of convenience we speak of the farmer as one group, the industrialists as another, the employee, the employer, the wage earner, the manager, and so forth. But, as fair-minded people, we do not think of them as distinct classes in the social order with interests altogether different from another group. We recognize certain differences of opinion between groups and constant need of adjustments, that all may enjoy an equitable share in the product of their labors and equal opportunity. At the same time, we should not fail to recognize that the welfare of one is intimately bound up with the welfare of the other.

It is to that thought that I take this occasion to appeal to the Members of this body and to our people that we rededicate ourselves. If we are to solve the problems now facing us, we will have to rededicate ourselves to the unity of spirit and ideals that have made America. It is for us to foster the spirit of unity, that we are one people. The spirit of Americanism transcends any political controversy.

In this spirit I wish, with all the emphasis I can command, to call attention to the remarks of Senator BAILEY on December 20, at which time he read to that body the document entitled "Address to the American People." To be sure, I have not been in agreement with Senator BAILEY in his views on various specific measures which have come before the Congress. But that is a matter of small consequence compared to the task before us.

As the record shows, this document was written by a number of Democratic Senators and Republican Senators in an honest effort to lay a basis for cooperation toward a program which will give the American people a real economic recovery and correction of abuses. For 5 years under the new dealers, who has usurped control of the Democratic Party, we have had name calling, blaming of each other, disunity, and continued experiments in a search for some magic formula. As evidenced by the 1937 business recession, we are practically back where we started.

Mr. Speaker, I hope we can have an end of these name-calling practices and distortion of facts. I hope we can have an end of this blaming someone else for administration mistakes. I hope we can have cooperation and unity. I hope that business will be given encouragement rather than have continued attacks made upon it, and I hope that business will respond to the encouragement.

Mr. Speaker, the Address to the American People represents the proper approach to our problems. It lays the basis for a sound program in lieu of this nonsense of the new dealers. I appeal to all of you, Republicans and true Democrats, as well as to my people, to give it earnest consideration. It points the way to the traditional American method of meeting emergencies and going forward to still greater progress, greater prosperity, and greater happiness of all the people in all walks of life. [Applause.]

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADLEY. Mr. Speaker, I have not read the article referred to by the gentleman from Pennsylvania [Mr. GRAY], but may I say that the Senator from Pennsylvania has never made any pretense of controlling the consciences or the votes of the Members of Congress from Pennsylvania. It is not necessary for any Member of this House representing the State of Pennsylvania to answer an article of that type.

EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at the point where I offered my last amendment.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KENNEY asked and was given permission to extend his own remarks in the RECORD.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5871. An act for the relief of Ralph B. Sessoms.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 5871. An act for the relief of Ralph B. Sessoms.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 12, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, January 12, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

There will be a meeting of Mr. CROSSER's subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Friday, January 14, 1938. Business to be considered: Continuation of hearing on House Joint Resolution 389, Withrow resolution.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Wednesday, January 12, 1938, at 10:30 a. m.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 12, 1938, for the public consideration of H. R. 8711 and H. R. 7369.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RANDOLPH's Subcommittee on Public Utilities of the Committee on the District of Columbia will meet Thursday, January 13, 1938, at 10 a. m., in room 362 (caucus room), House Office Building. Business to be considered: H. R. 6811, streetcar capacity; H. R. 6862, maximum-fare investigation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

982. A letter from the Acting Chairman, Federal Power Commission, transmitting the Seventeenth Annual Report of the Federal Power Commission, for the fiscal year ended June 30, 1937, with additional activities to December 30, 1937; to the Committee on Interstate and Foreign Commerce.

983. A letter from the Attorney General, transmitting copy of a proposed bill to amend the Federal Corrupt Practices Act; to the Committee on the Judiciary.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8660) for the relief of Ray Woolven, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 8905) to repeal paragraph (1) of subsection (b) of section 43 of title III of the act of May 12, 1933 (Agricultural Adjustment Act, 48 Stat. 52); to the Committee on Agriculture.

By Mr. BLAND: A bill (H. R. 8906) to amend section 4311 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYKIN: A bill (H. R. 8907) to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to deputy marshals of the United States; to the Committee on the Civil Service.

By Mr. DICKSTEIN (by request): A bill (H. R. 8908) to provide for uniform regulation of marriage and divorce; to the Committee on the Judiciary.

By Mr. DOCKWEILER: A bill (H. R. 8909) to amend the Merchant Marine Act of 1936, to further promote the merchant marine policy therein declared, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORAND: A bill (H. R. 8910) to restore the grade of certain clerks reduced as a result of the Terminal Reclassification Act; to the Committee on the Post Office and Post Roads.

By Mr. HOFFMAN: A bill (H. R. 8911) to amend the National Labor Relations Act; to the Committee on Labor.

By Mr. WILCOX: A bill (H. R. 8912) to extend the provisions of the act of June 8, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities"; to the Committee on the Public Lands.

By Mr. PACE: A bill (H. R. 8913) to amend the paragraph entitled "Price adjustment payment to cotton producers" in title I of the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public, No. 354, 75th Cong.); to the Committee on Agriculture.

By Mr. LUECKE of Michigan: A bill (H. R. 8914) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BARTON: A bill (H. R. 8915) to abolish the Commodity Credit Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. DICKSTEIN (by request): Joint resolution (H. J. Res. 558) proposing an amendment to the Constitution of the United States relative to marriage and divorce laws; to the Committee on the Judiciary.

By Mr. DEMPSEY: Joint resolution (H. J. Res. 559) authorizing the President to issue a proclamation with respect to commemoration of the four hundredth anniversary of the journey and explorations of Coronado in western America; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 8916) for the relief of N. W. Ludowese; to the Committee on Claims.

Also, a bill (H. R. 8917) granting a pension to Anna C. Brock; to the Committee on Pensions.

By Mr. DORSEY: A bill (H. R. 8918) for the relief of William H. Verity; to the Committee on Military Affairs.

By Mr. ECKERT: A bill (H. R. 8919) granting an increase of pension to Martha E. Hodil; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 8920) for the relief of James A. Mills; to the Committee on Claims.

Also, a bill (H. R. 8921) granting a pension to Sherman Lee Rhea; to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 8922) for the relief of E. E. Johnson; to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 8923) granting an increase of pension to Emily R. Dusenbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8924) granting an increase of pension to Mary E. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting a pension to Lena Agnes Michaels; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8926) granting an increase of pension to Mary E. Ward; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3765. By Mr. KENNEY: Petition of Edward Parkyn Post, No. 48, American Legion, favoring the passage of the universal service bill; to the Committee on Military Affairs.

3766. Also, petition of the South Jersey Industrial Council, favoring the Schwellenbach-Allen resolution; to the Committee on Ways and Means.

SENATE

WEDNESDAY, JANUARY 12, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, January 11, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Lonergan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smathers
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Steiwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkley	Hale	Miller	Townsend
Bulow	Harrison	Minton	Truman
Burke	Hatch	Moore	Tydings
Byrd	Hayden	Murray	Vandenberg
Byrnes	Herring	Neely	Van Nuys
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	Nye	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Oklahoma [Mr. LEE] and the Senator from Wyoming [Mr. O'MAHONEY] are detained on important public business.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

REPORT OF FEDERAL BUREAU OF NARCOTICS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Federal Bureau of Narcotics, prepared by the Commissioner of Narcotics, for the year ended December 31, 1936, which, with the accompanying report, was referred to the Committee on Finance.

REPORT ON FEDERAL-AID ROAD WORK

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a report concerning Federal-aid work administered by the Bureau of Public Roads for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

AMENDMENT OF CIVILIAN CONSERVATION CORPS ACT

The VICE PRESIDENT laid before the Senate a letter from the Director of the Civilian Conservation Corps, transmitting a draft of proposed legislation to amend an act approved June 28, 1937, entitled "An act to establish a Civilian Conservation Corps, and for other purposes," which, with the accompanying papers, was referred to the Committee on Education and Labor.

QUARANTINE STATION AT GALVESTON, TEX.

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex., which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

PETITIONS

Mr. TYDINGS presented a resolution adopted by the board of directors of the Baltimore (Md.) Association of Credit Men, favoring amendments to the Revenue Act of 1936 relating to corporations, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the State of Maryland, praying for the enactment of legislation repealing the present surplus-profits tax and capital-gains tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Montgomery County (Md.) Farm Bureau, favoring continuance of the present soil-conservation program, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

A bill (S. 3218) granting a pension to Florence Adele Keyes Gibson; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3219) for the relief of Lester M. Newcomb (with accompanying papers); to the Committee on Military Affairs.

By Mr. ANDREWS:

A bill (S. 3220) to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. ASHURST:

A bill (S. 3221) to amend the Federal Corrupt Practices Act; to the Committee on the Judiciary.

By Mr. WHEELER:

A bill (S. 3222) for the relief of Florence Holt; to the Committee on Claims.

By Mr. BYRD:

A bill (S. 3223) for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy; to the Committee on Naval Affairs.

By Mr. NYE:

A bill (S. 3224) to provide for the payment under section 602 of the Revenue Act of 1936 of claims placed in the mails prior to January 1, 1937; to the Committee on Finance.

A bill (S. 3225) for the relief of Otto C. Asplund; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3226) for the relief of Sophie Ferreira; to the Committee on Claims.

By Mr. JOHNSON of Colorado:

A bill (S. 3227) for the relief of Mr. and Mrs. Chester A. Smith; to the Committee on Claims.

By Mr. MILLER:

A bill (S. 3228) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 3229) granting a pension to Ina B. Ritchey (with accompanying papers); to the Committee on Pensions.

By Mr. BULKLEY:

A bill (S. 3230) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. NEELY:

A joint resolution (S. J. Res. 245) to authorize acquisition of land for the Bluestone Reservoir project, and for other purposes; to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONFIRMATION OF APPOINTEES PERSONALLY OBJECTIONABLE TO A SENATOR

Mr. BORAH submitted the following resolution (S. Res. 221), which was referred to the Committee on Rules:

Whereas it has been the practice of the Senate to refuse to confirm a nominee of the President upon a statement by a Senator from the State affected that such nominee is personally offensive or personally objectionable; and

Whereas the matter of confirmation should be determined by the qualifications and fitness of the nominee, and not by the personal feelings, likes, or dislikes of a Senator; and

Whereas such a practice transfers the power of rejection or confirmation from the Senate as a whole to a single Senator, in violation of the spirit, if not of the letter, of the Constitution: Therefore be it

Resolved, That the Senate discontinues and disapproves of such practice and will hereafter not respect or give effect to objections based upon the fact that said nominee may be declared personally offensive or personally objectionable to a Senator.

JACKSON DAY DINNER ADDRESS BY SENATOR WALSH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the Jackson Day dinner address delivered by Senator WALSH at Boston, Mass., on January 8, 1938, which appears in the Appendix.]

INSURING THE FUTURE—ADDRESS BY SENATOR PEPPER

[Mr. MCADOO asked and obtained leave to have printed in the RECORD an address on the subject Insuring the Future delivered by Senator PEPPER at Jacksonville, Fla., on December 30, 1937, which appears in the Appendix.]

COMMENTS BY SENATOR REYNOLDS ON PRESENT POLITICAL DEVELOPMENTS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article written by him entitled "In Washington" dealing with present political developments, which appears in the Appendix.]

JACKSON DAY DINNER—ADDRESS BY HON. M. R. DIGGS, PORTLAND, MAINE

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. Marshall R. Diggs, Executive Assistant to the Comptroller of the Currency, at the Jackson Day dinner at Portland, Maine, on January 8, 1938, which appears in the Appendix.]

TAPPING OF TELEPHONE WIRES IN INTERIOR DEPARTMENT

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Washington Daily News of January 12, 1938, entitled "About Snooping," which appears in the Appendix.]

LACK OF DISCIPLINE IN THE MERCHANT MARINE

Mr. COPELAND. Mr. President, I hold in my hand an editorial from this morning's New York Times headed "Men as Well as Ships." There are some very pertinent statements in the editorial. It calls attention to the fact that "the indiscipline and insubordination, the slackness, and inefficiency aboard American merchant vessels have been emphasized time and again of recent years by conditions that cry aloud for rectification, and Mr. Kennedy himself has repeatedly warned that there must be discipline afloat."

Mr. President, we are holding hearings in the Committee on Commerce that indicate a very serious lack of discipline on American ships. This condition will be presented at length, and I hope shortly, to the Senate. I wish to say for myself that I would think it a great mistake for the Government now to expend any money on the building of new ships until we can have discipline on our ships. There is not any use in having the ships without it. Safety at sea is seriously affected by present conditions, and I am sure that when the Senate has a full revelation of what we have heard in the Committee on Commerce during the past 2 or 3 weeks its Members will be shocked, as the country will be shocked. But for the moment I am satisfied to say what I have said, and to ask that in connection with my remarks the brief editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of January 12, 1938]

MEN AS WELL AS SHIPS

It is no more than coincidence that about the time the old *Leviathan* is almost ready to start on her final voyage to the shipbreakers "the largest peacetime shipbuilding program in the history of the American merchant marine" is getting under way. The consummation of plans calling for the immediate construction of 20 ocean-going vessels and the preparation of designs for 23 more was announced Sunday by Joseph P. Kennedy, retiring Chairman of the Maritime Commission, who certainly deserves from the American public a fervent "Well done" for his many accomplishments during the too brief months of his regime.

But in retrospect, looking back upon the career of the *Leviathan*—once the queen of the western ocean—there is something to be learned about operations on blue water that should be heeded in the development of our plans for a marine renaissance. The *Leviathan*, largely because of her tremendous size, was never, except in those brief months of 1914 when she was new, and later in the heyday of her glory as a troopship, a success. She was too big to be successful. That lesson, fortunately, has been well learned, and the plans for our new vessels call for no such "leviathans," impressive but uneconomical. But there is another and a more bitter lesson from the *Leviathan's* history, and it must be well learned. It is the lesson of the men who manned her. The old *"Levi"* had good crews in her day, but few of them—when she was flying our flag—could match in discipline, in all-around knowledge of their jobs and in general sea-going ability those German merchant sailors who manned the old *Vaterland* when she first took to the sea.

For it has been the disgrace and the misfortune of the American merchant marine that our merchant sailors, particularly in the days since the war, have failed to equal in smartness, in ability, in knowledge of their jobs, and in discipline, the seamen of other nations. The indiscipline and insubordination, the slackness and inefficiency aboard American merchant vessels have been emphasized time and again of recent years by conditions that cry aloud for rectification, and Mr. Kennedy himself has repeatedly warned that there must be discipline afloat. He has himself initiated a training program looking toward the creation of a more devoted and efficient body of American seamen, a program on which Congress has taken no tangible action. Thus, satisfaction about the program of new ship construction must be tempered by the realization that we have as yet accomplished little toward the solution of the problem of maritime labor, and until that is solved, until we have well-trained, efficient, disciplined men to man our new ships, we can have no merchant marine worthy of the name.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. At the time the Senate took a recess yesterday evening the Senator from Georgia [Mr. RUSSELL] had the floor and gave notice that he would like to continue this morning. The Chair, therefore, feels that he should recognize the Senator from Georgia.

Mr. RUSSELL. Mr. President, yesterday when the Senate proceeded to the consideration of executive business I was discussing crime in all its phases throughout the entire United States. I had presented a statement from the Attorney General of the United States and had read a brief extract from a speech by Mr. Hoover, the head of the Federal Bureau of Investigation, which demonstrated from the facts and statistics on file in the Department of Justice that something like 1,500,000 major crimes are committed in the United States each year.

I had cited some statistics showing that the law-enforcement agencies in areas other than the Southern States had signally failed to cope with the rising tide of crime in all its forms and that few of the offenders against the penal statutes in those States were brought to justice.

It was my purpose, Mr. President, to demonstrate the absurdity of the Senate of the United States considering a measure in the guise of dealing with crime which even the sponsors admitted would only deal with eight of the twelve thousand murders in the United States each year and would leave the Federal Government impotent to deal with the 1,500,000 major crimes committed each year.

I had shown that this bill within its four corners does not provide for any punishment whatever for a single member of a lynching mob, but that it merely proposes to punish the peace officers of the county in which such an offense might be committed, and that it had the very unusual provision that the citizens of the county would be subjected to damages in the sum of from two to ten thousand dollars even if they had never heard of the crime of which the victim of the mob was charged and were bitterly opposed to the action of the mob in lynching the victim.

Those statements were made, Mr. President, laying the foundation for amendments which doubtless will be submitted to this bill at a subsequent date, which will be founded on the very fair proposition that if the Federal Government is to deal with crime, if we are to seek to invade the boundaries of the States to see about instances of laxness in law enforcement and penalize the failure of States or counties or cities to punish for crime, unless the Senate proposes to be unfair, if not cowardly, in singling out crimes that are confined to one section of the country, it will undertake to deal with this problem generally, and to establish the rule wherever any person is deprived of life by any criminal means, his family shall have a right to sue the county.

Mr. President, in the discussion of this matter the other day, my beloved friend the senior Senator from Illinois [Mr. LEWIS] offered an amendment which proposed to strike from the bill the very remarkable provision inserted by the Committee on the Judiciary which contemplated that the Congress of the United States should in effect issue a Federal license to gangsters and to racketeers to ply their nefarious trade, to commit their horrible crimes of murder, without becoming involved in the toils of the Federal law or being brought within the purview of this statute. Of course, when this provision, which would have declared an open season for gang killings everywhere within the United States, was exposed, the sense of decency of the American people was aroused; and the Senator from Illinois, when he finally read this measure, offered an amendment to strike that provision from the bill.

However, in the course of efforts to interrogate the Senator from New York [Mr. WAGNER], the author of the bill and its principal sponsor, who does not honor me by his presence at this time, the Senator from New York refused to say——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. In fairness, it ought to be stated that the Senator from New York [Mr. WAGNER] is absent on account of illness.

Mr. RUSSELL. I regret to hear that the Senator from New York is ill; and I hope the explanation of this bill by those who have read it has had nothing whatever to do with his impaired physical condition.

Mr. LEWIS. Mr. President——

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. LEWIS. I stated this morning the illness of the Senator from New York. The Senator from Georgia evidently did not hear my explanation of his absence.

Mr. RUSSELL. I did not hear the Senator from Illinois state that the Senator from New York was sick. I regret to hear it. But the Senator from New York—who is the only sponsor of this measure who has said anything at all on the floor, and who has confined his remarks to brief statements made when he was dragged to his feet by direct questions propounded by those who were seeking light on the bill, or who were opposed to its passage—stated that he was solely concerned about the offense of lynching, and that lynching was defined in the bill; and he implied that the crime of gang killing would still be eliminated and not brought within the purview of this measure.

Mr. President, I think the discussion of yesterday, showing the large number of murders and gang killings which take place in the city of New York and which doubtless prevail in other cities, should convince the Members of the Senate in general, and the distinguished Senator from Illinois in particular, that there should be some specific mention in the bill of killings by gangs and some penalty imposed on communities which permit gangsters to ply their nefarious trade.

Therefore, when this matter shall have been fully debated and when the Senate shall be about to reach a vote on the amendment offered by the Senator from Illinois, I shall suggest to him that, instead of striking out, in line 10, page 7, the language which proposes to eliminate all reference to violence between members of groups of lawbreakers, such as are commonly designated as gangsters or racketeers, we be fair about this matter and merely strike out the word "not", in line 10, so as to make it clear and specific that the provisions of the bill, if it shall ever be enacted, shall apply to gang killings.

Mr. McKELLAR rose.

Mr. RUSSELL. If the Senator from Tennessee will pardon me 1 minute, I wish to read the language as it will be if the Senator from Illinois will so modify the language of his amendment:

That "lynching" shall be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I desire to say to the Senator that I have prepared an amendment by way of a substitute for the amendment of the Senator from Illinois which does exactly what the Senator from Georgia now suggests, and I should like just a moment to read it at this point.

This amendment is intended to be proposed by me in the nature of a substitute for the amendment of the Senator from Illinois.

On page 7, line 9, after the word "act", strike out the proviso ending in line 16, and in lieu thereof insert the following:

Provided, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers, such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.

Mr. RUSSELL. Mr. President, I am sure that amendment will appeal to the sense of fairness of the Senator from Illinois. Of course, sometimes crimes of violence that occur in the Southern States are referred to as lynchings when under identically the same state of facts they would be called gang killings in Illinois, or New York, or some cities where gang killings are frequent, and I am sure the Senator from Illinois will agree to that modification of his amendment. I may say to the Senator from Tennessee that I also had thought of offering an amendment to that effect, but it occurred to me that perhaps the amendment was an amendment in the third degree, and therefore would be subject to a point of order. The Judiciary Committee, in redrafting the bill, in order to put in this language on gang killings and labor disputes and to exempt them from the operations of the proposed law, had rewritten the entire bill, and the Senator from Illinois had offered his amendment to the rewritten measure, and I apprehended that if another amendment should be offered to the amendment of the Senator from Illinois it probably would be in the third degree, and would not be in order. For that reason I had directed to the attention of the Senator from Illinois the provision which I proposed to change, hoping that he himself would adopt the suggestion, and under parliamentary procedure it would then be in order.

Mr. McKELLAR. Mr. President, I have interviewed the Parliamentarian, who says that the amendment of the Senator from Illinois would be in the first degree, and this amendment therefore would be in order.

Mr. RUSSELL. I am delighted to have that assurance from the Parliamentarian, because that assures us that we shall have a record vote on this question when it is finally reached and submitted to the Senate. However, I know that the distinguished and eminent senior Senator from Illinois [Mr. LEWIS] and his colleague [Mr. DIETERICH] will vote with the Senator from Tennessee and myself on this question, because the senior Senator stated that as the language of the bill was worded it constituted a reflection on his State. He further stated that he insisted that the police powers of his State, the law officers and the peace officers, were able to enforce the laws in their community. He stated that he felt that this particular provision—being the provision specifically exempting gangsters from the bill, and allowing them, under what is in effect a license issued by the Federal Government, to carry on all of their horrible crimes—was unworthy because it reflected upon his people. He felt that the provision reflected upon the great State of Illinois. That leads me to conclude that when the final vote shall be taken on this bill, the Senator from Illinois will be found voting in the negative, because it has not been denied here that this bill is a reflection on the section of the United States which I have the honor partly to represent in this body.

Mr. President, I have been doing a small amount of research work on the general subject of crime in all its forms in the United States. I have not been able to cover the field thoroughly. I have been able to reach only one or two of the larger cities, where better statistics are had on crime than elsewhere and where more work has been done by the citizens to provide information for the enlightenment of the public as to the conditions in those cities, doubtless with a view of emulating the fine record of the Southern States and reducing the crimes other than lynching that have recently been on the increase in those States to the same proportion we have reduced lynchings, which have been all but eliminated.

Mr. President, we are delighted that these citizens of other sections that are crime-infested, that are crime-ridden—sections where it is necessary for persons even to arm themselves to go to church, to have a police escort to watch over them while they listen to prayers, in order to avoid being beaten by thugs and banditti—are now to commence a movement similar to that which was inaugurated in the Southern States in regard to lynching a great number of years ago, and seek to eliminate and stamp out the peculiar crimes with which their respective sections are afflicted.

In the consideration of this bill amendments will be offered which will be designed to penalize the crime called racketeering. Mr. President, I never have been able to know from first-hand experience about the crime of racketeering. Though in my feeble way I have practiced law in the courts

of a number of counties in my State, I have never come in first-hand contact with it.

I have not seen articles in the newspapers of my State which would indicate that this terrible crime of racketeering was prevalent in my State or in any of the sister States. But for the moment I shall become imbued with the spirit which inspires those who propose the pending bill, to go out and inform somebody else, to go into some other State and punish the peculiar crimes which happen in those States through the process of invoking the power of the Federal Government. In order to test the good faith of these good gentlemen who are so disturbed about crime, an amendment will be offered at a later time which will seek to bring this terrible crime of racketeering within the purview and the provisions of the pending measure.

What is racketeering? For the information of some of my colleagues from Southern States who are not familiar with racketeering, and who might think from hearing the term that it was some kind of a game that was played with rackets and a ball, I will go to the report of the Illinois crime survey for a brief explanation of what constitutes racketeering. I know personally but one or two of the gentlemen who are members of the Illinois Association for Criminal Justice, who are members of the organization responsible for the Illinois crime survey. I will read a list of some of the officers. Perhaps one of the Senators from Illinois or the adjoining States have heard of them.

Mr. Rush C. Butler, of Chicago, is the president. Mr. Walter A. Rosenfield, of Rock Island, is a vice president. Mr. E. E. Crabtree, of Jacksonville, is a vice president. Mr. M. A. Graettinger, of Chicago, is the secretary. Mr. Earle H. Reynolds, of Chicago, is the treasurer. Then follows a list of some 150 or 200 names of directors of the organization.

I notice on the survey committee, which actually made the survey, the names of Mr. Amos C. Miller, chairman; Mr. John S. Miller, vice chairman; and a long list of other names, among them Mr. Sewell E. Avery, Mr. Matthew Woll, Mr. F. W. Woodruff, and others who were interested in conducting this survey of crime in the State of Illinois.

I make this statement because I do not want to assume responsibility for the many very startling facts which are disclosed by this survey. Later on, when we come to a consideration of the amendments which will be offered, it will perhaps be necessary for me to read part if not all of this book to the Members of the Senate in order to inform them of the nature of some of the crimes the amendments will seek to reach.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield.

Mr. LEWIS. I answer the suggested interrogatory of the able Senator from Georgia by saying that I know all of the officials and the members of the association to which he alludes. They are very high-class citizens. Many of the officials are well known to me. They are leading lawyers of the bar, and because of the very great work they did, which resulted in the complete control of that heinous offense referred to in the communication, I deem it wholly unnecessary to retain in the bill the provisions which I have moved to strike out by amendment. But the able Senator from Georgia may rest assured that the names referred to are of respected citizens whose recommendations can be treated as entitled to consideration.

Mr. RUSSELL. I am delighted to have the Senator from Illinois bear witness to the character of these gentlemen I have named. I was not able to do so because I did not know them personally. I am glad to have their credibility established by so eminent authority as the Senator from Illinois.

Mr. LOGAN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I gladly yield.

Mr. LOGAN. I have been interested in what the Senator has been saying about gangsters and racketeers. We have no lynchings in Kentucky; therefore the bill does not affect us. We have no gangsters; consequently the amendment will not affect us in that respect. Nor do we have any racketeers. But I warn the Senator from Tennessee and the Senator from Georgia, as well as the Senator from Illinois, that when they are considering amendments of this nature they would better stay off feudists. We do not want them included. [Laughter.]

Mr. RUSSELL. Mr. President, I wish to congratulate the Senator from Kentucky upon his frankness. May that spirit continue to increase and grow until it finally pervades this Chamber, and then perhaps we may be able to get someone who is in favor of the bill to speak for it, explain its terms, and attempt to defend its constitutionality. If the same frankness shall inspire them that inspires the able Senator from Kentucky, we may be able to get this measure out of the way and proceed to transact business which is important to all the people of the United States.

Mr. LOGAN. Does not the Senator believe it is a little bit unfair to chide those who sponsor the bill for not explaining it, when, so far as I have been able to observe, those who oppose the bill have had the right-of-way all the time, and have occupied the floor all the time? No one has had opportunity to explain it.

Mr. RUSSELL. Mr. President, I doubt that the statement of the Senator from Kentucky is quite as fair as the one he made a few moments ago, because it is an unbroken rule of the Senate which has been handed down from the first bill that was ever presented to the Senate of the United States, that when a measure is presented in this body for its consideration the authors of the measure have the right-of-way to explain the measure. I am sure that any Senator who has ever presided over this body, in the seat now occupied by the distinguished President pro tempore of the Senate, always looks first to the Senator who is the author of a bill to explain its terms and provisions.

Mr. LEWIS. Mr. President, will the Senator from Georgia yield further?

Mr. RUSSELL. I am glad to yield.

Mr. LEWIS. I am not able to say that I wholly understand the application of the word "feudists" as suggested by the eminent Senator from Kentucky. But to the able Senator from Georgia, who referred to racketeers, thinking possibly the innocent people in his beloved State may assume racketeering to be a little game conducted by some form of ball and racket, I suggest that racketeering is not a ping-pong game.

Mr. RUSSELL. It is, to one extent. It is played with an instrument which shoots "ping" and goes "pong" on the opposing competitor in the racket, and so eliminates him.

I will further enlighten the Senator from Illinois in regard to the distinction between feudists and gangsters and lynchers. The difference between the three is this: When three or four people get together and shoot another in Kentucky it is called a feud killing. When seven or eight of the constituents of the Senator from Illinois band themselves together and go out and get machine guns and bombs, which latter, I believe, in provincial verbiage are called "pineapples," and go out and shoot down four or five of their enemies in gangs, that is called a gang killing. When seven or eight people band themselves together in the Southern States and go out and shoot or hang some person charged with crime, that is called a lynching. That is the difference between the three, which the Senator from Illinois said he could not altogether understand.

The principle difference is that of the three the gang killings are showing the greatest increase. We do not have the statistics as to feuds, which perhaps can be supplied by the Senator from Kentucky; but lynchings have almost been eliminated. When murders of this type come to be considered in the Congress of the United States, however, the Congress is only willing to invade the South and attempt to deal with the crimes referred to as lynchings, which are fewest in number among these crimes. I hope that will make the matter clear to the Senator from Illinois.

Mr. LOGAN. Mr. President, I do not like to have our feudists mixed up with gangsters and racketeers or lynchings. Our feudists are perfectly honorable, upright men

[laughter], and they never kill a man without a reasonable and just cause for doing so. That is the difference.

Mr. LEWIS. Mr. President, I desire to say to the Senator from Georgia, in view of his kind allusion and his having offered an explanation as to these three elements or gradations of method which he feels might make the matter clear to my understanding, that so innocent have I been of any association with any of these offenses, or understanding of them, that naturally I am wholly innocent of all the means of accomplishing them.

Mr. RUSSELL. I am sure that the Senator from Illinois is wholly innocent, because he stated on the floor of the Senate a few days ago that the officers in his State were dealing with these crimes and had always been dealing with them, in the face of the report to which I shall refer in a few moments.

Mr. McKELLAR. Mr. President, has the Senator any statistics from the book he holds in his hand which will show that the States have ever punished these gangsters for killing their fellow gangsters or others? As I recall the statistics—and I have them somewhere and will submit them later—they show that in practically all cases no true bill is ever found, but that the prosecuting attorney appears and nolle prosses the case. Practically none of the criminals are punished for these gang killings. I refer especially, because I have looked the matter up, to the State from which my beloved friend the Senator from Illinois comes. I have read the statistics, and I shall submit them a little later for his special benefit and for the benefit of other Senators.

Mr. LEWIS. Mr. President, I am compelled to say that my able friend from Tennessee has been greatly misinformed if he has come to the conclusion which he has expressed. There have been one or two instances where the killings have not been successfully followed up, on account of lack of evidence or lack of complete investigation, but the Senator will find that in most instances there have not only been prosecutions but convictions and executions in the State of Illinois for the offenses he has described.

There was one particular matter referred to by the Senator from Idaho in the discussion between us touching some matter of a newspaperman and some killings which followed, which is the case my able friend is justified in saying has not yet been settled and the offender punished. The matter is still under investigation.

Mr. RUSSELL. Mr. President, there seems to be some little difference between the report of the Illinois crime survey and the statement just made by the Senator from Illinois. However, I know that the Senator from Illinois has information of the facts of which he speaks which he will reveal later.

Mr. LEWIS. Will the Senator from Georgia call attention to the date of this report?

Mr. RUSSELL. Yes; it is for the years 1926 and 1927. I have also other statistics which I will insert in the RECORD at a later time, if I have not already done so, for as recent a date as 1936. But in the city of Chicago and the county of Cook, according to this report, in the years 1900 to 1926, there were 760 murders known to the police in the one county and in the one city.

The Senator from Illinois [Mr. LEWIS] refers to the punishment. This report shows that in connection with those 760 murders for the 2 years 1926–27 the death sentence was imposed in only 9 cases.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. In the year 1927, according to the report of the Illinois Crime Commission—and I am afraid my distinguished and eloquent and learned friend from Illinois has not kept up with what has transpired in his city—appears this statement which I read:

> The fact that there was only one death sentence pronounced in 1927, and it was appealed from, indicates that there will be few death sentences executed in 1928. In 1910 and 1911 no persons were hanged in this county. In 1912 there were 5; in 1913–14, none; in 1915, 1; in 1916 and 1917, none; in 1918, 4; in 1919, 3; in 1920, 8; in 1921, 10; in 1922, 1; in 1923, 1; in 1924, 2; and in 1925, 3.

In all those years, according to the record, there were several hundred murders committed in that county and only a few of the murderers were punished. Not long ago moving pictures were shown in Washington indicating that officers of the law in Cook County ruthlessly shot down many persons in a labor trouble out there, and no attempt has ever been made to punish a single one of them.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. While the charges are made that laws are not enforced in the States of the South, this morning's newspaper carries an Associated Press story I desire to read, and I ask the Senator from Georgia [Mr. RUSSELL] if it is not indicative of the attitude of the officers of the law throughout the South. This story is from Greensboro, Ala., January 11, 1938:

> GREENSBORO, ALA., January 11.—Sheriff Calvin Hollis said probable mob violence was balked here today when a few officers held at bay a mob of about 250 men while a colored man was taken from his home and hurried to jail at Selma.
>
> Sheriff Hollis said the mob formed while officers were going to the home of Lee Jones, 31-year-old veneer mill worker, to arrest him in connection with an abortive attack on Mrs. Robert Knox Greene, prominent West Alabama matron.
>
> Some of the deputies met the advancing mob about a block from the Jones house, Sheriff Hollis said, and held the muttering men at bay there while Jones was rushed out a rear door and hurried 60 miles to Selma, where he was booked on charges of attempted kidnaping.
>
> Mrs. Greene was recovering today from contusions received when a colored man choked her last Saturday night. She is the wife of a former Resettlement Administration executive.
>
> Sheriff Hollis said a colored man accosted Mrs. Greene just after she had left the home of friends. He said she was forced at pistol point to drive her automobile behind the Greensboro School. Her screams frightened the attacker away after he had choked her, the sheriff said.

Today in Alabama, as in every other State of the South, though the passions of men were aroused, courageous officers of the law held the mob at bay, took the prisoner and carried him to Selma for safekeeping. When officers of the law respond to their duty in that way, they are by this legislation sought to be humiliated and charged with failure to perform their duty.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LEWIS. I may say that the Senator from South Carolina was on his feet and I could not reply to the query of my friend the Senator from Tennessee [Mr. McKELLAR]. I must again inform the able Senator from Tennessee that allusions to what is said to have occurred in Chicago have been made by directly opposing evidence which is now before the same committee which made the first examination, known as the Civil Liberties Committee. The result of that investigation I do not now know. Matters of 10 or 12 years ago to which my friend alludes may have in some instances occurred as he indicates, but under the present government of the State of Illinois under Governor Horner and of the city of Chicago under Mayor Kelley and the peace officers of the State of Illinois and the city of Chicago a complete change from all of those events has transpired. In the great city and its surroundings, having a population of nearly 5,000,000 people, of course, there have been conditions we greatly regret, but nothing of the kind such as my able friend the Senator from Tennessee is inclined to believe from the reports has occurred.

Mr. RUSSELL. Mr. President, I wish to point out that in view of that statement I am quite sure that the Senator from Illinois will join the Senator from Tennessee in the proposed amendment to clarify the status of gang killings as related to this bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I call the attention of the Senator from Illinois to a fact, and I ask him a question. I think every Senator saw the moving picture of the riot in which a number of police officers of the city of Chicago took part last spring, if I remember correctly as to the time. I wish to ask

the Senator from Illinois a question. Those moving pictures show that there was really an unprovoked attack upon the members constituting what was called a crowd—it might be called a mob or it might be called a crowd of people. Police officers were seen in this moving picture deliberately shooting down unoffending citizens, citizens who were innocent of anything except being present. Have the authorities in the city of Chicago or in the county of Cook or in the State of Illinois prosecuted a single person who did the shooting?

Mr. LEWIS. Mr. President, I am permitted to answer the Senator from Tennessee by the kindness of the Senator from Georgia. I will have the Senate understand that I was here in the Senate with my distinguished colleagues performing our duties at the time the incident referred to took place. I know nothing of the facts, but I have heard the report such as my able friend says did issue. Subsequently, however, the record disclosed that photographs were sent here to the committee which disclosed just the opposite and directly to the contrary of the photographs that the Senator from Tennessee alludes to. But this much let him understand. The grand jury of the county of Cook was summoned, and investigation of the whole subject was taken under the supervision of the State attorney's office. Some parts of the investigation I know are still continuing. But I will agree with my able friend that a distinguished leader of the labor forces, Mr. John L. Lewis, made the charge such as my friend makes here, but it is asserted in my city that the charge was without foundation, and the examination by the grand jury indicates that there was not evidence to justify the charge.

Mr. McKELLAR. Mr. President, is not that the invariable rule in Cook County? Is it not the invariable rule there that when murders are committed, when these gangsters get on the rampage, that some kind of an examination is held or a grand jury is empaneled, and no true bill is filed? I have the statistics with reference to that, which I will not take the time to read now.

Mr. LEWIS. Mr. President, I answer the Senator——

Mr. McKELLAR. Just a moment.

Mr. LEWIS. The Senator has asked me a question.

Mr. McKELLAR. The statistics show that no true bill is being found in these cases. I go back to 1927, when there were 380 murders, and 74 of them were gangster murders. Only one single prisoner has since been punished in connection with all those 380 murders. I think it comes with ill grace from a Senator to rise on the floor of the Senate and urge the passage of a bill dealing with eight lynchings in the southern part of the country, when he represents in part a State or a county where 380 human lives were taken, and 74 of them by gangsters, and only one of those who committed the crimes has been punished, or even attempted to be punished.

Mr. LEWIS. I answer the Senator from Tennessee. The Senator asked me if it is not the invariable rule that these investigations in my part of the country, my home, my State, and my city are undertaken with the result always of complete failure of justice? My reply is just to the contrary. The invariable rule in my community is one of peace and order and complete lawfulness on the part of the investigating bodies, save those occasional instances which everyone knows will arise in every community when a certain form of testimony necessary may elude the investigators.

This much I ask my able friend from Tennessee, hoping that this will not move into ill-feelings. Does my friend advocate that because of these killings, if these reports in the newspapers be true, that those who commit these crimes shall be lynched?

Mr. McKELLAR. Oh, no! The Senator knows that I am not in favor of lynching. I am not in favor of violence or of murder. No one knows that better than the Senator from Illinois. I am as much opposed to it as any man in the Senate. But I say that the Senator from Illinois will find in his own State a record, in 1927, of 74 gangster killings, which is just another way of expressing the word "lynching"—of gangster lynchings, 74 of them, and not one of those who were guilty was prosecuted. In no case has there been a true bill found. The grand jury has protected persons of this class just as they are being protected in this very bill. I say it comes with ill grace to talk about lawlessness in other States when the Senator from Illinois has such a horrible condition of crime in his own State.

I wish to read from the report of the Illinois Crime Commission. The Senator from Illinois is evidently not familiar with the facts.

Of the 10 cases of gang murders out of 37 in the city—

And that is in the Senator's own city—

Of the 10 cases of gang murders out of 37 in the city in 1927, in 1 case 4 persons were charged; 1 of whom was tried and acquitted, 2 stricken from the docket by the State's attorney, and 1 discharged in the preliminary hearing. In another, 2 principals were charged and both cases nol-prossed.

Both cases nol-prossed, Mr. President.

In another case one person was named and discharged in the preliminary hearing.

Of course, all of us know what these things mean.

In another, two persons were named as accessories, the cases against both of whom were no-billed in the grand jury.

No-billed! Just as in the case of these peace officers who shot down the members of that crowd on that fatal Sunday, I believe it was, in Chicago last spring. I do not think they even went before the grand jury in that case.

In another, two persons were named as accessories, the cases against both of whom were no-billed in the grand jury. In another case one person was named and discharged in the preliminary hearing. In another case one person was charged, was tried, and acquitted. In another, two persons were named, tried, and acquitted. In another, three were named, two of whom were tried and acquitted, and the case against the other no-billed by the grand jury. In another, six persons were named, two of whom were discharged in the preliminary hearing, while the other cases were stricken from the docket by the State's attorney. In the final case one person was named and was discharged in the preliminary hearing.

If that is the administration of law in the State of Illinois, and that is the record——

Mr. RUSSELL. What was the percentage of punishment?

Mr. McKELLAR. The percentage of punishment was nil. There was not a single person punished

Mr. RUSSELL. Law enforcement broke down 100 percent as applied to gangsters.

Mr. McKELLAR. Law enforcement broke down 100 percent in connection with gang killings in the State of Illinois. Yet we find both the Senators from Illinois favoring this bill. They are trying to take the mote out of their brother's eye, but they are absolutely blind to the beam that is in their own eye.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I will yield in view of the fact that certain statements have been made about the State of Illinois, but I should like to go ahead and conclude my brief remarks.

Mr. DIETERICH. Of course, these statements made on the floor of the Senate are not correct. There has been no such condition existing in the State of Illinois or the city of Chicago.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DIETERICH. No, Mr. President; I am taking the time of the Senator from Georgia. It is true that we have had a crime condition in the city of Chicago the same as has been had in any other large city. It is true that the criminals are organized in a way so it is difficult for the officers to detect those who commit the crimes, because the crimes are usually committed under the cloak of night, they are usually committed in places where there is not sufficient protection. That is unfortunate. But when a reflection is made upon the officers of my State who are charged with the enforcement of law that these things are being done and being permitted to be done on account of laxity in enforcing the law by grand juries and prosecuting officers, I say that is untrue I say that no Senator should be so inaccurate as to make that charge.

Mr. McKELLAR. I was reading from the record; the Senator is merely talking.

Mr. DIETERICH. May I ask from what record the Senator was reading?

Mr. McKELLAR. I was reading from the record of the Illinois crime survey in the Senator's own State.

Mr. DIETERICH. And Illinois had such an interest in the matter that she appointed a commission and made a crime survey.

Mr. McKELLAR. I am glad of that.

Mr. DIETERICH. Illinois did everything she could, and, by the way, since the Democratic administration has taken charge of affairs in Illinois the crime condition is rapidly disappearing.

Mr. McKELLAR. Does the Senator think that is the reason why we ought not to include gangsters in the bill?

Mr. DIETERICH. There is not any disposition not to include gangsters in this bill. The only reason the amendment was placed in the bill was as I explained the other day. If Senators are so afraid that the constitutional right to kill colored people be taken away from them, if they are so terribly afraid of that, let them listen to the explanation. This bill is materially different from the first bill that was presented. The first bill presented made a killing prima facie evidence that the protection guaranteed under the Constitution had not been given to the victim, and all the proof that was necessary was the killing, and then the county in which it took place was responsible to the representatives of the person killed in an amount of $10,000. No defense could be offered. This bill permits a defense. Any time it can be shown that protection has been accorded and diligence has been used and an attempt made to prevent the killing, it is an absolute defense to a suit of that kind. The former bill did not contain any such provision.

We are not protecting any racketeers or criminals in Illinois, not in any sense of the word; and whenever that charge is hurled at the Senators representing the State of Illinois on the floor of this House it is unfair, and a person of average intelligence should know that it is untrue. I say that in defense of the citizenship and the law-enforcement officers of Illinois. If this debate is going to proceed upon that scale, and people are going to be intimidated and threatened with being disfranchised from ever holding judicial or elective office, it evidences a mistaken spirit.

Mr. RUSSELL. Mr. President, I have been glad to yield to the Senator from Illinois, but if he is going to discuss matters far removed from any discussion I contemplated I should like to proceed.

Mr. DIETERICH. I was going back and tell you something about the Civil War. You have been waving the bloody shirt ever since this matter came up.

Mr. RUSSELL. I brand as being wholly unwarranted by the facts and absolutely untrue the statement that I have waved any bloody shirt here. The Senator from Illinois is getting up here with great heat and choler impugning the motives of other Members of the Senate merely because we are reading from a report of citizens of his own community, people of Chicago themselves, indicting themselves. We cannot read the statements of his constituents here on the floor of the Senate unless the Senator from Illinois takes the floor and makes statements that are unworthy of a Member of this body.

O Mr. President, the Senator from Illinois, in a fine spirit of Christian charity and fairness rises and says he resents the imputations that are cast on the peace officers of Chicago, and yet he would not permit us to resent the imputations that are cast on the peace officers of the South who have done far more to stamp out the crime of lynching than has ever been accomplished by the State of Illinois in dealing with gang killings. That is the same fine spirit of Christian charity and fairness that has characterized the Members who present this bill to us.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes; I yield.

Mr. DIETERICH. I am not charging the South, I am not charging the citizens of the Southern States with not being concerned about the situation. I think that the general citizenship down there is concerned about it. I think that they probably are making some progress in correcting the evil. This bill does not interfere with that progress at all. This bill only proposes to take hold when local authorities fail, and it will not obstruct the progress of the South one particle.

I am willing to have gangsters placed in this bill so that if, for any reason, law enforcement should fail in Illinois, the Federal Government could take hold. That is all the bill does. There is not anything to this bill except provision that when the local authorities are absolutely not diligent in performing their duty there may be some way to compel them to do that. That is all this bill does.

I do not know why there should be all this imagination and such disturbance about it; I cannot understand what the disturbance is. There is no use dragging Illinois into it; there is no use maligning us. We believe in the Constitution; we have always believed in the Constitution. We had not believed that it was a loose pact that could be forgotten by the States at any time they wanted to forget it. We respect it as the basic law of the land.

Mr. REYNOLDS and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER [Mr. SCHWARTZ in the chair]. Does the Senator from Georgia yield and, if so, to whom?

Mr. RUSSELL. In just a moment I will be glad to yield to both Senators. I wish to say, first, that the statement just made by the Senator from Illinois manifests as clearly as possible the unfairness of this measure and the spirit that is behind it. Who was it that in this debate got "hot under the collar" and almost had an attack of apoplexy and dragged in the "bloody shirt" and started waving it? It was the Senator from Illinois. Who was it that resented bitterly what he referred to as implications that the peace officers of his community were unworthy, but who would refuse that right to Senators of other States whose people are the equal of any and the peer of most? The Senator from Illinois.

What I have been debating is the fact that if the Federal Government is seeking to invade the States and see that all criminal statutes are enforced, it is unfair, as I stated a moment ago, if not downright cowardice, to select one crime that is all but extinguished in one section of the United States without attempting to deal with crime in all its phases. The Senator from Illinois talks about reflections on the State of Illinois. I ask unanimous consent, Mr. President, to have printed in the RECORD the names of the officers and directors of the Illinois Crime Association for Criminal Justice, and those who conducted the Illinois crime survey whose findings I was preparing to read and which were referred to by the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the names will be printed in the RECORD.

The names referred to are as follows:

THE ILLINOIS ASSOCIATION FOR CRIMINAL JUSTICE

Officers: Rush C. Butler, Chicago, president; Walter A. Rosenfield, Rock Island vice president; E. E. Crabtree, Jacksonville, vice president; M. A. Graettinger, Chicago, secretary; Earle H. Reynolds, Chicago, treasurer.

Directors: Richard Abrams, Sewell L. Avery, James G. Alexander, Frank D. Barton, Charles W. Boyden, William C. Boyden, Andrew A. Bruce, Rush C. Butler, Miss Jessie Binford, Claude G. Burnham, Bruce A. Campbell, James H. Cowley, E. E. Crabtree, Henry P. Crowell, Walter P. Dodd, Thomas R. Donnelley, Simeon W. Dixon, Fletcher M. Durbin, E. A. Eckert, D. B. Ellis, David Felmly, Charles K. Foster, Eugene Funk, James B. Forgan, Edward E. Gore, C. V. Gregory, M. A. Graettinger, O. Gullicksen, Elwood G. Godman, Albert J. Harno, John Harrison, E. W. Hinton, Bishop E. H. Hughes, Joel D. Hunter, W. E. Howe, Harry Eugene Kelly, W. V. Kelley, David Kinley, Charles W. Laporte, Dr. F. Emory Lyon, Max Mason, Amos C. Miller, John S. Miller, John R. Montgomery, Robert C. Moore, Mrs. J. W. Morrison, James B. McDougal, Miss Agnes Nestor, Frank T. O'Hair, John W. O'Leary, James A. Patten, George W. Perkins, Earle H. Reynolds, Walter A. Rosenfield, Julius Rosenwald, Joseph T. Ryerson, Howard P. Savage, Frederick H. Scott, Walter Dill Scott, Frederic Seidenburg, Charles Ward Seabury, Mrs W W Seymour, Edward M. Skinner, Harold H. Swift, George E. Scott, C. W. Terry, Cairo A. Trimble, Willoughby G. Walling, Robert K. Welsh, Frank O. Wetmore, Dr. Eva M. Wilson, George H. Wilson, Frank H. Warren, Frank F. Winans, Matthew Woll, Walter Wood, F. W. Woodruff.

The Illinois Crime Survey Committee: Amos C. Miller, chairman; John S. Miller, vice chairman; Sewell L. Avery; Charles W. Boyden; Andrew A. Bruce; Simeon W. Dixon; Walter F. Dodd; Gustave F. Fischer; Albert J. Harno; Logan Hay; E. W. Hinton; Charles R. Napier; George A. Paddock; Lawrence Williams; Matthew Woll; F. W. Woodruff.

Survey staff: Arthur V. Lashly, St. Louis, director of survey; W. C. Jamison, Chicago, assistant director of survey; Raymond Moley, New York, consultant; C. W. Gehlke, Cleveland, statistician.

Executive committee: Rush C. Butler, chairman; M. A. Graettinger, secretary; Sewell Avery; Jessie Binford, E. E. Crabtree; Henry P. Crowell; Amos C. Miller; John S. Miller; John R. Montgomery; Earle H. Reynolds; Walter A. Rosenfield; Julius Rosenwald; Joseph T. Ryerson; Charles Ward Seabury.

Legislative committee: D. B. Ellis, chairman; Jessie Binford; Bruce A. Campbell; E. E. Crabtree; Simeon W. Dixon; E. A. Eckert; David Felmly; M. A. Graettinger; C. V. Gregory; Harry Eugene Kelly; Charles W. LaPorte; Mrs. J. W. Morrison; Walter A. Rosenfield; Joseph T. Ryerson; C. W. Terry; Robert K. Welsh.

Revision committee: Amos C. Miller, chairman; John S. Miller, vice chairman; Sewell L. Avery; Charles W. Boyden; Andrew A. Bruce; E. W. Burgess; Simeon W. Dixon; Walter F. Dodd; Gustave F. Fischer; Albert J. Harno; Logan Hay; E. W. Hinton; John R. Montgomery; Charles R. Napier; George A. Paddock; John H. Wigmore; Lawrence Williams; Matthew Woll; F. W. Woodruff.

Budget committee: Joseph T. Ryerson, chairman; Earle H. Reynolds; Charles Ward Seabury.

Mr. RUSSELL. The names of those who are responsible for the statements that have been made here will appear in the RECORD, and I assume, from the fact they were conducting this survey in the State of Illinois, that they were citizens of that State, and the senior Senator from Illinois said they were eminent and distinguished citizens of that State. If the Senator thinks it is slander on the State of Illinois to recite what the citizens of that State say about conditions within their own State, how must we of the South feel to have the malicious and false stories told and repeated and iterated, while you are trying to have the stamp of approval of the Federal Government put on them, that the people of the South are barbarians, that they are incapable of dealing with their own local matters, and that they are so cruel and lawless it is necessary for the Federal Government to step in and clean up the situation, when we have put in the RECORD figures and statistics which show that we have all but eliminated the only form of crime or felony against which the pending bill is directed? That has been almost wiped out.

If the Senator from Illinois feels that his State has been reflected upon, it has been reflected upon by those whose names will appear in tomorrow's RECORD. I shall not sit silently here and have my people unjustly attacked. I shall fight fire with fire, but I shall stick to the facts. They are bad enough, using as witnesses the officials of the States to which I refer.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REYNOLDS. I am confident it will be refreshing for Members of the Senate to learn that North Carolina has not been bothered by any crime wave. North Carolinians are all law-abiding citizens, regardless of whether they are white or colored. In this connection, I may add that we do not have any lynchings in North Carolina. I have before me an editorial from one of our North Carolina daily newspapers. The editorial is headed "The Governor's Dozen." I should like to read The Governor's Dozen to the honorable Presiding Officer of this body and for the benefit of those Senators who are present who would like to be inspired to pattern affairs in their respective States after the State of North Carolina. This editorial, entitled "The Governor's Dozen," reads as follows:

THE GOVERNOR'S DOZEN

In a radio address to the people of North Carolina, Governor Hoey offers 12 points which he designates as "goods on hand," following a year's experience as the State's chief executive. The points are as follows:

1. A "healthy financial condition."
2. A road system which has received "full attention."
3. A "distinct" advance in prison supervision and care.
4. Operation of the social-security program "in all phases."
5. A new probation system.
6. "Increased attention" to public health.
7. "Splendid results" from the State advertising campaign.
8. A "steady development of efficiency" in each State department.
9. Absence of any lynching last year.
10. "Many advanced steps" in education.
11. A "reasonably prosperous" 1937.
12. A 1937 legislative session with a record "unparalleled."

Mr. President, with the further indulgence of my good friend and honored colleague from my sister State of Georgia, I should like to bring to the attention of this body a clipping from the Roanoke Rapids Herald, of Roanoke Rapids, N. C., published by a very distinguished gentleman who has been residing there for a number of years, Col. Carroll Wilson. This clipping is headed "North Carolina Has Named New Roads After Famous Negroes," and reads as follows:

RALEIGH, N. C., January 6.—The names of three famous North Carolina Negroes were memorialized this week when three new roads cut through the Tillery area of the Roanoke farms settlement project in Halifax County were named Silver Lane, Merrick Road, and Inborden Drive.

The roads will serve the colored farmers who occupy that section of the project, and according to George S. Mitchell, regional director of the Farm Security Administration, the new highways will honor "Negro citizens whose useful careers should serve as examples to residents of this new community."

The Tillery area of the Roanoke farms project is for 125 colored families and located on the Roanoke River, just south of Halifax. The farms average about 60 acres each and houses and barns have been completed on 50 of the farm units, which are now occupied. Each of the men for whom the roads were named has won lasting fame in his chosen field of endeavor and been outstanding in promoting the best interests of his race throughout the State.

SILVER LANE FOR PASTOR

Silver Lane is named for Joseph Silver, 81-year-old minister and agricultural leader, who about 35 years ago headed a group of eight Negroes who bought a 2,000-acre tract of land in western Halifax on credit, divided it into farms, paid for it, and have made good independent livings in the farm community.

Merrick Road honors the late John Merrick, who rose from hod carrier and barber to become president of the North Carolina Mutual Insurance Co., in Durham. He has often been called the best known member of his race in the State.

FOR DR. INBORDEN

Inborden Drive is named in honor of T. S. Inborden, founder of, and for many years a teacher at Bricks School for Negroes, near Tillery. He is now principal of the school which now is State supported. For a number of years, however, Dr. Inborden and his associates operated it as a vocational training school and trained thousands of colored boys and girls to become blacksmiths, carpenters, mechanics, homemakers, and farmers. Some of Brick's former students later became noted teachers, dentists, physicians, and lawyers.

And they are now engaged in the practice of their respective chosen professions throughout the State of North Carolina.

In making mention of these men, Mr. President, I should not like to take my seat until I mention Dr. James E. Shepherd, one of the noted educators of the world, a colored man of North Carolina who today heads as president one of the greatest colored institutions in America, the North Carolina College for Negroes, located at Durham, N. C., and considered by the leading people of the white race in North Carolina to be one of the most eminent educators of his race in America. In addition, I mention a man who is said to be one of the finest surgeons in the South, looked up to by white physicians, Dr. Miller, of Asheville, N. C., my home.

I thank the able Senator from Georgia for permitting me to mention these eminent North Carolinians of the colored race.

Mr. McKELLAR. Mr. President, will the Senator yield to me in order to make the RECORD perfectly clear?

Mr. RUSSELL. I yield to the Senator from Tennessee.

Mr. McKELLAR. The junior Senator from Illinois [Mr. DIETERICH] challenged the statement I made. The Senator from Georgia replied that it came from citizens of Illinois. Not only was that true but it came from officials of Illinois, from members of the Crime Commission of Illinois. Crime had become so rampant in that State that the State legislature enacted a law providing for the creation of a crime commission, which was appointed; and it is the report of that commission which the Senator challenges, for it is that report from which I have read. According to it, 380 murders were committed there in 1 year and only 1 was punished. The cases of the other murderers who were even arrested were either nolle prossed or dismissed by the prosecuting attorney, or the trial of the cases did not result in conviction.

The Senator from Illinois further says that there has been no effort here to except from the bill or exonerate gangsters and racketeers. I challenge that statement, and I read from the bill itself. The bill comes here from a committee of which I recall that one of the Senators from Illinois is a member. Here is what the bill says. After setting out what lynching is I read from page 7 of the bill, from lines 9 to 16:

Provided, however—

This is the bill itself, which comes here with the approval of the Committee on the Judiciary—

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932.

So, Mr. President, the trouble with both of the distinguished Senators from Illinois is that they are not familiar with crimes in their own State; or, if they are, they are not looking at the beams in their own eyes but are watching for motes in the eyes of people of other States, because it is specifically provided by the bill that these racketeer murders are excepted from the bill. While there is pending a motion to strike out that provision made by my distinguished and beloved friend the senior Senator from Illinois [Mr. LEWIS], it never would have been stricken out but for this fight. If the original plan had been carried through, that provision would have remained in the bill, and thereby the gangsters and racketeers of Illinois and New York and other States where great aggregations of persons come together in cities and towns would have been excepted from the provisions of the bill. The purpose was to except them.

There were two purposes in this bill. One was to make an unfair and unjust attack upon one section of the country for political purposes. The other was in the hope of getting colored votes in elections yet to come. I digress here long enough to say that all it is necessary to do is to look at the records of this body, and it will be found that those who heretofore have so stoutly taken the position that they were hunting for colored votes in Northern States are no longer Members of this body; and I think some of our friends who at present are Members of it ought to be warned by that fact.

Mr. LEWIS. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I am glad to yield to my courtly and beloved friend the senior Senator from Illinois.

Mr. LEWIS. Not intentionally intruding upon the Senator from Georgia, who has been very generous in his constant yields to the dialog which has been carried on between the able Senator from Tennessee and my colleague [Mr. DIETERICH], I rise at this moment, as a concluding observation of the dialog so far as I am concerned, to say that the Senator from Tennessee, ever artful and ever able, yet failed to catch what my colleague, the junior Senator from Illinois, meant to convey. I deplore the statement that there was such a disposition on the part of my colleague that the able Senator from Georgia referred to him as having choler and bursting with great excitement of blood in his head. I am sure he has in his head something in in the form of brains other than blood, but what I want my able friend from Tennessee to gather is this:

My colleague, the junior Senator from Illinois, meant to say that which I thought I had previously conveyed. Whatever may have been the condition some 10 or 13 years ago, to which my friend correctly alluded—I fear the reports are inaccurate, though I think the general statement that there were offenses in those days cannot be denied—under the administration of the State by the present Governor of Illinois, Governor Horner, and his officers, and under the administration of the city of Chicago by Mayor Kelly and his officers, much of this condition has altogether been corrected; a great deal of it, sir, so far as wrongs are concerned, has been wholly wiped out; and conditions in the State of Illinois and the great city of Chicago are today the equal of those in any of the great communities of our wonderful Republic.

Now, for a last word. What my colleague, the junior Senator from Illinois [Mr. DIETERICH] meant to convey to my able friend from Tennessee was this——

Mr. CONNALLY. Mr. President, if the Senator will permit an interruption, I was absent and did not hear the statement of the junior Senator from Illinois. I hope the senior Senator from Illinois will make a full and complete review of his statement.

Mr. LEWIS. No, Mr. President; but I understood that my colleague, a member of the Committee on the Judiciary, which reported this bill, having said the other day to my able friend from Texas [Mr. CONNALLY] and to the Senator from New York [Mr. WAGNER] that he was the author of the provision which asks to have excluded the matter of gangsters, and that it is not intended that gangsters be included under the bill, I say to my able friends from Tennessee that this is what he meant to convey:

Since in the skirmishes described these men kill each other, that should not be denominated "lynching," because if it came within the definition of lynching, or should be so construed, these marauders who kill each other in their enterprises would subject the counties of the State to which they may go, or to which they may flee, to immediate action for damages under this bill, upon the theory that their conduct as gangsters or as murderers could be charged to the counties in the name of lynching. The idea which my colleague sought to convey to the able Senator from Tennessee, as I gathered from him, was that the scheme was not to have that kind of conduct defined as lynching, because if so defined it would render counties that were perfectly innocent of the conduct of these persons, but to which they may have fled, subject to civil liability under the bill.

I simply wished to explain that matter to my able friend from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield to me to ask the Senator from Illinois a question?

Mr. RUSSELL. I yield for a brief question.

Mr. McKELLAR. I have already trespassed upon the time of the Senator from Georgia and I apologize to him.

The Senator from Illinois says it was not the purpose to excuse the racketeers and gangsters. I have offered an amendment to include gangsters and racketeers in the bill. Will the Senator from Illinois vote for it?

Mr. LEWIS. Mr. President, I answer that when the amendment of the able Senator comes appropriately before the body this particular Senator, using his best judgment, will take such course as the amendment deserves.

Mr. McKELLAR. It is now before the Senate. My substitute provides that killings by gangsters and racketeers shall be included in the term "lynching." The amendment is not to come before the Senate at some future time, but it is before the Senate at this very moment; and I call upon the Senator to answer, because it is a question that can be answered "yes" or "no." Will he vote for the amendment to include gangsters and racketeers in this antilynching bill?

Mr. LEWIS. I say to my eminent friend that any amendment or statement of his is so thoroughly involved in splendid ratiocinations and verbosity of logic, from his point of view, that it is impossible to answer "yes" or "no" to anything he may propose.

Mr. McKELLAR. If the Senator from Georgia will pardon me for just a moment, I will read the amendment.

Mr. RUSSELL. I yield for one further observation.

Mr. McKELLAR. My amendment is to strike out the ratiocinations and the vagaries and the use of language in which, in my judgment, the Senator from Illinois is more gifted than anybody else in this body. I am moving to strike it out and to insert this perfectly plain language, which any child can understand; and I ask the Senator from Illinois the direct question, Will he vote for it when it comes up?

The amendment reads:

Provided, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers, such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.

The Senator from Illinois can understand that language. I ask him, Will he vote for it, or will he not?

Mr. LEWIS. The able Senator asks whether I will vote for the amendment when it comes up. I answer him, when it comes up, enlightened by the extreme intelligence and flashing genius of my able friend from Tennessee, I can then decide whether or not I will vote for the amendment.

Mr. McKELLAR. I construe the meaning of the Senator's roundabout language to be that the Senator is unwilling to commit himself now, and the chances are 100 to 1 that he will vote against the amendment when it comes up.

Mr. RUSSELL. Mr. President, the Senator from Tennessee and the Senator from Illinois seem to have some difficulty in understanding each other today, not only in regard to the amendment to which reference has been made, but because of the fact that both of them have seen different sets of moving pictures about the recent horrible incident in Illinois in which a large number of working people who were protesting against working conditions or wages were shot down by the police. I have not had the privilege of seeing either one of those sets of pictures, and therefore I do not know who struck the first blow, or who was responsible for that unfortunate occurrence, which we all regret.

Mr. President, there is an old saying that the galled jade winces.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I merely want to call the Senator's attention to the fact, while he is discussing this matter and discussing the crime conditions in the State of Illinois, that he is reading from a report that was published in 1927, 11 years ago. He is reading from a report of a commission that was to investigate the conditions of crime and make such recommendations as they could. That condition had existed from 1918 to 1926 by reason of the fact that the Congress, exercising its constitutional rights, duly respecting the sovereignty of the States, fastened upon us a prohibition act, and under that prohibition act crimes and rackets began to increase, rendezvous for criminals were established in all the populous communities of the United States, the criminal element became acquainted with itself, and for a long time baffled the officers of the law properly to enforce the law and protect the public against crimes these men were committing. I want the Senator to remember that when he is reading from this report of the Crime Commission.

Mr. RUSSELL. Mr. President, I have stated that the report was for 1926 and 1927. Yesterday I put into the RECORD figures as to the city of Chicago with reference to murder, not as to the whole State of Illinois, for the years 1936 and 1937, and they disclose that 464 murders were committed in the city of Chicago in the years 1936 and 1937. Some little diminution is shown, but I am getting up figures to show how well they enforce the law and punish crimes in that city.

As I have stated, an old saying is that the galled jade winces. I am now presenting the very fair proposition that if the Federal Government is to undertake to deal with crimes of violence, it is the duty of Senators to consider all crimes of violence, and not deal with just one which has almost been wiped out because forsooth it might make them a few votes when they are candidates for reelection. They ought to go into a study of crime in all its forms.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I certainly take exception to that statement. It is an unfair statement for the Senator to make on the floor of the Senate, to use such very emphatic language against me because I drew some conclusions, to say that those of us who might support the bill are doing so for votes.

I wonder what motivates those who are so opposed to the bill. I assume that they are taking a high-minded, very unpopular stand, in view of the fact that they see their duty clear as statesmen. Anyone who listens to the speeches which are made against this bill from our brethren knows they are made for home consumption and nothing else. They are not afraid of any law that is going to be passed. That is my opinion. I may be mistaken, but I do not think I am.

Mr. RUSSELL. I am not afraid that any measure like the one before us is going to be passed here in the next several days. Of course, we cannot tell what is going to happen in the future, but there is this much to be said for those who are opposed to the bill, that they will stand on the floor in their own right and state the reasons for their opposition, whereas we have to prod a Senator out of his seat who is for the bill in order to get him to express himself on any provision of it. When we get to reading the sordid story of crime in the great city of Chicago, then the Senator from Illinois rises in his place and displays great resentment that the city of Chicago, with all of its notorious rackets, with all of its heinous crimes, with all of its shocking murders, with its general disregard for law and order, should be mentioned on this floor. I tell those who are in favor of the bill who are so sensitive about their own crime-ridden cities and their own crime-infested States that they need not be here when I am addressing myself to this subject, for from time to time as this debate proceeds I propose to take up several other sections of the country to show many substantial reasons why the United States Congress should not commit itself to the indignity, should not make itself so ridiculous in the eyes of the world, as to attempt to legislate on only 8 out of the 12,000 murders which were committed in this country last year and let all other crimes continue unchecked.

Oh, these great guardians of law and order, these jealous defenders of their law-enforcement officers, are attempting to legislate against a crime that showed a ratio of 1 to 16,000,000 in the United States of America for 1936. One out of sixteen million was lynched in the year 1937, when we know that murder in all of its forms was rampant everywhere.

I take the position that it is as much the duty of the Congress to scrutinize the necessity for attempting to prohibit murder in the State of Illinois, or in the city of St. Louis, or in any other part of this Nation, as it is to attempt to pillory the Southern States before the bar of the world as being incapable of handling their own affairs, when the cold record of the facts, which Senators have not the courage to face, shows that we have handled our crime problems better than has any other part of the Nation and have gone further in stamping out the awful crime of lynching than any other section in this country has made progress in reducing the crimes in its community.

We will at least take the floor and state the reasons for our opposition to the bill. We do not run around and say we will speak later, or assume the attitude of the mob. Talk about the mob going out and overwhelming some individual, and how ruthless it is. Here we have these smug and self-complacent sponsors of the bill sitting back and saying, "Well, this organization which has been lobbying for this measure has gone around over the Nation, and they have, by talking about the various campaigns and campaign issues, gotten commitments out of 70 Senators to support this bill." They will not take the floor to defend it and one who has read it can understand their reluctance to discuss it.

Of course, the Senators had not read the bill. When some of them came here and read it, as I stated yesterday, it made them so sick to see what an unpalatable morsel they had agreed to swallow that they could not stay on the floor of the Senate and see the searchlight turned on the bill and hear an explanation of it or consider this awful crime problem of the United States in their own States or anywhere else except as it applies to the single, isolated, almost vanishing crime of murder by lynching. It is an astonishing state of affairs, it is an awful commentary on democratic

government, on our future hope to preserve a representative government in the trying years that are to come to see this condition prevailing in the Senate of the United States.

Mr. President, I had started discussing something about the crime of racketeering, and despite any intimidation by the bellowing and shouts of the junior Senator from Illinois or anyone else I propose to read what this report of the Illinois Crime Commission has to say about the crime of racketeering. This is an increasing crime. It is one that is weaving its nasty trail through nearly all of the great cities. It is not a crime that is being wiped out. This is a crime which, if the Congress has the power under the Constitution to consider crimes of this nature, it is certainly our duty to consider, and we are going to consider it and hear something about it whether anything is ever done about it or not.

Here is this report of the crime survey. I am somewhat amazed at the position of the Senators from Illinois. One of them says that he knows the estimable gentlemen who conducted the survey, but both of them say most vigorously that the facts as revealed by the survey are wholly in error, and have no substance or foundation in fact. I read:

> The report of the survey on rackets, this latest phenomenon of organized crime of Chicago, must be of great interest because of the spread of racketeering to other cities.

So I say that the junior Senator from Illinois need not wear his feelings on his sleeve. The people of Illinois say that this crime has spread to other cities, and my investigation convinces me that it has spread to other cities. I am now endeavoring to get up facts and figures and statistics about the spread of this awful crime of racketeering. From time to time in the course of this discussion I will present those facts and figures on the floor, and perhaps some Senators who come in may be as amazed as the Senators from Illinois have been to find that while they were doing everything they could here in the National Congress, the racketeers, the criminals, and the murderers were destroying society back home. Of course these Senators were addressing themselves to national problems, and had not time to know of the awful, the unspeakable conditions which obtain in their cities. They have only time to consider the crime of lynching.

This is the way the racket operates:

> The modus operandi is for the gangsters to approach the owner of a service business, mainly those employing drivers, with a proposal to organize a combination of owners of such business with a view to increasing prices. The gangsters at the same time undertake to get control of the drivers' organization. If any person thus approached refuses to come in, his place is bombed or he is otherwise threatened and intimidated until he does come in.
>
> When control of the employers and the employees has been obtained, the racketeers then demand a subsidy in the form of dues, and the reports indicate that enormous sums of money have been taken in this way, reaching in some cases to hundreds of thousands of dollars per year. The public pays the bill in higher prices for the service.
>
> A concrete illustration of the way it works. A man engaged in the dyeing and cleaning business refused to come in.

In other words, Mr. President, there was one man left who thought he was a free and independent citizen, and could operate his business in the city of Chicago without paying tribute to some group that was not recognized in the statutes of the State of Illinois as having the power to levy taxes.

> Bombs were placed in the suits that went to his establishment—

They would place bombs in the suits sent to his establishment to be cleaned and pressed—

> and they exploded when they were handled.
>
> On one occasion the driver of a truck loaded with suits to be cleaned and pressed was knocked insensible, placed in the back of the truck, covered with clothing which was then saturated with gasoline and set on fire.
>
> Upon another occasion the driver of one of the wagons was taken for a ride and a bullet put in each knee, thereby rendering him a cripple for life.
>
> Instances of mayhem of this character could be multiplied.

Mr. President, those are not isolated cases. They are merely illustrations of cases that could be multiplied. This one rugged individualist in Illinois who would not come in and pay this racket had been applying to the police and to the district attorney for protection. The report says:

> When this man got tired of applying to the police and the State's attorney for protection he took the chief of the bootlegger gangsters into his company, giving them a large block of stock in the concern, and announced that he then had no further need of the employers' association or the police department, for he had the best protection in the world. This happened about 8 months ago. It is significant to note that recently the warfare against this man's business has again broken out, notwithstanding the best protection in the world. His gangster party is now engaged in a war with another gang.

It seems, Mr. President, that all the undeclared wars are not confined to China and Japan, nor to Italy and Ethiopia, because I did not see anything about a formal declaration of this war in the press.

> It is significant to note that * * * his gangster party is now engaged in a war with another gang, and the property of the man who took the gangster in is now being attacked as an incident of this struggle. The genesis of this new manifestation of organized crime and its connection with the other activities is related in the chapter on Racketeering.

I may say, Mr. President, that the chapter on Racketeering is very long and most interesting. I shall forego the pleasure of reading it at this time, and shall defer reading it until we reach an imminent vote on certain amendments which will be offered to the bill to deal with this horrible, this disgraceful, this outrageous crime of racketeering, which is occurring in the city of Chicago, and is spreading to all the other great metropolitan cities of the Nation.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I again call the Senator's attention to the fact that the organized crime which existed in the populous sections of the North, which had for its main support the sale of liquor in violation of the law, was made possible by reason of the fact that the Representatives from the States of the South passed a prohibition law in violation of all their argument with respect to the sovereignty of the States to deal with their own local affairs.

Mr. RUSSELL. I point out to the Senator from Illinois that prohibition was unenforceable because it followed the very idea and philosophy of this bill; that is, of attempting to go into the local communities and tell the people of those communities what they should or should not do, with regard to their State laws. I am glad that the Senator from Illinois made that statement about prohibition. He has referred to it again.

Mr. President, those of us who are opposed to this bill have been here debating it day after day. Though the proponents of the bill claim that this legislation has 70 votes, not a single Member of the Senate has taken the floor in his own right to explain the provisions of the bill. Not a single Member of the Senate has stood up here and with that explanation discussed the motives that were back of his support of the bill. Finally it leaks out from the junior Senator from Illinois [Mr. DIETERICH] that he is supporting the bill to punish and humiliate the South because he says the South voted for prohibition. [Laughter in the galleries.] So we have at least found out the motives that inspire the Senator from Illinois.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIETERICH. The Senator is mistaken with respect to my motives. The Senator is so much mistaken in respect to my motives that I somewhat agree with him in doubting whether a law of this kind can be properly enforced. The Senator has taken a very narrow view of it. I am not punishing the South for prohibition. I think possibly the North assisted in that somewhat, but it was true that the solid South did, and they did it, notwithstanding the fact that they have always been the section that has talked about State sovereignty and State rights. There is no one more wedded to State sovereignty and State rights than I am. I am sorry to see the State lines broken down as they have been. I really believe that if we return a little bit closer to that we might

have a better condition of law enforcement. But it is only where these States charged with the enforcement of the law—when their officers neglect to give them that protection that they are accorded under the Constitution—that this bill could possibly step in. Whether or not a local sentiment would be so strong as even to prevent that from being done is something, of course, that is not within human intelligence to determine.

Mr. RUSSELL. Mr. President, that is most unusual logic presented here by the Senator from Illinois. He adopts the theory that when a person in one county who is charged with a crime happens to lose his life, his legal representatives are entitled to sue the county for $10,000, and that that is no violation of States' rights; but when it is proposed that if some innocent individual, some person not charged with a crime, has been victimized by one of these racketeers or one of these gangs, and murdered, his family shall have the right to sue for $10,000, oh, no; then it is asserted that the Federal Constitution stands in the way. That is the logic that is back of this bill.

Here is a simple illustration: A man is charged with some terrible offense out in a little rural county somewhere, and three men come up and shoot him. The sheriff of that little county may be sent to the penitentiary for 5 years, and the county may be sued and from $2,000 to $10,000 damages recovered, because this bill proposes to fix the burden of proof on the county.

However, another individual, also a citizen of the United States, who has never been charged with any crime, who is not guilty of any offense, is without the protection of the Federal Constitution because, forsooth, he has lead a blameless life, and he has no right under the Federal Constitution to have the Congress of the United States legislate in his behalf. Because he has committed no crime, three men may go out and shoot him down, they may burn him in oil, they may tie him to a tree, they may whittle him to bits. Is the sheriff of the county where that crime occurs subject to any penalty of the law because he did not protect the blameless, the innocent man? No. He cannot be arrested under this bill. Is the county liable under this bill? Not for a dime. The children and the widow of the poor fellow who was innocent, and who was killed without cause, cannot recover under this bill or under any other pending Federal legislation. They will have to go to the relief rolls; they will have to go to some charitable organization, or else those who are sponsoring the bill will let them starve to death. That is the theory of this bill—protecting the man charged with a crime.

Senators speak about protecting the innocent persons of this country. There is talk about trying to promote good citizenship, to do away with crime and protect the innocent citizens of this country. Then the Senator from Illinois rises up in his might and says, "No, it cannot be done." If I wanted to be cruel, I might say that the Senator from Illinois is surrounded by the atmosphere of Chicago's law-enforcement record or he would not say that: "Protect a man charged with a crime! Let the innocent be victimized by the gangsters!"

Mr. President, I shall now read a little further from the report of the crime commission. I now go to the last statement on page 20, in which the crime commission discusses whether or not there are in other parts of the country conditions such as those disclosed in the cases in Chicago to which reference has been made, where in one instance criminals knocked a man on the head and covered him up with clothes and put gasoline on the clothes and set them afire, and in the other instance they took a man out and shot him in each knee with pistol bullets because he would not come under the racket and pay his dues, and he was deprived of his property and his business without any process of law. Here is what the gentlemen in Illinois who investigated this situation have to say.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Is this the same group of gentlemen whom the Senator from Illinois [Mr. LEWIS] earlier in the day praised so highly as outstanding lawyers and citizens of the city of Chicago?

Mr. RUSSELL. Yes; he called them outstanding citizens of the city of Chicago.

Mr. CONNALLY. Those are the men who made this report?

Mr. RUSSELL. Yes.

I read further from the report:

> May it, however, be surmised that Chicago is no worse than other cities, if the fact were known? Comparison of the results of statistics on judicial administration in Chicago, New York, St. Louis, and Cleveland do not provide an adequate basis for accurately determining whether the law is being enforced more effectively in any office of these cities than in the others. The real test, however, will be found in comparisons of control of the forces of organized crime in the large urban centers. None of the surveys in the other jurisdictions have included any appraisal of the effectiveness of law-enforcing agencies to combat the organized-crime menace. Only the Illinois survey has attempted to do that.

Mr. President, I digress here to give praise to the sincerity and the high purpose and the high ideals of the gentlemen who made this survey. They did not stand up and deny the conditions in their State and their city. They did say it was true that the law-enforcement officers were not undertaking to enforce the law; that out of 13,000 felonies there were only a small number of indictments and a smaller number of convictions. In an effort to better conditions they came in and made a full and frank revelation, not only to the people of the city of Chicago but to the people of the country. Those who had to stay in Chicago and who could not come to the Congress could hear of it. They could hear the fire of the machine guns. They could hear the explosions of bombs. They could hear the fire of the bullets from the gangsters' guns. The commission revealed all this to the world. They said, "Here is the condition in the city of Chicago, and we are going to try to do something about it."

I wager that those gentlemen would not favor this bill. They favored a decrease in crime; and I know it would make an appeal to them, after their study of the horrible conditions that are revealed in this report, if they knew that the South had gone so far in the splendid work of stamping out and doing away with the crime of lynching—if these gentlemen who dealt with this crime situation so intimately in Chicago could see the contrast between the splendid work of the South in reducing lynchings to 8 each year, 8 out of the 12,000 murders, the 8 about which it is proposed to have the Congress legislate while closing its eyes to other crimes—and would congratulate the South and the Southern States on their achievement. For that reason, I am constrained to lend credit and pay a great deal of attention to what they have to say in their report. I believe they have shown a fine spirit in revealing the awful picture of crime in Chicago, and it stamps them as gentlemen who are worthy of belief. What do they say?—

> If, however, one may properly draw upon press reports of conditions existing in the other cities, such as Philadelphia, Detroit, Pittsburgh, Los Angeles, and New York, they all point rather definitely to the existence in those cities of conditions of organized crime which, if fully disclosed, as has been done in Chicago, would reveal conditions comparable with those existing here.

I credit that statement and believe it, and I assert that the only reason the conditions that exist in the other great cities that have been mentioned are not known is because the citizens of those cities have not had the courage, they have not had the desire for civic improvement, to go into an investigation of crime conditions.

Mr. DIETERICH. Mr. President——

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. DIETERICH. I wish to thank the Senator for the tribute he pays to the citizenship of Illinois, and I assure him that he is absolutely correct in his statement. The citizenship of Illinois are against crime, and one of the evidences of their effort to prevent it is the inquiry made by them into conditions. They are trying to remedy crime conditions; I am happy to report to the Senator from Georgia that their

work has been effective; that gangland has almost disappeared in Illinois, and it has disappeared most rapidly since the repeal of the eighteenth amendment.

Mr. RUSSELL. Yes; I trust there has been some decrease, for, as I have stated, only 464 were killed in Chicago in 1935 and 1936 as against 8 lynchings in all the Southern States. Yet we must legislate against the 8 killings in the Southern States and close our eyes to the 464 killings in the city of Chicago.

Mr. DIETERICH. Mr. President, will the Senator yield again?

Mr. RUSSELL. I yield.

Mr. DIETERICH. What the Senator says about the disappearance of the crime of lynching in the South is true; but since the period of the maximum amount of crime in Illinois was incident to the organized bootlegging element, and since that has disappeared, crime is rapidly dwindling; and if he will give us a little time, we will be happy to report to him that the crime conditions in Illinois have almost disappeared.

Mr. RUSSELL. The Senator asks for time; he wants time for the State of Illinois to cope with its horrible conditions of crime, involving 464 killings in the course of 2 years; but is he willing to give the South time to finish its splendid work? No. He wants to put the stamp of infamy and incompetence on us, though we have made the most marvelous progress in stamping out this crime that any section of the United States has made in dealing with any crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Will not the Senator be willing to give Illinois time if that State will reduce the number of murders within her borders to eight, the number to which lynchings in the entire United States have been reduced?

Mr. RUSSELL. If that were to happen, the Congress of the United States should accord the people of Illinois a vote of thanks. Instead of trying to insult and penalize them, the Congress should adopt a resolution congratulating them on the fine work they had done in dealing with crime.

Mr. DIETERICH. Mr. President——

Mr. RUSSELL. I yield to the Senator from Illinois.

Mr. DIETERICH. I want to thank the Senator for that nice compliment.

Mr. RUSSELL. It has not happened as yet; Illinois has not gotten down to as few as eight murders.

Mr. DIETERICH. We are trying to do better than that. I assume, from the way the Senator is talking, that there are no penitentiaries at all in the South; that the Southland is entirely free from penal institutions, and that other crimes down there simply are not committed.

Mr. RUSSELL. Oh, yes, we have penal institutions. The difference between us and the State of Illinois is that we use our penal institutions. We convict violators of the law and put them in such institutions. [Laughter.]

Mr. DIETERICH. Then let me ask the Senator why does he not include all crime, as he does in the case of Illinois? We have heard something about chain gangs in the South. Will the Senator give us a little dissertation on chain gangs down there and what they are?

Mr. RUSSELL. I wish to advise the Senator from Illinois that in one of the brief statements I am preparing to make on this bill I intend to deal with that subject, but I prefer not to be diverted now to go into it. I wish to say to the Senator that some stories about the chain gang are part of the campaign of misrepresentation, the campaign of attempting to pillory a section of the country, a campaign to disseminate vicious and unwarranted lies in regard to conditions that exist within my State. As a matter of fact, the chain gang has been abolished in Georgia.

Mr. CONNALLY. Mr. President, will the Senator yield there?

Mr. RUSSELL. I am glad to yield to the Senator from Texas.

Mr. CONNALLY. If the people of Illinois would put some of their gangsters and racketeers in the chain gang, does not the Senator think it would reduce somewhat crime in the State of Illinois?

Mr. DIETERICH. Mr. President——

Mr. RUSSELL. If they would follow the example of our State, there would be less crime in Illinois. I said in the outset, as the Senator from Illinois would have heard had he been here, that there was not any section of this Republic that had a monopoly on virtue, and I did not know of any section of the country that had any corner on lawlessness and crime. I said further that if we had the power under the Constitution we should go into the subject of crime in all its phases and not merely attempt to deal with these 8 killings, 8 out of 12,000 murders, bad as they might be; that I thought it was well for the Congress of the United States to deal with crime in all its phases and see if we could not lend some of the help to various State governments in curbing it that is so charitably extended by this bill in the case of lynchings.

Mr. DIETERICH. I may suggest to the Senator from Georgia that if he has any suggestions to offer to the good citizenship of Illinois as to how they may still further reduce gangland crimes and those crimes that are peculiar to populous places, we will be glad to hear from him and try to adopt his suggestions, because we want to eradicate crime. It seems as though all sections of the country are interested in that. Of course the Senator does not wish to talk about chain gangs in the South; he merely wishes to brand statements as to the chain gangs as untrue.

Mr. RUSSELL. Let the Senator get the reports and read about the chain gangs in the South. I did not go to some place far removed from Illinois to get information about Illinois. The thing that is amazing about this matter is that the senior Senator from Illinois [Mr. LEWIS] says that the gentlemen who wrote the report from which I have quoted were worthy of belief, that they were fine citizens, and the junior Senator says that that is untrue.

Mr. DIETERICH. Oh, no.

Mr. RUSSELL. He says there is nothing to it, and that no credit should be given to it. Yet it came from Illinois. I did not write the report. I did not write the book, though I recall the old exclamation, "Oh, that mine enemy had written a book" when I looked at this book.

Mr. DIETERICH. Mr. President, the Senator is not justified in the statement that I said that the report is untrue.

Mr. McKELLAR. Mr. President, I read from it, and the Senator stated it was untrue. I read from the crime commission report.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Tennessee and then to the Senator from Illinois.

Mr. McKELLAR. I read a quotation from the crime commission report, and the Senator said that what I read was untrue.

Mr. DIETERICH. I thought the Senator was reading something about present conditions.

Mr. McKELLAR. No; I was reading from the crime commission's report, and I so stated. I am quite sure the Senator misunderstood; but what I read was from the report of the crime commission, which was organized in, and composed of citizens of, the State of Illinois. If there is anything untrue about it, it is untrue because the authors of the report made it untrue.

Mr. DIETERICH. Mr. President, will the Senator from Georgia yield to me again?

Mr. RUSSELL. I yield.

Mr. DIETERICH. I wish to say to the junior Senator from Georgia that I have no reason to doubt the truth of what is contained in that fine book and that report I tried to explain to the Senator what the conditions were that brought it about, what brought on the conditions which made it necessary for the citizenship of Illinois to make a study of crime in order to assist the enforcement officers in trying to combat it, and the difficult circumstances under which they were working, because the illicit traffic in liquor produced

such revenues that in all the populous cities gangland began to know itself; they had their rendezvous; they were acquainted; and it was rather difficult for the law-enforcement officers to detect and punish such criminals.

Mr. McKELLAR. We do not have prohibition now, and has the condition been changed?

Mr. DIETERICH. Illinois has a good citizenship within it; Illinois tries to enforce the law. There is no laxity there, either on the part of the prosecuting officers in the great city of Chicago or the prosecuting officers throughout the State. There is no disposition anywhere on the part of those charged with the responsibility of government to close their eyes to crime. They are doing the best they can. They have a different problem in the city of Chicago, with over 3,000,000 people, than is found in the broad spaces of the South.

Mr. McKELLAR. Yes; but we did not bring this bill in here. The Senator from Illinois helped to bring the bill in here.

Mr. DIETERICH. This discussion has nothing to do with this bill. Senators are merely trying to raise an issue outside the bill. In other words, they are most ingeniously, if they will pardon my expression, according to my opinion, though I may be wrong, trying to raise a smoke screen and obscure the pending bill by injecting something else.

Mr. McKELLAR. We are trying to state the facts.

Mr. RUSSELL. If we offer an amendment designed to bring within the terms of the bill the 462 killings in Chicago, that is a smoke screen, but if there are 8 lynchings, that is a matter to which the statesmen of the Senate should address their time and efforts. That is convincing proof of the impelling logic of the Senator from Illinois.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The junior Senator from Illinois very graciously stated a while ago that he would welcome any effort to help reduce crime in his State. Here is an amendment that I have offered to the bill, and I hope it will receive the Senator's support. It is intended for the purpose of reducing crime in his State:

Provided, That the term "lynching" shall also be deemed to include any violence by members of a group of lawbreakers—

"Lawbreakers"—

such as are commonly designated as gangsters or racketeers, which results in the death or maiming of any person.

Mr. DIETERICH. I am for that amendment.

Mr. McKELLAR. I thank the Senator.

Mr. DIETERICH. I am happy to state to the Senator from Tennessee that I will vote for that amendment. Now, will the Senator from Tennessee vote for the bill if it shall be amended in that way?

Mr. McKELLAR. No; I will not. [Laughter.]

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. The Senator from Illinois stated that there was a smoke screen here. I should like to advise him that the gangsters and racketeers have used a smoke screen on his own people whom he is seeking to exempt by this amendment to the bill.

Mr. RUSSELL. Mr. President, I know that there are other Senators who desire to address themselves to this bill today, and I therefore shall not start on the last part of my speech at this time. I wish to say, however, that these remarks have been in the nature of an appeal to that sense of fairness which any American citizen might have a right to expect to be inherent in a man who had been sent to the Senate of the United States. If we are going to deal with the crime problem in the United States, if we have the power to deal with it under the Constitution, it is the duty of the Congress of the United States to go far beyond the eight out of 12,000 murders which it is sought to cull and segregate from the mass in order to make this a political bill, which will result in pillorying a great section of this country before the world as being incapable of its own self-government, and that in spite of the remarkable record we have made.

The Senator from South Carolina read into the RECORD a news item appearing in today's press disclosing the manner in which a sheriff in Alabama had handled a very delicate situation which in the past would undoubtedly have led to a lynching or to mob violence.

Mr. President, there are thousands of good peace officers scattered throughout the length and breadth of the South who have risked their lives, yea, in instances who have given their lives, in an effort to protect those in their custody charged with a crime that was likely to raise public feeling.

In the past few years the crime of lynching has been all but eliminated. Now, it is proposed to have the Senate of the United States say, officially and on behalf of the Government of the United States, not only to our country but to the world, as a reward for this labor and this courage of the peace officers and other good citizens of the South who have fought this awful crime, "You are incapable of enforcing the law. You are a clan of barbarians. You cannot handle your own affairs unless we apply to you the lash and spur of Federal power."

Mr. President, I say it is uncalled for; it is unwarranted; it is unworthy.

The Negro race will not be served by passing a bill of this kind at this time.

Mr. President, how often do you think the sheriff of a country county somewhere will intervene or even attempt to take into custody some unfortunate individual charged with a crime of this character if this bill shall be passed? We might as well invite him to go out and pick up a dynamite bomb that has a lighted fuze as to ask him to go out somewhere and take into custody some person charged with a crime that is liable to stir up general public feeling, when he knows that under this bill he and his bondsmen may be subjected to a fine of $5,000, and he may be compelled to spend 5 years in the penitentiary; and, furthermore, that by his very act of summoning the people of the county who are opposed to mob violence he is liable to bring on the community a fine of $10,000. Of course, he is not going to do it. It would not be human nature for him to do it. He will say, "I never heard of that crime being committed. I never heard of this criminal." He will make no effort to arrest him or protect him, and no fair-minded person can blame him.

Then how will it be possible to enforce the judgment when the matter is taken into a Federal court? The sheriff will come in and say, "I had left the county the very afternoon the crime occurred." How will it be possible to convict the sheriff when he says he had left the county and did not know about the crime, or had not seen the criminal? How will it be possible to mulct the innocent people of the county in damages as it is proposed to do under this inquisition clause that would penalize the county for $10,000 even though the citizens of the county never heard of the man who was killed in that county?

I was amazed to hear the Senator from Illinois [Mr. LEWIS] say that the provision exempting gangsters originally grew out of a desire to see that the county should not be penalized in the sum of $10,000, since the good people of the county might be opposed to gang killings. I say to you that the Senator is not fair enough to apply the same rule to a lynching; but he wants to penalize the innocent along with the guilty by making the county in which the lynching occurs responsible in the sum of $10,000.

Mr. President, I ask to have read by the clerk an editorial appearing in today's Washington Post which I think will be very illuminating to some Members of the Senate. In that connection I desire to say that I do not know what are the policies of the Washington Post in regard to politics. I had always understood that it was a Republican newspaper, but it certainly has been taking some Democratic positions in dealing with this subject, which some Democrats or alleged Democrats in this body might do well to consider and emulate. I appreciate the position of the Washington Post, and

I am sure the people of my State will appreciate it when they see in the CONGRESSIONAL RECORD the editorial which I now ask to have read, and know that one metropolitan paper has had the courage to deal fairly with them and their problems.

The PRESIDING OFFICER (Mr. DUFFY in the chair). Is there objection to the request of the Senator from Georgia? The Chair hears none, and the editorial will be read.

The legislative clerk read as follows:

[Editorial from the Washington Post of Wednesday, January 12, 1938]

BACK TO THE TRAGIC ERA?

Senators who are fighting the antilynching bill are said to be engaged in a filibuster. No doubt some have prolonged their remarks to consume time. But the high caliber of the discussion during the last few days frees it entirely from the sinister implications of the term "filibustering."

The speakers have not only held closely to their subject, they have also revealed the heart of the issue before the Senate. While unanimously deploring the now isolated cases of mob murder, they have dissected the antilynching bill and found it to be impractical, unnecessary, repugnant to the American system of government, and an insult to the South. The really strange aspect of the "debate" is that no effort is being made to answer these devastating attacks upon a bill of grave import.

In actual practice, the effects of the bill might not be far reaching. Lynching, as Senator HARRISON pointed out, is decreasing faster than any other major crime. The comprehensive records presented by Senator MILLER indicate that 2.1 persons were lynched per million population 40 years ago, compared with only 0.06 last year. So application of the law presumably would not be extensive. It is, as Senator MILLER said, the "underlying philosophy of the bill" that gives it real significance.

Lynching is usually common on frontiers where law and order have not been established. It became a serious problem in the South largely because of the stupid "reconstruction" policies foisted upon that section following the Civil War. Carpetbaggers imposed a reign of terror on the South. Local government was crushed by ruthless Federal interference, leaving a legacy of bitterness and hatred that has not yet been entirely eliminated from the Southern States.

"Everyone now recognizes it," Mr. HARRISON told the Senate, "as one of the Government's worst mistakes." Everyone, it seems, except the sponsors of the antilynching bill. For that measure would permit the Federal Government to invade the rights of the States in a manner that was specifically frowned upon by Congress even in those hectic days when the fourteenth amendment to the Constitution was adopted. The latter point was pointedly emphasized by Senator BORAH.

It is impossible to read the debate on this bill without realizing that it is reopening the old wounds and bitter antagonism of the reconstruction era. Once more the South fears that a determined majority in Congress is ready to trample down its right to control its local affairs. Of course, that does not mean that the Southern States wish to see lynching continue. Every rational person in all sections of the country wants to see it eradicated. But the South has a right under the Constitution to meet the problem in her own way. And the progress already made is proof of the sincerity of her efforts.

Why, then, should there be this effort in Congress to raise once more the shadow of the tragic era? Senators BYRNES, HARRISON, and others see political motives behind the bill. Many Democrats from Northern States undoubtedly expect to gain political support on the false assumption that a vote for this bill is a vote against lynching. But if, in following that course, they arouse new sectional and racial feelings, they will be shown as enemies and not friends of the Negro.

It is particularly ironical that this threat against local self-government should come while the Democratic Party is in control of both the legislative and executive branches of the Government. The northern branch of that party is striking a terrific blow at the solid South. Even those Senators who seem to have lost their interest in preserving the American type of democracy can scarcely afford to drive a wedge into their party for imaginary political advantages in their own States.

Mr. RUSSELL. Mr. President, there are other Members of the Senate who desire to be heard on this measure this afternoon. I shall, therefore, defer to a later date my further remarks on the crime situation in the United States, and also my remarks on the constitutionality of this bill. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Borah	Bulow
Andrews	Barkley	Bridges	Burke
Ashurst	Berry	Brown, Mich.	Byrd
Austin	Bilbo	Brown, N. H.	Byrnes
Bailey	Bone	Bulkley	Capper
Caraway	Harrison	McGill	Schwartz
Chavez	Hatch	McKellar	Schwellenbach
Clark	Hayden	McNary	Sheppard
Connally	Herring	Maloney	Shipstead
Copeland	Hill	Miller	Smathers
Davis	Hitchcock	Minton	Smith
Dieterich	Holt	Moore	Steiwer
Donahey	Johnson, Calif.	Murray	Thomas, Okla.
Duffy	Johnson, Colo.	Neely	Thomas, Utah
Ellender	King	Norris	Townsend
Frazier	La Follette	Nye	Truman
George	Lewis	Overton	Tydings
Gerry	Lodge	Pepper	Vandenberg
Gibson	Logan	Pittman	Van Nuys
Gillette	Lonergan	Pope	Walsh
Glass	Lundeen	Radcliffe	Wheeler
Guffey	McAdoo	Reynolds	
Hale	McCarran	Russell	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, I hold in my hand a card issued by the Army and Navy Union of the United States of America. The Army and Navy Union of the United States of America, according to my recollection, maintains its national headquarters in the Capital of our country, Washington, D. C. The card reads:

OFFICIAL BOYCOTT CARD, ARMY AND NAVY UNION, U. S. A., ISSUED JANUARY 12, 1938

This is to certify that ——— ——— is enrolled with the Army and Navy Union in its fight against all foreign "isms."

NATIONAL LEGISLATIVE COMMITTEE.

Don't buy goods made in Japan or Germany.

Mr. President, I wish to take this opportunity to congratulate the officers and members of the Army and Navy Union of the United States of America, and at the same time to congratulate the officers of the American Legion and the officers of the Veterans of Foreign Wars, because all these great organizations of veterans, who have served our country in time of war and are now serving it in time of peace, are in vigorous opposition to foreign nations obtaining a foothold in the Western Hemisphere.

I was happy indeed when I was presented with this card, at which time the officers of this organization saw fit to honor me by making me an honorary member of the organization. I was more than happy to have that honor bestowed upon me, and I accepted it with gratitude, because I do not believe there is any subject of greater interest to the American people today than the subject embodied in the movement inaugurated at this hour by the officers and members of the Army and Navy Union of the United States of America.

A few days ago when I had the floor I took occasion to read an article, perhaps several articles, from one of the great magazines of America, relating briefly and at random throughout the issue something in reference to Germany and Italy and Spain and other foreign nations obtaining footholds in the Western Hemisphere. If we are to oppose, influentially and successfully, the inroads which are about to be made upon the Western Hemisphere, we must nip such movements in the bud, and the organizations which are engaged in nipping them in the bud are such great and influential and Nation-wide organizations as the Army and Navy Union.

Mr. President, we know that for a number of years unfortunately we of the United States of America neglected to carry on in the countries to the south of us where reside nearly 130,000,000 people. For a number of years we were so thoroughly successful in our commerce with various other nations that we did not pay any particular attention to that great field, which offers tremendous opportunity to the industry of America. As a result of our indifference, Japan, on the west coast particularly, Italy, Germany, and Great Britain developed their commerce with the countries to the south, and while we have been engaging ourselves listening to the words that fall from the lips of Mr. John Bull, of Great Britain, and others who have tried to get us embroiled in some foreign entanglements, the countries I have just mentioned have been developing their foreign trade in South America. Not only have they been developing their trade there, providing great outlets for their merchants and

their manufacturers in those countries, and providing labor for the workingmen of those nations, but at the same time their sphere of influence has been greatly broadened and strengthened, until today the influence of the Italians, the influence of the Japanese, and the influence of the Germans, the triple alliance, is very strong, not only in Central America but likewise in South America.

As a matter of fact, the first spearhead, the first inroad we actually made, that was of any great benefit, was in November 1936 when our great and beloved President, Franklin D. Roosevelt, paid a visit to the people of South America. It will be recalled that his ship went into Port of Spain, Trinidad, and stopped in Rio de Janeiro, in Brazil, and in a number of cities between here and the Paris of the Western Hemisphere, Buenos Aires. At that time there was there at the right hand of the President of the United States Mr. Sumner Welles, who, I venture to say, is the best-informed authority on Latin American affairs this country has ever had.

Preceding the visit of our great President to our brothers in the Argentine there was our Secretary of State, Mr. Cordell Hull, a native of our sister State of Tennessee.

By the way, Mr. President, I am glad indeed that I had the very great honor of serving one term in the United States Senate with our Secretary of State prior to the time he was appointed to the Cabinet by our beloved President, Franklin Delano Roosevelt.

Mr. President, I say that our Secretary of State was there. I am glad he was there. I heard him speak in the halls of the Senate of the Argentine Republic; and I wish to say, Mr. President—and many Senators know that what I am about to say is true, because Senators have had the opportunity to read his speech and did read his speech—that in the hall of the Argentinian Senate he made one of the finest impressions ever made by any man, regardless of the country from which he came.

Then, as I mentioned, there was also present the Honorable Sumner Welles, the Assistant Secretary of State in charge of Latin American affairs. He was respected and honored by all, because the people of those 22 countries of South and Central America, having a population of 130,000,000 people—a population equal to that of the United States—recognized the wealth of his charm in handling Latin American affairs. By reason of the popularity of the President of the United States there at that time, I saw that the sentiment of friendship existing between the people of the United States of America, with 130,000,000 people, and the 22 countries to the south of us, having an equal number of people, was crystallized.

On my several visits to the countries of Central and South America I have found that the Italians, the Germans—and the Spanish, for that matter—have made inroads and made some headway so far as influence upon the minds of the people of those several countries is concerned. By that I mean that they are exerting more influence in the Western Hemisphere than ever before; and that is largely attributable to the fact that those residing across the sea who are desirous of gaining a foothold in the countries of Central and South America are constantly bombarding the people of the countries of South and Central America by radio, night and day. Come, if you will, by steamer from the south to the United States; come, if you will, by air; and every hour of the day and every hour of the night, if you will turn on your radio, you will hear those who are preaching the doctrine of the Governments of Germany and Italy, the doctrine of fascism. I say to the Senate that now of all times, when the world is in the upset condition that it is in at the present time, we should pay attention to American matters and nip in the bud any movement made by these foreign countries.

Mr. President, in line with what I have just said in regard to foreign influences, I ask that there be printed as part of my remarks, in the body of the RECORD, a paragraph from an article headed "What About Mexico?", printed on page 272 of the New Republic of January 12, 1938, the article being by Maurice Halpevin.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Much, of course, depends on the international situation. Mexico's southern neighbor is Guatemala, a feudal-military dictatorship now on very cordial terms with Germany. At the present moment arms are being smuggled across the frontier into Mexico. Guatemala is very plainly being groomed to play the role of Portugal, and there are well-founded rumors that a plan now exists whereby at a given moment Mexico's southern border States will secede and be annexed to Guatemala. What makes all of this very serious is that the Nazis, among the original backers of the outlawed "Gold Shirts," are now intimately connected with (and very likely are even directing) most of the machinations against the Mexican Government. With a good foothold in South America, the new Fascist triple alliance is now seeking to gain important positions in North America.

Mr. BAILEY obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield to the Senator from Texas.

Mr. CONNALLY. Because of the fact that the Senator from North Carolina is about to address the Senate—and I hope all Senators will hear him—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	King	Pope
Andrews	Davis	La Follette	Radcliffe
Ashurst	Dieterich	Lewis	Reynolds
Austin	Donahey	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gerry	McCarran	Smathers
Bone	Gibson	McGill	Smith
Borah	Gillette	McKellar	Steiwer
Bridges	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkley	Hale	Miller	Townsend
Bulow	Harrison	Minton	Truman
Burke	Hatch	Moore	Tydings
Byrd	Hayden	Murray	Vandenberg
Byrnes	Herring	Neely	Van Nuys
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	Nye	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	
Connally	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BAILEY. Mr. President, it is with some reluctance that I enter upon a discussion of the pending bill. I recall now that this is the fifth or sixth time that I have undertaken to discuss it. I am rather convinced that there is not a great deal to be gained by argument along the lines I have heretofore pursued; but I cannot withhold my protest, and I am not disposed to withhold anything that is within me by way of resisting the passage of this untimely and most unfortunate measure.

I have observed, Mr. President, with a great deal of satisfaction the high character of the debate since the bill came before us in the present session. I cannot resist the feeling that the high character of the debate is such as to convince the country of the righteousness of the position of the opponents of the proposed legislation.

I wish to say that I am extremely grateful, and will always be grateful, and I hope my children after me will be grateful, as I believe all the southern people are grateful now and will be grateful for many years to come, to the distinguished Senator from Idaho [Mr. BORAH]. It was an inspiring thing, Mr. President, that the real understanding of the position of southern Senators, and the real exposition of the meaning of this measure should come not from the South but from the far West. I found something of inspiration, something of real cheer in the fact that it came from the lips—came so eloquently from the lips—of one of the noblest of American men, a man who wears as worthily the title of Senator as has any other in the long list of those who have had the honor to bear that title. I wish to thank him for

myself, for my Commonwealth, and I think for many Americans—certainly for all of those who have had to deal, as have southern men and women, with the race problem.

I should like also to say that I am very deeply gratified by the fine conduct of the debate this morning by the junior Senator from Georgia [Mr. RUSSELL]. He captivated my admiration by the manner in which he handled those who undertook to combat his position, and I thought at one time in the course of the colloquy that we might have to have a law to prevent the forensic lynching of Senators.

I am going into the matter today not on the constitutional lines I have heretofore followed, I fear quite vainly, but on the lines first of four fundamental objections to the proposed legislation. If I shall within the time this afternoon exhaust that portion of my address, I hope to have the strength to discuss the evidences now current of the new era of good feeling as between business and the administration, evidences which have come to me by way of the press, and which have given me a very great deal of heart, and I think are calculated to give millions of our fellow citizens no less of cheer. If after that I shall have time, I intend to say something to the Senate on the subject of the record of business in our country during the past several years and particularly at the present time; and, if further energy and time be allowed me, I shall speak on the subject of the current issue in this country as between our historic system of American enterprise and the growing system throughout the world—a system threatened here, I sometimes think—of collectivism. I may have some other things to say on the subject of the character of the present depression. So I have set out for myself quite an exhaustive discussion. I am sorry I shall have to go slowly about it, but I cannot enter upon so vast and exhaustive an undertaking except in the most deliberate manner, with a view to conserving my energies.

Before I embark upon a discussion of the pending measure, I should like to make a remark about the matter that came up this morning in the colloquy between the junior Senator from Georgia [Mr. RUSSELL] and the senior Senator from Illinois [Mr. LEWIS] and the senior Senator from Tennessee [Mr. MCKELLAR] and the junior Senator from Illinois [Mr. DIETERICH]. They brought forward the matter of the riot that took place on the outskirts of Chicago, I think, in the month of June last, in which several persons were killed and a good many were injured.

It happened that I sat on the Post Office and Post Roads Committee and heard evidence for several days upon the subject of that riot. We heard policemen, we heard the county attorney for Cook County, we heard some of the strikers, and we heard some of those who were in the mob. I filed a report in the Senate on that subject. It was my judgment that, under the circumstances, the police officers did no more than their duty. It was a bad situation. Of course, we all deplore the exercise of force and when force has the consequence of death or injury we have a sense of horror; we tend to revolt against it. We ought not, however, to forget that the government must govern; crime must be suppressed. We ought not to blame the policeman for failing to enforce the law and then blame him when he enforces it. The evidence shows that a group of people, armed with sticks and irons and other deadly weapons of a rude sort, was advancing in the direction of a plant in which there were workers at work, men and women who were trying to make livings. This mob was coming down to take possession of the plant. They had been assembling there for some time, and the Chicago police were called out because the mob was approaching the gates of the institution.

The captain of police testified that he ordered the mob to desist, to respect the laws of the State of Illinois and keep the peace, and he warned them that they would fail to comply with that order at their peril.

That is always true. I have no right to resist an officer. We have an officer of the Senate, our Sergeant at Arms. If by some means I should behave in such a way as to disturb the peace of the Senate, perhaps to endanger the life of persons here, it would be the duty of the Sergeant at Arms to exercise such force as was necessary to prevent me. That is the law of the Senate. That is a law which is higher than the ordinary civil laws. That is the law of the necessary self-protecting power of governments.

These things are so elementary that I wonder that I have to state them. There is no other way than that to maintain order. The government must manifest itself somewhere in a policeman or an officer. When it manifests itself for the purpose of maintaining peace, the policeman has a duty, and that duty is to use all the force that is necessary. He is the judge of that force unless there is evidence of a malicious or a flagrant abuse of his discretion; and that is necessary, too. He cannot run down to find a committee to advise him. He cannot go over here and get a commission to tell him how much force he may use. He must use such force as the instant need of things, in his judgment, demands.

If, in consequence of that, somebody is killed, we all are very sorry; we all regret it deeply; but, with all that, we recognize that we are either going to have law and order or we are not going to have it; and if we have law and order, we are going to have it by force. Governments are not run by persuasion. They are not run by political speeches.

So while those policemen used force, what else could they do? Should they have let the mob go on? Suppose they had done so. Then there would have been murder committed in the mills. Numbers of people then would have been killed, and we would have been horrified. But the complaint is made that the policemen were seen in those moving pictures—and I saw the pictures—to be beating the mob after the mob had retreated. I think that is true. It is said that that was not necessary; but let us hear the policeman's side. What is the use of merely stopping a mob? The mob must be dispersed.

I asked one of the policemen why they continued to beat the men after they started off. He said, "Well, of course we had to disperse the mob. It was not enough, as long as they were carrying arms, as they were"—they were armed—"to let them go back 50 or 60 feet. They would have reassembled and come on again." The police may have gone too far in that case. It may be a fine theory that the mob might have just decided to disperse. I do not know. What I am saying is that the policeman had to use such force and such discretion as he thought necessary in the midst of those great difficulties.

I know the law of North Carolina on that subject, because at times I have had the privilege of defending policemen who were charged with using excessive force. I defended one policeman for beating a man over the head with a billy, and I defended another policeman charged with manslaughter. The defense was this: The policeman admitted all the facts charged, but said, in one instance, "The man was about to commit a felony, and the law charges me with the duty of using all the force necessary to prevent the perpetration of a felony."

Let us get that picture. Here am I, and some man starts to shoot me, and there is a policeman. The policeman must shoot the man to keep him from shooting me. That also is the law of civilization. Try the policeman for manslaughter, and he defends on the ground that he shot the man because the man was about to shoot me. We are either going to stand by our policemen in America, or we are not.

I defended the other policeman on the ground that the man was resisting arrest; and I should like to get that little doctrine before our people. We forget these things, my friends, so I should like to get that doctrine before our people. The law of police with respect to arrest is that once a policeman has arrested you, he may kill you if necessary to hold you; he may use such force as is necessary to hold you once he has laid his hand upon you and said, "Consider yourself under arrest." If you run then, you run at your peril.

Why is that? That is wholly to prevent the policeman from being in a very hopeless situation. If he arrested me,

and I continued to resist and to fight, the arrest would not amount to anything. The Supreme Court of North Carolina, in a very famous case, said that the courts would not weigh in golden scales the actions of police officers in the performance of their duty. What did the court mean? It meant that it would not take the same refined view of the actions of police officers that it would take of the actions of a private citizen; it would leave to the policeman the judgment as to the discretion, provided it was not obvious that he went too far.

Mr. President, I am saying these things because so often we seem disposed to get away from the fundamentals of things. We are bound to have that sort of law of arrest if we are to have any sort of peace and order in America. We would all agree that if a policeman arrested a kidnaper, say, and the kidnaper undertook to resist, the policeman would have a right to shoot him; but when it comes a little closer home to us, and there is some violation of the law that is not so outrageous to our senses, we begin to revolt, and we begin to impair our sense of the authority and the duty of the officer of the law.

The policeman is no more than the law, after all; and, in fact, that is what the criminals down our way call him. They say, "The law is after you." They mean the policeman. They say, "I saw the law last night," meaning that they saw the man in uniform. But I am disposed to look with a great deal of sympathy upon the officers of the law. While I regret as much as any other humane man would regret the shedding of blood and deplore these conflicts, I wish to say that in order to have government and have peace and order we must sustain our policemen when they deal with mobs, or when they deal with persons about to commit crime, or deal with a man who has been arrested and is resisting. It is not the person of the policeman that is involved; it is the soul of the government; it is the essence of things.

That brings me to this bill. This bill is one which puts penalties upon police officers for not doing their duty. I think our friends who were complaining earlier today were complaining against the spirit of the bill. The bill says that—

> Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony—

That is the gravest crime—

> and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

What does that mean? That means precisely that, if this bill should pass, the sheriff of my county would have a right to shoot, and would have the duty to shoot, anybody who interfered with him. That is the position of the proponents of the bill; that is my position with respect to officers of the law; but how greatly all of us seem to deplore that sort of thing when it happens out here in a mob in Chicago! We revolt against it. We here charge the peace officers, under penalty of a prison sentence, with the duty of using all necessary force to apprehend those who would lynch a man, or to protect the man about to be lynched; and that means shooting. That means bloodshed.

So I do not think those who are protesting against the exercise of the same authority over yonder in Chicago this year should protest against this measure—not at all. I think an officer should be held to the very highest degree of duty. I think that is essential in government. But if we are going to stand for this, I say to Senators, we are not going to stand for less in the duty of an officer anywhere. The duty to protect life, liberty, and property in the peace officer is a supreme duty. We have no question about that.

Our resistance to this legislation is not based on the thought that any officer in any Southern State, or any other State, for that matter, should not be held to the highest degree of obligation. He should be. A Negro known to be guilty of the most offensive crime has a perfect right to the protection of the sheriff or the policeman, wherever he may be, and that sheriff and that policeman owe it not just to the Negro as an individual; they owe it to him, but they also owe it to the law, to the government, to exercise all the force that may be necessary to protect him until such time as he can have a trial by what we call "due process of law." That is the law of the land. That means a hearing in the courts in which he confronts the witnesses against him, and that means the verdict of a jury and the judgment of a judge.

Mr. President, I hope I have made my point clear. We cannot support this legislation holding these officers to the highest degree of obligation, and threatening to put them in the penitentiary if they do not shoot, and then hold up holy hands of horror when they happen to shoot in Chicago to prevent the commission of a felony. So we are all together on that subject.

That is said by way of relation to what occurred here today. I am now going to proceed with my argument with respect to this bill on four grounds.

My first contention is that the bill is unconstitutional, and unconstitutional in such a way that it reaches into the vitals of our peculiar and invaluable form of government. I have argued that question heretofore, and argued it on the cases. Let me argue it this afternoon from a different point of view.

My second contention is that the proposed legislation would be an undue and offensive interference with the Southern States in their efforts to cope with the race problem. When I say "offensive" I do not mean to say that the offense is intended. It is nonetheless offensive because it is not intended. It goes back very far into the historical situation. In its very character it is offensive; but I am not going to charge any Senator, any author of the bill, or anyone who votes for the bill, with being deliberately offensive toward me, or toward my section of the country, or toward the American people. I do not think that is a fact. I would not like to attempt to sustain it if I thought it was so. I would not like to say it; I do not think it is so.

My third contention is that the bill is a futile and ineffectual measure, that it would not prevent lynching. I sometimes think it might make conditions worse. I am certain it would not make them better. I do not think it could possibly result in an improvement in the situation as it now exists, in which so much progress has been made.

Attention has been called by the senior Senator from Idaho to the fact that the crime of lynching is the only crime in America which is diminishing in frequency. It is singular to me that that one crime should be picked out for Federal action. It is the one that is vanishing. So that would be my third contention, that the proposed legislation is futile and ineffectual.

My fourth contention is going to be of a political character, that the legislation predicates, and has already brought in the beginnings of a disastrous division, and perhaps an internecine war, in the Democratic Party. I do not like that at all, and I am going to say a good deal about it this evening.

I believe I will say right now that our party situation is not a very happy one. I would like to see the party remain united. I know there is a great division of views, and we should not object to that in a democracy, but there ought to be a very great deal of tolerance where there is of necessity a division of views. There ought to be a great deal of tolerance anyway in this world, a great deal more than there is.

I sometimes think that the best prayer a man could utter for himself every hour would be: "God, make me more tolerant in the next half hour. Let me be willing to hear the other side. Let me be willing for someone to differ with me

without thinking less of him. Let me be prevented from calling people names merely because they differ with me. Let me be able to maintain my faith in my fellow man notwithstanding the fact that he differs with me. Let me learn to respect his views and try to find his point of view, and let me learn to weigh it over against mine." I think that if we should get into that frame of mind it would make for a great deal of happiness for ourselves and promote the welfare of the United States.

I think we ought to have a great deal of tolerance in the Democratic Party. But the thing that is troubling me—and I am speaking very frankly here in the presence of Senators who represent the party—is what happened after we won our victory in 1932, which we won as a Democratic Party. The old-line Democrats fought very earnestly. We went into that campaign in an ancient spirit of enthusiasm, which had never been lost through all the years of defeat, and we won a great victory. When we won the victory a gang of socialists swooped down on the party and they have carried on mightily ever since. They never fought any political battles in their lives. They would not know how to carry on a precinct meeting. They could not be elected coroner. They never could rise to the dignity of a policeman's job in politics. They swooped down on us. I am in that spirit of tolerance that I welcome them and glad to have them, glad to have their views, glad to have them join us. But, in God's name, are we going to let them run us out? That is what is troubling me. They have about taken charge. It got to the point where they began to want to run us out, and the time has come when we will have to pronounce "shibboleth" just as it is said "shibboleth" has to be pronounced.

Senators will remember the old story of Israel. "Shibboleth" was the password in the campaign in the wilderness, and if one said "shibboleth" he was all right, but it had to be pronounced exactly as the Israelite at the gate said it. A fellow came to the gate one night who lisped, and he said "sibboleth," and they killed him.

I am not trying to read these people out of the party. Oh, no; I am willing for them all to be in the party and vote the ticket, and am willing to hear their views. If there is any good thing they can do through the Democratic Party, let them do it. The country needs everything good that can be done. But where did they get the idea that they could drive out of the party men who have been in it all their lives? Where did they get the idea that they are the party and that wisdom will die with them?

I am going to say another word for those gentlemen, too. They cannot run the Democratic Party. They may get possession, but they will never be able to lead it to victory. They may think so, but not until they have learned how to go down to a precinct and fight a battle, into a county and fight a battle, into a convention and fight a battle, and into an election and fight a battle, will they know anything about it.

They are going to need some of us fellows before they are through; and if they are going to need us, it would be a pretty good idea not to run us out, not to lord it over us, not to tag us with bad tags. I believe it would be well for them to hear our views. We cannot help hearing theirs; the air is full of them. I am willing to hear them, as I have said, but I think they might pause some time long enough to hear somebody else. They might listen to the great voice of the past in our party. That is one part of this political situation which bears upon my mind. I hope everyone will see that I am not trying to run them out; I am just asking them to give some of these old-time Democrats their accustomed place, not as large as it was once, but some little place in the Democratic sun. I am also saying to them that if they want to run us out and try to run the party themselves, we all suspect that after all they will repent of their folly.

Mr. President, that is one feature of this matter, and now I come to another. The issue here is one that grieves us all very much, and I am going to be perfectly frank about it. I shall say nothing about the motives of Senators. I wish to exonerate myself and exonerate right now from every suspicion of any accusation about any man's motives—but I can talk about the bill. The bill caters to the Negro vote in the North. There is no question about that. The bill is sponsored by a Negro organization in the North. I mean it is publicly so sponsored; I do not mean in the Senate. The fight for this bill is being supervised by an organization headed by a Negro.

This brings up a lot of history and a great deal of experience to us southern men. I think it well for our northern friends to know it—for our northern fellow Democrats to know it. When you get to catering by way of legislation to the Negro vote in Philadelphia, Pittsburgh, New York, Chicago, Cincinnati, St. Louis, and all around you are going to repeat for yourselves some very disastrous history that happened in the South in the period of reconstruction. That accounts for a great deal of the legislation down there. Many have forgotten about that legislation, happily. Most of the people of the South have forgotten about what happened down there, and I am glad they have. There is no use dwelling by the waters of bitterness. But I do not forget it. I could not forget it. The generation after me has forgotten it, but my generation can never forget it. I grew up in reconstruction. I knew its poverty. I knew its hardships. They did not trouble me. I have sometimes thought, Mr. President, that we were happier in that poverty than we could ever be otherwise. There was something very noble about it, something very beautiful about it. We were all poor; all poor together; and poverty was no disgrace; and I am happy to say that it was no sense of handicap, either.

The thing that hurt us, however, the thing that struck the souls of the people of the South was the interference of carpetbaggers with the Negroes, catering to them in legislation, which ruined the Republican Party in the South. I want the Republican Party to understand that the southern people were not so much disposed to vote against that party to begin with. One of the finest stories I know is the story of old Capt. W. H. H. Lawhon, who became a Baptist minister afterward. He was a State senator and had been a captain in the Confederate Army who had fought at Gettysburg. He followed Robert E. Lee all the way back to Appomattox, and he told me this story himself. He was a patriarch in his section of the country. Everybody loved and respected him.

I asked him one day how he got to be a Democrat, and he said, "You know, I came back from Appomattox in my rags, walking down here to my old home in Moore County, across Virginia and North Carolina. I thought about the war and what brought it on, and I decided it was a politicians' war, and I did not like it. I did not regret that I had fought, but I decided that the war had been a politicians' war which ought never to have taken place. I made up my mind that I would always be independent in politics from then on, that I would never let any party lead me, that I would never follow politicians, that I would vote my duty as I saw it."

I said, "You have become a great Democrat. I wonder, Mr. Lawhon, what made you become a Democrat."

He said, "Mr. BAILEY, when I went to the polls to vote I did not have any decent clothes, so I put on my old Confederate suit. I would have worn different clothes if I had had them, but we had no money in the South, and we had no clothes. When the war ended all the money was gone, as well as everything else.

"I went up to the polls, and there were two Federal soldiers in blue, one sitting on one side of the box and the other on the other side, and they were voting the Negroes. They looked at my uniform and asked me who I was. I told them I was Captain Lawhon, and that I had fought at Gettysburg and had surrendered at Appomattox. They said, 'You cannot vote,' and they drove me away from the polls." This old veteran said, "Brother BAILEY, I have been a Zeb Vance Democrat ever since."

A "Zeb Vance Democrat." Zeb Vance served in the Senate, and they would not let him sit here when he first came, but sent him back home.

I hope Senators get the point, that catering to and honoring of Negroes—and I do not say anything against the Negroes, it was not their fault—and that humiliation made the South Democratic. Many people in the South, I do not know how many, believe in the protectionist policy. A great many of them believed in the gold standard in the days of Bryan, when that was a matter of controversy. But when election day comes, there is something in the spirit in the South that makes men go to the polls and vote the Democratic ticket; and I know what it is. The Democratic Party was the only party to which the Southern people could look to protect them against the contemptible white politicians who were catering to them. It came to the point where a man lost his standing in the South if he voted the Republican ticket.

I do not wish to state anything that would create offense, but I say with all respect that there is in the South many a man of the old type who could not possibly understand another man who would say that he voted for a Republican for President because he considered that Republican to be a better Democrat than the Democratic candidate. That goes home to us. We hope that example will not be followed in our southern country. The Democratic Party is an institution in the South. It is not a party; it is an institution. Some of us could shed tears at times when we see what is happening to it.

On the other hand, I say that if you go ahead with your catering to the Negro vote in the North, the same thing will happen in the North that happened in the South. Do not make any mistake about that. The human race is human, North, South, East, and West. Bring forward legislative proposals in order to capture the votes of Negroes in Pennsylvania, and you will lose the votes of the white people in Pennsylvania, just as you will lose them in the South. We could excuse the Republicans on the ground that they knew nothing about us, and that under them the Negro had been emancipated, and the Negro was looking to them, and then they sent representatives into the South who, in my opinion, did not very worthily represent them; indeed, I should not say that they represented them in any degree; and the Republican Party became the party that looked after the colored men. It was expected to do that. The Democratic Party became the party that looked after the white men.

I have been through all that happened since the Negroes obtained the vote in North Carolina. They were voting in very great numbers in the nineties. The literacy amendment, disfranchising the illiterate, was not passed until 1897, and the State was overturned politically, and a fusion regime was elected. The fusion regime was elected very largely by the votes of Negroes who were being catered to by low-down white men, regardless of the welfare of the Commonwealth, and regardful only of their sordid ambitions for contemptible offices.

What happened? We had a revolution in North Carolina. I was editor of a paper at that time, and I undertook to protest against the severities and the extremes used in the revolution. But I made a speech for the revolution, and I was editor of a religious paper at the time. Nobody has ever complained of me because of that. At Thomasville, N. C., in 1898, I expressed the conviction that we would not get anywhere in North Carolina until we could get rid of that sort of catering to the Negro votes. It was that catering to them that was the evil. It was not the Negro himself.

When we finished with that revolution the whole situation was cleared. Charles B. Aycock became Governor in 1900, as I recall, of the great State, and he said, "We are going to take charge of the State. We are not going to cater to the colored people, but we are going to treat them right." I shall never forget his words. He said, "We are going to execute judgment in righteousness."

Things have gone very well there since. You Republicans hear me! Your party is very much stronger now than it ever was before in North Carolina by reason of that. You cast 280,000 votes last time, and practically all of them white votes, for your candidate for Governor. You cast 231,000 votes for your candidate for President. The Negroes fared well. The Senator from Idaho [Mr. BORAH] told us about that the other day, and I am not going to repeat it; but the Negro really has made more progress in the South than in the North. He has made more progress down there than at any other place in the world—much more than he ever would have made in Africa.

Our relations down there are extremely happy. Someone may go down there and sow the seeds of discord with respect to my speech here today. He may do a little harm for the time being, but we get along splendidly with the colored people. I like to speak of them as "the colored people," but I should like everyone to understand that while I would call them "Negroes," I would not call them "niggers." They have a right to their name. Let them fix it up for themselves so far as I am concerned.

After the vote on this very bill last year, when I was a candidate, I went down to North Carolina. I think most Senators know I did not leave here until 2 o'clock on the morning of election. I stayed right here until then.

I did not have any committee; I did not have any organization; I did not take any part in the campaign. I simply stayed right here and went on here as though there was nothing happening down there. The driver of my car, who was a colored man, met me at the station at 10 o'clock. I said, "Joe, any news from the election?" He said, "Yes, Mr. BAILEY. Over in my part of town," he said, "all the colored people are voting against you." "Well," I said, "many of them?" "Oh," he said, "great swarms of them—great swarms of them voting in the Democratic primary." "Well," I said, "that is all right, Joe. I understand that." "Well," he said, "they are talking mighty bad over around the polls." I said, "What is it? What are they saying?" "Why, they said you are in favor of lynching them."

Mr. President, that is how low things can be carried by catering to the Negro vote. They cast 2,500 votes against me in my own town in that election. I have never had it in my heart to blame them. I left the Democratic convention a few days after that to go to the funeral of a Negro woman. I like those people, and I know that in the long run they will have confidence in me; and I should be ashamed of myself if I felt like striking at them because they struck at me under the misguidance of the very man who is backing this bill from the gallery at this hour. That is dastardly business.

Mr. President, I have another point to make. I am saying to the Democrats in the North that if they undertake to cater to the Negro vote in the North, there will be a white party in the North. I can state why that is so. The Negroes are good people. Their hearts are good. They have a much better capacity for the old faith than have the white people, and I thank God for it. I will say here, in passing, that I am very glad my children got their faith from the Negroes and not from me. Every now and then the lamp of my faith flickers very low, but the lamp and the faith of the Negroes in my home burn very brightly, and I am glad my children live in the light of it.

There are, here and there, men perfectly capable amongst themselves, and there always have been. One of the greatest teachers in our commonwealth was a Negro. I heard the junior Senator from North Carolina [Mr. REYNOLDS] earlier in the day making reference to the naming of some roads after Negroes. There is a school in my home city in North Carolina named after a man named Chavis, and I was on the school board when the schoolhouse was named. I voted to name it after Chavis. One schoolhouse is named after President Garfield. The other is named after Chavis, a colored man. You never heard of him, Mr. President, but he was a teacher of a great number of the ablest white people in North Carolina. People do not understand about that. We know that the Negro is capable of fine things. We hope for the best influence for him. We recognize the merit in him, and we see him coming forward all the time, acquiring property and gaining station and self respect, and we rejoice in it, and we think our system is doing that. His friendly contact with us and our friendly contact with

him is worth all the laws that ever may be written on the books.

There are, after all, great masses of them who are still very hopelessly ignorant, who know nothing about government and have no comprehension about it. They voted the Republican ticket from 1867 until last year. They followed the Great Emancipator. They could not be blamed for that. He had freed their race. All one had to do was to ask a Negro, "Aren't you going to vote with the party of Abraham Lincoln?" No matter what he thought, he was going to do it. Now, when the question is asked, "Are you not going to vote for the party of Abraham Lincoln?" they say, "I don't know about that; Mr. Lincoln freed us, but that was way back yonder in 1863. Now Mr. Roosevelt feeds us, and feeding us is more than freeing us."

I do not care how the Negroes vote, but I should like them to be capable of voting on some sort of standard. There is the point. They are not capable in the mass right now of voting on any such standard. Whenever the Republican Party or the Democratic Party or the New Deal party or any other party begins to cater to the Negro vote, it is going to elect to office common fellows of the baser sort, and destroy the party. So now we in the South are in just this fix: We see this legislation pending here, and we feel, without impugning anyone's motives, that it caters to the Negro vote. We know how it works down there in the Democratic primary. All the Negroes came over to the primary to vote against me. We see how it is working by way of dragging down our politics and making it infinitely more difficult for us. We are saying that when that policy is pursued in Pennsylvania it is going to have the same effect, but we are willing to have the Pennsylvanians perform the experiment. That is the difference between the South and the North in this case. I know that in Pennsylvania there is a social-equality law—I put it in the RECORD—which makes it a crime for any restaurant or hotel or boarding house not to give to the colored people the same accommodations they give to the whites.

Pennsylvania can try that out if she wishes. We are not trying to interfere with the affairs of Pennsylvania. I am saying though, to the Pennsylvania Democrats, that when they get into that they are going to repent it in tears and sackcloth and ashes. It will not be long before the white people of Pennsylvania will be coming to the Senate and asking the Democrats to save them. They will not find salvation there. Senators need not worry what will happen. The white people will form a party. I am willing to have Pennsylvania perform the experiment; but I am utterly unwilling that other States, in which there has been no experience in this matter—that is the trouble—in which there is no understanding of this matter based on experience; I am unwilling, and I think it a wrong against our civilization itself, a wrong against the country itself, a wrong against the colored race as well as the white, for those States to undertake to say to my State how it shall manage itself and solve the difficulties growing out of this great problem. We have had 75 years of freedom for the colored man, and we all are glad that he is not a slave. Those 75 years have meant something to us by way of experience. The Senator from Idaho showed the other day how beneficent that experience had been both for the southern white man and the southern colored man.

But consider the effect upon the party. Hear me in all solemnity and with no desire to hold anything back. Let the national Democratic Party become the party catering to the Negro vote, and there will be no question as to what will happen in the South. I sometimes think, Mr. President, I am fighting for my home in the Democratic Party, my father's party. I will make my fight. We will not yield; we will not let anybody drive us out. They make take it away from us, but we will be right there, the same old Democratic Party. It is an institution down there. I hope I have made it clear to my fellow Senators why I feel about this matter as I do.

I said there is an internecine war here threatening as between Democrats. It is not between Republicans and Democrats any more; the fight is all on our side. We are telling you what will happen when you begin in a national way to tell our people what they shall do. You can do it in your States; go and do what you please in Ohio or New York or Boston, Mass., or Pennsylvania; but in the hour that you come down to North Carolina and try to impose your will upon us about the Negro, so help me God, you are going to learn a lesson which no political party will ever again forget. That is the truth. Some may not like me for saying it now, but one of these days those who do not like it will say, "Would to God we had listened to the warning." The civilization in the South is going to be a white civilization; its government is going to be a white man's government. We are not without our recourse. We have lost some things. We had the two-thirds rule, and that was one great ground of attachment to the Democratic Party. It has gone; it was taken away from us in the twinkling of an eye. Hardly one of us had an opportunity to make a protest.

Now convert the Democratic Party into a party undertaking to cater to the Negro vote by imposing measures such as this upon the South and I give you a warning—I give you the warning that no national administration can survive that does such a thing.

It may be said the people of the South are not going to be greatly aroused about it. Now, perhaps, they will not be; they are a patient people; but when they see the meaning of it, and what follows it, you need not worry at all about them responding as they have always responded, and remember I said you in the North are going to respond in the same way. It is not a thing that is peculiar to the South; it is a matter that exists because of the unfortunate differences which I will not mention any further between the Negroes and the white people. Race problems always are difficult. I do not suppose there ever was a more difficult one than now is in the South; and I am not blaming the colored man about it. Somehow or other I have a great sense of relief and joy that we have gotten along so well as we have under the circumstances, and I felt very deeply, I will confess, when the Senator from Idaho [Mr. BORAH] was telling the Senate the other day of the difficulty the people of the South had and how well they had done with it. Mr. President, it is worth living 64 years just to hear that, and it is worth this debate, with all that is unfortunate about it and all that is unhappy—it is worth it all to hear him talk as he did. There is one American who understands, and he is not a Democrat.

Mr. President, I have elaborated that with a great deal of candor and with no regret for the candor and no apologies for anything I have said by way of being very candid. I do not know that there is any other way to get along in the world except to be candid. I have done it because I thought it ought to be done. I think my party ought to be warned in two respects. The first one, I say, is this: We will welcome these newcomers with the socialistic trend—and many of them are really socialistic—and we will let them carry on with all the zeal of renegades, but they must recognize that the old party is still here; that the old type of man is still here, and they cannot get along without us. That is one.

The other is we are perfectly willing for the Northern States and the Western States or any other States to do just as they please about the race problem. But just as when the Republicans in the sixties undertook to impose the national will upon us with respect to the Negro, we resented it and hated that party with a hatred that has outlasted generations; we hated it beyond measure; we hated it more than was right for us and more than was just; we hated it with an intolerance that nobody could probably approve, but we hated it because of what it had done to us, because of the wrong it undertook to put upon us; and just as that same policy destroyed the hope of the Republican Party in the South, that same policy adopted by the Democratic Party will destroy the Democratic Party in the South.

Mr. SMITH. That is true.

Mr. BAILEY. Of course it is. I went through the white supremacy campaign; I know something about the thoughts of the people on these matters. I am not talking in theory about the history. I was traveling all about in North Carolina. I will quote Aycock again. He said:

You could hear the crack of the rifles and the blast of the pistols more frequently than the voice of the mockingbird.

I heard him say it. We are not going to let you lead us through that, and if you try to lead us through that, we are not going along with you.

I have said enough about that. I am going back now for a moment to the constitutional character of the bill, though I am not going to try to expound the Constitution. I am going to say it is unconstitutional from the standpoint of the exposition of the Constitution by the President of the United States. I am going to read what he said. I think it is time we heard something by way of authority on the Constitution. Here is his address on "the fundamental principles of our Government according to the Constitution," to use his language:

The fundamental principles on which the Government is built and what the underlying idea of the relations between the individuals and States and States and the National Government should be.

Mr. SMITH. Mr. President, may I ask the Senator from North Carolina when that speech was delivered?

Mr. BAILEY. It was delivered on the eve of his candidacy for the Presidency in 1932, but the date of the speech is 1930. That, however, was when he was just beginning to run. He had been elected for the second time Governor of New York State. I had my eye on him at the time as a possible President of the United States. I read that speech then and I have it here. The date of it is "Reprint from New York Times of March 3, 1930. A radio speech by Gov- Franklin D. Roosevelt, of New York, on March 2, 1930."

Let us hear what the President says about the Constitution; we have all been "up in the air" about it. Let us hear what he said in 1930, not back in some remote "horse and buggy days." I do not know just when that era ended, but I do not think it continued until 1930 when we were riding in automobiles and had been doing so for 30 years and were getting ready to elect a Democratic President of the United States.

Mr. SMITH. Mr. President, before the Senator begins the reading, let me ask, does he think that the interpretation of the Constitution depends on whether one is in a buggy or an automobile? [Laughter.]

Mr. BAILEY. That depends upon whether the Senator or I might be in a buggy, but, in my spirit of tolerance, I am making allowances for other people. Now, let us hear the President. If you will not hear me, hear him:

I have been asked to talk about the respective powers of the National and the State Governments to rule and regulate, where one begins and the other ends. By some curious twist of the public mind, under the terms "home rule" or "States' rights," this problem has been considered by many to apply, primarily, to the prohibition issue.

THE RIGHTS OF THE STATES

As a matter of fact and law, the governing rights of the States are all of those which have not been surrendered to the National Government by the Constitution or its amendments. Wisely or unwisely, people know that under the eighteenth amendment Congress has been given the right to legislate on this particular subject, but this is not the case in the matter of a great number of other vital problems of government, such as the conduct of public utilities, of banks, of insurance, of business, of agriculture, of education, of social welfare, and of a dozen other important features. In these Washington must not be encouraged to interfere.

The proper relations between the Government of the United States and the governments of the separate States thereof depend entirely in their legal aspects, on what powers have been voluntarily ceded to the Central Government by the States themselves. What these powers of government are is contained in our Federal Constitution, either by direct language, by judicial interpretation thereof during many years, or by implication so plain as to have been recognized by the people generally.

DIFFERENCES BETWEEN NATIONS

The United States Constitution has proven itself the most marvelously elastic compilation of rules of government ever written. Drawn up at a time when the population of this country was practically confined to a fringe along our Atlantic coast, combining into one nation for the first time scattered and feeble States, newly released from the autocratic control of the English Government, its preparation involved innumerable compromises between the different Commonwealths.

Fortunately for the stability of our Nation it was already apparent that the vastness of our territory presented geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce.

Already the New England States had turned toward shipping and manufacturing, while the South was devoting itself almost exclusively to the easier agriculture which a milder climate permitted.

Thus, already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

Need I remind the Senate that that is the language of the President of the United States? If I said that, it would be discounted as the words of an alarmist; but that comes from the President.

THE RIGHTS OF MINORITIES

The preservation of this "home rule" by the States is not a cry of jealous Commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.

The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where through a division of government into units called States the rights and interests of the minority have been respected and have been given a voice in the control of our affairs.

This is the principle on which the little State of Rhode Island is given just as large a voice in our National Senate as the great State of New York.

The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

For this reason a proper understanding of the fundamental powers of the States is very necessary and important. There are already, I am sorry to say, danger signals flying. A lack of study and knowledge of the matter of the sovereign power of the people through State government has led us to drift insensibly toward that dangerous disregard of minority needs which marks the beginning of autocracy. Let us not forget that there can be an autocracy of special classes or commercial interests which is utterly incompatible with a real democracy whose boasted motto is "of the people, by the people, and for the people."

Already the more thinly populated agricultural districts of the West are bitterly complaining that rich and powerful industrial interests of the East have shaped the course of government to selfish advantage.

"HOME RULE" IS AN IMPORTANT THING

The doctrine of regulation and legislation by "master minds," in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during these last 10 years. Were it possible to find "master minds" so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices; men almost godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interest of the country, but there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

"We cannot expect a complete reversal of all the teachings of history"! The one man in America who should have said that is the man who said it.

Now, to bring about government by oligarchy masquerading as democracy it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever they seem in danger.

Somebody accused me of filibustering. I plead that in justification. I say to you that I have the warning and the adjuration of the President of the United States that "we are safe from the danger of any such departure"—that is, a departure in the direction of autocracy—"from the principles on which this country was founded just so long as the indi-

vidual home rule of the States is scrupulously preserved and fought for whenever they seem in danger."

Thus it will be seen that this "home rule" is a most important thing, a most vital thing, if we are to continue along the course on which we have so far progressed with such unprecedented success.

Let us see, then, what the rights of the different States, as distinguished from the rights of the National Government, are. The Constitution says that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and article IX, which precedes this, reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

WHAT POWERS ARE DELEGATED?

Now, what are the powers delegated to the United States by the Constitution?

First of all, the National Government is entrusted with the duty of protecting any or all States from the danger of invasion or conquest by foreign powers by sea or land, and in return the States surrender the right to engage in any private wars of their own. This involves, of course, the creation of the Army and the Navy and the right to enroll citizens of any State in time of need.

Next is given the treaty-making power and the sole right of all intercourse with foreign states, the issuing of money and its protection from counterfeiting. The regulation of weights and measures so as to be uniform, the entire control and regulation of commerce with foreign nations and among the several States, the protection of patents and copyrights, the erection of minor Federal tribunals throughout the country, and the establishment of post offices are specifically enumerated.

The power to collect taxes, duties, and imposts to pay the debts for the common defense and general welfare of the country is also given to the United States Congress as the lawmaking body of the Nation.

It is interesting to note that under the power to create post offices the Constitution specifically provides for the building of post roads as a Federal enterprise, thus early recognizing that good roads were of benefit to intercommunication between the several States and that districts too poor to afford to construct them at their own expense were entitled to some measure of Federal assistance. It is on this same principle that New York and other States are aiding rural counties or constructing entirely at State expenses improved through thoroughfares suited to modern traffic.

The Constitution also contains guaranties of religious freedom, of equality before the law of all citizens, of protection from confiscation of property, and from other possible acts of injustice to the individual citizen; and Congress is empowered to pass laws enforcing these guaranties of the Constitution, which is declared to be the supreme law of the land.

On such a small foundation have we erected the whole enormous fabric of Federal Government, which costs us now $3,500,000,000 every year; and if we do not halt this steady process of building commissions and regulatory bodies and special legislation, like huge inverted pyramids over every one of the simple constitutional provisions, we shall soon be spending many billions of dollars more.

I hope I may be pardoned for saying that that is evidence that our President had the gift of phophecy.

A few additional powers have been granted to the Federal Government by subsequent amendments. Slavery has been prohibited, all citizens, including women, given the franchise; the right to levy taxes on income, as well as the famous eighteenth amendment regarding intoxicating liquors, practically cover these later changes.

A NEW LAND OF PROMISE

So much for what may be called the legal side of National versus State sovereignty. But what are the underlying principles on which this Government is founded? First and foremost, the new thought that every citizen was entitled to live his own life in his own way so long as his conduct did not injure any of his fellow men. This was to be a new "land of promise" where a man could worship God in the way he saw fit, where he could rise by industry, thrift, and intelligence to the highest places in the Commonwealth, secure from tyranny, secure from injustice, a free agent, the maker or the destroyer of his own destiny.

But the minute a man or any collection of men sought to achieve power or wealth by crowding others off the path of progress, by using their strength, individually or collectively, to force the weak to the wall—that moment the whole power of government, backed, as is every edict of the Government, by the entire Army and Navy of the United States, was pledged to make progress through tyranny or oppression impossible.

On this sure foundation of the protection of the weak against the strong, stone by stone, our entire edifice of government has been erected. As the individual is protected from possible oppression by his neighbors, so the smallest political unit—

"So the smallest political unit"—

the town, is, in theory at least, allowed to manage its own affairs, secure from undue interference by the larger unit of the county, which in turn is protected from mischievous meddling by the State.

This is what we call the doctrine of home rule, and the whole spirit and intent of the Constitution is to carry this great principle into the relations between the National Government and the government of the States.

OUR PROPER COURSE

Let us remember that from the very beginning differences in climate, soil, conditions, habits, and modes of living in States separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual States. Remembering that the mining States of the Rockies, the fertile savannas of the South, the prairies of the West, and the rocky soil of the New England States created many problems, introduced many factors in each locality, which have no existence in others, it is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each State in its own way.

There are many glaring examples of where exclusive Federal control is manifestly against the scheme and intent of our Constitution.

It is to me unfortunate that under a clause in our Constitution, itself primarily intended for an entirely different purpose, our Federal courts have been made a refuge by those who seek to evade the mandates of the State judiciary.

I think if we understand what I have tried to make clear tonight as to the fundamental principles on which our Government is built, and what the underlying idea of the relations between individuals and States, and States and the National Government should be, we can all of us reason for ourselves what should be the proper course in regard to Federal legislation on any of the questions of the day.

I respectfully submit my argument on the unconstitutionality of the proposed legislation in the words of the President of the United States, without an omission, beginning at the beginning and reading through to the end. I understood that there was some sort of a disavowal on the floor of the Senate that the President was supporting the pending measure. I understood that it was stated, not exactly that it was not an administration measure, but we were left up in the air about it.

I am saying that no man who made the speech which I have read can support the proposed legislation now without a world of explanation. It cannot be explained by saying that in 8 years we moved out of the "horse and buggy" days into some other sort of a period.

I submit to my fellow Senators who are inclined to follow the President very faithfully that I stand on the principles enunciated in this speech. That is where I have always stood, and that is where I am always going to stand.

I read this speech, and I supported the President. I have not changed. I stand on that statement. That is as good a statement of the character of the structure of this Republic as I have ever read, and I have read a great many of them. That is in accord with all the history of this country. That is in accord with all the decisions of the courts of this country. That is the historic interpretation of the Constitution.

That was the American understanding of America until the last 3 or 4 years. I was rocked in that cradle, and I never thought the time would come when I would hear anyone say anything but that, and I would to God something might happen whereby that doctrine would come back and be the doctrine of this administration and of the Congress.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. LEWIS. I rise to ask my able friend where he sees any difference, from a constitutional point of view, between advocacy by a President or support by a Senator of the proposal to enlist the aid of the Federal Government in behalf of a citizen of a State and the Federal Government entering into the same State for the protection of the land of that State, its farms, and the direction of the management of its farms, known as agriculture?

Mr. BAILEY. I am sure the Senator did not hear the speech. The President said we had no right to go in on agriculture.

Mr. LEWIS. I am speaking about what we have done, and about what we are still doing.

Mr. BAILEY. Now, the Senator is going to argue that because we have we should. That does not follow.

Mr. LEWIS. If my able friend sees any difference in principle between what is proposed now and what we have done out of the necessities, for reasons into which I do not wish

to enter, what is the constitutional difference in the National Government finding it agreeable, under the present President of the United States, going into the States and assuming to direct the methods of farming, or limiting the land to be farmed, or the amount that shall not be farmed, providing funds for the management of the farming, control of the problem, and an attempt to control and protect the citizen of a State by the Federal Government?

Mr. BAILEY. I question whether fundamentally there is any difference; but I am opposed to both. That does not place me in an embarrassing position. I voted against the A. A. A. bill notwithstanding the fact that I knew that 80 or 90 percent of the farmers in North Carolina wanted it, and I voted against it wholly because it was unconstitutional. I did not think I had a right to vote in any other way, and I do not think I have any such right now. I regard my oath as the one condition of my office, and I understand that the oath is to prevent me from usurping power, and when I violate it I am a usurper before the Senate and before God.

When people ask me to vote for a bill because it is popular, and I wish to do it, I hope and pray I may have the strength to resist it in order to maintain my oath, because fundamentally that is not only my faith with my people; it is my faith with Him from whom I came and to whom I must give my ultimate account. So I see no trouble, and the President took the same view I take. Let me read again:

> Wisely or unwisely, people know that under the eighteenth amendment Congress had been given the right to legislate on this particular subject, but this is not the case in the matter of a great number of other vital problems of government, such as the conduct of public utilities, of banks, of insurance, of business, of agriculture.

That is what the President said, that is where I stood in 1933, and that is where I stand now. The Supreme Court, in the Butler case, took the same view, said we could not control, and while that matter is before us I wish to refer to the dissenting opinion of Mr. Justice Cardozo, of whose illness I have heard with a great deal of regret, for whom I have the utmost respect, and for whose recovery I have the deepest hope.

Reading the opinion of Justice Cardozo and Justice Stone and Justice Brandeis, we will find that they themselves did not say that they would support compulsory legislation interfering with agriculture. They sustained the A. A. A. on the ground that it was not compulsory. The Bankhead Act and the Kerr-Smith Act were not involved; they were compulsory measures. These Justices said, "This act is an act based on the taxing power of the Government, power to appropriate funds," and that those funds could be appropriated as conditional gifts. But they did not say they could be appropriated by way of control. I have thought that any control legislation would be condemned by Justices Stone, Brandeis, and Cardozo.

Mr. President, the temptation is to linger on this subject, but I am going to leave it. I think it quite clear—it must be clear—that the historic conception of our Government as interpreted by our fathers and by our own generation and by our President condemns the proposed legislation and all other similar legislation.

We will get out of the present attitude of mind. We are going to repent of all the sort of thing we are doing. My faith in the American people is not easily shaken. I have seen populism run riot over the country for 10 years and then disappear like the fogs before a July sun. All this will go and we will wonder some time that we ever gave ourselves over to this sort of thing. We will come back and read this speech of the President, and we will say, "Here is the real doctrine." We are going to be glad that our President made this statement in 1930.

I am not afraid about the conditions. Some Senators become worried to death because of all the nostrum business that is going on in this country. I am not worried about it. I have seen the patent-medicine political fakers sell nostrums to the American people before, and others have. Then I have seen all the nostrums thrown in the ditch and the old political faker forgotten and disgraced. That is what will happen about all that is now going on. We are carried away by a tide. We had a period of excitement, which some speak of as hysteria. We thought terrible things might happen. But we are getting out of that. Out of that came all sorts of sins of commission and disregard of the Constitution. The cry was, "Adopt this and adopt that, no matter whether the Constitution permits it or not. Violate your oaths. Let the bill become a law for a year"; those giving utterance to such sentiments well knowing it would not be a law after that.

Mr. President, if I were younger, I would feel differently about this matter, perhaps, but after a man has been in public life 40 years and has lived in the midst of these things, he gets a great faith in the character of his fellow men. They go wrong at times, they get off the base, excitements take hold of them, but, after all, common sense rules America. Sound character is in the heart of the American people. It is moving right now, too. Thank God, it is moving right now!

In passing, I may say to the Senate that very probably there were some who felt that the little declaration which some Senators got up some weeks ago would just die aborning, prematurely divulged, as it was. I may say to the Senate that I have had orders for 300,000 copies of that declaration since I made the speech about it, and they keep coming in. My secretary comes in every day and tells me I have to print some more. It is being printed in circular form all over the country. I think I am safe in saying that there are 700,000 or 800,000 copies of it going out, and it will continue to be disseminated.

Mr. President, this declaration will continue to go out because the American people believe in the American system. They believe in just what the President stated in this speech I have read. No man on earth could have been elected President of the United States in 1932 if he had not believed in what the President stated at that time. That is what the people believed then, and they will come out of all this excitement. Let us not be afraid. My mail is filled with requests for reprints of the declaration, and papers all over the country are printing it. I am not sending it out as propaganda. I am getting no end of checks for $4.60, which is what it costs to send out a thousand. I was embarrassed the other day when my clerk came in and brought me a lot of checks. I said, "What do you mean by bringing me these checks?" He said, "They are from people asking for the declaration." I wrote and told them that we printed 100,000 for $460, which meant $4.60 a thousand. I signed the checks and sent them to the printing establishment. That is an evidence of what is going on in the United States.

Hear me, Senators. We will trifle a little. We are like young fellows standing on the edge of the precipice, just to see how deep it is and how far we can go, but in the hour of need, in the moment of reality, when the American people see that the issue in the United States is between free enterprise such as we have known these 150 years, and the collectivism which hangs like a cloud over us, stretching over the continent, do not worry. The political life of the man who squints in the direction of collectivism is not going to be worth 5 cents in 6 months.

I am glad the issue is coming. That is the issue. I am no alarmist about that, either. I want Senators to hear me about it. We are going to get out of this depression; we are going to employ the unemployed; we are going to rescue agriculture; we are going to go on building America on the basis of individual free enterprise, or we are going to fail. If we fail, we cannot help going to collectivism. For that reason it is the duty of every patriotic American to do everything within his power to encourage free enterprise. I am not ashamed to say it. That means to foster American business, big and little. That is what we come to. I know free enterprise must succeed, or we are going into collectivism.

I know there are men in places of authority who wish to undermine free enterprise in order that it may fail and they

may have their collectivism. I have no doubt about that, but I am not one of them. I understand what they are doing. There is no one who was more heartened than I was lately because of the national repudiation of the foolish and extravagant utterances of the Secretary of the Interior, Mr. Ickes. We do not have to answer them. The American people answered them. The American people do not have to answer Mr. Robert Jackson's utterances, either. Those two are trying to put the responsibility for this recession upon business—what for? To discredit business, to make it impossible to recover. Did they succeed? No! The American people put them exactly where they belong. It does not make a bit of difference what they say from now on. They are finished. They struck into the instincts of the American people. They could have got off no end of foolishness; they could have vapored all they wished to vapor; but when they got down to hard tacks and tried to put that over, we saw the whole people of the United States rise. While the President of the United States has not openly repudiated them—I wish he had—he has taken the position, for which I praise him, that the only trouble with business in America is confined to a handful of people.

That gets it right down to just a handful of people. Of the great organizations all over the country we have just a handful of such people. What now becomes of Mr. Secretary Ickes and what becomes of Mr. Assistant Attorney General Jackson, with their broadside attacks, in the light of the statement of the President at the party dinner, that after all the difficulties in American business, the things to be complained of, are confined to a mere handful of persons? I am with him on that. Let us find the handful. Let us see what they are doing which is wrong. Let us correct it; but when we have done that we are not thereby going to cure our depression.

That ends the argument of the businessman being responsible for the depression. A mere handful could not have done it. That is an impossibility. Of course, we have had other things. I am, however, saying what we have had. I am not criticizing. I am constructing. When we wish free enterprise in America we must create a climate in America that is favorable to it. You have to quit undermining it. You have to find the Fabian Socialist in America—that is what he is—mark him, identify him, answer his arguments, and, even before you answer his arguments, make business a success in America. That means make farming a success, I will say to the Senator from South Carolina [Mr. SMITH]. That is free enterprise. That means making textile industries a success. That is free enterprise. That means making the railroads a success. The railroads are a free enterprise. That means making banking a success and making United States Steel a success, and the little banks as well as the big banks—all of them. Take big and little; all—it is all one fabric, one structure—find what little evils they are doing or what big evils they are doing and get rid of them.

Then the American people will move on to the new "land of promise" of which our President spoke where a man—and I will quote his words:

> Could rise by industry, thrift, and intelligence to the highest places in the commonwealth, secure from tyranny, secure from injustice, a free agent, the maker or the destroyer of his own destiny.

There is the definition of free enterprise. I am with him.

Mr. President, I should like to have the leader of the Senate intimate to me whether he is going to "take out," as they say at home, at about 5 o'clock. I am going to speak next, I will say, by way of celebrating Jackson Day, in prophecy. I am going to read Andrew Jackson's farewell address to the Senate in further support of my position on this bill; and it is a fine address. It is no better than this one made by our President, but it is a fine address.

Mr. SMITH. What Jackson?

Mr. BAILEY. Not Robert but Andrew Jackson. I do not think they are related. I think Robert came from somewhere off here, but I know where Andrew Jackson came from. That reminds me: Andrew Jackson, I will say to the Senator from South Carolina, was born in North Carolina.

Mr. SMITH. He said he was born in North Carolina, but I doubt it.

Mr. BAILEY. I thought I might get up a controversy on the subject of Andrew Jackson. I made that statement mainly by way of challenge, not by way of assertion.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BAILEY. I have accomplished my purpose. I yield.

Mr. SMITH. There is such a dearth of big men in North Carolina that I will let the Senator indulge that thought for a while. [Laughter.]

Mr. BAILEY. I thank the Senator. He is very good. I wish to say a word about Andrew Jackson before I begin on his farewell address.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. McKELLAR. I desire to say that while Andrew Jackson was born in either North or South Carolina, he secured his greatness in Tennessee. [Laughter.]

Mr. BAILEY. The same place where the senior Senator from Tennessee got his. That explains a great deal to us all.

Is the Senator from Kentucky willing for me to quit with one word about Andrew Jackson?

Mr. BARKLEY. I thought the Senator wanted to read the address before we quit.

Mr. BAILEY. That will take me another hour.

Mr. SMITH. Save that until tomorrow.

Mr. BAILEY. I want to clear up the situation about Andrew Jackson. Nobody knows where his birthplace was.

Mr. BARKLEY. I suppose there is no question at all that he was born. [Laughter.]

Mr. BAILEY. I do not know about that. I do not want to be committed on that subject. He may have been a plain gift from Heaven.

Mr. McKELLAR. Mr. President, I have seen a monument which commemorates his birthplace. I suppose he was born where those ladies placed his monument.

Mr. BAILEY. I wish to make a statement by way of clearing up that question. I really wanted a rest and I issued my challenge to the senior Senator from South Carolina with malice aforethought. Henrik Van Loon says, I think rather inadvertently, in his history, that Andrew Jackson was born in North Carolina. All patriotic North Carolinians claim him, but the truth is that it was down somewhere about the Waxhaw settlement, and it is hard to tell where the line is; but we will divide it in that way. It is said that he may have derived his greatness from Tennessee. I will not challenge that statement. Andrew Jackson spent his whole young manhood in North Carolina. He practiced law at Guilford Court House and at Salisbury. One of the most interesting things I know about him is that a judgment was taken against Andrew Jackson when he left for Tennessee, which is recorded in Rowan County. It remained on record against him for several years, but one day the news of the Battle of New Orleans came, and the creditor, I think, sneaked up there—he did not do it publicly—and wrote on the judgment, "Canceled by the victory of New Orleans."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CLARK. Will the Senator tell us what that judgment was about?

Mr. BAILEY. I am sorry, but I do not know. I hope the Senator from Missouri will tell us about that.

Mr. CLARK. I did not wish to interrupt the Senator's argument, but it would be very interesting to know what it was about.

Mr. BAILEY. At any rate, Andrew Jackson came from down there on the line between the two Carolinas. The Senator from South Carolina [Mr. SMITH] and I will divide him up. He grew up in North Carolina. Then he went to Tennessee, which was a part of North Carolina, and was about as good as the other part, too. That is the most remarkable thing about it.

Mr. McKELLAR. I thank the Senator.

Mr. BAILEY. It is a very fine country. Then he went off and made his great career in Florida, in Mexico, and at New Orleans, and came to the Presidency in the real spirit of a great American.

So tomorrow, when we resume, I wish that all may be here, not to hear me but in order that we may hear the voice of the great father of the Democratic Party. Thomas Jefferson was not the father of the Democratic Party. Thomas Jefferson was a Republican. That is the strangest thing in the world. A Republican in those days, however, was not like a Republican now. Senators realize the difference. We make that distinction. The parties were the Republican and the Federalist Parties. Jefferson was a Republican mainly by way of opposition to the Federalist idea. Democracy grew in the period from Jefferson to Jackson. It took its form and spirit from the doctrines of Jefferson, but Andrew Jackson gave it a body and the organism and the Presidency and the administration, and as he left he wrote his farewell address. So while much has been said about Jackson, tomorrow I am going to let Andrew Jackson speak for himself. I hope the Senate will come to hear me.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Clarence V. Opper, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned, which was referred to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the following nominations:

Joseph P. Kennedy, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States to Great Britain, vice Robert Worth Bingham, deceased;

Hugh R. Wilson, of Illinois, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary of the United States to Germany, vice William E. Dodd; and

Norman Armour, of New Jersey, now Envoy Extraordinary and Minister Plenipotentiary to Canada, to be Ambassador Extraordinary and Plenipotentiary of the United States to Chile, vice Hoffman Philip, retired.

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the following nominations:

Leon H. Keyserling, of New York, as General Counsel of the United States Housing Authority;

J. Austin Latimer, of South Carolina, as Director of Information, serving as Assistant to the Administrator of the United States Housing Authority; and

Isador Lubin, of the District of Columbia, Commissioner of Labor Statistics, Department of Labor.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination on the Executive Calendar.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of George A. Cook, of Illinois, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

POSTMASTER

The legislative clerk read the nomination of John P. Adair to be postmaster at Highlands, N. J., which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John P. Adair to be postmaster at Highlands, N. J.?

The nomination was rejected.

The PRESIDING OFFICER. That concludes the Executive Calendar.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 13, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 12 (legislative day of January 5), 1938

BOARD OF TAX APPEALS

Clarence V. Opper, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 12 (legislative day of January 5), 1938

NATIONAL MEDIATION BOARD

George A. Cook to be a member of the National Mediation Board.

PROMOTIONS IN THE NAVY

MARINE CORPS

Albert J. Keller to be captain.
Tom Woody to be chief marine gunner.
Glenn W. Black to be chief marine gunner.

REJECTION

Executive nomination rejected by the Senate January 12 (legislative day of January 5), 1938

POSTMASTER

NEW JERSEY

John P. Adair to be postmaster at Highlands in the State of New Jersey.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 12, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou whose garments are the trailing clouds, whose throne is in the heavens, we rejoice that in Thee we move, live, and have our being. We pray Thee that we may have faith in our hearts and live with a vision. Thou who art the sum of all things conceivable in justice, purity, and truth brood over us; do Thou ever draw us toward knowledge, industry, and refinement. Grant, O Lord, that our fellow citizens may be patient. May they not live alone for material prosperity, but let the spirit of humanity prevail among all. In us let the divine One be born again and give power to every human faculty. Almighty God, heal the world's loud weariness; its shoulders ache beneath its heavy load. Come Thou, gracious Father, and bestow merciful blessings upon our Speaker, beloved, and all Members of the Congress. Day by day renew our strength and let Thy staff be our comfort. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

JAMES G. STRONG

The SPEAKER. The Chair recognizes the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Speaker, Members of this body who served in the previous decade were shocked and grieved this morning to learn of the death of one of their former colleagues, a former Member from the old Fifth District of Kansas, the Honorable James G. Strong.

Mr. Strong served with great distinction in the House from March 4, 1919, to March 4, 1933, a period of 14 years, during 8 years of which time he was chairman of the Committee on War Claims and one of the strong and influential members of the Committee on Banking and Currency.

Mr. Strong was a man of pronounced opinions and had the courage of his convictions upon public and political questions, but even in the rough-and-tumble fisticuffs of parliamentary debate his generous mind and chivalric impulses so dominated his conduct that he secured and retained the respect and love of even those who diametrically differed from his public and political ideas and ideals.

Out in his beloved Kansas his friends today will learn with profound sorrow of his death and recall his many good deeds and his distinguished career crowded with service to his State and to his country and the priceless heritage of a great name and useful life which he bequeaths to his family.

If Jim Strong, as he was familiarly known among his friends and neighbors, had any fault, his friends and old colleagues wrote them on the shifting, inconstant sands where the forgiveness of wind and wave washed them all away. In the House he raveled out his life like a prodigal spendthrift in the service of his country, which again recalls to our minds the corroding effect of our exacting services here in the House. In the 12 years of my membership in the House I have served under six Speakers, four of whom have answered the final roll call and gone to the land of their dreams to join that vast majority where no party aisle divides them.

The passing of Mr. Strong again reminds us of the swift mutations of time and the twin mysteries of life and death. whose definition has eluded the sages and philosophers of all the ages. Recently Nancy Byrd Turner in her exquisitely beautiful poem, Death Is a Door, has given us her comforting vision of death:

Death is only an old door
Set in a garden wall.
On gentle hinges it gives, at dusk,
When the thrushes call.

Along the lintels are green leaves,
Beyond, the light lies still;
Very weary and willing feet
Go over that sill.

There is nothing to trouble any heart,
Nothing to hurt at all.
Death is only a quiet door
In an old wall.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE ITEM VETO AMENDMENT

Mr. MAVERICK. Mr. Speaker, yesterday while only about 25 Members of Congress were on the floor the Committee on Appropriations presented an amendment to provide for the single-item veto. This seems to me to be wholly unfair, because it is well known that seriously controversial matters ought not to be slipped through on appropriation bills at the last minute and without notice. It is not customary.

The Appropriations Committee is not supposed to fix policy, but to submit appropriations, and I think that it is well understood that had notice been given of this, parliamentary objection would have been made, and if not, it would more than likely have been defeated.

I have talked to a number of serious and earnest men, and they believe the item veto is a very good thing. But aside from the unfairness of its presentation, I believe it is a very dangerous proposal, because it takes almost all the power away from Congress and places it with the growing power of the Executive.

POWERFUL EXECUTIVE—IS CONGRESS COMPANY UNION OF MESSENGER BOYS?

Appropriations will, in effect, hereafter be made by the Executive if that amendment is carried through.

It is said the single-item veto is intended to stop pork-barrel practices, but, as a matter of fact, the Executive can use it to dominate Congress completely and more or less make us a sort of company union of messenger boys.

Under the provisions of this amendment the President could eliminate or destroy various sections of the Government.

He could eliminate the civil service, or on the same principle, the Executive could, in effect, remove a particular person whom he did not like.

He could eliminate portions of or all of the judiciary.

He could eliminate provisions for scientific purposes, and so on.

COMPLETE REVERSAL OF POLICY DESERVES CONSIDERATION

As far as I can see, this provision violates every principle of the Constitution under which we have been operating for 150 years. I am not opposed to "progress"—if this is really progress—but I object to it on two grounds:

First. That it strictly violates the letter of the Constitution; and

Second. That when we reverse a policy of 150 years there should at least be substantial consideration.

We have always operated on the basis of a veto of a bill, and not portions of a bill. In doing so we have followed the Constitution. To do otherwise is to fail to follow the Constitution.

It is said the item veto has been successful in the States, and possibly it has, but at the same time I believe the matter should be discussed by the Members of Congress and should not have been jumped up as it was. I believe this proposition of adding to appropriation bills something which is a complete reversal of policy and is legislation that should not go on nor be permitted by our body. It means our legislative committees do not amount to anything.

As I feel about it today, without having heard any discussion on it, I believe this is a bad amendment, and we should see it is eliminated.

WILL MEMBERS OF CONGRESS DARE OPPOSE EXECUTIVE?

If this single-item veto amendment becomes law, it may develop that no Congressman would dare oppose the Executive on anything. That is because an Executive could single out any district or portion of America to have appropriations or not to have appropriations, as he pleased.

In making these statements I do so not on the basis of a particular Executive but as a principle of government. The House of Commons, or Representatives, or Deputies—the so-called lower house—of all democratic countries has always controlled appropriations, and the fiercest battles of our Anglo-Saxon history were of the Executive participating in or attempting to dominate appropriations. Historically, and presently, this single-item veto amendment looks bad to me, and I think we should watch it over in the Senate and see that it is defeated there, and if not there vote the whole bill down when it comes back here.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker, as far as the item veto amendment is concerned, I will take personally the responsibility for it. It was not committee action. The amendment was not offered as a committee amendment. I may say, however, and I believe it is just to say, that I had shown the amendment to the gentleman from Massachusetts, Mr.

WIGGLESWORTH, and the gentleman from Illinois, Mr. DIRKSEN, and they had discussed the matter with the gentleman from New York, Mr. TABER, and the gentleman from New York, Mr. SNELL, and I appreciate the fact these gentlemen did not make a point of order against the amendment. I am perfectly willing to give credit where credit is due.

I believe that yesterday in this House we set in motion processes which will do more to help bring into effect a sane and logical balancing of the Federal Budget than anything that has happened in the last session or likely will happen in this session. Of course, the President has power to destroy the Government if he wants to do it. Any President has this power and has always had it. If you are going to impute to the Chief Executive a baneful purpose, he could destroy the Government, but nobody believes for a minute the present President or any of the other Presidents we have had or ever will have will use his power for that purpose.

If the amendment agreed to yesterday is enacted into law, and I hope it will be, it will give the Chief Executive the power to stop raids upon the Treasury by Members of Congress through their nailing such items to appropriation bills, and thus putting the President in the attitude of having to swallow them or see a whole appropriation fail.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Georgia.

Mr. TARVER. The gentleman knows, of course, that when the matter was discussed in the full committee there was a great deal of controversy regarding it.

Mr. WOODRUM. The matter was not discussed at all in the full committee.

Mr. TARVER. Oh, yes; it has been.

Mr. WOODRUM. I have never heard it discussed.

Mr. TARVER. Whether the gentleman was there or not I do not know, but I do know the matter has been discussed. Does the gentleman believe it is fair to the full committee for him to bring up this matter at a time when only 25 or 30 Members were on the floor without notice to the committee that he contemplated such action?

Mr. WOODRUM. This matter was not discussed in the full committee, certainly, when the independent offices appropriation bill was before it; and it has not been discussed in the full committee during this session of Congress, according to my recollection. When the House of Representatives is in session the place for Members to be, if they are interested in the proceedings, is on the floor of the House of Representatives and not sitting in their offices. The amendment was offered in a perfectly proper manner, a point of order was reserved and withdrawn, it was debated and voted on. I fail to see what there is unfair about that.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Kentucky.

Mr. MAY. I read the amendment after the House adjourned yesterday evening. I believe it is a wise procedure, provided it does not allow the President to increase any item. As I understand it, he may reduce an item where he finds it necessary.

Mr. WOODRUM. The gentleman is correct.

Mr. Speaker, the time is at hand when someone has got to put the brakes on public spending. Congress has kept within Budget estimates insofar as the appropriations which come from the Budget are concerned, with a few exceptions. The great damage to budgetary control and the great danger to the Treasury is in the matters that are added to the appropriation bills over and above the Budget and where the President is put in the position of allowing these things to be approved or else disapprove a whole bill.

In his Budget message of January 3 the President said in part:

RECOMMENDATIONS

Appropriation item veto: An important feature of the fiscal procedure in the majority of our States is the authority given to the executive to withhold approval of individual items in an appropriation bill, and, while approving the remainder of the bill, to return such rejected items for the further consideration of the legislature. This grant of power has been considered a consistent corollary of the power of the legislature to withhold approval of items in the budget of the executive, and the system meets with general approval in the many States which have adopted it. A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one.

The amendment in question requires an investigation and a finding by the President that such elimination or reduction will aid in balancing the Budget or in reducing the public debt and, further, that the public interest will be served thereby. Executive orders issued under this authority must be submitted to Congress while in session and will not become effective until 60 days after such transmission, unless Congress provides an earlier effective date by law. Any appropriations eliminated or the amounts by which any appropriations are reduced under this authority are to be returned to the Treasury.

The amendment is patterned after and based upon the reorganization provisions of the Economy Act of 1932, as amended. That act, it will be recalled, authorized President Hoover, and later President Roosevelt, to abolish in whole or in part any governmental function, activity, or agency whenever he found and declared after investigation that such abolition would be in the interest of economy or increased efficiency in administration. Under that act, when functions, and so forth, were abolished, the appropriations made in connection therewith were required to be impounded and returned to the Treasury. Many Executive orders were issued under that act, and its validity as a proper delegation of authority has been sustained by former Attorney General Mitchell and the present Attorney General as well as the courts. Obviously, since the President can be authorized to eliminate governmental functions and the appropriations that support them, he can, in my opinion, under proper standards as prescribed by the proposed legislation, be authorized to eliminate merely appropriations.

The same procedure would apply with respect to the coming into effect or disapproval of Executive orders issued under this proposed legislation as applied with respect to the Reorganization Act. Thus, in order to prevent an Executive order from becoming effective, Congress must disapprove it by statute, which will be subject to the Presidential veto.

I agree that there is a difference of opinion as to whether this matter has to be reached by constitutional amendment, but the foregoing reasons seem to me to be logical. The constitutional amendment route is long and uncertain. In the meantime, Mr. Speaker, where will our Budget be? If we keep on at the present rate of increase in annual outlay, then we are faced with the most serious and far-reaching consequences.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by Monseigneur Ryan, of Catholic University, in my city.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

Mr. LEA. Mr. Speaker, reserving the right to object—and I shall not object—but otherwise I would like to protect the time that is coming to the Committee on Interstate and Foreign Commerce today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE ITEM VETO AMENDMENT

Mr. SNELL. Mr. Speaker, I am surprised to know that in connection with the amendment which was adopted on the appropriation bill yesterday that I have more confidence in the President of the United States than my distinguished friend from Texas [Mr. MAVERICK]. This gentleman has

said that we have proceeded under certain rules and regulations for 150 years and he is opposed to any such change at this time.

If there is one man in this House who has continually spoken about the fact that we must change our conditions to meet the changing times, it has been the gentleman from Texas. The gentleman has been outstanding in this respect.

I supported the amendment for the simple reason it applies to all Presidents and, in general, I have confidence in the Presidents of the United States, although I am not at all times in agreement with all their policies. [Applause.]

I know in the State of New York where a similar law is in effect, it has saved our State hundreds of millions of dollars in the last few years, and it has the approval of all our people, primarily as an economy measure. I think this is a step in the right direction, and if it gives power to the President to veto various legislative matters on appropriation bills, I am specially for it and I trust he will exercise such authority. One of the greatest defects in our entire appropriating system is allowing various legislative proposals to be placed in appropriation bills. [Applause.]

[Here the gavel fell.]

PAUL J. MOORE

Mr. TOWEY. Mr. Speaker, it is with profound sorrow that I announce the death of our former colleague and friend, Paul J. Moore, who served in this body in 1926 as a Representative of the old Eighth Congressional District in my State.

Before coming to Congress, Mr. Moore had a long record of distinguished service in the municipality of Newark, N. J., having been the head of the city fire department for 12 years, and during his career was cited three times for heroic service. All who knew Paul Moore will feel a deep sense of personal loss in his passing. His State and his city have lost one of its outstanding citizens

EXTENSION OF REMARKS

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LUCAS] may be permitted to extend his remarks in the RECORD by including an address delivered by Hon. Louis Johnson, Assistant Secretary of War, at Portland, Oreg., on January 8.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TARVER. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes, if it is satisfactory to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Speaker, reserving the right to object, I shall not object, but I shall feel constrained to do so if further requests to speak are made, in order to preserve the time of the committee today.

Mr. LAMBERTSON. Reserving the right to object, being a member of the Committee on Appropriations with my friend and colleague from Georgia, I want to say something about this matter, and I want 2 minutes to address the House.

Mr. TARVER. I hope my colleague will not object to my request. I certainly shall not object to his request.

The SPEAKER. The pending matter is, is there objection to the request of the gentleman from Georgia?

Mr. LAMBERTSON. I think this matter is important enough for us to have a little discussion of it at this time and I want to speak myself for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. LAMBERTSON. I object, Mr. Speaker, unless I can follow for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. LAMBERTSON. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

The Chair will state that this is Calendar Wednesday and the committee is entitled to the full time of the day. However, the Chair will recognize one or two gentlemen to submit unanimous consent requests to extend their remarks.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein an address by Secretary of War Woodring at a luncheon given in his honor by the Denver Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech by Secretary of War Woodring at the Jackson Day dinner in Denver on last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today.

Mr. THOMAS of New Jersey. Mr. Speaker, reserving the right to object, I do not know how many pages of the RECORD the gentleman is going to have in the Appendix tomorrow, but I would like to call his attention to the fact that out of the 37 pages in the Appendix today the gentleman from Texas had 11.

Mr. MAVERICK. I would also like to say that that has happened at previous times, and there were several requests carried over for several days, and I shall do the same thing again, if there is no objection. However, I will call attention to the fact that two speeches were mine. One was that of Mr. Ickes, Secretary of the Interior; another of Mr. Eccles, Chairman of the Federal Reserve System. I suggest the gentleman read these speeches.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include therein a letter written by the national president of the American War Mothers, Mrs. Fairweather, regarding the Ludlow resolution.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

AMERICAN WAR MOTHERS NATIONAL HEADQUARTERS,
Washington, D. C., January 11, 1938.

Hon. EDITH NOURSE ROGERS,
New House Office Building, Washington, D. C.

DEAR CONGRESSMAN ROGERS: I want to express my gratitude and appreciation for your courageous action in connection with the Ludlow resolution on a war referendum.

We American War Mothers served, suffered, and sacrificed in the World War, and you who had a like experience realize our anxiety for a lasting peace. But while we honor Congressman LUDLOW for what we believe is his sincere desire to keep us out of war, we realize that the proposed experiment would announce to the world our weakness and lack of faith in our representative form of government and so invite an attack that we would otherwise escape.

Your wise and courageous speech on this measure makes us look to you for further aid in keeping our Nation at peace.

Sincerely,

Mrs. IRVING FAIRWEATHER,
National President, American War Mothers.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have also another unanimous consent request. I ask unanimous consent to extend my remarks in the RECORD tomorrow, including a part of the report written by the Civil Service Commission regarding what is happening to the civil service.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD an address made at the Third Annual Mass Meeting of Religion in National Life under the auspices of the Committee on Religious Life in the National Capital which was held in Constitution Hall, Washington, D. C., on Monday, January 10, 1938. At this meeting there

were present on the platform men representing practically all religions—Catholic, Jew, and Protestant. The chairman of the meeting was Rev. Albert J. McCartney, D. D., of the Presbyterian Church, who introduced the main speaker of the evening as follows:

I want to introduce to the audience a Catholic layman, the Honorable DAVID I. WALSH, a Christian gentleman, the Senator from Massachusetts.

Mr. Speaker, this is the address I wish to have placed in the CONGRESSIONAL RECORD for the benefit of the Members of the House of Representatives, Senate, and general public, and I hope they will take time to read this very able address by Senator WALSH.

The SPEAKER. Is there objection?

Mr. MAVERICK. Mr. Speaker, I reserve the right to object, to call attention to the fact that the gentleman from Pennsylvania [Mr. RICH] is eternally objecting to everybody else putting something into the RECORD. My idea is that anything which is enlightening is proper material. I trust what the gentleman wants to put in the RECORD is enlightening.

It is a good thing that he is putting this in today, and I shall be very glad to read the address. The expense of printing the RECORD, as I have said many times before, is small, very small, in comparison to other Government activities. I hope that the gentleman will not talk so much about others putting things into the RECORD.

Mr. RICH. Mr. Speaker, the gentleman knows that we can place in the RECORD addresses by Senators and Representatives.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter to the Governor of California concerning the Mooney case.

The SPEAKER. Is there objection?

There was no objection.

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in regard to the extension of the social-security law to Puerto Rico.

The SPEAKER. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that after the special order already provided for today the gentleman from Ohio [Mr. HARLAN] may have 30 minutes in which to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. TARVER] and the gentleman from Kansas [Mr. LAMBERTSON] may each be allotted 2 minutes in which to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker, notwithstanding the positive statement made and reasserted by the gentleman from Virginia [Mr. WOODRUM] to the effect that the legislation which he had incorporated in the independent offices appropriation bill yesterday had never been discussed in the Committee on Appropriations, I call attention to the fact, known to all members of the committee who were present at its first meeting this year, that it was discussed at length by the chairman of the full committee, the gentleman from Colorado [Mr. TAYLOR], and that other gentlemen participated in the discussion, including the gentleman from Mississippi [Mr. COLLINS] and the gentleman from Missouri [Mr. CANNON], who is now present. There can be no question but that it was discussed in committee, and a great deal of controversy arose concerning it. It was then stated that it would be taken up for further consideration later.

My position with respect to the adoption of the amendment yesterday is simply this, that without regard to whether or not the House might have eventually otherwise adopted this legislation, it was not proper in view of the great controversy that existed concerning it even among members of the Committee on Appropriations, that it should have been proposed at a time when only 25 or 30 Members were on the floor, and without notice by the gentleman from Virginia to the other members of the Committee on Appropriations, other than perhaps the Republican members of the committee, to whose names he made reference in his address a few moments ago. The gentleman did not take it up with the Democratic leader, Mr. RAYBURN, as he informs me, but he did have it taken up with the Republican leader, Mr. SNELL. Regarding the absence of members of the Committee on Appropriations from the floor, every Member of the House knows that practically all of the subcommittees of the Committee on Appropriations are meeting now while the House is in session, and that practically all of them, except those engaged in the handling of the particular bill before the House, are absent from sessions of the House except during roll calls, and the consideration of controversial matters. The gentleman from Virginia has himself been absent from the House, and necessarily so, in the work of his subcommittee during most of this year.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. LAMBERTSON. Mr. Speaker, I think the action of the gentleman from Virginia [Mr. WOODRUM], chairman of the subcommittee, yesterday was the most asinine thing I have seen in this House in 10 years. We defeated in the committee a proposal that he made in the last few minutes, trying to rush it through, to give his committee $35,000 for special investigators. The committee just got that, but he never breathed this proposition before the whole committee, but comes in here when only a handful of Members are present and proposes this thing, and then defends his action today. I think it is the most asinine act I have ever seen here. I am not sure but what the proposal is right, but it is most unfair and discourteous to his committee to slip it in as he did, with less than 20 Members present. That is the way that I feel about it; and to justify doing it with only a handful of Members, saying that it was our duty to be here——

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LAMBERTSON. I have not the time. It may be all right. If you are going to complete making a king out of the President of the United States, you only have to do one more thing, and that is give him a chance to raise sums appropriated, and then it will be complete—just one more step, after you do this. He pretty nearly vetoed the Interior appropriation bill last spring because of a $14,000,000 item for vocational education. Mr. Speaker, I am afraid of Presidents and their veto power. However, there is only one thing to justify it, and that is the "pork barrel" practice that we have enlarged on in the last year here. I resent the way in which this important matter came before the House.

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, it seems as though this is a field day for the Committee on Appropriations; this thing just gathers and gathers. I will not object to the request of the gentleman from New York, but to protect the committee that has the call today, I am going to object to other similar requests to speak before this committee is called.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, whenever I have felt that I should be on the floor, and that is most of the time when the House is in session, to look after the things that I came here to Congress to do, I have been here.

On yesterday the House adopted an amendment offered by the gentleman from Virginia [Mr. WOODRUM] which put squarely up to the President of the United States the responsibility for eliminating those unnecessary items and those excessive items that are carried in appropriation bills. Frankly, I believe there are many of them in the bill we passed yesterday. I believe there are many of them in every bill we pass. I called attention to many of them yesterday as debate proceeded. It is absolutely necessary, if this Congress is to balance the Budget, that some authority be lodged somewhere to do that. My hope is that this Congress, because it has done this on one bill, will not consider that it has no responsibility with reference to cutting down appropriations, but that it will meet its responsibility and cut them down where they ought to be cut down on every bill that is before it.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a very brief editorial in support of my statement.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of the committees.

CALL OF THE HOUSE

Mr. KENNEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from New Jersey makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and twenty-three Members are present, not a quorum.

Mr. LEA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 4]

Andrews	Deen	Kleberg	Pfeifer
Arnold	Dingell	Kniffin	Rogers, Okla.
Bell	Disney	Kvale	Ryan
Biermann	Ditter	Lanham	Scrugham
Binderup	Eaton	Lucas	Smith, Maine
Boren	Eberharter	McGroarty	Smith, Okla.
Boylan, N. Y.	Ferguson	McSweeney	Smith, W. Va.
Buckley, N. Y.	Gearhart	Maas	Somers, N. Y.
Caldwell	Griffith	Mouton	Sullivan
Cartwright	Hancock, N. Y.	Murdock, Ariz.	Teigan
Cluett	Hennings	O'Connell, Mont.	Tinkham
Cole, Md.	Imhoff	O'Connor, Mont.	Wene
Costello	Johnson, Minn.	O'Leary	Whelchel
Crowther	Keller	Owen	Wolfenden
Daly	Kirwan	Palmisano	Wood

The SPEAKER. On this roll call 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CALENDAR WEDNESDAY

The SPEAKER. The Clerk will call the roll of the committees.

The Clerk called the roll of the committees.

FEDERAL TRADE COMMISSION

Mr. LEA (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes.

The Clerk read the title of the bill.

Mr. LEA. Mr. Speaker, I ask unanimous consent that in the consideration of the bill S. 1077 in the Committee of the Whole House on the state of the Union that it may be in order to consider the committee substitute amendment as an original bill for the purpose of amendment under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, with Mr. HEALEY in the chair.

The Clerk read the title of the bill.

Mr. LEA. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I shall attempt briefly to explain the provisions of this bill. In order that I may do this I ask that I be allowed to proceed without interruption until I have concluded my statement.

Mr. Chairman, the Federal Trade Commission Act was passed in 1914 and has not since been amended. This is the first amendment proposed by our committee. The Federal Trade Commission Act was a new departure in established relations between business and Government. It was an attempt to eliminate unfair trade practices, unethical trade practices in business by a method outside of the criminal law. At the time this measure was presented to Congress, President Wilson gave a statement of reasons why he thought this legislation should be enacted.

President Wilson in that message presenting the Federal Trade Commission Act said that—

> Nothing hampers business like uncertainty, nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under condemnation of the law before it can make sure just what the law is.

Referring to businessmen again, the President further stated:

> They desire the advice, the definite guidance, and information which can be supplied by an administrative body, an Interstate Trade Commission.

The President further referred to the Commission as being an instrument for—

> Doing justice to business where the processes of the courts or the natural forces of correction outside of the courts are inadequate to adjust the remedy to the wrong in a way which meet all the equities and circumstances of the case.

That was 24 years ago. The Federal Trade Commission has been in operation during these years, and it is the history of this Commission that about 95 percent of the cases brought before it have been settled outside of court procedure.

The principal feature of the Federal Trade Commission Act is in section 5, which proposed that "unfair methods of competition" should be the subject of proceedings by the Commission.

The Federal Trade Commission is given broad discretion of not only as to the question that if an unfair trade practice exists, but the Commission is also given jurisdiction to determine that a proceeding against the accused is "in the interest of the public." It is around the exercise of this power that the Federal Trade Commission has succeeded in disposing of 95 percent of its cases without going to court.

The act as originally passed makes competition a necessary element to be established in order to proceed. It is not sufficient to show only an unfair practice. It must also be shown that this unfair practice is injurious to a competitor. One thing we propose in the pending bill in this respect is that it is sufficient to establish the unfair practice without showing injury to a competitor in order to give the Commission jurisdiction.

If this bill becomes law, one of the things it will do is to relieve the Federal Trade Commission of the necessity of showing injury to a competitor. That is one of the practical purposes of the legislation. This will save unnecessary time and expense in showing that an act is injurious to a competitor. Indeed, the principle of the act is carried further

to protect the consumer as well as the competitor. In practice the main feature will be to relieve the Commission of this burden, but we go further and afford a protection to the consumers of the country that they have not heretofore enjoyed. As I stated, this will relieve the Commission of a difficulty that has hampered its administration in the past.

We provide that "unfair or deceptive acts or practices in commerce" are subject to the jurisdiction of the Federal Trade Commission.

We have a provision that greatly increases the effectiveness of the procedure of the Federal Trade Commission in disposing of its cases. We also have a provision relating to advertisements of drugs, foods, cosmetics, and devices. The main purpose of this is to strengthen the jurisdiction that the Federal Trade Commission already has over advertising.

A very large percentage of all the work of the Federal Trade Commission at the present time relates to advertising and over 50 percent of its advertising jurisdiction relates to foods, drugs, cosmetics, and devices as embodied in this bill.

In section 16 of the bill there is a definition of "false advertising." A number of Members this morning have indicated a concern about that subject. When we get into a discussion of the bill under the 5-minute rule I hope this section may be explained in more detail than I can explain it at the time now at my disposal. The principal feature of the definition of advertising that we place in this bill is to declare a false advertisement to be one that is "misleading in any material respect." This definition is followed by language explaining things that may be considered in determining whether or not an advertisement is misleading in a material respect.

It will be observed this definition is far reaching because it does not require an intent to violate the law. It takes in all classes of misleading cases. This is intended to protect the consumer of foods, drugs, cosmetics, and so forth, rather than to search for the criminal intent. The primary object is to protect the consumer.

We have, therefore, the question of applying the remedies to a definition very broad in its terms. The procedure of the Federal Trade Commission, as I have attempted to describe it to you this morning, is well calculated to discriminate between the various classes of offense against this section without injustice. A large class of businessmen who have never been subjected to criminal procedure will have the opportunity to go to the Federal Trade Commission and conform to the requirements of the law without being brought into court or branded as criminals.

For those cases that involve a criminal purpose and a deliberate intent to defraud or mislead, or to foist articles injurious to health upon an unsuspecting public, we have provided severe penalties. The dissemination of a false advertisement under section 12 is provided for. Any false advertisement put out for the purpose of inducing the purchase of these articles is made unlawful and is declared to be an unfair or deceptive act in commerce.

In addition to that we have provided that the Commission may resort to the use of injunctions pending final determination of its procedure in order to stop the dissemination of false advertisements where injuries to the public are involved if in the meantime the accused person persists in continuing his false advertisements notwithstanding the Federal Trade Commission has taken up the case. When it comes to deciding the question whether or not the Commission should proceed, we give it the same discretion it has now to proceed in those cases where it "would be in the public interest" to give this protection by a temporary injunction.

In section 14 (a) we provide criminal penalties for the violation of the act in reference to false advertisements. In the first case we provide for the punishment of a criminal misdemeanor in those cases where the false advertisemnt is put out for the purpose of inducing the sale of an article injurious to health. We give an immediate recourse to the criminal law through the Department of Justice to stop the circulation of advertisements that may be injurious to health. In the second place, we provide for a criminal procedure where the advertisement is put out with the intent to defraud or mislead.

The first offense would be punishable by a fine of not to exceed $5,000 or 6 months and the second by a fine of $10,000 or 1 year. In case the Federal Trade Commission finds this law is being violated, it certifies the facts to the Attorney General. We do not give the Federal Trade Commission the power to say to the Attorney General, "You must prosecute," but we provide that the Federal Trade Commission may refer the facts to the Attorney General, and it is then left to him to proceed as in the case of other crimes.

The question of penalties is involved. An amendment is about to be proposed here under a claim of making the penalties more severe. The proposal is that every violation of the advertising section shall be prosecutable in the courts in the first instance to collect a fine of not exceeding $3,000. Every violation would be made subject to a civil action to secure $3,000 in the courts instead of leaving the businessman as he is now left under the Federal Trade Commission procedure, to go to the Commission, where, if he can convince them of his honesty and purpose to conform to the law, the matter is closed so far as the future is concerned, unless he continues to commit his offense.

The effect of making every case a court case would be to clog the courts. The thousands of cases which are now disposed of without burdening the courts would clog the courts, create needless litigation and expense, or else the law would become a joke.

In addition these penalties would in effect largely destroy the usefulness of the Federal Trade Commission for ironing out difficulties with business instead of taking them into court. The great majority of businessmen in this country are honest. Any assumption that business as a whole is organized crime or graft is simply not true to the facts. The great majority of people who advertise want to do the right thing, and if the Government points out to them where they are making a mistake and are in violation of the law, they are willing to conform to the law. The man with good intentions should not be penalized before he has had a chance to correct his mistake.

With respect to the sufficiency of the penalties which are proposed in this bill, we propose to greatly strengthen the procedure of the Federal Trade Commission. In the first place, the order to cease and desist, if not opposed, becomes final and subject to court enforcement in 60 days. Then, if there is a violation of the order after that time, the party accused can immediately be summoned for contempt of court. If during the pendency of such proceeding it becomes necessary, the court has authority by an ancillary process to protect the public against what might be done in the meantime before final action under the regular procedure.

Further, there is a provision that a civil penalty of $5,000 can be enforced in an action by the Attorney General in cases where the offenders persist in violating the court order. We have strengthened this procedure by providing for making the order of the Federal Trade Commission automatically backed up by the court when it becomes final. We provide for the immediate punishment of a violation by contempt. We provide a $5,000 civil penalty for violation of the order after the order is approved by the court or becomes final. We provide for ancillary procedure to take care of abuses pending the final determination. We also provide for an injunction which can be used by the Federal Trade Commission in every case of false advertisement where it believes the public interest requires it. Is there any difficulty about going into court and proving to a judge the violation of an injunction or proving the facts where the public interest requires it?

Then we have the provisions relating to crime.

With reference to the antitrust laws, the function of the Federal Trade Commission is to investigate the facts and report to the Attorney General. That is different from its duties as to unfair trade practices. This bill provides abundant methods for taking people into court for unfair trade practices as covered by this bill. [Applause.]

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the Members of the House ought to understand the real issue involved in this legislation.

The bill proposes to amend the Federal Trade Commission Act in two important respects. One is a more or less procedural amendment about which there is no controversy. The other involves the issue which was raised in the Copeland pure food and drug bill in the last Congress of whether the Federal Trade Commission shall have jurisdiction over the advertising of foods, drugs, cosmetics, and devices, or whether the Pure Food and Drug Administration in the Department of Agriculture shall be given such jurisdiction. This is the real issue involved in the bill under consideration, and the Members of the House ought to understand the issue clearly before voting upon it.

As the report of the committee says, the first part of the bill is to broaden the powers of the Federal Trade Commission over unfair methods of competition by extending its jurisdiction to cover unfair or deceptive acts or practices in commerce, whether the element of competition is involved or not. As far as I know, there is no controversy in the Committee on Interstate and Foreign Commerce or anywhere else over this part of the bill, and I do not care to discuss that feature of it any further.

The only controversy is whether or not the latter part of the bill, from Section 12 on, shall be incorporated in this bill designed primarily to amend the Federal Trade Commission Act. This latter part was not in the bill as it was passed by the Senate and came over to the House. It was added to it by the Committee on Interstate and Foreign Commerce of the House.

If you will refer to page 19 of the report of the committee, you will see that after complying with the Ramseyer rule setting out the changes made in the bill to existing law or to the Federal Trade Commission Act as it now stands, beginning with section 12, all the rest is printed in italics as new matter. This new matter is for the purpose of enlarging the jurisdiction of the Federal Trade Commission and giving it control over the advertising of foods, drugs, cosmetics, and devices.

If you will recall, the controversy over the Copeland bill in the last Congress centered around that question. The Copeland bill, as passed by the Senate, sought to give the Food and Drug Administration in the Department of Agriculture more control or control over the advertising of foods, drugs, cosmetics, and devices. When it got over to the House, the House amended the Senate bill and put into it a provision somewhat similar to this provision here which gives the Federal Trade Commission control over such advertising. The bill went to conference, and the conferees were never able to agree, so the legislation failed.

When this measure came over from the Senate in this Congress, the proponents of giving the Federal Trade Commission control over the advertising of foods, drugs, cosmetics, and devices, conceived the notion of adding this provision to this bill for the purpose, I believe it is fair to say, of eliminating this controversy when the pure food and drug legislation is again considered and, of course, with the hope of gaining their point. Some of us on the committee believe it would be unfortunate to put this power in the hands of the Federal Trade Commission instead of in the Pure Food and Drug Administration in the Department of Agriculture and are therefore opposed to incorporating any provision to that effect in this bill.

I think it ought to be said there is now no legislation clothing either the Food and Drug Administration or the Federal Trade Commission with authority to control the advertising of food, drugs, and cosmetics except the power the Federal Trade Commission has over advertising, where the element of competition is involved. It has the same control over the advertising of those subjects where the element of competition enters in as it has over any other class of advertising. The Food and Drug Administration of the Department of Agriculture, on the other hand, while it has power to prevent misbranding or the adulteration of food and drugs or to prevent the false labeling of food and drugs, has no power to prevent the false advertising of them.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to my colleague.

Mr. MICHENER. Am I correct in assuming that there is today within the Department of Agriculture an agency that can properly handle this matter, whereas if the matter is given to the Trade Commission it will be necessary to set up under that Commission what would amount to another bureau, and the Federal Trade Commission today has more work than it can possibly do and is about to ask Congress for additional assistance to carry on the work already assigned to it.

Mr. MAPES. My colleague has stated the situation very accurately.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. MAPES. In just a moment.

I think it is fair to say that the Federal Trade Commission will either have to set up a new division or refer the technical questions as to whether an advertisement relating to foods or drugs is fraudulent or misleading to the experts either in the Food and Drug Administration of the Department of Agriculture or in some other branch of the Government.

I now yield to the chairman of the committee.

Mr. LEA. This bill takes nothing from the Food and Drug Administration. It simply reinforces the jurisdiction of the Federal Trade Commission, which it has exercised heretofore with respect to unfair practices. The bill itself makes such false advertising unfair practices, and so far as the question of expense or ability to take care of the job is concerned, both organizations claim they need money in order to carry out their present authority.

Mr. MAPES. What the gentleman from California has said, of course, is true, because whatever the gentleman says is true. [Laughter and applause.]

I tried to make it clear in my statement that there is need of additional legislation to control properly the advertising of food, drugs, cosmetics, and devices. The question hinges on whether or not that control is going to be lodged with the Federal Trade Commission that has no special knowledge about foods and drugs, or whether it is going to be put into the hands of the Food and Drug Administration of the Department of Agriculture, whose exclusive business is the study and enforcement of the food and drug law and where there are men who have made a life work of the subject and are experts in their line.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield myself 2 minutes more.

Some of us think it will cripple the efficiency and the power of the Food and Drug Administration to give this power to the Federal Trade Commission. On the other hand we do believe the Food and Drug Administration should be given such additional power and that the food and drug law should be amended to give it such power. Such amendment would be in the public interest and for the protection of the individual citizen.

There is no question but what the Food and Drug Act needs substantial amendment and we think this provision ought to be modified so as to amend the Food and Drug Act instead of amending the Federal Trade Commission Act.

Mr. Chairman, this is as much as I care to say on the matter at this time. I did want to get the question clearly before the members of the committee during the general debate in order that they may be considering it before a vote is taken.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Wisconsin.

Mr. REILLY. Is it not a fact that the Federal Trade Commission under existing law is exercising power to supervise the advertising of cosmetics?

Mr. MAPES. Only where the element of competition is involved. In that respect the same law applies to cosmetics as applies to all other advertising, but the Commission cannot exercise any such power unless the element of competition enters into the picture. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 12 minutes to the gentleman from New Jersey [Mr. KENNEY].

Mr. KENNEY. Mr. Chairman, we are met here today to pass on the question of false advertising. Either control of false advertising is necessary or it is not necessary. I believe it is emphatically necessary. It is heartening to see our able colleague from Michigan [Mr. MAPES] agreeing on this proposition and I feel he is absolutely right when he says that this bill should be amended. It must be amended because the bill as presented here is absolutely without teeth. If we are going to control false advertising—and, mind, it is false—false advertising—then we must have teeth in the bill.

What does the bill do as proposed by the committee? The bill offers no penalty whatever except criminal penalty in two classes of cases; first, those cases where the commodity may be injurious to health as a result of its use, like the elixir sulfanilamide which caused so many deaths lately.

The other class as outlined by the chairman of the committee is that class where the Government will be called upon to prove the intent of the advertiser to mislead or deceive.

Cases like the elixir sulfanilamide incident are comparatively rare and it has been proven difficult to convict where it is necessary to show intent in the case of worthless nostrums.

False advertising, no matter what the intent, has the same effect on the consuming public and this bill purports to protect the consuming public but will not do so unless it provides a deterrent by way of penalty for all false advertising.

The Federal Trade Commission Act which this bill will amend gives the Commission the power in the public interest to regulate unfair methods of competition. It sets up procedural machinery which is designed to prevent unfair practices upon competitors in the interest of the public; but that machinery was not intended primarily to protect the consuming public and such machinery under this bill will be ineffective to protect the public from false advertising. If we pass the bill as it is we will not give the country what it is expecting, but on the contrary I believe we will provide a merry-go-round for the Federal Trade Commission here in Washington and all over the country.

The chairman suggested that under an amendment which I shall propose, and for which I ask support, every violation would be prosecutable in the courts, and that the amendment would make every case a court case and so clog the courts, and perhaps the courts would not be able to take care of them. If there is that much false advertising taking place, it is a serious situation, and all the more reason why my amendment should be adopted.

The amendment I propose does provide a penalty for all false advertising of food, drugs, devices, and cosmetics. That is the only way that you will prevent it. A cease-and-desist order is not a deterrent. A man may advertise falsely and then will come the Trade Commission and order him to cease and desist. That is not an order not to go on with the sale of his product. The order is directed against that particular advertising. The disseminator can change that advertisement and go out and advertise the self-same product falsely in some other way and then go on and on—advertising falsely but differently. A cease-and-desist order will not act as a deterrent. A deterrent should be provided for a man who advertises falsely and who should have some responsibility. If we want to protect the consuming public, we shall have to provide a penalty so that when a man advertises he knows that he is under some responsibility in respect to it.

The result of my amendment, which is set forth in the additional views in the report on the bill, would not be to clog the courts. In a trivial case or a case where the evidence was not flagrant—if such should arise—the Federal Trade Commission, in line with its present policy, could call the violators in and its personnel could do as they do now and say that they wanted the advertisement stopped, and if the violators agreed, then there would not be any necessity or justification for prosecution. Judge Davis, of the Commission, came before the Committee on Interstate and Foreign Commerce on the hearings on this bill, and in answer to a question included this in his reply:

> The Commission dismisses or ignores a great many more cases than it proceeds in toward corrective action, because upon investigation it will apepar either that it is not in interstate commerce, or that the charges are not sustained as a matter of fact, or that it is a private controversy and involves no important public interest, or it is too trivial to fool with, or that the evidence is too flimsy to justify procedure.

In cases of technical violation the Commission would be justified in dealing with them without turning them over for prosecution, and the administration of the act under my amendment would leave the control of advertising in the Federal Trade Commission.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. Yes; I yield.

Mr. SIROVICH. When I appeared before the gentleman's subcommittee last year on the subject of pure foods, drugs, beverages, and cosmetics I called the attention of the committee to the fact that by three little things it could protect the health and welfare of the American people; namely, by a label, first, a white label for drugs, which says, "This drug contains nothing that is harmful or injurious to the human system"; second, "This drug contains an opiate or narcotic, and should only be given under the supervision of a physician"; third, "This drug is poisonous, and should not be used without a physician's observation."

If you had inserted these three things in the bill, you would not need all these things to leave it to advertisement and mulcting of the American gullible public. I think the greatest bill that has come out now is the bill of Mr. Chairman LEA to leave that over to the Federal Trade Commission, because the Pure Food and Drug Division has only 86 inspectors to look after the health of the United States—less than 2 inspectors to a State.

I may say to the gentleman that I am not satisfied with the bill as presented here. It provides a penalty, however, which will be effective, and it is the only way such a bill can be made effective.

Mr. GIFFORD. From a reading of section 27 it would seem to me that this is a very heavy blow to the newspapers; certainly the Townsend Weekly could not have stayed on the market very long with this provision in the law. But I ask the gentleman, if you can send this story to the physicians only, really what harm is there in letting the general public know if the advertiser lives up to what the bill says he must declare to the physicians only? What possible harm could there be if you have a drug of your own that you want the public to buy in letting them know about it rather than calling it to the attention of physicians only?

Mr. KENNEY. I believe that no false advertising should be permitted anywhere by anybody. There should be a penalty for all false advertising. That is my answer to the gentleman from New York [Mr. SIROVICH] and to the gentleman.

Mr. GIFFORD. That does not answer my question. This section provides that you can disseminate this advertising to physicians only. Suppose somebody inadvertently should read it? I want to favor this bill, but section 27 is very peculiar.

Mr. KENNEY. I am not defending the section, I may say to the gentleman, but I do want to make the bill the best bill I can, and that is why I am going to offer an amendment.

Mr. GIFFORD. The bill starts out by saying that any unfair practices are unlawful. Think of it! Drag anybody into court merely because somebody complains they are using an unfair practice.

Mr. KENNEY. The gentleman is wrong there.

Mr. GIFFORD. Oh, I can read writing.

Mr. KENNEY. Oh, no; the same practice of cease-and-desist orders obtains under my amendment as all advertising except the advertising of foods, drugs, devices, and cosmetics. The cases involving such commodities under the bill without my amendment would be reached by the criminal penalties of the bill, but they would be very few. The violator we are trying to get after here is not the ordinary businessman, as the chairman said. Most businessmen are honest and advertise honestly; but there is a racketeering fringe that this bill is intended to reach, but will not reach without my amendment. If existing law were strong enough we would not need this bill at all. I want to reach the racketeering advertiser of false claims for worthless medicines and nostrums. We have got to stop the advertisers of worthless medicines and nostrums, if we do what I believe is expected of us.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 5 additional minutes to the gentleman from New Jersey.

Mr. KENNEY. When the shocking incident occurred last year of almost a hundred deaths through the use of the drug elixir of sulfanilamide, Congress passed a resolution calling upon the Secretary of Agriculture to render a report on it. It developed that the chemist who made that preparation had had a fraud order issued against him by the Post Office Department, and that the manufacturer had been haled into court for previous infractions of the law. Although both needed a deterrent, there was no law to prevent them from putting out this substance without any test or from advertising it for a cure when, taken into the body, it formed an oxalic acid, causing poisoning and death. Such incidents are not many; comparatively few; yet they occur and recur. But the Secretary of Agriculture, realizing the gravity of the situation, called attention to the fact that people who put out and falsely advertise worthless medicines and nostrums cause more deaths indirectly than are caused by drugs of extreme toxicity.

I have on the desk before me a folder which shows numerous quack preparations that are falsely advertised and widely sold. In order to stop the false advertising and sale of these things we have got to pass the amendment I propose. Nothing else in this bill will do it. There is the case of the manufacturer of a concoction who said it would cure consumption, tuberculosis. He got a false testimonial from a certain person and on the basis of this testimonial went ahead with the business of falsely advertising and selling his worthless product. The Food and Drug Division tried to stop him but could not, because it could not show intention to deceive, and intent to mislead or deceive must be shown under the criminal penalty proposed by the chairman in the bill. The manufacturer was finally convicted later because the Government subsequently obtained proof that after the death of the person who gave the testimonial the manufacturer went to the son and paid him to continue issuing testimonials in the name of his deceased parent to the effect that the deceased was cured of tuberculosis, when as a matter of fact the parent had died from tuberculosis. This presents an example of the difficulty in proving an intention to deceive.

There was another case in the West where a man falsely advertised a cure for diabetes. It was worthless, nothing but horsetail weed, picked up by a railroad track, and to which he added a few herbs and water. But he sold it for $12 a bottle. He was arrested and haled before the court. He was an old man. He said that it had helped him, and he thought it was good for diabetes. The jury acquitted him, let him go, and his stuff is still being sold on the market today.

If we are to prevent the sale of such things, we must adopt the amendment which I will offer. If we do not, the sale of these things will continue, and they are sold only because of the false claims advertised for them. It means, in the case of the last-mentioned remedy, a sufferer from diabetes will, as in the past, rely on the false representations in the advertising that are bound to continue after the passage of this bill without amendment, for by this bill we are telling the country that we are controlling false advertising, and more reliance than ever will be placed upon the false advertising of which there are even now so many victims. If the bill does not contain a deterrent to false advertising our people will be misled, because they will then have the right to expect they can rely on the advertising.

They will all the more buy worthless nostrums, believing not only the falsely advertised claims, but, depending on this bill, so many of them will resort to fake cures and forego rational treatment by a physician. Are we going to permit that? Let us not permit it. Let us prevent that. We can prevent it by my amendment.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 12 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, the purpose of this bill is to widen and make more effective the jurisdiction and authority of the Federal Trade Commission, first, over unfair methods or deceptive acts or practices in commerce; second, over false advertisements of food, drugs, devices, and cosmetics.

With the general objectives of the bill there is no serious disagreement. The only division within the Committee on Interstate and Foreign Commerce, which has had the subject under consideration for several months, relates to the method of enforcement, by whom, and the punishment to be accorded those who violate the provisions of the act.

NEED FOR AMENDMENT TO INCREASE POWER OF TRADE COMMISSION

The need for some readjustment of the Federal Trade Commission Act has become more and more apparent as a result of the experiences encountered in the enforcement of the law as it now exists, including the provisions of the Pure Food and Drug Act.

The Federal Trade Commission Act, with respect to the subject matter dealt with in this bill, has not been amended since 1914. The accomplishments by the Commission during these years have been highly satisfactory and there is no complaint that the Commission has failed in the proper and effectual enforcement of the law as it exists. It is generally conceded that the Commission has performed its duty faithfully, honestly, intelligently, and with great ability. The trouble arises, and is continually increasing, from court decisions construing the language of the existing law. These accumulated decisions over a period of years have so hedged in the Commission that there is great need for amendments of an enlarging character if the full effectiveness of the objects sought are to be attained.

The demand for full protection to the public from unfair methods can only be met, in view of decided cases, by expanding the scope of the act beyond unfair methods in competition to include unfair or deceptive acts or practices in commerce. To the layman it may be difficult to fully understand why any change is necessary. But the fact is that the Court has limited the jurisdiction of the Commission to unfair methods in competition and has held that this only applies to unfair methods as between competitors and does not include unfair methods that may be detrimental to the consuming public.

It undoubtedly was, and certainly now is, the purpose of Congress to protect the consumer as well as the honest competitor. The Commission should have power and authority to prevent the use of unfair or deceptive acts or practices in commerce, regardless of whether such unfair practices injuriously affect a competitor or a consumer. Therefore, the language of the original act is broadened to read, "Unfair or deceptive acts or practices in commerce" in order to give that protection which the consumer is entitled to have as well as the honest competitor.

FALSE ADVERTISING OF FOOD AND DRUGS

In an effort to make the act more effective than is now the case under the existing law the committee has written into this bill a provision that gives the Commission a more effective control of advertisements affecting the public health and fraudulent impositions as to food and medicinal supplies. This has been accomplished by defining a false advertisement as one which is misleading in a material respect. It places on the advertiser the burden of seeing that his advertisement is not misleading. It places no requirement on the advertiser to make any statement concerning the commodity, but does require that he shall make no statement that is misleading in a material respect. It can be readily seen that the language as used, although simple and plain, is comprehensive enough to reach any type of false advertisement from that which is merely uninformed advertising to that which is subtle or otherwise viciously false.

PENALTIES

As I have before indicated the only substantial difference of opinion within the committee arises with regard to the penalties provided, the method of enforcement, and by what agency of Government.

The bill as presented by a majority of the committee contemplates that all the various types and degrees of offenders under the broad and general definitions used in the bill could not justly be considered in the same class. Therefore different procedures and penalties are provided in the act. Discretion is given to the Commission. For the trivial offenders, as well as those where no real law offending purpose is discernible, the Commission may issue a cease-and-desist order. In cases where the offender is persistent the Commission may proceed by injunction process and thereby prevent a continuance of the offense. Likewise the injunction procedure may be utilized to prevent threatened dissemination of false advertisements. For the more serious cases of false advertising, in addition to existing penalties, it is provided that where the advertisement is to induce the purchase of an article which may be injurious to health as a result of the use of such, and also in cases where such advertisement is with intent to defraud or mislead, the offense may be prosecuted as a crime and punished by fine or imprisonment, or both; and, an increased penalty for a succeeding offense.

Those members of the committee who oppose the penalty and enforcement methods provided in the bill do so upon the basis that such is not stringent enough to deter violations of the act.

In brief their view is that "unless the disseminator of a false advertisement knows at the time of the dissemination that he may at some time in the future be held accountable by a criminal or civil penalty action for the unlawful dissemination he will not be deterred from such dissemination," and it is this deterring effect, they claim, that is lacking when dependence is placed upon the cease-and-desist order for enforcement. Objection is also made by them that the bill should make it mandatory to proceed by injunction in those cases where such procedure is provided instead of leaving to the Commission a discretion to determine when such procedure would be to the interest of the public. It is furthermore claimed by them that the bill only provides a penalty for the dissemination of a false advertisement where the use of the commodity advertised may be injurious to health because of results from such use or if the violation is with intent to defraud or mislead.

These differences of opinion as to penalties and procedure, however, do not in any manner affect the fundamental purposes sought to be served by the bill. And it cannot be disputed that the bill, with either method of procedure to enforce its penalties, will be far more effective than the law as it is now. I emphasize this fact for the reason that it would be unfortunate indeed if the question of penalties and methods of procedure should overshadow in importance the real objective of the bill. I shall vote for this bill no matter which viewpoint shall prevail as to the character of penalty and method of procedure to enforce the act, as either will prove effectual. It is my opinion, however, that the method and penalties provided in the bill as reported will prove a more effective control, the results will be obtained quicker, and be more worth while.

There is real need for this legislation if we are to have a worth-while and efficient prosecution to prevent unfair trade practices and false advertising. The consumer and the honest advertiser are entitled to the protection this bill seeks to give, and I hope the membership of the House will give the bill the favorable consideration it is entitled to have. [Applause.]

Mr. GIFFORD. Will the gentleman yield?

Mr. WOLVERTON. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. We want to go along with the gentleman; but I want to earnestly request, or earnestly ask him, if he would not be satisfied with only the first three lines of section 15 on page 27? Anyone who reads this section knows the danger to all the weekly newspapers of the conglomerate language used. Cigarettes may be advertised, and if somebody by experience says they are good and make you feel comfortable and happy, then there is a scientist who says that is all right.

Mr. WOLVERTON. What is the gentleman's question?

Mr. GIFFORD. I want to ask the gentleman if he would cut out all the rest of that section except the first three lines?

Mr. WOLVERTON. No.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, it is never possible to satisfy everyone as to every detail of any bill which may be reported by a committee to the House, but I may say without exaggeration that the Interstate Commerce Committee of the House has given the pending bill as careful and sincere consideration as has been given by that committee to any subject that has come before it during my membership.

It seems to me that the proposal to extend the authority of the Federal Trade Commission by adding language to provide for control of unfair trade practices in cases where there is no competition is very desirable. Adding the words "unfair trade practices", regardless of whether or not there is competition involved, enables the Commission to prevent practices which the Commission may now prevent only in cases where competition is affected. There may be a monopoly of the worst kind which involves no competition whatsoever, yet the law as it stands today would not allow the Federal Trade Commission to make an investigation and stop those practices which are admittedly not in the public interest.

That is about all there is involved in the extension of authority of the Federal Trade Commission over unfair trade practices. The committee, as I say, has given much time to the bill, and I feel it has worked out a good measure. I trust that the Members of the House will accept the work of the committee, adopt the report, and pass the bill. [Applause.]

Mr. LEA. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. LEWIS].

Mr. LEWIS of Colorado. Mr. Chairman, I think we are all very much in favor of the principle of this bill, of its objectives, and of most of its provisions. But some of the provisions, in my opinion, do not express what was intended. I say that in all courtesy to the members of this excellent committee who have labored so long with this vexatious matter.

Mr. Chairman, I wish to call attention to section 15, on page 27, beginning on line 12, which refers to the term "false advertisement," and reads as follows:

The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, sound, or any combination thereof * * *.

I submit the words "or suggested" in line 16 should be stricken. To subject a person, firm, or corporation to penalties for what may seem to some imaginative reader to be a misleading representation, merely "suggested" but not actually "made," is going entirely too far. This would be going far into the realm of speculation, which no penal statute should enter. A "design, device, sound, or any combination thereof" might "suggest" one thing to one person, another thing to another person, and nothing at all to a third. I submit the words "or suggested" should come out and the definition confined to "representations made."

On page 27, lines 14 to 20, both inclusive, read now as follows:

In determining whether any advertisement is misleading, there shall be taken into account * * * not only representations * * * but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates. * * *

I suggest that, after the word "facts" in line 18, we should insert before the word "material" the words "reasonably relevant and." So also, in line 19, I suggest inserting, after the words "representations or" and before the word "material", the words "reasonably relevant and." In line 20 there should be inserted, after the words "respect to consequences" and before the words "which may result", the words "of such representations."

When so amended, the passage would read:

But also the extent to which the advertisement fails to reveal facts reasonably relevant and material in the light of such representations or reasonably relevant and material with respect to consequences of such representations which may result from the use of the commodity to which the advertisement relates. * * *

Mr. Chairman, when we discuss this bill under the 5-minute rule, I shall offer an amendment embodying these suggestions. I submit the Committee should accept the amendment.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE of Tennessee. Mr. Chairman, the Lea bill, or S. 1077, as reported out by the House Interstate and Foreign Commerce Committee, proposes to amend the Federal Trade Commission Act in a number of important particulars.

The Federal Trade Commission Act, passed in 1914, the same year in which the Clayton Act became law, was intended, along with the Clayton Act, to supplement and complement the Sherman antitrust law. It has been on the statute books for more than 22 years, and during all that time never has been amended. In the light of more than 22 years of experience in administering the act, the Federal Trade Commission has recommended certain amendments which have been approved by the Interstate and Foreign Commerce Committee, along with others which the House committee itself has written into the pending bill. Briefly, the pending bill would amend and extend the Federal Trade Commission law so as to—

Protect the consuming public from unfair practices in commerce, as the present law protects honest businessmen from unlawful competitive practices by their rivals;

Provide for Commission cease and desist orders to become effective after 60 days from issuance, unless appealed to the courts, and provide penalties for their violation;

Write specifically into law the declaration that false or misleading advertising of food, drugs, devices, or cosmetics, commodities which directly affect life and health, shall be unlawful, and provide civil and in some cases criminal penalties for the dissemination of such advertising;

Add certain clarifying and procedural amendments to the present law, in the interest of clarity, expedition, and economy of administration.

Of the proposed changes in the present Federal Trade Commission Act at least one is fundamental. Section 5 of the present Federal Trade Commission Act declares "unfair methods of competition in commerce" to be unlawful. The pending bill would change section 5 so as to provide that unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce shall be unlawful. The new language is "and unfair to deceptive acts or practices in commerce." This amendment is in the public interest. It seeks to make the consumer of equal concern under the law with the man who is engaged in commerce.

So far as I know, there is no serious objection to this change. It has been adopted by the Senate and recommended by the House committee. Personally, I have never entertained any doubt that when Congress declared unfair methods of competition to be unlawful, it intended to protect the public as well as the man who is engaged in commerce. But the courts have construed the language "unfair methods of competition" as limiting the Commission's jurisdiction to those cases in which it is able to establish the existence of competition and show that the practices complained about have been harmful to competitors. In other words, to make out a case that will meet the test of the courts, the Commission must show that the acts complained of are injurious to competitors engaged in the same field of business, no matter how seriously they may injure the purchasing or consuming public.

Thus it can happen that if a corporation has a monopoly in a given field, with no competition, it may not be subject to the jurisdiction of the Federal Trade Commission, no matter how deceptive or how misleading, or how grossly unfair to the public, and no matter how much the public may suffer from its practices. It can also happen that if all competitors in a given field engage in the same sort of evil practices, the Commission may be powerless to act, no matter how much injury may be done the public.

In fact, in a relatively recent case involving the alleged false and deceptive advertising of a drug, the Supreme Court held that although the methods complained of were unfair, and the proceeding appeared to be in the interest of the public, the Commission was without jurisdiction because it had not established the essential that the unfair methods in question were "methods of competition in commerce."

This amendment not only is necessary in the public interest, because it will enable the Commission to protect the public from unfair trade practices, but it will be in the interest of economy and efficiency, because it will enable the Commission to make out a case without going to the trouble of proving competition. In most of the cases an element of competition is involved, but under the present procedure it is necessary for the Federal Trade Commission to prove it.

Often where it is perfectly obvious that practices complained about are detrimental to the public, the Commission must spend a great deal of time and money in proving competition. This ought not to be, and that condition will no longer prevail if this amendment is adopted. In brief, this amendment makes the consumer—that is, the public—of equal concern before the law with the merchant or manufacturer who may be injured by the unfair methods of a dishonest competitor, and it will save both time and money.

Subsections (g) and (k), inclusive, of section 5 of the pending bill are for the purpose of making definite the time when a Commission order to cease and desist shall become final—that is, within 60 days after the issuance of the order, unless, in the meantime, it shall have been appealed to the circuit court of appeals of proper jurisdiction.

Subsection (l) of section 5 provides that any person, partnership, or corporation who fails to obey an order of the Commission to cease and desist after such order shall become final shall forfeit and pay into the Public Treasury a civil penalty of not more than $5,000 for each violation, such penalty to be recovered by a civil action brought by the United States. This provision is believed to be necessary in order to enforce obedience to Commission orders after they shall have become final and is similar to provisions written into the Packers' and Stockyards' Act and the Securities and Exchange Act.

A further important amendment to the present Federal Trade Commission Act is found in section 12 of the pending bill and relates to the advertising of food, drugs, devices, and cosmetics, a subject about which there has been most interest and most discussion during the period of more than 2 years this matter has been before the Congress.

Section 12 of the bill now before the House writes into law in specific language the declaration that it shall be unlawful for any person, partnership, or corporation to disseminate or cause to be disseminated any false advertisement, either by United States mails or in commerce, by any means, for the purpose of inducing or which is likely to induce the purchase of food, drugs, devices, or cosmetics; or to disseminate or cause to be disseminated, by any means, any such advertisement for the purpose of inducing or which is likely to induce the purchase in commerce of such commodities.

This section provides that the dissemination of a false advertisement as defined in the pending bill shall be an unfair or deceptive act or practice in commerce within the meaning of section 5 of the Federal Trade Commission Act and shall be subject to the Commission's cease-and-desist procedure, in addition to the injunction and criminal procedures.

Under the broad authority of section 5 of the present Federal Trade Commission Act, that Commission has jurisdiction over false or misleading advertising. The courts have held that such advertising is an unfair method of competition, and over the period of its existence the Commission has handled thousands of advertising cases, issuing a great many cease-and-desist orders. Many of them have been carried to the courts, where a large preponderance of the Commission's orders have been sustained and the Commission's jurisdiction upheld and made clear. Amendments to present law as proposed in the pending bill confirm and make explicit in definite language jurisdiction which the Commission already has, and which it long has exercised. But they go further in that they will make for more effective administration by speeding up the Commission's procedure and provide definite penalties for the dissemination of unlawful advertising.

Section 14 provides that any person, partnership, or corporation violating any provision of section 12 shall, if the advertising induces the use of the commodity advertised in such manner as to render it injurious to health, or if such advertising is disseminated with clear intent to defraud or mislead, be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not more than $5,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment, and that upon a second or subsequent violation the court may impose a fine of not more than $10,000 or imprisonment for not more than 1 year, or by both such fine and imprisonment.

I insist this provision for criminal prosecution is a more effective restraint upon an advertiser than a mere civil liability, as was suggested by the gentleman from New Jersey [Mr. KENNEY] in his remarks a few minutes ago.

It will thus be seen that distinction is made between the false advertising of commodities the use of which may be injurious to health, and those whose use does not affect health. There was some sentiment in the committee for the imposition of penalties for the dissemination of any false advertisement, whether or not the use of the commodity advertised affected health. The committee took the position, and I think it sound, that where a food, drug, device, or cosmetic would not endanger life or health, it should not be set apart or treated differently from other commodities, alike not injurious. In other words, the committee felt that more rigorous penalties should be imposed for the false advertisement of a product that might endanger life or health than in cases where such risk is not involved, and that in order to stop dangerous advertising practices, criminal procedure should be invoked, of course under due process of law. Therefore, the pending bill proposes to continue the present cease-and-desist-order procedure of the Federal Trade Commission with respect to the false advertising of all commodities which do not endanger health, whether food, drugs, or whatever the commodity, while in cases involving the advertising of products which may injure health, the Commission would be required to certify the facts to the Department of Justice, where criminal procedure would be instituted, and the criminal penalties of the pending bill invoked in the courts, under due process of law.

If this does not provide teeth to enable the effective enforcement of the advertising provisions of the proposed legislation, I should like to see someone propose teeth which would be more effective. This certainly is a more effective provision than the mere imposition of civil penalties. We have drawn a distinction between advertising where injury to health is not involved and advertising where injury to health may be involved, and provided drastic criminal penalties, in addition to a fine for false advertising where injury to health is involved or where there is intent to defraud. I regret some of the gentlemen appear to fail to understand this plain and effective provision of the bill now before the House.

There is a further provision in section 13 of the pending bill which gives the Federal Trade Commission the right to move in the interest of the public to prevent the dissemination of advertisements of food, drugs, devices, and cosmetics in violation of section 12. This is the right given the Commission to go before a court and sue for an injunction to prevent the dissemination of such advertisement pending the outcome of the Commission's regular cease and desist order procedure. Paragraphs 1 and 2 of section 13 of the pending bill provide that where any person, partnership, or corporation is engaged in or is about to engage in the dissemination of an advertisement in violation of section 12, and that the enjoining thereof would be to the interest of the public, the Commission may bring suit in a district court to enjoin the dissemination of such advertisement pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court, or the order of the Commission to cease and desist has become final. It is required that such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

Simply stated, the right of the Federal Trade Commission to sue for an injunction, as set out in section 13, means that where information reaches the Commission that false advertisements are being disseminated, or are about to be disseminated, of a food, drug, device, or cosmetic in violation of section 12, the Commission may have the right to move swiftly to prevent the distribution of such advertisements. This amendment will meet the criticism that has been lodged against the Commission that under its present authority it cannot proceed swiftly to meet an emergency situation involving a menace to life or health. Criticism has been made that the Commission's procedure is slow.

Necessarily, that must be so if a respondent in a Commission proceeding is to have his day in court. It takes time to gather evidence, conduct hearings, weigh testimony, and study briefs. Then when the Commission acts, its order is subject to review by the courts. Necessarily this all makes for delay. For this reason some have advocated transfer of jurisdiction over advertising to a bureau of one of the Government's executive departments, because of the swifter procedure possible in such bureau. But this smacks too much of bureaucracy and dictatorship. It would lodge too much arbitrary power in a subordinate official of an executive agency. Under such procedure, a merchant or manufacturer might be called on the carpet, told that his advertising was misleading, and that he must stop it. This would amount to confiscation of property, without due process of law. No matter if the courts, 6 months or a year later, found that the advertising was not false and that the product was not harmful, business in that commodity or in that article already would have been destroyed. The procedure which your committee has devised provides for due process of law, and at the same time, through the injunction process, makes it possible for the Commission to move with sufficient promptness to meet any emergency situation that may arise. Under this procedure, necessary and constitutional safeguards of property rights will be afforded. Before an injunction can issue, first the Commission, itself a quasi judicial

body of five members, must be convinced that an emergency exists, and it in turn must convince the court of proper jurisdiction of the existence of such emergency, and that issuance of an injunction is justified and necessary in the public interest.

I cannot understand how anyone could read carefully the provisions of the proposed legislation and reach any other conclusion than that it is a most drastic bill. As far as I am concerned, I yield to no one in my desire to provide an effective law dealing with food, drugs, devices, and cosmetics and with advertising relating to such commodities. If I did not believe the provisions of the bill now before the House would enable the Federal Trade Commission to enforce effectively the advertising provision, I would be the first to oppose its enactment. The difference of opinion, as the gentleman from Michigan has stated, is as to the agency which is to enforce the provisions of the law. The Federal Trade Commission since its inception has been charged with the responsibility of enforcing the false-advertising provisions of the law. This bill simply strengthens the present law to enable the Commission to enforce the law effectively as it relates to food, drugs, devices, and cosmetics when injury to health is involved or where there is an intent to defraud the public.

From the beginning of the agitation to amend and modernize the Food and Drug Act, passed 30 years ago, a serious controversy has been over the question of where jurisdiction over advertising of food, drugs, devices, and cosmetics should be lodged. At present all jurisdiction over advertising is lodged in the Federal Trade Commission. By the late unlamented and so-called Tugwell bill and its successor, the Copeland bill, which the Senate passed in the last Congress, such jurisdiction would have been conferred upon the Food and Drug Administration of the Department of Agriculture. However, the Senate bill expressly said that none of the present powers of the Federal Trade Commission should be diminished. Thus enactment of the Copeland bill would have meant the setting up of jurisdiction over false and misleading advertising in the Food and Drug Administration under the Copeland bill and the continuation of such jurisdiction in the Federal Trade Commission under section 5 of its organic act.

The House Interstate and Foreign Commerce Committee gave this matter most thoughtful consideration and finally voted overwhelmingly against dual jurisdiction and in favor of continuation of exclusive advertising jurisdiction in the Federal Trade Commission, where jurisdiction over the advertising of all commodities, whether food, drugs, or what not, is and has been since the passage of that act in 1914. The House itself in the last Congress overwhelmingly approved its committee's action. However, that bill died in conference during the legislative log jam which attended the closing days of the session.

When this Congress met, the matter again came up, and food and drug bills were again introduced. Also, the able gentleman from California [Mr. LEA], who had succeeded the present majority leader, Mr. RAYBURN, as chairman of the Interstate and Foreign Commerce Committee, introduced a bill amending the Federal Trade Commission Act. Chairman LEA evolved the idea that instead of writing advertising provisions into the Food and Drug Act it would be more consistent with sound legislative policy to eliminate all reference to advertising in the food and drug bill and to so amend the Federal Trade Commission Act as to give to that Commission all necessary power to effectively prevent the dissemination of false and misleading advertising.

This plan of the gentleman from California met with the approval of his committee, and the committee reported out what is now known as the Lea bill, which is a substitute for the Senate bill sponsored by the senior Senator from Montana, Senator WHEELER, amending the Federal Trade Commission Act and containing sections dealing with the advertising problem. It is this bill that is before you.

As a member of the Interstate and Foreign Commerce Committee, I, with a number of my colleagues, have worked diligently and earnestly to write two bills which will accomplish necessary reform in food and drug control and do all that the Government may do to prevent the dissemination of false and misleading advertising. The bill amending the Federal Trade Commission Act and dealing specifically with advertising is before you for action. It is to be followed by a food and drug bill which I, as a member of the committee, believe will give the Food and Drug Administration of the Department of Agriculture ample authority with which to effectively regulate and control the food, drug, device, and cosmetic industries. If the House passes these two bills, I believe that agreements on such legislation can be effected with the other branch of Congress and we will have equipped two appropriate agencies of the Federal Government with all of the authority and power necessary to properly regulate the food, drug, device, and cosmetic industries, to prevent the dissemination of unlawful advertising, and protect the public.

No legislation that Congress enacts is ever acceptable to everybody. Some may say that the Lea bill is not sufficiently exacting, while others are likely to criticize it in that it goes too far and gives the Federal Trade Commission too much power. Personally, I am of the opinion that your committee, in striking a happy medium, has done an excellent job and that this is the best bill on the subject that ever has been offered in either branch of the Congress. It ought to pass, as I believe it will pass, and thus accomplish the solution of an important problem that has been before the Congress for many years.

Mr. LEA. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I wish first to express my gratitude to the distinguished chairman of the Committee on Interstate and Foreign Commerce and the members of the committee, and to the able majority leader of the House, for postponing consideration of this bill out of deference to me in the loss of my father.

Further, may I say how delighted I am to listen to the eloquent words of my beloved and distinguished friend, the gentleman from Tennessee, in the tribute he has just paid to that great patriot, leader, and President, Woodrow Wilson, the father of the Federal Trade Commission.

Mr. Chairman, the question before this House in the consideration of S. 1077 is simply whether the abuses of public health and welfare through the false advertising of foods, drugs, therapeutic devices, and cosmetics in interstate commerce are sufficiently serious to warrant extension of power to the Government for more effective control than has been exercised under the Federal Trade Commission Act of 1914. Under that law the Commission for many years has been proceeding against the false advertising of these commodities as unfair methods of competition. Some insight into the necessity for legislation in this field is given by a comparison of the labeling of these commodities with their advertising. As chairman of the subcommittee in charge of food and drug legislation in the last Congress, I had an opportunity to make extensive comparisons. It is obvious to anyone who has had that opportunity that departure from truth in representing the identity and merits of these commodities is far greater in their advertising than in their labeling.

The subcommittee very early found the reason for this. The Federal Trade Commission Act carries no penalties for the initial publication of false advertisements or for the subsequent publication of those advertisements until after a cease-and-desist order is issued. The Foods and Drugs Act which applies to labels but not to advertising carries penalties for each violation committed. It therefore has a definite effect of deterring unscrupulous firms who would misrepresent their goods by labeling. I have in my hand an advertisement for a grape juice carried in the press last summer. Similar advertisements for this grape juice are appearing in newspapers and magazines now current. These advertisements are headed "ugly fat lost—7 pounds a month—without suffering a hungry moment—amazing way takes off excessive

weight without dieting—or taking drugs." These advertisements were published despite the previous announcement of the Federal Trade Commission of May 28, 1937, that the manufacturer had agreed to discontinue the advertising of this juice as a weight reducer. Obviously, the continuation of the advertising is due to the fact that the Federal Trade Commission can invoke no penalty until its cease-and-desist order is made effective. This advertising is in striking contrast to the labels for this same grape juice, which make no representations whatever about weight reduction.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. I heard that advertisement over the radio 2 nights ago, and I was wondering if the commodity was really effective?

Mr. CHAPMAN. The advertising is still going on.

Mr. COFFEE of Washington. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. Why is it these advertisements for Welch's grape juice appear in the January numbers of Good Housekeeping and McCall's magazine 7 months after the Federal Trade Commission has issued a cease-and-desist order against the very same thing?

Mr. CHAPMAN. Because the cease-and-desist order is absolutely ineffective to prevent false advertising, and this is why I am advocating the amendment which will be offered by the distinguished gentleman from New Jersey [Mr. KENNEY], a member of our committee. I will tell you some more if you will give me enough time.

The bill now before us makes substantial change in the procedure set up for the control of false advertising from that which has existed in the Federal Trade Commission Act since its passage in 1914. It is true that in addition to the cease-and-desist procedure the bill authorizes injunction, but injunction is no more suited to false advertising control than is the cease-and-desist procedure. No penalty can be imposed for any number of publications of a false advertisement until the injunction order becomes effective.

Advertising copy is frequently changed as a matter of good advertising technique. By the time the cease-and-desist order or an injunction becomes effective the advertiser, as a matter of course, will change his copy. He can continue this process indefinitely without running any risk whatever of penalty, and when he has run the gamut of all the claims he can plausibly make for his product, he can then change its composition, as patent-medicine manufacturers have so frequently done, and repeat the process over and over again.

It is true that the bill does contain criminal penalties that will act as deterrents, but these are applicable only in two extremely limited fields. First of these is where the commodity advertised is inherently poisonous, such as elixir sulfanilamide, which recently caused nearly a hundred deaths. But such poisons are rarely involved in false advertising. They take their toll in death and human suffering, but the number of victims of nonpoisoning nostrums is far greater. These nostrums advertised for serious diseases like diabetes, tuberculosis, pneumonia, venereal diseases, and many others, claim their victims through indirect action. People rely on the false claims and neglect proper treatment until too late. But they are just as dead as those who are killed by actual poisons.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CHAPMAN. These nostrums take their toll of those suffering with diabetes, tuberculosis, pneumonia, and diseases I shall not mention. I have some samples of them here.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question?

Mr. CHAPMAN. Not unless I can get some more time, Doctor.

Here is a picture of a very personable lady. She was designated as the best housekeeper in the State of Ohio. She went to Columbus, and they had a banquet in her honor. She stopped by the beauty parlor on the way and this picture shows the result.

I think it is inhumane to permit advertisements for such products to continue.

Here is a bottle of B. & M. It is a horse liniment; that is all there is to it. A stenographer wanted a sideline and decided to take up this horse liniment made out of turpentine, ammonia, and eggs. He recommends it for tuberculosis, pneumonia, influenza, pleurisy, laryngitis, coughs, colds, catarrh, blood poisoning, external and all kinds of germ diseases.

I also have here a bottle of Banbar. I have testimonials here from people who took this, at $12 a bottle, and I also have a sheaf of death certificates.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CHAPMAN. Here is something that was recommended as a cure for diabetes. I have several testimonials from people who took this medicine, and also the death certificates of the same people who died in a few months as a result of using it for diabetes. They mistakenly relied on the false claims and did not take the insulin treatment which they should have taken.

This great field of advertising worthless nostrums is left almost untouched by the bill, despite its second and final penal provision which is applicable only where the Government can acquire evidence to show that the advertiser intended to defraud the public. To prove intent is notoriously difficult for any enforcement agency. That has been demonstrated through 25 years enforcement of the amendment to the Food and Drugs Act, which prohibits false and fraudulent label claims of therapeutic effect. Too frequently the defendant emphasizes his belief in the claims made so earnestly that the Government cannot show he was guilty of intent to defraud. The expense and uncertainty of outcome of proceedings under this provision of the bill will result inevitably in its being used only rarely. Resort will be had by the enforcing agency to the cease and desist procedure or to injunction.

That would not be a serious defect in the measure as far as the great bulk of American advertisers is concerned. Most of them present their goods fairly and honestly. But there has grown up, particularly in the patent medicine industry, a group of racketeers who have no compunctions about deceiving the public and impairing its health. It is these racketeers who cannot be reached by cease and desist or injunction proceedings; it is these racketeers who can be controlled only if they know they are running a risk of a heavy penalty when they advertise their products falsely.

Unless this bill can be changed to reach this racketeering group which has done so much to bring all advertising into disrepute with many informed people, its enactment by this Congress would be a futile gesture. No substantial change in the advertising control that has existed for 20 years would have been effected. I, for one, am wholly unwilling to pass an advertising-control measure that does not make substantial improvement in the present law. If this bill were passed, it would be construed by the public as an announcement by the Congress that the well recognized evils of false advertising were to be stopped promptly and effectively. That would be as serious deception of the public as the false advertisements this bill purports to control.

President Roosevelt, in his message of March 22, 1935, regarding the necessity for food and drug legislation, made the following statement as to the need for adverting control, after having outlined the need for revision in the present food and drug law:

> It is time to make practicable improvements. A measure is needed which will extend the controls formerly applicable only to labels to advertising also; * * *.

From this it is perfectly clear that the President had in mind the need for enforcement of prohibitions against false advertisements of food, drugs, devices, and cosmetics by ap-

propriate penalties of a character comparable to those which have been in the Food and Drug Act for 30 years.

Mr. Chairman, may I say to my friends here with whom I have served for 12 years and to whom I am devoted and who have shown their devotion to me, I have taken a great interest in this fight for the past 3 years, and in concluding today may I say the truth proclaims its motto in letters of living light, no cause is ever settled until it is settled right. [Applause.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, it is apparent to me from numerous questions and remarks made by different Members to me and other Members of the Committee during the course of this debate that there is a considerable lack of understanding of just what is before the House this afternoon. I think in large measure this arises from the fact that many of the Members do not realize there is a distinction in the treatment by the law of false labeling and false advertising. False labeling has heretofore been controlled by the Food and Drug Administration of the Department of Agriculture. This is what is commonly referred to as the pure food and drug law.

Then there has been heretofore in the Federal Trade Commission general authority over advertising as distinguished from labeling, as an unfair trade practice.

There is one feature of this proposal about which there seems to be no dispute, and that is that the Federal Trade Commission should have its jurisdiction enlarged beyond the confinement of those words which state their jurisdiction as having to do with unfair practices in competition, to the end that the consumer may be protected even though the element of competition is not involved.

There is some dispute and some question as to whether or not this general authority over advertising which has heretofore been invested in the Federal Trade Commission, and as we now undertake to redefine it to make it clear and more effective, shall be invested in the Department of Agriculture as a part of the Food and Drug Administration or whether it shall go to the Federal Trade Commission to be administered by them along with their general authority over advertising.

It is argued with some force that since the Food and Drug Administration of the Department of Agriculture has jurisdiction of false labeling, it should have jurisdiction of false advertising, but it can likewise be argued that since the Federal Trade Commission has jurisdiction of false advertising, generally, as an unfair trade practice, it has the best equipment and the best machinery to undertake the powers that are to be granted under this legislation.

I believe there is another reason why the Federal Trade Commission is the proper authority to have this power. These provisions, as you gather from the debate, are generally the subject of quasi judicial action and determination, with decisions to be made affecting the rights not only of consumers but of producers and distributors. The Federal Trade Commission is a quasi judicial organization. It is independent and it goes on and on year after year pursuing its activities.

To my mind that is a clear reason why this legislation should delegate the additional authority to the Federal Trade Commission.

The other controversy arises out of the matter of criminal penalties. Something has been suggested here about the broad language of this act. It is not definite. There is no catalog of the offenses that are sought to be reached. It was pointed out to the committee that only by the use of broad language would the Commission or any authority have any real opportunity to accomplish real results. In defense of that broad language it was pointed out, if I remember correctly, that criminal penalties were not always involved, that cease and desist orders were issued. The very fact that broad language is used should indicate to all of us, it seems to me, that we should not in every case inflict a criminal penalty or a civil penalty of $3,000 fine upon any person who happens unintentionally to violate the act. It is my idea that the committee had in mind when drafting this penalty clause the fact, which I think is clearly evident, that honest business people who are trying to operate honestly and within the law may inadvertently violate provisions of this bill. Certainly those people should not be prosecuted, haled into Federal court and immediately subjected to the criminal prosecution urged here by some.

As far as teeth are concerned, it is provided in the bill before us that if a commodity advertised is injurious to health, criminal prosecution will immediately lie. It is provided that if false advertising is done with intent to defraud, criminal prosecution will immediately lie. I remember in my experience as prosecutor in the State of Indiana, that we had, for instance, a false pretense statute which provided that whoever with intent to defraud another by any false pretense obtains the signature of any person to a note, and so forth, shall be guilty of a misdemeanor. I never experienced any difficulty under that law in reaching the man who really should be punished. The proof of intent, if intent is there, can be made. To my mind to contend that that requirement defeats the very purpose of the law and would render it innocuous and of no effect, is to beg the point.

Of course, we want to protect the consumer. The things the gentleman from Kentucky [Mr. CHAPMAN] has pointed out as specific instances necessitating this sort of legislation are cases we all recognize. They are the cases that we are trying to reach, but in our effort to reach them, certainly we do not want to go so far in this legislation as to bring about extreme penalties upon people who inadvertently and unintentionally issue an advertisement which may prove to be false if the commodity is not injurious to health.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. Yes.

Mr. REECE of Tennessee. Will not the provisions of this bill reach all the examples which the gentleman from Kentucky cites?

Mr. HALLECK. It seems to me that clearly every one of those instances would be reached. And further, when a cease-and-desist order is entered and someone attempts to go around the corner of that order with some little change, would not that be clear proof in any court of intent to deceive and defraud and immediately subject that person to the criminal penalty provided in the law?

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. Yes.

Mr. LEAVY. I am heartily in favor of the objectives sought, but I want to ascertain if it is the view of the gentleman, a member of the committee, that newspapers, radios, advertising agencies, are exempt from the penalties and provisions here.

Mr. HALLECK. There has been quite a bit of talk about that, and on page 27 of the bill I think the gentleman will find it is clearly provided that if those people deliver the information asked of them to the Commission, they are not responsible or liable for the false advertising which is carried in their newspaper or over their radio.

Mr. LEAVY. It is the view of the gentleman, a member of the committee, that they are exempt?

Mr. HALLECK. That is my understanding of it. I yield back the remainder of my time. [Applause.]

Mr. LEA. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, food, drugs, devices, and cosmetics have been used from time immemorial to develop the health, strength, vigor, and vitality of all mankind. Food to maintain health and vigor; drugs to revitalize and restore physical and mental health; devices and contrivances, or contraptions, constructed for special purposes to aid suffering mankind; and cosmetics to improve women's looks so that they might improve upon nature.

The bill that is now being debated on the floor of the House does not tell us how to prevent drugs from being

adulterated by substitutions incorporated in them as a part of their ingredients, or to determine the vitiation of the strength of important medication. The present bill that is being considered does not tell us how to detect the poisonous elements that may be harmful to the human body that is found in certain forms of cosmetics, nor does it discuss the tragedy of many devices and contraptions that are being sold to a gullible public through false and misleading advertisements. This bill is designed to do one important thing, and that is to amend the act creating the Federal Trade Commission and to define its powers and duties, and for other purposes.

After listening to the very eloquent and earnest sentiments expressed by the distinguished gentleman from Kentucky [Mr. CHAPMAN], as well as my friend from New Jersey [Mr. KENNEY], you would imagine the Federal Trade Commission of our country is responsible for the imperfections that have developed in the enforcement of the Pure Food and Drugs Act. I would like to ask my distinguished colleagues how many corporations, owners, groups, and individuals who have manufactured foods, drugs, devices, and cosmetics unfit for human consumption and human aid have been arrested? So far as my information goes, only a few. In the past the containers and packages holding the products that have been adulterated or misbranded have been arrested. The persons who were responsible for placing unfit, putrid, decomposed, and filthy food in containers, as well as those who adulterated drugs or sold poisonous cosmetics in packages, were never arrested. Under the Pure Food and Drugs Act, which is not now up for debate, the contaminated, vitiated article was made the criminal. Not the person who is responsible for its sale. That is like arresting the jimmy and not the burglar, or arresting the pistol and not the murderer. The object of the present bill is to place the enforcement of the Pure Food and Drugs Act into the semiquasi judicial body known as the Federal Trade Commission. This Commission is composed of some of the most eminent and distinguished men of our Nation. On it is our former colleague and chairman of the Merchant Marine Committee, the Honorable Ewin Davis, one of the most lovable characters we had in our midst; second, Mr. Ayres, who served the great State of Kansas for many years as a Member of this House.

To carry out the provisions of the Pure Food and Drug Act in the Agricultural Department, they have had up to the year 1935 only 76 food and drug inspectors employed. That means less than 2 inspectors for each State to investigate the corrupt practices found throughout the 48 States of the Union. Unfortunately, Dr. Campbell, Director of the Pure Food and Drug Division of the Department of Agriculture, had his appropriation cut in the year 1935 to about $1,493,000, a little more than 1 cent a year for the population of the United States, to look after their health and safeguard them so far as contamination of the food, drugs, devices, and cosmetics are concerned.

Mr. Chairman, if you want to protect the life and health of the 130,000,000 consumers of the United States, we must see to it that a proper pure food and drug bill is enacted during the next month or two. If we want to protect the 90 percent of the honest manufacturers and producers of foods, drugs, devices, and cosmetics who honestly and sincerely desire to provide wholesome goods to our American citizens, we must insist upon a brand-new pure food and drug act. No honest producer, processor, or manufacturer need fear the effect of any section of this bill that has been perfected by the distinguished chairman of the Interstate and Foreign Commerce Committee, Hon. CLARENCE LEA.

This bill, which enables the Federal Trade Commission to prosecute the racketeers in foods, drugs, and cosmetics, is designed solely against the chiselers, as well as charlatans and quacks, who are exploiting and commercializing the innocent, honest, gullible Americans. We can protect 130,000,000 consumers in three ways. First, by putting a white label upon every food, drug, device, and cosmetic on which will be the words, "Contains no material, or materials, harmful or injurious to the average human system in the proportions represented by the formula or formulas for this product." This white label will be a certificate of character. It will indicate that the food, drugs, beverages, and cosmetics are pure and wholesome. It will make the American consumer "white-label conscious."

Mr. Chairman, there are certain powerful and effective drugs and extracts that are most valuable in the restoration of health, but their potency is such that they can be used safely only under the prescription and continuous observance and care of a physician. For such drugs the container or package should bear a blue label, permit for the use of which is to be issued after the filing of the formula with an analysis of it by the Food and Drug Administration. This blue label shall bear the words, "Caution! Contents to be used only under the care and supervision of a registered physician." Certain hypnotic and narcotic drugs such as opium, morphine, cocaine, are highly useful in the practice of medicine and in the alleviation of pain. But they never should be self-administered and should be available to the general public only on the prescription of a doctor and used medically only under the care and supervision of a physician, because these drugs are habit forming. Drugs and medication that contain poisonous ingredients shall have a red label with a crossbones upon it, marked "poison." No one then will attempt to partake of this product.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I will yield if the gentleman will give me a little more time.

Mr. MAPES. I cannot give the gentleman any more time; but will he yield?

Mr. SIROVICH. Yes; I will yield to the gentleman, anyway.

Mr. MAPES. Would the gentleman allow the advertising as a cure for tuberculosis or cancer of a product which might be as harmless as water, and not do anything more about it than to have a white label on the container saying that it was not harmful to human beings?

Mr. SIROVICH. That is where the Pure Food and Drug Division comes in.

Mr. MAPES. I am asking the gentleman if he would allow that kind of advertising?

Mr. SIROVICH. No; I would not. I would compel the Pure Food and Drug Division to prefer charges to the Federal Trade Commission against such nefarious practices; and under the present bill which we are trying to enact into law. If he refuses to cease and desist from this practice, I would turn him over to the Criminal Division of the Department of Justice and prosecute him.

Mr. Chairman, my distinguished friend from Kentucky [Mr. CHAPMAN] showed me a picture of a woman that was blinded from the use of thallium acetate. Does he realize that two and one-half million dollars damages are being asked for in suits brought against this woman who manufactured this product throughout the United States, and that she is now a bankrupt? But the product is still being sold. If this bill were put into effect that we are debating today, Cora M. Lubin, the owner of this preparation, would be in jail. My friend Mr. CHAPMAN showed me a bottle which began as a horse liniment and was only used for horses. Now it is advertised everywhere to cure tuberculosis, pneumonia, bronchitis, blood poisoning, asthma, heart disease, and every disease that mortal flesh is heir to. Here is the evolution of quack medical concoctions, beginning with the horse and ending with man.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. CHAPMAN. Does the gentleman mean to tell this House that the things he says about the liquid in that bottle are true? Does he think that anything in this bill would protect the American people against the stuff that is in that bottle?

Mr. SIROVICH. It certainly would.

Mr. CHAPMAN. Not a word in this bill would.

Mr. SIROVICH. I tell my distinguished friend from Kentucky that this bill will not permit the selling of the stuff contained in this bottle under the representations under which it has been sold.

Mr. CHAPMAN. It will.

Mr. SIROVICH. It will do one thing: it will enable us to hale before the Federal Trade Commission those who publish these false advertisements and make these gross misstatements of fact, and ultimately will convict them with the aid of the Attorney General's office and send them to jail where they belong.

Mr. KENNEY. I am as anxious as the gentleman to pass such a bill as that, but this bill is here. Does not the gentleman think we ought to do something more than he said? When this man goes before the Federal Trade Commission it will tell him to stop, but the man may go out with a different advertisement and keep on advertising the same thing.

Mr. SIROVICH. He cannot do that.

Mr. KENNEY. Yes; he can.

Mr. SIROVICH. No; he cannot, because he will be haled before the court by the Attorney General and prosecuted, and the Federal Trade Commission's order to cease and desist will absolutely prevent him from continuing in his nefarious practice.

Mr. O'MALLEY. Does the gentleman believe that aspirin should be controlled and that nobody should purchase that without a doctor's prescription?

Mr. SIROVICH. Not necessarily. Now and then a person has an idiosyncrasy against that drug. Most people can use it without harm to themselves.

Mr. O'MALLEY. Is that not part of the program of the American Medical Association?

Mr. SIROVICH. I do not know what the attitude of the American Medical Association is so far as the subject of aspirin is concerned.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I am in favor of the pending bill. However, I request that the Members look at section 15 on page 27 of the bill. I urge the committee to retain only the first three lines of that section.

It is ambiguous and a strained effort to define the term "misleading." When you disseminate an advertisement and one with experience approves as to its truth, it suffices to offset an opposite opinion. If you wish to advertise a formula "to reduce" and someone who has reduced through that formula and had experience with it will say so, that seems to establish the right to proceed. If afterward someone alleges falsity as defined in the act, this simply creates a difference of opinion and the advertising goes on until the Government medicine men proceed, if they so desire. The advertising medium will not be criminally liable if it will disclose the source of the advertisement, or what advertising agency gave it to him. What the newspapers are apparently worried about is the ambiguous language by which they may stand to lose a large amount of advertising. They probably are trying to assist their advertisers that much. I hardly know what our weeklies all over the country would do without a large amount of this sort of advertising, which may be challenged to prove the truth of its assertions.

Let us be reasonable and not put language in here that is not understandable and is ambiguous. The advertisement must state everything material with respect to its use. Why do we not also add "misuse"? I am very much overwhelmed by the oratory of the proponents of the bill. I believe that a measure should be passed, but I am fearful of this language in section 15 and the annoyance that will probably be caused by its interpretation, or rather misinterpretation. I shall support the bill, although I wish I had more than 2½ minutes, because a little more comment would be beneficial so far as this particular section 15 is concerned.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I think this legislation involves one of the most important problems confronting the people at the present time. I think outside of the money question, the rules, regulations, and laws governing the Federal Trade Commission are the most important thing for the protection of the American people.

The unbalanced and maladjusted price level between the product of the basic industries and the manufactured product in this country is the result of the restraint in trade effected by unfair competition and unfair trade practices. Any law which will broaden the powers of the Federal Trade Commission and strengthen that organization to relieve the unfair trade competition and unfair restraint on business will improve the conditions affecting business. I am glad to learn at this late date that the President of the United States is beginning to recognize the effect of monopoly on business and on the general welfare of the country. We must eliminate unfair trade practices and unfair competition. We must give to the small competitors in new enterprises the right to compete for business and by this means bring about an adjustment of prices so that we may get those prices on a fair level thereby protecting the people engaged in our basic industries—agriculture, mining, and lumbering, and the small businessman, and the small competitor against unfair and destructive trade practices of the larger business organizations of the country.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. Does the gentleman think this legislation will accomplish what he is talking about?

Mr. WHITE of Idaho. I certainly do.

Mr. ANDRESEN of Minnesota. I hope so.

Mr. WHITE of Idaho. Mr. Chairman, I want to read one section of this bill which answers the question of the gentleman:

SEC. 5. (a) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

Mr. MAPES. Mr. Chairman, I yield the balance of my time to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, what we need in America is a genuine pure food and drug law with teeth. I hope the Committee on Interstate and Foreign Commerce will bring in such a bill. In 1936 such a bill was pending before this Congress and was defeated. Our present majority leader, the gentleman from Texas [Mr. RAYBURN] in the CONGRESSIONAL RECORD of June 20, 1936, paid his respects to the members of the Federal Trade Commission for lobbying on the floor of this House against the then pending pure food and drug bill because they could not get control of advertising. The whole issue in this debate is whether or not the Food and Drug Administration or the Federal Trade Commission should have control. I submit, Mr. Chairman, the record of the Federal Trade Commission is not conspicuous for its success. Let me read just a brief statement from Business Week, the issue of February 13, 1937:

In presenting its case for this expansion of its power, Federal Trade Commission declares in its last annual report that "In many cases it is very difficult if not impossible to show a specific injury to competitors."

Therefore it wants this bill.

Critics find this point of view at interesting variance with that which Judge Ewin Davis—

The Davis family, by the way, is heavily interested in the Welch Grape Juice Co., which still continues to publish false advertising in the magazines of America 7 months after the Federal Trade Commission has issued a cease-and-desist order. This company is owned in part by the family whose head is a member of the Federal Trade Commission.

To continue with the quotation—

Critics find this point of view at interesting variance with that which Judge Ewin Davis, of the Commission, developed at hearings on the food and drug bill before a House subcommittee in August

of 1935. Federal Trade Commission at that time was anxious to prevent the Food and Drug Administration from obtaining jurisdiction over false advertising of foods and drugs, and Judge Davis testified that "it is the rarest case in the world, if it ever exists, where the consuming public is adversely affected by false or misleading advertisements that a competitor is not also affected, and consequently we would have the requisite showing of competition.

In other words, there has been a grave change, Mr. Chairman, in the attitude of 2 years ago.

[Here the gavel fell.]

Mr. PHILLIPS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Under the rules of the House, the time for general debate is fixed. All time has expired.

Pursuant to the order of the House, the Clerk will read the committee substitute amendment, by sections, for amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 5 of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes', approved September 26, 1914 (U. S. C., 1934 edition, title 15, sec 45), is hereby amended to read as follows:

"'SEC. 5. (a) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.

"'The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the acts to regulate commerce, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in said act, from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.

"'(b) Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section. After the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, the Commission may at any time, with the consent of the person, partnership or corporation required by the order to cease and desist, modify, or set aside, in whole or in part, the report or order made or issued by it under this section.

"'(c) Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or act or practice may obtain a review of such order in the circuit court of appeals of the United States, within any circuit where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business, by filing in the court, within 60 days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the entire record in the proceeding, including all the evidence taken, and the report and order of the Commission. Upon such filing of the petition and transcript the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

"'(d) The jurisdiction of the circuit court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.

"'(e) Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"'(f) Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"'(g) An order of the Commission to cease and desist shall become final—

"'(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the Commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b); or

"'(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals, and no petition for certiorari has been duly filed; or

"'(3) Upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals; or

"'(4) Upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Commission be affirmed or the petition for review dismissed.

"'(h) If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of 30 days from the time it was rendered, unless within such 30 days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(i) If the order of the Commission is modified or set aside by the circuit court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of 30 days from the time such order of the Commission was rendered, unless within such 30 days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(j) If the Supreme Court orders a rehearing, or if the case is remanded by the circuit court of appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.

"'(k) As used in this section, the term "mandate," in case a mandate has been recalled prior to the expiration of 30 days from the date of issuance thereof, means the final mandate.

"'(l) Any person, partnership, or corporation who violates an order of the Commission to cease and desist after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States.'

"SEC. 2. Such act is further amended by adding at the end thereof new sections to read as follows:

"'SEC. 12 (a) It shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false advertisement—

"'(1) By United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics; or

"'(2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce of food, drugs, devices, or cosmetics.

"'(b) The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5.

"'SEC. 13. (a) Whenever the Commission has reason to believe—

"'(1) that any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12, and

"'(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the public,

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

"'(b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals—

"'(1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor, and

"'(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction.

"'SEC. 14. (a) Any person, partnership, or corporation who violates any provision of section 12 shall, if the use of the commodity advertised may be injurious to health because of results from such use, or if such violation is with intent to defraud or mislead, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment; except that if the conviction is for a violation committed after a first conviction of such person, partnership, or corporation, for any violation of such section, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

"'(b) No publisher, radio broadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the false advertisement relates, shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States, who caused him to disseminate such advertisement. No advertising agency shall be liable under this section by reason of the causing by it of the dissemination of any false advertisement, unless it has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, or seller, residing in the United States, who caused it to cause the dissemination of such advertisement.

"'SEC. 15. For the purposes of sections 12, 13, and 14—

"'(a) The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates; but if, at the time of the dissemination of the advertisement, there exists a substantial difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation, the advertisement shall not be considered misleading on account of such representation, if it states clearly and prominently the fact of such difference of opinion. Nothing in this paragraph shall be construed as requiring the making of such statement as to difference of opinion; and failure to so state the fact of such difference of opinion shall not relieve the Government of the burden of establishing the misleading character of the representation. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.

"'(b) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

"'(c) The term "drug" means (1) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

"'(d) The term "device" (except when used in subsection (a) of this section) means instruments, apparatus, and contrivances, including their parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

"'(e) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.

"'SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5, it shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection.

"'SEC. 17. If any provision of this act, or the application thereof to any person, partnership, corporation, or circumstance, is held invalid, the remainder of the act and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

"'SEC. 18. This act may be cited as the "Federal Trade Commission Act."'"

Mr. KENNEY. Mr. Chairman, I offer an amendment, which is on the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 26, line 6, strike out all of section 14 (a) and insert in lieu thereof the following:

"SEC. 14. (a) Any person, partnership, or corporation who violates any provision of section 12 shall forfeit and pay to the United States a civil penalty of not more than $3,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States; but if the use of the commodity advertised may be injurious to health, the civil penalty shall be an amount not more than $5,000.

"(b) If the violation is committed after judgment for a civil penalty under subsection (a) of this section has become final, then such person, partnership, or corporation shall be guilty of a misdemeanor. Upon conviction punishment shall be by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment; but if such conviction is in a case where the use of the commodity advertised may be injurious to health, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 2 years, or by both such fine and imprisonment."

Mr. KENNEY. Mr. Chairman, the matter of the control of advertising as it affects food, drugs, devices, and cosmetics is so important the President of the United States addressed a message to this Congress on the subject on the 22d of March 1935. In his message the President said:

It is time to make practical improvements. A measure is needed which will extend the controls formerly applicable only to labels to advertising also. * * *

Obviously, what the President had in mind was the enforcement of prohibitions against such false advertising. The Food and Drug Administration for 30 years has had not only the power of seizure of falsely labeled articles but has also had the right to enforce a criminal penalty against violators of the Food and Drug Act. In order to prevent false advertising we must provide a penalty, for unless the disseminator of a false advertisement knows when

he disseminates the false advertising matter that he may in the future be held responsible for his act, he will not be restrained or deterred from advertising falsely. Whereas in this bill we depend upon the cease-and-desist order for enforcement we do not provide the necessary deterrent.

As I have pointed out earlier during the debate, the cease-and-desist order is not sufficient for our purposes, because all the Federal Trade Commission can do under it is say, "Stop." Listen to the testimony of Judge Davis, of the Federal Trade Commission, before our committee:

> When the Commission issues the cease-and-desist order, that is all it can do. We can just say "stop." We cannot put them in jail, we cannot fine them, we cannot punish them. All that the Commission can do if it finds them guilty is to say "stop, cease and desist."

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. I regret I cannot yield; I do not have the time.

Bear in mind the Commission directs its order only against that advertisement. It says "stop" a particular advertisement; but it does not and cannot say "stop" advertising falsely under the machinery provided by the bill. The gentleman from New York [Mr. SIROVICH] intimates and seems to argue that we do not need teeth in this bill because he has introduced a bill which would require food and drug commodities to bear red, white, or blue labels that would be a safeguard against false advertising of the articles and render such advertising futile. However, the gentleman is supposing a great deal. His statement is premised upon the assumption his bill will be passed by the Congress. In my opinion, his bill will never become law. Any food and drug bill that may be passed, to be effective, will require a proper control of advertising of food and drugs and devices and cosmetics.

This bill, if passed without my amendment, will, I believe, mislead the American people. The machinery of the cease-and-desist order will not protect the public. An injunction will not avail, either. I have here an almanac for 1937.

This publication was disseminated in November 1936. It was widely distributed, probably even to every little drug store in about every little hamlet in this country. It contains advertising matter asserting obviously false claims for all sorts of concoctions. Such a publication can be disseminated almost overnight everywhere by air mail and other mail facilities.

How effective will the remedy by injunction be after the almanac has been spread over the country? The injunction may say "Stop," this time by the court, but the disseminator has already stopped. His false advertising for the year has been done. So what will the Federal Trade Commission show for its painstaking, futile, expensive efforts? When the year is up the disseminator will change the form of his advertisement or an ingredient of his concoction and repeat the processes of advertising falsely. I wish you would read the kind of advertising contained in this almanac which I have, and which will go on forever under the machinery provided in the bill. The Federal Trade Commission and the court may say "Stop" perennially, but it will not stop.

Besides, the criminal penalties provided by the bill cover only two classes of cases. First, where the article advertised may be injurious to health because of inherent toxicity, and, secondly, where the false advertisement is disseminated with intent to defraud or mislead. These penalties cover a very narrow field. They ignore entirely false curative claims advertised for worthless concoctions which mislead ailing people to rely upon them for a cure, only to find death approaching because of their faith in and reliance upon the false advertisement.

An advertiser of food, drugs, devices, and cosmetics should bear some responsibility for the false advertising of these commodities in a material respect. The kind of advertising we are particularly aiming to prevent is false advertising, and false advertising in a material respect of those things which affect the health and lives of our people. Does this House want to say to the country that anyone may advertise falsely in a material respect without any responsibility? The chairman of our Committee on Interstate and Foreign Commerce stated in his speech on the bill that this is a bill to protect the consumer. Does it protect the consumer when the consuming public has to wait until the Federal Trade Commission goes out and catches up with hundreds—yes; thousands—of people who are advertising falsely in this country only to find that the disseminators will be ordered to "stop," to halt between the march of one line of false advertising and the forwarding march of another line of false advertising?

Without my amendment, designed to put teeth in the bill and providing a penalty for all false advertising, the disseminators of false advertised claims will continue to rob our people through the sale of worthless nostrums and to imperil their health and lives by leading them away from rational treatment by a physician. If this House wants to place its stamp of approval on procedure that will permit of this, vote down the amendment, but to give the country the kind of bill the President of the United States wants us to give and the kind that the consuming public of the country is expecting, then vote for the amendment.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. KENNEY].

Mr. Chairman, in my judgment it would be very unfortunate to the effective administration of this bill if such an amendment as the pending amendment should be adopted.

I have conferred with a representative of the Federal Trade Commission. Its judgment is very decidedly opposed to this amendment because it would tend to be destructive of the successful operation of the Federal trade law. It would, in effect, convert the Federal Trade Act in effect, into a criminal statute primarily as to advertisements.

As I attempted to explain this morning, this definition of false advertisements involves many cases where there is no intent of wrongdoing whatever. We have deliberately used this broad language in order to get a definition that would protect the consumer regardless of the intent. But as to the man who advertises an article injurious to health, or advertises with intent to defraud or mislead, the provisions of the bill which the amendment would strike out authorize an immediate prosecution of such a man regardless of what the Federal Trade Commission does. He can be arrested and prosecuted immediately.

In presenting this matter to this committee, gentlemen have discussed this question pretty much as if we were making no amendment to the Federal trade law and as if assuming we are proposing to proceed under the procedure which has heretofore prevailed. This is not the situation at all. We provide for immediate prosecution regardless of the Federal Trade Commission.

In addition to this, for every violation of a Federal Trade order, after the 6 months has expired or after the order becomes final, the Commission can immediately authorize a suit by the Attorney General to recover $3,000 against the accused.

If you will carefully examine the amendment proposed you will see that it would not be as effective as the provisions in the bill which it seeks to strike out. The first thing the amendment proposes is a proceeding to recover $3,000 from everybody who is accused of making a false advertisement, regardless of intent.

This is not the practical way to deal with businessmen. This is going to destroy the principal virtue of the Federal Trade Commission procedure, which is to give the honest businessman a chance to adjust his differences without harassing him or bringing him into court, with the expense involved by such proceedings.

Further, the criminal prosecution proposed by the amendment is not a prosecution immediately, like the one the committee has authorized. If a violation is committed after judgment, a prosecution may follow. They are going to send the Commission into court, with a long proceeding, to get a

judgment against the accused, and then if he repeats his crime after that they are going to prosecute him for it. The committee proposes a method permitting immediate prosecution for crime in every case where a criminal prosecution is warranted.

It is said we should not have any "intent" in this act. What does the membership of this House think about sending a man to the penitentiary for 2 years on a charge preferred by a bureau or commission of the Government without any charge of intent or purpose to violate the law? With all due respect to men who are proposing this, that sort of law would be absolutely destructive of good administration. We are in a time when Congress should at least be fair to the business of this country, and we cannot proceed on the theory that every businessman is in a conspiracy to violate the law or racketeer.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. REES of Kansas. Does the gentleman want the House to understand that the individual who has been charged with crime would not have a fair trial under this amendment? Is that what the gentleman wants the House to believe?

Mr. LEA. No; I say it is unfair to charge a man with a serious crime punishable by 2 years imprisonment where there is no intent to violate the law. The proper method is to give him a chance to come before the Federal Trade Commission and adjust his conduct to the law, where the article advertised is not injurious and he does not act with intent to defraud or mislead.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. HALLECK. There has been some indictment of the conduct of the Federal Trade Commission heretofore existing and some suggestion that that conduct of their matters has not been as efficient as the Food and Drug Administration. Is it not true that the Federal Trade Commission has never had the authority heretofore to impose criminal penalties such as would be given to them if this proposal becomes the law?

Mr. LEA. None whatever, and the object of the legislation is to give them the power and to put teeth in the law so they can take care of these problems.

Mr. SADOWSKI. Mr. Chairman, I rise in support of the amendment, and I yield, if I may, to the gentleman from New Jersey to give him an opportunity to further explain his amendment.

The CHAIRMAN. The gentleman from Michigan retains the floor, but he may yield for a question.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. SADOWSKI. I yield to the gentleman from New Jersey.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. KENNEY] be permitted to address the House for 5 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENNEY. Mr. Chairman, time did not serve to explain the exact nature of my amendment, but I believe that the gentlemen of the House realize that the amendment provides a penalty for all false advertising. The only penalties that are contained under section 14 (a) as reported by the committee are criminal penalties in two classes of cases. One is where you are dealing with a dangerous drug or a poisonous food, and then, before the penalty is enforceable, under the bill, that food or that drug must either kill or injure the person consuming it.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. I yield.

Mr. LEA. The language says "may be injurious to health."

Mr. KENNEY. My amendment will apply to every violation of section 12 of the bill. It will apply to every act of false advertising with respect to foods, drugs, cosmetics, and devices. The amendment does not provide any civil penalties for other advertising. The cease-and-desist order would still obtain there and it is only where foods, drugs, devices, and cosmetics, the most important things having to do with the health of our people, are concerned, that my amendment provides penalties. That is where we want these penalties to apply. That is where the President intended we should put them, and that is where this Congress ought to put them. The only way you can put them there is by means of this amendment.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. Yes; I yield.

Mr. GIFFORD. Does not the gentleman go too far on page 24? Page 26 refers to section 12. On page 24 we read the language:

> The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce.

I wonder if the gentleman would accept an amendment to make that "unethical act." To make United States Senators pay $1,000 apiece——

Mr. KENNEY. Is the gentleman serious about his question?

Mr. GIFFORD. Yes. Tobacco may be very unhealthful.

Mr. KENNEY. Of course, ethics are something that should be controlled in a way different than is provided by this bill.

Mr. GIFFORD. I should hope so.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. REECE of Tennessee. Mr. Chairman, having served on the committee with the gentleman from New Jersey [Mr. KENNEY], I appreciate his sincerity and admire his industry as well as his sincerity to accomplish an effective amendment, but I think the gentleman is in error with reference to his understanding of the bill now before the House and the effectiveness of its provisions. In the first place, section 5 of the Federal Trade Act is being amended so as to make deceptive acts and practices in commerce unlawful. Obviously a false advertisement would be a deceptive act and would be liable to the procedural methods which the Federal Trade Commission now has to deal effectively with deceptive acts and practices. Then in addition, the Federal Trade Commission is given the power of injunction, so that if it observes that a false advertisement is about to be put out it can go directly into court and get an injunction and enjoin the dissemination of the false advertisement, but what is more effective, and in my judgment even more effective than the amendment proposed by the gentleman from New Jersey, are the present provisions of section 14 which he undertakes to strike from the bill.

As the chairman of the committee so well said a few minutes ago, section 14 now provides that if a person, partnership, or corporation violates any of the provisions of section 12 shall, if the use of the commodity advertised prove injurious to health because of results from such use, and if such violation is with the intent to defraud or mislead, he or it shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment; and it then provides increased penalties in the case of a second violation; whereas, the amendment offered by the gentleman from New Jersey as a substitute for section 14 provides in the first place that in case of a false advertisement the offender becomes liable to a fine of $3,000 and is not liable to conviction and punishment for a misdemeanor, the penalty being fine or imprisonment, until the second offense. In my judgment, therefore, the gentleman's amendment does not provide any means for dealing immediately and effectively with false advertising, whether injury to health be involved or not. Section 14, on the other hand, in addition to the remedies under section 5 of the Federal Trade Act and in addition to the injunctive remedies provided by the amendments offered in the bill, provides criminal penalties carrying fine and prison sentences in the case of the first offense if intent to defraud

is proven; and, as the gentleman from Indiana so ably said in his address earlier in the day, the authorities will encounter no serious difficulty in proving intent, if intent exists.

[Here the gavel fell.]

Mr. TOWEY. Mr. Chairman, I move to strike out the last two words, to ask my colleague the gentleman from New Jersey whether the criminal penalties provided in this amendment apply to the first offense or only to subsequent offenses.

Mr. KENNEY. I may say to the gentleman from New Jersey that the criminal penalty attaches after the civil penalty is enforced. It is not the purpose of this amendment to put anybody in jail for false advertising. What we want to do is to stop false advertising. To do so we impose first a civil penalty which may run as high as $3,000 where it does not involve health, and as high as $5,000 where it does, feeling that this will deter such advertising. If not, if the advertisers persist despite the civil penalty, then a criminal prosecution follows.

The chairman of the committee and the gentleman from Tennessee say the penalties they provide are harsh, but in those cases where they should apply the Government must go through the eye of a needle to prove its case and enforce the criminal penalties.

Mr. TOWEY. Do I understand the gentleman correctly to say that his amendment would apply to only the two specific cases enumerated under the language of the bill?

Mr. KENNEY. My amendment will apply to every act under the bill with one exception. It would apply to every act of false advertising; and that is really what we want to stop, false advertising. With respect to foods, drugs, cosmetics, and devices we do not propose to provide any civil penalty. The cease-and-desist order would still obtain there, but it is only where it applies to foods, drugs, devices, and cosmetics the most important things for the health of our people. That is where we want these penalties, that is where the President intended we should put them, and that is where this Congress ought to put them. The only way you can put them there is by means of this amendment.

Mr. TOWEY. I thank the gentleman for his explanation, and I may further state in my remaining time that he has by his remarks brought out one point that we should all give very serious consideration to, that the whole theory of the enforcement of the Food and Drug Act, of which the present bill is supposed to be an adjunct, was through the effectiveness of criminal proceedings. The history of the Food and Drug Act, or so-called Wiley Act, would have been much more pleasant reading as to the convictions obtained under it if its very plain and forceful provisions had been carried out. American drug-enforcing authorities would not have had to apologize for ginger jake, or elixir sulfanilamide, or deaths of our womanhood in childbirth through rotten ergot, or the sacrifice of human beings on the operating table through defective and substandard ether, nor would we have had the other tragedies in blindness, nervous diseases, and even death itself that from time to time flash across the headlines of our newspapers as the result of those scoundrels who sell to the American public messengers of death under the guise of drugs. This bill is supposed to be a protective measure, and the American people are not getting protection under its provisions by the imposition of civil penalties only. If you are going to stop a man from being dishonest or a crook, criminal penalties are the only medium; and that is the purpose of the amendment of my colleague from New Jersey, and it deserves the support of the Members of this House. The American people have been for too long guinea pigs for a certain class of unscrupulous, dishonest, unlawful, and criminal dispensers of drugs in this country. [Applause.]

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it seems to me the measure before us, with all due deference to the committee in charge of the bill, is more or less of a gesture. This committee had its chance, and should have gone to work and written a fair pure food and drug bill from the standpoint of the consumer and for the protection of the public against certain manufacturers who indulge in false advertising. It seems to me that the least we can do is to vote for this amendment.

Mr. SADOWSKI. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. SADOWSKI. This committee did write a bill and presented it on the floor 2 years ago, but it was defeated.

Mr. REES of Kansas. Mr. Chairman, there has been no effective legislation on this subject for about 30 years. Some 30 years ago Congress passed a bill, and it has stood practically unchanged, with the exception of a few amendments during the last 4 or 5 years. As I said a moment ago, we must protect the consumer. Let us do something now to protect him against false advertisers.

These cease-and-desist orders do not deter those who persist in violating the law. According to the experiences we have had, they have not deterred in the past, and certainly will not in the future, unless a new practice is adopted to prevent continued violations of the law.

Mr. Chairman, in connection with the legislation now before us, if we vote for the bill at all, let us vote for it with this amendment. It will help a little. If we cannot get the amendment in, let us vote against the bill.

Mr. BULWINKLE. Will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. Will the gentleman explain to me what his idea is about the section in the bill?

Mr. REES of Kansas. About this section?

Mr. BULWINKLE. Yes.

Mr. REES of Kansas. I will explain to the gentleman.

Mr. BULWINKLE. I want the gentleman to tell me whether there is any punishment included in here or not.

Mr. REES of Kansas. I do not think there is, except in extreme cases.

Mr. BULWINKLE. What do you mean by an extreme case?

Mr. REES of Kansas. You would have it all tied down to two cases.

Mr. BULWINKLE. Let us take one at a time. How is it tied down?

Mr. REES of Kansas. We have one situation in which if the thing advertised is injurious to an individual's health and you prove it is injurious to the individual's health, in that particular case you might possibly punish him by a fine, as I understand it.

Mr. BULWINKLE. Does not the gentleman want to punish him if it is injurious to health?

Mr. REES of Kansas. I certainly do, but I want to go all the way down the line. I want all violations punished. I want a cease-and-desist order and I want to punish the individual criminally just the same as you would in connection with the violation of any other law.

Mr. BULWINKLE. If it does not hurt his health, what does the gentleman want to do with him?

Mr. REES of Kansas. For instance, suppose some advertiser——

Mr. BULWINKLE. Just answer the question.

Mr. REES of Kansas. I want to fine him.

Mr. BULWINKLE. Even though it does not affect the individual?

Mr. REES of Kansas. Oh, yes. He may advertise colored water to cure rheumatism. The consumer drinks bottles of colored water, and yet it does not cure his rheumatism. Nevertheless—under this bill, you would permit him to go free?

It occurs to me that we have protected the advertiser and manufacturer just as long as we should. It is time for us to protect the consumer against those who are more interested in selling their drugs and wares than they are in maintaining the health of the people who buy the products, depending upon the statements of the manufacturers and advertisers regarding such drugs and wares.

Advertising is an extension of the label. The same questions arise in dealing with false advertising, as are involved in determining the adulteration of a product and the falsity of its label. These questions involve three offenses—adulteration, misbranding, and false advertising. They are intimately interwoven and should not permit of separate treatment in the administration of the law.

There should not be a division of responsibility between the Pure Food and Drug Administration and that of the Federal Trade Commission. The Federal Trade Commission was established for the purpose of preventing unfair competition among business organizations and to prevent a monopoly in trade. It was intended, when the pure food and drug bill was drawn, that the regulation and enforcement of the act, insofar as adulteration and misbranding were concerned, should be under the control of the Pure Food and Drug Administration. If the Commission and the Administration are permitted to deal with the same subject, there is too much likelihood that the ruling of one agency might nullify the ruling of the other. Furthermore, it is much more effective to hold one agency absolutely responsible for the administration of the measures that come under its control.

I believe the Pure Food and Drug Administration can conduct enforcement activities in these highly technical fields, because it has available at all times experts upon whom it can rely for factual information and technical advice. The records show that the Administration has been effective, even though it has been limited in its operations.

Let this House not be influenced by selfish interests and powerful influences. This House should pass a real, honest, constructive, inforcible pure food and drug bill, having in mind the hundred and thirty million American consumers who are looking to this Congress for protection against those influences which would put their economic gain above the welfare of the people of their land.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. KENNEY].

The question was taken; and on a division (demanded by Mr. KENNEY) there were—ayes 36, noes 52.

So the amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I seldom take the floor to defend anyone, but when the gentleman from Washington just now impugned the motives of a former Member of this House, a present member of the Federal Trade Commission, every one of us who have known Judge Ewin L. Davis will come to his support.

May I say to the gentleman from Washington that Judge Davis has nothing whatsoever to do with the Welch Grape Juice Co., nor has his family. His brother does own some stock in the Welch Grape Juice Co., and that is all there is to it.

Mr. SIROVICH. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from New York.

Mr. SIROVICH. I served with Judge Ewin Davis on the Merchant Marine Committee for 8 years. I never met a finer, more loyal, or patriotic citizen in this Nation than Judge Ewin Davis. He was always an indefatigable and persevering workman as well as an honorable man all the way through.

Mr. REECE of Tennessee. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. I feel that the Members of the House, knowing Judge Davis as they do, will agree with me when I say that Judge Davis needs no defense from anything that might be said to the Members of the House concerning him. Certainly those who know him in the State of Tennessee hold him in such high regard that no aspersion may be cast on him which would lower him in their estimation.

Mr. BULWINKLE. Mr. Chairman, the members of the committee know how Judge Davis stands both on the Pure Food and Drug Act and on this act.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. I was not on the floor at the time the gentleman made the statement. I am sure he does not know Judge Davis as we do or he would not have made any statement that would in any wise reflect upon Judge Ewin Davis. I have known Ewin Davis for years and years. I come from an adjoining congressional district, and I know that our people down there respect him. I know his standing. I am sure the gentleman received wrong information.

I furthermore know that Judge Davis wanted the pure-food law broadened and made more stringent, and he was opposed to authority being taken away from the Federal Trade Commission.

I thoroughly endorse everything my colleague from Tennessee [Mr. REECE] has said about Judge Davis.

Mr. LEA. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from California.

Mr. LEA. This matter came to my attention some time ago. Knowing Judge Davis as I do, I thought the information was so reprehensible and so unfounded that I paid no attention to it whatever. I did look into the facts, however, and I find that the statement is absolutely without foundation. It is part of a damnable process of propaganda that has been carried on in this country for the last 2 years. It is a shameful thing, and I am glad to stand here and denounce it at this time.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 24, beginning in line 1, strike out all of section 2.

Mr. MAPES. Mr. Chairman, in line with what I said earlier in the afternoon, I call attention again to the fact, as I see it, that this section has no proper place in the pending bill.

In my judgment, it would not be here except for the pure food and drug bill which was considered in the last Congress. The Senate needs no protection, as far as I am concerned, I assume, but let me call attention to this situation. The pure food and drug bill was reported in the Senate by the Committee on Commerce, of which the Senator from New York [Dr. COPELAND] is chairman. The conferees were members of that committee. This bill was reported in the Senate by the Committee on Interstate Commerce, of which the Senator from Montana [Mr. WHEELER] is the chairman. Therefore, if this bill passes with this section in it, this whole issue as to whether the Pure Food and Drug Administration in the Department of Agriculture or the Federal Trade Commission shall be empowered to administer the law relating to the advertising of food, drugs, devices, and cosmetics will be taken bodily out of the hands of the Committee on Commerce of the Senate, headed by the Senator from New York, who initiated the pure food and drug legislation, and placed in the hands of the Committee on Interstate Commerce. I assume if the House leaves this section in the bill as proposed it will be accepted by the conferees when the bill goes to conference. Only one side will be represented in conference. No one ought to be fooled by what is being done. The purpose of putting this section in this bill is clear. If a majority of the House wants to pass it with full knowledge of what it is doing that is its responsibility, but it does not seem to me to be a proper way to legislate. I feel that this section ought not to be in this bill. Therefore, I have moved to strike it out.

Mr. Chairman, the Pure Food and Drug Administration in the Department of Agriculture has had charge of the enforcement of the Pure Food and Drug Act for years. It suggested amendments to that act in order to make the

law more effective and to make the sale of impure foods, drugs, cosmetics, and devices more difficult. If administration of half of the law goes to the Federal Trade Commission and the other half remains with the Pure Food and Drug Administration, it will simply cripple the enforcement of the law. It is not necessary to cast aspersions upon either the members of the Federal Trade Commission or the people responsible for the administration of the pure food and drug law to reach that conclusion. Plain common sense will cause anyone who considers the matter to reach that conclusion.

Therefore, Mr. Chairman, I am making this motion to strike the whole matter out of the bill. Let us take care of the matter in the pure food and drug legislation proper. That legislation will be reported soon by the Committee on Interstate and Foreign Commerce, as I understand. The law relating to the advertising of food, drugs, devices, and cosmetics will be strengthened. No one need have any anxiety about that; and it is to be hoped that the administration of the law, when enacted, will be placed with the Food and Drug Administration, where it ought to be.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the presentation which the gentleman from Michigan has just made is based on a false assumption. The present law gives the Federal Trade Commission control over advertising, and the Commission has exercised this control for many years. The law does not give control to the Food and Drug Administration. We are asking for nothing new. We are simply asking by this bill for an effective enforcement of these provisions. We have opposition here today against effective enforcement by the Federal Trade Commission.

This bill does not raise a new issue in the House. Two years ago the question was here for consideration and the House voted primarily on this question. The House voted 190 to 70 in favor of the Federal Trade Commission exercising this power. To agree to this amendment today would simply muddy the water, bring this fight back here in the future, and interfere with getting a pure food and drug law, which we all desire, and which the committee now has well on the way toward presentation to the House.

The committee has tried in this proposed legislation to tread the middle path. We have not gone to the extreme right or the extreme left. We have an effective bill, legislation which will be creditable to Congress, which can be enforced, and which will be just to the businessmen.

What is the Federal Trade Commission? A quasi-judicial body which has fair methods of procedure. Both sides are entitled to an honest hearing, not a hearing before a bureaucratic organization, as the Pure Food and Drug Administration is. I am not making any reflection against the Pure Food and Drug Administration, because I do not believe it is necessary to stand here and throw stones. The Pure Food and Drug Administration is a typical bureaucratic organization. I do not say this in any reprehensible sense, but it is an administrative body, not a quasi-judicial body.

The question of advertising largely pertains to the economic field. For instance, many of the advertisements which refer to food do not involve the question of health. The technical organization of the Food and Drug Administration is in no position to exercise the broad jurisdiction over advertising which is required. Why split up advertising? The Federal Trade Commission has sole jurisdiction of it today, and such jurisdiction ought to remain there. A great institution making a study of government organization has recommended that the Food and Drug Administration be put under the Federal Trade Commission as subordinate to that organization. It would be a great mistake to divide advertising and say that one kind of an advertisement should go one place and a different kind to another place, when a very high percentage of all advertisements involve economic questions. A high percentage of all the unfair practices now controlled by the Federal Trade Commission involve the very advertisements the supervision of which the amendment of the gentleman from Michigan would take out of the present law. You will weaken and tend to destroy the Federal Trade Commission, and give nothing in return, if you adopt this amendment.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. If the people affected by this measure, such as advertisers and manufacturers, could have their choice as to where they should go, they would choose the Federal Trade Commission any time over the Pure Food and Drug Administration.

Mr. LEA. They will get there a fairness and a thoroughness they cannot possibly get in any other similar organization of the Government.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. LEA. Very briefly.

Mr. MICHENER. Am I correct in surmising the Federal Trade Commission end of it means regulation? In other words, "You can go just as far as you can and then we will notify you." On the other hand, if the administration is in the Department of Agriculture it is dealt with as a criminal proposition, and places the advertiser on his own to see he does not violate the law. The only trouble with the Federal Trade Commission is that there the advertiser is permitted to go on and do anything he wants, and the most that can happen to him in the end is that he may receive an order to cease and desist. Then he tries some other scheme.

Mr. LEA. No; the gentleman is entirely mistaken. It is not a question of getting a cease-and-desist order. You can prosecute immediately under this bill, if you want to.

Mr. MICHENER. Yes; but that is not the fundamental purpose. Is not the fundamental purpose of the Federal Trade Commission, and was it not set up for the purpose of regulating and working out this matter?

Mr. LEA. To avoid criminal prosecution of the man who wants to do the right thing. There is nothing in the theory of the Federal Trade Commission Act against the policy of prosecuting criminals where the offenses so warrant. This bill contains nothing to prevent such prosecutions.

Mr. SIROVICH. Mr. Chairman, I move to strike out the last two words. For the past 18 years I have seen various products advertised and sold throughout the United States. I have seen the product called digitalis, one of the finest drugs in the world used to stimulate a bad heart, adulterated so that it was absolutely useless to help suffering man because its potential strength had evaporated.

After the World War the Army and Navy sold thousands of cans of ether which had deteriorated and evaporated in strength. The word "second" was stamped across the can and sold to jobbers to be sold as a cleaning fluid to cleaners and dyers. These unscrupulous dealers wrote after the word "second" the words "to none" and sold the cans to various hospitals in the United States. Many people died on the operating tables from inhaling this poisonous ether. Mr. Chairman, I have seen many unfortunate women die from post partem hemorrhage after childbirth due to the fact that the fluid extract of ergot that was given to them was impotent and had lost its strength and potency. I have seen the infamous drug called "Marmola" advertised and sold. The name is craftily attractive but the material itself is vicious when used for self medication. It contains thyroid extract, which is very dangerous to use unless given under the supervision of a physician. Marmola has ruined the health of many unfortunate women who have used it to their bitter regret.

I have seen great advertising in newspapers, magazines, publications, and over the radio screaming aloud how yeast will make you fat, when others advertise it by saying yeast will make you thin.

I have seen photographs of "Lure-Lash" that was placed on the eyelashes of some women with the result that their eyes were destroyed and they were made blind. President Roosevelt shuddered with horror when I showed him the picture of one of these unfortunate women.

I have seen cases of poisoning by Jamaica ginger, commonly known to those who use it as "Jake" that caused deformities and paralysis among 25,000 victims. Two members of a Boston firm responsible for the manufacture of the goods were prosecuted, pleaded guilty, and were sentenced to 2 years and the company fined $1,000. One member of the firm is serving his sentence and the other is out under a suspended sentence. This is the type of justice meted out to four people for killing hundreds of people and poisoning 25,000 people in 24 States of the Union.

Mr. Chairman, just as the circulation of the blood carries life and nutrition to every tissue of the body, so do newspapers, magazines, periodicals, and other publications carry news information and advertising to 130,000,000 people of the United States. The slogan of the New York Times, one of the greatest newspapers in all the world, is that it prints "all the news that's fit to print." Why should not every newspaper print only advertising that is fit and right to print? The New York Times lives up to this ethical standard and has prospered. Why should not all publications do the same? Mr. Chairman, advertising is founded on the publicity formula and the economic fallacy that "repetition makes reputation." Approximately $1,000,000,000 is paid publishers annually by advertisers who use the 20,000 daily and monthly newspapers which have a circulation of about 1,400,000,000 a month. These publications live on revenue collected from advertisers. The advertisers live on money collected from the purchasing public. It is the duty of the Membership of the Congress of the United States to protect the consuming public of 130,000,000 who pay for foods, drugs, devices, and cosmetics. Let us protect their interests.

Mr. O'MALLEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am sorry that the RECORD today is going to give the impression that, apparently, the Congress of the United States regards all the manufacturers of food and drugs as crooks and pirates trying to kill the people they sell things to. I am sure that is not the intention of the membership and should be corrected here and now.

I do not believe it is the purpose or the intent of the committee to pass a bill here that would prosecute manufacturers whose advertising writers or whose employees might inadvertently make some statement they could not prove to be scientific fact, when the manufacturer, writer, advertiser, or publisher has no willful intent to mislead.

One of the reasons a good many of us opposed the old Copeland Food and Drugs Act was because that law proposed to place all jurisdiction over food, cosmetics, and drug advertising in the Food and Drug Administration, and vest that Department with the most arbitrary of powers. If any of the Members here ever participated in a hearing before one of these bureaucratic departments that had made a charge against a manufacturer, he would know the difference between a bureau and a commission administering and enforcing a regulatory law. At least under the Federal Trade Commission an American citizen, even though he is a manufacturer, gets the right to present his case and defend his acts before his property is destroyed or confiscated and no star-chamber, police-court procedure obtains. I have seen some of these "pip-squeaks" from the Food Administration dictatorily refuse to let a defendant even have a stenographer make notes of what was testified in order to protect himself when he went into court for further disposition of an order of the Food and Drug Administration, brought about sometimes on the complaint of disgruntled or anonymous competitors.

This part of the bill, which is section 2, proposes to make clear that false or misleading food and drug advertising shall be under the jurisdiction of the Federal Trade Commission. I think this is the most important part of the bill. It places the advertising under a commission in which business has some confidence and hope for fair treatment. If there is to be regulation, as there should be, to drive a minority of crooks out of business and stop their preying on innocent people, then for the sake of both the majority of decent business and the consumer place that regulation in the hands of a Government agency where crackpots, parlor pinks, theorists, and broken-down college professors do not control the policy and are bent on destructive instead of constructive regulation. I hope the amendment will be defeated by the Committee and the bill passed with this section remaining.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The amendment was rejected.

Mr. WHITE of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Ohio: Page 26, line 8, after the words "if the use of the commodity", insert the word "as."

Mr. WHITE of Ohio. Mr. Chairman, if adopted, this amendment would make the language at this point read as follows:

If the use of the commodity as advertised may be injurious to health because of result from such use.

The idea of this amendment is in strict conformity with the purposes of the bill. I want to support the bill, and the idea of the amendment is merely to distinguish between the use of a product for the purposes advertised and designated, as compared with the use of the same product contrary to its purposes or contrary to the advertised instructions. Let us consider, for example, the use of Pluto water or Lydia Pinkham's remedies, or even aspirin. We all know that aspirin has a proper use. If that use is conformed to and yet it proves injurious, the sections of this law would apply. But let us presume that it is put to a use not specified in the advertisement or upon the label of the package, then this amendment would provide that the manufacturer would not be held responsible for the misuse of the product. I can illustrate that again by saying that any of us who ever had a sore spot in our anatomy, or had a lame horse, knows that Sloan's liniment is a desirable product for treating that kind of injury, and yet we also know that it would not be very healthy, or at least very pleasant, to drink Sloan's liniment. The idea is that if any injury or harm results from the use of Sloan's liniment for internal purposes, when it is designed and advertised only for external purposes, the advertiser would not be held blameworthy, and the penalty of the law would not apply.

Mr. ANDRESEN of Minnesota. Mr. Chairman will the gentleman yield?

Mr. WHITE of Ohio. Yes.

Mr. ANDRESEN of Minnesota. I favor the gentleman's amendment, but would it not be improved if he would add language so that it would read "as advertised or prescribed"?

Mr. WHITE of Ohio. If the gentleman cares to offer such an amendment to my amendment I will support it. It carries out the same idea. It seems to me that the amendment is not in conflict with the purpose of this measure and I ask the Committee of the Whole to support the amendment and hope that it will likewise be acceptable to the chairman of the Interstate and Foreign Commerce Committee.

Mr. LEA. Mr. Chairman, I rise to oppose the amendment. I regret the necessity of doing so. A number of Members have expressed honest and sincere apprehension about some of the provisions of this bill, but I assure gentlemen that the committee has given most careful consideration to practically every word in it. We do not contend that these definitions are entirely satisfactory. It is my intention, if this matter goes to conference, that every one of these proposals will be considered before we go into conference, and that it will be an open conference.

As to the amendment proposed by the gentleman from Ohio: This section, of course, makes the accused guilty if the use of the commodity advertised may be injurious to health. The advertiser will never advertise the injurious features of his article, he will hold forth the desirable features of the article. I call attention also that this provision is not confined to drugs but also includes foods and

other articles. While I know the amendment is offered with the best intentions, yet as it would work out in practice, it might serve as a protection to some cunning advertiser who wants to impose upon people. He would prepare his advertisement so as to avoid responsibility for the deleterious effects. He would skillfully induce the purchase of his product but conceal, say nothing about its deleterious effects.

Mr. WHITE of Ohio. Let us take, for example, the manufacturer of cosmetics. If cosmetics are used for normal purposes and injury occurs, the gentleman would want to punish the man who put out the cosmetics, but on the other hand if these cosmetics are eaten by somebody or used for a purpose other than prescribed, certainly the gentleman would not want to hold the manufacturer responsible?

Mr. LEA. No. We are shortly going to come along with a food and drug bill which is pretty well prepared for presentation to the House. The gentleman referred to cosmetics. The new food and drug bill will require a warning of what may be the deleterious effects if used under certain conditions. We are going to take care of that in the label and misbranding features.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: Page 24, line 9, after the word "cosmetics", strike out the semicolon, insert a comma, and add the following: "or medical aids or services."

Page 24, line 12, strike out the period and add the following: "or medical aids or services."

Mr. PHILLIPS. Mr. Chairman, I am very much in favor of this kind of a bill with all the teeth we can put in it. The bill, however, does not cover advertising coming from quack doctors, quack medical schools, and quack medical treatments. I believe that the bill should cover these subjects; hence the amendment submitted.

The letter I hold in my hand, too, is an example of a type of advertising I would prevent. It would be painfully ludicrous were it not so serious. I believe this bill should protect the people against this sort of thing. I have stricken out the name and the date from this letter. It was addressed to someone in my district who at my behest wrote for this information, having seen an advertisement. I read it to you and ask you to note the seriousness of it. I delete here the name of the alleged school of medicine.

NEWARK, N. J.

Combining New Jersey College of Osteopathy, Chiropractic, Naturopathy, and Physiotherapy courses—

And it tells of these courses. Now, get this:

Your two letters received. Under separate cover, I am sending you a copy of our 1934 announcements. The ——— College of Chiropractic has been closed pending legislative enactment—

Whatever that may mean.

In the interim I am putting on a private course of instructions, as you will see by the enclosed outline.

Get the seriousness of this: Somebody is going to take this course and get a degree, and then, if you please, practice medicine in some form.

The tuition fee is $100. It takes about 11 weeks, 2 hours every Tuesday evening, making about 22 hours to complete the course; or, if you care to come down here and spend 2 or 3 days, putting in 2 or 3 hours every day—

If you please—

we could cover all the work in that time.

Now, listen to this:

I do not teach any anatomy, physiology, etc. My instruction consists of practical work—

If you please.

Always at your service,
Vigorously yours,

(Signed) ——— ———.

[Here the gavel fell.]

Mr. PHILLIPS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. PHILLIPS. I wish I had time to go into this further. Here is another piece of literature in this file:

Dr. ———, Newark.
Simplicity—

It is very simple, indeed—

of the water cure: The simplicity of the water cure is now ready for delivery. The result of 41 years' practice—

And so on; and it goes on to say, Mr. Chairman, that cancer is cured just by water.

Mr. CHAIRMAN. Let us write teeth into this bill to do away with quack medical advertising, quack medical treatment, and questionable medical-school advertising. Hence, I have submitted this amendment, also one on page 26, line 21, after the word "commodity", add "medical services", and so forth. Similarly, on page 29, line 16, I define the term "medical aids or services" to mean "all medical treatments, or cures, so-called, or surgery, or schooling in medical practices, or treatments, or surgery."

I submit these amendments. I hope they will pass to protect the people of America from the tragedy, the heartache, and the financial loss occasioned them by the advertising of quack doctors, quack schools, so-called, of medicine and the needless financial loss thus also caused poor suffering people.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the first place this amendment would open and broaden the field of the application of this legislation to an extent that nobody is able to say without consideration. We have had no hearings, no opportunity for those who might support this legislation or those who might be opposed to it to present and define to the committee and to the Congress how far reaching it might be. The pending bill covers devices and mechanical appliances used in the treatment of disease; that is already in the bill. The bill covers misrepresentation as to the remedies or therapeutic effect upon any person who may be entreated to purchase. In addition, we have the general jurisdiction of the Federal Trade Commission over unfair practices. Furthermore, nearly every State in the Union has a statute against false representation; so practically every State is prepared, so far as its law is concerned, to take care of representations such as the gentleman has presented.

The gentleman referred to a cure for cancer, a great field of faking and for the bunco artists to deceive and defraud the people in a shameful way. Our bill adequately and fully takes care of that kind of case. Under the circumstances I think we had better let the bill stand as written. As I said a while ago, this will be one of those amendments to which I can assure my friend the conference committee will give careful consideration, not in an unfriendly way, but to try to give it a just appraisal.

Mr. PHILLIPS. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I admit some of the facts that the gentleman has just stated. I have been brought up in the drug business. My father used to be a practicing physician, and in a modest way I have some knowledge of the subject under discussion. In my opinion the bill has not teeth enough in it to hit the quack doctors and the quack medical schools unless an amendment such as the one proposed by me is definitely written into the bill. I hope it will carry.

Mr. LEA. I am sure that under the construction of the Supreme Court in reference to representations of this kind such an instance as the gentleman cited may be successfully prosecuted if this bill is passed.

[Here the gavel fell.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. PHILLIPS].

The amendment was rejected.

Mr. BARTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BARTON: Page 27, line 16, after the word "or", strike out "suggested" and insert "indicated", and in line 20, after "the", insert "advertised."

Mr. BARTON. Mr. Chairman, the statement has been made here by a number of gentlemen that 95 percent of American business and American advertising is honest, which, I think, is a reasonable estimate.

The bill as it stands now is going to help advertising rid itself of those people whose activities have been a menace to it and to all business. Ninety-five percent of business is glad that the bill is being considered by the House, and I hope it will be passed.

The two amendments which I have offered are merely perfecting amendments. I suggest the use of the word "indicated" instead of "suggested." The word "suggested" is a subjective word. A thing may suggest one thing to one person and something quite different to another person. The word "indicated" is an objective word and, I think, a better one.

The amendment with reference to the use of the word "advertised," in line 20, is offered for the same reasons which were urged by the gentleman from Ohio when he offered his amendment to page 26. This is in line 20, page 27. The line would read with my amendment as follows:

or material with respect to consequences which may result from the advertised use of the commodity.

Mr. SIROVICH. Will the gentleman yield?

Mr. BARTON. I yield to the gentleman from New York.

Mr. SIROVICH. As I understand it, all the newspapers, magazines, periodicals, and publications receive 15 percent of their money through circulation. The other 85 percent comes from advertising. As a distinguished representative of an advertising agency, does the gentleman think there is anything in this bill that any honest newspaper, magazine, periodical, or publication could object to?

Mr. BARTON. No; I do not.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

I think the insertion of the word "advertised" so as to confine it to the "advertised use" would limit the application of this section in the same manner as the amendment offered a while ago. That word would furnish a possible cover-up for the man who wants to put something over by concealing the injurious effect of the article he advertises.

As to the other amendment, in line 16, substituting the word "indicated" for the word "suggested", may I say I do not think the difference is very pronounced or that the amendment would be particularly objectionable.

Mr. WADSWORTH. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. WADSWORTH. I find it a little difficult to explain what I have in mind, but may I ask the gentleman from California if he does not agree with me in this statement: Does not the word "indicate" when used in this connection imply that the reader of the advertisement sees a finger pointing in a given, definite direction, an indication that such and such a thing will be accomplished, whereas the word "suggestion" implies rather a mental reaction, a vague, hard-to-define state of mind? Is not the word "indicated" a more direct word to use?

Mr. LEA. This section deals with the question of advertising that is skillfully and carefully drawn to try to bait the "sucker" and deceive people. If we used the word "indicated," it carries a little narrower limitation on the execution of the act as contrasted with the word "suggested." "Suggested" involves cunningness with the idea of attracting a purchaser without being willing to state the facts. In drawing a distinction that would work in connection with false advertising it was necessary to include opinions or suggestions involving an opinion. The Supreme Court has specifically said this is a proper subject of legislation. We had to go far enough to include suggestions and get something beyond the specific, literal language embodied in the advertisement. Measuring the language from that standpoint, I believe the word "indicated" weakens the bill without sufficient need for so doing. So far as it does weaken the measure, it is without merit. Whatever is suggested to induce a prospective purchaser to act on the advertisement ought to be in the law.

Mr. BARTON. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. BARTON. I offered the amendment not to weaken the bill but hoping to strengthen it. In line 20, where we suggested the insertion of the word "advertised," the bill now reads "from the use of the commodity." Is it not a fact that almost any commodity may be misused? You can drive an automobile so as to kill yourself or kill somebody else, but it is not advertised to be used in that way; no manufacturer should be liable for the misuse of his product.

Mr. LEA. I appreciate the gentleman's suggestion there. I do not question the good purpose of his proposal, but this language must be interpreted in the light of ordinary experience and ordinary transactions, and given a reasonable interpretation, which would prevent an interpretation such as he suggests as possible.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BARTON].

The question was taken; and on a division (demanded by Mr. LEA) there were—ayes 37, noes 72.

So the amendment was rejected.

Mr. MAGNUSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAGNUSON: Page 27, beginning after the word "respect" in line 14, strike out down to the word "No" in line 7 on page 28.

Mr. MAGNUSON. Mr. Chairman, this amendment strikes out all of section 15 after the word "respect", in line 14 on page 27. I must confess section 15, despite all the talk and controversy over it, is still ambiguous to me. It seems to me as a legal proposition, Mr. Chairman, you are merely stating a rule of evidence in an effort to clarify what is meant by false advertising. Many newspapers, many radio stations, and many advertising agencies are somewhat alarmed as to the effect of this section upon them. May I ask the distinguished chairman of the Committee on Interstate and Foreign Commerce if it is his interpretation that if a newspaper, a radio station, or an advertising agency would comply with section (b), on page 26, it then would not be liable under the provisions of this measure?

Mr. LEA. I may say to the gentleman that was the interpretation given to us and accepted. In fact, representatives of magazines and newspapers accepted this section as a satisfactory exemption for them.

Mr. MAGNUSON. Then may I ask the distinguished chairman this further question: Will the gentleman explain the reason for the insertion of this language in section 15, which it seems to me would also make this section much more ambiguous and merely state something which should be done or could go on forever?

If, at the time of the dissemination of the advertisement, there exists a substantial difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation, the advertisement shall not be considered misleading on account of such representation, if it states clearly and prominently the fact of such difference of opinion.

I was wondering what the interpretation of the committee was with regard to where a man who is advertising should stop. Should he have two doctors on one side and two on the other side, or should he continue on with a dozen?

Mr. LEA. This was a matter which received a great deal of consideration by the committee. The particular language to which the gentleman has referred was placed in the bill on the advice of the legislative counsel of the House. They

conclude this language is necessary to satisfy the constitutional requirements as to definiteness in an act defining crime. This section involves opinion evidence. A man who asserts an opinion may be subject to being charged with misleading advertising. It is necessary the act go that far, if we are going to have effective administration of the law, because such a large percentage of statements about medicine are a matter of opinion. There are probably not a dozen remedies in any drugstore with respect to which a competent, reliable physician can say, "This is a remedy." He may attribute a recovery to that medicine, but the subject of medicine is not a scientific, demonstrable science at the present time. This provision is necessary in order to reach such opinions.

The Supreme Court has made a statement on this subject which I will quote if I can find it in my papers. I cannot place my hand on it for the moment.

[Here the gavel fell.]

Mr. MAGNUSON. Mr. Chairman, because of the controversy over this section, I ask unanimous consent that the Chairman of the Committee on Interstate and Foreign Commerce be allowed to proceed for 2 minutes in order to explain this section further. This seems to be the most controversial section in the bill.

Mr. CASE of South Dakota. Reserving the right to object, Mr. Chairman, will we be permitted to ask the Chairman questions during this 2 minutes?

The CHAIRMAN. The Chair cannot decide that question.

Mr. MAGNUSON. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 5 additional minutes, and I will let the gentlemen ask questions during my time.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may proceed for 5 additional minutes. Is there objection?

There was no objection.

Mr. MAGNUSON. Mr. Chairman, I yield to the gentleman from California [Mr. LEA].

Mr. LEA. I do not have the particular quotation I wanted, but the Supreme Court has made this statement:

> Deception may result from the use of statements not technically false, or which may be literally true. The aim of the statute is to prevent that resulting from indirection and ambiguity, as well as from statements which are false. It is not difficult to choose statements, designs, and devices which will not deceive. Those which are ambiguous and liable to mislead should be read favorably to the accomplishment of the purpose of the act.
>
> That false and fraudulent representations may be made with respect to the curative effect of substances is obvious. It is said that the owner has the right to give his views regarding the effect of his drugs, but state of mind is itself a fact, and may be a material fact, and false and fraudulent representations may be made about it; and persons who make or deal in substances or compositions alleged to be curative are in a position to have superior knowledge and may be held to good faith in their statements. It cannot be said, for example, that one who should put inert matter or a worthless composition in the channels of trade, labeled or described in an accompanying circular as a cure for disease, which he knows it is not, is beyond the range of the lawmaking power.

Mr. MAGNUSON. In other words, the purpose of this language, according to the drafters, is that if an advertiser does set forth testimonials and there is a difference of opinion he must clearly so state in his advertising?

Mr. LEA. He is not required to state it. He can state it if he wants to, and that is a defense, if he can show there is such a difference in scientific opinion.

Mr. MAGNUSON. If such misleading advertising should creep into a newspaper or a radio broadcast, and the radio station or newspaper should furnish the Commission with the name and place of manufacture of the article, then it would not be liable under this act?

Mr. LEA. No; it would not.

Mr. MAGNUSON. I now yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. May I ask if the gentleman believes there should be any provision in the bill whereby an advertiser could submit the proposed text of the advertisement to the Commission and get an advisory opinion, just as a prospectus can be submitted to the Securities and Exchange Commission?

Mr. LEA. I do not know whether the Commission has that power now or not. I can state to the gentleman there is no provision in the bill to that effect. The gentleman realizes that with the millions of advertisements there are it would be impossible for the Administration to pass on all of them.

Mr. CASE of South Dakota. Under this particular section it would be very difficult to prepare advertisements.

Mr. LEA. They get a sufficient warning from the Trade Commission.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield in order that I may ask the chairman of the committee a question?

Mr. MAGNUSON. I yield.

Mr. O'MALLEY. May I ask the gentleman from California [Mr. LEA] if it would be his understanding, as well as the understanding of the members of the committee, that the term "false advertisement" in this section would mean that the advertiser failed to say, for instance, that Sloan's liniment is unhealthy to drink? Would this be a false advertisement if someone used it to drink?

Mr. LEA. No.

Mr. O'MALLEY. The language is "with respect to consequences which may result from the use of the commodity to which the advertisement relates."

Mr. LEA. He is not required to say anything in his ad, but if he does state anything it must be true.

[Here the gavel fell.]

Mr. COFFEE of Washington. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, something was said by several speakers in reference to a remark attributed to me relative to the integrity of a member of the Federal Trade Commission.

The statement I made was merely to point out that a member of the Davis family happened to be interested in the Welch Grape Juice Co. I based this remark upon a statement in a reputable magazine, namely, The Nation, the issue of May 1, 1937, in which Paul W. Ward, who is now the London correspondent of the Baltimore Sun, made this statement:

> Mr. Paul Davis is a director and, I am told, a principal owner of the Welch Grape Juice Co., and I doubt that even his brother believes that the advertising claims the F. T. C. permits this company to make for its product as a reducing agent could be repeated with impunity on its bottle labels, which are subject to Food and Drug Administration control.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I yield.

Mr. REECE of Tennessee. As I understand the reading of that statement, the correspondent does not state as a fact that Commissioner Davis' brother is a large stockholder or controls the company. He states that he has been told that he is a large stockholder.

Mr. COFFEE of Washington. He says:

> Mr. Paul Davis is a director and, I am told, a principal owner of the Welch Grape Juice Co.

Mr. REECE of Tennessee. Yes; he states "I am told," and does not state that as a fact.

Mr. COFFEE of Washington. I do not want to imply by my remarks that because a man has a brother in a business he is subject to any crooked influence whatever, and I wish to apologize at this time if my remarks heretofore made have conveyed that impression. [Applause.]

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I yield.

Mr. LEA. May I say to the gentleman that in making the statement I did this afternoon I had no idea of holding the gentleman responsible for a lack of truth in the statement.

Mr. COFFEE of Washington. I appreciate that and I am sure the gentleman would not attribute anything of that kind to me. I based my assertion on this article and I

am afraid my remarks may have conveyed a wrong impression. I shall append to my remarks comprehensive excerpts from this and other articles, relative to the instant discussion and subject matter, in the RECORD.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I yield.

Mr. BULWINKLE. I wish to state to the gentleman that Mr. Davis is not a large stockholder in that company. He is a director, but he has never attended a meeting of the board of directors in his life.

Mr. COFFEE of Washington. I credit that statement and now, if I may proceed on another topic——

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I yield.

Mr. HALLECK. Do I understand from the article the gentleman read that the false statements were repeated on the labels of the bottle?

Mr. COFFEE of Washington. No; nothing about that whatever.

Mr. HALLECK. Is that contained in the article the gentleman just read?

Mr. COFFEE of Washington. No; I will refer to that in a moment.

In the press statement issued by the Federal Trade Commission under date of May 28, 1937, there is this statement:

Welch Grape Juice Co., Westfield, N. Y., agreed to discontinue advertising inferentially or otherwise that Welch's grape juice is a cure for excess weight and that the product alone or in connection with any system of exercise and diet will enable one to control one's weight; that it protects one against anemia, will correct acidosis, and is the only grape juice that is certified as pure and pasteurized.

This is a stipulation entered into by the Welch Grape Juice Co. in May 1937. Now, what do we find? We find, in the month of December 1937, in Good Housekeeping, this statement in an advertisement by Welch Grape Juice Co., and I am citing this to show the impotency of the Federal Trade Commission to enforce its own stipulations and orders:

Lose weight safely without suffering a hungry moment or taking strenuous exercises or drugs.

Then it goes on to say that Irene Rich vouches for this, and she is their broadcaster, and by simply taking Welch's grape juice reduced 7 pounds in 1 month.

Then we have in January 1938, in the Good Housekeeping magazine, which is this month's issue, 8 months after the stipulation had been entered into by the Welch Grape Juice Co., this advertisement:

Women amazed as fat goes without suffering a hungry moment or taking strenuous exercise or drugs.

If you would like to lose your disfiguring fat, try this thrilling new way: Drink three-fourths of a glass of Welch's grape juice mixed with one-fourth of a glass of water before meals and at bedtime. Nothing could be easier, safer, or more pleasant. But be sure to use only genuine Welch's grape juice, made from the finest grapes grown; always full strength.

WATCH YOUR HUSBAND'S WEIGHT

Insurance companies warn about the dangers of overweight. For they have definitely proved that overweight places too much of a load on the heart, is often associated with such diseases as diabetes and kidney trouble, and shortens the normal span of life. Don't allow your husband to become overweight. Suggest he try the amazing, easy, pleasant, safe, Welch way.

Simply drink Welch's grape juice.

Tested and approved by Good Housekeeping Bureau.

Think of it! This is 8 months after the stipulation had been entered into that they would no longer use such advertising.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I am sorry time does not permit. Under permission which I shall seek to have granted me by unanimous consent in regular House session immediately hereafter, I shall include in the RECORD pertinent citations from magazines.

In its issue of May 1, 1937, at page 519, there appears in the Nation an exchange of letters between Hon. Ewin L. Davis, of the Federal Trade Commission, and Mr. Paul W. Ward, then the Washington correspondent of the Baltimore Sun and now the London correspondent of the same newspaper. The letters as printed therein are as follows:

LETTERS TO THE EDITOR

EWIN L. DAVIS FOR THE DEFENSE

DEAR SIRS: My attention has been called to an article by Paul W. Ward which appeared in The Nation of February 27, in the concluding paragraph of which a grave injustice is done my brothers and me as well as the Federal Trade Commission.

The Ward article refers to an article by Edward R. Keyes in a recent issue of Advertising and Selling and, drawing some wholly unjustified deductions therefrom, concludes:

"He offers a series of cease-and-desist orders which the commission has handed down against fraudulent medicinal advertisements, and then from the files of the Nashville Tennessean, a daily paper, he takes current advertisements in which the same companies against which the Commission's orders were issued 2 and 3 years ago are making the same fraudulent claims. Mr. Keyes does not explain why he used the Nashville Tennessean. Could it be because it is owned by Paul M. Davis, who is not only a brother of Roosevelt's Ambassador at Large, Norman H. Davis, but also a brother of Ewin L. Davis, who as Chairman of the Federal Trade Commission lobbied so vigorously last year to keep advertising control in the Commission's hands?"

Paul M. Davis never owned the Nashville Tennessean nor any stock therein, nor had nor exercised any control whatever over the Nashville Tennessean, at the time any of the advertisements in question appeared or either the Keyes or the Ward article was published.

The Nashville Tennessean was placed in receivership 4 years ago under a general creditors' bill by order of the United States District Court and has been in complete charge of the receiver appointed by the court ever since. Finally, creditors petitioned the court to sell the paper for the benefit of creditors, and after a time the court entered an order directing the sale of the property at public auction on January 7, 1937. Paul M. Davis as agent was the highest bidder, and it was announced that the paper was sold to him subject to approval of the court. Under a rule of the court, anybody had the right to raise the bid within a period of 20 days. The sale was not confirmed to Mr. Davis until March 4, 1937. As stated, he had no voice whatever in the management or control of the paper prior thereto.

The animus back of the grossly misrepresentative and unfair Keyes article is indicated by the further fact that advertisements similar to those in question appeared in a large number of other newspapers and periodicals throughout the country.

A statement of the true facts would show that the Keyes article and the Ward article, insofar as it relates to the Federal Trade Commission, were based upon false premises and contain unjustified conclusions and false implications.

EWIN L. DAVIS.

WASHINGTON, *March 11*.

CROSS-EXAMINATION BY WARD

DEAR SIRS: Mr. Davis in his letter commits one big and one little injustice. He does me a little injustice in suggesting I implied anything so elementary as that the few pennies accruing from the publication of quack nostrum advertisements would move his wealthy brother to bring pressure on him and the Federal Trade Commission to let those pennies keep rolling in.

He does himself a big injustice in asserting that his brother was not a major owner of the Nashville Tennessean at the time the advertisements in question were published last fall. I have before me an official statement by Jesse H. Jones, as Chairman of the Reconstruction Finance Corporation, which notes under date of October 31, 1935, that the R. F. C. had sometime before that date sold $250,000 worth of the Nashville Tennessean's bonds to Mr. Paul Davis as president of the American National Bank, Nashville, and that this brought the bank's total holdings to $460,000 out of the $750,000 in bonds outstanding, the bank having previously owned $210,000 worth. The paper, as Mr. Jones' statement notes, was even then in receivership. The bonds were its senior security, secured by a first mortgage on the property. The man who owned a majority of the bonds was virtual owner of the paper. The majority interest was held by Mr. Davis' bank, and I think Mr. Davis himself would not consider it mere flattery to say that he is the American National Bank.

I think that settles the point as to who owned the Nashville Tennessean at the time the advertisements mentioned by Mr. Keyes appeared in its columns. But in case Mr. Ewin Davis wants to press the point further, I am prepared to point out that all but one of those advertisements have appeared one or more times in the Nashville Tennessean since March 4 last, the date when Mr. Ewin Davis admits his brother Paul officially became the paper's proprietor. My examination of the Nashville Tennessean's current files also brought to light many equally offensive advertisements which Mr. Keyes might have mentioned.

Mr. Davis is disingenuous when he states that similar advertisements appeared in newspapers and periodicals throughout the country. The assertion is quantitatively but not qualitatively true. The advertisements in question and the others I found in current issues of the Nashville Tennessean are certainly to be found in a great many publications, but I venture to think they are the same publications that responded affirmatively to the letters sent out in 1935 by William P. Jacobs, of Jacobs' Religious Lists and the Institute of Medicine Manufacturers, urging "our business friends" to

get after the newspapers and make them fight the Tugwell bill and fight, in particular, to keep control of advertising in the Federal Trade Commission. They definitely are not advertisements acceptable to such papers as the New York Times or the St. Louis Post-Dispatch.

And since Mr. Davis has brought up the matter so protestantly, I should also like to note a few other products of the research to which he has impelled me. I should like to note that among the directors or advisory board members of Mr. Paul Davis's bank are Bolling Warner, J. M. Gray, and F. M. Bass. Men of the same names and Tennessee addresses are active figures in the patent-medicine industry. One heads the Warner Drug Co., manufacturer of Renfrew Salts for gout and rheumatism. Another is the manufacturer of Gray's Ointment, the erstwhile cancer cure, which occupies a prominent position in the Food and Drug Administration's chamber of horrors. Attorney Bass has represented patent-medicine companies, including the manufacturer of Gray's Ointment, in proceedings before Federal agencies. It also is worth noting that, according to Poor's Register, Mr. Paul Davis is a director and, I am told, a principal owner of the Welch Grape Juice Co., and I doubt that even his brother believes that the advertising claims the F. T. C. permits this company to make for its product as a reducing agent could be repeated with impunity on its bottle labels, which are subject to Food and Drug Administration control.

It seems to me that Mr. Davis, instead of framing the protest he has written, would have done better to attempt to explain why F. T. C. control of advertising has been a flop; why the worst frauds in the food and drug racket are fighting to keep advertising control vested in the F. T. C.; and why, when Mr. Jacobs urged his dependents and constitutents to write letters to Congressmen to that same end, he urged that copies be sent to Mr. Ewin Davis, who was then F. T. C. Chairman.

Finally, I want to thank Mr. Davis for having compelled me to inquire much more deeply into F. T. C. affairs, for it has awakened me to the complete and incredible incompetence of the F. T. C.'s Advertising Control Section. I hope to set down the evidence thereof in the near future. It will suffice here to say that I am now prepared to believe that the men who pass upon drug advertising for the F. T. C. are Peruna addicts who think the remedy for tonsilitis is an old sock wrapped snugly about the neck.

PAUL W. WARD.

WASHINGTON, *April 17.*

A COMMITTEE MEMBER CONDEMNS THE BILL

My objection to the pending bill has been succinctly heretofore expressed in this House by the gentleman from New Jersey, the Honorable EDWARD A. KENNEY, when he said:

* * * Superficially this bill appears to represent a great forward stride, but on closer examination it is evident that its enactment would provide no substantial increase in the legal authority that has existed since 1914 for the control of this problem. By its enactment this Congress would announce to the country that the Federal Government is being equipped with machinery that will effectively stop false advertising of foods, drugs, devices, and cosmetics, and that consumers will be protected henceforth from the flagrant abuses that have too often characterized the sale of these commodities, the intelligent purchase and the use of which are so essential to public health and welfare. * * * Enforcement procedures authorized by the bill are the cease-and-desist order, injunction, and criminal penalties. But criminal penalties are authorized in only two types of cases and these cover extremely narrow fields. The first is where the commodity falsely advertised may be injurious to health by reason of its inherent toxicity, as was the case with the elixir sulfanilamide which recently caused nearly a hundred deaths. But shocking as such cases are when they arise, they occur with extreme rarity from advertised products. Perhaps not one false advertisement in 10,000, or even in 100,000, would fall within this category. And this proportion would be even less if this Congress does what I hope it will do—pass without delay a revised food and drugs act which will stop the marketing of such commodities and thus make it futile to advertise them.

In the issue of Business Week of February 13, 1937, there appears an article entitled, "F. T. C. Gets All Set To Cash In," a pertinent extract from which is as follows:

MAY BE TAKEN OVER

The Commission generally can be said to operate by sufferance of the Department of Justice, but it is doubtful whether the Commission's policy of aggressiveness had its inception at the White House. One fly in the Commission's ointment now is that if the Government establishment is reorganized along the lines of Roosevelt's plan, it might be attached to the Justice Department. Another is that it is so busy busybodying, by direction of Congress or on its own hook, that it's always hard up.

Besides trying to live up to its idea of its own importance, the Commission is trying to live down a past in which its prestige was not conspicuous, partly because the ambiguous law by which it was sired is a headache for the enforcing agency. The Commission is seeking now to overcome the damage done by the Supreme Court's decision in the celebrated Raladam case in 1931, in which it was chided for assuming that it had jurisdiction without proving that competitors of the respondent were injured. In a new order against the concern last week the Commission seeks to supply this evidence, but, in the meantime, it is again pushing its bill in Congress to give it blanket authority to proceed against deceptive acts and practices without having to show injury to competitors.

CHANGE OF MIND

In presenting its case for this expansion of its power, F. T. C. declares in its last annual report that "in many cases it is very difficult, if not impossible, to show a specific injury to competitors." Critics find this point of view at interesting variance with that which Judge Ewin Davis, of the Commission, developed at hearings on the food and drug bill before a House subcommittee in August of 1935. F. T. C. at that time was anxious to prevent the Food and Drug Administration from obtaining jurisdiction over false advertising of foods and drugs, and Judge Davis testified that "it is the rarest case in the world, if it ever exists, where the consuming public is adversely affected by false or misleading advertisements that a competitor is not also affected, and consequently we would have the requisite showing of competition." Referring specifically to the Raladam decision, he branded as "unsubstantial" the charge that F. T. C. was handicapped by having to prove competition, and assured the Congressmen that "there isn't any difficulty at all on that score."

Beside the other strings to its bow, the Commission remains firm in its intention to become the champion of the consumer. The bill to amplify its power passed the Senate last session, but got stuck in the House. To ease its passage this session, the new version, sponsored by Chairman WHEELER, of the Senate Interstate Commerce Committee, and Chairman LEA, of the House Interstate Commerce Committee, omits a provision under which the Commission's present powers of investigating corporate business would be extended to persons and partnerships.

I have heretofore spoken about the stipulation entered into by the Welch Grape Juice people with the Federal Trade Commission under date of May 28, 1937. Ordinarily the Commission allows 2 or 3 months for a cease-and-desist order, which is more serious than a stipulation, to take effect on the theory that advertising plates are made and magazines printed that far ahead of publication date. However, as I have shown, a grape-juice advertisement of the interdicted character appeared in Good Housekeeping magazine in the issues of December 1937 and January 1938, 6 and 7 months after the stipulation. Welch's continue to run the same kind of fraududent copy with apparent impunity. Yet this magazine parades its insistence upon truth in advertising to the gullible people. Good Housekeeping assures its readers that "everything that appears in Good Housekeeping * * * is proved before it is approved"; that "Good Housekeeping keeps faith with its readers * * * on every page in every issue." In presenting its claims to advertisers (Tide, August 15, 1937, p. 41), it calls itself the "business paper to * * * housekeeping" and assures them that its readers "look everywhere in the advertising columns as well as the editorial columns * * * for over 2,100,000 readers have faith in every word that is printed in Good Housekeeping, * * * indispensable to its readers and to advertisers."

ADVERTISING AND EDITORIALS

Printers' Ink (October 21, 1937, p. 12) gives due prominence to the committee's findings and comments editorially (p. 117):

Past experience of such Government control as existed does not lead to too much encouragement concerning the ability of control bodies to act wisely and judicially. On the other hand, while no one denies that there are still plenty of black spots on the advertising picture, the most worth-while and most effective reform steps have come from advertising.

Since it is conceivable, as Printers' Ink also suggests, that this report of the distribution committee of the Chamber of Commerce might be considered "a selfish document issued by a selfish organization," acceptance of the committee's conclusions might well await an examination of other expressions of opinion on current advertising and some examples of current advertising not now subjected to control.

COSMETIC ADVERTISING AS SEEN BY ITS OWN TRADE JOURNAL

In a significant editorial the American Perfumer (October 1937, pp. 43–45) points out that not much has been done to improve cosmetic advertising. To illustrate, it reports the results of a recent "test" of advertising copy:

A group of 30 good-sized advertisements, taken from leading women's publications, was submitted to a representative group of women with the request that they comment on their persuasiveness. In other words, would these advertisements lead women to buy the advertised products? Four of the advertisements consisted merely of picture and name without any argumentative copy. The others contained copy of various lengths and upon

various themes. Excluding the four in which no copy was used, 16 of the remaining 26 were promptly classified as exaggerated, or misleading, or lies, and 2 as utterly unbelievable. Ten were given a clean bill of health as regards truthfulness and straightfordwardness of their claims. The original question (i. e., the persuasiveness of the copy) was wholly submerged in the unfavorable reaction to the statements which the manufacturers were making about their products.

These women were not much impressed even with the mildly exaggerated copy which they found in four of the advertisements. They were repelled by the misleading character of five of them. They characterized six as downright lies. Yet all of the advertisements appeared in leading magazines and for all of them considerable money was spent in cost of space, art work, photography, copy, and the like.

In the issue of Advertising and Selling of September 23 there appeared an editorial which spoke in no uncertain fashion of the claims of vitamin content in recent cosmetic advertising. That publication is not a "reform magazine." It is designed for the advertising executive and the advertising agent. Undoubtedly, its editorial was intended to warm the advertising profession against the ever-present temptation to produce "strong" copy.

The lesson to the cosmetic manufacturer, however, both from the reaction of women and the statements of a professional advertising magazine, is obvious. * * * Advertising copy must be keyed to a note not too far from the actual merits of the product. Unless that is done the faith of women in cosmetic advertising will be so seriously impaired that the effect upon the industry will be surprising. There is no place for the "utterly unbelievable" advertisement and not too much excuse for more than mild exaggeration.

COSMETIC ADVERTISING AS SEEN BY AN ADVERTISING MAGAZINE

The editorial in Advertising and Selling, September 23, 1937, page 7, referred to above by the American Perfumer, is entitled "Discrediting Advertising—Exhibit A." It quotes from the address given by Dr. H. Gregory Thomas, director of the board of standards of the Toilet Goods Association, before the last annual meeting of that association, in which he said:

Dermatologists * * * are unanimous in their statements that no satisfactorily controlled experimental work has been done which would show any value of vitamin D to the skin.

According to the editorial, Dr. Thomas quoted a vitamin manufacturer who, noting the trend of cosmetic manufacturers to add vitamin D to their products and quite naturally wanting to get—

As much of the business as possible, providing it is not entirely unjustified—

Stated that—

Frankly it appears * * * that the best argument for adding vitamin D to cosmetics is from an advertising standpoint.

Dr. Thomas added:

There has not been published to date in any American scientific journal such adequately controlled experimental work as would afford serious scientific evidence of the value of vitamin D to the skin.

The editorial continues:

Have the cosmetic manufacturers who attended that meeting and heard Dr. Thomas berate their vitamin claims taken his pronouncements to heart? Not so you would notice it. Claims for the wonder-working powers of the various vitamins have grown more effusive, more unbelievable, and more indefensible day by day as manufacturers have clambered aboard this sure-fire selling theme.

For example, a recent advertisement for Woodbury's soap, quoted by the American Medical Association Journal in its vigorous attack on cosmetic claims, is headed "Dawn of a Great Beauty Discovery," and it informs the credulous stenographer or housewife that "your skin readily soaks up [the] * * * 'filtered sunshine' element—the vitamin D ingredient—from rich, creamy lather as you wash and bathe. This has positive proof in the records of important scientific tests."

Pond's beauty creams go even further in their new campaign. "Now—this new cream brings to women the active 'skin vitamin.'" shouts a current headline. The miraculous vitamin isn't identified by any of the conventional designations, but readers are assured that 4 years ago certain scientists—those skilled technicians of the advertising laboratories—"learned that a certain known vitamin heals wounds, burns, infections—quicker and better. They found that certain harsh, dry conditions of the skin are due to insufficient supply of this vitamin in diet. This was not the 'sunshine vitamin.' Not the orange-juice vitamin. Not 'irradiated.' But the 'skin vitamin.'"

Technically it might be difficult to prove that these advertisements do violence to the truth. After all, Woodbury's only says that the skin can soak up vitamin D and it doesn't make any direct claims for the beautifying effects that flow from such absorption; while Pond's sidesteps the issue of precise factuality by purposeful vagueness. Nevertheless, there can be no question but that the copy in both of these advertisements falls utterly to square with the facts as set down by Dr. Thomas.

And when we read copy like this—copy that actually gains in persuasiveness by virtue of its very subtlety and indirection—we are forcibly reminded of the great howl of protest that went up from the advertising business when one of the early drafts of the food and drug bill proposed to outlaw copy which was misleading by inference or ambiguity or which tended to create a false impression. At that time advertising objected with all the appearance of legitimacy to the granting of such broad regulatory powers to the enforcement agency and to the courts. Maybe those objections stemmed from an honest fear of the extension of dictatorial power, but maybe they also stemmed in part from a desire to preserve for advertising the availability of such tools of the trade as misleading inference and ambiguity.

COSMETIC ADVERTISING AS SEEN BY THE A. M. A.

The American Medical Association, which has a well-defined policy with regard to the advertisements which appear in its publications, used the unwarranted advertising claims for soap as a source of vitamin D as the subject of an editorial entitled "No Sunshine in Soap" in its Journal for August 14, 1937, pages 509–510. There it pointed out:

During the past year brands of soap have been flamboyantly exploited for their vitamin D content; one for the "filtered sunshine" in its lather * * *.

There is evidence that irradiated ergosterol may be absorbed through the skin of rats. This evidence has been an excuse for adding vitamins to various cosmetic preparations. * * * The real question at issue is not the ability of the skin to absorb these substances but "whether, when so absorbed, the vitamins exercise any beneficial action on the skin—in short, whether they are of any cosmetic value." * * *

A. L. Bacharach, discussing the flimsiness of the evidence for vitamin F cosmetic promotions in the Manufacturing Perfumer, London, for May, states:

"I have never denied * * * that fat-soluble substances may be absorbed through the skin. Rickets (vitamin D deficiency) and nightblindness (vitamin A deficiency) could doubtless be cured by external application of cod-liver oil, if we may judge by analogy from work on experimental animals. Such a method of treating a deficiency disease will hardly commend itself to those who require simplicity of administration, speed of recovery, or accuracy of dosage."

Concerning the relationship of absorption through animal skins and the use of vitamins in soaps, Thomas Durfee, director, Applied Research Laboratories, Inc., writing in the Drug Trade News for May 24, 1937, has said:

"* * * In view of the fact that soaps only remain in contact with the skin under practical conditions for a minute or two at most, it is questionable whether much absorption can take place during the actual washing operations. Some work has appeared in the literature to indicate that, irrespective of the amount of rinsing, a thin film of oil from the soap does remain on the skin. However, this film would be so slight as to permit the utilization of only a small percentage of the vitamin."

In view of these opinions, it is not surprising that the Federal Trade Commission has recently published a complaint issued against a manufacturer (the Federal Trade Commission announced on November 13 that a stipulation (3146) had been entered into by the Los Angeles Soap Co., trading as Cosray Products Co., to discontinue the misrepresentations listed above in the sale of Cosray vitamin D soap and not to advertise that the skin upon which the soap is used will absorb an appreciable amount of vitamin D, if present, with any resulting effect other than that of a cleansing agent), who has made the following extraordinary claims:

"Vitamin D in skin soap a wonderful discovery of science to increase your natural beauty!"

"Science has definitely proven that vitamin D in skin soap will accomplish the following skin refinements: (1) Smooths out premature wrinkles; (2) reduces large pores; (3) eliminates blackheads, pimples; (4) corrects subnormal skin conditions, such as acne, etc.; (5) restores youthful color and elasticity, normalizes the action of the skin glands, refines texture."

According to the Drug Trade News for June 21, the complaint reads in part:

"In truth and in fact said statements and representations were and are false and misleading in that it is impossible for the skin to absorb an appreciable amount of vitamin by simply washing with soap or taking a lather bath. Further, vitamin D has no effect whatsoever upon the skin or skin condition, and the use of said soap will, therefore, not cure acne or any other skin disease and will not remove blackheads, pimples, or other impurities. The said soap will not restore and maintain the loveliness of youth, nor will the use thereof eradicate wrinkles that are caused by fatigue * * *."

The advertiser who proclaimed the "Dawn of a Great Beauty Discovery" may soon be worrying about the twilight of the day when the sky was the limit for claims about "sunshine soaps."

The American Medical Association recently set up a committee on advertising of cosmetics and soaps. Advertising

copy for qualified products which meet the standards established by the committee will be permitted to use the phrase "accepted for advertising in publications of the American Medical Association."

The committee's standards stipulate that no advertising statement will be accepted which says in effect that a product is non-allergic; that a product is a "skin freshener" or "tissue cream" (since there is no evidence that cosmetics can freshen skin or nourish tissue); that hair or scalp tonics or lotions have any therapeutic effect (such as treatment of falling hair, dandruff, or scalp infections). Further, the composition of all cosmetics accepted must be openly declared, either on the label or in literature which may be obtained on request from the manufacturer. The statement that products are accepted for advertising in the A. M. A. publications may not be used unless all the products referred to in the display or advertisement have been accepted; if all products are not acceptable the firm must name those which have been accepted for advertising by the association.

These standards would seem to offer other ethical magazines an acceptable criterion for their cosmetic advertising.

THE CASE OF FLEISCHMANN'S YEAST

Before it concerned itself with cosmetic advertising, the American Medical Association had been doing pioneer work in promoting truthful representations for food and drug products. To prevent false claims for food products, its Council on Foods reports regularly in the Journal of the American Medical Association on those which it has examined and approved or disapproved. The July 24, 1937, issue of the Journal (pp. 276–277) carried the council's authorized report declaring Fleischmann's fresh compressed yeast not eligible for its list of accepted foods. The report discusses the labeling, the claims made regarding the vitamin A, B, D, and G content, and the claims regarding the product as a whole. It points out that the number of units of each vitamin present should be declared prominently on the label; that there is no adequate basis for suggesting the use of yeast as a preventative for colds, for a "sagging stomach," poor digestion, "sluggish intestines," as an addition to the diet of a malnourished child, or for suggesting that it will "sweep out poisons from the blood" or "help clear up adolescent pimples."

The report concludes that Fleischmann's yeast, in contrast to a number of fresh and dehydrated yeast preparations now available which are advertised conservatively with claims based on the actual composition of the product, "is sold with grossly exaggerated or unwarranted claims. The Council on Foods voted, therefore, that Fleischmann's fresh compressed yeast be declared ineligible for the list of accepted foods because it is inadequately labeled and is promoted with exaggerated or misleading claims."

THE "PRE-SOLD MARKET" AND THE CLEAN-UP

Since some of the advertisements referred to have appeared in several of the women's magazines with large circulation, and since these magazines frequently state that they safeguard the interests of their readers and are in a position to speak for the housewives of the country, it might be interesting to see how they solicit advertising for their columns and what products they commend to their public. Readers of these magazines are usually quite unaware of the frankness with which they address buyers of advertising space and point out their effectiveness as media through which to reach the women buyers of the country.

The Woman's Home Companion, for example, has run a series of arresting advertisements in the advertising trade magazines this year in which the Companion's readers might have been surprised and perturbed to see themselves described as "the largest pre-sold market—2,889,000 women," and to learn that "no other woman's magazine prepares the market for brand selling more thoroughly" and "literally pre-conditions nearly 3,000,000 prospects for your sales message." The Companion also claims that it "offers advertisers an audience that is acutely conscious of needs which only buying can satisfy," that it "does a unique editorial job of prodding women's interest in merchandise * * * is an active ally of every page of advertising it carries," and that "it's the editorial power of women's magazines that clears the way for selling to women * * * sweeps away their resistance to the advertiser's brand-selling."

McCall's, claiming 2,600,000 readers, tells advertisers (Tide, August 15, 1937, p. 5) that "Industry now has a new essential task: to reach women consumers on their own ground and keep them active in buying. McCall's magazine does this systematically every month through direct, helpful editorial columns. * * * In the new McCall's you find a mass market with purchasing power—editing that stimulates buying * * *." In Advertising and Selling (April 22, 1937, p. 12) McCall's points out that it "is edited for related selling. Reading matter and advertising on similar subjects are grouped together. The mind is prepared for the advertising message * * * and sales result." And in Tide (March 15, 1937, p. 61) McCall's says: 'This magazine is dedicated to the consumption of these commodities [home equipment and furnishings, fashions, and cosmetics] * * * the manufacturer who wants his products consumed and replaced will advertise here."

An examination of the advertising columns of current issues of any of the group supplies the answer. The readers of the Woman's Home Companion are told that Woodbury's new sunshine vitamin D beauty soap is "helping lifeless skin regain vigor and natural beauty" via the bathtub route; that Pond's "skin vitamin" cream helps women's skin more directly, "smoothing skin, refining pores, removing lines"; "contains the vitamin which especially helps to rebuild skin tissue." The statement regarding the Pond cream is reinforced in the October 1937 issue by a background of rats and microscopes. In the December 1937 and January 1938 issues, the copy, tempered somewhat, relies upon testimonials from social registerites for facts about the cream's effect on the skin. Daggett and Ramsdell is permitted to offer "golden cleansing cream," which "contains colloidal gold" to tone and invigorate the skin, "with the remarkable power of freeing skin pores of dirt, make-up, and other impurities."

The Fleischmann's Yeast Life Begins at 40 copy, which by inference from paid testimonials promises "success after 40" by eating 3 cakes of Fleischmann's yeast daily, has recently been carried by Good Housekeeping, Ladies' Home Journal, McCall's, Pictorial Review, and Woman's Home Companion.

One of these magazines asked advertisers (Tide, March 1, 1937, pp. 34–35):

> Have you ever tried to estimate the quiet but tremendous influence of women's magazines in preparing the woman's market for the advertiser?—their steady dissemination of ideas; their intimacy with the audience; their constant promotion of home equipment, foods, cosmetics, styles. Service to the reader, certainly, but service nevertheless which shrewd advertisers can capitalize.

In the issue of Advertising and Selling of November 18, 1937, appears a trenchant editorial in which this journal of advertising states categorically that business—

> Can do itself a big favor by abandoning its pussyfooting * * * and coming out 100 percent for a strong food and drug bill all the way down the line.

The editorial in part is as follows:

AFTER 4 YEARS—AND 60 DEATHS

> And just as Mr. Campbell explained, old Dr. Samuel E. Massengill cannot now be held responsible to the Federal Government under the 1906 food and drug law, which Congress in its great and abiding dalliance has failed to implement with new and effective teeth during the past 4 years.
>
> It is ironic that after Massengill's elixir sulfanilamide had killed sixty-odd people, disabling a good many others, the Food and Drug Administration was able to seize the product and get it off the market only by taking advantage of a technicality in the law. According to the Bureau's standards, the "medicine" wasn't an elixir, hence it was misbranded and eligible to seizure. Eligible also to the staggering fine of $200 if the Bureau can make a conviction stick.
>
> This week the Congress of the United States convened again. It has a great many things to do, but we suspect that a strong public opinion, aroused by the sulfanilamide incident and fanned by newsreel pictures and articles in newspapers and magazines

will force early consideration of the still pending food and drug bill.

Business will approve the proposed amendment designed to provide against a repetition of the incident by specifying emergency conditions under which the Federal Government may license pharmaceutical manufacturers purveying concoctions of new and untried drugs. That's only sensible—particularly for the big drug houses.

But business can do itself an even bigger favor by abandoning its pussyfooting and passive obstructionism and coming out 100 percent for a strong food and drug bill all the way down the line. Business will be doing itself a favor not only because such tactics will be singularly in tune with consumer demand, thus allaying much of the mounting ill will which business has blunderingly engendered for itself, but because business stands to gain in cold cash from the enactment of a strong food and drug bill which will crack down on the hundreds of horse doctors who are still doing business at the old stand. (And don't think there still aren't hundreds of them, and don't make the mistake of pooh-poohing the sizable volume of business they still do every year.)

That's putting it all pretty bluntly, but after 4 years of chit-chat it seems high time to omit the modifying adjectives and the polite parlor phrases. It is a fine thing to take a firm stand against sin and sulfanilamide—that's the least which might be expected of business—but to be frankly mercenary about it all, that isn't good enough. It doesn't pay out. It's a good thing to put through a law that will keep pill peddlers from killing people, because mass murder doesn't do very much to tone up the business of drug distribution, but it's another thing and a better thing—and a more profitable thing—to put through a law which will keep the quacks out of the legitimate market.

Finally, it should be remembered that these nostrum makers differ from Mr. Massengill only in degree, not in quality. They specialize in slow rather than sudden death, for by loading their victims with lush promises of sudden health they only serve to delay or completely prevent competent treatment. Just as business has an obligation to see that there can be no repetition of the sulfanilamide incident, so does it owe it to the public and to itself to see that the hooks are put to those boys whose products may not kill but whose tragically empty guaranties certainly won't cure.

The only way that can be accomplished is by the enactment of a strong food and drug law to be administered in all its provisions by an effective law-enforcement agency, such as the Food and Drug Administration has shown itself to be.

CYSTEX

One of my main objections to the instant bill is that patent-medicine manufacturers themselves prefer the Federal Trade Commission as an agency for the enforcement of truth in advertising. Warren K. Burgess, president of the Knox Co. and an officer in two of the largest associations in the industry, addressed a highly illuminating letter to his confreres in the business under date of March 26, 1935. Mr. Knox heads a firm which manufactures Cystex, which was subjected to a cease-and-desist order for false advertising in December 1932. This order forbids the company to advertise that respondent's medicine "is an effective remedy or cure for bladder weakness, or getting up nights, or burning or itching sensations, or leg or groin pains, regardless of how the same might be caused." On November 15, 1936, in the Nashville Tennessean Knox specifically advertised: "If functional kidney or bladder disorders make you suffer from getting up nights * * * leg pains * * * burning, smarting, or itching, don't take chances. Get the doctor's guaranteed prescription called Cystex. $10." Is it any wonder, then, that in his letter heretofore referred to, he makes certain remarkable statements? The letter went on to point out, after stating that "hell has broken loose in Washington," that it suddenly appeared as though the food and drug bill might have a chance of passage and that there was real dynamite still in the bill, for it vested the regulation of advertising in the Food and Drug Administration. Mr. Burgess, president of the firm which manufactures Cystex, thereafter mistakenly warned his fellow manufacturers of patent nostrums that—

> If this is not changed, advertising will decrease 60 to 80 percent * * * within 1 year. The reason is that the Food and Drug Administration would insist on advertising being in the same terms as employed on the label. * * * If you think those kinds of advertisements will sell merchandise and thus make advertising profitable, we predict a rude awakening for the advertising media of America.

Then follows somewhat later this extremely noteworthy paragraph:

> These facts are well known and understood by the Federal Trade Commission, and that is why the Federal Trade Commission should continue to administer control of food, drug, and cosmetic advertising, as well as all other advertising.

Thus we have a graphic portrayal of the amazing strength which the Federal Trade Commission was able to muster in 1936 in turning back the food and drug bill on the floor of this House. Mr. Chairman, I hold no brief against the F. T. C. It has done excellent work in other fields, but certainly on its past record as an advertising-control agency it could not have hoped to make much headway. I submit that perhaps the very inadequacy of that record invited a measure of support for its lobbying activities. It is a known fact that the Institute of Medicine Manufacturers contributed to F. T. C.'s cause.

There can be no doubt that many affected industries were contacting their local Congressmen sub rosa in behalf of F. T. C. control, while rendering lip service, through their trade associations at least, to the idea of regulation by the Food and Drug Administration. It seems to me patent that reputable manufacturers in this industry would be materially benefited by rooting out a lot of cheap and charlatan competitors who still use the medicine-man routine.

Mr. Chairman, I am indebted to the American Home Economics Association and to its consumer-education service, of Washington, D. C., for many of the facts herein set forth.

A REAL FOOD AND DRUG BILL

I append herewith a statement from page 325 and the following of a new book known as Poisons, Potions, Profits, by Peter Morell, copyright 1937, published by the Knight Publishers, Inc., New York City:

A REAL FOOD AND DRUG BILL

In chapter 15 the present so-called Copeland pure food and drug bill was discussed and the need for a real bill was stressed. Such a bill has now been introduced in Congress by Representative JOHN M. COFFEE, of the State of Washington. The bill was drafted under the supervision of Consumers Union, by Mr. Will Maslow, a lawyer with much experience in the field of food and drug regulation. More than a year ago, in a signed article in the Consumer (which was published by the Consumers Division of the N. R. A.) Mr. Maslow laid down these requirements for consumer protective legislation:

1. Licensing of manufacturers.
2. Registration of proprietary products.
3. Informative labeling.
4. Prevention of false or misleading advertising.
5. Facility in enforcement and administration.
6. An adequate budget.
7. Health education, publicity, and scientific research.

Practically all of these features are provided in H. R. 5286, the bill introduced by Representative COFFEE. Although licensing of all manufacturers in the food, drug, and cosmetic fields is not called for in the bill, protection equivalent to licensing is provided so far as proprietary products, including health devices, are concerned. And it is in the field of proprietaries that the consumer at present takes his worst punishment.

Congressman COFFEE has described the bill simply and well. "The main virtue of this bill is its preventive features, which simplify the whole procedure of enforcement," said Mr. COFFEE. "The bill calls for registration of proprietary products, statement of formulas, approval of all claims (in labels and advertising), continuous supervision of manufacture by qualified technicians, and grade labeling. Appropriations for enforcement are to come principally from fees paid by manufacturers on registering a product. The duties and functions involved in adequate enforcement are such as to justify the creation of a Consumers Bureau in the Public Health Service to operate largely as an independent body."

The bill, of course, has adequate provisions for control of nonproprietaries, through prohibition of adulteration and misrepresentation.

This bill, if enacted into law, will clear the ether waves of fraud and misrepresentation as it is now practiced in the merchandising of nostrums. But it's a tall "if." The drug lobby, newspapers, magazines, advertising agencies, and all those who profit from the advertising of nostrums, can be depended upon to do all within their power to keep this bill from becoming law. It will require a broad, well-organized movement on the part of consumers to overcome this opposition.

Mr. Chairman, in conclusion I wish to add that I join with those consumer groups representing millions of thinking men and women who have repeatedly recorded their demands that control of advertising of food, drugs, cosmetics, and devices be vested in the Food and Drug Administration rather than the Federal Trade Commission, pending the adoption of a genuine and forthright food and drug bill such as the one I have already heretofore introduced, as referred to by Mr. Morell in the above quotation. It is significant that the following great organizations prefer the Food and

Drug Administration as an advertising control agent rather than the Federal Trade Commission:

American Association of University Women.
American Dietetic Association.
American Home Economics Association.
American Nurses Association.
Girls' Friendly Society.
Homeopathic Medical Fraternity.
Medical Women's National Association.
National Board of the Y. W. C. A.
National Congress of Parents and Teachers.
National Council of Jewish Women.
National League of Women Voters.
National Women's Trade Union League.

(See American Chamber of Horrors, by Ruth deForest Lamb, published by Farrar & Rinehart, Inc., New York City, p. 320.)

For further reference material on this vital subject I commend to the Members of this House the reading of Monthly Consumers' Reports, published by Consumers' Union of New York City; the American Chamber of Horrors, by Ruth deForest Lamb, copyright 1936, Farrar & Rinehart, Inc., New York City; Poisons, Potions, Profits, by Peter Morell, copyright 1937, Knight Publishers, Inc., New York City; Forty Million Guinea Pig Children, by Rachel Lynn Palmer; Counterfeit, by Arthur Kallet, Vanguard Press, New York City, copyright 1935; One Hundred Million Guinea Pigs, by Kallet and Schlink, copyright 1932, the Vanguard Press, New York City; Facts and Frauds in Women's Hygiene, by Rachel Lynn Palmer; and Skin Deep, by Mary Catherine Phillips.

Mr. Chairman, this whole problem will never be settled until it is settled right. Believing that the pending bill vesting enforcement of control of false advertising of food, drugs, devices, and cosmetics in the Federal Trade Commission will make its enforcement ineffective and will give false encouragement to consumers, believing as I do that the American people are being fooled by this measure, I am opposing its passage.

Mr. MAGNUSON. Mr. Chairman, in view of the explanation of the chairman as to section 15, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, I offer an amendment which I have at the Clerk's desk.

Mr. LEA. Mr. Chairman, I move that all debate on this section close in 20 minutes.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAWFORD].

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: Page 24, strike out lines 3 to 16, inclusive.

Mr. CRAWFORD. Mr. Chairman, I hold in my hand a copy of the January issue of a radio magazine bearing an advertisement in which the highest office of this Nation—the Presidency—is profaned. This is one of the most brazen, barefaced, un-American attacks against our Government that I have yet seen in print. We have heard much here in Congress about subversive activities against our Government, but the stench from this ad is putrid. And it is not necessary for the average person to get a magnifying glass to read the print.

Ours is still a democratic form of government, and the Presidency, the Congress, and the Supreme Court still constitute our branches of government consecrated by the founders of the Nation. This curse is upon the Presidency—not a man by name. It refers to the "President of the United States" by that title and we have had 32 Presidents. Whether the highest officer of the land be a member of my party, the present majority party, or any other party, the people of our land entrust with the reins of government, the Presidency still belongs to the people of the United States, and anyone who so boldly curses that position no longer deserves the respect of his fellow citizens. This goes far beyond the greatest imaginable stretch of the bounds of freedom of press and speech.

A sound public lashing at the foot of Washington Monument would be none too good punishment for the person responsible for this un-American utterance.

In view of existing efforts of certain foreign groups to wipe democracy from the earth and to undermine the principles of our American form of government, I believe it the duty of this Congress to launch an investigation into all the facts connected with the drawing, engraving, and printing of this advertisement, and I introduce a resolution to that effect.

The question I desire to ask is this: Can the gentleman state to us whether or not there is anything in this bill or any other bill which will penalize or imprison people who are guilty of such things, or force people to keep such terrible ads out of magazines sold over our newsstands and offered in interstate commerce? This magazine is sold over the newsstands and goes in the hands of boys of the country who are interested in amateur radio work.

Mr. LEA. That would be beyond the purview of this bill. It relates to political matters and involves the question of free speech. The penalty, if there is any, would be in libel, and I presume each State has a law respecting libel. This bill would not reach that sort of a situation.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. LEWIS of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of Colorado: Page 27, strike out all of lines 11 to 25, both inclusive, on page 27, and all of lines 1 to 12, both inclusive, on page 28, and insert in lieu thereof the following:

"SEC. 15. For the purposes of sections 12, 13, and 14:

"(a) The term 'false advertisement' means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading there shall be taken into account, among other things, not only representations made by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts reasonably relevant and material in the light of such representations or reasonably relevant and material with respect to consequences of such representations which may result from the use of the commodity to which the advertisement relates; but if at the time of the dissemination of the advertisement there exists a substantial difference of opinion among experts qualified by scientific training and experience as to the truth of a representation, the burden of establishing the misleading character of the representation shall be upon the Government, and the advertisement shall not be considered misleading on account of such representation if it states clearly and prominently the fact of such difference of opinion or if it shall be affirmatively established that the person, partnership, or corporation charged with violating this act had no reasonable ground to believe and did not believe that the representation did not fairly represent the opinion of an expert or experts qualified by scientific training and experience. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug."

Mr. LEWIS of Colorado. Mr. Chairman, in the general debate I referred briefly to the general scope of this proposed amendment of subsection (a) of section 15. It is largely a rearrangement of the language on page 27, beginning with line 11 and running down through line 12 on page 28, with the changes which I mentioned during the general debate. I ask the gentleman from California, the chairman of the committee in charge of this bill: As I understand it, this bill is directed against false advertising, is it not?

Mr. LEA. It is.

Mr. LEWIS of Colorado. False representations by means of advertisements?

Mr. LEA. This definition is what you might call an artificial definition of false advertising. The primary feature of it is that it shall be materially misleading.

Mr. LEWIS of Colorado. The chairman of the Interstate and Foreign Commerce Committee confirms my impression. In this bill we are seeking to penalize and to get rid of false

advertisements which by their misleading representations induce persons to buy food, drugs, devices, or cosmetics which not only are not efficacious for the purposes claimed but which may result even in actual harm to the buyer who uses them.

In this bill we are not seeking to penalize the producer or vendor of such articles for manufacturing them or for putting them into interstate commerce. That is covered in the Food and Drug Act; and we all trust will be more efficiently controlled in an amendment to that act which we hope will soon be brought before the House.

In this bill we are seeking to do away with lies in advertisements by which the public is deceived into buying products which are not what they are advertised to be or do not do what it is claimed in such advertisements they will do. It is the lie which this bill seeks to penalize. In this bill we are concerned primarily with the consequences of such representations which are false.

Therefore, in section 15 of the bill, page 27, lines 19 to 20, after the words "with respect to consequences" and before the words "which may result", there should be inserted the words "of such representations." As thus amended, lines 17 to 21 on page 27 would read as follows:

* * * but also the extent to which the advertisement fails to reveal facts reasonably relevant and material in the light of such representations, or reasonably relevant and material with respect to consequences of such representations which may result from the use of the commodity to which the advertisement relates.

Referring to the suggestion made by another gentleman and by me in the general debate: It seems clear that in line 16 on page 27, the expression "representations made or suggested" is entirely too broad. We should strike out "or suggested" and confine the definition to "representations made." I submit also that there should be inserted in line 18 and in line 19 in each case before the word "material," the words "reasonably relevant and." That is all in the amendment which has been read and which I offered.

I realize from the intimations of the chairman of the committee that naturally he does not want to accept this amendment at this time without further study. But I emphasize that we should not enact legislation which would put such a burden upon a manufacturer as to require him "to reveal facts * * * which may result from the use of the commodity to which the advertisement relates." Suppose a man is advertising whisky. Must he state in his advertisement the fact that "use of the commodity" may result in his getting very drunk? That is the effect of the present language. The language of the bill should be limited to "consequences of such representations which may result from the use of the commodity to which the advertisement relates."

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on the amendment of the gentleman from Colorado.

The amendment was rejected.

Mr. COX. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COX: Page 26, in section 14 (a), line 18, after the period, insert the following: "*Provided*, That this section shall not apply to products duly marked and labeled in accordance with the rules and regulations issued under the Meat Inspection Act approved March 4, 1907, as amended."

Mr. COX. Mr. Chairman, this is an amendment that was submitted to the chairman of the committee handling the bill and his colleagues, and which they have examined. I understand they consulted the counsel of the Commission and that they have no objection to the adoption of the amendment.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield.

Mr. LEA. The gentleman understands, of course, that I have no authority from the committee to accept this amendment. I was simply expressing my individual opinion. I have consulted the attorney of the Commission, and I stated that so far as I was concerned I saw no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. O'MALLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 4 minutes.

Mr. O'MALLEY. Mr. Chairman, it was my intention to offer an amendment to this bill, but the hour is late and I have all confidence that the committee of conference will work out some of the things that disturb me in this bill. I call the committee's attention to this provision of section 15:

But if, at the time of the dissemination of the advertisment, there exists a substantial difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation, the advertisement shall not be considered misleading.

Do I understand that if respecting an ad I publish in a magazine, two doctors make affidavits that disagree upon the scientific fact I supposedly put in the advertisement, that makes it not a misleading advertisement?

Mr. LEA. No.

Mr. O'MALLEY. I read the language to mean that if opinions among experts differ at the time of the circulation of an advertisement, that if experts such as our friend the gentleman from New York in the field of medicine disagree on the matter, it is not a misleading advertisement. That is what the language says.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. SIROVICH. In 1846, Dr. Oliver Wendell Holmes, the father of the late Supreme Court Justice, was a pioneer in discovering dirt as a cause of infection in puerperal sepsis. He was laughed at, jeered at, and ridiculed; so was Dr. Semmelweiss. Today, however, no one disagrees with them.

Mr. O'MALLEY. Does the gentleman maintain that there is never any agreement of opinion among experts upon medical matters?

Mr. SIROVICH. Merely that in what are called specific cures we want proof.

Mr. O'MALLEY. I do not want to enter into a medical argument; but as I read this language it means that an advertisement is not misleading when as to its material fact there is disagreement in scientific opinion.

Mr. LEA. This, of course, involves the right of the Government to attack the good faith of the man used as an expert, assuming there is no substantial difference of responsible medical opinion.

Mr. O'MALLEY. Does the gentleman feel that the Federal Trade Commission, composed of laymen, could decide what was responsible medical opinion?

Mr. LEA. No.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVY: Page 27, line 21, after the word "relates", strike out all of subsection (a) down to and including the word "representation", in line 7, on page 28.

The CHAIRMAN. The gentleman from Washington is recognized for 4 minutes.

Mr. LEAVY. Mr. Chairman, I know that it is almost impossible in any way to amend this bill counter to the desires of the splendid Committee on Interstate and Foreign Commerce that sponsors it, and its able and fair chairman, the gentleman from California [Mr. LEA], and I would hesitate after the efforts that have been made to amend the bill, Mr. Chairman, to try another, were it not that I do feel considerable concern in reference to the language contained in section 15 on page 27 to which the able gentleman from Wisconsin [Mr. O'MALLEY] has just referred.

It seems to me that in the first instance subdivision (a) should only be language of definition. The first two lines 12 and 13 define false advertisement as follows: "meaning advertisement other than labeling, which is misleading and material." That is as far as that provision needs to go. To

go further can only result in confusion and misunderstanding and open loopholes for the offenders to take advantage of. I know the newspapers that have had this brought to their attention are really quite concerned as to the effect it is going to have upon them in reference to genuine advertising, and they fear, with just cause, that there is danger if this language is left in the bill, that the evil sought to be cured, will really be aggravated.

The definition seems to go far beyond the needs of the situation. It even gets into the field of substantive law because it states substantially, that if the manufacturer of a patented medicine were to get two experts, both licensed physicians, to make affidavits or certify, one of them that the medicine would do what the manufacturers claim for it, the other that he doubted the claims made for it, and such advertisement were published, then he would be immune, in spite of the fact that subsequently it were proven that the advertisements were false. The language is "If there exists a substantial difference of opinion", and experts can be procured to so state, then the advertisement may be published, provided it carries the views of the opposing experts. It opens a new and most promising field for "experts" and requires that they get pay for supporting and opposing from the same man. It seems to me honest publishers may well fear the operation of such a law, and it might become the means of aggravating the very evil it seeks to cure.

It seems to be there can be no violence done by striking the language I suggested in my amendment. I am for the bill as a whole and I am going to vote for it, even if that language remains in the bill, but it does appear to me, Mr. Chairman, we are piling ambiguity upon confusion to leave this language in the bill.

Mr. LEA. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from California.

Mr. LEA. A proper analysis of the language to which the gentleman refers will show that it is intended for the benefit of the accused and not for the benefit of the Government. The Government must prove the false representation.

Mr. LEAVY. I appreciate that fact, but if the accused can get an expert before prosecution to certify that his medicine will do what he says it will, and also employ another expert to say he doubts it, would he not then be immune from prosecution, and the very purpose of this legislation would be defeated? This law is proposed to protect the public and not the people who violate it.

Mr. LEA. No.

[Here the gavel fell.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. LEAVY].

The amendment was rejected.

The Clerk read as follows:

SEC. 3. (a) In case of an order by the Federal Trade Commission to cease and desist, served on or before the date of the enactment of this act, the 60-day period referred to in section 5 (c) of the Federal Trade Commission Act, as amended by this act, shall begin on the date of the enactment of this act.

(b) Section 14 of the Federal Trade Commission Act, added to such act by section 2 of this act, shall take effect on the expiration of 60 days after the date of the enactment of this act.

The CHAIRMAN. The question is on agreeing to the committee substitute for the Senate bill.

The committee substitute was agreed to.

Mr. LEA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HEALEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. LEA. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment follows:

Strike out all after the enacting clause and insert:

"That section 5 of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes', approved September 26, 1914 (U. S. C., 1934 ed., title 15, sec. 45), is hereby amended to read as follows:

"'SEC. 5. (a) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.

"'The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the acts to regulate commerce, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in said act, from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.

"'(b) Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this Act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside in whole or in part, any report or any order made or issued by it under this section. After the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, the Commission may at any time, with the consent of the person, partnership, or corporation required by the order to cease and desist, modify, or set aside, in whole or in part, the report or order made or issued by it under this section.

"'(c) Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or act or practice may obtain a review of such order in the circuit court of appeals of the United States within any circuit where the method of competiton or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business by filing in the court, within 60 days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commission. Upon such filing of the petition and transcript the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evi-

dence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

"'(d) The jurisdiction of the circuit court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.

"'(e) Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the Antitrust Acts.

"'(f) Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"'(g) An order of the Commission to cease and desist shall become final—

"'(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b); or

"'(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals, and no petition for certiorari has been duly filed; or

"'(3) Upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals; or

"'(4) Upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Commission be affirmed or the petition for review dismissed.

"'(h) If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of 30 days from the time it was rendered, unless within such 30 days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(i) If the order of the Commission is modified or set aside by the Circuit Court of Appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the Circuit Court of Appeals shall become final on the expiration of 30 days from the time such order of the Commission was rendered, unless within such 30 days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(j) If the Supreme Court orders a rehearing; or if the case is remanded by the Circuit Court of Appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.

"'(k) As used in this section the term "mandate," in case a mandate has been recalled prior to the expiration of 30 days from the date of issuance thereof, means the final mandate.

"'(l) Any person, partnership, or corporation who violates an order of the Commission to cease and desist after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States.'"

"SEC. 2. Such act is further amended by adding at the end thereof new sections to read as follows:

"'SEC. 12. (a) It shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false advertisement—

"'(1) By United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics; or

"'(2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce of food, drugs, devices, or cosmetics.

"'(b) The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5.

"'SEC. 13. (a) Whenever the Commission has reason to believe—

"'(1) That any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12; and

"'(2) That the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

"'(b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals—

"'(1) That restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor; and

"'(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction.

"'SEC. 14. (a) Any person, partnership, or corporation who violates any provision of section 12 shall, if the use of the commodity advertised may be injurious to health because of results from such use, or if such violation is with intent to defraud or mislead, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment; except that if the conviction is for a violation committed after a first conviction of such person, partnership, or corporation, for any violation of such section, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment: *Provided*, That this section shall not apply to products duly marked and labeled in accordance with rules and regulations issued under the Meat Inspection Act, approved March 4, 1907, as amended.

"'(b) No publisher, radio-broadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the false advertisement relates, shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States, who caused him to disseminate such advertisement. No advertising agency shall be liable under this section by reason of the causing by it of the dissemination of any false advertisement, unless it has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, or seller, residing in the United States, who caused it to cause the dissemination of such advertisement.

"'SEC. 15. For the purposes of sections 12, 13, and 14—

"'(a) The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates; but if, at the time of the dissemination of the advertisement, there exists a substantial difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation, the advertisement shall not be considered misleading on account of such representation, if it states clearly and prominently the fact of such difference of opinion. Nothing in this paragraph shall be construed as requiring the making of such statement as to difference of opinion; and failure to so state the fact of such difference of opinion shall not relieve

the Government of the burden of establishing the misleading character of the representation. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.

"'(b) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

"'(c) The term "drug" means (1) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

"'(d) The term "device" (except when used in subsection (a) of this section) means instruments, apparatus, and contrivances, including their parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

"'(e) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.

"'SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5, it shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection.

"'SEC. 17. If any provision of this act, or the application thereof to any person, partnership, corporation, or circumstance, is held invalid, the remainder of the act and the application of such provision to any other person, partnership, corporation, or circumstance shall not be affected thereby.

"'SEC. 18. This act may be cited as the "Federal Trade Commission Act."'"

"SEC. 3. (a) In case of an order by the Federal Trade Commission to cease and desist, served on or before the date of the enactment of this act, the 60-day period referred to in section 5 (c) of the Federal Trade Commission Act, as amended by this act, shall begin on the date of the enactment of this act.

"(b) Section 14 of the Federal Trade Commission Act, added to such act by section 2 of this act, shall take effect on the expiration of 60 days after the date of the enactment of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KENNEY. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KENNEY. As it stands, I am now.

The SPEAKER. Is the gentleman entirely opposed to the bill?

Mr. KENNEY. I am.

The Clerk read as follows:

Mr. KENNEY moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to that committee to report the same back to the House forthwith with the following amendment:

"SEC. 14 (a) Any person, partnership, or corporation who violates any provision of section 12 shall forfeit and pay to the United States a civil penalty of not more than $3,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States; but if the use of the commodity advertised may be injurious to health, the civil penalty shall be an amount not more than $5,000.

"(b) If the violation is committed after judgment for a civil penalty under subsection (a) of this section has become final then such person, partnership, or corporation shall be guilty of a misdemeanor. Upon conviction punishment shall be by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment; but if such conviction is in a case where the use of the commodity advertised may be injurious to health, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 2 years, or by both such fine and imprisonment."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. KENNEY) there were—ayes 14, noes 74.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MAPES) there were—ayes 107, noes 10.

So the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by the Honorable John H. Fahey, Chairman, Federal Home Loan Bank Board, at the Jackson Day dinner, Concord Club, Baltimore, Md.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address on educational broadcasting by one of the Commissioners of the Federal Communications Commission.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFIDENTIAL INFORMATION FURNISHED TO BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Mr. LEA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2940) to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MAPES. Reserving the right to object, Mr. Speaker, I knew nothing about the calling up of this bill at this time, so for the present I object.

Mr. LEA. I withdraw my request, Mr. Speaker.

Mr. Speaker, I ask unanimous consent that further business in order on Calendar Wednesday may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain articles to which I made reference during debate in Committee of the Whole this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Hon. Stanley Reed, Solicitor General of the United States, at Detroit, Mich., on January 12, 1938.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PLUMLEY, until Monday, on account of official business.

To Mr. O'CONNOR of Montana, indefinitely, on account of illness.

SPECIAL ORDERS

The SPEAKER. Under previous order of the House, the gentleman from Georgia [Mr. Cox] is entitled to be recognized.

Mr. TARVER. Mr. Speaker, the gentleman from Georgia [Mr. Cox] has requested that I ask unanimous consent that the special order in question be vacated on account of the lateness of the hour.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from Ohio [Mr. HARLAN] is entitled to be recognized for 30 minutes.

Mr. RAYBURN. Mr. Speaker, the gentleman from Ohio does not desire recognition at this time.

EXTENSION OF REMARKS

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made in Committee of the Whole today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made in Committee of the Whole this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADJOURNMENT

Mr. LEA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until tomorrow, Thursday, January 13, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Thursday, January 13, 1938, at 10:30 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RANDOLPH'S subcommittee on public utilities of the Committee on the District of Columbia will meet Thursday, January 13, 1938, at 10 a. m., in room 362 (caucus room), House Office Building. Business to be considered: H. R. 6811, streetcar capacity; H. R. 6862, maximum-fare investigation.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. CROSSER'S subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Friday, January 14, 1938. Business to be considered: Continuation of hearing on House Joint Resolution 389, Withrow resolution.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6493, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

984. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Federal Bureau of Narcotics for the year ending December 31, 1936; to the Committee on Ways and Means.

985. A letter from the Director of the Civilian Conservation Corps, transmitting a draft of a proposed amendment to section 8 of the act of June 28, 1937, entitled "An act to establish a Civilian Conservation Corps, and for other purposes" (Public, No. 163, 75th Cong.); to the Committee on Labor.

986. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to authorize alterations and repairs to certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

987. A letter from the Secretary of Agriculture, transmitting a report for the fiscal year ending June 30, 1937, concerning the Federal-aid work administered by the Bureau of Public Roads; to the Committee on Roads.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOM: A bill (H. R. 8927) to amend the Revenue Act of 1936, and for other purposes; to the Committee on Ways and Means.

By Mr. MAY (by request): A bill (H. R. 8928) to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to the Disabled American Veterans of the World War, Inc.; to the Committee on Military Affairs.

By Mr. PATMAN: A bill (H. R. 8929) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

By Mr. DELANEY: A bill (H. R. 8930) to amend section 4 of the act of June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration and Naturalization.

By Mr. NICHOLS: A bill (H. R. 8931) to amend section 812 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924; to the Committee on the District of Columbia.

Also, a bill (H. R. 8932) to amend section 810 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924; to the Committee on the District of Columbia.

By Mr. RANKIN: A bill (H. R. 8933) to provide payment of adjusted-service credit to sisters, brothers, and estates; to the Committee on Ways and Means.

By Mr. SATTERFIELD: A bill (H. R. 8934) to confer jurisdiction upon United States commissioners to try certain criminal cases, and to provide for their compensation; to the Committee on the Judiciary.

By Mr. MOTT: A bill (H. R. 8935) to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; to the Committee on the Public Lands.

By Mr. BUCKLER of Minnesota: A bill (H. R. 8936) authorizing a per capita payment of $25 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; to the Committee on Indian Affairs.

By Mr. ROMJUE: A bill (H. R. 8937) authorizing a preliminary examination and survey of Fox River and its tributaries in Clark County, in the State of Missouri, for flood control, for run-off and waterflow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. CONNERY: A bill (H. R. 8938) to increase the rates of pay for charmen and charwomen in the custodial service; to the Committee on the Civil Service.

By Mr. KEE: Joint resolution (H. J. Res. 560) to authorize acquisition of land for the Bluestone Reservoir project, and for other purposes; to the Committee on Flood Control.

By Mr. CRAWFORD: Joint resolution (H. J. Res. 561) requesting the Federal Trade Commission to investigate and report to Congress all facts pertaining to the publication of an advertisement in QST magazine profaning the office of the President; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWE: A bill (H. R. 8939) granting an increase of pension to Vernon Stevens; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 8940) granting a pension to Alexander Lane; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 8941) for the relief of Agnes Brodahl; to the Committee on Claims.

Also, a bill (H. R. 8942) for the relief of Elsie Dushaw; to the Committee on Claims.

Also, a bill (H. R. 8943) granting a pension to William R. Ross; to the Committee on Pensions.

By Mr. LAMBERTSON: A bill (H. R. 8944) granting a pension to Annie E. Sutherland; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 8945) granting an increase of pension to Mary H. Green; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8946) granting a pension to John A. Helms; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3767. By Mr. CLASON: Petition of Catherine A. Guilshan and other citizens of Springfield, East Longmeadow, and Ludlow, Mass., favoring the abolition of the privately owned Federal Reserve System and to restore to Congress its constitutional right to coin and issue money and regulate the value thereof; to the Committee on Banking and Currency.

3768. By Mr. FITZPATRICK: Petition of the Yankee Division, Veterans' Association, New York Chapter, profoundly and unalterably opposed to the Ludlow amendment in relation to a Nation-wide referendum to declare war; to the Committee on the Judiciary.

3769. By Mr. KEOGH: Petition of the American Newspaper Guild, New York City, concerning House bill 8239, providing for a permanent Bureau of Fine Arts; to the Committee on Education.

3770. By Mr. HANCOCK of New York: Petition of the Pomona Grange, Onondaga County, N. Y.; to the Committee on Agriculture.

3771. Also, petition of the Pomona Grange, Onondaga County, N. Y.; to the Committee on Ways and Means.

3772. Also, petition of the Pomona Grange, Onondaga County, N. Y.; to the Committee on Foreign Affairs.

3773. By Mr. MERRITT: Petition of the Second Assembly District Club of the American Labor Party of Queens County, N. Y., applauding the President of the United States for his continued support of progressive and democratic principles of government in his latest message to Congress; that it commends the President's timely reminder that world peace is safe only in the hands of democratic, representative governments; that it approves that Budget balancing must be kept subordinate to social welfare, to the end that no willing worker shall starve for lack of work; that it approves the President's demand for enactment of wage and hour legislation; that it is in full accord with the President's castigation of monopolies and their practices and the abuses of power of which business has been guilty; and that it commends the President's emphatic stand against shifting the tax burden to those least able to pay; and, further, that it is opposed to any attempt to saddle a sales tax on the people or to reduce personal exemptions in the low-income brackets, and will support measures to stop tax avoidance and correct defects in the law which permit wealthy malefactors to dodge tax payments; to the Committee on Ways and Means.

3774. By the SPEAKER: Petition of the Board of Supervisors of Contra Costa County, State of California, petitioning approval of General Welfare Act (H. R. 4199); to the Committee on Ways and Means.

SENATE

THURSDAY, JANUARY 13, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, January 12, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	Pepper
Andrews	Copeland	Johnson, Colo.	Pittman
Ashurst	Davis	King	Pope
Bailey	Dieterich	La Follette	Radcliffe
Bankhead	Donahey	Lewis	Reynolds
Barkley	Duffy	Lodge	Russell
Berry	Ellender	Logan	Schwartz
Bilbo	Frazier	Lonergan	Schwellenbach
Bone	George	Lundeen	Sheppard
Borah	Gerry	McAdoo	Shipstead
Bridges	Gibson	McCarran	Smathers
Brown, Mich.	Gillette	McGill	Smith
Brown, N. H.	Glass	McKellar	Steiwer
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Minton	Truman
Byrnes	Hayden	Murray	Tydings
Capper	Herring	Neely	Vandenberg
Caraway	Hill	Norris	Van Nuys
Chavez	Hitchcock	Nye	Walsh
Clark	Holt	Overton	Wheeler

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily detained from the Senate today. I request that this announcement stand for all quorum calls during the day.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], and the Senator from Wyoming [Mr. O'MAHONEY] are detained on important public business.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

ANNIVERSARY OF EIGHTEENTH AMENDMENT—NOTICE OF SPEECH BY SENATOR SHEPPARD

Mr. SHEPPARD. Mr. President, Sunday, January 16, will be the eighteenth anniversary of the eighteenth amend-

ment. Inasmuch as the Senate will not be in session on that day, I shall endeavor to secure recognition from the Chair on Saturday, January 15, in order to address the Senate on the subject of the eighteenth anniversary of this amendment.

REPORT ON PROGRESS OF THE WORKS PROGRAM

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Special Committee on Investigation of Unemployment and Relief Problems, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Works Progress Administrator on progress of the Works Program, placing primary emphasis on activities of the first 10 months of the calendar year 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1938.*

REPORT OF BOARD OF DIRECTORS OF PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Eighty-eighth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1938.*

BOARD OF VISITORS TO THE NAVAL ACADEMY

The VICE PRESIDENT, in accordance with the provisions of law, appointed the Senator from Tennessee [Mr. MCKELLAR], the Senator from Rhode Island [Mr. GERRY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Oregon [Mr. STEIWER] as members of the Board of Visitors on the part of the Senate to visit the United States Naval Academy.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The VICE PRESIDENT laid before the Senate a letter from Hamilton & Hamilton, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from Arthur Osman, executive secretary of the United Wholesale Employers of New York, on behalf of 4,000 members of that organization, praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a petition from M. A. Smith, of Charlotte, N. C., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

REPORT OF COMMITTEE ON INTERSTATE COMMERCE

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 229) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest, reported it without amendment and submitted a report (No. 1302) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

A bill (S. 3231) for the relief of Robert Thompson; to the Committee on Naval Affairs.

By ASHURST and Mr. HATCH:

A bill (S. 3232) to amend an act to provide for the retirement of Justices of the Supreme Court; and

A bill (S. 3233) to provide for the appointment of additional judges in accordance with the recommendation of the Judicial Conference as supplemented by the recommendation of the Attorney General; to the Committee on the Judiciary.

By Mr. MILLER:

A bill (S. 3234) to improve the navigability of the Arkansas River, Red River, Ouachita River, and the White River in Arkansas and Missouri; to provide for flood control of the Mississippi River and the Arkansas, Red, Ouachita, and White Rivers; to provide for reforestation and for the use of marginal lands; for the agricultural and industrial development; for the irrigation of lands; for the restoration and preservation of the water level, and for the development of electrical power in the Arkansas, Red, Ouachita, and White River Valleys; and for other purposes; to the Committee on Agriculture and Forestry.

(Mr. MCKELLAR introduced Senate bill 3235, which was referred to the Committee on Finance and appears under a separate heading on this page.)

By Mr. SCHWELLENBACH:

A bill (S. 3236) to amend the Merchant Marine Act of 1936, to further promote the merchant marine policy therein declared, and for other purposes; to the Committee on Commerce.

By Mr. CONNALLY:

A bill (S. 3237) to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD:

A bill (S. 3238) to provide for recording of deeds of trust and mortgages secured on real estate in the District of Columbia, and for the releasing thereof, and for other purposes; to the Committee on the District of Columbia.

AMENDMENT OF SOCIAL SECURITY ACT

Mr. MCKELLAR. Mr. President, I ask unanimous consent to introduce a bill to amend in one respect the Social Security Act, and that it be printed in full in the RECORD and appropriately referred. In connection with the bill, I ask consent to have printed in the RECORD copies of two letters which will explain the situation quite fully. I think they will be enlightening to Senators who are interested in social security.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 3235) to amend the Social Security Act so as to provide for the selection on a merit basis of certain personnel for whose compensation appropriations are made by the Federal Government, was read twice by its title and referred to the Committee on Finance, as follows:

Be it enacted, etc., That clause (5) of section 2 (a) of the Social Security Act is amended by striking out "(other than those relating to selection, tenure of office, and compensation of personnel)" and inserting in lieu thereof "(including methods for the selection of personnel on a merit basis)".

SEC. 2. That subdivision (1) of section 303 (a) of the Social Security Act is amended by striking out "(other than those relating to selection, tenure of office, and compensation of personnel)" and inserting in lieu thereof "(including methods for the selection of personnel on a merit basis)".

The letters referred to by Mr. MCKELLAR are as follows:

MEMPHIS, TENN., *December 8, 1937.*

Hon. KENNETH MCKELLAR,
United States Senator, Washington, D. C.

DEAR SENATOR: Relative to the personnel set-up in Nashville under the Unemployment Compensation Division, I find that section 303-a of the Social Security law provides as follows:

"The Board shall make no certification for payment to any State unless it finds that the law of such State, approved by the Board under title IX, includes provisions for—

"(1) Such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; * * *"

It is my information that the Federal Government is paying the salary of the personnel referred to in the various States. The Tennessee law reads as follows:

"(d) Personnel: Subject to other provisions of this act, the commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commissioner shall classify the positions and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except for temporary appointments not to exceed 6 months in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. The commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The commissioner shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon the ratings of efficiency and fitness, and for terminations for cause. The commissioner may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling moneys or signing checks hereunder. These examination provisions shall be in effect until this State shall have adopted an acceptable merit rating system."

And further:

"SEC. 17a. The commissioner, with and by the consent of the Governor and attorney general, is authorized to employ a qualified full-time salaried attorney for legal work in connection with the unemployment compensation division. Such attorney shall be under the jurisdiction of the attorney general and reporter, and shall devote his full time to the unemployment compensation division."

As you know, the State administration first employed Fletcher Cohn, a lawyer of Memphis, as chief counsel for this set-up of unemployment compensation division in Tennessee. As a result of the recent political fight between the State administrator and our Memphis-Shelby County organization, Mr. Cohn was let out with only 1 day's notice.

State Senator Houghlon Akin and Representative Cayce Williams, hereinafter referred to, both hold State offices. These two appointments are in direct violation of the statute under section (d) above quoted.

Mr. Alex Gray, of Brownsville, who was put in in Mr. Cohn's place, had influenced Representative Dixon to vote for Governor Browning's partial disfranchisement bill in the two recent extraordinary sessions of the legislature called by the Governor. Mr. Dixon was a young lawyer in the office of Gray & Gray, Brownsville.

It is also charged that Mr. O'Dell, Republican representative from Cocke County, who voted for the disfranchisement bill, has had a son put into that department. Young Mr. O'Dell came into the office on or about October 17, and the vote on the disfranchisement bill took place on or about October 20.

It is also charged that Representative James Vines, a Republican representative from Washington County, had his brother appointed to a place in the unemployment compensation division, and that Representative Vines voted for the disfranchisement and affiliated bills.

It is charged that Cayce Williams, Weakley County representative, who voted for the disfranchisement bill, has a job in the same department. This is directly antagonistic to the State statute quoted above.

It is also charged that State Senator Houghlon Akin, of Jackson, Madison County, who voted for the disfranchisement bill, was also given a position in the same department. I quote the Associated Press of December 6:

"NASHVILLE, TENN., *December 6.*

"Labor Commissioner Albert Gore announced today the appointment of State Senator Houghlon Akin, of Jackson, as deputy commissioner to handle benefit claims for unemployment compensation. The salary, it was added, will be $1 per year plus actual expenses. This is a new position."

This is in absolute violation of the statute quoted above.

It is also charged that Elijah Tollett, of Cumberland County, who happens to be under indictment in the Federal court for swindling a non compos mentis soldier, was promised or given a place in the same department, but there was such a hue and cry about it that they seem to have arranged the matter with him in some other way.

It is also charged that for like reasons three young ladies were employed in the same department who had had no experience of any kind, typist or otherwise. These young ladies are supposed to have replaced three young ladies who had previously been appointed.

I am giving you this memorandum so that you can see just exactly what has been done. If these charges are true, the Federal Government's money should not be used for any such improper purposes. Whether these charges are true or not, I think the Federal Government should control the employment of those who spend the Federal Government's money. I know that you are interested in introducing an amendment in the Senate to bring this about.

It is inconceivable to me that the Social Security Board, acting for the Federal Government, would countenance or permit this essential, if not criminal, bribery, and I wish you would take the matter up with that Board and have it make an independent examination, giving you the facts concerning each case.

If you cannot get the Board to make the proper examination and cause these officials thus appointed to be dismissed and honest and capable people put in their places in accordance with the Federal and the State statutes, then I trust you will have a Senate investigation of the matter so that the facts may come to light.

With kindest regards, very sincerely yours,

E. W. HALE.

DECEMBER 24, 1937.

Hon. MARY DEWSON,

Social Security Board, Washington, D. C.

DEAR MISS DEWSON: Some time ago I called your attention personally to what had been reported to me as improper uses which were being made of the social-security law in Tennessee.

Enclosed, I hand you a letter from Commissioner E. W. Hale, of Memphis, Tenn. (Shelby County), citing portions of the Federal law and portions of the State law in reference to social security.

Sometime after the Social Security law went into effect the commissioner having charge of this work in Tennessee, with the consent of the Governor and the attorney general, appointed Mr. Fletcher Cohn as attorney, and made the other appointments provided for under the act. Mr. Cohn was from Memphis. Everything went along smoothly apparently until September 13, 1937, when Governor Browning had a political conference with Mr. E. H. Crump, of Memphis, which resulted in a disagreement, Mr. Crump refusing to do what Governor Browning asked. Governor Browning returned to Nashville and announced he would call an extraordinary session of the legislature to bring about better conditions in Memphis, as he claimed.

The facts were that Mr. Browning was nominated through the votes and influence of the Memphis Democratic organization, headed by Mr. Crump. He not only received some 60,000 majority in the city of Memphis, but the fact that it was advertised he would receive this majority in Memphis caused him to receive large majorities in other counties which he would not have received had Shelby County not gone for him. After the primary election in August 1936, Mr. Browning telegraphed that there were 60,000 reasons why he loved Shelby County, referring to his majority there. Notwithstanding this generous support, after the difference that he had with Mr. Crump on September 13, he called an extraordinary session of the legislature and announced that he wanted the legislature to pass a county unit plan for primary elections for only three offices, United States Senator, Governor, and railroad and public utilities commissioner. All of these come up for nomination next August.

In a sentence, this county-unit plan provides that each county casting more than 100 Democratic votes for President in 1936 should have 1 vote for each 100 votes cast, provided that no county would be entitled to more than one-eighth of the population as shown by the Federal census of 1931.

The provisions of this system would reduce the vote in Shelby County (Memphis) to 384 instead of 600, as she would be entitled to on the usual basis. In part, it also disfranchised some 37 or 38 other counties. The State Senate passed the bill and the House passed it by one vote more than the constitutional majority. In the meantime, since the regular session of the legislature another situation came to light.

Some six or more legislators had accepted other positions under the State or counties and had been sworn in. They were receiving their salaries as such county or State officers. It had been held by our courts that, under our Constitution, which prohibits a person from holding more than one State or county office at a time, when these legislators accepted the new positions they vacated the offices of legislators. Notwithstanding this, however, these several officials were brought back to the legislature, where they voted. Their votes helped make the 51 votes necessary to pass this law.

Opponents of the measure filed court proceedings, and the lower courts held that the laws thus passed were invalid. These cases are now before the supreme court of the State.

I am giving you these facts to acquaint you with the situation. None of the legal proceedings mentioned referred to the positions mentioned in the attached letter from Mr. Hale, except Representative Vines.

I am referring Mr. Hale's letter to you for the purpose of having your Board make an investigation concerning the five members of the legislature referred to by Mr. Hale, and I am asking your Board to have the matter examined into and to report answers to the following questions raised by Mr. Hale:

1. Was Mr. James Dixon, a Representative from Brownsville, Haywood County, connected with the law firm of Gray and Gray there, of which Alex Gray is a member; did Gray and Gray influence James Dixon to change his vote in favor of the Browning disfranchisement bill, as it was called; did Dixon vote for it; after the extraordinary session adjourned was Mr. Cohn removed as attorney for the Social Security Board and Mr. Alex Gray appointed in his place; and does the Federal Government furnish the money to pay the salary of Mr. Alex Gray?

2. Did State Senator Houghlon Akin, of Jackson, Madison County, vote for the disfranchisement bill and these other political measures during the extraordinary session, and after that session was he employed in the Social Security set-up; at what salary or

at what expense per month; is the Federal Government paying the expenses and salary of said Akin?

3. Did Representative Cayce Williams, of Weakley County, vote for the disfranchisement bill after expressing himself as being opposed to it; a short time after the adjournment of the extraordinary session was he appointed to a place in the Social Security set-up in Tennessee; at what salary; is he now drawing pay from the Federal Government?

4. Was Elijah Tollett, a representative from Cumberland County, promised a position in the unemployment division of the Social Security set-up in Tennessee; did he vote for the disfranchisement measure; was it reported in the public press that he had been appointed to a Social Security position; did it then occur that Representative Tollett was under indictment in the Federal court; after that did his sister receive an increase in salary of $50 per month?

5. Did James Vines, a Republican representative from Washington County, vote for the disfranchisement bill recommended by the Governor; after he voted for it was a brother of his put to work in the Social Security set-up; at what salary; is he drawing a salary from the Federal Treasury?

6. Did a young son, some 18 or 19 years of age, of Mrs. Caroline O'Dell, of Newport, Republican representative from Cocke County, receive a place in said Social Security set-up; on what date did he receive it; on what date did Mrs. O'Dell vote for the Browning disfranchisement bill; is her son on the pay roll of the Federal Government in this set-up?

7. Please have the question of the three young ladies who were discharged and others put in their places examined into, and kindly report who recommended dismissal of those already in and who recommended the employment of those who took their places, giving their names.

(You will note that Mr. Hale states that the above-mentioned five members of the legislature were bribed to vote and are being paid for their votes out of the Federal funds allotted to social-security work.)

8. Please ascertain and report specifically whether any examination was held prior to the appointment of these three members of the legislature, and the brother and son of the other two members of the legislature referred to in this communication.

9. Please advise me if your Board does not believe that the following provision of the Social Security law should be repealed:

"(1) Such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; * * *."

My own judgment is that where Federal money is expended it should be expended by Federal officials, not by the State officials or any other organization.

These alleged acts have so recently occurred that I know you will not have the slightest difficulty in getting the information and in answering categorically the facts.

Of course, I could have a Senate investigation of the matter, but such is my great respect, admiration, and esteem for you, and in confidence in your honesty, that I am writing you first so that you can have the matter examined into and advise me as early in January as you can.

I feel that I should also tell you that I have made an independent examination of these facts, and that information leads me to believe that these facts are true.

Thanking you for your early consideration of this matter, I am,

Sincerely your friend,

KENNETH MCKELLAR.

AMENDMENT OF TARIFF ACT OF 1930—AMENDMENT

Mr. GUFFEY submitted an amendment intended to be proposed by him to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

JACKSON DAY DINNER SPEECH BY SENATOR PEPPER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a Jackson Day dinner address delivered by Senator PEPPER at Miami, Fla., on January 8, 1938, which appears in the Appendix.]

RESTRICTED IMMIGRATION AND MANDATORY DEPORTATION—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a letter signed by residents of 12 different States and the District of Columbia, relative to a radio address delivered by him on January 10, and the text of a radio address delivered by him on January 12, 1938, on the subject "Restricted Immigration and Mandatory Deportation," which appear in the Appendix.]

MINUTES OF THIRTY-FOURTH ANNUAL MEETING OF THE UNITED STATES GROUP—THE INTERPARLIAMENTARY UNION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the minutes of the Interparliamentary Union, the thirty-fourth annual meeting of the United States group, held in Washington, D. C., on Monday, January 18, 1937, which appears in the Appendix.]

EQUAL RIGHTS FOR WOMEN—SPEECH OF VERA BRITTAIN

[Mr. BURKE asked and obtained leave to have printed in the RECORD a speech delivered by Vera Brittain, British author and lecturer, on the subject "Equal Rights for Women," before the national conference of the National Women's Party, meeting in Washington, D. C., December 14, 1937, which appears in the Appendix.]

AIRPORT SITE FOR THE DISTRICT OF COLUMBIA

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article from the Washington Evening Star of January 11, 1938, relative to an airport site for the District of Columbia, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday the RECORD indicates that the Senator from North Carolina [Mr. BAILEY] had the floor and desired to continue his address this morning. The Senator from North Carolina, therefore, is recognized.

Mr. REYNOLDS. Mr. President, will my colleague yield to me?

The VICE PRESIDENT. Does the senior Senator from North Carolina yield to his colleague?

Mr. BAILEY. I yield.

Mr. REYNOLDS. Mr. President, yesterday I made mention of a number of eminent colored people in North Carolina, and I stated the fact that Dr. Miller, colored, a physician of the city of Asheville, was looked up to and respected and had provided inspiration for other colored physicians of the South. I likewise mentioned Dr. Shepherd, who is president of the North Carolina College for Negroes. I referred to this matter because of an article which I observed in the columns of the press of North Carolina, making mention of the fact that North Carolina had named three roadways or highways for eminent colored educators, and I introduced in the RECORD that article.

I recall the other day that my colleague from Tennessee [Mr. MCKELLAR] read into the RECORD a list in numbers of colored dentists, doctors, educators, writers, physicians, and so forth. I was wondering if the Senator from Tennessee had that list divided into States.

Mr. MCKELLAR. No; I have not.

Mr. REYNOLDS. My reason for making the inquiry was that I wanted, if possible, to contribute to the remarks of my colleague from North Carolina [Mr. BAILEY], who is addressing the Senate on this subject. I shall be glad to have later a list of the number of colored dentists, doctors, educators, school teachers, and so forth, in Tennessee, if my colleague from Tennessee has not that list at the present time.

Mr. MCKELLAR. I will look up the data I have; and if I have the information by States, I shall be delighted to furnish it.

Mr. REYNOLDS. If the Senator has that information, I shall appreciate very much his providing me with it, in order that I may turn it over to my colleague [Mr. BAILEY] while he is addressing the body at this time.

Mr. JOHNSON of California. Mr. President, I desire to ask the Senator from North Carolina a question. I heard him speak of a list of colored gentlemen. Does he mean the list of those who were brought here at the expense of the Government by the Agricultural Department? Was it a list of those who ran colored newspapers in the United States?

Mr. REYNOLDS. Oh, no! I was only making mention of a list of colored doctors, dentists, lawyers, educators, and writers. I made mention of that for the reason that several days ago the Senator from Tennessee [Mr. MCKELLAR] introduced into the RECORD, in conjunction with his remarks, a

statement of the number of colored lawyers, doctors, and educators to be found in the United States.

Mr. JOHNSON of California. I did not fully catch what the Senator said, and I thought probably he referred to the list of distinguished colored editors who were brought here at the expense of the United States by the Agricultural Department.

Mr. REYNOLDS. No, Mr. President.

Mr. McKELLAR. Mr. President, if I may interrupt for just a moment, if the Senator from California has that list I wish he would furnish it to the Senate. As a member of the Appropriations Committee I should like to have that list, if possible.

Mr. JOHNSON of California. I am sure the Senator would; but the Senator from Ohio [Mr. BULKLEY], I think, put in the RECORD a letter furnished by Mr. Tolley, of the Agricultural Department, justifying it. The Senator will find the list in the RECORD.

Mr. McKELLAR. I shall be glad to look it up.

Mr. BAILEY. Mr. President, yesterday afternoon I had reached the stage in my argument in which I was about to bring forward the farewell address of President Andrew Jackson in support of my contention that not only is this bill unconstitutional, but its unconstitutionality is such as to reach into the vitals of the structure of our Government. I hope I may proceed with that address today. I have been informed, however, that the distinguished senior Senator from Arkansas [Mrs. CARAWAY], for whom we all have a very high and warm regard and whom we delight to hear, desires to be heard at this time. I should like, therefore, to have leave to yield the floor to her without yielding my right to proceed at the conclusion of her remarks. I ask unanimous consent to that effect.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. CONNALLY. Is unanimous consent required to enable the Senator to yield, inasmuch as his remarks today are a mere continuation of the speech he began yesterday?

The VICE PRESIDENT. Unanimous consent is not required. In all good faith, however, if the Senator from North Carolina should yield the floor to the Senator from Arkansas, the Chair would hold that the Senator's remarks up to this time constituted one speech, if that is what the Senator from Texas is inquiring about.

Mr. CONNALLY. The inquiry was, if the Senator from North Carolina yields to the Senator from Arkansas, may he not resume his speech at the end of her remarks?

The VICE PRESIDENT. If the present occupant of the chair is in the chair at the time, the Senator from North Carolina will be recognized; and the Chair hopes the same course will be followed by any Senator who may be in the chair at the time.

Mrs. CARAWAY. Mr. President, for a long time I have refrained, for a number of reasons, from having anything to say on this so-called antilynching bill. The fact that it is so called has made it embarrassing for those who must oppose it on the grounds of unconstitutionality and its effect upon the rights of the States to self-government.

I have never approved or condoned lynchings. I have always been sick at heart when I have read of anyone being executed without a trial in the courts. Most of my life I have been an employer of colored men and women as helpers in running my household. I have been considerate of their health and their feelings. I have sought to establish a mutual understanding of what each race owes to the other. In other words, this relationship has been placed upon a basis of mutual respect, which fosters self-respect and regard for the rights of others. I have been most successful and happy in retaining their services. In fact, my present maid, whom I brought with me from Arkansas, has been in my employ as laundress since 1905, and has been with me in Washington for 10 years or more as general housekeeper. Another woman, with two children, reared her children while in my employ, living in a house on our grounds. She unfortunately developed a cancerous condition in her wrist, and the arm had to be amputated. I took her to Memphis and had the operation performed. We went to a Memphis doctor because she wished to go there, even though it was more expensive for us. We kept her in our home, paying her wages, and making her feel she was still self-supporting, hoping to prolong her life. She went to her daughter in Ohio for a visit and died there, and I lost a friend.

I am not trying to give myself a halo or anything like that. I am only trying to show that the Negro question does not enter into my opposition to this bill. I am sure my attitude is the attitude of most of the people of the South. I am a bit resentful and fearful that bad feelings engendered by such legislation as this may retard the good work being done to help and uplift a people who have always had my sympathy.

Official matters coming to my office from Negroes are handled the same way as are others. Everything I can do to see that they get justice is done. I have assisted in hundreds of worthy cases of this kind.

We hear much criticism of the so-called filibuster on this measure. I do not think this is a filibuster. This is a debate which has placed the issue before the people in such a way that the whole country now knows there is more involved than the mere prevention of lynchings. The very title of the bill is misleading, as I have found to be the case with many measures brought before the Congress. It is called an antilynching bill. Is not the first reaction to that by everyone who reads it "Why, of course, I am for that. How could one oppose it?" For lynchings are naturally obnoxious to everyone.

The great majority of the people do not stop to think of what may be contained in the bill itself. I doubt if even a small percentage of the citizens of the United States, despite the propaganda which has been carried on for years in behalf of the bill, have ever read it or realize the purpose back of the fight to have it enacted.

As have other Senators, I have been bombarded with propaganda urging me to support the bill. I received one communication from an organization in a large city which was particularly strong in its demand for the enactment of this bill. I sent the authors of the communication a copy of the bill and asked them to write me fully the sections which they favored or disliked. I never had a reply.

I may be in error, Mr. President, but I firmly believe that if the people of the United States knew what was really in this measure and all of the purposes behind it the percentage of those who favor it would be relatively small.

I have no desire to discuss the obvious unconstitutionality of the bill or its other legal features. This has been so ably done by the senior Senator from Idaho [Mr. BORAH] and other great lawyers in this body that I should only be painted the lily. I seriously doubt that many lawyers in the Senate or out of it who know constitutional law will argue that the measure is constitutional.

For a while I may have had some doubt that this bill was aimed at the South. I have none now. It is a gratuitous insult to our section. It is just another blow in furtherance of a desire to reduce to a minimum, if possible, the influence of a group and section that have always believed in a democratic form of government. These people—my people—have always clung with undying fealty to the tenets of the States' rights doctrine in the face of continued assaults of the Republican Party; and now Democrats themselves, or self-styled Democrats, are making the attack.

We of the South have stood much, Mr. President. We have surrendered much. This effort is just one of the many which would seek to take away from our section some of the influence we have had.

When the Democratic national convention met in Philadelphia in 1936 there had been a preconvention campaign for the abolishment of the two-thirds rule. What the South was thinking of when it let that rule be abolished is more than I can understand. My voice was raised in protest against the abrogation of the two-thirds rule when we had a meeting of

our State delegation on the subject. The abrogation of this rule will cost the South much in the days to come.

Since then various things have happened which lead me to believe that there are certain groups who would destroy the South not only as a political entity but as a business threat in competition with other sections.

As an illustration of a part of this plan let us consider the feverish desire to pass the pending bill. Why force consideration of it at the present time?

Ever since the Civil War we have had periodically a bill of this sort introduced. This has been done despite the fact that the records show an ever-increasing decline in lynchings.

The figures from the Tuskegee Institute which were placed in the RECORD by my colleague [Mr. MILLER] and others show that there was never less need of a bill of this sort than at this time. An editorial from the Arkansas Democrat, which I placed in the RECORD a few days ago, also bears on this point.

When there happens to be a lynching, it is given great publicity. We seldom, if ever, hear of the great number of cases where the orderly processes of the law are carried out, even in the face of extremely revolting crimes. It is seldom that we hear of the prevention of lynchings by brave public officials who risk their lives in protecting their prisoners from mobs, although it has been read into the RECORD several times that in 1937 there were only 8 lynchings, while 56 were prevented.

Let me repeat, there never was a time when there was less need of forcing through a bill of the character of the one now before the Senate.

There was no lynching in my State during the past year. The orderly processes of the courts were carried through time and again. Let me bring to the attention of the Senate an occurrence which has happened since the debate on this measure has begun.

I desire to have printed in the RECORD at this point as part of my remarks a letter from a prosecuting attorney of my State describing a most revolting crime in Crittenden County, Ark., and the way in which the case was handled. Notwithstanding the terrible offense committed, there was no talk of lynching.

The PRESIDING OFFICER (Mr. MILLER in the chair). Is there objection to the request of the Senator from Arkansas?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OSCEOLA, ARK., *January 10, 1938.*

Re: Antilynching bill.
Senator HATTIE CARAWAY,
Senate Building, Washington, D. C.

DEAR MRS. CARAWAY: I notice that the antilynching measure is before the Senate for consideration. Naturally we people of this section of the country are opposed to a law of this kind. I certainly feel that all serious cases, where lynching usually follows, can be handled in a lawful and orderly manner.

No doubt you have read from the papers an account of the trial of two Negroes at Marion, Ark., in this district, and by reading the papers it would be sufficient to convince anyone that Negroes, although charged with assaulting a white girl, can have a fair and impartial trial.

On the night of December 25, 1937, two Negroes, Theo Thomas and Frank Buster Carter, residents of Memphis, Tenn., assaulted Miss Maple Wilson, a white girl 18 years old, also a resident of Memphis. The crime was committed on the night of December 25. On the morning of December 26 these two defendants were arrested. On December 27, as prosecuting attorney of this district, I filed information against these defendants, charging them with the crime of rape. A certified copy of the information was served on the defendants, together with a bench warrant that was issued by the clerk of the court. On the afternoon of December 30 these defendants were arraigned on these charges. They were advised of the charges placed against them. Attorneys were appointed by the court to represent them and make whatever defense they had. One of the defendants indicated that his people would be able to raise money to pay these attorneys, and I am advised that they have been paid some money as a fee to represent the defendants. Mr. W. B. Scott, of Marion, a veteran of the bar, together with Mr. Cecil Nance, a very capable young lawyer, also of the Marion bar, were appointed to represent these defendants. The case was set for trial on January 6, 1938, a special term of court being called. The defendants were advised a week before the trial of the time and place of trial. They were given every opportunity possible to get witnesses and to arrange their defense. On January 6 court convened and all parties announced ready for trial. Great care was taken in selecting a jury. About 10 challenges were exercised by the defendants. In order to be very precautious that they would get a fair trial and that they could not complain that they were tried by white jurors who were prejudiced against Negroes, two Negroes were placed on the regular panel, and about three other Negroes were called as special jurors. The two Negroes on the regular panel were accepted by the State. One of them was excused by the defendants. The jury was completed, consisting of 11 white men and 1 Negro. The case went to trial, and at the conclusion of all the testimony, and instructions given by the court, and argument of counsel, the jury retired to consider its verdict, and after about 7 minutes they returned in open court and rendered a verdict, finding the defendants guilty and fixing their punishment at death by electrocution. A few hours later they were sentenced to be electrocuted on the 8th day of February. The defendants filed a motion for new trial, which was overruled by the court. They indicated that they might appeal from the verdict. They were told then that they would be given every opportunity they wanted in order to perfect their appeal.

Briefly, the testimony showed that these defendants approached a young man by the name of F. E. Brading and the young lady, Miss Wilson, who had parked in a car just off Highway 61 near the Government fleet in Crittenden County, Ark.; they first indicated that they intended to rob the two; they both got in the car with Miss Wilson and Mr. Brading, drew knives and threatened to kill them; they forced the two to get in the back seat with one of the Negroes; the other Negro got in the front seat and started to drive off with the car, then stopped and forced Miss Wilson to get in the front seat with the other Negro. Then they began to threaten Miss Wilson and let her know that they intended to assault her. They drove for about a quarter of a mile, stopped the car, and one of the Negroes drew a knife on young Brading, and he ran to the Government station, which was about 100 yards from where the car was parked to get help. While he was gone both the Negroes drug Miss Wilson out of the car, across a field into the woods, and one of the Negroes assaulted her and brutally mistreated her. After he had finished he turned her over to the other Negro and told him that after he had finished with her to kill her and throw her in the river. The other Negro took her and kept her out in the woods and fields for about 4 hours; during which time he assaulted the young lady at least two times. She remembered the two times positively and was hazy about other times that occurred, because she lapsed into unconsciousness at times.

The Negroes were positively identified as being the Negroes who went to the car. They were seen by some other people on the highway near the scene where the car was parked. They were arrested and positively identified as being the Negroes who committed the crime. They were placed in jail and kept under guard, and it was generally understood that no one could be allowed to interfere with the trial of these Negroes. The officers were very cautions in handling the whole affair. The Negroes took the stand in the trial of this case, and both of them admitted that they were the two Negroes who approached Miss Wilson and Mr. Brading; that they drove the car down the road until it stuck in the mud, and that they took Miss Wilson and Mr. Brading out of the car. They admitted practically all of the testimony given by Miss Wilson, as to the time and place that they were with her. The only thing they denied was the assault. Miss Wilson was taken to the St. Joseph's Hospital after she was found, which was about 2:20 in the morning of December 26. The two Negroes were with her about an hour. One of them left and the other stayed with her the rest of the time, about 3½ hours, or maybe 4. In all they had her out in the woods and in the fields about 5 hours.

When she was found practically all of her clothes were torn off of her. She was a pitiful sight. She was bruised, lacerated, and bleeding. Miss Wilson, after being assaulted and after being found by the officers, was taken to the hospital, was examined and treated. The doctors who treated her stated that she had been assaulted. One of the doctors testified in the trial that she had been assaulted; that she was lacerated and bleeding; that she was bruised about her breasts; that she had bruises and contusions about her body and limbs. She was required to stay in the hospital about 10 days. She was in a very nervous condition, and at the time of the trial it was plain that she was suffering physically and mentally. In fact she still presents a very pitiful sight. It seems that her future is very dark. In face of all of this testimony and the circumstances surrounding the case, these Negroes were protected by the officers. They were given a fair trial. They were allowed to have any witnesses that they wanted. They were tried by a jury on which at least one of their own color served. This trial happened in Crittenden County, Ark.

This should be sufficient evidence that the officials and citizens of the South are ready and willing to give people who commit the most heinous crimes a fair and impartial trial.

Judge Neil Killough was the presiding judge. Sheriff Howard Curlin and his deputies arrested these defendants, and he, together with some of the State police, kept them in custody and protected them against any demonstration of mob violence; and I am glad to say that the people were reconciled with the proceedings, and no offer or attempt was made to mob or lynch these Negroes. As prosecuting attorney, I informed them of every step that was being taken against them. In presenting the case they were given every consideration that any defendant on trial is given. No effort was made on my part to prejudice the minds of the jurors against the Negroes on trial. I only argued the law and evidence as introduced in the case and told the jury to give them the benefit of the doubt allowed them under the law.

I am giving you this information, Mrs. CARAWAY, because it may be possible that this will be of some assistance to you in your opposition to the antilynching bill. If I can be of further service to you in this cause or any other cause, I shall be glad to have you call on me. If you think it advisable, or even worth while for me to appear before the committee or any committee in connection with this matter, I shall be glad to do so and would be willing to make the trip to Washington on short notice.

Sincerely,

BRUCE IVY.

Mrs. CARAWAY. Mr. President, I am proud of the actions of the officials of Crittenden County and my State in their handling of this case. I will now read an editorial from the Arkansas Gazette regarding the way in which this case was conducted:

THE TRIUMPH OF THE LAW IN CRITTENDEN COUNTY

Crittenden County and Arkansas have given the country a demonstration of respect for law. Justice moved swiftly in the trial at Marion of two Negroes on a charge of raping a white woman. The proceedings lasted only 1 day. The verdict, carrying the death penalty, came only 7 minutes after the jury began its deliberations. Among the jurors who returned that verdict was a member of the defendants' own race, and six other Negroes had been in the special venire summoned to try the case. If justice was swift, it was also scrupulous in observing every right of the men on trial. In the crowded courtroom there was no demonstration against the prisoners.

In the whole conduct of this case the Crittenden County courts and the people of Crittenden County have done an invaluable service to Arkansas and to the South. The orderly way the law dealt with two Negroes guilty of a terrible crime, the crime most provocative of resort to lynching, is the most impressive answer that could be made to the ill-advised if not futile legislation now in Congress, the so-called antilynching bill.

I agree with the Gazette that that is the most impressive answer that could be made to the ill-advised, if not futile legislation, now being considered.

I am convinced that the people who are sponsoring this bill and fighting for its passage are, at least in part, inspired to do so for political reasons.

I am also forced to the conclusion that a part of this plan is an attempt to change the Constitution without having to refer an amendment to the people. Those sponsoring the bill want the Federal Government to have all of the power of a Nazi or Fascist state before the people are aware of what is happening.

Our Government was founded on the principle of States' rights, and has, because of that, achieved and maintained a leading position among nations which could have come no other way. Shall we take this backward step?

Some Senators, from whom we expected a better understanding of the needs of Government, want to take away the last vestige of States' rights, they would sweep away the jurisdiction of our courts, and camouflage this purpose by saying that it is to prevent a crime which has all but passed into the limbo of things that were.

I feel that should the bill be enacted, it might be unenforceable. Prohibition certainly was not enforced. There are times when law will not prohibit. All will agree that at the present time lynching is not as serious a problem as is kidnaping. I should like to quote a paragraph from a recent editorial in the Washington Post, calling attention to this fact:

At present lynching is not as serious a problem as kidnaping. Twenty persons were kidnaped in the United States last year. If State officials, including Governors, are to be prosecuted for negligence in bringing lynchers to justice, the Government should also crack down when kidnaping and murder cases are bungled. Following the theory of the antilynching bill to its logical conclusion, therefore, law enforcement would soon be a Federal problem and local self-government would be on the road to extinction.

I firmly believe that should the bill become a law and be perpetrated upon the American people, it would in itself be a greater crime against our Government and our people than any that has ever been committed in our whole history.

Mr. President, I ask unanimous consent that the clerk read the views of the minority of the Committee on the Judiciary of the Senate, Forty-ninth Congress, second session, on a bill similar to the one before the Senate.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter referred to was read, as follows:

[Senate. Views of the minority, No. 1956. 49th Cong., 2d sess.]
In the Senate of the United States. February 25, 1887. Ordered to be printed

Mr. George, from the Committee on the Judiciary, submitted the following views of the minority (to accompany bill S. 2171):

The undersigned, a minority of the Committee on the Judiciary, are unable to agree with the majority either as to the expediency or the constitutionality of Senate bill No. 2171, "to provide for inquests under national authority."

Sanctioned as the bill is by a majority of the members of this committee, it comes before the Senate with the prestige of the high character and eminent abilities of its framers and supporters. In opposing it on constitutional grounds we admit that it is incumbent on us to show by the clearest reasoning and the highest judicial authority that this bill is, as we believe it to be, unwarranted by the Constitution, and, if enacted, would be a grave and serious usurpation by Congress of essential powers reserved to the States, and that the means by which the inquest is to be made are equally in violation of that instrument.

This must be our apology for that elaboration of argument necessary to make due and proper inquiry into and examination of the questions involved in the bill.

The bill provides that on the application of any three citizens of the State in which the injury shall be committed the United States circuit judge shall order a special term of his court to be held, and shall then summon witnesses and inquire into facts connected with any alleged homicide committed, or serious bodily harm, or serious injury in person or estate, perpetrated or threatened, where such offense has been committed: "(1) Because of the race or color of such person so killed, injured, or threatened; (2) or because of any political opinion which such person so killed, injured, or threatened may have held in regard to matters affecting the general welfare of the United States; (3) or with design to prevent such person so killed, injured, or threatened, or others, from expressing fully such opinion; (4) or from voting as he or they may see fit at any election of officers whose election is provided for by the Constitution and laws of the United States; (5) or to affect the votes of such person or others at such elections."

And the bill further requires the judge to report the evidence thus by him taken, and his conclusion of facts thereon, to the President of the United States, to be by him laid before Congress.

No other action by the judge or court is required or even contemplated.

The theory of the bill, however, must necessarily assume that Congress may, when the report is submitted to it, make it the basis of legislative action in respect to all the matters named in it. That is, the bill asserts a power in Congress to legislate for the protection of the rights and for the punishment of the wrongs specified in it. These alleged rights, except in the two last clauses, which refer alone to voting at Federal elections, are the right to security in person and estate against assaults made or threatened by the wrongful acts of private individuals, if such assaults were made because of race or color or of holding or expressing political opinions. Or, in other words, jurisdiction is asserted in the Federal Government over all injuries to person or property, committed or threatened, where the perpetrator and the victim are not both of the same race and also of the same political party. For it is manifest that where they are of different races and of different political parties it will be impossible, as to the former at all times, and as to the latter in times (very frequent and prolonged) of high political excitement, to eliminate these circumstances from such transactions.

But the bill even goes further than this. If three men can be found in a State who will make oath according to their belief that any conflict, either actual or apprehended, any injury to person or estate, consummated or threatened, had for its basis any of the reasons and the causes mentioned in the bill, the court must undertake the investigation "into the circumstances" of such killing, injury, or threatening, and report the evidence taken and the conclusions of fact to the President, notwithstanding it may be established that the transaction, whatever it may be, had no such cause or basis, and was in fact between persons of the same race and color and of the same political party, and was the result of causes wholly different from those mentioned in the bill, and even of causes which rendered the conduct of the actor entirely justifiable.

The bill contains so serious an attack on the power, jurisdiction, and dignity of the States, is so harmful in its effects, so utterly at variance with the Constitution and being directed in the main, as this avowedly is, against the Southern States exclusively, that we feel that we are not only warranted, but required, to make such examination into the powers, jurisdictions, and rights of the States, and the powers of Congress, as may be necessary to defeat it.

We shall therefore inquire as to the depository nature and extent under our system of the governmental powers to protect the rights of persons and property against assaults and violations by private individuals, when such wrongs are committed or threatened within the limits or jurisdiction of a State. To make this examination full and perfect it is necessary to consider somewhat carefully the nature, purposes, and objects, as well as the powers of the Government of the United States, in connection with the powers and duties of the States; and also the scheme of government which the two combined have formed.

STATE AND FEDERAL GOVERNMENTS BOTH PARTS OF A WHOLE

The Federal and State Governments are complements of each other; both are essential parts of a whole. To conceive a government having sole jurisdiction over a people, but with no other powers than those granted to the Federal Government by the Constitution of the United States, would be to conceive an anomaly as well as an impotent abortion. Such a government would possess no power over contracts, over marriage and divorce, the civil relations of husband and wife over descents, inheritances, and testaments, over titles and tenures to property, over the great fundamental rights of life, liberty, and property, and the pursuit and acquisition of happiness. On the other hand, a government considered as a whole and not as a complement of another which possessed no other powers than those now belonging to the States would be utterly powerless outside its own territorial domain and without essential powers within it. It could possess no army, no navy, grant no patents or copyrights, coin no money, emit no bills of credit, fix no standard of weights and measures, levy no tonnage, duties, or taxes on imports or exports, receive or send no ambassadors, ministers, or consuls, enter into no treaties or alliances, nor regulate in any way commerce between itself and other States or foreign nations. It could neither make war nor conclude peace.

"We have in our political system," says Chief Justice Waite in *United States* v. *Cruikshank* (92 U. S., p. 549), "a Government of the United States and a government of each of the several States." And Judge Miller, in the *Slaughterhouse Cases* (16 Wall., p. 82), said that "the existence of the States was essential to the perfect working of our complex form of government"; complex in this, that we have two distinct governments, operating on and regulating the rights and duties of the same people, each having distinct and separate powers and charged with distinct and separate duties. No citizen of a State can look to either government for the measure of his allegiance or as the sole protector of his rights. The system is that the people of each State may with exact truth be said to have two constitutions—one their own separate constitution under which they exercise State powers and perform State duties solely, and according to their own judgment as to what is best for the common weal; the other, the Constitution of the United States, which is the common Constitution of each and of all the States, and under which each discharges Federal functions in connection with its sister States. Both are essential to perform the full measure of governmental functions and protect and secure the people in all their rights. Chief Justice Waite, in *United States* v. *Cruikshank* (92 U. S., p. 550), speaking for the Supreme Court, used this expressive language:

"The people of the United States resident within any State are subject to two governments—one State, one National. The powers which one possesses the other does not. They were established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad."

This great and fundamental truth is so often obscured and neglected in practice that we deem it our duty to endeavor to recall it to attention of the Senate and of the country.

THE UNITED STATES THE FINAL JUDGES OF THEIR OWN POWERS

It is no part of our purpose to reopen the question of State rights, as settled by the late war. Whatever of power was lost to the States by that conflict we acknowledge is lost irrevocably; whatever was gained in it by the United States is an acquisition that we shall not attempt to disturb. Whatever may be the mere historical truth as to the mode of the formation of the Federal Constitution—whether it was created by the people of the several States or by the people of the United States aggregated in one mass—it is now no longer a matter of dispute that the powers granted to the Federal Government by the Constitution of the United States are irrevocable except by successful revolution. It is also now established that the Government created by it is, through its judicial department, the final judge of the extent of all its granted powers which can by their nature come under review in a case in a court, and that the political departments of the Government are the final judges of the extent of all the other granted powers. The right of State interposition to arrest usurpation by the Federal Government, whether by nullification or secession, if it ever existed, has now gone forever. We concede this fully and unreservedly.

This great power of final arbitrament carries with it the highest and most solemn duty to judge carefully—impartially—not to usurp on the one hand powers not granted nor, on the other, to abdicate duties imposed on the Government by the Constitution. The people have a right to demand that the agents and officers of the Federal Government, which, though limited in the number of its powers, is supreme wherever its powers extend, shall be careful not to disturb or disarrange the scheme of government which they ordained nor alter the divisions of powers between the two governments which they have established.

THE STATES, ESSENTIAL BASES OF OUR SYSTEM

The Federal Constitution, whether framed by the people of the several States—the people of each State acting for their State—and as a political organization known as a State or not, came after the formation of the States. It is based on the previous existence and on the subsequently continued life of the States. Without States then existing it could not have been created. It had no force as a constitution till ratified by nine States and then only "between the States ratifying" it. After its ratification it could not have gone into operation except by and through the active agency and cooperation of the States existing as separate political entities, and acting as separate and distinct political organisms. No President could then have been, nor can now be, constitutionally elected except by electors whom, by the terms of the Constitution itself, "each State shall appoint in such manner as the legislature thereof may direct." No Representative could be elected, nor can now be, except by voters whose qualifications are to be fixed by the State from which he comes. Representatives are "apportioned among the several States," and Senators, "two from each State," are "chosen by the legislature thereof"; and each Senator and Representative must be "an inhabitant of that State in which (or for which) he shall be chosen." The words "State" and "United States" appear everywhere in the Constitution, in every article, and almost in every clause and sentence. Strike them from the Constitution and the Government would be without a name among the nations of the earth and the whole instrument would be unmeaning jargon, with no intelligent ideas left in it. The name of the Government itself created by the Constitution is "United States." The Constitution, as itself declares, was ordained and established "for the United States of America." The legislative power is vested not in a legislature or parliament or national assembly, but in "the Congress (that is, the meeting or assembling) of the United States." The executive power is vested not in a king or emperor or consul but in a "President of the United States"; all other officers are "officers of the United States." The "militia of the several States" are "called into the service of the United States," and not into the service of the Government, or the President, or the Congress. The judicial power of "the United States," not of the Government or Congress, is "vested" in courts provided for in the Constitution. These courts have jurisdiction "in controversies to which the United States shall be a party"; and between "two or more States"; and "between citizens of different States." Trials of crimes "shall be in the State" where committed. And "treason against the United States," not against Congress, the President, or the Government, or the Union, is committed only "by levying war against them or in adhering to their enemies." Essential powers are recognized in the States, and equally important powers prohibited to them by that name, and duties are imposed on them as "States."

In the attestation clause of the Constitution it is said: "Done in convention, by the unanimous consent of the States present," and his attestation is signed by George Washington, as President, "and deputy from Virginia," and by the deputies from each of the 12 States present, each being separately named, Rhode Island not being present. And in the tenth amendment it is declared that all the powers granted by the Constitution are "delegated to the United States," not to Congress, the President, the Government, or the Union. And in the fourteenth amendment the public debt is declared to be the debt "of the United States," and the "United States" are prohibited from assuming any debt incurred in aid of "rebellion or insurrection against the United States," and in the fifteenth amendment "the United States" and the several "States" are prohibited from denying or abridging the right to vote in certain cases.

Whilst it is true that the scheme of the Constitution was "to make us one people, with one common country, for all the great purposes for which it was established," as was said by Chief Justice Taney, it is also true, as declared by Chief Justice Marshall, in *McCulloch* v. *Maryland* (4 Wheat. 403), that "no political dreamer was ever wild enough to think of breaking down the lines which separate the States and compounding the American people into one common mass." And it is also true that the American people, considered as one common mass, and not as the people of the several States, cannot perform any single function or exercise any single political power without in effect revolutionizing our whole system.

We recall these familiar truths, found on the face of the Constitution and expressed in its very words, because their import and effect seem to have lost their significance in some quarters.

STATES ARE FREE, EQUAL, AND SOVEREIGN

It is undisputed that the States were free, equal, sovereign, and independent at the time of the formation of the Constitution; that each possessed all the powers which any government might rightfully possess. In the language of the Declaration of Independence, "they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."

As such States they formed a Union under the Articles of Confederation, and as such they withdrew from that Union, each for itself, by a separate ratification of the Constitution of the United States, and contrary to the will of at least two of their number. As we have said, it is probably immaterial whether we regard the historical truth—that the States formed the Federal Constitution—as a constitutional truth or not, for the main questions which depended upon that are settled. The truth is undeniable that each State, or the people of each State in their separate capacity as organized political communities, organized into States, possessed at the adoption of the Constitution all governmental power. It is equally true that, possessing these powers, they had the right to alter their governments, "and to institute a new government, organizing its powers in such form as to them shall [should] seem most likely to effect their safety and happiness." They did so alter and organize it, delegating, each separate State, a part of its own

powers, to be exercised by the whole, i. e., the United States, and reserving each to itself separately, or to its people, the great mass of powers not delegated. The government thus formed was a government of each of the States, having jurisdiction to the fullest extent of the undelegated and unprohibited powers, and a Government of the United States. The Government of the United States meant no more than, and means no more now, than the common or general government of the States of Massachusetts, New York, Virginia, and the others united. The phrase "United States" means no more nor less than the 13 States then and the 38 States now, united for the purposes mentioned in the instrument of Union—the Constitution of the United States of America.

POWERS CONFERRED ON UNITED STATES SUPREME

The common or general powers thus conferred on the whole (not any power usurped) are necessarily supreme as against any adverse separate State action. This resulted logically from the mere fact of the establishment of a common constitution, since the surrender by each State, or by the people of each, of powers to a common agency to be exercised by such agency for the good of all the States, necessarily implied an engagement on the part of each and all to submit to the exercise of the powers so surrendered by the agency appointed for all and by all. A lawful refusal to do this would be in itself a disruption of the common government thus formed, since it would leave this common government without authority to do the very thing for which it was established. The declaration in article 6, that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; * * * anything in the constitution or laws of any State to the contrary notwithstanding," is nothing more than the expression of what, without it, was an undoubted truth.

Speaking of the supremacy of the Government of the Union in *McCulloch* v. *Maryland* (4 Wheat. 405) Chief Justice Marshall said:

"This would seem to result necessarily from its nature. It is the Government of all; its powers are delegated by all, it represents all, and acts for all."

But whilst this is true, it is also true that this supremacy of the Constitution and of the laws and treaties authorized by it is expressly limited within the line which bounds the delegated powers. Beyond this the Government of the United States has no power whatever, and its acts outside of and beyond these powers are in law simply null, mere nothing. We quote on this point the expressive words of Chief Justice Waite, speaking for the Supreme Court in *United States* v. *Cruikshank* (92 U. S., p. 550):

"The Government thus established and defined is to some extent a Government of the States in their political capacity. It is also for certain purposes a Government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the State; but beyond it has no existence."

Mark the expression—beyond its enumerated and defined powers "it has no existence."

THE UNION IS VOLUNTARY AND OF EQUAL STATES

Another great truth lies at the foundation of the Constitution, and which must never be forgotten or obscured in considering the relations of the several States under it with each other and with their common Government—the Government of the United States. It is that this Union under the Constitution was in its formation the voluntary association of free and equal States, each free to go in or to stay out; each equal in its Federal and in its reserved rights; equal in dignity; equal in all political capacities. Each State acceding to it (or the people of each State, if that expression be preferred) claimed the capacity to discharge all its Federal duties arising under the Constitution, as well as its capacity to exercise all the powers of government reserved to it. This claim was acknowledged by each and by all, and was, in fact, the very basis of the Union as it was formed. If any one of the then existing 13 States had contrary convictions which rendered association and union with any of the others undesirable, it had the undoubted right to refuse accession to the Union. It had the undoubted power to decide this question for itself, and did decide it irrevocably when it ratified the Constitution. That decision involved and solemnly adjudged the essential truth that its co-States were such as it claimed itself to be, capable and willing to perform both their Federal and their separate State functions without the supervision or interference of others. As to new States, each original State which had acceded to the Union agreed by the Constitution itself—the supreme law of the land—to abide by the decision of the Congress of all the States, and each new State in accepting admission into the Union made the same concessions and admissions as to all the other States.

This great and fundamental truth, if it needed further support, has it in the terms of the Constitution itself. That they all agreed should be the supreme law of the land. That instrument not only owes its existence to the action of the people of the several States, but the continuous operation of the Government it established could come only from their voluntary action. The Constitution imposed duties on them the continued performance of which was essential to the Government, as has been shown. It contained no provision for a failure of any State to discharge its Federal functions, but it assumed that all would, and it left to each as a matter for its sole concern the discharge of its own separate State functions. It contained no provision for disfranchising States for a neglect of their duties, nor for compelling the States to perform them. It recognized no inequality and no incapacity, no contumacy in States, and made no provision and conferred no powers for such cases.

It imposed no restrictions or limitations upon the rights and power of one State that were not equally imposed on all the others. It prescribed no duties to the States with reference to their undoubted rights and powers over their own citizens. It secured no rights to citizens against adverse action or adverse nonaction of their State, except in the imposition of prohibitions on the exercise of a few arbitrary and despotic powers of government, which by the common consent of free people were deemed unsafe and unfit to be exercised by any government, and which we shall notice more particularly hereafter.

In the performance of this grand work—the creation of the Constitution of the United States, and of the Union under it—the grandest ever performed by any of the human race, there was, in the processes of its formation, in its express or implied provisions, no arrogated superiority, no assumed mastery on the part of any State, or the people of any State, over any other, and no distrust in the ability and good faith of any State or its people.

Massachusetts did not say to Virginia, "We distrust your ability or willingness to perform your Federal duties, or to govern in all that has not been surrendered by you to the common Government, nor prohibited to you and all other States alike;" nor did Virginia doubt Massachusetts in any of these things. There was mutual trust and confidence all around and on all sides. Without these the Constitution could not have been formed, and without them cannot be preserved. This confidence and trust were manifested in all that was done, and were attested and sealed by the declaration in the Constitution that it was the supreme law of the land, binding on all States, all magistrates, and all persons, and binding also on the agencies, the magistrates, the officers of the common Government.

This supremacy of the Constitution is universal, all-pervading, binding equally as to its negations, the reservations to the States as to the powers delegated to the Union, the things granted and the things not granted; binding as well to destroy, to make null, all that might be done or assumed to be done by the General Government outside of and beyond its powers, as to invalidate any State action within this exclusive domain. It was a double guaranty, as strong and as explicit against Federal usurpation of powers not granted as against State aggression on the delegated sovereignty of the Union.

We have now seen how the Constitution was formed, the spirit which animates its every clause and letter, the temper, the good faith of men and States, their confidence in their fellow men and co-States, the concession by each and all the States of the capacity and willingness of the people of each to discharge their Federal and National duties, and to exercise justly and fairly their reserved powers, and the entire absence of any provisions giving either to the common Government or to any of the States power to interfere in or control the administration in any State, of its reserved powers or jurisdiction. We may pause a moment to contrast this with the provisions of the present bill, which repudiates all this and seeks to establish an inquisition under national authority into the exercise by some of the States of their exclusive internal domestic jurisdiction. This inquisition is degrading to the States in which it is expected to be carried on; it impeaches their capacity and willingness to perform their separate and exclusive functions; it asserts, in the shape of a law, a supercilious and arrogant superiority on the part of some States over other States; it usurps a jurisdiction unwarranted by the Constitution.

POWERS OF THE UNITED STATES ARE DELEGATED

Looking to the whole scheme of our complex system of Federal and State governments, we find that its primal, fundamental principle, the key to its exposition is, that the powers possessed by the United States are "delegated"—that is, given or granted to them—by some political organism or organisms and are in no sense inherent or original. Before any of these powers were thus granted there were no powers in the United States; in fact, no United States existed. The United States, as they now exist as a Government, were created by the Constitution. That instrument, in the act of making the States united under it, dissolved their union under the Articles of Confederation.

The tenth amendment, adopted almost contemporaneously with the Constitution, and designed to put into constitutional form a great truth, then recognized by all, so as to prevent mistake or misconception in all after times, expressly declares that the powers possessed by the United States are "delegated," and all other powers not "prohibited" to the States are "reserved," not granted, not given, but "reserved" to the "States respectively"; not to the States in a mass, or aggregated, or united, but to the States "respectively," or to the people. The powers are not even said to be "vested" in the United States, when reference is made to their origin. They are only "delegated," and then they are said to be "vested" in the Government, and in its various departments as a consequence of this delegation. The powers thus "delegated" are not the great mass of the powers of government, with exceptions in favor of the States, but they are enumerated, specified, written in the Constitution itself, and defined and limited by it.

THE GENERAL SCHEME OF THE CONSTITUTION

The scheme of the Constitution was to make us "one people, with one common country, for all the great purposes for which it was established." (See Chief Justice Taney in *Passenger Cases*, 7 How. R. 283.)

These great purposes are expressed in the Constitution itself, in the powers delegated by it to the United States. These powers are plenary and exclusive as to all that concerns the people and States in their relations with foreign powers, both in peace and in war, including the making of treaties, the receiving and sending of ambassadors, ministers, and consuls; making war and concluding peace; intercourse and commerce with them; the protection of our people in foreign countries and outside of the jurisdiction of any State and on the high seas.

Secondly. The Federal powers extend to the regulation of relations between the States themselves and the citizens of each with the citizens of the others and between each of the States and the United States, covering commerce among the States, compacts between two or more of them, the duty of surrendering fugitives from justice and labor, the force and effect in other States of public records and judicial proceedings of each State; "the securing to the citizens of each State the privileges and immunities of the citizens of the several States," when in the jurisdiction of any State of which they are not citizens, leaving, however, to each State to determine and define the rights and privileges of its own citizens, and securing only these same privileges so defined by a State to citizens of other States when they are within its jurisdiction.

Thirdly. The power and duty to guarantee to each State a republican form of government, and to protect it from invasion or, on application of the State, from domestic and foreign violence. These were the great purposes for which the Constitution was formed, and adequate powers to attain them were granted.

All other powers delegated to the United States are either merely auxiliary to these great ends and for the support and maintenance of the common government or they are such as can conveniently and properly be exercised only by a government common to all the States. These auxiliary powers relate to the establishment of a uniform system of bankruptcy and naturalization laws; the power to coin money, to regulate its value, and the value of foreign coins in circulation here; to fix the standard of weights and measures; to grant patents and copyrights; to establish post offices and post roads; the power of taxation; to punish counterfeiting of the current coin and securities of the United States; to punish piracies and felonies on the high seas and offenses against the law of nations; to raise and support armies and support and maintain a navy, and certain powers over the militia.

These powers, in general terms, include all that are delegated to the United States. If we stop and consider them, we will see how few they are—great indeed in importance, unlimited in degree, but very limited in number. If we abstract from these powers all that relate to our intercourse with foreign nations—all that concern the relations of the States with each other, in their character as States, and their relations to the Union; all that relate only to the giving force, efficacy, and support to the United States in their exercise of their other powers—we will see how infinitely small in number are all the remaining powers, which concern only the rights, privileges, and convenience of private persons—private citizens when in the jurisdiction of a State.

These powers are:

(1) The securing to the citizens of the several States the privileges and immunities granted by any State in whose jurisdiction they may be to its own citizens.

(2) Jurisdiction over bankruptcy.

(3) Jurisdiction over naturalization.

(4) Jurisdiction over the currency.

(5) The power to establish post offices and post roads.

We look in vain to any of these powers for the power to enact this bill. But along with these powers come provisions which show the soul and spirit of the Constitution, and without which the Constitution becomes either a lifeless corpse, or, having energy and vitality, is an instrument only of oppression and wrong. These provisions recognize the absolute equality of the States, and secure fairness and impartiality in the exercise of the powers granted by the Constitution. Thus, direct taxes are required to be apportioned among the States according to their population, and all duties, imposts, and excises are required to be uniform throughout the United States; no preference is allowed in any regulation of commerce or revenue to the ports of one State over the ports of another; the levying of a tax on any article exported from any State is also prohibited, whereby the dangerous power of taxing articles mainly produced in one State or section and not in others is denied to the Government.

And then there is the great provision in article 5, which secures absolutely and forever the equal suffrage in the Senate of each State against even an amendment of the Constitution. Under this guarantee of equality Delaware, Rhode Island, and Nevada each have the same voice in this body as the great State of New York, and under it the six New England States, with a population entitling them only to 24 Representatives out of 325 allotted to all, have 12 Senators, whilst all the other States, with a population entitling them to 301 Representatives, have together only 64 Senators. New England has one Senator for a population entitling her to two Representatives, whilst the remainder of the States have one Senator to a population represented by 4.54 Representatives, or more than twice as much per capita of population.

POWERS PROHIBITED TO THE STATES

The scheme of the Constitution embraces not only a division of powers between the several States and the United States by delegation of certain specified powers to the latter, and a reservation of the others to the States, but it includes also the prohibition of certain powers to both. These powers, so far as they relate to persons, were deemed despotic in their nature, unjust in their operation, and contrary to the genius of free government; and hence, whilst prohibiting their exercise by the Federal Government, the States also surrendered them as a pledge of their fidelity to the great principles of republican liberty. Three of these powers related to the lives and liberties of persons, namely, bills of attainder, ex post facto laws, and the suspension of the great writ of habeas corpus; one to property, viz, laws impairing the obligation of contracts; and the other related only to the quality of persons in a free government, namely, the bestowing titles of nobility. These powers were refused to both. The power over contracts, however, was allowed to the Federal Government, indirectly in its power over bankruptcy.

There were some other prohibitions to the States, but they were manifestly introduced for the purpose of preventing a conflict between State powers and Federal powers, which might, but for the prohibition, have been concurrent. In all these there is not a pretense for the claim of the Federal Government to intervene between a State and its citizens for the protection and security of the great fundamental rights of persons and property and the pursuit and acquisition of happiness, all these being left to the care and protection of the States, except only in the four cases of habeas corpus, bills of attainder, ex post facto laws, and laws impairing the obligation of contracts. Of all the civil rights of men, and all the rights of person and property, only these above named, and no more, are entitled to Federal protection in favor of a citizen against his State; and this protection extends only to the prevention of State action in violation of them, as will be shown more fully hereafter. And not one of these rights is secured against State action, even in favor of citizens of another State, except to this extent: That citizens of other States should have from each State the like protection that it affords to its own citizens.

THE FIRST EIGHT AMENDMENTS

What we have said covers in general terms a description of the powers delegated to the United States and of those which were reserved by the States, as they existed under the Constitution when it was framed. It will be noted that whilst the Constitution contained an express grant and a specific enumeration of the powers vested in the Government of the United States, and that it was understood on all sides that no others could be exercised, except only such auxiliary powers as are necessary and proper to carry the enumerated powers into execution, yet it was, out of abundant caution, deemed necessary to insert in the Constitution certain prohibitions on the Federal Government. These prohibitions were deemed necessary lest Congress should claim these prohibited powers as necessary and proper in carrying out the delegated and enumerated powers.

It will be seen that not one of the powers prohibited is of the nature of a substantive and independent power, to be exercised solely to attain some end outside of the enumerated powers—some end which in itself and by itself was an object to be desired. But our forefathers had been familiar with bills or petitions of right in which certain great and fundamental rights were excepted out of the powers of government. It was complained that no such bill of rights was a part of the Federal Constitution. So in the very first Congress assembled under the Constitution, composed largely of the great statesmen who had been members of the Convention which framed the Constitution and of members of the several State conventions which ratified it, certain amendments were proposed. All of them which were ratified, as has been firmly settled, have reference solely to limitations and restrictions on the powers of the United States, the design and intent of all of them being to prevent Congress, in the exercise of its implied powers, from passing any law of the kind prohibited in the amendments.

This view is fully sustained by Mr. Madison's great speech in the House of Representatives advocating these amendments. (See Annals of First Congress, p. 432.) All the propositions of amendment looking to a restriction on the power of the States, including one offered by Mr. Madison securing against State action religious liberty and freedom of the press, and trial by jury, were rejected, thereby again affirming that all the great natural rights of man were to be left solely to the States for their definition and their security and protection.

RIGHTS SECURED AGAINST FEDERAL ACTION BY THESE AMENDMENTS

It will tend greatly to assist in understanding clearly and fully the nature of our system, and to mark the line clearly between State powers and duties on one hand and Federal powers and duties on the other, if we note here in general terms the great and essential rights which were secured against Federal invasion by these amendments, and yet were left wholly at the mercy, the will, and discretion of each of the several States, fixing, as they do, beyond controversy or dispute, the great underlying and fundamental principles of our system, that all civil rights, all rights of person and property, are left solely to the States.

These amendments, whilst leaving to the States unrestricted power, prohibited to the United States any power over and guaranteed the following against Federal action:

Freedom in religious belief and worship; freedom of speech and of the press; the right of petition; the right to bear arms; security against the quartering of soldiers in the people's houses; security against unwarrantable searches and seizures, against general warrant; security against trial for capital or infamous crimes unless on accusation by a grand jury; security against being put twice in

jeopardy for the same offense; security against being compelled to be a witness against oneself; security against being deprived of life, liberty, and property without due process of law; security against the taking of private property for public use without just compensation; the right of trial by jury in civil and criminal cases; the right of the accused in criminal trials to be confronted with the witnesses against him, to have compulsory process for witnesses in his favor, and the assistance of counsel in his defense; security against the requirement of excessive bail, and the imposition of excessive fines, and the infliction of cruel and unusual punishment.

THESE GREAT RIGHTS ARE NOT PROTECTED AGAINST STATE ACTION

All these great rights are secured by the Constitution of the United States against Federal aggression only. So far as that Constitution and the powers of the Government established by it are concerned, these great rights are left for recognition, protection, and security to the States, which have sole and exclusive jurisdiction over them. They were then, and are now, in fact, protected against the action of the State governments and State agencies in all the States; but this protection and security came from provisions in the constitutions of each State, which the people of that State had of their own will ordained and established, and which that same people could alter and change at their pleasure, and thereby destroy the protection.

SURVEY OF THE WHOLE SCHEME

And now, if we will take a survey of the whole, we see that this grand scheme of free government for the security of the rights and promotion of the welfare and safety and advancement of the happiness of the people of the United States is, in short, this:

First. A common government of all the States with exclusive jurisdiction and powers as regards foreign nations and all intercourse with them; with jurisdiction over the relations between the States as States and over commerce among the States and between them and foreign nations; over certain very limited powers whose influence and force ordinarily extend beyond State lines and could more conveniently be exercised by the common government; over the securing to the citizens of each State, when in the jurisdiction of another State, the same great fundamental rights which the latter State grants to its own citizens; a denial to the States of certain despotic and arbitrary powers in respect to personal and private rights, which are incompatible with free institutions, and the denial to the common government, in the exercise of its granted powers, the authority to invade certain great rights of private persons, as we have enumerated them; that all the powers of the common government were "delegated" and enumerated and all other governmental powers, not prohibited, were "reserved" to or kept back by the States; that the States—as they then existed, possessing all the power then reserved to them—were essentially the basis of the Federal system, without which it could not have the beginning of life, nor any subsequent existence; that these States were equal in power and dignity, and this equality is the essence of the whole scheme; that each was adjudged to be capable of discharging its Federal functions and of exercising without control or restraint from any quarter its reserved powers.

Second. That in this great mass of reserved powers in the States were embraced not only the protection and security of all the rights of life, liberty, and property, and the pursuit and acquisition of happiness, but also the unrestricted power to define and determine what these rights are, their extent and limit, and all the processes of law for their vindication. And in this mass of reserved powers are also all jurisdiction over the conduct of men, the conservation of morals, and the preservation of the public health. That as to all these the reserved power of each State was and is absolute, without other restriction than it shall itself see proper to impose on its own government, so far as its own citizens are concerned, and the same rule prevails as far as concerned citizens of other States within its jurisdiction, except only that by the Federal Constitution it is so bound that the measure it metes to its own citizens the same shall be meted to them.

This outline of the matters embraced in the reserved powers of the States would ordinarily be sufficient; but in this day, when there exists so great a tendency to belittle and to obscure the powers, duties, dignity, and importance of the States, and to look to the Federal Government to rectify all wrongs, to remedy all evils, to supply prosperity and to check adversity, to bestow wealth and to remove poverty, and to these ends to invoke its powers over interstate commerce and its powers of internal and external taxation, in order to build up one interest at the expense of another, to break down one rival interest for the benefit of another, to take charge of sanitation and inspection in the States, to control all that pertains to the good order and morals of the people, to grant subsidies and bounties from the common treasury or the common property to advance private interests, it may be well to specify in detail some of these great powers of government which under our constitutional system, are reserved exclusively to the States. This we will do at the risk of repeating in detail what has been stated in more general terms.

SOME OF THE GREAT POWERS RESERVED TO THE STATES

In this grand jurisdiction thus reserved to or kept by the States is the entire power over all contracts; who may make contracts, and who are incapable of making them from want of mature age, or of mental capacity, or of freedom of will; the form in which they must be made; the evidence to establish or defeat them; their nature and obligations; the consequences of default in complying with them, and the sole remedies to enforce them amongst citizens of the same State. The sole power over marriage; who can contract it; the forms to be observed in celebrating it; the relative rights, powers, and duties of husband and wife toward each other and in the community; the causes and manner of its dissolution, and all the relations and mutual duties and powers and rights of parent and child; and superadded is the institution of the family (the unit and basis of our civilization) with the right to acquire and hold against adverse fortune the homestead for its shelter and conservation. The titles and tenures to all property of every kind; the modes and forms of its acquisition and transfer; how the right to it may be lost by neglect or acquiescence in wrong; what are injuries to it and the nature and extent of redress for such injury; by what rule it shall be enjoyed in life, and on the death of the owner how it shall descend and be distributed, and on what failure of blood it shall escheat to the State; the right to dispose of it by will, and by whom and in what forms wills must be made; whether entails or primogeniture shall be allowed, and to what extent property may be held in mortmain by corporations, and what rights, if any, corporations created in other States or in foreign nations shall enjoy in its jurisdiction; the civil status of all its people as to legitimacy or the contrary as affected by their birth, their education in youth, their civil rights, their qualification to vote and hold office, and their conduct in life, and their protection and security in life, liberty, property, and reputation; crimes against property, larceny, robbery, burglary, arson, malicious injuries and trespasses, cheats, embezzlements, forgeries, and the like; crimes against the person, assaults, batteries, mayhems, murder, seductions, false imprisonment, and all others; offenses against reputation and character, slander and libel; offenses against good order, good morals, and the health of the community; the great right of the free exercise of religious worship and freedom of religious belief and freedom of speech and of the press; all these and more of like character are solely within the jurisdiction and power of the States and depend on their laws and Government for preservation and protection. In short, the State authority meets the child at his birth, attends him through infancy, manhood, and old age, and at his death, and is sufficient, if wisely exerted, to secure to him all the blessings which make life desirable in this world, and the opportunity of gaining for himself, in his free exercise of his religious belief, a blissful hereafter.

THE SUPREME COURT AFFIRMS THIS PRINCIPLE

The Supreme Court, in the *Slaughterhouse Cases* (16 Wall. R. 76), referring to and quoting from the great judgment of Judge Washington in *Corfield* v. *Coryell* (4 Wash., C. C. R. 371), and speaking of the great and fundamental rights which are left by the Constitution under the sole guardianship and protection of the States, said they are comprehended under the following general heads:

"Protection by the Government, with the right to acquire and possess property of every kind, and pursue happiness and safety, subject, nevertheless, to such restraints as the Government shall prescribe for the general good of the whole."

And the same Court, in the same case, referring to *Ward* v. *Maryland* (12 Wall. 430), say:

"This definition [above quoted from Judge Washington] was in the main adopted there, and it embraces nearly every civil right for the establishment and protection of which organized government is instituted. They are, in the language of Judge Washington, those rights which are fundamental, and they have always been held to be the class of rights which the State governments were created to establish and secure."

In the same case, the Court, treating of these same rights and exhibiting some impatience that a contrary opinion should be expressed, said:

"It would be the vainest show of learning to attempt to prove by citation of authority that up to the adoption of the recent amendments (thirteenth, fourteenth, and fifteenth) no claim was set up that those rights depended on the Federal Government for their existence or protection beyond the very few express limitations which the Federal Constitution imposed on the States, such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of privileges of citizens of the States, as above defined, lay within the constitutional and legislative powers of the States and without that of the Federal Government."

This is authority enough for this great and fundamental principle of the Constitution, which indeed is so patent and clear that the Supreme Court said it needed no authority for its support.

But this bill, sanctioned and recommended by the majority of the Committee on the Judiciary, attacks it—denies it. We will, right here, add another authority, and hereafter many more to support the Constitution against the assaults made on it by the provisions of the bill we are now considering. The authority we now refer to is the judgment of the Supreme Court in *United States* v. *Cruikshank* (92 U. S. Rep., p. 554). That great tribunal, in denying the validity of the statute of the United States providing for the punishment of a conspiracy to murder and imprison within a State, through Chief Justice Waite, said:

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endowed by their Creator.' Sovereignty for this purpose rests alone with the States."

It must be noted that both of these cases were decided after the adoption of the three recent amendments to the Constitution, and the last quotation was a judgment on the meaning of the Constitution as amended by them. But we will pursue that point no further now, our object being, in the regular and orderly discussion of this subject, to ascertain the meaning, force, and effect of the Constitution prior to the amendments, and then to note what changes they made in it.

DUTY COMES FROM POWER

We have seen what are the powers of the two Governments, State and Federal. It is easy now to see their duties. Power to protect and duty to protect are inseparable, the latter following and deriving its source from the former. For power we must look to the Constitution; when it is found, the duty is also found; but the duty never extends beyond the power. Said Chief Justice Waite in the last case cited: "The duty of a government to afford protection is limited always by the power it possesses for that purpose."

THAT DUTY COMES FROM POWER REVERSED

So far our way is plain. There are no doubts, no chances for mistake. The line separating the powers and duties of the Federal Government from the powers and duties of the State governments is plainly marked, and it is plain that the power to pass this bill does not lie on the side of the Federal Government.

But in the course of time the great and essential rule for the interpretation of the powers of a government to which we have just adverted, and which received the sanction of the Supreme Court in the language we have just quoted, that the duties of a government were limited by its powers, was in some sections of our country being reversed and the powers of our common Government were derived not from the Constitution and its delegations of power; but men, looking at wrongs and evils, or supposed wrongs and evils, exclusively from the standpoint of their moral nature, their own conception of right and wrong, derived the power to act from what they thus concluded it was their moral duty to do. And in this way, and founded on these principles, there arose a party in this country composed of men whose moral nature rebelled against all human wrong and incited them to aggressive warfare for its removal, and who in their zeal were guided alone by their conviction that wrong, sin, "the sum of all villainies," was tolerated and protected in certain States of the Union in which African slavery existed. They did not stop to inquire whether the Federal Government had the power to interfere. They did not consult the Constitution for Federal power, and, finding it, then deduce the duty to interpose. To them the wrong was patent, their duty clear, and as a consequence the power existed.

THE CONSTITUTION BINDING IN ALL ITS PARTS

We shall not pursue the slavery agitation further. Suffice it to say that war came. It matters not for the purposes of this argument which side was right. The war ended, and as a consequence of it came the three amendments to the Constitution—thirteenth, fourteenth, and fifteenth. How they were placed there is wholly immaterial. They are there now as a part of the supreme law of the land. They are binding on all of us. Whether they were wisely or justly placed in the Constitution we shall not stop to inquire. Our inquiry is as to their meaning and force, and not into the methods of adoption. What we shall say in opposition to this bill we shall claim under the Constitution as thus amended; and in pleading as we now do for faith in compacts between the people of the States, for obedience to the Constitution in all its parts, and in its every syllable and letter, in the original and in the amendments, we do not propose to disparage it in any respect whatever.

It is to us no "covenant with death," no "agreement with hell," but the supreme law of the land, and as such we obey it in all its parts. We know of no higher law for American Senators, or for American citizens, than the Constitution. We know of no duties of the Federal Government beyond the powers it confers, and we recognize as binding on us, in letter and spirit, every duty imposed by it on the Congress of the United States.

THE FORCE OF THE THIRTEENTH, FOURTEENTH, AND FIFTEENTH AMENDMENTS

We have now seen what was the nature of our system of government, the relative powers and duties of the Federal and State Governments under the Constitution, as it existed before the three amendments were adopted; and that under it, as it then existed, there was no power to pass this bill. We inquire now, whether the needed power has been conferred by these amendments. The task will be easy, since from this point our way is marked out clearly by judicial decision. We shall do little more than refer to, quote from, and apply these decisions.

THE SLAUGHTERHOUSE CASES

Happily for the country the first case in which the construction and meaning of these amendments came before the Supreme Court was one in which southern white men were seeking redress against one of those pernicious statutes then common in the Southern States by which those possessed of the State governments were making traffic and merchandise of their powers for the purpose of enriching themselves and their friends, namely, the *Slaughterhouse Cases* in 16 Wall. R. There was nothing in these cases to excite alarm or prejudice so far as the colored race was concerned and nothing to prevent a calm and careful consideration of the amendments. It is remarkable, too, that a Southern States' rights jurist of unequaled powers and great purity of character appeared before the Court, pressing for a construction of the amendments which, if adopted, would have been the fatal precedent upon which could have been built and would have been built a system of legislation which would have left, in the Southern States at least, no other control over their internal affairs than it should please Congress to give them. It is remarkable, too, that this construction was concurred in by the two Democrats who then held seats on the Supreme Bench, and that the narrower, yet the plainly true, construction of the Constitution was upheld by Republican judges only and vindicated in an opinion of unsurpassed ability.

In this opinion the great judge who drew it up, referring to the tendency created by the war in favor of more enlarged powers of the Federal Government, thought it necessary to say:

"But however pervading this sentiment, and however it may have contributed to the adoption of the amendments, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of States, with powers for domestic and local government, including the regulation of civil rights, the rights of person and property, was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations upon the States and to confer additional powers on that of the Nation."

The fourteenth amendment provides, among other things, that "no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States." And the main effort in that case by the appellants was to bring within the scope of the Federal Government jurisdiction to protect citizens against the exercise by a State legislature of a power to grant to a corporation an unjust and odious monopoly of the business of slaughtering livestock for food, and of receiving at their landing all livestock shipped to the parishes in which the city of New Orleans is situated—a territory embracing 1,154 square miles. It was urged in their behalf that this law deprived over 1,000 persons of the right to follow their vocation as butchers—a right which they had as citizens of the United States.

The Court, however, denied this claim, holding that there were two citizenships in our system—one of the United States and one of the State in which a citizen of the United States resides—that these two citizenships pertain to all citizens of the United States, who were also residents of any State; that the rights, privileges, and immunities of such a person as a citizen of the United States were separate and distinct from his rights, privileges, and immunities as a citizen of a State; that protection of the former alone was committed to the Federal Government, and of the latter to the State government; that each citizen of a State owed a double allegiance, namely, to the Federal Government, and to the State in which he resided; that he looked to the one for the security and protection of a part of these rights and to the other for protection in all the others; that both governments were parts of a complete whole, and both necessary to the protection and security of the citizen in all his rights, privileges, and immunities.

The Court then proceeds to enumerate the rights which pertain to a citizen in his character of citizen of the United States, and which we will here reproduce, so that by considering the actual examples a clearer insight may be had into their nature than could come from definition and description only.

RIGHTS OF CITIZENS OF THE UNITED STATES ENUMERATED

They are as follows:

The right to come to the seat of Government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions.

The right of free access to its seaports, through which all operations of foreign commerce are conducted; to the substreasuries, land offices, and courts of justice in the several States.

The right to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign Government.

The right to peacefully assemble and petition (Congress) for a redress of grievances, and to the writ of habeas corpus.

The right to use the navigable waters of the United States however they may penetrate the territory of the several States.

All rights secured to citizens by treaties with foreign nations.

The right to become a citizen of a State by residing in it.

Then, proceeds the court,

"There are rights which pertain to a citizen in his character of citizen of the United States, and are therefore subject to Federal jurisdiction and power, which grow out of prohibitions in the Constitution of the United States on State action; of such is the right to be absolved from all the consequences of bills of attainder, ex post facto laws, and laws impairing the obligation of contracts enacted by the States; and the right secured against prohibited State actions, as expressed in the three new amendments to the Constitution."

The court, on these principles, refused to give relief against the legislation of the State of Louisiana complained of.

EFFECT OF THE GREAT JUDGMENT IN THE SLAUGHTERHOUSE CASE

This great judgment was the first beacon light that flashed across the gloom and darkness of constitutional exposition produced

jeopardy for the same offense; security against being compelled to be a witness against oneself; security against being deprived of life, liberty, and property without due process of law; security against the taking of private property for public use without just compensation; the right of trial by jury in civil and criminal cases; the right of the accused in criminal trials to be confronted with the witnesses against him, to have compulsory process for witnesses in his favor, and the assistance of counsel in his defense; security against the requirement of excessive bail, and the imposition of excessive fines, and the infliction of cruel and unusual punishment.

THESE GREAT RIGHTS ARE NOT PROTECTED AGAINST STATE ACTION

All these great rights are secured by the Constitution of the United States against Federal aggression only. So far as that Constitution and the powers of the Government established by it are concerned, these great rights are left for recognition, protection, and security to the States, which have sole and exclusive jurisdiction over them. They were then, and are now, in fact, protected against the action of the State governments and State agencies in all the States; but this protection and security came from provisions in the constitutions of each State, which the people of that State had of their own will ordained and established, and which that same people could alter and change at their pleasure, and thereby destroy the protection.

SURVEY OF THE WHOLE SCHEME

And now, if we will take a survey of the whole, we see that this grand scheme of free government for the security of the rights and promotion of the welfare and safety and advancement of the happiness of the people of the United States is, in short, this:

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THAT DUTY COMES FROM POWER REVERSED

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We have now seen what was the nature of our system of government, the relative powers and duties of the Federal and State Governments under the Constitution, as it existed before the three amendments were adopted; and that under it, as it then existed, there was no power to pass this bill. We inquire now, whether the needed power has been conferred by these amendments. The task will be easy, since from this point our way is marked out clearly by judicial decision. We shall do little more than refer to, quote from, and apply these decisions.

THE SLAUGHTERHOUSE CASES

Happily for the country the first case in which the construction and meaning of these amendments came before the Supreme Court was one in which southern white men were seeking redress against one of those pernicious statutes then common in the Southern States by which those possessed of the State governments were making traffic and merchandise of their powers for the purpose of enriching themselves and their friends, namely, the *Slaughterhouse Cases* in 16 Wall. R. There was nothing in these cases to excite alarm or prejudice so far as the colored race was concerned and nothing to prevent a calm and careful consideration of the amendments. It is remarkable, too, that a Southern States' rights jurist of unequaled powers and great purity of character appeared before the Court, pressing for a construction of the amendments which, if adopted, would have been the fatal precedent upon which could have been built and would have been built a system of legislation which would have left, in the Southern States at least, no other control over their internal affairs than it should please Congress to give them. It is remarkable, too, that this construction was concurred in by the two Democrats who then held seats on the Supreme Bench, and that the narrower, yet the plainly true, construction of the Constitution was upheld by Republican judges only and vindicated in an opinion of unsurpassed ability.

In this opinion the great judge who drew it up, referring to the tendency created by the war in favor of more enlarged powers of the Federal Government, thought it necessary to say:

"But however pervading this sentiment, and however it may have contributed to the adoption of the amendments, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of States, with powers for domestic and local government, including the regulation of civil rights, the rights of person and property, was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations upon the States and to confer additional powers on that of the Nation."

The fourteenth amendment provides, among other things, that "no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States." And the main effort in that case by the appellants was to bring within the scope of the Federal Government jurisdiction to protect citizens against the exercise by a State legislature of a power to grant to a corporation an unjust and odious monopoly of the business of slaughtering livestock for food, and of receiving at their landing all livestock shipped to the parishes in which the city of New Orleans is situated—a territory embracing 1,154 square miles. It was urged in their behalf that this law deprived over 1,000 persons of the right to follow their vocation as butchers—a right which they had as citizens of the United States.

The Court, however, denied this claim, holding that there were two citizenships in our system—one of the United States and one of the State in which a citizen of the United States resides—that these two citizenships pertain to all citizens of the United States, who were also residents of any State; that the rights, privileges, and immunities of such a person as a citizen of the United States were separate and distinct from his rights, privileges, and immunities as a citizen of a State; that protection of the former alone was committed to the Federal Government, and of the latter to the State government; that each citizen of a State owed a double allegiance, namely, to the Federal Government, and to the State in which he resided; that he looked to the one for the security and protection of a part of these rights and to the other for protection in all the others; that both governments were parts of a complete whole, and both necessary to the protection and security of the citizen in all his rights, privileges, and immunities.

The Court then proceeds to enumerate the rights which pertain to a citizen in his character of citizen of the United States, and which we will here reproduce, so that by considering the actual examples a clearer insight may be had into their nature than could come from definition and description only.

RIGHTS OF CITIZENS OF THE UNITED STATES ENUMERATED

They are as follows:

The right to come to the seat of Government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions.

The right of free access to its seaports, through which all operations of foreign commerce are conducted; to the substreasuries, land offices, and courts of justice in the several States.

The right to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign Government.

The right to peacefully assemble and petition (Congress) for a redress of grievances, and to the writ of habeas corpus.

The right to use the navigable waters of the United States however they may penetrate the territory of the several States.

All rights secured to citizens by treaties with foreign nations.

The right to become a citizen of a State by residing in it.

Then, proceeds the court,

"There are rights which pertain to a citizen in his character of citizen of the United States, and are therefore subject to Federal jurisdiction and power, which grow out of prohibitions in the Constitution of the United States on State action; of such is the right to be absolved from all the consequences of bills of attainder, ex post facto laws, and laws impairing the obligation of contracts enacted by the States; and the right secured against prohibited State actions, as expressed in the three new amendments to the Constitution."

The court, on these principles, refused to give relief against the legislation of the State of Louisiana complained of.

EFFECT OF THE GREAT JUDGMENT IN THE SLAUGHTERHOUSE CASE

This great judgment was the first beacon light that flashed across the gloom and darkness of constitutional exposition produced

by the events of the war. It recalled the great principles on which the Constitution was based, and pointed out the path of safety to be pursued. It is so clear in its argument, so convincing in its reasoning, that men wonder on reading it how they ever entertained any doubt about the true meaning of the Constitution as affected by the amendments.

POWER CONFERRED BY THE AMENDMENTS RELATES ONLY TO STATE ACTION

This case was followed by others, in which the principles announced in the Slaughterhouse cases were followed to their logical conclusion in strict accord with the terms of these amendments. So far as the present argument is concerned it is only necessary to say that the power conferred on the Federal Government by these amendments was held to be the only power to enforce the prohibitions on State actions contained in them.

These amendments, so far as they relate to the questions now involved, consisted wholly of negations—prohibitions always on State action and sometimes on Federal action.

The language of the fourteenth amendment is:

"No State shall make or enforce any law which shall abridge the privilege and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

And the fifteenth amendment ordains as follows:

"The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude."

It is now firmly settled that these provisions are directed solely against State laws and State action, through persons or agents clothed with State authority. It is also settled that the power conferred on Congress to enforce these provisions is a power only to enforce the prohibition against State action. That the rights conferred on persons under them are not positive, original rights, but the right only to exemption from, and protection against, the prohibited State action. And the power of Congress to interfere in any case is purely a power of correction, a power to give redress against a prohibited State action, that the exercise, the actual exercise of efficient power by Congress, under the amendments, presupposes State action of the kind prohibited; and until there be such prohibited State action, the power of Congress is wholly dormant, and without such action really being taken, somewhere or at some time, the power of Congress would sleep forever.

In no case under these amendments, so far as the present controversy is concerned, can the power of Congress be made to reach, either for punishment or correction, or redress in any way, civil or criminal, the acts of private individuals. On this last point the controversy was long between a sectional majority in Congress and the Constitution, but in the end the Constitution triumphed fully, completely. It would be interesting to trace the progress of the decisions of the court from the first to the last case in evolving, as the facts of each case warranted, the true meaning of these amendments. To do this would detain us too long. But it is well here to quote some of the expressions of the judgments in these cases, showing truths of a fundamental character.

QUOTATIONS FROM THE SUPREME COURT

United States v. *Cruikshank*

Chief Justice Waite, in delivering the opinion of the Supreme Court in *United States* v. *Cruikshank* (92 U. S., p. 555), speaking of the provisions in the fourteenth amendment, prohibiting the States from denying to any persons within their jurisdiction "the equal protection of the laws," said:

"This provision does not, any more than the one which precedes it, and which we have just considered (namely, the provision prohibiting a State from depriving any person of life, liberty, or property, without due process of law), add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism; every republican Government is in duty bound to protect its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. The amendment (the fourteenth) guarantees this, but no more. The power of the National Government is limited to the enforcement of the guaranty."

And on this ground the Supreme Court in that case held that the United States had no power to punish a conspiracy to commit murder, or to falsely imprison a citizen, and none to punish false imprisonment or murder itself. This case was decided in 1875, and was the logical outcome of the principles announced in the Slaughterhouse cases, decided in 1872, and *Bartemeyer* v. *Iowa* (18 Wall. 130), *Miner* v. *Happersett* (21 Wall. 162), *United States* v. *Reese* (92 U. S.), also decided in 1875.

In the same line was the decision in *Strauder* v. *West Virginia*, decided in 1879.

Virginia v. *Rives*

At the same term was decided *Virginia* v. *Rives* (100 U. S. R., 313), in which the Supreme Court remanded to the State court a criminal case which had been removed to the Federal court upon the ground that the subordinate State officers, in violation of the law of the State, had discriminated against the accused, who was a colored man, in declining to summon on the grand jury which indicted, and on the panel which was to try him, any person of his race. Justice Strong, speaking for the court, and quoting all the provisions of the first section of the fourteenth amendment (except the first clause, which defined citizenship), said:

"They all have reference to State action exclusively, and not to any action of private individuals. It is the State which is prohibited from denying to any person under its jurisdiction the equal protection of the laws, and hence the statute above referred to (secs. 1777 and 1778 of the Revised Statutes) are intended for protection against State infringement of those rights."

Ex parte Virginia and Neal v. *Delaware*

At the same term of the Court it was decided the case of *Ex parte Virginia* (100 U. S.). In this case the Supreme Court affirmed the constitutionality of an act of Congress punishing a subordinate State officer, acting as such, and exercising a State power, conferred on him by State laws, for denying to a colored man the equal protection of the laws, but the Court reaffirmed, in the most explicit language, the doctrine, that the first section of the fourteenth amendment referred alone to State action. On this point the Court repeated:

"The prohibitions of the fourteenth amendment are directed to the States, and they are to a degree restrictions on State power. It is these (restrictions on State power) which Congress is authorized to enforce, and to enforce against State action."

The Court further held that this power of Congress to enforce the prohibitions and restrictions on State action extended to all kinds of State action, "however put forth, whether that action be executive, legislative, or judicial," and therefore it was in the power of Congress to punish State ministerial officers who, clothed with State power, exercise that power in violation of these prohibitions on State action. On this point the Court used this language:

"Whoever, by virtue of public position under a State government, deprives another of life, liberty, or property, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibitions, and as he acts in the name of and for the State, and is clothed with the State's power, his act is that of the State."

Neal v. *Delaware* (103 U. S. 370), decided in 1880, follows in the same line.

Up to this point it seems clear enough, in fact, beyond controversy, that the power conferred on Congress by the amendments did not extend to dealing with private persons for their individual acts, in contravention of the rights which followed from the prohibitions in the amendments. But so tenacious is usurped power of its unjust and unconstitutional prerogatives; so strong the sentiment that power comes from supposed or assumed moral duties, and not duties from power granted by the Constitution; so long had the Southern States suffered without successful resistance from unconstitutional dominance in their domestic and internal affairs, reserved to them by the Constitution, that the devilish spirit of intermeddling would not down at these repeated decisions of the Supreme Court. This spirit takes possession of even men of good intentions, if they have associated with it an intense egoism and strong convictions of their own superior personal purity and wisdom and a distrust of the virtue and capacity of others, and it arrogates to itself the guardianship and control of the world. So it became necessary for the Supreme Court to make another decision, reaffirming again and enforcing the true principles of the Constitution, as they had been announced in their former judgments.

United States v. *Harris*

In 1882 the case of *United States* v. *Harris* (106 U. S., p. 629) was decided. That case was an indictment under section 5519, Revised Statutes, which was in the following words:

"If two or more in any State or Territory conspire, and go in disguise upon the highways or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving to all persons within such State or Territory the equal protection of the laws, each of said persons shall be punished by a fine, and so forth."

The indictment charged certain private citizens of Tennessee with taking certain other citizens of the State from the custody of the sheriff who held them for trial on a criminal charge, and with beating, wounding, and maltreating them, and killing one of them, and thereby depriving them of an equal protection of the laws of the State. The Supreme Court, as if wearied by the compulsory reiteration of principles already well settled, delivered a very elaborate and learned opinion, drawn up by Justice Woods, and again confirmed the true construction of the Constitution already fixed by the preceding cases. The Court deemed it necessary again to enforce the old maxim of constitutional construction by quoting from Judge Story that which, up to the war, had never been doubted as a fundamental canon of constitutional law, thus:

"Whenever, therefore, a question concerning the constitutionality of a particular power arises, the first question is whether the power be expressed in the Constitution? If it be, the question is decided. If it be not expressed, the next inquiry would be whether it be properly incident to an express power and necessary to its execution, etc." (Story on the Constitution, sec. 1243).

The Court then, proceeding on this canon of construction, quote and discuss all the various provisions of the Constitution on which this legislation (sec. 5510) and the indictment founded on it could possibly have been based, namely, the thirteenth, fourteenth, and fifteenth amendments, and section 2, article IV, which we have before noticed as guaranteeing to the citizens of the several States

the privileges of citizens in each State, and find that none of them is a warrant for this legislation. Referring to the first section of the fourteenth amendment (hereinbefore noted as containing the prohibitions to the States), and to the fifth (giving power to Congress to enforce them), the learned judge quotes from the Slaughterhouse cases, as follows:

"If the States do not conform their laws to its requirements (of fourteenth amendment), then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation."

And he quotes and adopts the following expressive language of Mr. Justice Bradley in the Cruikshank case when it was tried in the circuit court (1 Woods, 308):

"It [the fourteenth amendment] is a guaranty against the acts of the State government itself. It is a guaranty against the exercise of arbitrary and unconstitutional power on the part of the government and legislation of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that the guaranty itself supposes it to be the duty of the State to perform."

And quoting from the same case when, in the Supreme Court, he again announced the doctrine that "the obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to the guaranty." And he also repeated what was said in *Virginia* v. *Rives*—"that these provisions of the fourteenth amendment had reference to State action exclusively."

And having shown that the fourteenth amendment did not warrant the legislation, the court continues, in the following unanswerable argument, to show that these amendments and the rights secured by them cannot be violated by private persons, and hence congressional action under these amendments cannot be directed against nor operate upon private persons:

"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, one private person can deprive another of the equal protection of the laws is by the commission of some offense against the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 (before quoted) is warranted by the thirteenth amendment, we should, by virtue of that amendment, accord to Congress the power to punish every crime by which the right of any person to life, liberty, property, or reputation is invaded. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude we should, with few exceptions, invest Congress with power over the whole catalog of crimes. A construction of the thirteenth amendment which leads to such a result is therefore unsound."

THESE DECISIONS SETTLED THE MEANING OF THE CONSTITUTION

This last decision would seem to close the door against all controversy as to the meaning of the three amendments and the powers of Congress under them. It, in connection with the preceding decisions of the Supreme Court, did settle, if anything can be settled in American constitutional law, that the power and consequent duty of protecting life, liberty, and property, all personal and property rights, the power to punish all invasions of them, all offenses against persons and property, remained exclusively with the States; that so far as power was conferred by the Constitution on the United States to interpose in these matters it was solely a power to prevent or correct State action of the kind prohibited, namely, State action depriving a person of life, liberty, or property without due process of law; that is, without due process of State law, not of Federal law, but of State law; and denying to any person the equal protection of the laws, of the State laws, for there were no other laws which could protect them; and that so far as Congress had the right under the clauses conferring jurisdiction to enforce the amendments, to pass laws to operate directly or indirectly, it was a power to restrain and correct State action, performed by State officers and agents clothed with State authority, and to punish such officers and agents for their official and public action done in the name and by the authority of the State, and did not reach the acts and conduct of private individuals.

THE CIVIL RIGHTS LAW AND ITS PROMOTERS

But the spirit of aggression on State authority, where that aggression would operate efficiently and offensively on the Southern States, the temper to intermeddle with the concerns of others, and to badger and insult them in that which related not only to their public conduct but also in their private and social relations, would not acquiesce in the defeat thus received at the hands of that august tribunal. In the year 1875 a law was enacted to enforce in public places, theaters, inns, and railroad cars, and on steamboats, a social equality between the two races.

The law was not obeyed anywhere. The colored people of the South in the main did not approve it; they were not inclined to force an association for which neither race felt any desire; they were content to leave to time, to the regular working of social forces, the regulation of social intercourse and social duties. Yet here and there all over the country were found those of that race—few indeed—mostly of mixed blood, who took advantage of the provisions of the statute. From this it resulted that, in some instances, criminal prosecutions were commenced under the statute, and civil suits for damages instituted for a violation of its provisions.

THE CIVIL RIGHTS CASES

Both classes of these came before the Supreme Court in December 1883, and are reported under the name of "Civil Rights Cases" (in 109 U. S. R., p. 3). The statute under which these cases arose was passed March 1, 1875 (sec. 18 Stat., p. 335), and is as follows:

"SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations and advantages, facilities and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude."

Section 2 provided penalties and punishments for any person violating the first section.

The statute was adjudged unconstitutional; this result was reached by an opinion drawn up by Mr. Justice Bradley, distinguished for the clearest analysis, the most unanswerable reasoning.

Time will not allow us to set out the substance of the argument of this great judgment; we can only quote from it a few short extracts, which are most directly pertinent to the question before us. The Court quoted from and confirmed the cases which had been decided, holding that the fourteenth amendment applied to State action alone; explained the fourteenth and fifteenth amendments, and in reference to the jurisdiction of Congress to exercise direct and positive power, in contradistinction to power merely corrective of prohibited State action, among other things said:

"It is State action of a peculiar character that is prohibited; individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which deprives them of life, liberty, or property without due process of law, or which denies to them the equal protection of the laws."

And speaking of the fifth section, which gives Congress the power to enforce this, the Court continues:

"To enforce what? To adopt appropriate legislation for correcting the effect of such prohibited State laws and State action, and thus to render them effectually void and inoperative; this is the legislative power conferred on Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide against State legislation and State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive and judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment, but they are secured by way of prohibition against State laws and State proceedings opposing these rights and privileges, and by power given to Congress to legislate for carrying such prohibition into effect, and such legislation by Congress must necessarily be predicated upon such supposed State laws and State proceedings and be directed to the correction of their operation and effect."

This is clear enough, but the court emphasized the decision again in this extract:

"Until some State law has been passed, or some State action, through its officers or agents, been taken adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under said amendment, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority."

And again the court, in denying the power of Congress under these amendments to legislate on the subject of the violation by private persons of rights secured by them, use this language:

"Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings; the wrongful acts of an individual unsupported by any State authority is simply a personal wrong, or a crime of that individual, an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by a resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy or sell, to sue in the courts, to be a witness or a juror; he may by force or fraud interfere with the right in a particular case; he may commit an assault against the person or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment, and amenable therefor to the laws of the State where the wrongful acts are committed.

"When the Constitution seeks to protect rights against the discriminative and unjust laws of a State by prohibiting such laws, it is not individual offenses but abrogation and denial of rights

which it denounces and for which it clothes Congress with power to provide a remedy. The abrogation or denial of rights for which the States alone were, or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied; and the remedy to be provided must be predicated upon that wrong. It must assume that in the cases provided for, the evil of the wrong actually committed rests upon State law or State authority for its exercise or perpetration."

COMMENTS ON THESE CASES

This closes what we have to say on the subject of judicial exposition by the Supreme Court of the powers of Congress, so far as they relate to the subject-matter of this bill. These cases prove beyond controversy that Congress has no direct power or jurisdiction over the main points in the bill. Congress can pass no law upon the subjects of personal conflicts between private individuals of different races and personal wrongs perpetrated by one on the other; or between persons of different political parties; or wrongs done by one party man on another because of opinions which the injured party may entertain or express. We suppose this much is conceded by the authors of the bill, or else they would have provided directly for the redress of the wrongs and the punishment of the offenders.

The authors of this bill have not been backward in asserting power in Congress over subjects cognate to those mentioned in this bill. Independent of any support which they may have given to the many acts of Congress which may have been decided unconstitutional by the Supreme Court in the cases we have referred to (and about which we have made no inquiry and therefore make no assertion), they have introduced bills in this body, contemporaneously with the decisions in the Civil Rights cases, which contained assertions of the extremest power over these subjects. One of these, introduced by the learned chairman of the Judiciary Committee (the Senator from Vermont) on the 4th of December, 1883, and reported back from the committee by the Senator from Massachusetts [Mr. Hoar] on July 20, 1884, indicates no want of faith in the unlimited power of Congress to legislate wherever colored people are concerned; yet this bill was never called up for action, and now sleeps the sleep of death. Whether it was abandoned from a change in the views of its authors as to its constitutionality or not, we are unable to say.

Certainly it was a very extraordinary bill in all its provisions. Its main object was to withdraw from the consideration of the State courts all cases in which was litigated any right for the settlement of which it was necessary to pass upon the race or color or previous condition of servitude of any person whatever. It further contained the degrading provision that authorized a citizen of the State in which the court sat to stop a trial in which he was a party and of his own mere will to remove it to a Federal court if he should be dissatisfied with a decision of any point made against him. A power so degrading to a court was never allowed in a free country to a mere suitor. Long years ago in England the writ of prohibition issuing from a superior court to an inferior was sometimes delivered to the inferior court during the trial, though it was always issued before; and by this proceeding a trial already commenced was stopped and removed to another court. But this was condemned by the English Parliament in the reign of Elizabeth, 300 years ago, and driven in disgrace from practice, and has so remained ever since.

It was left to the bill to which we have already referred to make the attempt for the first time to introduce the practice here, with the superadded wrong of leaving it to the discretion of a party in court to menace and insult the judge by an immediate removal of the case if he should dare to decide a question against him.

BILL UNCONSTITUTIONAL FOR A MERE INQUEST

It is no defense to the constitutionality of this bill that it assumes no jurisdiction, no power over persons to punish or restrain them; but simply directs the court to make an inquest or inquisition concerning crimes committed in a State and whose trial and punishment are solely in that jurisdiction. The question for our decision is, Have we the power to pass the bill? not whether the bill proposes nothing of effective force; not whether it be a mere impotent abortion, neither securing rights nor preventing wrongs.

It is no excuse in a constitutional point of view, even if it be true, that the bill does not invade effectively the domain of the reserved rights of the States, or is wholly innocuous from mere impotency and want of vigor. We must look to the Constitution for the power. It is certain the power to pass this bill is not among the express powers of the Constitution. No one pretends that. If it be claimed as an incidental power, then its advocates must point out the express power or powers for carrying out which this bill is necessary and proper or appropriate. This cannot be done. We challenge them to do this. Besides, mere impotency—mere inutility—condemns it as an incidental power, for only implied powers are granted by the Constitution, which are useful and effective, or, in constitutional language, "necessary and proper for carrying into execution" the powers expressly granted. So if it be ineffective and useless, for that reason alone it is unconstitutional. But conceding it to have force, as it has, the inquisition proposed in it, so far as it relates to injuries by private individuals, to persons and property (and that is the whole of it), is an inquisition into the conduct of persons, into crimes and offenses exclusively within the jurisdiction of the State. Whatever may be the information obtained by it, however calumnious and unjust to private citizens, to whom it gives no opportunity of defense, it cannot be made the basis of Federal action in the matters which constitute its soul and spirit.

POWER TO INQUIRE LIMITED BY THE JURISDICTION OVER THE SUBJECT

It was settled at an early day by the action of no less an authority than that of George Washington, that the jurisdiction of the legislative branch of the Government to make official inquiry, under the sanction and force of law, was limited by its power to act on the subject matter concerning which the inquiry was made. The Senate will remember that on March 12 last the Senator from West Virginia, in the debate on the relations between the President and this body, produced a message from George Washington, in which he declined to furnish certain information at the request of the House of Representatives upon the express ground that the House had no power over the subject to which the information related. In that message General Washington stated the grounds of his refusal in these words: "As, therefore, it is perfectly clear to my [his] understanding that the assent of the House of Representatives is not necessary to the validity of a treaty, and as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for throw no light, and as it is essential to the administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved," and is it not equally as important that the boundaries fixed by the Constitution between the Federal and State governments should be preserved? But we proceed with the quotation, "a just regard to the Constitution and to the duties of my office, under all the circumstances of this case, forbid a compliance with your request." What the Constitution forbids to be answered it equally forbids to be asked; what it forbids to be asked it forbids shall be obtained by force and through irresponsible power.

THE BILL IS NOT IMPOTENT AND HARMLESS

But the bill is not even entitled to the defense of being entirely impotent and harmless. Impotent it is for all the purposes of good and orderly government, but it has extraordinary vigor for evil. It establishes an unwarranted Federal espionage over matters confided exclusively to the jurisdiction of the States; it invites and encourages irresponsible and discontented persons to subject the conduct of their neighbors, their fellow citizens, to an investigation and scrutiny by a tribunal before which these persons thus slandered, thus maliciously accused, have no opportunity of appearing, either by themselves or counsel, or of summoning witnesses, or cross-examining those who speak against them. It is true the tribunal has no power to render judgment against them which will affect their lives, their liberty, or their property; but it has the power in an ex parte, inquisitorial way of giving official form and body and substance to accusations which there has been no opportunity to meet, to destroy character, and to blacken the names of citizens who are not heard in their own defense; to stamp as genuine and true slanders and libels; to give currency to blackguardism and perjury. It is true it accomplishes nothing in the way of enactments against personal rights, but, like a thief, it stealthily surveys the ground of future operations with the view of taking advantage of a more favorable opportunity for outrage and wrong.

Considering the tendency of this bill, its usurpation of a jurisdiction over private and personal rights, reserved to the States for their security and protection; considering also its capacity as a vehicle of calumny and slander, and its tendency to destroy the respect and confidence of the people in constitutional guaranties and official justice, it may be well to denounce it as no common or insignificant violation of the Constitution.

It destroys the whole scheme of the Constitution; it does not enter the vestibule merely and deface or destroy some slight ornament, but it saps and undermines the foundations of the temple itself.

THE BILL UNCONSTITUTIONAL IN ITS MEANS AS WELL AS IN ITS ENDS

But the bill is still further objectionable in that it seeks to attain unconstitutional ends by unconstitutional means. It was probably fit that this work of espionage, this inquisition into the conduct of persons over whom we have no jurisdiction, this usurped function to try citizens in their absence, to condemn without hearing, to circulate and give support to slander and calumny, should be prosecuted by a perversion to the work of injustice and wrong of the powers of that department which was more especially dedicated by the Constitution to the administration of right and justice. It would be a terrible but just retribution for our infidelity to the Constitution, that if that great charter, for mere party advantage, is to be destroyed, the rights of the States subverted, the rights of citizens to be trodden down, that the instrument selected for these wicked ends should be that especial organism in our system to whose virtue and intelligence were committed the protection and preservation of all these which this bill appoints it to destroy.

THE POWER CONFERRED ON THE COURTS IS NOT JUDICIAL

The power committed by this bill to the circuit courts is not a judicial power of the United States, and none but judicial power can be vested in a court of the United States.

The Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." The Constitution in another place authorizes Congress to confer the power of appointing certain inferior officers on the courts

of the United States. Beyond this there is no power to confer on any court of the United States any power but judicial power, nor any judicial power but judicial power of the United States. That power is defined in the Constitution itself, and, so far as it can have any possible relation to this bill, is embraced in the following words:

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

It must be noted that the language used is "cases," not "questions," arising under the Constitution and laws of the United States. The distinction between "questions" and "cases" is important and well settled. The jurisdiction is in "cases." A case arises only when some question respecting the Constitution and laws "shall assume such form that the judicial power is capable of acting on it. That power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law," said Chief Justice Marshall in *Osborn* v. *United States Bank* (9 Wheat. p. 819).

The same great judge, in his argument in the Jonathan Robbins case in the House of Representatives in March 1880, made this matter still more plain. Referring to certain resolutions then before the House, in which it was declared that the judicial power extended to all "questions" arising under the Constitution and laws and treaties, he called attention to the fact that the Constitution used the word "cases," not "questions," and he then said:

"The difference between the Constitution and the resolutions was material and apparent. A 'case in law or equity' was a term well understood and of limited signification; it was a controversy between parties which had taken a shape for judicial decision. * * * By extending this judicial power to all cases in law and equity the Constitution had never been understood to confer on that department any political power whatever. To come under this exception a question must assume a form for forensic litigation and judicial decision. There must be parties to come into court who can be reached by its process and bound by its powers; whose rights admit of ultimate decision by a tribunal to which they are bound to submit." (See Annals of Sixth Congress, p. 606.)

It is clear that this bill is unconstitutional, for not only is there no "case" in which a court can act, but there is not even a "question" arising under the Constitution, or any law or treaty of the United States. The questions are such only as a party majority may ask, and they concern only the conduct of parties which may be supposed to violate some laws of a State, over which the Federal Government has no jurisdiction whatever. Not only does the jurisdiction fail, because there is no case before the court of any kind arising out of a Federal or State law, but because the power conferred by the bill on the circuit courts is not of itself judicial in any sense whatever. Keeping in mind what has already been quoted from Chief Justice Marshall, let us consider some authorities which treat of judicial power, in its essence and nature, whenever and wherever it is exerted.

In *Shultz* v. *McPheters* (79 Ind. R., p. 378) the supreme court of that State say:

"It is the inherent authority not only to decide but to make binding orders and judgments, which constitutes judicial power."

And the Supreme Court of Michigan in *Underwood* v. *McDuffie* (15 Mich. R. 368), said:

"The judicial power, even when used in the widest and least accurate sense, involves the power to hear and determine the matters to be disposed of; and this can only be done by some order or judgment which needs no additional sanction to entitle it to be enforced."

And the court proceeds to condemn in totidem verbis the things which this bill authorizes and requires to be done. Say the court:

"No action, which is merely preparatory to an order or judgment to be rendered by some other body, can be properly termed judicial."

A learned commentator on the Constitution, discussing this subject, says:

"In order to make a case for judicial action, there must be parties to come into court, who can be reached by its process and bound by its powers—parties whose rights admit of ultimate decision by a tribunal to which they are bound to submit; and also that the question to be acted on should be capable of final determination in the judicial department of the Government, without revision or control of either the Executive or Legislature." (Curtis' Com., p. 96.)

And another learned commentator says:

"The kind of authority that is judicial in its nature relates to and acts on rights of person and property not created by this authority, but under existing law. This authority, 'in specific controversies' between parties, determines these rights as they exist, and does so at the instance of a party. These qualities distinguish judicial power from what is simply executive or legislative." (Spear on Const., p. 3.)

Tested by these rules, there can be no doubt that the power attempted to be conferred by this bill on the circuit courts is not of the kind which they are authorized to receive, namely, judicial power. This bill provides only for the summoning of witnesses at the instance of persons claiming no rights and seeking redress for no wrongs, and then for examining them concerning the circumstances of an alleged homicide or serious injury to person or property consummated or threatened.

There is no controversy before the court for its determination; there are no parties over whom it has power, or who, on the one hand, ask for a recovery of rights, or who, on the other, deny or contest rights demanded against them. The court hears nothing, deliberates on nothing, determinines nothing; it renders no judgment, it restores or redresses no right and remedies no wrong. The court only hears evidence concerning a matter over which it has no jurisdiction and reports to another department its conclusions as to facts about which the court itself has no right to form a judgment. The sole power of the court is to report to the President its opinion as to the existence of certain facts which it is alleged are criminal by the laws of the State in which they transpired. The sole function of the court is to act as a detective for the Executive, to enter into a sovereign State to inquire into the conduct of its citizens, and to gather from common informers, in some instances, their impressions or beliefs, but in others their calumnies and slanders. These witnesses are not to be confronted by the persons whom they accuse, nor to be cross-examined to test either their accuracy or their sincerity.

That is all of it.

ONLY JUDICIAL POWER CAN BE CONFERRED ON COURTS OF UNITED STATES

It is not a new or doubtful question as to the power of Congress to confer on any of the constitutional courts of the United States—the Supreme Court, the circuit court, or the district court—any authority or function not judicial. The question arose early during the administration of General Washington, under an act of Congress authorizing the circuit courts to inquire into the justice of certain claims for pensions. All the Supreme judges acting on the circuit (except Mr. Justice Johnson, and as to him there is no information) held the act unconstitutional upon the ground that the power was not judicial, inasmuch as the adjudication was not to be final, but was to be reported to the Secretary of the Treasury. Some of the judges, however, concluded they would—acting as commissioners and not as judges in court—perform the duty assigned to them under the act. Congress and the President being informed of the opinion of the judges, the act was repealed, saving in the repeal, however, all rights to pensions founded on "any legal adjudication."

A case, during the next year, came up in the Supreme Court, in which the validity of an adjudication made by the judges, as commissioners, was the only point involved, and that Court unanimously held that the act conferring the power on the circuit courts was unconstitutional, and that, as the power was conferred on the courts, it could not be exercised by the judges as commissioners. (See *Hayburn's Case*, 2 Dall.)

In the bill before us, it must be noticed that the power is conferred on the circuit court, not on the circuit judge. This was done ex industria by the Judiciary Committee, for the bill as originally introduced conferred the power on the judge, and by the Judiciary Committee it was amended as it now appears. The change was made for the purpose, as it was stated, of having a court rather than a mere judge, so that the laws empowering courts to use compulsory process for the attendance of witnesses and punishing them for contumacy might apply.

But if the bill should be amended so as to stand as it originally was, to give this power to the judge acting as a commissioner merely, it would still be liable to the objection of being unconstitutional, notwithstanding the judge might himself waive his objections and consent to act. In that case the bill would mean that every judge of a circuit court in the United States should be thereby appointed a commissioner to discharge the duties mentioned in the act. This would be an appointment to office by Congress, and not, as the Constitution requires, by the President by and with the advice and consent of the Senate. This view received the express sanction of the Supreme Court in *United States* v. *Ferreira* (13 How. 40).

In that case Chief Justice Taney, in a very able and learned opinion, reviewed this whole subject. A law of Congress had committed to the district judge for the district of Florida the power and duty of examining certain claims against the United States for losses sustained by certain Spanish citizens. This law was passed in pursuance of a treaty with Spain. That judge, after examining the witnesses for and against each claim, was required to make his decision and report it to the Secretary of the Treasury, who, on being satisfied that the claim was right and just, was to pay it. On an appeal from a decision so made by the judge, the Supreme Court of the United States held that the power granted was not judicial, it being not final, the award of the judge being subject to revision by the Secretary of the Treasury. The Court, speaking of the powers conferred by the act on the district judge and the Secretary of the Treasury, said:

"They are, it is true, judicial in their nature. For judgment and discretion must be exercised by both of them, but it is nothing more than the power ordinarily given by law to a commissioner appointed to examine claims to land or money under a treaty, or special powers to inquire into or decide any other particular class of controversies in which the public or individuals may be concerned. A power of this description may constitutionally be conferred on a secretary as well as on a commissioner. But it is not judicial in either case in the sense in which judicial power is granted by the Constitution to the courts of the United States."

And having reached the conclusion that the court as a court had no constitutional power under the act, the Supreme Court proceeded to consider the question, whether the power could be exercised by the judge, as a commissioner, without additional

appointment to that particular office by the President, by and with the advice and consent of the Senate, and on this point the Court said:

"The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And [continues the Supreme Court] if they [the district judges acting as commissioners] are to be regarded as officers, holding offices under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate, and Congress could not by law designate the persons to fill these offices."

This case is absolutely conclusive and settles beyond controversy that the bill is wholly unconstitutional when considered in its aspect of the machinery selected for making this inquest. In Ferreira's case the powers conferred were considered as in their nature judicial, but yet not judicial in the sense of the Constitution. They were powers to determine, to adjust; but because the judgment was not final, but depended for its force on the action of another department, though there were parties before the judge, and there was a real case, a real controversy between them, and in the proper shape for forensic and judicial action, yet for the reason stated—the want of finality—the power was held not judicial and incapable of being conferred on a court. The powers here in this bill are not even in their nature judicial; it is a mere power to inquire, without the power to make a decision or render any judgment, final or otherwise; a power simply to inquire and report to another department.

The principles of this case are fully settled in our jurisprudence, and have been since the year 1792, when Hayburn's case was decided. There is no break in the continuity of the opinions of the Supreme Court sustaining this view. It received the sanction of the Supreme Court in *Gordon* v. *United States* (2 Wall.). No opinion was delivered in that case, but one was drawn up by Chief Justice Taney before his death and is published as an appendix to volume 117, United States Reports. We call the attention of the Senate to it as the last great work of that great man. It will add to his fame by the soundness and force of its reasoning and by its unanswerable exposition of the true position of the United States courts in our system.

With this we submit the constitutional questions involved in this bill to the judgment of the Senate, in the confidence that it has been shown, both on reason and authority, that the bill, if enacted, would be a serious infraction of the Constitution, and mischievous and unjust in its enforcement.

J. L. PUGH.
RICH'D COKE.
GEO. G. VEST.
J. Z. GEORGE.

A bill to provide for inquests under national authority

Be it enacted, etc., That whenever any three citizens of the United States shall, under oath, present to any judge of a circuit court, either in term time or vacation, their petition setting forth that within the circuit for which such judge has jurisdiction, and within the State of which the petitioners are residents, any person has been killed, or has sustained serious bodily injury, or serious injury in his estate, or been threatened with injury in person or estate, because of the race or color of such person so killed, injured, or threatened, or because of any political opinion which such person so killed, injured, or threatened may have held in regard to matters affecting the general welfare of the United States, or with design to prevent such person so killed, injured, or threatened, or others, from expressing freely such opinion, or from voting as he or they may see fit at any election of officers whose election is required or provided for by the Constitution or laws of the United States, or to influence or affect the votes of such persons or others at such elections, it shall be the duty of such judge, as soon as may be, to open a special session of such circuit court at such place within said circuit as he may appoint, and the duty of such court to hold an inquest into the circumstances of such killing, injury, or threatening, and to cause to be summoned and examined all such witnesses as the court may think proper.

SEC. 2. That said judge shall forthwith report the evidence by him taken, and his conclusions of fact thereon, to the President of the United States, to be by him laid before Congress.

SEC. 3. That the judge may require any district attorney of the United States within his circuit to attend such inquest and to aid in preparing for and conducting the same, or he may, in his discretion, appoint any other counselor at law to prepare and conduct such inquest.

SEC. 4. That the expenses of such inquest shall be certified by the judge to the Department of Justice and paid out of the appropriation made for the expenses of the courts of the United States.

Mrs. CARAWAY. Mr. President, I wish to thank the Senate for granting unanimous consent that the clerk read the document which has just been read. If it had not been read at the desk, I myself should have read it, and it would have taken very much longer. The arguments presented are so pertinent to the bill under consideration that I thought it would be well to have the entire report in the RECORD. I hope those Senators who were not present during the reading will read the report as throwing light on the bill we have before us for discussion.

I wish to say further that I should like to reiterate the statement I made in closing my remarks when I asked that the document be read. If this bill shall pass I feel there will be a far greater crime committed against our Government and especially against the South than the crime for which the measure is claimed to be a cure.

Mr. McKELLAR. Mr. President, a day or two ago an editorial published in the Washington Post was read into the RECORD, and perhaps other editorials were read. In today's issue of the Washington Evening Star there appears an article by Mr. Mark Sullivan. Ordinarily, I would merely ask that the article be printed in the RECORD, but, because of Mr. Sullivan's long service as a newspaper correspondent and writer, because of his great ability, and because of his learning and thoughtfulness as an author—and he has written a number of books, and most readable books they are, most instructive books they are; I do not know of any books written on recent politics that are more interesting or more instructive—because of these considerations, I want to read Mr. Sullivan's article, and I desire to call the attention of every Senator to the reasoning of Mr. Sullivan, which should appeal to every right-thinking and fair-minded man on either side of the Chamber.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. I regret that the majority leader, the Senator from Kentucky [Mr. BARKLEY], and the Senator from New York [Mr. WAGNER], who are pushing this bill, are not present to hear the wise remarks made by Mr. Sullivan.

Mr. LEWIS. Mr. President, I must again announce to my able friend that the Senator from New York [Mr. WAGNER] is confined to his room on the orders of his physician. I do not know the reason for the absence of our leader.

Mr. McKELLAR. I am glad to see present some Senators who are still of the opinion that the bill ought to be passed, and perhaps it will do them some good to listen to the reading.

This article, appearing in this afternoon's Star, has a headline as follows:

Why pass lynch bill?

And then there is a subhead, which reads:

Way might be opened for those who desire authoritarian government.
By Mark Sullivan——

Mr. LEWIS. Mr. President, with the consent of the Senator from Tennessee, let me suggest to my eminent friend from Texas that the leader of the majority, the Senator from Kentucky [Mr. BARKLEY], has taken his seat and is now present in the Chamber.

Mr. McKELLAR. I am glad to hear that announcement.

Mr. BARKLEY. Mr. President, I inquire is it true that reference has been made to the fact that I was temporarily called from the Chamber?

Mr. LEWIS. It was pleasantly thought that the eminence of my able friend from Kentucky had so increased the attention which should be given to him that his very absence was a definite infliction on the Senate, and the able Senator from Texas made allusion to it, I dare say, as a substantial loss to himself.

Mr. BARKLEY. I appreciate that. It makes me very happy to know that my presence is missed so greatly by my friend from Texas that he must call attention to my absence. I did not know that my presence was so important, but it fills me with pride to know that the Senator from Texas feels that way about it.

Mr. CONNALLY. I was only expressing regret that the Senator from Kentucky was not here to listen to the contribution made by the Senator from Tennessee. Knowing they are deskmates, I am sure the Senator from Kentucky will want to hear anything the Senator from Tennessee says.

Mr. McKELLAR. If I may be permitted to make a suggestion, I do not mind whether the Senator from Kentucky

or any other Senator listens to what I have to say, but I want to ask every Senator, including the Senator from Kentucky, of course, to listen to this article by Mr. Mark Sullivan, who I cannot believe has any other interest in this matter except what he believes is the good of the American people and of the Government.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. BARKLEY. There is no Member of the Senate to whom I listen with greater pleasure, and usually greater profit, than the Senator from Tennessee. The Senator realizes, of course, that any of us are likely to be called temporarily from the Chamber at any time during the session, and if we are to enter upon a contest of bookkeeping with respect to one another as to which one shall be called out the most frequently and remain out the longest while this bill is under consideration, then it might be well for the Senate to employ an expert accountant so that he might take note of the absence of all Members when they are called out for any purpose whatever.

Mr. McKELLAR. I hope the Senator understands that I made no suggestion about his absence.

Mr. BARKLEY. I understand the Senator did not and would not.

Mr. McKELLAR. I sit next to my distinguished friend and have the highest admiration and esteem for him.

However, I wish to read this article, and I do not want anything to interfere with the Senate hearing what Mr. Sullivan has to say. I shall now go ahead, as suggested by the Senator from Oregon [Mr. McNARY]. The article reads:

The Senators opposing the so-called antilynching bill are so far a minority. Yet they have the psychological advantage. They have the psychological advantage because by their attitude they ask a question. It is a question that can hardly be answered convincingly. The question is, Why pass this bill?

Why pass this bill?—

Because nobody answers that question convincingly, the Senators opposing are justified in keeping the question before the Senate long enough for public attention to be centered on it. What conditions are there that justify the passage of this bill? The crime with which this bill purports to deal has become today the rarest crime in the United States. In 1937 only eight lynchings occurred, in 1936 only nine. And the number of cases to which this bill would apply is smaller yet. For the measure deals only with those cases in which local, State, or county officials failed to use—I quote the bill—"all due diligence" in preventing a lynching or apprehending the lynchers.

How many such cases there were last year or the year before I do not know. It would be useful to have an inquiry by impartial, judicial-minded persons to determine in just how many cases did local officials fail to practice due diligence. If the inquiry were completely unbiased, the number arrived at, we can safely surmise, would be extremely small. It is the clearest of facts that the public officials and the public opinion of the South are determined to end lynching. They have been successful in reducing it to a point where the crime has almost passed as far into history as the vigilante movements that were once frequent in the West.

FIVE-YEAR TERM POSSIBLE

The progress the South has made through its own public officials and public opinion is now rewarded by seeing a bill introduced in Congress which would have Federal officials pass judgment on southern State and county officials, and, where the Federal officials see fit, hale the local officials into court charged with a felony, punishable by a jail term as high as 5 years.

Lynching in the South is far less frequent than gang murders in northern cities. Prevention and punishment of lynching by the law officials of the South is more effective than prevention and punishment of gang murders by corresponding officials in the North.

To deal with this rarest of crimes a bill is introduced in Congress. It is not an ordinary bill which would make lynching, or failure to prevent or punish lynching, a Federal crime as well as a State one. That double jurisdiction existed when we had national prohibition, and it had unfortunate results, as everybody knows. But this bill now before Congress goes much further. It would have the Federal courts supplant the State courts. Federal officials would proceed through the Federal courts to try, and if successful, jail State officials—

"Jail State officials!"—

for whatever some Federal official might deem to be lack of "all due diligence." "All due diligence" is an elastic and therefore dangerous phrase.

GOVERNMENT FORM THREATENED

To deal with this rarest of crimes, a bill is introduced in Congress which, in the belief of Senator BORAH and other competent judges, would "destroy the last vestige of State rights," and by doing that would change our form of government. To deal with this rarest of crimes, more than a week of the time of the Senate is consumed and a program of important public legislation is held up. It is said that it is the opponents of the measure who are causing delay. If they are consciously practicing delay, they are justified by the importance of the issue. But is it the opponents of the bill who are causing the delay? Is not the delay rather to be charged to those who insist on keeping the measure before the Senate? It is these who should answer why. Why must this bill be kept before the Senate? Why must it be passed now? The number who really press the bill is not large.

I digress here long enough to say that not a Senator has spoken for the bill, though it has been before the Senate not merely a week but nearly a month.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I do.

Mr. GEORGE. Would it interfere with the distinguished Senator from Tennessee for me to make an inquiry at that point?

Mr. McKELLAR. Not at all.

Mr. GEORGE. The Senator has said no Senator has spoken for the bill. Has anyone submitted any authority here, either by way of brief or otherwise, tending to support the validity or constitutionality of the bill?

Mr. McKELLAR. No, Mr. President; no brief has been submitted, no authority has been submitted, and when a brief has been asked for, when an argument has been requested by those of us who oppose the bill, its proponents say, "We will reach it in due time."

Mr. GEORGE. The Senator from Tennessee must know, of course, as all Senators know, that the validity of this bill has been under question uniformly for a great number of years. The best legal minds in this country at least, and I dare say practically all the legal minds of first rank, have either doubted the validity of the bill or openly condemned it as being without authority so far as the Federal Government is concerned. Yet does it not strike the Senator that it is a most unusual proceeding that since the 6th day of this month, when this bill was formally taken up by the Senate, no Senator has spoken in behalf of it, and no Senator has submitted a brief or memorandum or list of authorities or suggested an argument on which the validity of the bill could be sustained?

Mr. McKELLAR. All that the Senator states is absolutely true.

Mr. Sullivan says:

Many who will vote for the bill when the roll call comes would in their hearts prefer that the bill be dropped.

The objections to the measure go to the heart of two matters which now are of the highest importance. First, the bill, if passed and sustained by the Supreme Court, would open a gate through which the Federal Government could take over—I quote a competent constitutional student—practically any function of the State it chooses. The bill would thus make the way broad and clear for those who wish to bring about in America a centralized authoritarian government.

RULE BY PRESSURE GROUPS

Second, passage of the bill would give enormous momentum to what is recognized as one of the most serious of our political evils. Passage of the bill would be another example of government by small "pressure groups." The number of voters to whom this bill is supposed to appeal is probably less than a million—the Negro voters in northern cities. Senator BYRNES, of South Carolina, made a statement which no advocate of the measure challenged: "One Negro * * * Walter White, secretary of the Association for the Advancement of the Colored People, has ordered this bill to pass * * *. If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard. * * * For years * * * White has worked for this bill. Now that he has secured the balance of the voting power in so many States, he can order its passage."

It is not a happy condition when such a statement as that can be made—whether the man in the gallery be of one race or another, whether the number of voters he represents be a million or two million or any other small fraction of the total electorate. For the next step, and the likely step, would be that a man in the gallery might demand and get a measure that would take us further toward that authoritarian type of government recently

developed in Europe, which it is America's greatest present concern to avoid.

Mr. President, after reading that article, I wish to thank Mr. Sullivan for his splendid contribution to constitutional government, to actual government; his contribution in behalf of those State authorities who today are doing their duty to the best of their ability, who have entirely done away with white lynching, and only eight lynchings of colored persons took place last year. I wish to say that if those who advocate the bill will let the State authorities alone, and let them continue to decrease this crime, all of us who abhor and are opposed to the crime will have the satisfaction within 3 or 4 years, in my judgment, and perhaps in less time, of reading in the records that there has not been a single lynching in the United States during the year.

FEDERAL TRADE COMMISSION

Mr. WHEELER. Mr. President——

Mr. McKELLAR. I yield to the Senator from Montana.

Mr. WHEELER. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 1077.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, which was to strike out all after the enacting clause and to insert:

That section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (U. S. C., 1934 ed., title 15, sec. 45), is hereby amended to read as follows:

"SEC. 5. (a) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

"The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the acts to regulate commerce, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in said act, from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.

"(b) Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section. After the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, the Commission may at any time, with the consent of the person, partnership, or corporation required by the order to cease and desist, modify, or set aside, in whole or in part, the report or order made or issued by it under this section.

"(c) Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or act or practice may obtain a review of such order in the circuit court of appeals of the United States, within any circuit where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business, by filing in the court, within 60 days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commission. Upon such filing of the petition and transcript the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additfonal evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

"(d) The jurisdiction of the Circuit Court of Appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.

"(e) Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the Antitrust Acts.

"(f) Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"(g) An order of the Commission to cease and desist shall become final—

"(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b); or

"(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals, and no petition for certiorari has been duly filed; or

"(3) Upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals; or

"(4) Upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Commission be affirmed or the petition for review dismissed.

"(h) If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of 30 days from the time it was rendered, unless within such 30 days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"(i) If the order of the Commission is modified or set aside by the circuit court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of 30 days from the time such order of the Commission was rendered, unless within such 30

days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"(j) If the Supreme Court orders a rehearing; or if the case is remanded by the circuit court of appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.

"(k) As used in this section the term 'mandate', in case a mandate has been recalled prior to the expiration of 30 days from the date of issuance thereof, means the final mandate.

"(l) Any person, partnership, or corporation who violates an order of the Commission to cease and desist after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States."

SEC. 2. Such act is further amended by adding at the end thereof new sections to read as follows:

"SEC. 12. (a) It shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false advertisement—

"(1) By United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics; or

"(2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce of food, drugs, devices, or cosmetics.

"(b) The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5.

"SEC. 13. (a) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the Public,

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

"(b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals—

"(1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor, and

"(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction.

"SEC. 14. (a) Any person, partnership, or corporation who violates any provision of section 12 shall, if the use of the commodity advertised may be injurious to health because of results from such use, or if such violation is with intent to defraud or mislead, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment; except that if the conviction is for a violation committed after a first conviction of such person, partnership, or corporation, for any violation of such section, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment: *Provided*, That this section shall not apply to products duly marked and labeled in accordance with rules and regulations issued under the Meat Inspection Act, approved March 4, 1907, as amended.

"(b) No publisher, radio broadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the false advertisement relates, shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States, who caused him to disseminate such advertisement. No advertising agency shall be liable under this section by reason of the causing by it of the dissemination of any false advertisement, unless it has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, or seller, residing in the United States, who caused it to cause the dissemination of such advertisement.

"SEC. 15. For the purposes of sections 12, 13, and 14—

"(a) The term 'false advertisement' means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates; but if, at the time of the dissemination of the advertisement, there exists a substantial difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation, the advertisement shall not be considered misleading on account of such representation, if it states clearly and prominently the fact of such difference of opinion. Nothing in this paragraph shall be construed as requiring the making of such statement as to difference of opinion; and failure to so state the fact of such difference of opinion shall not relieve the Government of the burden of establishing the misleading character of the representation. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.

"(b) The term 'food' means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

"(c) The term 'drug' means (1) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

"(d) The term 'device' (except when used in subsection (a) of this section) means instruments, apparatus, and contrivances, including their parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

"(e) The term 'cosmetic' means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5, it shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection.

"SEC. 17. If any provision of this act, or the application thereof to any person, partnership, corporation, or circumstance, is held invalid, the remainder of the act and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

"SEC. 18. This act may be cited as the 'Federal Trade Commission Act.'"

SEC. 3. (a) In case of an order by the Federal Trade Commission to cease and desist, served on or before the date of the enactment of this act, the 60-day period referred to in section 5 (c) of the Federal Trade Commission Act, as amended by this act, shall begin on the date of the enactment of this act.

(b) Section 14 of the Federal Trade Commission Act, added to such act by section 2 of this act, shall take effect on the expiration of 60 days after the date of the enactment of this act.

Mr. McKELLAR. Will this matter lead to any argument?

Mr. WHEELER. I do not know; but if it does I shall withdraw it.

Mr. McKELLAR. It will not take me more than a few minutes to finish. If the Senator will wait for a few minutes, I shall be through.

Mr. WHEELER. I ask unanimous consent at this time to move to concur in the amendment of the House of Representatives.

Mr. COPELAND. Mr. President, I must object to that.

Mr. McNARY. Mr. President, is this a House bill?

Mr. WHEELER. It is a Senate bill which was discussed here, and passed the Senate during the regular session, and went to the House. The House has made some minor

amendments. I have consulted the members of the Federal Trade Commission with reference to the amendments, and they all state that the amendments are satisfactory to them.

Mr. McNARY. That may be; but I am not at all familiar with the bill. What is the bill about?

Mr. WHEELER. It is a bill with reference to unfair practices in commerce. We discussed it on the floor of the Senate at the regular session.

Mr. McKELLAR. Am I to understand that the Senator from New York objects?

Mr. COPELAND. Yes, Mr. President.

Mr. BARKLEY. Mr. President, if the Senator will yield, this is a matter which can be disposed of very quickly at any time; and the Senator from Montana will have ample opportunity to do it either later in the day or tomorrow, rather than in the middle of the speech of the Senator from Tennessee.

Mr. WHEELER. I thought probably there would be no objection to the action of the House, and we could dispose of it.

Mr. BARKLEY. There will be none on my part.

The VICE PRESIDENT. The Chair does not know who has the floor.

Mr. McKELLAR. I have the floor, and yielded to the Senator from Montana.

The VICE PRESIDENT. The Chair is informed that the Senator from Tennessee has the floor, and that a privileged matter has been laid before the Senate.

Mr. McKELLAR. Yes, Mr. President.

The VICE PRESIDENT. The Chair is further informed that the Senator from Montana moves that the Senate concur in the amendment of the House of Representatives.

Mr. WHEELER. That is correct.

The VICE PRESIDENT. The question before the Senate is, Will the Senate concur in the amendment of the bill by the House of Representatives? That brings up the whole question. The Senator from Tennessee has yielded for that purpose.

Mr. McKELLAR. I have yielded for that purpose.

Mr. COPELAND. Mr. President, I suppose this matter can come up properly at this time.

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that it is a privileged matter, being an amendment to a Senate bill by the House of Representatives.

Mr. BARKLEY. Mr. President, in that connection I desire to propound a parliamentary inquiry. While it is a privileged matter, is it not true that it does not enjoy such privileged status as to take the Senator from Tennessee from the floor unless he yields?

The VICE PRESIDENT. That is the point. The Senator from Tennessee has yielded, and the question now before the Senate is whether or not the Senate will agree to the motion of the Senator from Montana to concur in the amendment of the House.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. CONNALLY. Even though this be a privileged matter, if it is acted upon at this time will it not have the effect of displacing the pending bill?

The VICE PRESIDENT. It will not.

Mr. COPELAND. Mr. President, I appeal to the Senator from Montana to let this matter go over for a few days. He will recall that a few months ago we passed a food and drug bill with the inclusion of a provision about advertising, placing the advertising where personally I think it belongs, under the control of the Food and Drug Administration of the Department of Agriculture. The particular provision to which I have referred comes from the House as an amendment to a measure which passed this body some months ago, relating to the functions of the Federal Trade Commission.

I am not here to say that my final judgment personally is that I should always resist placing the advertising under the control of the Federal Trade Commission; but the action of the House brings about a very critical situation with regard to the legislation relating to food and drugs. As I understand the matter from conversation with the chairman of the House committee, the food and drug bill is likely to come up in the House next week; and, if I am any prophet as to what the House will do, it will either include in that bill a provision to place the advertising under the Federal Trade Commission, or it will omit the matter entirely, depending upon the hope that the bill now before us may be enacted.

I will say to the Senator from Montana that as a matter of parliamentary procedure it would be very embarrassing to me to have the Senate in effect repudiate what it did twice in the last Congress, and did again in this Congress. The matter is so important that it ought not to be disposed of in this offhand manner.

Mr. WHEELER. Let me say to the Senator that there is nothing new in this bill. The matter has been thrashed out on the floor of the Senate time and time again. This bill passed the Senate. It went over to the House, and has now passed the House with some slight amendments which the Federal Trade Commission inform me are satisfactory to them and are satisfactory, so far as I know, to everybody else. This bill does not conflict in any way, shape, or form with the Food and Drug Act which heretofore passed the Senate. Ordinarily I should not ask to take it up now; but I am compelled to leave town and be gone for several days, and consequently I should like to have the matter taken up and acted upon at this time.

The VICE PRESIDENT. The amendment of the House is before the Senate, and the Senator from New York has the floor.

If the Senator from New York, the Senator from Texas, and the Senator from Kentucky will permit the Chair to do so, the Chair desires to read the last section of rule VII, so that the Senate may have it in mind, because during the debate on the so-called antilynching bill it may come up again and again:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

That is, the motion to lay the matter before the Senate. This matter has been laid before the Senate, and therefore it is subject to debate.

The Chair has read the rule for the benefit of the Senator from Texas and the Senator from Kentucky, because other matters like this may be brought up. A message from the President of the United States or a message from the House of Representatives may be laid before the Senate at any time.

Mr. COPELAND. Mr. President, I regret that the Senator from Montana has not read the CONGRESSIONAL RECORD this morning. The debate in the House clearly indicates that this amendment, which was made in the House, was adopted for the purpose of putting the control of advertising in the Federal Trade Commission. If I could convince the Senator from Montana of that fact I know that he would accede to my request that the matter go over, because he assured me on the floor of the Senate when the bill was before us originally that nothing in the bill had to do with the functions of the Food and Drug Administration.

Mr. WHEELER. I still assure the Senator of that fact; it has nothing to do with the Food and Drug Administration. There are two separate jurisdictions, and they would work concurrently.

Of course, if a bill of this kind were enacted it might be that to some slight extent there would be conflict in jurisdiction between the Federal Trade Commission and the Department of Agriculture. But there is a chance of conflict in the case of pretty nearly any piece of legislation. It is a matter to be worked out between the two jurisdictions as to which would enforce the particular provision. But if there were taken out of the bill what the Senator wants stricken

and the function were turned over to the Food and Drug Administration, it would leave the administration of the Federal Trade Commission in a sad way, so that they could not enforce the law against bad practices with reference to other industries which ought to be regulated.

Mr. COPELAND. The Senator from Montana is so uniformly right that I hesitate to call attention to the fact that he is wrong this time, just as wrong as a man can be, because the function of the Federal Trade Commission is to deal with unfair practices.

Mr. WHEELER. If the Senator will permit me to interrupt him, I will bring an end to the controversy. I have just talked with the leader on this side and he has suggested that I withdraw the motion for the present and take it up at a later time. I ask unanimous consent that I may withdraw the motion at this time.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent to withdraw his motion for the concurrence of the Senate in the amendment of the House to Senate bill 1077.

Mr. COPELAND. Mr. President, I should like to have it understood that this matter will not be brought up in my absence and that I may be here when it is called up for consideration by the Senate.

Mr. WHEELER. Mr. President, I am not going to give any assurance. I will try to get in touch with the Senator and attempt to see that he is here. I am withdrawing the motion at the suggestion of the Senator from New York, and I do not want to do it on any condition as to when I may bring the matter up again.

Mr. COPELAND. So far as I am concerned, I am willing to have the Senate go on with it, and have it determined now.

Mr. WHEELER. The Senator asked to have it go over.

Mr. COPELAND. If the Senator will put it over for a week, I shall be satisfied.

Mr. WHEELER. I am asking that I be allowed to withdraw the motion, and I will take it up in about a week.

Mr. COPELAND. That is satisfactory. I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and the motion is withdrawn.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. McKELLAR resumed the floor.

Mr. BARKLEY. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I am compelled to go to the telephone in the cloakroom in order to call the Treasury on official business, and I should like to ask the schoolmaster from Texas if I may go out. [Laughter.]

Mr. CONNALLY. I should be very glad to have the Senator absent himself to go to the telephone, or to any other place he desires to visit or the promptings of his mind may suggest. [Laughter.]

Mr. BARKLEY. I merely wish to use the telephone.

Mr. McKELLAR. Mr. President, I did not even know the State from which Mr. Sullivan hailed, but upon inquiry I find that he was born at Avondale, Chester County, Pa., so the article to which I have been referring was written by a Pennsylvanian. I think it ought to be convincing to any fair-minded man, and I desire to call the attention of every Senator to it.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. McKELLAR. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Gibson	Lonergan	Sheppard
Bailey	Guffey	McCarran	Smathers
Barkley	Hale	McGill	Thomas, Utah
Berry	Harrison	McKellar	Townsend
Bulkley	Hayden	McNary	Vandenberg
Bulow	Hill	Miller	Van Nuys
Chavez	Hitchcock	Neely	Wheeler
Clark	Johnson, Calif.	Nye	
Connally	Lewis	Pittman	
Copeland	Logan	Russell	

The PRESIDING OFFICER (Mr. BULOW in the chair). Thirty-seven Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ADAMS, Mr. ASHURST, Mr. BANKHEAD, Mr. BILBO, Mr. BONE, Mr. BORAH, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BROWN of New Hampshire, Mr. BURKE, Mr. BYRD, Mr. BYRNES, Mr. CAPPER, Mrs. CARAWAY, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. DUFFY, Mr. ELLENDER, Mr. FRAZIER, Mr. GEORGE, Mr. GERRY, Mr. GILLETTE, Mr. GLASS, Mr. HATCH, Mr. HERRING, Mr. HOLT, Mr. JOHNSON of Colorado, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MINTON, Mr. MURRAY, Mr. NORRIS, Mr. OVERTON, Mr. PEPPER, Mr. POPE, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SCHWARTZ, Mr. SCHWELLENBACH, Mr. SMITH, Mr. STEIWER, Mr. THOMAS of Oklahoma, Mr. TRUMAN, Mr. TYDINGS, and Mr. WALSH answered to their names when called.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator will state it.

Mr. CONNALLY. Is a quorum present?

The PRESIDING OFFICER. The Chair will inform the Senator in just one moment.

Eighty-seven Senators have answered to their names. A quorum is present.

Mr. McKELLAR. Mr. President, the purpose of the pending bill of course is to turn over to Federal authority the jurisdiction and powers of the States to deal with the crime of lynching, or, as Mr. Mark Sullivan, says—

> To deal with this rarest of crimes the bill is introduced in Congress.

This bill has been debated, I believe, in the short extra session and in the present session for approximately 3 or 4 weeks. In the District of Columbia, of course, crimes are handled entirely by the Federal Government. Mr. Sullivan says—and we all know it is the truth—that the "rarest crime" in this country today is the crime of lynching; it is the most infrequent crime. There is but one lynching to something over 16,000,000 inhabitants; and now, with the marvelous progress which has been made in reducing the number of lynchings from 231 down to 8, it is sought to turn jurisdiction over such crimes to the Federal authorities.

In that connection, I wish to read from an article published in the city of Washington concerning crime as it is combatted and handled by Federal authority. In the first column of the first page of one of Washington's daily newspapers, the Times, is the following headline:

BROWN CALLS AIDES TO MAP CRIME CHECK—SITUATION ALARMS POLICE OFFICIALS

(By William E. Ring)

The article is, as follows:

> With Washington in the grip of the most widespread crime wave of recent years, the high command of the Metropolitan Police Department gathered today to map ways of breaking the criminals' grasp.
>
> Meanwhile, at the District Building, Commissioner Melvin C. Hazen issued orders that every effort be exerted by the Department to abate the wave.
>
> TO ASK MORE POLICE

I wish Senators who are combining and confederating, if I may use that expression in an inoffensive sense, to take away the jurisdiction and power of the States over lynching

and turn it over to Federal authority would listen to this. Commissioner Hazen said:

"No one knows better than I that the department is doing everything possible to route the criminal. This current wave of crime will be used as a powerful argument by me and the other Commissioners to have Congress provide at least 25 additional policemen in the 1939 Budget. The department today is woefully undermanned, but is doing the very best it can."

The current crime wave began before the Christmas holidays and with few let-downs has continued until today.

Maj. Ernest W. Brown, superintendent of police, summoned to his office inspectors L. I. H. Edwards, Bernard W. Thompson, who is chief of detectives, James Beckett, Edward J. Kelly, William Holmes, and B. A. Lamb for the "break the crime wave" conference.

PATROL CONSIDERED

Revival of the 24-hour bandit patrol, which was established during the Christmas shopping period and during the Christmas holidays, was being considered. The officials also considered canceling all leave of absence of policemen until the wave is broken.

The police officials were spurred to action by the depredations of two drunken gunmen who last night staged seven hold-ups—

Seven hold-ups in one night right here in the city of Washington, right under the eaves of the Capitol, almost within the view of Senators and Members of the other House—

in three sections of the city, while in other neighborhoods housebreakers, sneak thieves, and purse snatchers staged a crime carnival.

And yet Members of this body are seeking to turn jurisdiction of the eight crimes of lynching occurring in the entire country over to Federal authority, when there seems to be such an utter disregard of the criminal laws right here under the very wings of the Federal Government.

Hazen bitterly denounced the armed bandit.

Mr. Hazen is the Commissioner of Police, I believe, in the city of Washington. He "bitterly denounced the armed bandit." The bandit and the gangster are similar, and they are the ones who are excepted from this bill, for it is provided that this proposed law shall not apply to them, although they operate right here under our own noses.

This is what the Commissioner of Police said:

The armed hold-up man is a potential murderer. Jurists of our courts should mete out to the armed rats—

To the armed rats—

convicted of robberies the most severe penalty which the law allows. Although I am not keen about capital punishment, I am inclined to believe the death penalty should be made the maximum in cases where a person is shot to death or wounded during a hold-up.

Hold-ups and gangster murders all around and about us in a city under Federal control, and yet this "rarest of crimes," truly says Mr. Sullivan—this "rarest of crimes"—has taken up already nearly a month of the Senate's time. Eight crimes of lynching were committed in the entire country last year; and yet right here, where the newspapers are a unit in trying to fight crime and where the Federal Government has absolute constitutional and other power to deal with it, look what is happening:

DEATH PENALTY IN BILL

Representative JACK NICHOLS (Democrat), Oklahoma, chairman of the House District Tax Subcommittee, already has prepared a bill for introduction in Congress which will provide the death penalty as the maximum for persons convicted of armed robberies.

Ah, Mr. President, he will not get far with that bill. That bill will tread on somebody's toes.

I remember the poor young lady, whose home was in Brownsville, Tenn., who was raped at the end of the District of Columbia line after she got off a street car. Her fingers were cut off in order to get the rings therefrom; ruined and despoiled, her body was sent home in a coffin—and not a step was ever taken by the authorities here to mete out punishment. Yet the Senate, overlooking the crimes committed right here in our midst, is seeking to pass a bill concerning the rarest crime in America today. I challenge any Senator, from whatever State he may come, to whatever political party he may belong, whatever may be his opinions about this bill, to deny that lynching is the rarest crime in America today. Yet all this time is being taken, keeping this bill before the Senate. What for? In order to get rid of crime? No. If we wanted to get rid of crime, God knows we should start right here at home.

I am talking about the home of the United States Government; not my home and not your home, Mr. President, but the home of the United States Government, right here under the eaves of the Capitol. Why do we not look around us and adopt such measures as will do away with crime here in the District of Columbia, where we have constitutional authority?

That is the second newspaper that has taken a position about the criminal conditions in the city of Washington. I do not have to confine myself to the two newspapers from which I have already read. I have already read from the Evening Star and the Washington Times, and now I will read from the Washington Post of this morning. Not in the first column on the first page but in the third column on the first page occur this headline and the article which follows:

DRUNKEN PAIR HUNTED HERE IN SEVEN HOLD-UPS—ALL DETECTIVES MOBILIZED IN WIDE SEARCH FOR YOUNG BANDITS—SMALL GROCERS ARE CHIEF VICTIMS—RAIDS MADE IN HALF HOUR

All available squad and scout cars and every detective officer in the District last night searched the city for two drunken gunmen, who held up seven business establishments within half an hour, fired twice at the proprietor of a grocery store, and escaped in a small automobile.

Yet we have spent 30 days or, perhaps, 4 weeks of the time of the United States Senate discussing whether or not we will pass a law turning over to Federal jurisdiction punishment for the "rarest of crimes" in the United States. It is utter nonsense. This bill ought to be withdrawn, and I here and now call on our leader to have it withdrawn. It ought to be withdrawn; it ought not to be before this body. A Senator said to me the other day—and I believe the statement is true—that if, by chance, this bill could be voted on by secret ballot, it would not get five votes from the entire Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. Inasmuch as the Senator has called on me to have the bill withdrawn, I think I ought to say, as I have said heretofore, that I was not responsible for the fact that the bill is here any more than I am responsible for the fact that any other bills are here unless they happen to be voted out by a committee of which I am a member.

I regard it as my duty, in the position which I happen to hold, to cooperate with the committees of the Senate to secure the fair and reasonable consideration of any bills which are brought out by committees; and even if I had a desire to withdraw this bill, of course the Senator from Tennessee knows that I could not do so. The only way in which this bill could be withdrawn is by a vote of a majority of the Senate. Any Senator has a right to make a motion to substitute something else for this bill at any time, just as he has the same right to make a motion to substitute any other bill for any other measure that is on the calendar and under consideration. Since the Senator has singled me out, however, and called upon me to withdraw the measure, I insist that I regard it as much a part of my duty to cooperate with the Judiciary Committee in attempting to see that this measure receives fair and reasonable consideration as I would in regard to any other bill which might be the unfinished business of the Senate as the result of the action of a committee of the Senate. I do not think I am subject to be called upon by any Member of this body to withdraw this bill because it is objected to any more than I ought to be called upon to withdraw any other bill which may be under consideration to which there is objection.

It is not within my province to withdraw the bill. It is within my province, and a part of my duty, to help facilitate the consideration of measures brought here by committees. This bill was brought here by the Committee on the Judiciary, and, so far as I know, without a minority report. I do not recall that there is a minority report, although I do not understand that the bill received the unanimous support of the committee.

Under those circumstances, I think the Senator from Tennessee, on second thought, will recognize the justice of my position in that regard.

Mr. McKELLAR. Mr. President, of course the Senator from Kentucky personally could not withdraw the bill; but his advice as the leader of the majority that it be withdrawn would have a tremendous effect. I hope that upon consideration he may agree with me that after the bill has been before the Senate for nearly 4 weeks, during which we have been discussing the rarest of crimes in the United States, we might do something else.

The Senator talks about cooperation with the Committee on the Judiciary. I ask him to look around and see how many members of the Judiciary Committee are cooperating with him. When I looked around a little while ago there was not one of them who was cooperating with him at all. Not one of them has raised his voice in behalf of the bill. Not a single member of the Judiciary Committee has been cooperating with the Senator from Kentucky. Since the Senator interrupted me, it is true that one member of the committee, the Senator from Indiana [Mr. VAN NUYS], has come into the Chamber, but before that time not a single member of the committee was present; and the Senator knows, and I know and every other Senator knows, that practically no members of the Judiciary Committee are actively supporting this bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I do not know whether the members of the Judiciary Committee are to be criticized or congratulated for their unwillingness to undergo the punishment that I have to undergo day after day in the way of remaining here and listening to this discussion. [Laughter.]

Mr. McKELLAR. I congratulate them; and if the Senator were to cooperate with his colleagues on this floor, in my judgment it would not be long before the Judiciary Committee itself would ask that the bill be withdrawn.

But I continue to read, Mr. President, as to how crime is dealt with by Federal authorities right here within the sound of my voice. I am reading from the Washington Post of this morning:

All available squad and scout cars and every detective officer in the District last night searched the city for two drunken gunmen, who held up seven business establishments within half an hour, fired twice at the proprietor of a grocery store, and escaped in a small automobile.

With a reward on the heads of the bandits, police were watching all bridges leading into nearby Virginia, while police in nearby Maryland and Virginia counties were aiding in the search.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. Just one moment, and then I will yield.

Think of it! I do not know how many policemen there are in the city of Washington. There were seven holdups in a half hour, and the police offered a reward to persons to find them. The police are offering rewards to citizens to point out these holdup men. Can you beat it? [Laughter.] If that is what is done by the Federal authorities, what are we going to do when we turn over lynching to them? Are we going to tell them to offer rewards? What sort of rewards are we going to offer—$50 for apprehending a man charged with rape, $25 for apprehending a man charged with attempted rape, and so on?

I see in the Chamber some members of the Committee on Appropriations who have served so faithfully with me on that committee. I am wondering what the members of the Committee on Appropriations are going to say when Federal officers come before them and want a large amount appropriated to offer rewards for the apprehension of those charged with permitting lynchings and attempted lynchings, and rapes and attempted rapes. It is perfectly absurd and nonsensical to take the right and the jurisdiction to deal with this question away from the States, which are doing it so well, and turn it over to the Federal authorities, who are not doing well even in our own city.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, I was about to suggest to the Senator that he has read to the Senate an account of how two drunken highwaymen committed seven invasions of one of the rights of people under the fourteenth amendment—the protection of their property—in 30 minutes' time in the District of Columbia, under Federal law, when there were only eight lynchings in the entire United States in the year 1937; and now we are asked to turn that matter over to the Federal Government in the same way!

Mr. McKELLAR. Yes; here were seven invasions of the rights of citizens under the fourteenth amendment in half an hour, right under the eaves of the Capitol. These occurrences may not have been within the sound of everybody's voice, but I think they were almost within the sound of my voice. There were seven of them right here, where the sacred rights of citizens under the fourteenth amendment are being violated by our own employees who have the duty of enforcing the law on the subject; and Senators will notice the remedy proposed by Commissioner Hazen. I am sorry the Senator from Colorado [Mr. ADAMS] has gone out of the Chamber, because I think he is on the subcommittee of the Committee on Appropriations which has charge of the District of Columbia appropriation bill. I see the Senator from South Carolina [Mr. BYRNES] here, and I know he is on that subcommittee. Commissioner Hazen wants 25 more policemen to help the authorities here. It may be that the Commissioners are entitled to more policemen. I do not know what the facts are; but it does seem to me that it is not necessary for the police to offer rewards to citizens to arrest persons for crime right here in the city of Washington. If so, it is time we were dropping this bill and undertaking to pass proper laws to have the rights of citizens respected.

Mr. CONNALLY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Texas.

Mr. CONNALLY. Is it the theory of the police that if they offer sufficiently large rewards, the criminals will come in and surrender?

Mr. McKELLAR. No; the article does not say that; but if we were to offer a reward of $5,000 for the arrest of a hold-up man, I think he might make a bargain in advance that he would receive only a 6 months' term in prison, with the hope that he might be pardoned within 2 or 3 months, or get out for good behavior in 4 months. Something like that might be done.

I am calling this matter to the attention of Senators for the purpose of showing them just what is proposed by the advocates of this bill. We are asked to turn over this matter to the Federal authorities, when the Federal authorities right here in the home of the Federal Government are letting crime go unchecked, as one newspaper said:

Officers were watching especially liquor establishments and beer parlors. All sections of the city were being patrolled, but the Southwest section, where most of the holdups occurred, was the center of the greatest concentration.

REWARD IS OFFERED

Determined to see the gunmen brought to justice—

Listen to this! I am reading from the Washington Post of this morning.

Determined to see the gunmen brought to justice, Inspector Bernard Thompson, chief of detectives, late last night offered a reward of $25 for apprehension of the lawless pair.

That is just $12.50 apiece. I do not think he will get very far with that offer.

Both bandits were described as being in their early twenties. One wore a leather coat and a green skull cap. He was blond, 5 feet 11 inches tall, and heavy set. The other also wore a leather jacket and a brown hat.

Not a derby. [Laughter.]

Both were described as being "tough and desperate" looking.

My heavens! It would never do for a policeman to arrest a man who was tough and desperate looking. [Laughter.] That would be a violation of all the rules.

The hold-ups came in amazingly rapid succession. Apparently the bandits sought to avoid police by robbing two adjacent business places, then speeding drunkenly on to find other victims.

We have a law here against speeding, and a law against drunken driving, and a law against hold-ups; and yet we are

asked to turn over the rarest crime in America—only eight instances of it having occurred in the entire Nation last year—to these same Federal officers, in part.

Most of the places preyed upon by the robbers were small grocery stores.

Perhaps they were hungry.

TOO DRUNK TO WALK

My heavens! Here are two bandits who are described in this newspaper as being "too drunk to walk," and all the policemen we have in the city of Washington were unable to catch them! [Laughter.] I wonder what was the matter. As the Senator from Texas [Mr. CONNALLY] says, one constable down in Texas would have had them in jail in less than 10 minutes.

As reports of the hold-ups grew—

Remember, Mr. President, these bandits were too drunk to walk, according to this newspaper. The reporters must have gotten that information somewhere. They have a way of doing that.

As reports of the hold-ups grew, an urgent broadcast was made—

Have you ever been in a taxicab when the police began to broadcast? How could two drunken men escape under those circumstances, when the police were broadcasting in every taxicab and in every other place in the city?

As reports of the hold-ups grew, an urgent broadcast was made to all police cars to spare no effort to capture the gunmen. A special detail of two squad cars early in the evening was assigned to the southwest area, and the detail was increased later.

If those men were too drunk to walk, I wonder how they escaped.

Mr. BAILEY. How were they moving?

Mr. MCKELLAR. I wonder how they were moving, as the Senator suggests. Listen to this:

Striking swiftly in the early darkness, the bandits first went to a gasoline station at Twenty-fourth Street—

Somebody knew where they were going. Somebody knew where they were.

Striking swiftly in the early darkness, the bandits first went to a gasoline station at Twenty-fourth Street and Benning Road NE. Here they pointed a revolver at David Frye, of the 1200 block of Staple Street NE., the manager, snatched $7 and speeded away.

They were too drunk to walk, but they were not too drunk to speed away in their car, where there is a law against speeding.

Next they went to a nearby filling station at Benning Road and Twenty-sixth Street, which they had visited two nights earlier.

At a military school which I once attended it would have been said that they were "ex all," they were escaping all punishment. These two men visited a place they had visited two nights earlier.

As the bandit car drove up, Millard Brickerd, of Chillum, Md., walked out to meet it.

"Beat it back in there where you came from and get us some money."

Here were two drunks, too drunk to walk, but in a car.

"Beat it back in there where you came from and get us some money," one of the men said as they both got out and drew guns.

It is remarable that two men too drunk to walk were not too drunk to draw guns. Somebody must have been scared around there. I wonder what was the matter with the telephone that they could not telephone the police? They might have found one.

"Beat it back in there where you came from and get us some money," one of the men said as they both got out and drew guns. They staggered drunkenly and reeked of alcohol, Brickerd told police.

"How did your boss like the hold-up the other night?" asked one.

"Not very well," answered Brickerd.

The robbers got $25 from the cash register. Brickerd told police one of them was so drunk he could hardly walk.

I wonder why Mr. Brickerd did not hold the man, who was so drunk that he could hardly walk. It may be that Mr. Brickerd was a small man.

Next the gunmen hastened to Southwest Washington, where they concentrated on grocery stores.

There were but two of these boys. They would not come under the proposed law. They could not be arrested under the proposed law, because there were just two of them. When two do something, it is no offense; but if there were three, then it would be an offense under this marvelous measure. But these were concentrated. There might have been three there, but they were concentrated to two. [Laughter.] At all events, I read further:

At 319 First Street SW. they stopped in front of a store operated by Louis Hillman and his wife Hinda. Inside also were two colored customers.

One of the bandits staggered in, pistol in hand.

"This is a hold-up—see," he said. Hellman opened the cash drawer and the robber scooped up $45, the day's receipts. He then turned his gun on one of the colored customers.

"You got any money?" he asked.

The customer said he had a quarter.

"Do you work for a living?" asked the gunman.

"Yes," answered the customer.

"Keep it, then," replied the robber.

That was generous. [Laughter.] No wonder the authors of the bill are excepting gangsters and racketeers from the operation of the proposed law. They are gentlemen. When they find a man who has worked for a quarter they do not punish him, they do not take what he has, they do not rob him.

"Keep it, then," replied the robber.

Quick-wittedness on the part of Mrs. Fannie Litman, her husband, Ban, and her son, Robert, foiled the gunmen when they invaded the Litmans' store at 337 Third Street SW. The Litmans were in their back living room when one of the men lurched in, gun in hand.

It does not state that he was drunk this time. Perhaps he had gotten a little sober after he gave the colored man back the quarter.

Mrs. Litman, thinking a customer was coming, stepped into the store. As soon as she saw the pistol she screamed and fled to the back room again.

Her husband and son snapped out the lights and slammed the door, locking it. The bandits got no loot there.

Abraham Butt, 30, proprietor of a grocery at 831 Sixth Street SW., was a target for the bandits' blazing guns when they tried to rob him.

He was in a back room getting something for two customers.

It does not say what that something was. Perhaps these two gunmen got something there; perhaps it was something that made them a little drunker than they had been.

He was in a back room getting something for two customers. When he came back he saw the customers with their hands in the air and one of the robbers brandishing his gun. Butt was wearing a white apron. When he saw the gun he began to run. Before he could move the bandit fired at him point-blank and then shot again as he fled without loot.

He shot at him! He would have killed him right here, almost in the shadow of the dome of the Capitol. Yet there are many Senators who want to turn over to Federal authorities the task of stamping out lynching, when the State authorities are now making such a splendid record.

Next the gunmen drove to the southeast. At 52 D Street they entered a District Grocery Store operated by Morris Bassin.

One of the men staggered into the store and poked his gun in the ribs of Bassin, took $25, and reeled into the street.

Winding up their swift spree of crime, the robbers went to 36 D Street SE., another grocery, where they held up Grove Dare, 20, and stole $15 in bills.

Mr. President, that is the third newspaper in the city which tells what a wonderful thing it is for us to turn over the authority of the States, without the slightest constitutional sanction, to the Federal Government.

I now read from another excellent newspaper published in our city, the News. There are big headlines here, across the top of the first page in this paper:

Extra police on tonight to fight off bandits.

There is one advantage in being a Senator. No one would ever hold up a poor Senator. The hold-ups know they would not get anything. They would rather hold up grocery stores.

This is a double column article:

Outburst of new wave of hold-ups and robberies—the second epidemic in 6 weeks—today drove a harassed police force—

This is a Federal police force, composed of authorities to whom we are asked to turn over the jurisdiction over eight lynchings in the country. They are harassed by what? Harassed by two drunken young men, about 20 years old, so these newspapers say, who were too drunk to walk.

Drove a harrassed police force into extracurricular activities.

Whatever that is.

Mr. BAILEY. That means outside the school.

Mr. McKELLAR. Let me ask the Senator from North Carolina what that means, because this is just a little outside of my understanding, and I am sure the Senator knows what it means. It says, "Drove a harassed police force into extracurricular activities." What kind of activities are "extracurricular activities"?

Mr. BAILEY. I understand that when the police force is unable to overtake two men who are too drunk to walk they have to get outside of the curricula. That is the only explanation I can give.

Mr. McKELLAR. They have to get out of the curricula. [Laughter.]

Mr. BAILEY. Whenever they cannot catch up with two men too drunk to walk they become extracurricular.

Mr. McKELLAR. I thank the Senator for his enlightening statement.

Mr. BARKLEY. Mr. President, does that have any relationship to ex parte or ex cathedra? [Laughter.]

Mr. McKELLAR. I refer the Senator from Kentucky to the Senator from North Carolina, who is handling the definitions of words for me today. [Laughter.]

Mr. BARKLEY. "Curricular" is an adjective, which is derived from "curriculum," which is supposed to be a course of study ordained at colleges, universities, and schools.

Mr. McKELLAR. "Curricula" is the plural of "curriculum," if I remember my Latin. [Laughter.]

Mr. BARKLEY. The Senator is correct, but I thought he had placed an "r" at the end of the word so as to make it "curricular."

Mr. McKELLAR. I said "curricula."

Mr. BARKLEY. In other words, "curricula" means two curriculums. [Laughter.]

Mr. McKELLAR. It means two or more curriculums. We will find out what it means.

Outburst of a new wave of hold-ups and robberies—the second epidemic in 6 weeks—today drove a harassed police force into extracurricular activities—

By the way, I see this is spelled "c-u-r-r-i-c-u-l-a-r." The Senator is right; it is an adjective. But "curricula" without the "r" would be plural. [Laughter.]

which will find all Washington highways patrolled by extra scout cars tonight and all plain-clothes men and detectives on prolonged duty.

I stop reading long enough to be serious for a moment and to say that I approve fully the efforts of the Washington police to catch these violators of the law, these men who are taking away sacred rights granted to citizens under the fourteenth amendment. One of those rights is the right of property. Seven people were robbed and deprived of that right last night, and one man was shot at. We have not heard about the women yet. I do not know what the next edition of the paper will show the fate of the women to have been. I commend the police for their efforts.

Action came after a conference of police heads this noon.

Mr. President, if it takes a conference of all the police heads to catch two drunken bandits in the city of Washington who are too drunk to walk, how long would it take and how many conferences would it require to catch three or more men who had been engaged in a lynching?

That is a question which I wonder if I might ask my distinguished and greatly beloved friend the Senator from Illinois [Mr. LEWIS]. How long does he think it would take? I know that I shall now receive a real answer, and the occupants of the galleries will look out for it. [Laughter in the galleries.]

Mr. LEWIS. Is the able Senator from Tennessee seeking from me something that takes on the form of a mathematical division, a mathematical subtraction, or abstraction, or a geological conclusion? [Laughter.]

Mr. McKELLAR. All of the things the Senator has mentioned might come into play. The statement in this splendid newspaper, the Washington Daily News, is:

Action came after a conference of police heads this noon.

That is, this conference was called to see what could be done as to the arrest of two drunken bandits about 20 years of age, who last night held up seven different establishments and robbed all except one, in which they got rid of them by turning out the lights. By the way, the police offered a reward for their capture, and the Senator from Illinois can take that into consideration. If it takes the authorities all that time to find two drunken young bandits, how long would it take them to find what is known as a mob in a lynching case? The Senator smiles at me; and I imagine he is in the same situation I am in. He could not tell. I could not answer the question, and I am not going to call on him to answer.

I proceed to read from this article:

A dozen brazen robberies during the night resolved Police Chief Brown to call his lieutenants together and determine a course of action.

Chief Brown called his lieutenants together. I think he ought to call in the authors of this bill. Surely the authors of the bill, this wonderful bill, aimed at eight crimes a year in the whole United States, can give the police authorities here in the city of Washington sufficient information to enable them to arrest two drunken bandits who were too drunk to walk. I continue to read:

Six extra squad cars will be on duty tonight in addition to the regular fleet.

I wonder what a fleet is. Perhaps the Senator from Texas knows.

Mr. CONNALLY. Mr. President, I do not know what such a fleet is, but I would say it was not fleet enough to catch the bandits. [Laughter.]

Mr. McKELLAR. The article continues:

Additional detectives will be on duty. Unless arrests are made today, every man on the force will particularly be on the lookout for two drunken youths, supposedly brothers, who perpetrated seven holdups in 35 minutes last night.

Today a house in Prince Georges County is under police watch.

My heavens, they are going outside of their jurisdiction! They are going over to Prince Georges County.

The article continues:

One of the youths was partially identified from a photo by one of the victims. Police are hoping they will come home when their spree wears off.

That is a delightful hope, and I join in it. I expect all the money they picked up will soon be spent, and I hope that when the spree wears off the Federal officers will be able to catch them. It is to Federal officers that we are asked to turn over the jurisdiction over lynching.

Detective Chief B. W. Thompson called all available detectives back to duty and asked the aid of suburban police in the capture of the "drink-crazed" pair. Reward of $25 was offered for their arrest.

Thompson said he expected to have the two in custody before night.

If they get them in custody what will they do with them? I address the Senator from Texas [Mr. CONNALLY], who is vigorously opposed to this bill, and ask him how much punishment has been meted out by the Federal authorities here in Washington and how many murders have actually been committed here. That information might be very enlightening to Senators in considering this bill.

Mr. CONNALLY. Mr. President, I will say to the Senator from Tennessee that the Senator from Texas has on his desk the report of the Attorney General, containing a list

of Federal crimes all over the United States, and the Senator from Texas will advert to that report later on during the debate.

Mr. McKELLAR. I thank the Senator.

The newspaper article continues:

In rapid succession the robbers struck at seven places within 35 minutes. Their car bore Maryland tags and was seen each time, but they managed to escape.

It seemed that the authorities found out everything in the world about these robbers, that they were too drunk to walk, what kind of car they had, what kind of clothes they wore, and the color of their eyes, but did not take the two robbers into custody. I continue reading from the article:

Dave Frye, gas station manager at Twenty-fourth Street and Benning Road NE. was the first victim.

Mr. President, I will not read the remainder of the article, but I ask that it be printed in the RECORD at this point. It is a description similar to the one that was read previously.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Washington Daily News of January 13, 1938]

Outburst of a new wave of holdups and robberies—the second epidemic in 6 weeks—today drove a harassed police force into extracurricular activities which will find all Washington highways patrolled by extra scout cars tonight and all plainclothesmen and detectives on prolonged duty.

Action came after a conference of police heads this noon. A dozen brazen robberies during the night resolved Police Chief Brown to call his lieutenants together and determine a course of action.

EXTRA SQUAD CARS

Six extra squad cars will be on duty tonight in addition to the regular fleet. Additional detectives will be on duty. Unless arrests are made today, every man on the force will particularly be on the lookout for two drunken youths, supposedly brothers, who perpetrated seven holdups in 35 minutes last night.

Today a house in Prince Georges County is under police watch. One of the youths was partially identified from a photo by one of the victims. Police are hoping they will come home when their spree wears off.

REWARD IS OFFERED

Detective Chief B. W. Thompson called all available detectives back to duty and asked the aid of suburban police in the capture of the drink-crazed pair. Reward of $25 was offered for their arrest.

Thompson said he expected to have the two in custody before night.

In rapid succession the robbers struck at seven places within 35 minutes. Their car bore Maryland tags and was seen each time, but they managed to escape.

ONE VICTIM FEARED DEATH

Dave Frye, gas-station manager at Twenty-fourth Street and Benning Road NE., was the first victim. He turned over $7. Five minutes later, two blocks away, at Twenty-sixth Street and Benning Road NE., they forced Millard Brickerd to give up $27 of his gas-station receipts. Brickerd said the same pair robbed him 2 days ago, and he feared they had returned to kill him.

Moving to the southeast section, the gunmen forced Morris Bassin, grocer, at 53 D Street SE., to hand over $25. Walking across the street, they threatened Grover Dare, 20, grocery clerk, at 36 D Street SE., and robbed him of $15.

Wildly waving his gun over his head, and aided by his companion, the head bandit boarded their sedan and sped away.

Louis Hillman, grocer, was their next victim. Only one of the pair entered the store at 319 First Street SW. He grabbed $45 from the cash register.

Screams frightened off the blond-haired member of the crazy team at the store of Benjamin Litman, 337 Third Street SW. Litman told police his son, Robert, was in a rear room and screamed when he saw the bandit's gun. Litman snapped out the lights.

The only shot fired during the robbery rampage was at the store of Abraham Butts, 831 Sixth Street SW. Butts ran into a rear room when he saw the gun. He was not hurt, and the gunman fled empty handed.

One of the pair was about 19, blond curly hair, pimply face, and wore a brown leather jacket. His companion, about 17, had on a brown hat and dark lumber jacket.

Bernard Kaesen, of 944 Shepherd Street NW., was robbed of $4.30 and his cab last night at New Hampshire Avenue and G Street NW. Kaesen later recovered his cab at Twentieth and G Streets NW.

When Goldie S. Paregol, 34, of 1529 Upshur Street NW., slowed her auto for a traffic light last night at Sixth and L Streets NW., a Negro youth jumped on the running board and grabbed her purse, containing a $65 check and 45 cents in cash.

Mr. McKELLAR. Mr. President, what are we asked to do? We are asked to turn over to the Federal authority criminal jurisdiction that now belongs to the States and will belong to the States even if we shall pass this bill. Even though it is seen how splendidly the State authorities have performed their duties in the protection of human life, in the reduction of crime, and in making lynching the rarest of all crimes in America. Yet we have spent a month trying to take this jurisdiction away from the States and turn it over to the national authorities.

Senators, those of you who are sitting here, silent, not defending this bill, those of you who say you are going to vote for it and yet will not defend it, I appeal to you to withdraw this infamous measure which will do more injury than you can ever imagine, which will injure the people whom you propose to help here by taking away from the States the authority which they now have, and which they are exercising in such a splendid manner. That authority is being exercised in a manner far superior to the way in which criminal jurisdiction is exercised right here in our midst in the District of Columbia, far superior to that way in which it is exercised anywhere, because all other crimes are increasing, while the crime of lynching alone stands out in bold relief as the only crime in America that is decreasing, and it is very rapidly decreasing. If Senators will just leave it alone for a very short period of time, they will find that the crime of lynching will no longer occur in America.

Mr. BAILEY obtained the floor.

Mr. BARKLEY. Mr. President, at this time I contemplate moving an executive session, and then moving that the Senate take a recess.

Mr. BAILEY. Then may I yield, but holding the floor for tomorrow?

Mr. BARKLEY. So far as I am concerned; yes.

Mr. BAILEY. Very well.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. NEELY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Percy Poe Bishop, United States Army, to be a major general in the Regular Army from January 1, 1938, vice Maj. Gen. Douglas MacArthur, retired December 31, 1937.

He also, from the same committee, reported favorably the nomination of Col. Jay Leland Benedict, Infantry, to be brigadier general in the Regular Army from January 1, 1938, vice Brig. Gen. Percy P. Bishop.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Peter M. Davey to be postmaster at Bridgeport, Conn., in place of E. C. Martin.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES

The legislative clerk read the nomination of Joseph P. Kennedy to be Ambassador Extraordinary and Plenipotentiary to Great Britain.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Hugh R. Wilson, of Illinois, to be Ambassador Extraordinary and Plenipotentiary to Germany.

Mr. LEWIS. Mr. President, at this point I beg to call the attention of the Senate to the fact that this is the designation of a gentleman who has long been in the public service of our country, a man who through his very splendid efforts rose from a very humble place in the Department of State until he reached the point where he is now designated to be a diplomat sent out by our Government to a country which welcomes him and will justly give us splendid applause for his services.

He is from the State of Illinois, from the city of Evanston, which is renowned for its educational facilities. This gentleman has had a remarkable career and has splendidly represented his State.

I ask that his nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary to Chile.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES HOUSING AUTHORITY

The legislative clerk read the nomination of J. Austin Latimer, of South Carolina, to be Director of Information, serving as assistant to the Administrator.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Leon H. Keyserling, of New York, to be General Counsel of the United States Housing Authority.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Isador Lubin, of the District of Columbia, to be Commissioner of Labor Statistics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until tomorrow, Friday, January 14, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 13 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Toxey Hall, of Mississippi, to be United States attorney for the southern district of Mississippi, vice Robert M. Bordeaux.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO CHEMICAL WARFARE SERVICE

First Lt. Harold Walmsley, Infantry, with rank from August 1, 1935.

Second Lt. George Robert Oglesby, Infantry, with rank from June 12, 1935.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonel

Maj. James Ellis Slack, Cavalry, from January 6, 1938.

To be major

Capt. Harry Nelson Burkhalter, Infantry, from January 6, 1938.

MEDICAL CORPS

To be lieutenant colonel

Maj. Forrest Ralph Ostrander, Medical Corps, from January 21, 1938.

To be captains

First Lt. James Augustus McCloskey, Medical Corps, from January 22, 1938.

First Lt. Robert John Hoagland, Medical Corps, from January 23, 1938.

First Lt. James Leo Tobin, Medical Corps, from January 31, 1938.

First Lt. Allen Nelson Bracher, Medical Corps, from January 31, 1938.

DENTAL CORPS

To be captain

First Lt. Carvel Clark Ellison, Dental Corps, from January 20, 1938.

CHAPLAIN

To be chaplain with the rank of captain

Chaplain (First Lt.) Thomas Hampton Reagan, United States Army, from January 28, 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 13 (legislative day of January 5), 1938

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES

Joseph P. Kennedy to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Great Britain.

Hugh R. Wilson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Germany.

Norman Armour to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

UNITED STATES HOUSING AUTHORITY

J. Austin Latimer to be Director of Information, serving as assistant to the Administrator, United States Housing Authority.

Leon H. Keyserling to be general counsel of the United States Housing Authority.

DEPARTMENT OF LABOR

Isador Lubin to be Commissioner of Labor Statistics, Department of Labor.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 13, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite Spirit, that which is seen is temporal; that which is not seen is eternal. O Master of the hidden power, be Thou our souls' desire. Do Thou build monuments of love in the hearts of men and reecho Thy soundless voice everywhere. Keep in our remembrance that life consists not in the abundance of things we possess. Grant, our Father, that we may so strive that others may be blest and cheered by the spirit and fruit of our labors. By faith do Thou lead us through doubt, endure temptation, and cleave steadfastly to Thee. As custodians of our Government, inspire us with courage, and may we rekindle confidence in the breasts of all faithless and mistaken men. O God, may self not seek its own delight, but through crowded and lonely places let us feel for all their biting strokes of need and want. We pray that our aspiration may be to conform our will to Thine, seeking no reward but of giving joy and happiness to others. In the name of our Elder Brother. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address which I delivered on educational activities of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the Appendix a radio address by former Senator Hawes on the subject of conservation progress.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMITTEE ON CLAIMS

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution which I have sent to the Clerk's desk.

The Clerk read as follows:

House Resolution 400

Resolved, That EDWARD L. O'NEILL of New Jersey be, and he is hereby, elected a member of the standing committee of the House of Representatives on Claims.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech I made last night over the Columbia Broadcasting System.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ITEM VETO AMENDMENT

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, yesterday there was the supposition here that the veto rider on the independent offices appropriation bill only applied to that bill, but we have discovered that under the broad terms of the amendment it applies to all appropriation bills. In other words, the other night here we committed ourselves to a very grave proposition dealing with all appropriation bills.

I want to tell you another thing that is in this rider. It does not provide that the President shall report any of these items within any certain time. It does provide that Congress shall have 60 days after he acts to override his cut, but there is nothing in the amendment that prevents the President of the United States from vetoing items in appropriation bills the last day of the session or after a sine die adjournment has been agreed upon, and he could even wait until the next session of Congress to do it. There is nothing in the resolution to prevent him from doing this very thing.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. LAMBERTSON. If the gentleman can answer that statement, I will.

Mr. COCHRAN. Will the gentleman yield to me?

Mr. LAMBERTSON. Only to answer that statement. I do not yield if you cannot answer it.

Mr. COCHRAN. Will the gentleman yield so I can ask the gentleman a question?

Mr. LAMBERTSON. If you can answer my statement, I will.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield to allow me to answer it?

Mr. LAMBERTSON. I will.

Mr. WOODRUM. The amendment provides the same authority given in a resolution to President Hoover and President Roosevelt, that 60 days of a session of Congress must elapse before his action reducing an item becomes effective.

Mr. LAMBERTSON. But it does not say when he must veto it nor does it say 60 days of a session—just 60 days. He can wait until the last day of a session to veto an item and then when Congress adjourns they have 60 days after they have adjourned, to override the veto. Neither one of the gentlemen has answered my proposition.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the gentleman from Kansas a question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask the gentleman this question: Does the gentleman know of any law upon the statute books that requires the President of the United States to spend every dollar that the Congress of the United States appropriates?

Mr. LAMBERTSON. That has not anything to do with this proposition.

Mr. COCHRAN. Oh, yes; it has.

Mr. LAMBERTSON. This is a proposition to let the President veto an item, whole or in part, of an appropriation bill, and there is no limit as to when he vetoes it. It can be in this Congress or the next Congress or on the last day of a session, under the language of the amendment of the gentleman from Virginia, and I challenge anybody to answer that.

Mr. COCHRAN. But the gentleman voted for bills giving this same power to both Mr. Hoover and Mr. Roosevelt.

Mr. LAMBERTSON. The gentleman is begging the question and does not answer my statement.

Mr. COCHRAN. Mr. Speaker, there should be no confusion over the amendment offered by the gentleman from Virginia [Mr. WOODRUM]. I say this because it has been before this House on several occasions and thoroughly discussed. President Hoover was given this power by a Democratic Congress; and, of course, Republicans, or at least a great majority of Republicans, in the House at that time voted for the authority we extended to President Hoover. I voted for it, and I likewise voted for the similar authority vested in President Roosevelt in 1933. There was a time limit on both resolutions, but there is no time limit on the amendment of the gentleman from Virginia [Mr. WOODRUM]. It not only applies to President Roosevelt but to future Presidents.

Mr. Speaker, I have given this matter a great deal of attention, and under the leave granted me to extend my remarks it is now my purpose to express the conclusions I have reached.

This amendment would authorize the President to eliminate or reduce by Executive order appropriations made by that act or any other act of Congress. But the amendment would only authorize the President to take such action with respect to the appropriations made by any act after the enactment of the act containing the appropriations. I repeat, Mr. Speaker, after the enactment, after the legislative process is completed, after the President has approved the act, after the veto power is completely and absolutely exhausted, then, and only then, would the amendment come into effect with respect to any act making appropriations.

This amendment is not an item veto. It does not attempt or purport to attempt to enlarge or affect in the slightest degree any phase of the Presidential veto power. It does not purport to come into operative effect with respect to any act making appropriations until that act has by virtue of the President's signature passed beyond his power to veto and become the law of the land. It is perhaps natural that it should have been thought by Members of Congress and by the newspapers that this amendment was item veto legislation. The item veto has been much in the public eye recently, and it is not surprising, therefore,

that the present proposal aimed at the same evil as the item veto but approaching the solution of that evil from an entirely different avenue, should be confused with it.

I will not at this time attempt to discuss the constitutional aspects of legislation granting the President the power to veto items in appropriation bills, though I may say that while such legislation would be novel in character cogent arguments could be advanced in support of its constitutionality. But I wish to state definitely and categorically that that question is not involved here.

The present amendment has nothing to do with vetoing. It merely gives to the President a portion of the power which the Congress has already conferred upon him in whole on a number of occasions in the past. By this I mean to say that Congress has several times, the most notable instance being the Economy Act of 1932, as amended, authorized the President to abolish in whole or in part any governmental function, activity, or agency whenever he found and declared, after investigation, that such abolition would be in the interest of economy or increased efficiency in administration. Under the reorganization provisions of the Economy Act of 1932, as amended, when functions, activities, or agencies were abolished, the appropriations made in connection therewith were required to be impounded and returned to the Treasury. Under that act, if the President abolished a function, he wiped out the appropriations for that function not merely for the current fiscal year, as would be the case in connection with appropriations eliminated under the present amendment, but for good, unless Congress by legislation established that function anew. It seems clear almost beyond the necessity for argument that if the President can be authorized, as he has been, to eliminate governmental functions, which have been set up by acts of Congress, as well as the appropriations that support them, he can be authorized by appropriate legislation to eliminate or reduce merely appropriations and not functions.

The constitutional question involved, therefore, is not whether the President's veto power can be expanded by an act of Congress, but whether Congress can validly delegate to the President the power to examine appropriation acts after their enactment and, under standards laid down by Congress, eliminate or reduce unwise or excessive appropriations from such acts. This question has been answered by the courts and the Attorneys General in connection with the reorganization provisions of the 1932 act. The validity of those provisions as a proper delegation of authority has been sustained by the Federal courts, as well as former Attorney General Mitchell and the present Attorney General.

The provisions of the present amendment are closely patterned after those of the 1932 act, and the amendment has the same sound constitutional basis. It authorizes the President to eliminate or reduce by Executive order, in whole or in part, appropriations made by acts of Congress whenever, after investigation, he finds and declares that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby. This closely parallels the machinery by which the President was authorized under the 1932 act to abolish functions and their supporting appropriations. I call your attention in this connection to the fact that the Warren reorganization bill, H. R. 8202, containing provisions substantially identical to those of the 1932 act, passed this House at the end of the first session of the Seventy-fifth Congress, the present Congress.

The amendment also contains the same provisions with respect to the coming into effect or disapproval of Executive orders issued under its authority as applied with respect to reorganization Executive orders under the 1932 act. Thus, it provides that whenever the President issues an Executive order under its provisions, the order must be submitted to Congress while in session, and shall not become effective until 60 days after such transmission, unless the Congress shall by law provide for an earlier effective date. Congress, therefore, will have a further check on the President's action under this authority, since no elimination or reduction of appropriations will become effective until Congress has had an opportunity to indicate its disapproval.

I ask the Members of this House to study this amendment carefully. But they must first disabuse their minds of any concept that this is an appropriation item veto provision. Any constitutional questions that may be involved in the consideration of item veto legislation are not present here, and they serve merely to becloud the issue. I believe that those of you who will give this amendment the careful study which it deserves will conclude, as I have, that it is one of the most constructive pieces of legislation that has been introduced in the Seventy-fifth Congress.

Mr. Speaker, I was present when this amendment was offered. I understood it thoroughly, although I had no idea it was to be advanced, and I pleaded with the gentleman who made the point of order to withdraw it, which he did, because I realized its importance. This amendment should remain in the bill. It places additional responsibility upon the President, which I am sure he will be perfectly willing to assume, and, further, if he is given the power, I am sure it will be reflected, when the time comes in the next fiscal year to make an accounting of Government expenditures.

EXTENSION OF REMARKS

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein correspondence and telegrams with certain officials of a magazine in Connecticut responsible for a scurrilous attack on the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MAVERICK asked and was given permission to extend his own remarks in the RECORD.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a copy of a letter written by me.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a very brief resolution adopted by the National Grange.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter received from a constituent.

The SPEAKER. Is there objection?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter I wrote to the President of the United States.

The SPEAKER. Is there objection?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1939

Mr. LUDLOW, from the Committee on Appropriations, reported the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1666), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. TABER. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

Mr. LUDLOW. Mr. Speaker, I am directed by the Committee on Appropriations to advise the House that the committee has made a reservation in connection with this bill for the offering of a committee amendment with respect to

section 2 of the independent offices appropriation bill, adopted on the floor, if such amendment should be deemed advisable, after action by the committee on the subject matter of that section.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. SNELL. Mr. Speaker, I submit a parliamentary inquiry. I would like to know what the meaning of that reservation is. I cannot understand any reason for a committee making any such reservation if it desires to offer an amendment.

The SPEAKER. If that remark is addressed to the Chair, the Chair would say there is some confusion in his mind about the matter. The Chair has not the bill before him. The Chair refers the gentleman to the gentleman from Indiana.

Mr. LUDLOW. Mr. Speaker, at a meeting of the Committee on Appropriations this morning, discussion was had of the provision inserted in the independent offices appropriation bill with reference to the item veto. It is desired by that committee to give further consideration to that matter, and the committee, I understand, will meet tomorrow, and in the meantime the committee directed me in presenting this privileged report to make the statement that I have just made.

Mr. SNELL. Then it really carries no special substance.

Mr. LUDLOW. It is only informative to the House.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. O'CONNOR of New York. What can be done about it in this bill? The item veto in the independent offices appropriation bill applies to all appropriation bills. In what possible way can the House, if it so desires, correct that situation in this bill?

Mr. LUDLOW. Mr. Speaker, there was discussion of the matter in our Appropriations Committee today. No action was taken, but a desire was expressed to consider the matter further. There was some discussion of whether to present as an amendment to this bill a provision exempting this bill from the terms of that amendment. As I have stated, no action was taken. There was discussion among the members and a desire was expressed to consider the offering of an amendment to this bill to take it out from under the blanket provisions of the amendment adopted to the independent offices appropriation bill.

Mr. O'CONNOR of New York. That would make a rather anomalous situation. If we just exempt this appropriation bill from the item veto when all of the others would be subject to it.

Mr. LUDLOW. I think when the committee meets that the discussion will go further and that it will consider the matter with reference to all other appropriation bills.

The SPEAKER. The gentleman from New York [Mr. SNELL] propounded a parliamentary inquiry of the Speaker. The Chair yielded to the gentleman from Indiana to reply to the gentleman from New York. In view of the statement made by the gentleman from Indiana it seems to the Chair that the subject matter of the statement has nothing to do in a parliamentary way with the pending bill.

Does the gentleman from Indiana desire to make any request with reference to the control of time for general debate upon the bill?

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes. Pending that I desire to reach some agreement with the gentleman from New York [Mr. TABER] with reference to the general debate and the control of the time. I ask unanimous consent that the time be equally divided between the gentleman from New York and myself. What is the thought of the gentleman from New York?

Mr. TABER. Mr. Speaker, I suggest that general debate continue through the day and tomorrow. I believe that much time will be required to properly cover the situation.

Mr. LUDLOW. Will not the gentleman agree to a modification of that and permit general debate to run throughout the day and then we can tell tomorrow better how we are situated with regard to further general debate.

Mr. TABER. Very well.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8947; and pending that asks unanimous consent that general debate continue throughout the legislative day today, the time to be equally divided between himself and the gentleman from New York [Mr. TABER]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8947, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I yield myself 40 minutes.

Mr. Chairman, in preparing the Treasury and Post Office Departments appropriation bill for the fiscal year 1939, your subcommittee has been actuated with a desire to do something more than render lip service for the cause of economy. We have had in mind the blessings which would come from a balanced Budget in stabilizing the industrial situation, in strengthening normal business operations and employment, and in giving cheer and encouragement to the taxpayers in general. We believe that in this direction lies the prospect of a continued healthy national recovery and a transfer of millions from relief projects to regular jobs. We realize, of course, that the savings that can be effectuated on a single appropriation bill will not go far toward balancing the Budget, but we have endeavored within our limitations and the scope of our authority to do our part in carrying out a program of real retrenchment.

The Treasury and Post Office Departments appropriation bill, as we submit it to you for your approval, carries a total of $1,400,552,286, which is $175,862,722.94 below the appropriations carried in the 1938 bill. We have reduced the Budget estimates $7,916,050. In no instance have we increased a Budget estimate, and we have decreased 73 items submitted to us by the Budget, these cuts ranging from a few thousand dollars in some items to as high as a million dollars in other items.

While we have cut deeply, it has been our constant aim to grant every dollar necessary to render adequate service. We recognize the fact that both of the great Departments covered by this bill have important duties to perform, and it has been our purpose to provide the funds to enable every service to function properly and in accordance with the public interest.

The total of the appropriations for the Treasury Department carried in this bill for the next fiscal year is $610,862,627, a reduction of $180,804,328.94 compared with the appropriations for the current fiscal year. We reduced the Budget items for the Treasury Department $4,462,300. The bill provides appropriations for the Post Office Department and the Postal Service in the sum of $789,689,659, an increase of $4,941,606 over the appropriations for the current fiscal year, and we reduced the 1939 Budget estimates for the Post Office Department and the Postal Service in the sum of $3,453,750.

The very large reduction in appropriations recommended for the Treasury Department, amounting to $180,804,328.94, as compared with the fiscal year 1938, needs further explanation. Of this amount $130,000,000 is a reduction in the ap-

propriation for the old-age reserve account under the Social Security Act. The Social Security Act was launched as a great experiment, a venture into a vast unexplored field, and at the time it was enacted estimates were made based on actuarial tables in regard to the obligation which the act would impose upon our appropriation bills in the years to come. The theory of the act was that annual appropriations would be made and placed in an old-age reserve account, these appropriations to be in equal measure with the revenues to be collected under the act which were to be covered into the Treasury as miscellaneous receipts.

The revenue receipts from this source are not coming up to the original estimates of the actuaries, and it is not necessary to make the appropriations estimated in the original computations. For the current year the appropriation made to the old-age reserve account is $500,000,000. There will be a carry-over of $115,000,000 on July 1 next, and the Budget Bureau estimates that $360,000,000 is all that will be necessary in this item for the next fiscal year. A change from a monthly to a quarterly basis of collecting old-age security taxes also tends to reduce the appropriation required. It is believed that the reappropriation of $115,000,000 and the additional $360,000,000 estimated by the Budget, making a total of $475,000,000, will provide all of the funds needed for the operation of the Old Age Security Act during the next fiscal year, and we have allowed the full amount of the estimate.

It is not my purpose to review all of the items carried in this measure, as the details are covered in the report, but where items are of unusual interest or the action taken was outside the ordinary scope, I shall try to acquaint the Committee with the reasons that motivated your subcommittee in reaching our decisions.

Action by Congress at the last session reducing the interest rate on farm mortgages held by the Federal land banks from 5.04 percent to 4 percent and interest on farm mortgages held by the Federal Farm Mortgage Corporation from 5 percent to 4 percent, has its sequel in appropriations carried in this bill to meet this increased statutory obligation. The appropriation to the land banks on this account is fixed at $20,500,000, an increase of $5,500,000 over the current year, and the appropriations to cover payments to the Federal Farm Mortgage Corporation is fixed at $8,200,000, an increase of $3,200,000 over the current year's appropriation on that account. The amounts allowed for these items, while below the Budget in the sums of $700,000 and $150,000, respectively, are believed to be more accurately gaged than the Budget estimates, as they are based on the total volume of mortgages outstanding at the end of the first quarter of this fiscal year, and these figures were not available when the Budget estimates were prepared.

For years we have carried a title of appropriations under the head of Emergency Banking, Gold Reserve, and Silver Purchase Acts. Emergency banking has virtually been washed out of the picture and the personnel required for administering the Gold Reserve and Silver Purchase Acts is diminishing. By consolidations with regular activities and by more reductions of personnel we have sought further to limit the charge which these acts impose upon the Treasury for operating purposes. As long as the acts remain on the statute books, however, we shall be called upon to enforce them, and apparently we have about reached the end of economies that may be effectuated in that direction.

The estimates that came to us from the Budget provided for a merger of the force that guards Treasury Department buildings in the District of Columbia with the Secret Service, and for the transfer of appropriations for that purpose from the office of Chief Clerk of the Treasury Department to the Secret Service establishment. To your subcommittee this did not seem to be a wise merger, as Treasury guards are in no sense detectives or Secret Service operatives. They are paid on a lower scale, and there was reason to apprehend that if fused into the Secret Service they would automatically sooner or later advance into the higher brackets of pay, beyond the normal compensation paid to guards, and thus a large unjustifiable additional charge would be fixed on the Treasury. Instead of approving the merger we have created a new title in the bill known as guard force, and have granted $306,840 to pay the salaries of those who fall under that title. We have provided that this force is to be under the supervision and direction of an operative of the Secret Service to be detailed for that purpose by the Secretary of the Treasury, thus assuring all of the advantages advanced for the proposed merger without actually making Treasury guards members of the Secret Service operating force.

More than a quarter of a year has elapsed since the estimates were submitted to the Budget by the Departments, and we found that in a good many instances declining prices, not anticipated 4 months ago, have so affected the situation that reductions in Budget estimates may be safely made on that account. For instance, while we granted an increase of $75,000 in the item for printing and binding, Treasury Department, we cut the Budget estimate $40,760 when reminded that prices of paper and other supplies have declined sharply in recent months. For the same reason we reduced the stationery estimate for the Treasury Department $35,000, while granting an increase of $30,000 over last year to cover expanding needs. For the purchase of distinctive paper used in manufacturing United States securities we allowed $1,000,000, which is an increase of $283,100 over the 1938 appropriation but a reduction of $149,000 below the Budget figure. The estimate was based on a program to build up a high reserve. The price of distinctive paper is now at its peak—41 cents a pound.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. MICHENER. Is this the paper upon which are printed the Government obligations?

Mr. LUDLOW. It is.

Mr. MICHENER. Is the increase needed because we are going to issue so many more bonds and create so many more obligations for the year 1939 than heretofore?

Mr. LUDLOW. I was about to answer that a little further along. The Department has a program under which it considers it essential to build up a reserve of stock of this paper. The stocks have become very much depleted.

Mr. MICHENER. The gentleman means a reserve stock for future obligations?

Mr. LUDLOW. A reserve stock of distinctive paper.

Mr. MICHENER. That does not seem to indicate that we intend to curtail the issuing of more paper money and these other obligations.

Mr. LUDLOW. I think that really has not anything to do with it. I think it is part of the normal operations of the Treasury Department. At times they build up the stock of this paper. They take exceptional means to build the stock up to provide an adequate reserve supply. I really think there is nothing abnormal about it.

Mr. MICHENER. The estimate is based upon a program to build up a high reserve of this distinctive paper when its price is now at its peak.

Mr. LUDLOW. I think the price at the time the estimate was prepared was 41 cents a pound.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. JENKINS of Ohio. Does the Government make its own distinctive paper?

Mr. LUDLOW. No; this distinctive paper is made under contract; and I may state that the field of bidders is very much circumscribed. Very few firms are able to produce this kind of paper.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. THOMPSON of Illinois. Does this include the paper on which the currency is printed as well as the paper on which securities are printed?

Mr. LUDLOW. That is true. As I stated, the estimate is based upon a price of 41 cents a pound. It is felt by your subcommittee that by the next fiscal year distinctive

paper, following other paper prices, may show a decline and that it would be sound business procedure to reduce the estimate by $149,000 and await results. If prices should fall, it may be possible for the Department to attain its high ceiling of reserve within the amount we have allowed. If prices do not fall, no serious harm could come through a slower accumulation of reserve.

The Customs Service asked for 157 new employees in the field, costing $300,000 per annum, and 10 new employees in Washington, costing $30,560 per annum. We allowed half the increase asked in both brackets, based on a showing that customs receipts have dropped off very perceptibly in recent months and it was not believed that all of the additional personnel estimated for months ago before the decline became noticeable will actually be needed.

The Internal Revenue Bureau asked for 659 new positions, mainly to devote to social-security duties and to catch up arrearages, and we allowed about 70 percent of the estimated requirements. We increased the appropriation for expenses of assessing and collecting taxes from $58,240,520 in 1938 to $58,700,000 in 1939, an apparent increase of $459,480. However, it is an actual increase of $700,000, due to the fact that the 1938 appropriation included a nonrecurrent item of $240,520. The Internal Revenue Service is a vitally important and expanding service, but we believe that this increase of $700,000 will take care of its service requirements in good shape.

Declining prices also enabled us to cut some of the estimates for the Coast Guard without in any way impairing the service. For instance, for fuel and water we allowed $1,500,000, an increase of $25,000 over 1938 but a cut of $75,000 below the Budget. Our action was predicated on the fact that unit prices on December 15 were away below the prices that prevailed in September, when the estimates were prepared. Fuel oil, one of the main items, dropped from $1.60 to $1.27 per barrel and gasoline from 14.08 cents to 13 cents a gallon.

We have allowed for important new units of equipment for the Coast Guard, including $270,000 to purchase three new airplanes to replace five old ones and $700,000 to build two new harbor cutters.

We have provided for increased personnel needs of the United States Public Health Service by allowing for 20 additional commissioned officers—10 for the new National Cancer Institute and 10 for the new narcotic farm at Fort Worth, Tex. The total recommended for the United States Public Health Service is $21,692,200, a net increase of $545,220 over the current appropriations. We have provided funds to cover automatic promotions and to provide for equipment and expenses of operating the new marine hospital at St. Louis and the new hospital for narcotic addicts at Fort Worth. We also make the usual recommendation for an appropriation of $8,000,000 for grants to States for public-health work provided for in the Social Security Act.

A marked reduction in requisitions by the Treasury Department on the mints for coinage has enabled us to reduce our recommendation for the Bureau of the Mint to $2,311,920, or $161,640 below the 1938 appropriation. We have at the same time increased the appropriation for operation of mints and assay offices by $212,400, that amount being necessary to maintain the new silver depository at West Point, N. Y., and to transfer to that point a large quantity of silver bullion now stored elsewhere.

We are providing $11,000,000 to carry on the 3-year public-building program authorized at the last session of Congress. This amount, added to the carry-over of the balance of the $23,000,000 appropriated last year, will provide ample funds to continue the program expeditiously.

In connection with improvements at the Government Printing Office, an estimate came to us asking for an increase in the authorization from $5,885,000 to $8,798,000 and for an appropriation of $3,500,000 in cash. Your subcommittee visited the Government Printing Office and made a close inspection, embracing all features of the proposed construction and other improvements. We were impressed with the need of constructing the proposed annex building and providing the other essential improvements that are comprehended in the program. The present annex building, which is the identical building chosen by Abraham Lincoln as the first home of the Government Printery, is dilapidated to an extent that it is unsafe, and its further use is not practicable. We believe, however, that by eliminating from the program certain nonessentials that are more decorative than necessary and by readvertising for bids a saving of $750,000 or possibly as much as $1,000,000 could be accomplished.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. ROBSION of Kentucky. I observe that the gentleman and his committee have exercised quite a lot of independence in disregarding Budget estimates. If the Senate approves the action taken by the House the other day permitting the President to disregard the action of Congress on appropriations, to what good purpose is the independence of the gentleman's committee and other committees? What purpose can it serve? After all, we have given power to the President to cut up, cut down, cut out, or disregard any action taken by the House on appropriation bills.

Mr. LUDLOW. The views of my friend from Kentucky are very interesting and illuminating, but I would rather not be led quite so far afield as to discuss the so-called Woodrum amendment at this time. Our action on this particular item, as I have stated, was directed to the fact that the unit prices on December 15 were away below the prices that prevailed in September.

Mr. CROWE. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. CROWE. I notice on page 47, line 14, the proviso:

Provided, That the character of the exterior construction materials for Annex Building No. 3 shall be that contemplated in the original cost estimates for the project.

Is it the opinion of the gentleman and his committee that this would exclude the use of material other than brick for this extension?

Mr. LUDLOW. I think it was the opinion of the majority of the committee that the same material should be used in the annex that is used in the other building, they being twin buildings.

Mr. CROWE. Would not the gentleman be favorable to a little progress, the use of something a little more substantial, the construction of a building which would be there for all time if necessary? Does he not feel that we could very well provide a material that would be better and more in keeping with the beautiful city of Washington and the National Capitol?

Mr. LUDLOW. Answering the gentleman I can only repeat what I have already stated. The majority of the subcommittee was convinced that the material in the annex should be the same as the material used in constructing the old building.

Mr. CROWE. I have in mind, if the gentleman please, a material that is widely used in the city of Washington for buildings, which when one considers durability and length of life from every standpoint, is second to none, Indiana limestone or other limestone?

Mr. LUDLOW. I compliment the gentleman on being a very, very able representative of the leading industry of his district. I have a great deal of sympathy with his interest in obtaining a market for that product. This, of course, is a matter that would require the consideration of the full committee. It was considered, I think, from the viewpoint of a building that would be in harmony with the surroundings. It was thought that it would be out of harmony unless it were made of the same material as the present building. Another important factor was the differential in cost.

Mr. CROWE. The differential in cost might be none, or very little. In the case of the Bureau of Printing and Engraving the same objection was made—that limestone would cost more. It did cost a few thousand dollars more, not very

much, approximately $30,000, but the general appearance of the building and the durability of the construction far exceeded the additional outlay. The committee and the House finally decided that the appropriate thing to do was to face that building with stone. It has been faced with stone and it will be a monument to the city of Washington. The same thing would be true with respect to this annex to the Government Printing Office. Would it not be legislation on an appropriation bill and subject to a point of order?

Mr. LUDLOW. I do not think so, so far as that is concerned. I am not arguing the merits of the gentleman's contention, but it certainly is not subject to a point of order.

Mr. TOBEY. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from New Hampshire.

Mr. TOBEY. I appreciate the remarks of the last speaker; but while we are considering proper materials for construction of the proposed Printing Office building I want to suggest a material of which it may well be said, "The remembrance of quality remains long after the price is forgotten." I refer to the imperishable and eternal granite of the New Hampshire hills.

Mr. LUDLOW. Pursuant to this belief we have increased the authorization to $7,000,000 and have provided $2,500,000 in cash. Information that comes to us indicates that there is great eagerness among contractors to bid on public works and with costs apparently on the decline we believe it is the part of wisdom to make further efforts to effect economies on this particular project. We are taking this attitude solely as a safeguard of the Government's financial interest and without any reflection on the worthiness of the project.

I shall now deal briefly with the part of the bill that relates to the Postal Establishment. As all of us know, the Postal Establishment is largely a service organization. Roughly speaking, 80 percent of the appropriations carried in our Post Office appropriation bills are to pay for personal services. The mail must be handled and personnel must be provided to handle it. With an expanding volume of mail as we emerge from the depression allowance must be made for manpower to carry on.

With extreme care to guard against crippling the service we have allowed the full Budget estimate of appropriations for personal services connected with handling the mails. For clerks and employees at first- and second-class post offices we recommend for next year $198,000,000 as against the appropriation of $195,000,000 for the current fiscal year. For letter carriers we have given our approval to the Budget estimate of $138,000,000 which is the same as the appropriation for the current year. For the 20,000 employees of the Railway Mail Service we allow the Budget estimate of $57,500,000, an increase of $550,000 over the appropriation for the current fiscal year.

The liberality of these appropriations is attested by a circumstance that has happened since the original estimates were made. The first estimate of postal revenues for the fiscal year 1938 was $761,250,000 and for 1939 the estimate was $795,500,000. Later developments have shown that these figures are too high and later estimates have been submitted by Postmaster General Farley in a letter to me found on the last page of the postal hearings, reducing the 1938 estimate of receipts by $8,750,000 and the 1939 estimate by $20,500,000. A forecast of less receipts indicates a smaller volume of mail to be handled than originally anticipated but in order to be on the safe side and to give the Postal Service all the manpower needed we have made no reduction in personnel based on a smaller postal income than originally expected. The Postal Service is forging ahead in a gratifying way, notwithstanding a temporary slack and set-backs.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. The proportion of increase is greater than the increase in receipts, is that correct?

Mr. LUDLOW. I am coming to that right now.

Based on the new estimate of receipts in 1939 the gross deficit in that year will be only $14,689,659 (see page 18 of the report) and if we eliminate the nonpostal items that deficit would be changed into a surplus of $33,310,341.

For foreign mail transportation, including foreign air mail, we have allowed $14,787,275, an increase of $57,415 over 1938. For transoceanic air mail we are basing our recommendation on $1,706,000 for a full year's performance of trans-Atlantic service and $1,812,000 for a continuance of trans-Pacific service on 100 percent performance, each appropriation being reduced 10 percent, however, because of a budgetary requirement that the net appropriations be allowed on a basis of 90 percent performance. Due to delay in securing equipment and other reasons the trans-Atlantic air mail provided in last year's postoffice appropriation bill has not yet started, but it is expected that it will be in full operation by the beginning of the next fiscal year. For domestic air-mail service we have allowed $15,800,000, an increase of $1,300,000 over the appropriation for 1938. This appropriation provides for one new service from New York to Montreal, a distance of 330 miles, and for an increase of 1,676,000 in miles flown.

The legislative bill increasing route miles and miles flown, which has passed both branches of Congress, increases the route limit from 32,000 to 35,000 and the mileage to be flown from 45,000,000 to 52,000,000 per annum.

The appropriations we are carrying in this bill increase the route limit to 32,330 and the mileage flown to 46,676,000 so that under the new law the margin between the provisions made in this bill and the top ceiling allowed under the new law will be 2,670 route miles and 5,324,000 flown miles.

We have rejected a proposal ably presented to the subcommittee by Delegate DIMOND, of Alaska, for the establishment of shuttle air service from Tanacross to Seward, at a cost of $49,000 a year. The stem line air service from Juneau to Fairbanks, which was allowed last year, has not yet been established, owing to unexpected complications involving negotiations with Canada. The shuttle service proposed would connect with this stem line and we have put over the proposal without prejudice for further consideration when the Juneau-Fairbanks line becomes an operating service. That will be a pioneering venture which we believe will develop the needs and the practicability of further Alaska air service.

The inspection force of the Post Office Department now includes 585 inspectors and 15 inspectors in charge. The inspectors are the "eyes and the ears" of the Postmaster General and are a very vital part of the Post Office Establishment. The Department asked the Budget for 100 additional inspectors in 1939 and the Budget sent us an estimate for 40, of whom 5 were to be assistant inspectors in charge. We comprehend the importance of the inspection service but in view of the vital necessity of retrenchment and of making an approach to a balanced Budget we could not see our way clear to add such a large increment to the permanent personnel of the Government. We have disallowed the 5 new positions of assistant inspectors in charge and have allowed 10 additional inspectors, thus bringing up the total to 610. In the last 3 fiscal years Congress has provided 60 additional inspectors and we feel that the force has not by any means been neglected.

In framing this bill we have taken care not to overlook some of the poorest paid of our Government employees. We have provided $9,020 to give a one-step promotion to about 150 low-paid workers in the operating force of public buildings in the District of Columbia, and we have made available $187,000 to adjust the pay of about 3,000 custodial employees engaged in the operation of public buildings throughout the country. This amount will give a step-up to all those who on July 1 next have completed 1 year's service and who have not yet received a promotion. We feel that these faithful workers richly deserve the recognition which we have found it possible to extend to them at this time.

I have tried to cover the main features of the bill and I thank you for your patience. I would be insensible to my

obligations if I did not acknowledge in this presence my heavy debt of gratitude to the splendid gentlemen with whom I have the honor to be associated on the subcommittee—Messrs. BOYLAN, O'NEAL, DALY, JOHNSON, TABER, and DITTER—and if I may, I will add as an honest confession of the soul, right from the heart, that as a subcommittee chairman I would be hopelessly and irretrievably sunk if it were not for the friendly advice and unerring guidance of Marcellus C. Sheild, who has just completed 30 years of extraordinary efficient service as clerk of our Committee on Appropriations. [Applause.]

Mr. THOMPSON of Illinois. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Illinois.

Mr. THOMPSON of Illinois. I notice in the appropriation for rent, light, and so forth, that item has been reduced $100,000. Does that mean the Post Office Department is going to further reduce the rents paid for these little third-class offices throughout the United States, which I think have been ridiculously low for a number of years?

Mr. LUDLOW. I do not understand so.

Mr. THOMPSON of Illinois. Does the gentleman feel that $15 or $18 a month for a store building on the main street of a small community, to include also light, janitor service, and fuel, is proper compensation to be paid those taxpayers by this great Federal Government?

Mr. LUDLOW. I may say to the gentleman I do not. I do not believe a case of that kind would be affected by this bill.

Mr. TABER. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from New York.

Mr. TABER. Is it not a fact that the reduction comes as the result of moving into Federal buildings rather than in reduction of rents?

Mr. LUDLOW. It comes from that source, and does not apply to the case which the gentleman from Illinois has in mind.

Mr. STEFAN. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Nebraska.

Mr. STEFAN. Regarding Rural Mail Delivery Service, will the gentleman talk to me about that a minute?

Mr. LUDLOW. Yes. I may explain to the gentleman the Rural Delivery Service goes ahead with ample funds, and there is an allocation in this bill of $250,000 for new routes and extensions in the fiscal year 1939.

Mr. STEFAN. Does the gentleman think that is enough?

Mr. LUDLOW. There is the same amount and $150,000 additional made available also in the fiscal year 1938.

Mr. STEFAN. Does the gentleman think that is enough?

Mr. LUDLOW. Yes.

Mr. STEFAN. I want to pay a tribute to the Rural Mail Delivery Service, because I think the Rural Mail Delivery Service includes some of the finest Government employees in the employ of the Government.

Mr. LUDLOW. Undoubtedly.

Mr. STEFAN. That is true in my State especially.

Mr. LUDLOW. We are not in any way penalizing them in this bill.

Mr. STEFAN. We have been consolidating routes recently. Have we saved any money by doing so?

Mr. LUDLOW. I think some money has been saved; yes.

Mr. STEFAN. Is it going to be a definite program by the Post Office Department to continue the consolidation of routes?

Mr. LUDLOW. I imagine the consolidations have nearly all been effectuated and that there will be no more consolidations except where a carrier dies or where a carrier resigns.

Mr. STEFAN. Does the gentleman believe we have made some saving by doing that?

Mr. LUDLOW. Yes; I think so.

Mr. O'NEAL of Kentucky. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Kentucky.

Mr. O'NEAL of Kentucky. In reference to these low rentals, may I ask the gentleman if those follow competitive bidding?

Mr. LUDLOW. Yes.

Mr. GEHRMANN. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Wisconsin.

Mr. GEHRMANN. I notice there are reductions in reference to which my friend from Nebraska has already asked a question. I also notice, in connection with the star routes, there is a reduction of $149,000. I believe the star-route carriers are by far the lowest-paid Government employees today. It is a shame the way some of them operate.

Mr. LUDLOW. I may say to the gentleman, the star routes, of course, are let by bids. There is to be a reletting in connection with the largest contract zone, and the anticipation is the bids will be much lower and that this item ought to stand a reduction. Furthermore, the expenditure for star-route service in 1938 is less by $15,000 than we have appropriated for 1939.

Mr. GEHRMANN. There is another item here, travel allowance for postal clerks. As the gentleman from Nebraska has pointed out in connection with rural routes, we know that by consolidations into longer routes there has been a saving, but we also realize there are thousands of applications for extensions pending. I would think that the amount reduced there could have been used for this purpose.

Mr. LUDLOW. I repeat what I said to the gentleman from Nebraska. This bill carries $250,000 altogether for new routes and extensions next fiscal year 1939.

Mr. STEFAN. The bill states $250,000.

Mr. LUDLOW. Yes; I understand that, and $150,000 more has been made available during the present fiscal year 1938.

Mr. STEFAN. Does the gentleman think that is enough to take care of the extensions that are now needed in the rural parts of our country?

Mr. LUDLOW. Yes; I think so.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield myself 8 additional minutes.

Mr. SCOTT. I notice the bill does not provide a ban on reenlistment allowances, but at the same time it does not provide money to pay them. Would the Coast Guard have to pay the reenlistment allowance if a definite appropriation is not made in this bill for the payment of such allowances?

Mr. LUDLOW. I do not believe so, although the Coast Guard could do so if it can find the money in its general fund. We did not carry this language for the reason it is clearly legislation and therefore subject to a point of order. We had had notice served on us that the point of order would be made, so it would be a futile gesture to carry the legislation in this bill.

Mr. SCOTT. However, an appropriation is not carried in the bill?

Mr. LUDLOW. The appropriation is not included in the bill.

Mr. GEHRMANN. Mr. Chairman, will the gentleman yield for a further question?

Mr. LUDLOW. I yield.

Mr. GEHRMANN. I notice cuts are made in the salaries of employees, but I also notice that in every one of the Postmaster General's offices, from the First Assistant on down, there is an increase in the allowance. I am wondering if this increase is necessary. Must these offices have a larger personnel or increased pay, when the money therefor will be taken from money which would ordinarily go to the low-paid employees on star routes or rural routes, or in other branches of the mail-delivery service? Can the gentleman explain why it is necessary to increase the allowance in every one of the Postmaster General's divisions?

Mr. LUDLOW. We cut the Budget estimate deeply, as the gentleman understands, but it was necessary to grant some increases on account of the manifest fact that the mails are expanding and increasing. We had to provide certain personnel to meet this increased demand.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from California.

Mr. VOORHIS. Can the gentleman tell me how the $360,000,000, which is appropriated for the old-age reserve ac-

count, compares with the revenues derived from pay-roll taxes?

Mr. LUDLOW. I may say to the gentleman that as far as was humanly possible an effort was made to make this figure exactly commensurate with the revenues. At least, it is an attempt to approximate the amount of the revenues.

Mr. VOORHIS. It is an attempt to appropriate into that account the same amount as is collected from the taxes?

Mr. LUDLOW. On an even basis.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Iowa.

Mr. DOWELL. I notice there is a proposed appropriation of $14,787,000 for foreign-mail transportation. As I understand it, this includes all the foreign mail, including air mail?

Mr. LUDLOW. The gentleman is correct.

Mr. DOWELL. I notice the report also refers to the eight contracts which are now in existence. Are these eight contracts ones which have been in existence for some time, and do they refer to air transportation or other kinds of transportation?

Mr. LUDLOW. These are all 10-year contracts. None of them expires in the fiscal year 1939.

Mr. DOWELL. May I inquire how these contracts are made? As I understand it, these eight contracts are standing contracts.

Mr. LUDLOW. Yes; of 10 years' duration.

Mr. DOWELL. How long have they been in existence?

Mr. LUDLOW. I believe they expire at varying time, but none expires in the fiscal year 1939.

Mr. DOWELL. Are the contracts to which I have referred the same character of contracts as are made on competitive bids?

Mr. LUDLOW. They are made on competitive bids; yes.

Mr. DOWELL. When these contracts expire further contracts will be made on competitive bids?

Mr. LUDLOW. That is my understanding.

Mr. DOWELL. I notice the appropriation at this time is increased above what it was last year.

Mr. LUDLOW. I believe this is easily explained. Last year we appropriated for a part-year performance of trans-Atlantic air-mail service. The present appropriation is made on a full year's basis for trans-Atlantic mail.

Mr. DOWELL. It is all based upon the trans-Atlantic service?

Mr. LUDLOW. I believe this is the entire differentiation.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Michigan.

Mr. ENGEL. With reference to the question of the gentleman from California [Mr. VOORHIS], may I say that on page 21 of the hearings it is shown that in answer to a question of the chairman of the subcommittee Mr. Morgenthau said, referring to the Social Security fund:

> For example, next year we will receive approximately $1,000,000,000 net in excess of what the social security will cost.

In the face of this statement, are we justified in cutting the reserve from $500,000,000 to $340,000,000? Are we using the difference between those sums to balance the Budget?

Mr. LUDLOW. No; we are not. The social security estimate is based exclusively and entirely on the amount which it is estimated will be required to equal the revenues to be collected from the social-security taxes.

Mr. ENGEL. Secretary Morgenthau states you will receive a billion dollars more than you will pay out for the cost of social security, yet you are putting only $340,000,000 in the reserve fund. What becomes of the difference, if it is not used to balance the Budget?

Mr. STEFAN. Does it not go into the general Treasury?

Mr. LUDLOW. All the revenues from the social-security taxes go into the miscellaneous receipts of the Treasury. At the same time, as the gentleman knows, we have set up an old-age reserve account, and we are trying to appropriate into that account and keep even all the time.

Mr. ENGEL. The difference remains in the Treasury to be used for governmental expenses.

[Here the gavel fell.]

Mr. THOMAS of New Jersey. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

Mr. TABER. Mr. Chairman, I yield myself 40 minutes.

Mr. Chairman, in 1921 we passed the Budget and Accounting Act, and under this act we provided there should be a Budget officer, a Budget Director, who should gather information with reference to the various departments of the Government and figure out the amounts of money which should be appropriated for their maintenance. We also provided that the President of the United States should thereafter submit to the Congress when it convened the recommendations he desired to make as to the appropriations which should be provided for the ensuing fiscal year.

When the Budget was first organized, Charles G. Dawes, of Chicago, was the Director. He was succeeded by General Lord, who in turn was succeeded by Lewis Douglas, who had for many years been a Member of this House. On Mr. Douglas' retirement in 1934 a subordinate officer of the Treasury Department was made Director of the Budget. The Director of the Budget has not since been paid from the Budget appropriation. There is a vacancy in the office of Budget Director, and there is a vacancy in the office of Assistant Budget Director, the salaries for the two positions totaling $18,000 annually.

About 4 years ago, when the gentleman from Texas, Mr. Buchanan, was chairman of the Committee on Appropriations, that committee allowed the Budget 10 new men and appropriated liberal salaries for them. When the friends of the Budget came back to work the following year they found only four of the new men for whom we had provided had been appointed, and instead of getting first-class, high-grade men who might be of service in bearing down on the Departments and in reducing appropriations, there had been provided four clerks, receiving between $2,400 and $3,200 a year.

From the discussion we have had of the President's Budget and from the discussion we have had here on the floor in connection with the so-called Woodrum amendment which has come before the Congress, it is perfectly apparent the Budget needs to bear down and needs to reduce the estimates that are presented to the Congress.

The gentleman who occupies the office of Acting Budget Director, but is paid from the rolls of the Treasury Department, is a fine man. Perhaps if he were Budget Director, perhaps if he were independent and did not expect, as soon as it can be done, to be released and go back to the position he occupies as Commissioner of Accounts and Deposits in the Treasury, he would be a good Budget Director; but no man can occupy this embarrassing situation—paid from the roll of one of the largest spending agencies of the Government—and be the kind of Budget Director that we require in times of such a crisis as the Government is now facing.

I am hopeful someone will be appointed who will make it his business to go down the line and go into these departments and make the cuts that ought to be made.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. COCHRAN. The gentleman knows that from time to time employees from various Departments have been detailed to the Bureau of the Budget for work there. Has this practice been eliminated?

Mr. TABER. They still do that to a certain extent.

Mr. COCHRAN. The gentleman further knows that each one of the agencies and Departments has a budget officer?

Mr. TABER. Yes.

Mr. COCHRAN. They go to the Director of the Budget and they tell him the needs of their various agencies or Departments.

Mr. TABER. Yes.

Mr. COCHRAN. Has the Budget Director any help that he can send out to investigate and determine whether or not they actually need what they ask for?

Mr. TABER. He has some help, but has not enough, and it is not of the caliber it should be.

Mr. COCHRAN. Does not the gentleman think the Congress should authorize additional help for the Director of the Budget or the Acting Director of the Budget, Mr. Bell, for whom I have the greatest respect? I differ with the gentleman from New York that even in his capacity now of Acting Budget Director he refuses to bear down, because he has been bearing down, and does not the gentleman think if we would give him a reasonable number of investigators to go from Department to Department to check up on the requests of the various Departments and agencies he would be in a better position to tell them "yes" or "no" with respect to the amounts they request?

Mr. TABER. As I stated a moment ago, 10 high-grade men were provided for by the Committee on Appropriations 4 years ago, and instead of appointing them four clerks were appointed, drawing a salary of from $2,400 to about $3,200.

Mr. COCHRAN. Is that authorization in existence today?

Mr. TABER. It would be available if the Budget Director asked for it.

Mr. COCHRAN. I would like to have the Budget Director ask for it and appoint outstanding assistants to make investigations.

Mr. TABER. At the present time there is a vacancy in the office of Budget Director at $10,000, there is a vacancy in the office of Assistant Budget Director at $8,000, and instead of employing the largest number of high-grade men they can, it seems to me they have neglected the job. There is not any use of giving them more force when they do not take advantage of what is already provided.

Mr. COCHRAN. If the Director of the Budget would ask the Senate, it being too late now to make the request of the House, to give him sufficient money to fill the positions the gentleman refers to, does not the gentleman think that would be beneficial?

Mr. TABER. If they were appointed, yes. I do not think the addition of low-priced clerical help to the Budget office would amount to a hurrah.

Mr. COCHRAN. I fully agree with the gentleman.

Mr. TABER. I do not think anything can be accomplished in cutting down expenses in a substantial way except through the Budget. I do not think representatives of a committee of Congress can go into the Departments and investigate them thoroughly without creating an enormous amount of friction. I believe the only way this can be accomplished effectively is by having it done by the Bureau of the Budget, a direct representative of the President of the United States, who is the chief administrative officer. This is my opinion, with no politics in it at all, but simply my opinion as to the general financial situation of the Government; it makes no difference who is President or anything else.

Mr. COCHRAN. I agree with the gentleman and I do think the only way you are ever going to get information that will be of value is to have men who are capable and know something about the Government, paid a good salary directly answerable to the Bureau of the Budget, to make an investigation of the various Departments and other Government agencies from time to time to see whether or not they really need the money they tell him they need. He does not now have the time to check up on them and must take their word.

Mr. TABER. Tremendous expenditures are being made by agencies out of lump-sum appropriations. I do not know just exactly what the attitude of the Members of this House is toward lump-sum appropriations, but I do know how I feel about it.

Mr. COCHRAN. Ninety-nine percent of the abuses of spending money of the Government come from lump-sum appropriations, and the gentleman knows it.

Mr. TABER. Absolutely. I believe that in the bill we passed the day before yesterday there are a large number of lump-sum appropriations, which should be broken down so that there would be a separate appropriation for every activity and for personnel in the Department, for disbursements other than personnel for activities in the Department, a separate appropriation for the personnel in the field, and a separate appropriation for other expenses than personnel. I do not believe that we can control appropriations in any other way. I believe that we should have our hearings and break them down. The Subcommittee on the Treasury and the Post Office has uniformly taken that position and has refused to consolidate appropriations and make them lump-sum appropriations and I believe that has had a very good effect in enabling us to follow up these appropriations and to reduce them as far as we have been able to.

This bill carries a cut below the Budget of $7,910,000 in direct appropriations, and in limitations upon permanent appropriations carried in the bill of $500,000 more, or a total of about $8,500,000. Frankly, I do not think that is near enough. I think we ought to go further than that, but in the state of the situation that we are confronting, in the state that the Budget has allowed itself to get into by not taking advantage of every opportunity it could to put on the best material available and make an intensive study of this proposition, I do not believe that the committee could have gone much further. Every single change in an appropriation is a cut, and that indicates that we have yielded to no importunities for special favors. We have tried to have the interest of the whole country in mind, and have not asked for special favors for ourselves nor have we given them to anyone else.

There are some appropriations here that are not supported by the evidence, and I wish to call attention to some of them. The committee has carried $198,000,000 for clerks in the first- and second-class post offices. Frankly, I do not believe that the testimony justifies over $196,000,000. I shall not offer an amendment in the first instance with reference to that because we will have to take care of whatever is needed in that respect, anyway, and no great saving could result except in the matter of the credit that the Congress might have for cutting Budget estimates, but I am sorry that on that item the commitee has reported an exceedingly liberal amount beyond what is justified by the hearings, in view of the small increase that it is apparent is going to be shown in the postal receipts. That is, it is not expected that the deficiency that the Department will ask for will anywhere near reach $3,000,000 on this item, which was allowed at the time the Budget was thrown together. The same thing applies to the appropriation for city letter carriers, amounting to $138,000,000. That is too liberal. At the same time no useful purpose from the standpoint of the Treasury itself could be effected by a cut. Therefore, I do not believe that I shall offer an amendment on that in the first instance. Another item which is more liberal than the hearings would justify, although not so much so as the other two, is that relating to the Railway Mail Service. There the evidence does not justify quite as much as is carried, but the same thing applies to that. We have to provide whatever is needed.

One of the large items in the Post Office, that relating to rural mails, is just about what is needed to take care of the operations of the service and to meet the extensions that ought to be made. It has been cut as much as it ought to be, and I do not believe that it could stand any further cut. With reference to the regular operating expenses of the Post Office Department, I think we have cut in most places to just about what the Department ought to have for operation.

Mr. COCHRAN. Of course, coming from a large city I have no rural mail carriers, but I have repeatedly heard Members bitterly complain of the action of the Post Office Department in consolidating routes. Have they completed that work, or are they continuing to do it?

Mr. TABER. There are some consolidations, but not so many. The consolidations are now being based more on merit than they were some time ago.

Mr. COCHRAN. On merit? Were they not consolidated because of good roads? They used automobiles instead of the horse and buggy.

Mr. TABER. Some time ago they were making consolidations regardless. They were extending the length of some of the routes too much. I do not think the Department is extending routes so that one man has to try to serve more people than he should at the present time. I think they were doing it at one time, and that the entire service was more or less affected by it.

Mr. COCHRAN. The gentleman also spoke of city carriers. The gentleman knows that in the large cities, and I know it is so in my own district, there have been consolidations. For instance, three routes have been turned over to two men.

Mr. TABER. That was true a while ago.

Mr. COCHRAN. That is in the residence districts.

Mr. TABER. There have been break-ups in those consolidations in the last year, quite decidedly. That is general throughout the country.

Mr. COCHRAN. The thought I had was that they were trying to save money in the Post Office Department, and as far as I know the service to my people is just as good today as it ever was.

Mr. TABER. I know in my own territory the service is not nearly as good as it used to be but I do not think it is generally. The city districts have suffered decidedly and the rural districts have suffered, but the rural districts have not suffered so much because of consolidation of rural routes, as because of curtailment of train service and the small amount of Star Route Service that is provided as substitute for the train service.

Mr. COCHRAN. In my city of St. Louis, one of the finest postmasters we had was the last Republican postmaster. He was a man who had served 45 years in the Department when he retired. In this administration, naturally, we have a Democratic postmaster, who likewise is making an excellent record, but during the period that the Republican was in office, 8 years, and during the 4 years that the Democrat has been in office, I have been a Member of this House. I have only received one complaint from my constituents that the Postal Service was not satisfactory, and that was because that man wanted three deliveries a day rather than two which had been provided for.

Mr. TABER. I know nothing about the gentleman's territory.

Mr. MICHENER. I think the gentleman's territory must be exceptional, because it has been the policy of the Post Office Department in the last 3 years in many cities and in towns where there is city and village delivery service to reduce the number of deliveries. This may be due to the 8-hour day and 40-hour week, I do not know; but in Michigan, for instance—and I take it this is true throughout the country—there are fewer deliveries per day in all cities of any size. If this be as good or better service, I cannot believe it. I know in my home town where the residential sections formerly had two deliveries of mail a day they now have but one. Formerly for years there were four and five deliveries a day in the business sections of cities and towns, depending upon the mail delivered to the office. This service has now been cut to two deliveries a day. You may economize—and I am not objecting to that; but I am objecting to someone stating that the delivery service for incorporated towns and cities is as good today, or that it has been for the last 2 or 3 years, as it was for the 10 years preceding.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DONDERO. I have had numerous complaints in my district because of the consolidation of routes and the change of post office which necessarily followed, and also complaints that the service is not what it used to be.

Mr. COCHRAN. Does not the gentleman come from Detroit?

Mr. DONDERO. I represent part of Detroit.

Mr. COCHRAN. And is not the city of Detroit gradually spreading out so far as the residence district is concerned?

Mr. DONDERO. I referred particularly to the service in Oakland County, because that is where the complaint comes from. That is outside of Detroit.

Mr. COCHRAN. We all know that the residence districts of large cities are spreading into localities where there never were residences before.

Mr. DONDERO. That may be true.

Mr. COCHRAN. Anybody who feels that two deliveries a day is not sufficient in a residence district is asking too much.

Mr. DONDERO. I am speaking from observations I have made and complaints I have received.

Mr. TABER. I know in my own home community all business people have ceased attempting to wait for the delivery of mail, but go to the post office to get it. They used to receive it at 8:30 in the morning. Now it is absolutely impossible to get it as a general rule before 9:30 unless they go after it. Almost all have abandoned complaining and are now chasing to the post office after their mail, as they used to have to do in a fourth-class office.

Mr. MASON. That is exactly the situation.

Mr. TABER. I think that is pretty generally the situation throughout the country. It may be different in St. Louis. The gentleman undoubtedly has been able to get more action out of the Post Office Department along that line than some of the rest of us. I shall have to give him credit for that.

Mr. COCHRAN. I have not been in the office of the postmaster of St. Louis more than once or twice since he was appointed 4 years ago. Continual complaint is made, however, about the deficit in the Post Office Department. If we expand to meet the wishes of all, there will have to be an increase in it.

Mr. TABER. Absolutely; there is no question about it.

Mr. COCHRAN. Does not the gentleman think, therefore, that they are receiving the service to which they are entitled and that a whole lot of them are asking for more than that to which they are really entitled?

Mr. TABER. I do not know. I think most of the people are ready to pay for the service they get. Now I am coming down to some particular items in the bill that I desire to discuss for a while. First, I desire to take up the Bureau of Research and Statistics in the Treasury Department. Here we find a bureau on at least four pay rolls in the Treasury Department. The situation developed into such a serious one that I asked every head of a bureau as he came up whether Dr. Haas was on his pay roll. This outfit has developed from nothing 2 years ago to a point where it is now upon four regular pay rolls of the Treasury, costing $358,000, with 152 employees. In addition to being on full pay rolls of the Treasury Department, it is on Emergency Relief. In addition to that, I presume, although I do not know and we had no evidence of it, that it is on the stabilization pay roll. There has been a transfer to the Bureau of Statistics from the Bureau of Internal Revenue of $100,000 from the appropriation provided for the examination of claims for the refunding of processing taxes, notwithstanding the fact that the language of that appropriation was such that this transfer of $100,000 is absolutely illegal.

I wonder if the Secretary of the Treasury does not think it is about time for the Comptroller General to make a closer examination of the books and operations of the Treasury Department. I wonder if the Secretary of the Treasury does not think that his office should be charged with this illegal transfer of $100,000 by the Comptroller General.

Mr. Chairman, the Comptroller General has been placed there to see that the acts of Congress are obeyed and to see that funds are expended as authorized by law. Here is absolute proof of the statement in the Comptroller General's report that the Treasury Department is being loosely run and that it needs a very considerable amount of application of the Budget law and the iron hand of the Comptroller General. May I say that the Comptroller General does not interfere in administrative matters, but he does protect the

integrity of the legislation of this Congress and prevents departments from doing illegal acts. He has no control over, nor does he attempt any control over, the administrative functions of the departments. He simply attempts to make them live up to the law. Here is a glaring case. Here is an opportunity for the Comptroller General to make the Treasury Department live up to the laws of the Congress. I call upon the Comptroller General to do that, and I hope he will meet this responsibility.

I am satisfied from the examination the Committee conducted into this Bureau of Research and Statistics that this outfit could perform every function it needs to perform for the sum of $60,000. I am further convinced that it could get every bit of information it ought to have and that it ought to give to the Department for this amount of money and that it could function properly. At the proper time I shall offer amendments to correct this situation.

Mr. Chairman, I call attention to another thing that seems to me of outstanding importance and that is the silver-purchase racket. Some people say that we should not by appropriation bills attempt to stop bad operations under laws that have been previously passed. May I say to you I believe it is the function of the Appropriations Committee of the House when it recommends appropriation bills to only recommend the appropriation of funds for the functions of the Government that should be carried on? I believe we should not recommend appropriations for those things which are bad and vicious and for those things which are getting the Government further and further into trouble.

Now, with reference to the silver-purchase operations. We have been buying silver ever since the 1st of January 1934. Month by month we have been buying it. Some of the time we have paid 64 cents an ounce, some of the time we paid 77 cents an ounce for newly mined silver, and some of the time we paid a figure in between. At the present time it is 64 cents an ounce. Last year it was 77 cents. We have absorbed all the newly mined silver into the Treasury. We have absorbed all the foreign silver and all the old domestic silver into the Treasury except what was used in the arts. Last year the price at which this type of silver was taken in was 45 cents an ounce.

Without this Government subsidy the market price of silver would be somewhere around 18 cents to 20 cents; perhaps less; at any rate, not more than that. There are perhaps 25,000 or 30,000 miners who indirectly benefit a little. Those who turn the newly mined silver over to the Government are the big corporations, such as the United States Smelting & Refining Co. and the American Smelting & Refining Co.

The purchase price of this silver has averaged $150,000,000 a year over a period of 4 years. The total cost has been somewhere around $600,000,000. It is a major racket which ultimately will destroy the credit of the Government.

The Secretary of the Treasury says it does not affect the budgetary situation of the Government, but let me call attention to the daily Treasury statement for January 10, which indicates that there are silver certificates outstanding of about $1,400,000,000. There are silver and silver dollars against this as an asset, and this appears right in the middle of the first page of the Treasury statement, of $1,445,000,000. Pursuant to the statute under which the silver is bought, this silver in the Treasury and the silver dollars are figured for the purpose of the balance sheet of the Treasury at $1.29 an ounce. This silver, if it were dumped on the market would not bring over 18 or 20 cents an ounce. If it was not for this statute, which requires fraudulent bookkeeping on the part of the Treasury of the United States, there is absolutely no question but that the operations of the Silver Purchase Act would seriously affect the budgetary position of the Government.

The sum of money required to administer the Silver Purchase Act is not large, perhaps $150,000 or $250,000 a year, or a little more.

When these items are reached in the consideration of the bill under the 5-minute rule I propose to offer amendments cutting out the items for the operation of this act, and I propose putting a limitation in the bill prohibiting the use of any funds appropriated under the act for carrying out the provisions of that act. I propose, at the end of the bill, if my amendments are not agreed to, to offer a motion to recommit the bill, and on this motion I intend to ask for a roll call, because I want to find out whether the membership of the House is going to stand longer for this racket which ultimately will ruin the Government and its credit. There is absolutely no sense in this subsidy, which means $150,000,000 a year.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 10 additional minutes.

The whole philosophy of that bill is fallacious. One hundred and fifty million dollars a year means an average of $5,700 for each silver miner who produces any quantity of silver. We have passed a bill providing subsidies for farmers. Do you know how much this means for each farmer? On the basis of the statistics in the Yearbook of the Department of Agriculture it runs about $66 apiece. Do you know how much the subsidy for silver is? Five thousand seven hundred dollars per miner if the money filters through to the miner. You see the way we have treated the farmer and the way we have treated the miner. Is it not about time we stopped this monstrous operation on the Treasury?

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. What justification is given for this great expense?

Mr. TABER. Many of the people who come from the silver districts say the silver-mining business cannot be operated profitably without such a subsidy. I do not like that kind of a subsidy, and I do not like that sort of way of tying up the Government's credit and the Government's money. I do not believe if the membership of the House understood the situation it would vote to appropriate a dollar to carry on that racket.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. In looking over the committee print I notice there is a reduction in the appropriations for the Star Route Service, the Railway Mail Service, and the Rural Delivery Service. I have received letters from some of the boys back home who say they have been laid off, particularly up in the Minneapolis area, and their work is being piled onto the men who are left in the departments. My colleague the gentleman from Wisconsin [Mr. GEHRMANN] asked in regard to this situation a while ago, and he mentioned that at the same time cuts are made in the appropriations for these services an increase is given the office of the Postmaster General. If there is to be a decrease in the number of men and in the number of star routes and rural routes, what is the necessity for an increase in the appropriation for the office of the Postmaster General?

My second question is, Are the men who are left in the Service required to work longer than a 40-hour week, and are they getting any increase in pay for the additional service which is loaded onto them?

Mr. TABER. There is plenty of money available at the present time for the payment of all railway mail clerks who are needed. If there is any trouble about it, and if sufficient railway mail clerks are not being employed to take care of the mail, it is a fault of administration, and not of appropriation. The hearings do not justify quite so large an appropriation for the Railway Mail Service as is being carried in the bill, but we are carrying the larger amount so there may be a margin available and so the Department may have plenty of money with which to operate.

The gentleman has referred to Rural Mail Service. This year there will undoubtedly be extensions of routes and new routes involving the expenditure of close to $600,000, and I

believe the Department is taking care of such extensions as are needed in as reasonable a way as it can.

With reference to the Postmaster General's Office there is no change in the amount recommended in this bill from the amount recommended and passed last year, $228,344.

I wish to talk for a moment about this baby bond business. The committee has reported, and I concur in its recommendation, a cut of $500,000 and a limitation in the public-debt service permanent appropriation for the purpose of issuing new bonds. This reduction was arrived at because we found that approximately a million dollars was supposed to be used for an intensive advertising campaign for the sale of baby bonds. We also found that as a result of the intensive advertising campaign which has been carried on for a year or so many poor people were buying small amounts of baby bonds, which they were obliged to cash before they received any interest on them. We found it is not good policy for the Government to conduct intensive campaigns for the sale of such bonds. We believe those who have plenty of money to invest in such bonds will invest in them without high-pressure salesmanship. We feel in fairness to the country and the poor people who have been deluded into buying these bonds the intensive advertising campaign should be done away with, and we can just as well save for the Treasury $500,000. We in the committee do not object to the bonds being widely held, but at a time when the credit of the Government is good enough so bonds can be sold without high-pressure tactics, we believe there is no justification for high-pressure tactics in the sale of baby bonds.

The results of the Treasury-Post Office bill, as compared with last year's, are as follows:

Reductions

Construction	$21,932,000
Do	100,000
Social security	140,000,000
Refund processing tax	15,000,000
Subscription to paid-in surplus, Federal land banks	20,000,000
	197,032,000
Face net reduction	180,804,328
Reappropriations	115,000,000
Balance of reduction	65,804,328
Social-security saving and nonrecurring items, above	197,032,000
Increase in Treasury Department on administrative and general expenses for 1939 over 1938	131,228,328

I am now going to talk for a moment on the Woodrum amendment, which was adopted the other day, and I am not going to yield to anyone, because I will not have time to get through within the hour I am allowed if I yield.

The Woodrum amendment permits veto by the President of items and reduction of items in appropriation bills. I am inclined to the belief this privilege should be limited in its scope so it could not apply to any appropriation for the maintenance of the legislative branch of the Government. I believe it should not apply to appropriations for veterans, because I do not believe the operations of the Veterans' Administration are carried on in an extravagant manner as a general rule. However, I cannot see a great deal of difference between the present situation as it now exists and the situation created by that amendment.

This is the practice at the present time, and no one can interfere with it except insofar as it relates to payments which are made in satisfaction of judgments or claims and matters of that character. The President is accustomed to go through the administrative items with the Budget officer and set up a reserve of every penny he believes cannot be properly used, and this is impounded in the Treasury, subject to release by the Budget officer and himself. He has the power not to spend funds appropriated by Congress. I doubt if anyone, unless he could show a personal interest, such as being a judgment creditor or a claimant, could possibly obtain a mandamus or anything of that sort which would force the administration to pay out funds for a general public purpose or for the operation of a bureau in a department. The only thing this amendment can do and do successfully is put a little bit of starch in the backbone of the President when he comes to cut down expenses.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Missouri.

Mr. COCHRAN. It also places an added responsibility upon the President which I feel confident he will assume.

Mr. TABER. It does; but that responsibility is all there when he submits his Budget to Congress.

Mr. COCHRAN. As the gentleman knows, there is absolutely no law which makes it mandatory upon the President to spend the full amount of the appropriations made by the Congress except for certain fixed charges.

Mr. TABER. Except in certain instances where claims accrue, I do not believe the President could possibly interfere with appropriations for salaries for the courts.

I do not think he could possibly hold up appropriations for salaries or expenses of the legislative branch of the Government the way the statute stands now, but with reference to the administrative agencies over which he has control, there is no statute that compels the expenditure of appropriations, and hundreds of millions of dollars are turned back into the Treasury every year because they are not spent, and this has always been the history of expenditures of the Government.

Mr. COCHRAN. For instance, you provide by statute for 50 classified positions in a given agency; if they only want to fill 35 of those positions, there is no law that can make them fill the other 15 positions.

Mr. TABER. The gentleman is correct, and that should be so, because if it were not so it would be impossible for the Government to function at all. Let me suggest one or two reasons. We are considering this bill today 6 months in advance of the date it becomes effective. It is effective for 1 year thereafter. Conditions so change with reference to many, many items in this bill that many things for which we appropriate, which we cannot foresee today, will arise and make it unnecessary to spend the money. Other conditions may arise that will make it necessary to spend other money, and the administration will have to come back to the Congress for a deficiency with respect to such items. This is the only way the Government can operate.

The thing that bothers me about the Woodrum amendment, and I so stated yesterday on the floor, is this. I am afraid Members of Congress are going to say, with this statute in effect, they have not as much responsibility as they used to have as to the amount of money to be appropriated.

I do not propose, as long as I am here, to let the Members get away from the idea they are responsible for the appropriation of funds and if they make appropriations that should not be made, they are to blame.

I believe every possible effort should be made to reduce appropriations. I do want to call attention to the fact that the Woodrum amendment does not in anyway give authority to the Executive to increase any appropriation or transfer any appropriation from the purpose for which it was appropriated to any other purpose. It only permits absolute and direct cuts, and I do not believe, as a general proposition, it will be found to work badly or against the interests of the legislative branch. The only way this could happen would be for the legislative branch to get the idea it did not have anything to do. I hope that regardless of whether the Executive cuts, this Congress will cut and save what money it can for the Treasury.

I have pointed out to the President in the independent offices bill a great many items where savings can be made and made without hurting a single, necessary service. I am going to do the same thing on other bills as they come up, wherever I see an opportunity, and, frankly, if the Woodrum amendment is retained I propose to call them to the attention of the President and suggest to him, as emphatically as I can, that these items ought to be cut, and that it is up to him, inasmuch as Congress has not met its responsibility to cut them, to cut them himself.

I think I have probably consumed about as much time as I ought to, and I am going to yield the floor.

Mr. ENGEL. If the gentleman will permit, there is a question that I have been concerned about considerably. On page 21 of the Treasury Department hearings referring to the social-security fund, in answer to a question of the chairman of the subcommittee, Secretary Morgenthau said:

> For example, next year we will receive approximately $1,000,000,000 net in excess of what the social security will cost.

This bill reduces the amount of money placed to the credit of the security fund to $360,000,000, leaving a difference of $640,000,000 between the $1,000,000,000 which we have received in revenues. What becomes of the difference of $640,000,000?

Mr. TABER. I think I can explain that. The appropriation for next year is not $360,000,000; it is $475,000,000 because there is a reappropriation of $115,000,000 in addition to a direct appropriation of $360,000,000.

In addition to this, if the gentleman will turn to page 46 of the report he will find that under the Social Security Act $822,787,500 was estimated to go into a trust fund under the provisions of titles III and IX of the Social Security Act. I think this would make the difference. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to extend my remarks and to include there some tables I have prepared in connection with the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks and to include therein certain tables he has prepared. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I yield 30 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, the business recession now upon the country creates a situation that, unless quickly remedied, holds vastly greater possibilities of peril for this Government and this Nation than did the economic cataclysm of 1929. We have a Federal debt far higher than ever before reached. It will be somewhere above $40,000,000,000 by 1940. Between eight and eleven millions of our wage earners are reported to be unemployed.

We have a populace worn and wearied by 8 years of worry, fear, hardship, and privation. We have sectional and factional antagonisms, class divisions and prejudices which had not been fomented when we descended into the shadows of depression in 1929. We cannot endure another 8 years of that sort of national fear and worry and uncertainty and unemployment for great numbers of our citizens. We cannot contemplate the spending of another $16,000,000,000 by the Federal Government and still other billions by the local communities to be pyramided on top of the present public debt, which has already mortgaged the prospects of America far into the future.

We are told that this recession is the result of fears deliberately generated by the press and by big business which has embarked on a sit-down strike to compel abandonment of administration policies.

We are told that this recession is the result of too much taxation, too much attempted regulation, too much unwise regimentation, and too much interference by the Federal Government with private business.

Again we are told that the depression is largely the result of sit-down strikes by a large section of organized labor, resulting in numberless interruptions of industrial operations and the loss of great sums of purchasing power by stoppage of wages during these strikes.

We are told of internal warfare between two great labor organizations, each of which is forced by the exigencies of that warfare to promise and to endeavor to secure higher and still higher wages for its members, shorter and still shorter hours, and to further and still further upset economic equilibrium by ill-advised strikes and disorders, regardless of the terrible effects upon the industry of this Nation and the welfare of our people.

We are told that this race for expanded membership goes on while the bids for political power on the part of labor leaders continue to go higher and higher, while economic questions are made the footballs of political battles for personal power and aggrandizement.

Again we are told that general world conditions are responsible for the dire state of affairs which is resulting in adding thousands to the public relief rolls, while the gaunt and fearsome specter of a new depression, a new industrial and social turmoil, stalks this land.

It is true, Mr. Chairman, that we have in this Nation a minority who would, if they could, overthrow this Government and set up the intolerances and the brutalities of a Nazi rule. We have in this Nation a minority who would cast down our Republic, destroy our Constitution, and set up the intolerances and brutalities of a fascistic rule. We have in this Nation, Mr. Chairman, a minority who would set up the so-called communism of Russia, and who would compel us to live under the intolerable conditions of economic and social slavery, to grope our bewildered way through life under the deadening fear of the "purge" and "liquidation" if we offended those dictators who would rule in the name of the people with the weapons of terrorism and death.

We have in this country, Mr. Chairman, a minority who would carry this Nation to the very edge of the bloody abyss of revolution in order to profit themselves, to gain power for themselves, to perpetuate themselves in that profit and that power through political spoils and by arraying the masses against the classes and classes against classes.

We have in this country a minority who, because of sheer selfish desire to have great economic power through control of finance and industry, are willing to risk the wrath of an outraged people.

But, Mr. Chairman, it is my deep conviction that all of these blind, stupid, selfish, and utterly dangerous minorities added together do not equal more than a very small part of the people of this country. By far the greater percentage of our people comprehend and demand enlightened self-government. Given the truth of conditions and situations free from coloration, distortion, prejudice, and false interpretations, our people, of all the peoples of the world, Mr. Chairman, are the most capable of judging wisely and of demanding from their Government fair, just, and well-balanced constitutional democratic administration.

The dangerous aspect of this whole national situation is that for 5 years and more this Nation has been bewildered, confused, swayed, and shaken by conflicting campaigns and conflicting propaganda conducted for selfish and dangerous purposes by these small but very vocal minorities, in which classes have been inflamed and arrayed against each other. For 5 years and more incrimination and recrimination have been the weapons of political strife; accusation and counter accusation have been the modes of industrial and social disorder and warfare. And all to what end, Mr. Chairman? Why, sir, all to the end that the dawn of 1938 finds us again in a business recession, with many millions of our citizens facing the awful fear of privation, hardship, malnutrition, and, perhaps, ultimate revolution and disorder.

What have we gained by this factional warfare? What have any or all of these minorities gained by this sort of thing? Who can escape in this Nation, who can flee from the awful effects of social disruption, of economic wreckage, of revolution, of destruction of human liberties through destruction of constitutional government, if these things should come to pass? None of us could escape. We would all share the same fate. The financier, the industrialist, the property owner, all would suffer the loss of everything along with the worker and the ordinary householder.

There is no such thing as financial security or social security in this country for any man, any group, or any class, regardless of wealth or power, with a third or a half of our citizens unemployed, hungry, sullen, and desperate. To cover these facts under a cloak of false optimism and wishful thinking is a terribly dangerous thing to do. To ignore the plain peril of this condition is to invite its worst effects. To

be afraid to face facts and courageously to study their causes and to then move to eliminate or to remedy those causes is the most dangerous form of cowardice that could be indulged in at this time.

The results of the recent unemployment census have come to us with a dreadful shock. To allow this situation to drift while we revile and accuse each other means simply to go on to chaos and disorder.

To conceal the fact that another plague of unemployment is spreading over the Nation is neither courageous nor wise. To insist that these facts be covered deep under a veneer of false assurance and false security is to guarantee that they will continue to fester and to inflame until the whole foundation of national economic and social health is destroyed and a final collapse occurs.

The measures needed today, Mr. Chairman, are not concealment of these ugly and dangerous conditions from the people. The action that will instil the confidence needed in this country is a frank recognition of the situation, a cessation of factional and political bickering and quarreling, and the assembling of the financial, industrial, agricultural, labor, political, religious, and educational leaders of this country in a council of minds and a pooling of energies to avert disaster and to pull the ship of state back from the reefs and breakers of further recession and unemployment.

In the words of the immortal Thomas Jefferson—

> I hope * * * the good sense and patriotism of the friends of free government of every shade will spare us the painful, the deplorable spectacle of brethren sacrificing to small passions the great, the immortal, and immutable rights of men.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield at that point?

Mr. COX. Yes.

Mr. McCORMACK. The gentleman will also concede that a reawakening, particularly in spiritual values, would be of great importance.

Mr. COX. Yes. I thank the gentleman for his suggestion.

When the rank and file of the citizens of this country are convinced that politics have been laid aside, that group and class selfishness have given way to a united effort by leaders of all classes to remedy this condition of affairs, you will find the rank and file of the citizenry ready to help, to follow directions, to meet bravely and effectively any problem.

To throw this Nation into a foreign war, as has been furtively suggested by a few here and there, is not the answer to the problem. That would make matters vastly worse than they are now. No such false prosperity can bring any lasting good, and I for one doubt that constitutional government in this country could survive the aftermath of another general war.

The danger that must be avoided now, Mr. Chairman, is that in the confusion of this new threat to the prosperity of the Nation, in the distraction of these new economic dislocations, these small minorities may be able by chanting hymns of hate, by stirring up false prejudices, and by inflaming a misinformed and deluded public opinion to arraign class against class and thereby aggravate the very conditions which are in part responsible for the present recession.

What we must do is to follow a course of sanity and common sense, a course of harmonious cooperation in a common effort, without regard to party lines, class lines, religious or racial lines, to rescue ourselves from the uncertain and dangerous economic conditions which overshadow the security of our citizens.

It is a dangerous thing, Mr. Chairman, for any individual or any group of individuals to play with the public temper, to trifle with the public confidence, to try to manipulate the public wrath for selfish purposes. Whoever does such a thing is gambling with the peril of a nation and with the welfare and the happiness of 130,000,000 men, women, and children.

Unless we face the stern realities, unless we stamp out this trend toward separating our citizens by class hatreds and class suspicions we may find the forces of prejudice and hatred getting out of hand and a public hysteria of fear operating beyond our control to the end that the utter ruin of our economic and our social structure, our very Government itself, may result.

Because of that danger, I conceive it to be the duty of every citizen who loves his country and who perceives this grave threat to our national welfare to speak out fearlessly.

Mr. Chairman, it has been asserted that a minority of financial and industrial leaders have deliberately brought on this business recession for their own selfish ends.

To assert that the power of this Government can be set at complete defiance and that all the efforts of the administration can be rendered futile and innocuous by any little group of plotters, aristocratic or otherwise, is to assert that constitutional government is a weak, futile failure, that the will of a hundred and thirty million citizens is as nothing, that the power of right, of truth, of justice, of the law, and of organized civilized society is utterly impotent. I, for one, refuse to accept any such doctrine of defeatism. I do not believe any such thing.

The fact of the matter is, Mr. Chairman, that this present recession is a recurrence of the earlier depression. Over the years during and following the World War we exported to other countries from this country purchasing power to the amount of some $29,000,000,000. That money, or the greater portion of it, went into foreign buildings, foreign factories, foreign highways, foreign bridges, and foreign armaments. It went to pay foreign workmen and it went in profits to foreign exploiters of American credit. That purchasing power was exported under the mistaken belief that it would be spent in America, that we would get it all back again in trade, and that following that, over the years, the principal would be repaid to us with interest. Instead of that neither principal nor interest have been repaid. With the money we loaned them, foreign countries set up factories, they hired American engineers, and they learned how to manufacture for themselves and for each other many of the commodities which formerly they bought from us. So we lost the money, we tossed away that purchasing power, and we lost to a great extent the foreign markets which formerly were dependent upon American industry and American workers for goods.

The economic anemia produced by those unwise foreign loans and investments resulted finally in the 1929 collapse because, added to that purchasing power exported to foreign shores, America went on a gambling spree. Artificial speculative values drained money from legitimate business and resulted in maldistribution of the purchasing power of this country.

When the final collapse came in 1929, something had to be done. Franklin D. Roosevelt had the courage to meet the situation with daring; to advocate measures designed to save us in the emergency. He rallied the public confidence and reawakened the national courage and the will to fight—and we avoided what might easily have been the complete collapse of our entire governmental, economic, and social structure.

But our prosperity from 1933 on up to the present time has been to some extent an artificial prosperity. We were financing it by borrowed credit which must be paid back. We were indulging in a stimulant that was dangerous, because we were suffering from the loss of all that economic blood we had exported to foreign shores and which was not returned to us.

Many of us, Mr. Chairman, have been trying to warn the country for the last 3 years that this artificial stimulation by injections of borrowed credit into the blood stream of commerce and industry must be curtailed as rapidly as possible before the time came when a greatly unbalanced Budget would force a sudden cessation that might leave the Nation in as bad a condition as it was before.

Let me address myself to the question of what we are going to do about this situation. Let me ask whether we are going to expend our energies in accusing one another of responsibility for the condition of affairs, and drift on to economic ruin while we engage in a prolonged and bitter argument and a dangerous campaign of arousing class prejudices and class hatreds and class suspicions to the point where they

may get out of hand and become a menace to our whole social structure and to our very Government itself; or whether we are going to calmly, sensibly, fairly, and honestly sit down and counsel together, ascertain just how to overcome the causes for this new recession, and then all work together as Americans to eliminate those causes and to restore a condition of prosperity and security.

I insist that if this problem is to be solved it will be solved by the political leaders, the financial leaders, the industrial leaders, the agricultural leaders, the labor leaders, the religious leaders, and the educational leaders of this country directing their best thought and energy to a cooperative effort to avert further recession regardless of any personal prejudices or suspicions, regardless of any desires for personal or political aggrandizement, with the fact uppermost in mind that if disaster comes to this Nation it will ruin all of us alike, with not one escaping the consequences.

Let us get away from politics in this situation and look sober facts in the face. Whatever degree of actual prosperity or real recovery has been attained has been accomplished through the labor of millions of American working men and women, through the directive efforts of thousands of large- and small-business men, industrialists, and financiers; through the combined effort, work, and action of all the various factors in the industry and commerce of the entire Nation—all directed and aided by the Government. This recession was not made, nor was it planned by any small group. It has been brought on by a combination of factors, influences, and circumstances involving world conditions, mistakes in governmental policy, mistakes in business policy, mistakes in labor policy, and by fear of excessive governmental regulation and regimentation, greater and more burdensome taxation, increased costs of production, and increased prices.

Why do we not admit frankly that we have a recession due to a combination of circumstances and conditions and, instead of pointing the finger of accusation at some particular class or group, call the leaders of all classes into conference, bring about cooperation by all classes, determine the causes, so far as possible, for the recession, and begin at once courageously and honestly to eliminate those causes? Then, when that is done, if some group or class or some individuals refuse to cooperate, or if they refuse to help and seek to hinder, then let us name them out, and let us take whatever action that may be wise and just and necessary to compel their cooperation.

That there are some selfish and blind and reckless, power-lustful men in the financial and industrial groups there is no doubt. There are also selfish, blind, reckless, and power-lustful men in every other minority group, including political parties, labor organizations, and even religious organizations. Lust for power, desire for self-aggrandizement, love of money, recklessness, selfishness are not elements of environment or classes. They are elements of individual personalities and are to be found in all classes. But because there are men who would misuse the power of organized labor is no reason for condemning all organized labor and all labor organizations.

Because there are men in the Democratic and Republican Parties who would use political power for their own profit and aggrandizement is no reason for utterly condemning all Democrats and all Republicans as being stupid or reckless or greedy or power mad.

Just because there are some men in financial and industrial classes who have these dangerous and undesirable qualities of temperament is no reason to condemn all financial and business leaders as being enemies of the people and dangerous to the Republic.

If there be those in finance and in industry who are deliberately plotting the overthrow of this Government, or who have deliberately planned this recession, or whose methods are inimical to the public welfare, let them be specifically charged before the bar of public opinion with the crimes they have committed; let the account of their acts be detailed so the people may know who they are and exactly what they have done. Then, and only then, can the citizens and the Congress determine justly and wisely what new laws, if any, should be enacted to supplement statutes already on the books.

It has been said that there has been in this country of later years all too much of the philosophy of government that the majority has the right to suppress the minority and to denude it of all rights. Let me say, Mr. Chairman, that we all belong to some minority or other. When we accept in this Nation the philosophy that any minority may be deprived of its constitutional rights, that the individuals comprising any minority may be denied their rights of property, of petition to their Congress and their Government, of their right to present their side of any controversy to the public, of their rights in the courts, we will have accepted the grave risk that we ourselves will one day be the minority whose rights will be stripped from us.

Mr. Chairman, the President has said that the vast majority of the financiers and industrial leaders of this country are patriotic and earnest men. I believe this, and I believe that they are just as anxious to seek out and to render powerless any racketeers or "aristocratic anarchists" among their ranks as the rest of the citizens are. It is my firm conviction that the patriotic, earnest labor leaders of this country are just as anxious to seek out and render powerless those in their ranks who would reduce labor organization to a racket and who would produce chaos in industry to get the opportunity for self-enrichment and power, as are the rest of the citizens of this country.

We have arrived at a time when all but a very few individuals in finance and industry understand clearly that finance and industry cannot crush labor without killing finance and industry. And we have arrived at the time when the more enlightened labor leaders of this country realize that labor cannot crush finance and industry without crushing labor's chances to make a living as well.

We have arrived at a time in this country when by law organized labor has broader powers and more rights and greater ability to bargain collectively for just and fair conditions and wages than ever before in the history of this Nation, and labor is now amply able to take care of itself on that basis.

There are certain fundamental economic laws which underlie this whole situation that cannot be eliminated by any government, by any group of financiers and industrialists, nor by any labor organization.

Let me very briefly mention some of these fundamental economic laws which must be taken into consideration in any attempt to end this depression in America.

Production power is people plus machinery.

Consumption power is people plus purchasing power.

Every cost of production and distribution, including all wages, salaries, bonuses, dividends, interests, taxes, and profits must be recovered at the point of ultimate consumption—the retail counter—if business and industry are to survive and continue to function. Indeed, these elements establish price.

Production cannot survive without consumption. Consumption cannot be without production.

Any increase of taxation, any increase of wages and salaries, any decrease in hours of work which increase production costs must be reflected in price at the retail counter and that price must be paid, in the main, by the very workers whose wages are increased and whose hours are shortened. That in turn means that although an increase in wages means more dollars in the pay envelope it may not mean more abundant life because of increased prices. In fact, in many instances, real wages—the actual purchasing power of the wage dollar—are so lowered by increase of price that labor suffers a reduction in real wages instead of an increase as a result of unwise wage increases and shortening of hours.

On the other hand, if extortionate profits are included in the price then the same effect of reduced real wages is produced. Our task is to determine if undue and extortionate profits are being loaded onto price during the process of

production and distribution. If this is so, then we must determine in what lines and in what manner such extortionate profits are being loaded onto price and that extortion must be stopped.

I believe, Mr. Chairman, that the great majority of financial and industrial leaders and the great majority of businessmen generally realize clearly that since their employees are also their customers, the wages and the hours of workers must be adjusted to the proper economic levels if industry and business are to survive.

I believe that the great majority of the labor leaders and the agricultural leaders realize clearly that if wages are forced up to artificial and uneconomical levels and if hours are forced down to artificial and uneconomical levels that the wage earners will gain nothing but must suffer along with the employers.

It is not an impossible task to determine in what lines and who may be responsible for any undue and disproportionate profits being loaded onto price to the detriment of the Nation, the impoverishment of the wage earners and the continuance of the depression.

We must consider always that price, composed of all the elements which go to make it, is the measure of exchangeability of the farm dollar and the wage dollar and the salary dollar and the fixed income dollar for real wealth, which is composed of consumable goods and services.

If unwise taxation, regulation, disproportionate profits, or any other element can be shown to be forcing up price levels, then the relief of the consumer lies in eliminating those uneconomical elements and in bringing down prices to the proper level.

We must remember that real wage increases can be given labor and all the rest of the citizens more effectively in price decreases than in money income increases. So if industry and labor, business and agriculture, Government and political leaders will work together to expand production at constantly decreasing prices, we actually will be working to increase real wages and real incomes, which is the way to prosperity.

We have been told for a long time that certain groups of monopolists and industrial managers have been taking off extortionate profits. This is undoubtedly true, but we have not been told who they are in specific terms, nor have we been informed as to how much extortionate profit has been wrung from the helpless consumers.

I have said before in this Chamber, and I say again now, that it is a comparatively easy task to determine with a great degree of exactitude just where extortionate profits are being loaded onto the price structure, and by whom that iniquitous act is being perpetrated. Let us ascertain the facts and then let us act to end such evils by whatever legislation may be necessary, and I believe these evils can be controlled entirely within the terms and limitations of the Constitution. And I further believe that industrial, financial, and labor leaders all would welcome a purging of those interests and those individuals who perpetrate these evil and dangerous abuses just as soon as Congress by proper investigation determines who is responsible.

We must face the fact that if labor insists on the right to quit work when wages or conditions are unsatisfactory, industry and capital have, too, the right to quit work when conditions become dangerous or profits disappear. Unless we want to go on to the extremes of socialism and take over all industry in this country and attempt to operate it as we did our merchant marine for a time, then we must recognize that we have got to give finance and industry a voice along with labor in government, in determination of governmental policies, in taxation, and in the general conduct of our material affairs of life.

The situation today after 5 years of continual abuse and accusation of business is such that the average big business or financial leader of the country actually does not dare to try to do anything to help the situation; he dares not utter a word of warning against any mistaken policy because his motives are misunderstood and a flood of inspired propaganda is directed against him and the wrath of the citizens is aroused against him. That is a dangerous condition.

If the majority of the citizens, and especially the political and industrial and financial and labor leaders of this country, will do what sane, sensible, patriotic, and earnest men ought to do—get together and work for the common good, including their own—we will be in no danger of another major depression, nor will we be in any danger of the citizens of America trading their government and their liberty for "the delusion of a living."

We cannot stand another major depression. We do not need to stand another major depression, regardless of conditions throughout the rest of the world. If we build up our national defense adequately to protect ourselves against assaults by other nations, and if we maintain that fairness and honorable dealing in our foreign affairs that have always characterized the American motive and the American policy, we can go ahead toward our own internal security.

But if we separate the citizenry into classes, if we try to shear one class and one group after another of their rights, we then can expect only that when the confusion grows sufficiently great, when the fears of the various minorities become sufficiently aroused, some groups will try to seize the reins of government under the pretext that they will make the people economically and socially secure; and a revolution will then be the only way in which we can recover the lost rights and liberties of ourselves and our children.

In conclusion, Mr. Chairman, let me again use the words of Thomas Jefferson and say:

> My earnest prayers to all my friends (are) to cherish mutual good will, to promote harmony and conciliation, and above all things to let the love of our country soar above all minor passions.

[Applause.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I desire this afternoon to discuss the question of 2-cent postage and postal deficits. In 1933 when the 3-cent postage was adopted, the people of the Nation were informed that it was a temporary measure, that we would return to the 2-cent postage as soon as the revenues of the Department justified it. I have examined the testimony and tables of revenues and expenditures placed in the hearings of the Committee on Appropriations by the Post Office Department. During the fiscal year ended June 30, 1933, which is the year during which the 3-cent postage was adopted, the audited revenues of the Post Office Department amounted to $587,631,364. These same tables placed in the record by the Post Office Department show that in 1938 the revenues will amount to $761,250,000, and that the revenues for the fiscal year ending June 30, 1939, which is the bill that we are now considering, will amount to $795,500,000. If we compare the revenues of 1938 with the revenues of 1933, we find that there has been an increase of $173,618,636. If we take the revenues for the fiscal year 1939, we will find there will be approximately $34,000,000 increase over 1938 or approximately $208,000,000 difference or increase in revenue between 1939 and revenues of the fiscal year ended June 30, 1933. When we examine the report further we find that in 1933 we paid in ship subsidies and air-mail subsidies the combined sum of $45,264,945. A part of the ship subsidy was transferred to the Maritime Commission and the air-mail subsidies were reduced due to increased air-mail revenue until we have today reduced the subsidy for the ocean-mail service and the air-mail service of $15,288,000. In other words, we have reduced the air- and ocean-mail subsidy in the Department by approximately $30,000,000. This sum added to the $173,000,000 increased revenue of 1938, will make a difference of $203,000,000. Again we find on that same table, page 6, that the transportation charges have decreased from $180,300,000 in 1933 to $153,000,000 in 1938, or approximately $27,000,000.

Taking the 1938 revenue figures we find an increased revenue of $173,600,000 over 1933. Add to this sum the $30,000,000 saving to the Department in ocean- and air-mail subsidy and approximately $27,000,000 saved in transportation

charges and we find we have taken in $173,600,000 more and paid out $57,000,000 less in 1938 on these items than in 1933. Added together, this would make a difference of $230,600,000. If we compare the 1939 figures with the 1933 figures, we would have to increase this difference to approximately $265,000,000 because of the increased revenue of 1939 over 1938. The Assistant Postmaster General testified that a return by the Post Office Department to the 2-cent postage would cost approximately $90,000,000. On this basis we could have returned to the 2-cent postage and have $175,000,000 left, and still we are told that the Post Office Department cannot go back to the 2-cent postage.

Mr. Chairman, the highest revenue taken in by the Post Office Department in the history of the Department was in 1930, when the revenue amounted to $705,000,000, including ocean- and air-mail subsidies.

Three-cent postage is continued and we have another postal deficit despite the fact that the Post Office Department took in $173,600,000 more revenue and paid out $57,000,000 less in air-mail subsidies and transportation charges in 1938 than in 1933, when the 3-cent postage was instituted as a temporary measure.

The revenues of the Post Office Department in 1938 exceeded the highest year in the history of the country by $56,000,000, and in 1939 will exceed that high mark by $90,000,000, and still we are informed we cannot go back to 2-cent postage. Mr. Chairman, in the face of these facts we find we still have a deficit. Call it postal or nonpostal deficit, a deficit nevertheless. Why, in the face of a $173,600,000 increase in postal revenues, are we still paying a 3-cent postage?

Last year the Postmaster General, in releasing the report of the Post Office Department for 1937, was quoted by the Associated Press as follows:

James A. Farley's Post Office Department was $88,316,234 in the red, but Farley hastened to explain yesterday that the mail of Congressmen and other nonpostal items were largely responsible.

As a matter of fact, congressional franking in 1937 was 2½ percent, and in 1938 was less than 3 percent of the total franking. This year the President blames the deficit to the fact that the Post Office Department is carrying, he claims, newspapers for less than cost and making free delivery of country papers within the county. The increased cost would necessarily fall upon the purchaser of the papers. Country papers recently increased the price of the newspapers because of the increased cost of newsprint. He would make the farmer pay more for his weekly and daily papers. We have always had a system whereby the first-class mail was required to absorb a part of the cost of the second- and third-class mail. I maintain there is just as much reason for the difference in the cost of carrying the different classes of mail as there is reason for the difference in charges made for carrying different classes of freight or express. You cannot expect a railroad or express company to carry a carload of coal and a carload of perishable fruit at the same rate. Quantity, quality, value, and additional service are all taken into consideration in fixing the rate in each case.

The only newspaper that is carried free is the little county weekly that go out to the farmers—at a cost of approximately $660,000 a year. Not one rural carrier would be discharged by making those little newspapers pay this carrying charge and there would in fact be no actual saving.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. ENGEL. I yield.

Mr. TABER. How much does it cost the Department to carry the propaganda that is sent out in violation of law by all these Departments and agencies?

Mr. ENGEL. On March 22, 1937, I placed in the RECORD facts concerning departmental franking. I was told by the Post Office Department when I tried to get the figures for the fiscal year ended June 30, 1937, that it would amount to about the same number as were sent out in 1936, which would be approximately 669,000,000 pieces.

When the final record came out, I learned that the Department had sent out in 1937 742,487,000 pieces of mail weighing 96,000,000 pounds or approximately 73,000,000 pieces more than they had sent out the year before. Now let us examine the record and learn just why there is a deficit. The pay-roll figures show that in 1933 the Post Office Department paid in salaries $482,313,357. The same record shows that in 1938 the pay roll amounted to $594,350,115, or an increase of approximately $112,000,000. Testimony before the committee last year showed that the 40-hour week would cost approximately $35,000,000. Allowing this amount for the 40-hour week, we find that the increased pay roll of 1938 over 1933 amounts to $77,000,000.

Mr. HOFFMAN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Is that on the theory that the poorer the remedy the greater the need for advertising?

Mr. ENGEL. I will permit the gentleman to make his own interpretation. However, I may say that these 73,000,000 additional pieces of mail were sent during a campaign year, by Departments.

I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein three tables compiled by myself.

The CHAIRMAN (Mr. DRIVER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Chairman, these tables show the number of pieces of franked mail sent out by Departments and by Members of Congress each year for the years from 1930 to 1937, inclusive. They show the number of pounds and the amount of lost revenue. The figures are taken from the records of the Post Office Department. These Departments sent out during this 4-year period 2,566,504,407 pieces of free mail. It is rather difficult to understand or to realize the vastness of this amount. Let us assume, for the sake of argument, that we picked out the most expert postal clerk in the Postal Service and gave him the task of sorting and counting that mail. Let us assume that he worked 40 hours per week and 48 weeks per year and that he sorted and counted one piece every second. If that clerk had started counting and sorting that mail when Abraham Lincoln signed the emancipation proclamation, he would be counting and sorting yet. If that clerk had started sorting and counting that mail when George Washington crossed the Delaware, he would be counting and sorting yet. If that man counting one piece of mail every second and working incessantly 40 hours a week, 48 weeks a year, had started when the Pilgrim Fathers landed on Plymouth Rock 300 years ago, he would be counting yet. If he did not take sick leave, he might finish it in the year 2042. All this mail that would take a man more than 300 years to count was sent out by the departments of Government free of charge and at the expense of the taxpayers of the Nation in 4 short years.

The mail these departments have sent out in 4 short years weighed 353,991,329 pounds. It would have taken 140 railroad engines hauling 50 cars each, with 50,000 pounds capacity to each car, to haul this mail out of Washington if it were hauled out at one time. This amounted to 55 pieces of mail weighing 8 pounds for every one of the 45,000,000 voters who cast their vote in the last election. Then we talk about the newspapers. We talk about the poor little country press that is trying to tell the farmer that his neighbor's cow died; and we blame it for the deficit.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. ENGEL. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I think Mr. Farley in his report spoke of the cost of congressional franking and other franking. This is the other franking?

Mr. ENGEL. This is the departmental franking only. The congressional franking amounted to between 2½ and 3 percent of the total.

Mr. WOODRUFF. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The gentleman states this is departmental franking?

Mr. ENGEL. Excluding the Post Office Department.

Mr. WOODRUFF. Does the gentleman have any figures showing the increase in departmental or bureaucratic franking during the last 5 years?

Mr. ENGEL. I will put the figures into the RECORD, year by year, from 1930 to 1937. This will include 4 years preceding 1933 under the last Republican administration.

The Post Office Department does not include its own franking, and properly so, because franking of the Post Department is a legitimate charge against that Department.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman from Michigan [Mr. ENGEL] 5 additional minutes.

Mr. ENGEL. Mr. Chairman, the mail sent out in the last 4 years by these Departments amounted each year to 641,626,102 pieces, or 88,500,000 pounds, or 2,103,700 pieces weighing 98,937 pounds per day. We lost in revenue due to this franking of the Departments the staggering total of $120,694,678.

Mr. HOFFMAN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Did I understand the gentleman to say that it took 8 pounds of printed matter to get each Democratic vote?

Mr. ENGEL. I said that the total amount of franked mail sent out by the Departments amounted to 55 pieces of free mail weighing 8 pounds each for each one of the 45,000,000 people who cast their vote in the last election, and Mr. Farley said the lost revenue amounted to $120,694,678.

This does not tell the whole story. We had to pay for the paper. We had to pay for the printing of this 354,000,000 pounds of mail. I sent to the Printing Office and got the average cost per pound of paper and the average cost of printing per pound. I do not know any other way to figure it. If you know a better way, figure it out. I found that the cost of the 353,991,000 pounds of paper, at $0.0695 per pound, amounted to $24,602,397. The cost of printing at 21 cents a pound, average cost per pound at the Printing Office, amounted to $75,506,350 more. In other words, the franked mail of the Departments cost us in lost revenue, in paper, and cost of printing, a total of $220,803,425, or an annual cost of $56,201,160, or nearly $181,000 for every working day in the year.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. WOODRUFF. Has the gentleman compiled figures showing the amount of money it has cost the Government for the preparation of all this propaganda they have been sending out?

Mr. ENGEL. There is no way to determine the cost of preparation, nor of writing, nor the cost of the overhead. I am just taking the cost of the actual printing, the cost of the paper, and the lost revenue.

Mr. WOODRUFF. The gentleman has no knowledge of the cost of the stenographic work?

Mr. ENGEL. None at all.

Mr. WOODRUFF. Or the cost of the typing or other clerical work which is necessary in the preparation of this material?

Mr. ENGEL. No; I have not.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from California.

Mr. SCOTT. Would the gentleman recommend the Departments stop printing this material and stop sending it out, or would the gentleman divide what they are printing and sending out into good and bad categories; some he would eliminate and some he would keep?

Mr. ENGEL. All I can tell the gentleman is this: Allowing this Democratic administration 100 percent increase over the last Republican administration, it leaves $75,000,000 as the cost of political propaganda you have sent out in the last 4 years. This is 10 times as much as the Republican national campaign committee spent last year. In the face of these facts it is amazing and surprising that the Republican Party was able to carry even Maine and Vermont.

Mr. SCOTT. Look at the improvement in the Government since those days.

Mr. ENGEL. Yes; improvement in the increased cost of government and improvement in increased waste. This $75,000,000 of political propaganda cost the taxpayers $3 for every Democratic vote cast in the last election.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Did it cost them $75,000,000 additional to tell about the Hoover depression? Did the people not know of it without their spending this $75,000,000 on printing?

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I understand enough Jackson Day dinner mail has gone through in the last 3 or 4 weeks that they are going to wipe out a very considerable part of the deficit. The tickets were priced at $50 and $100, and they all went out by registered mail. It was a highly profitable business for the Post Office Department.

Mr. ENGEL. I have listened to many Democratic speeches during the last 2 years. I listened many times over the radio to the wonderful praise given and the glowing tributes paid James A. Farley at several $100-a-plate banquets. Much was said about the wonderful leadership of James A. Farley, chairman in the last campaign. I listened carefully but in vain to hear one word of praise for this wonderful contribution of $75,000,000 worth of political propaganda contributed by Postmaster General James A. Farley at public expense to Chairman James A. Farley of the Democratic National Committee.

TABLE I.—*Franked mail sent by departments (exclusive of Post Office Department)*

FOR FISCAL YEARS ENDING JUNE 30, 1934, 1935, 1936, AND 1937

(Present administration)

Year	Number of pieces	Weight (pounds)	Lost revenue
1934	530,471,016	81,212,639	$23,094,882
1935	624,194,119	85,207,595	31,281,600
1936	669,352,068	91,125,145	32,236,269
1937	742,487,204	96,445,950	34,081,927
Total	2,566,504,407	353,991,329	120,694,678
Yearly average	641,626,102	88,497,832	30,173,670
Daily average	2,103,700	290,150	98,937

FOR FISCAL YEARS ENDING JUNE 30, 1930, 1931, 1932, AND 1933

(Last administration)

1930	302,126,259	42,737,534	$99,347,505
1931	353,795,225	43,342,958	9,886,456
1932	319,890,040	43,118,907	9,151,899
1933	373,440,968	43,326,622	14,315,414
Total	1,349,252,492	172,526,021	42,701,274
Yearly average	339,750,830	43,131,503	10,675,319

TABLE II.—*Franked congressional mail*

Year	Number of pieces	Weight (pounds)	Lost revenue
1930	34,525,581	3,978,879	$718,060
1931	33,413,052	4,385,007	723,671
1932	38,551,744	4,418,216	778,436
1933	36,171,068	6,867,788	1,019,621
1934	20,882,779	7,724,910	775,785
1935	16,097,050	2,683,086	577,162
1936	42,908,983	5,993,694	1,137,440

TABLE III.—*Departmental franking, not including Post Office Department—Lost revenue plus cost of paper and printing for period from July 1, 1933, to July 1, 1937*

Lost revenue	$120,694,678
Cost of 353,991,329 pounds of paper at 0.0695 cent per pound	24,602,397
Cost of printing 353,991,329 pounds of paper at 0.2133 cent per pound	75,506,350
Total lost revenue and cost of franking from July 1, 1933, to July 1, 1937	220,803,425
Annual cost	55,201,106
Daily cost	180,987

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I appreciate the generosity of the gentleman in allowing me this much time, but I do not expect to consume it all.

I had selected what I had thought would be a very interestinb subject for discussion today, the work, the performances, and the responsibilities of the Bituminous Coal Commission, but I have not been able to get together figures as interesting and as probative as those of my distinguished friend the gentleman from Michigan, who has just spoken so interestingly.

Mr. KNUTSON. Did the gentleman say "vituperous" or "bituminous"?

Mr. JENKINS of Ohio. I said "bituminous." If the gentleman is not familiar with this word I will suggest that he brush up on his vocabulary.

We all know that the press has frequently found it easy to condemn the Bituminous Coal Commission during the last 3 or 4 months. While I agree with the press in many respects in that regard, I do not want to appear here altogether as an apostle of calamity and criticism in respect of the doings of the Bituminous Coal Commission. As one who is a friend of the objectives of this Commission, I may say the Commission has had a real test to administer this law.

I should have liked today to have brought to you a description of the result of the work of this Commission. Many Members of the House during the consideration of the bill which established this Commission asked me, "What about the price of coal, will the price be increased?" This question is the one that I should have liked to have answered today, but I cannot do it because, as I have already stated, it is impossible to get the figures. I have tried every available source that I might be able to furnish them, and enable me to bring enlightenment to the House on this one subject. I believe it would permit us to engage in a profitable discussion because very many people are interested in this one proposition.

The Commission in a way has been remiss and has kept us from having these facts. For this the Commission should be criticized. The Commission at first permitted itself to be used by political influences until it had come to the place where its work was held up to public criticism to such an extent that it was fast becoming a stench in the nostrils of the people of the country. The Commission has been compelled by one ulterior influence or another to employ at least twice as many people as needed. There was no special reason why they should have been compelled to employ this extra army except that the pressure was great and that their own weakness invited this imposition. By their weakness they have brought unpopular attention to an industry that needs favorable attention. They made it impossible for us who are friends of this industry and this plan for its relief to be enthusiastic about this work.

On the other hand, we were forced to acknowledge that from all appearances a noble legislative experiment was about to fail because of incompetent administration of the law.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Is not an explanation quite evident with respect to the type of pressure that has been brought to bear on the Commission, and to which the gentleman is referring? The gentleman is rather careful in the use of his words, but I believe the gentleman knows pretty well what that pressure is, and I believe it would be perfectly fair and proper that he tell us.

Mr. JENKINS of Ohio. I think a glance at the places from which the personnel comes will indicate where the pressure comes from. The last public statement I saw in the newspapers, although I could not get the information myself, indicated there were 980 people employed in the Commission. I understand that there are about 1,250 now.

Mr. TREADWAY. May I ask there whether any of them are civil-service employees?

Mr. JENKINS of Ohio. I will answer that in just a moment.

These figures—the 980—were broken down with respect to the different States, and three States had almost one-half of the personnel. These States were West Virginia, Pennsylvania, and Kentucky.

A short time ago an article appeared in one of the papers in which three members of the Commission, to the discredit of the other four members, were made to appear as the master minds of the Commission. These three master minds happen to be residents of the three States which were awarded with so many appointments. Of course, that may have been a mere coincidence, but to the average man it is clear proof that the placing of employees to carry on the work was not fair or lawful. The action of the master minds is only an index of the appraisement that they themselves gave to their responsible positions. They should not have engaged their valuable time in the petty game which only brought unfavorable comment on the Commission, which had the responsibility of bringing relief to a distressed industry. With respect to how many employees are under civil service, I may say that, being interested in the subject, I addressed a letter to the Coal Commission asking them to furnish me with information with reference to how many people were employed, how many were under civil service, how many were not under civil service. They refused to answer the inquiry, which seemed to me to be a very simple inquiry. Their refusal cannot be justified except in the thought that they were not anxious for anybody to have this information.

Since that time I have found out that at one time there were 250 people here in Washington on the Government pay roll doing nothing; they were drawing big salaries with nothing to do. I understood that the Civil Service Commission indicated it was about to make an investigation, and when the Commission received this information one of the members of the Commission immediately got busy and these 250 employees were sent out of Washington as soon as possible, about 100 being sent to one place and about an equal number being sent to another place. I understand now there are two places in the country where there are about 100 employees in each place when 10 or 15 would be sufficient. This is a gross mismanagement and reflects itself against the coal industry, which I am so anxious to see put on its feet again.

This may answer the gentleman's inquiry; and I may say further that the turmoil created by the press and the facts themselves have been so pronounced and so uncomplimentary to some members of the Commission that the President himself has taken note of it. The Commission appeared before him; and I may say that since that time there seems to have been a change in the conduct of these master minds on the Commission as far as loading down the pay roll is concerned. Last week, or perhaps 2 weeks ago, the Commission engaged a civil-service expert who has gone to work on this problem, and I was reliably informed a day or two ago that 50 useless employees had been discharged this week and that this expert is going down the line as fast as he can. I hope that his work may be swift and thorough. I am also advised that in some places it was found that a clerk would be working for $1,440 a year and another clerk would be working beside him making as much as $4,200 a year. This inefficiency of management leads to suspicion that there was more than mere inefficiency involved.

This is the condition that has brought this Commission to a low ebb in the estimation of the people.

Mr. TREADWAY. I realize the gentleman is choosing his words carefully; but is it not perfectly apparent to the gentleman that this is purely a political situation in the three States where worthy Democrats, I assume, are getting the benefit of standing in with these Commissioners? Let us be frank and open in our language.

Mr. JENKINS of Ohio. I would answer the gentleman in this way. I want to be careful in my language. I am not primarily interested in finding fault with the Commission, only as it reflects on the efficiency of their work. I think

there is no question but that politics is to blame, because here is the situation: There was a time when these three Commissioners, who had held themselves out as being the brains of the whole organization, were scarcely on speaking terms with other members of the Commission; and I understand this situation as to the number of employees and their salaries was not known to certain other members of the Commission. This job of administering this law is big enough to require the best ability of these men and they should not have wasted their time in bickerings.

As far as I have been able to learn, the personnel itself may probably have been as good as the average personnel. I know nothing about that. As to the 250 employees who were scattered around over the country to escape the civil-service investigation, I would not say they were incompetent, I would not say they were dishonest or unfaithful, and I would not even say they were all Republicans or all Democrats, because I do not know. I am willing to assume they were fine men and women and men and women of great capacity. My complaint again is that the industry needs help, not criticism. In this connection I may say that I stood on this floor and made a battle for the coal industry of my State, for the coal producers and the coal miners, and we set up this Commission. The bill went to the Supreme Court once and was declared unconstitutional, and those who were in favor of this project stayed up at night, as it were, to study this proposition and to evolve a plan that would be constitutional, and they were all keyed up with the hope that this would be an efficient administrative body. We are keenly disappointed, and we have a right to be. It is going to take the best acumen that any and all of these Commissioners possess to administer this bill satisfactorily, because it opens up a new field and is an experiment. I want to see it succeed. If certain members of this Commission cannot free themselves from pernicious political influence, they should resign.

The industry and those engaged in the industry have suffered a severe set-back. My State, for instance, is a great coal-producing State, and whereas in Kentucky, as the figures show, they have 110 people to administer the law, in my State they have only 23 to do the work. Manifestly there are too many in Kentucky or too few in Ohio, or both.

While I am on my feet I may say that some of the 23 have been inflicted upon our people under circumstances that ought to be investigated, and I understand that the circumstances are going to be investigated. This should be done. These barnacles should be removed. It is currently reported that one of these employees in a high place was discharged by the Secretary of the Treasury from previous employment in that Department.

One discharged from a place of responsibility should not be elevated to another place simply because he happened to have been an active political worker for an important official. At least, some inquiry should have been made as to his knowledge of the coal industry.

I am glad to say that the Commission now is showing some signs of wanting to do the right thing for those from whom information has been held back, and are, I understand now getting some information. I hope this is not altogether because it appears that investigations are about to be made in the Senate. We have failed to get an investigation in the House. My good friend, the gentleman from California [Mr. SCOTT], attempted to have an investigation in the House, but failed. I, too, have attempted to have an investigation, but I have failed also. I got my resolution in shape for reference to the Ways and Means Committee, which should have made this investigation, for this committee wrote this law. Our rules in the House do not permit investigations as readily as the rules of the Senate. I hope that the Senate makes a thorough investigation, for it will be for the best interests of the industry and of the Commission.

I asked for this time in the hope that I could bring hope to the coal industry and the miners that our experiment is not a total failure, that it has not been lost, and that it is not in the discard; that we are going to see the light of day, and that a depleted industry shall again be placed upon its feet. If a disposition on the part of the Commission or any of its personnel to continue to thwart the orderly progress of the administration of this law is manifest, I am sure that those of us who wish to see it have a fair chance shall become vocal again.

Mr. SHANNON. I understand the gentleman is not ready to generalize on prices yet.

Mr. JENKINS of Ohio. I am now ready to discuss that. I made inquiry in four large cities and have replies back from two of them. They indicate that the increase in the price of coal has been negligible since the scales of coal prices has been set up by the Commission. One reports that he cannot get the figures and the fourth I have had no report from. I have made inquiries here of the Consumers' Counsel and he has no figures. It is too early, it seems, to get reliable figures.

Mr. TREADWAY. I understood the gentleman to say that he rather favored three out of the seven members of the Commission. That is, he thought that they were good members.

Mr. JENKINS of Ohio. I would not want the gentleman to imply from my words that I have said that any of them were not good.

Mr. TREADWAY. The gentleman thougbt that three were better than the other four?

Mr. JENKINS of Ohio. I maintain this position. I understand that four members, a majority of the Commission, had their own star-chamber sessions and refused to divulge information to the other three, with the result that the Commission was divided against itself when entering on an important study or program. Frequently the matter under consideration would have been a real challenge to all of them if they had been always earnest and harmonious. A house divided against itself in that kind of a task cannot stand.

Mr. TREADWAY. I realize that situation, and that leads me to ask the gentleman whether there had been any change in the personnel of the Commission.

Mr. JENKINS of Ohio. No; the personnel has not changed, but I understand that the heart of the personnel has been changed around by the President himself in a marked way, and I compliment the President for that. One member of the Commission offered to resign several times, according to press reports. I think his resignation would have been accepted if written out and properly presented.

Mr. SCOTT. Does not the gentleman mean that four of them had arrogated to themselves the position of directing directors and more or less ignored the other three.

Mr. JENKINS of Ohio. I understand that that was the situation.

Mr. SCOTT. And things have been said about it, and criticism has been started, and they have been a little better than they were before.

Mr. JENKINS of Ohio. Yes, I think this is one instance where criticism and publicity had a very salutary effect.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. SAUTHOFF. Does the gentleman and some of his colleagues from the coal-mining districts consider the advisability of cutting it down to three members of even one director?

Mr. JENKINS of Ohio. I do not know that that has ever been considered. I think personally that this Commission set up as it was, of two members from the producing industry, two from the miners, and three selected by the President, would have been a pretty fair set-up, but probably five would have done just as well as seven. I would not at this time like to see it in the hands of only one. Probably when it is thoroughly organized and functioning smoothly it might be operated by one commissioner. At present there are many problems that cannot be decided by a board.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DITTER. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes; I gladly yield to my friend the distinguished majority leader.

Mr. RAYBURN. The gentleman from Ohio does not, however, want to be put in the position as indicated by the gentleman from Massachusetts [Mr. TREADWAY] that only the non-Democratic members on the Commission are good men.

Mr. JENKINS of Ohio. As a matter of fact, I would say to the gentleman that I do not know what the political complexion of the membership of the Commission is, but, of course, in a colloquy between the gentleman and myself, I would have to maintain that the Republicans were equally as good as the Democrats, but that is neither here nor there.

Mr. CLASON. Mr. Chairman, will the gentleman kindly explain how it is there were four of them running the place and that only three of them got 100 employees over there?

Mr. JENKINS of Ohio. I cannot answer that, except to say, as I said in the beginning, there must have been strong political pressure or weak resistance, or both. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, last Monday the gentleman from Massachusetts [Mr. TREADWAY] addressed the House upon the proposed reciprocity treaty with Great Britain. I wish to take that speech and the colloquy that occurred more or less as a basis for this discussion this afternoon. He proposed fundamentally that the allowance for the Tariff Commission be reduced, inasmuch as the amount of work was being reduced, because they were not effectively protecting our tariff laws, or words to that effect. He said:

> I wish to call attention to the RECORD of last Saturday wherein there is listed in fine print nine and a half pages of articles on which this country will consider granting concessions to the United Kingdom.

Mr. Chairman, had the gentleman looked at the notice that was sent out by the State Department concerning this proposed treaty he would have found just as many articles of American export into the United Kingdom that were being considered by England to give concessions to us; in fact, in this interchange of reciprocal concessions it is almost impossible for the United States to lose, for the reason that our exports to Great Britain amount to $440,000,000 a year on which concessions are to be made, and our imports from Great Britain amount to only $200,000,000 a year. It is almost a physical impossibility for men of reasonable brains in discussing a subject of that kind not to come to a fair basis favorable to both countries and certainly favorable to us. We should also remember that while 400 items of imports from the United Kingdom are scheduled, eight times that number are actually imported from the United Kingdom to this country. In short, the proposed treaty is not so comprehensive as Mr. TREADWAY would lead us to believe.

The Tariff Commission, far from reducing its activities with these reciprocal-trade agreements, is increasing its activities very, very much. There are three groups of people interested in our foreign trade; first, the man who manufactures for local consumption; second, the manufacturer for export; third, the consumer. Under our old method of writing tariff treaties and tariff schedules in the Ways and Means Committee only one of these groups ever got a hearing, and that was the man who manufactured solely for local consumption. He would file a complaint that he could not manufacture at existing costs and thus get a rate raise. The man who was manufacturing for export got no opportunity to present his case, because he did not know when anything was coming before the Ways and Means Committee that would affect him. The exporter, for example, might manufacture automobiles. The maker of wine in this country would ask for a duty on wines. The wine merchant would have a hearing, but not the automobile exporter because he would not know that a duty on wines would affect his exporting automobiles to France; or, as happened specifically, radio manufacturers in that particular case who were very seriously hurt. They had no forum under our old arrangements wherein they could present their claims.

In the system that the State Department has inaugurated here, announcements are sent out not only in respect of those things that are being imported into this country, but announcements are sent out also affecting those things being exported from the country. Thus the manufacturer for export now has a forum in which to present his case, something he never had before. Because of this the duties of the Tariff Commission have been multiplied.

The gentleman in his speech said that these imports from England were going to ruin our industries, destroy the industries of this country. General statements of that kind can, of course, easily be made, but they are not borne out by the facts.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. Not now; I will later, if I can.

Let us take the item that has been used mostly in this kind of argument, cheese—I see the gentleman from Wisconsin in front of me—Cheddar cheese. In 1932 the Cheddar cheese merchants had practically 100 percent of the market in this country and got an income of $37,000,000 a year and a price of 10 cents a pound. In 1936 they had only about 98 percent of the market, due to 2 percent imports; but they were getting 15 cents a pound and an income of $75,000,000 a year. There is no instance, Mr. Chairman, that the record will bear out that increased imports have ever injured our country.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield.

Mr. BOILEAU. In making his comparisons the gentleman certainly does not want to compare depression years with years when commodity prices all along the line increased. Certainly imports did not help us any, did they?

Mr. HARLAN. I think the importation of cheese along with the importation of other commodities did most certainly help us.

Mr. BOILEAU. The price of cheese increased more in proportion than the price level of other commodities.

Mr. HARLAN. I cannot tell the gentleman offhand.

Mr. BOILEAU. After all, that is essential if such an argument is to be used.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I cannot yield further at the present time.

Mr. SAUTHOFF. The gentleman should give us a chance to correct him, because he is wrong.

Mr. HARLAN. I am sorry, I cannot yield. The gentleman may do it in his own time.

Mr. BATES. The gentleman asked to be shown; we will show him.

The CHAIRMAN. The gentleman from Ohio refuses to yield.

Mr. HARLAN. The record of imports into the United States shows that in periods of prosperity we have always had very large imports, and in periods of depression we have not had such large imports. Now let me give you just one example, and you can duplicate this by any number. I cited Cheddar cheese a moment ago.

Let us now take shoes. In 1929 we imported 5,700,000 pairs. In 1932 we imported 1,289,000 pairs. We are now getting back to a basis of reasonable prosperity, and the number of pairs imported has increased to 1,800,000.

Mr. BATES. Mr. Chairman, will the gentleman yield on that particular product so that I may answer him?

Mr. HARLAN. I cannot yield; I have stated that I cannot yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. HARLAN. We can very easily stop imports into this country by simply having depression years; that is the best way to do it; but if we are going to increase prices in times of prosperity we are going to have imports. At the same time, however, we are going to have exports. For example, in 1929 our exports amounted to $5,000,000,000 a year. That was reduced in 1933 to $1,500,000,000.

At the same time our imports increased proportionately. If imports were such an injury to this country, why is it that in times of prosperity the imports always go up?

Mr. BATES. Will the gentleman yield? I will answer the question if he will yield.

Mr. HARLAN. You would expect, Mr. Chairman, that imports would decrease in periods of prosperity if the contention of certain gentlemen who say that imports in and of themselves are injurious to our prosperity, is sound.

Mr. BATES. Will the gentleman yield?

Mr. HARLAN. The gentleman from Massachusetts [Mr. TREADWAY] made the statement that he wanted an impartial board to handle these treaty agreements. You either have to have a board that is favorable to reciprocity or you have to have a board that is unfavorable to reciprocity. There is no such thing in this program as an impartial board. It is either favorable to the policy or it is not favorable to the policy.

Mr. TREADWAY. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. May I ask the gentleman whether in the original make-up under the law establishing the Tariff Board there was any reference whatsoever to reciprocity?

Mr. HARLAN. I do not suppose so; no.

Mr. TREADWAY. The gentleman states that is the basis now on which the board is appointed.

Mr. HARLAN. We did not have any reciprocity agreements at that time.

Mr. TREADWAY. No; and we should not have them now, either.

Mr. HARLAN. Mr. Chairman, we are faced in this country with a condition that we must meet, and this condition largely grows out of our agricultural situation. We sold three-fifths of the cotton we produced under normal conditions before crop control; we sold one-fifth of the wheat, two-fifths of our tobacco, one-third of our lard, and one-half of our dried fruits. We cannot sell those commodities abroad unless some provision is made for payment. That seems to be obvious. You cannot receive pay for them in money.

Mr. BATES. Will the gentleman yield?

Mr. HARLAN. I repeat, you cannot receive pay for them in money because there is not enough money to take care of it, even if it were all used for this purpose. We have to accept the imports if we are going to have exports. There is only one person in the world I know of who denies that and that is the gentleman from Massachusetts [Mr. TREADWAY].

Mr. BATES. Two gentlemen from Massachusetts.

Mr. KNUTSON. Make it three.

Mr. HARLAN. Those gentlemen believe we can continue to sell abroad and either get nothing in exchange or else get a supply of gold from the moon, because it does not exist in this world, even if it were desirable to work it that way.

Mr. RAYBURN. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Texas.

Mr. RAYBURN. If I read history correctly, it was a very distinguished citizen of the State from which the gentleman now speaking comes, a Member of Congress, afterward President of the United States, who announced the policy that we could not continue to sell where we did not buy. That was the great William McKinley.

Mr. HARLAN. That is certainly true. Later than that the great Herbert Hoover said, in connection with excluding imports from this country, that we must not jeopardize the income of 2,000,000 workers who were engaged in working for exports. That is so obvious it does not deserve argument.

Mr. KNUTSON. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Minnesota.

Mr. KNUTSON. To what does the gentleman ascribe the fact that for the first time we have an unfavorable trade balance in agricultural products?

Mr. HARLAN. For the first time since when?

Mr. KNUTSON. In the history of the country.

Mr. HARLAN. What does the gentleman mean by that?

Mr. KNUTSON. We buy more competitive agricultural products from other countries than we ship out.

Mr. HARLAN. Well, that is not the first time. The trade balance is not as bad as it was in 1932. It is not as favorable as it ought to be.

Mr. KNUTSON. Will the gentleman put the figures in the RECORD?

Mr. HARLAN. Yes; I will do that. While the gentleman is discussing that, let us speak sensibly for a moment on this favorable and unfavorable balance of trade, whether it is agricultural products or any other kind of products. The most fortunate thing that could happen to this country would be for us to get an unfavorable balance of trade because it would show two things. It would show that our merchant marine was functioning profitably and it would show that our foreign investments were prosperous. What countries in the world are there that have an unfavorable balance of trade? We find such countries as Great Britain, France, Italy, formerly, and Germany, when it was prosperous, had an unfavorable balance of trade and when Germany crashed it got a favorable balance of trade. An unfavorable balance of trade simply means that you are selling more services abroad than you are buying. A favorable balance of trade means you are buying more services than you are selling. That is all it means.

Mr. SOUTH. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Texas.

Mr. SOUTH. I would like to call the attention of the gentleman from Minnesota to the fact that the trade balance is tending in the other direction just now. Argentine is now buying corn from this country, whereas as a result of drought conditions we were buying their corn some months ago.

Mr. HARLAN. Yes. During last year there was a great deal of importation of agricultural products from South America and Canada, largely due to our shortage of agricultural products. But may I call the attention of the gentleman from Minnesota to the fact that these importations did not come in under reciprocity schedules. They came in under our old tariff law, and it was due to the drought condition in this country and not to any reciprocity agreements.

The gentleman from Wyoming [Mr. GREEVER] asked the gentleman from Massachusetts this question:

> Does not the gentleman feel there should be legislation which would require the submission of these treaties to Congress before they are ratified?

The answer was "Absolutely."

Let us look a little bit at history on this situation. For over 50 years this country many times in Republican administrations attempted to enter into reciprocity treaties with other countries. Out of all these efforts, numbering over 25, I believe there were actually only 2 reciprocity treaties entered into—one with Hawaii and the other with Cuba. We negotiated a treaty with Canada, but Canada refused to ratify it. We also negotiated treaties with some of the South American countries with a similar result.

The reason you cannot bring these treaties into a legislative body for ratification is that when you do you run up against logrolling blocs which get together and work against certain schedules and in favor of other schedules, and then when you are all through you cannot get a bill. To say we must bring these agreements into Congress for ratification means we start to write tariff bills on the floor of Congress. It simply cannot be done, and it never has been done. To make that statement is simply to say you do not believe in reciprocity.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Does the gentleman admit, then, that the present trend is to do things the duly elected representatives of the people in the Congress would not do, and that we are doing now what the people do not want, and what the people would not sanction through their representatives? Is not this pretty much of a threat against democracy?

Mr. HARLAN. No; the gentleman is not right. The present trend is to gear up our lawmaking machinery in such a way that the great majority of the common people, the people of the United States, will have an opportunity to have their wishes put into force, and blocs and lobbies will be kept under control. Under the old system groups would get together and destroy any tariff law favorable to the consumers of the United States or our exporting industries. Under the present system we have obliterated the power of blocs to destroy reasonable tariff legislation.

Mr. BOILEAU. Does the gentleman believe the present system is better than true democracy?

Mr. HARLAN. This is true democracy.

Mr. BOILEAU. The gentleman admits the people's views are not being recognized.

Mr. HARLAN. The blocs and lobbies are kept out of this and the people's views are represented.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Should not Congress have the same power to pass upon trade agreements as the parliaments of foreign countries with which the treaties are negotiated? The Cuban Congress passed upon its treaty, Brazil passed upon a treaty, the Argentine passed upon a treaty, and the French Chamber of Deputies passed upon a treaty. Does the gentleman mean to insinuate the American Congress is not as well qualified to pass upon such treaties as these foreign legislative bodies?

Mr. HARLAN. No; I do not, but the British Parliament, for example, operates under an entirely different basis from our Congress. The Cabinet draws up these measures and they are proposed by a Minister.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

The gentleman is speaking beside the subject when he mentions Great Britain, because we have not yet negotiated a treaty with Great Britain. I have reference to the South American republics, France, Belgium, and some other countries, with which we have already negotiated treaties.

Mr. HARLAN. The gentleman is now entering into questions which are rather delicate to discuss on the floor of the House when we are discussing foreign countries, but I may say the South American countries are very largely one-party countries.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 10 additional minutes to the gentleman from Ohio.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from Massachusetts.

Mr. BATES. In view of the statement of the gentleman that he does not believe any present imports are ruinous to industry, what is the gentleman's point of view about imports which are injurious and ruinous to industry, and I refer especially to the shoe industry, whose injury I can prove?

Mr. HARLAN. The imports in connection with the shoe industry are just one-fourth of what they were when the shoe industry was in its most prosperous condition.

Mr. BATES. When the shoe industry was being ruined by such imports a protective tariff of 30 percent was established. At the present time the tariff is 20 percent.

Mr. HARLAN. At the time the 30 percent protective tariff was established there were 3,248,000 pairs of shoes imported, which is almost twice what is now coming in.

Mr. BATES. The tariff was 20 percent and was later increased to 30 percent.

Mr. HARLAN. I have answered the question to the best of my ability.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. What about the velveteens which are being imported in such quantities from Japan? Only a few weeks ago one velveteen industry closed in the city of Lowell, which is in my home city. The situation for the velveteen industry is very serious. The Japanese are not keeping their gentleman's agreement in respect to velveteen, although they are keeping their agreement with regard to cotton I learn——

Mr. HARLAN. I regret I am not familiar with the velveteen situation. I am very much afraid that industry may possibly be injured by local conditions in this country as much as by importations.

Mrs. ROGERS of Massachusetts. It is generally agreed, I believe, the industry is being injured by Japanese imports, and velveteen is on the agenda in the negotiations with the British Empire.

Mr. HARLAN. There is no question that imports will possibly injure a specific industry, and this is why we must have hearings, in which such questions as the velveteen industry may have its hour in court and go into all the facts surrounding the situation. However, except under very exceptional circumstances, imports will not injure all industry, because for every dollar's worth of imports a dollar's worth of exports must go out in some form or another.

Mr. BATES. Mr. Chairman, will the gentleman yield again at that point?

Mr. HARLAN. No; I am sorry, I cannot yield.

Mr. SHANLEY. The gentleman means a dollar's worth of services?

Mr. HARLAN. Either services or exports; it does not make any difference.

So the only thing that happens from imports coming into a country is to shift employment from one industry, possibly, to another industry.

Long before this administration came into power, under the Hoover administration, the Department of Commerce made a survey of labor conditions in this country and found that the wages paid in industry in this country were the lowest in the highest protected industries. The watchmaking industry, one of the higher beneficiaries of our tariff, I think headed the list of low-paid industries, and the wages were universally higher in the nonprotected industries. You can go into your own community, Mr. Chairman, and pick out the industry that is receiving the highest protection, and you will find an industry that is paying the lowest wages.

When we accept imports in an industry that is under high protection to encourage an export industry that gets no protection at all, we are simply shifting wages from a low-paid bracket to a high-paid bracket, and far from hurting this country, increased exports by increasing imports, can do nothing but help us except in certain cases there may be minor injuries occurring in some small industry, but not in the country generally.

Mr. BATES. Would the gentleman call the shoe industry a minor industry?

Mr. HARLAN. I have not heard anything that is convincing to me that the shoe industry is being injured in any way.

Mr. BATES. I think I could convince the gentleman of that fact if I had the time.

Mr. HARLAN. I wish the gentleman would not continue to interrupt my speech.

Mrs. ROGERS of Massachusetts. Does it not stand to reason it will be impossible for us to keep our standards of living and wages if goods continue to come in from other countries where the laborers are paid very small wages? I am very much interested in this discussion and the gentleman is very courteous to yield. It is the gentleman's time, and I appreciate it.

Mr. HARLAN. The gentlewoman from Massachusetts is familiar with Alexander Hamilton's report on manufactures which was given to the Congress 150 years ago, and was the basis of our whole tariff policy.

At that time Hamilton reported to Congress that it would be necessary, if we were going to have manufacturing in this

country, to impose tariffs, because the wage scale that then existed in the United States was so high we could not begin manufacturing without tariffs. From that time to this, every concern that has come before this Congress and asked for a tariff has told the Congress they could not manufacture unless they got a high tariff to pay the wage scale that already existed in the country. Then after the tariff was granted, they turn the thing around and say the high-wage scale is due to the tariff. There is not a more absurd thing that could be stated. Do you know that only 25 percent or less of the labor in this country gets any benefit from the tariff whatever? The service industries get no benefit and are not protected. This means railroad labor, the highest paid labor we have in the country, and also includes the building trades, with no tariff protection, and also the men employed in the automobile industry, radio, electrical and agricultural machinery, and everything that we export. They get no benefit because they have to compete with world labor.

Mrs. ROGERS of Massachusetts. I said competing industries. But the gentleman admits tacitly the wages must be lowered to compete with low wages abroad?

Mr. HARLAN. I said the very highest wages paid in this country are in the very groups that get no tariff protection at all.

Mrs. ROGERS of Massachusetts. Well, I wish they could be protected, if they ever need protection.

Mr. HARLAN. They do not need protection. They are getting the normal American wage scale and they do not ask for any protection.

Mr. MICHENER. Mr. Chairman will the gentleman yield for just one short question?

Mr. HARLAN. All right.

Mr. MICHENER. As a matter of fact, it is the wage due to the tariff that makes the purchasing power so that you can pay the high wages for service which does not come in competition, like utility salaries and other salaries of that kind.

Mr. HARLAN. I just told the gentleman that the investigation of the Department of Commerce under President Hoover demonstrated absolutely that the lowest wage brackets in this country were in the tariff-protected industries.

Mr. KNUTSON. That is the reason we gave them protection.

Mr. MICHENER. That is the reason we are able to pay the other high wages. The gentleman spoke of automobiles. Give us a monopoly, as we have had in automobiles, and we do not want any tariff; but just as soon as they commence to make them over there we have got to have a tariff, or we cannot continue to make them here.

Mr. HARLAN. The thing that makes wages in any country is the efficiency of labor.

Mr. MICHENER. That is old talk—I talked that for years.

Mr. HARLAN. I am pleased that the gentleman admits that at least in the past he admitted a knowledge of political economy and the factors that determined real wages as distinguished from money wages. The only thing the tariff does is to change the real wages that a man gets into lower brackets. It does not affect money wages at all.

Mr. KNUTSON. It puts butter on our bread.

Mr. HARLAN. If the gentleman believes that still, he does so in spite of the best efforts that students of the question have given to it.

A great criticism has been made about these reciprocity treaties because they included the most-favored-nation clause. When we entered into this reciprocity program we were suffering from retaliatory tariffs that grew out of the so-called Grundy tariff law of 1930. Other nations had made special tariff laws against us. It was to our interest to break down those special tariff laws directed solely against us by these reciprocity treaties. We could not get a most-favored-nation clause ourselves unless we granted it to other nations. Nations do not deal in that way, and what good would it do us to negotiate a reciprocity treaty with some country if the next week that country gave better rates to some other country? That would not gain anything.

The amount of our imports which have been affected by the most-favored-nation clause is $30,000,000 a year.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 3 minutes more.

Mr. HARLAN. Our exports which have been stabilized in foreign countries by getting the most-favored-nation treatment amounts to $265,000,000. We have an almost 9-to-1 ratio in benefit received, and the reason is that we entered into these most-favored-nation agreements and treated all countries alike, although other countries were not treating us in that way. By this policy we have simply neutralized the unfavorable reaction growing out of the tariff of 1930. Furthermore, in almost all of our treaties where the most-favored-nation clause is included we have dealt with commodities peculiar to that Nation. Other countries have received little benefit. Hence the 9-to-1 ratio which I mentioned.

The gentleman from Minnesota [Mr. KNUTSON] said that we are going back to free trade. Nothing is further from the truth. The only thing that we have done in these reciprocity agreements has been gradually to go back to the Fordney-McCumber rates of about 1920, and in a few cases we have gone back to the Underwood tariff. Nothing radical has been done with these treaties. Every one that has been proposed has brought forth hysterical cries that we are going to ruin the industries "in my district", and there has never been any harm done and a great deal of good has been done.

The value of our exports during the first 11 months last year amounted to $3,026,000,000, an increase of 36 percent over that period. The imports amounted to $2,875,000,000, or an increase of 32 percent. During the first 11 months of 1937 the exports to trade-agreement countries were increased by 42.6 percent, and the exports to non-trade-agreement countries increased by 32.2 percent. You cannot escape those figures. If our civilization is based on trade, the thing to do, the only sensible thing for us to do, is to increase trade as much as possible.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I cannot yield.

Mr. KNUTSON. But the gentleman referred to me.

Mr. HARLAN. The gentleman from Massachusetts [Mr. TREADWAY] commented on the interest which Sir Ronald Lindsay, the British Ambassador, had expressed in these agreements. In the name of reason, why would he not be interested? Tariffs are nothing less than commercial warfares. An expansion of international trade through the lowering of tariff duties means commercial peace, and commercial peace is the very best foundation for military peace. Why would not England and the United States, the two greatest democracies in the world, seek to establish not only peaceful relations with themselves but with all other countries as well?

Just call the roll of the countries that have gone to the furthest extent in trade barriers—Germany, Italy, Russia—nations that are today disturbing all the peace-loving nations of the world. Japan has not as yet joined this trade-restriction policy because her very life depends upon free-flowing commerce.

High tariffs mean extreme nationalism; extreme nationalism means the ruin of capitalism. If we are to have capitalism we must have free international investment. Free international investments can only exist as long as there is sufficient trade to permit the payment of dividends on investment. Just at the present time there is no American investment in Germany, for example, that can withdraw any dividends from that country, because trade conditions are not such as to justify such withdrawal. If our American investors would but realize that the destruction of international trade in a very short time will make foreign investments an impossibility, and that all of their accumulated

capital will have to find an outlet in this country or be hoarded to attract the avarice and criticism of those groups who seek to destroy democracy, their interest in increasing foreign trade and in lowering trade barriers would be greatly accentuated. In short, there is no more important factor to world peace, high wages, normal agricultural expansion, and the preservation of capitalism itself than the opening up and expanding of international trade.

In promoting these reciprocity agreements our Secretary of State has, to my mind, made the most valuable contribution to our national life; and whatever else may survive of the New Deal—and those of us who have supported it believe that there is much good in it—one thing is absolutely certain, and that is that history will record our reciprocity policy as a tremendous forward step in civilization. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Chairman, I have obtained this time to pursue a little further the discussion in respect to the power proposed to be given the President to eliminate or reduce individual items in an appropriation bill, which has been under discussion for a couple of days. The Committee on Appropriations will meet in the morning at 10:30 o'clock to take up for the first time in this session this very important thing. We had not considered it when it was proposed here the other day. Many gentlemen here on Monday last voted to retain in Congress the power to declare war, but right here the President is willing to take away from Congress the power it has over appropriations and permit him to eliminate items or parts of items. This amendment affects all appropriation bills. We were sucked in on this proposition. The Members on the ranking side, the minority Members, are all fixed to carry it out when they go to the Senate. We have been swept off our feet unless we can retrace our tracks in the next day or two. It is important if anything is said to say it today, because we are going to meet tomorrow and make some recommendation, as the gentleman from Indiana said today, and submit possibly a committee amendment later. The great appropriation bills almost universally are acted on at the end of a session. The conference reports do not come in until that time. There are not many exceptions to that. It is the last week of the session before the Senate and House conferees get together, no matter if we should pass the bill in January, February, or March. It will usually be June before the final conference reports are agreed to.

This amendment provides that the President can eliminate any time after it has passed, any time after it is passed, no definite limit, but that the Congress has 60 days from the day of the President's action in which to reduce the period of making it effective. There is no power given Congress in the resolution to override the President's action. Get this, it is clever.

Note, too, that the word "veto" is carefully omitted. The words are "eliminate or reduce." This is planned to escape possible constitutional amendment necessity.

Furthermore, there is no language here to prevent the President from eliminating or reducing items any time before the money is spent, comprehending two sessions, or even after the bill is signed. The resolution is a monstrosity.

If the President eliminates items at the end of a Congress that is the end of it. If it is the first or special session we have a chance when we come back. But the thing is preposterous when we contemplate the result that will flow from the amendment we passed here Tuesday.

There are three arguments I want to make against this proposal. First, every man of us, every man in every district, and there are 435, has some particular thing in which he is interested, even though he may not urge it continuously on the floor or in committee. Members are interested in protecting their projects. They will be scared of the President. They will go directly to him to see that he does not eliminate their item. That puts them under obligation to the President so that he can use them on everything pertaining to legislation. The Member sells himself for his little mess of pottage to the President of the United States so that the President can control his vote and everything else. That is the hazard of this proposition of giving the President the power to veto individual items. It makes the individual Member subservient to the President indirectly for all legislation. It goes strongly toward a dictatorship.

The second point is that a relaxation of interest will result, as was stated this afternoon when the gentleman from New York [Mr. TABER] brought out the point; it will lead to a relaxation of effort on the part of members of the committee. In the Appropriations Committee men got up and said they would resign their subcommittee chairmanship if this thing went through. If the President of the United States is going to be the final arbiter on every point of an appropriation bill, what is the use of our paying any attention to these bills and discharging our obligations?

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. Briefly.

Mr. KNUTSON. I agree thoroughly with the gentleman that it would place Congress under the thumb of the President if we permit him to veto items. On the face of it, it looks good.

Mr. LAMBERTSON. Yes; on the face of it.

Mr. KNUTSON. But it is going to do more to wipe out the independence of Congress than anything we could possibly do. I do not care who the President is, he is going to use it to intimidate.

Mr. LAMBERTSON. I thank the gentleman for that contribution.

The gentleman will recall that before the amendment was agreed to the other night some of our minority Members, remembering what the present President of the United States had done to the veterans, had an exception made of the Veterans' Bureau, because they knew of some venom that had been expressed toward the veterans in the last 5 years; so they made an exception of the Veterans' Bureau; and the gentleman from New York [Mr. TABER] said here today that he believed they ought to make an exemption of the legislative bill or the President could reduce the total appropriation for the salary of Members.

As Members think of the possibilities involved they will find many things they will want to exempt from this power.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. BOILEAU. The gentleman will remember that last year we appropriated $350,000,000 for the C. C. C. camps but the President by Executive order reduced the appropriation by $35,000,000, or 10 percent; so he is now exercising some power over appropriations. Does the gentleman maintain that that was not usurpation of power?

Mr. LAMBERTSON. No; anything that he has done under the authority he has is all right.

Mr. BOILEAU. Apparently, if he could reduce an appropriation by 10 percent, he could reduce it by 25 percent or by 50 percent.

Mr. LAMBERTSON. But we did not give him power to reduce all items in a bill, or anything like it.

Mr. BOILEAU. If he has that power—I am not saying that he has—is he not now exercising veto power over appropriations of Congress at least to the extent of reducing appropriations made by the House for the C. C. C. camps? If he can reduce them 10 percent, why can he not reduce them 75 percent or 100 percent?

Mr. LAMBERTSON. We did not give him power to do that.

Mr. KNUTSON. If the gentleman will pardon an interruption, as I understand it, he does not reduce appropriations; he just orders that the Departments or the bureaus not spend a certain percentage of their appropriations.

Mr. BOILEAU. Is not the effect the same? If he can withhold 10 percent, why can he not withhold 50 percent or

90 percent? And as a result of that power, if he has that power now——

Mr. KNUTSON. He should have that power.

Mr. BOILEAU. Could he not control the Federal Trade Commission or any other agency of the Government? I am just asking for information.

Mr. KNUTSON. Congress has given him the power to impound funds to a limited extent.

Mr. LAMBERTSON. I think the gentleman has exaggerated his power a little. He does have some authority over his Cabinet officers and bureaucrats.

Mr. BOILEAU. If he has that power now to reduce appropriations, does he not, in effect, then, have the power of veto over acts of Congress; does he not, in effect, then have power over the appropriations of Congress even without resubmitting them?

Mr. LAMBERTSON. To a very limited degree; but nothing compared to this proposal.

If the President vetoes items in an appropriation bill under this resolution, it is not he who does it. It is some bureaucrat who comes to him and tells him to do it. He has not the time to do this, even with the six administrative assistants, and so forth. He has not time to pay personal attention to that, but he will listen to some fellow who tells him that his department is being duplicated in some other bureau. The President will then veto that bureau's item to humor this bureaucrat over in the other bureau. That is how he will act.

Mr. BOILEAU. But it is upon the President's authority this money is impounded. I am asking for information. I did not understand until this action was taken last year that the President could exercise that power.

Mr. LAMBERTSON. He does not exercise it very much.

Mr. BOILEAU. I did not know that power was vested in him.

I would like to ask the gentleman, if he knows, and if he does not, the gentleman from Virginia [Mr. WOODRUM] may give the information. In this instance the President reduced the appropriation 10 percent. Has he the power to go below or impound more than that 10 percent? In other words, what is the limit?

Mr. WOODRUM. There is no law on the statute books or in the Constitution which requires the President to spend the money which we appropriate.

Mr. BOILEAU. Is there any specific authority so he can reduce the appropriation?

Mr. WOODRUM. He impounds it in the Treasury, which he did in the instance the gentleman speaks of.

Mr. BOILEAU. Is there any specific legislation or is that a general power?

Mr. WOODRUM. It is a general power. The resolution to which the gentleman objects, however, requires him to come back to the Congress for the Congress to finally pass on it, which is not done under existing circumstances. To that extent it gives greater control to the Congress.

[Here the gavel fell.]

Mr. DITTER. I yield the gentleman 3 additional minutes.

Mr. BOILEAU. Will the gentleman yield further?

Mr. LAMBERTSON. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. If the President now has that power, why did the gentleman from Virginia want to give him additional power?

Mr. LAMBERTSON. Let the gentleman from Virginia answer the question.

Mr. BOILEAU. If he exercises that power, he does not need the additional power.

Mr. LAMBERTSON. He has asked for it, and that is the reason. The President asked for that power in his message, and we have to give the king anything he asks. Mr. WOODRUM said it requires the President to come back to Congress for final action. The resolution says nothing of the kind. There is no comeback stated.

There is only one excuse for this, and I do not know but what I could go along with the proposition. However, I do not like the way it has been brought about. There is only one justification, and that is the "pork barrel" habit that exists in this House, particularly in the last year. You remember during the closing days of the last session when the Natchez Trace, the Skyline Drive, the Big Thompson, and the Grand Coulee groups were buddies together. If the high dignitaries of this House, the Speaker, the floor leader, and the other leaders of the House, will frown on this "pork barreling," and if the President of the United States will veto an appropriation bill totally at times, sending it back here for passage again and point out the things that have been "pork barreled," things might be different. That is the thing for him to do. Let him veto a whole bill. Why, he very nearly vetoed the Interior bill last year because there was in it an item of $14,000,000 for vocational education. He did not like this item, and he gave out a big statement to the press in reference to it. There were $154,000,000 appropriated in the bill, but only $14,000,000 actually in dispute, yet he pretty nearly vetoed the whole bill on account of that item being $14,000,000 rather than eight or ten.

Mr. BOILEAU. Will the gentleman yield?

Mr. LAMBERTSON. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Does the gentleman know whether it is contemplated to spend that $14,000,000?

Mr. LAMBERTSON. No; they will not need it.

Mr. BOILEAU. If the will of Congress has been set aside, has there not been a veto?

Mr. LAMBERTSON. The money is there yet.

Mr. BOILEAU. But it is not being used. The will of Congress is not being followed.

Mr. LAMBERTSON. It can be brought back and spent when they need it. They do not need all of the $14,000,000 and he pretty nearly vetoed the whole bill on account of that one item. He would have eliminated this item if this resolution had been in effect. This simply shows that a President can pick out little things and get awfully sore about them. Why did he not have courage to veto the whole bill and send it back to us for further consideration?

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I hope that nobody will object if I come back to a discussion of the bill now under consideration, and one particular item appearing therein. This item appears on pages 24 and 25 of the committee print, and has to do with the sum of $18,037,000 appropriated for the Coast Guard.

At the proper time I am going to ask to amend the bill by changing the figure $18,037,000 to $18,296,248. I shall do this for the purpose of carrying out existing law. This would be $259,248 more than is carried now, and would provide for the payment of what are known as reenlistment allowances to members of the Coast Guard.

When the Navy appropriation bill and the Army appropriation bill come up for consideration it will be necessary also to offer amendments to add additional amounts for payment of reenlistment allowances in those branches. I want to trace the legislative history of this reenlistment allowance that has in the past been paid to the enlisted personnel of the Army, the Navy, the Coast Guard, and the Marine Corps.

It was in 1855 that the idea first started. On the recommendation of the then Secretary of the Navy, J. C. Dobbin, who stated that in order to encourage more permanent enlistments, to identify them more thoroughly with the Navy, and elevate their character by a plan of rewards as well as punishment, a gratuity or allowance was granted for reenlistment. This was slightly modified in 1912, and then in the Joint Service Pay Act of June 10, 1922, the present system of reenlistment allowances was provided for. Under this law the men in the top three grades, if they reenlist within 90 days after they are honorably discharged, are entitled to $50 times the number of years they have served in their previous enlistment period. The men in the lower

four of the seven pay groups are entitled to $25 times the number of years they have served.

Each year following 1922 appropriations were carried in the Treasury-Post Office, the Army, and the Navy appropriation bills to pay these reenlistment allowances.

In 1933, when there came before the Congress the Treasury-Post Office bill, which was signed on March 3, 1933, making provision for the fiscal year 1934, a short proviso was carried in the bill which stated that during the coming year no appropriation could be used to pay reenlistment allowances. This was a part of an economy program, and affected the lowest-paid group of men who work for the United States Government. The proviso passed, and then each year until this year, when the Treasury-Post Office bill was under consideration making provision for the fiscal year of 1938, a proviso has been carried which continues in effect the ban on reenlistment bonuses by just reenacting the provision in the 1933 bill. A point of order was made against the proviso in February of last year. The point of order was sustained and the ban was thrown out. Then a proviso was inserted by the Senate in the second deficiency appropriation bill, and it came back to us as a conference report. I believe the proviso was subject to a point of order in the Senate, but the point of order was not made.

When the bill came back to us it was impossible to make a point of order against the proviso, so it had to be voted on. The proviso that year was passed and added to the deficiency appropriation bill by a vote of 134 to 101.

When the proviso was added to the second deficiency appropriation bill by the Senator from South Carolina, the Senator from Wisconsin inquired why this proviso was being put in the bill and asked for an explanation of it. He was answered in this way:

> The language of the amendment has been carried ordinarily in the Treasury-Post Office appropriation bill, but was not carried in that appropriation bill this year and is therefore proposed to be included in the bill now before us. The effect of it is simply to carry the same limitation that has been carried for years in the appropriation bills. Its purpose is to continue the appropriation situation that has existed for years so that no bounty shall be paid for reenlistment in the military and other uniformed services.

This was the only explanation given of the proviso, and on the face of it you can see it explains absolutely nothing except to say, "We are going to continue the condition which has existed before."

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Texas.

Mr. McFARLANE. If this matter were to be handled according to the regular procedure it would be left to the legislative committees of the House having charge of authorizations on such subjects?

Mr. SCOTT. The gentleman is correct. I am going to suggest later that if we intend to continue this program in the future it be done in that way rather than through an appropriation bill.

Mr. McFARLANE. We should either do that or abolish these committees.

Mr. SCOTT. Well, yes; an argument could easily be made for such a proposal.

When the matter came into the House an entirely different argument was used. In the Senate they were told, "We are simply continuing an appropriation condition that has been true in the past. We are just doing the same thing over again." When we got into the House a different explanation was given. We were told here in the House this was just for the next year, and was more in the nature of an emergency policy. When the proposal was under discussion last year the chairman of the committee stated, "I want to call the committee's attention to the fact we are only asking that this be done for the next fiscal year. It is not permanent." However, the proviso went into effect in 1933 and has been carried in the bill each year since that time. It begins to look as if the Committee on Appropriations intended it should be a continuing policy. While they tell us it is a temporary policy for next year only, we get it each year.

Mr. McFARLANE. Does not the gentleman believe if we are going to continue to sandbag these boys who do the fighting, the bleeding, and the dying, these boys down at the bottom, we ought to carry this right on through and make a proportionate reduction in the salaries of all the officers?

Mr. SCOTT. Certainly, I agree with the gentleman's statement, but instead of lowering the others all along the line, I want them raised. I want naval appropriations spent on men. I want them to have decent pay. Don't cut; raise. At least give back what has been taken away.

I call your attention to the fact, and I hope you will remember this when the amendment is offered, that this is the only item that is left of the original Economy Act. This practice started under the Republican administration of Mr. Hoover, but it makes no difference to me who did it first, because it is still here and we are continuing it.

This is the only remaining part of the Economy Act; and it is aimed against whom? The lowest-paid men in the service of the United States, the men who get from $21 a month up to $157 a month. I believe the highest-paid enlisted man in the Navy gets $157.30. As I understand, this is the highest pay possible, and nobody draws it now. The lowest-paid man gets $21 a month, and he is the man who is being affected by the elimination of the reenlistment allowance.

Mr. LUECKE of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Michigan.

Mr. LUECKE of Michigan. Can the gentleman tell us what effect this has upon reenlistment?

Mr. SCOTT. I will come to that subject later. I would rather not take it up now.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Texas.

Mr. McFARLANE. Is it not true this is jumping on what we might call a bunch of cripples who cannot vote in anyone's congressional district?

Mr. SCOTT. A lot of them do not vote, and they have nobody to represent them. When the Committees on Military or Naval Affairs or the subcommittee on Navy Appropriations hold hearings these men are never called to appear. If they do appear before these committees, somebody is sitting right at their elbow to frown at them and tell them not to say anything they should not say. You always hear from the top fellows, the admirals and the captains. I must say the Secretary of the Navy and the Secretary of War have both asked in the past that these reenlistment allowances be paid to the men for the good of the service. They did not ask for it this year because it was not in the Budget this year, and they cannot urge anything which is not in the Budget. But we never allow the enlisted man an opportunity to tell us how he manages to live on the pay he gets.

A little more about the enlisted man's pay.

I represent the city of Long Beach as a part of my district, and a lot of Navy people live there. Do not get the idea in your heads they are an organized bunch of voters that I am trying to corral here. They are not, even though I would not object if they were. But a lot of them do not vote and a lot of them are at sea on election day. In the Long Beach and San Pedro area 6,269 enlisted men live with their families. There are 6,269 families living in that particular district. We have taken a survey of them according to their income—not their Navy pay, but according to their income, including what they get, what their wives can make, or what they may get from any source—and they are divided into seven groups, from the top-income group down to the lowest-income group. For example, there are 364 families residing there who have an average monthly income of $154. There are 123 families living there whose average monthly income is $38.04. This is from the top to the bottom. The greatest number of families, 1,329, have an average monthly income of $62.56.

Some of your people come in here and criticize because we are paying relief clients or those who are on W. P. A. only $55 a month. The question is often asked how we expect any person on relief to get by on $55 a month, but we are expecting people who serve the United States in its armed forces to get by on $38.04, paying them even less than you pay relief clients and paying them less than you pay W. P. A. workers, and, understand, these are families with a man and wife in all cases and with children in most cases. When you figure out what they have to pay for their houses and home accessories, it makes a bad picture.

This lowest income group of 123 families, with an average monthly income of $38.04, has to pay an average monthly rent of $21.67. Their home accessories average $2.10. This means that after they have paid their rent and paid their home accessories, these 123 families have to get by on $14.27. They have to pay for food, they have to pay for clothing, they have to pay for medical care, they have to pay for dental care and they should be entitled to some kind of recreation. All of these things, not even considering the possibility of savings, they have to do on $14.27 a month. If you took just the pay and did not consider their additional items of income the picture would be worse than ever.

I am talking about reenlistment allowances now as a part of the pay that the men had been getting until 1933 which helped them to live. If they were in the top brackets they would get $50 a month times the number of years they had served, usually 4 years, and in the case of the Coast Guard it is usually 3 years. Those in the top brackets would get $200 in the Navy or $150 in the Coast Guard to add to their salaries. In order to be more accurate, here is what the law says:

On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of 3 months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of 3 months from the date of his discharge.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SCOTT. Remember that this item of reenlistment allowances was placed in the Joint Service Pay Act. The men have considered it a part of their pay. They had looked forward to the getting of it to pay debts, to pay the expenses of their trips home, because they were given leave to go home if they could afford it, and they were using it to replenish their own wardrobe. When a man goes into the Navy for the first time he is given an allowance to buy a uniform. In the Coast Guard he gets about $104 when he goes in to buy a uniform. When his enlistment period ends and he reenlists, he does not get an allowance for the uniform. His reenlistment allowance took the place of that. So these men had expected to get this money at the end of their service. When you take it away from them and do it by saying we are just doing it for next year—just the next fiscal year—holding it in front of them all the time and have them thinking that some day they are going to get it back, or as the gentleman from Virginia himself said, "Yes, we would like to give this back some day when we are able to give it back," you are not being fair to them.

This amounts to $259,248 in the Coast Guard.

Compare these figures with the amount of money we are spending on other things.

When you talk about reenlistments, bear in mind that in the Coast Guard about 88 percent of the men reenlist. Figures will show you that in periods of prosperity it is necessary to enlist large numbers of new men. In periods of depression it is not necessary to enlist large numbers of new men. Enlistments and reenlistments sort of follow along with the prosperity curve. When it is hard to get a job on the outside the men do reenlist, but they have been reenlisting with the idea that some day they are going to get this reenlistment allowance back, but when they can find jobs outside, they will take them.

Mr. LUECKE of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Let me read these short figures to prove my point. In 1934 it was necessary to enlist only 11,575, and in 1935 only 10,785. When it was hard to get jobs outside they wanted to stay. But in 1936, when jobs were appearing on the outside, it was necessary to enlist 18,039 new men. In 1937 it was necessary to enlist 15,484 new men. Remember, that when we bring a new man into the Navy—that is, when he enlists for the first time—he has to go through training at a cost of $228.40. It costs that to train a new man. You have that initial cost of $228.40 to get him ready to serve. Then he goes through 4 years to become a technician and at the end of 4 years in the different technical features of the United States Navy a man has learned things, and it is going to take 4 years for a new man.

Mr. LUECKE of Michigan. In other words, it is false economy because it is a blow at efficiency.

Mr. SCOTT. I think the gentleman is right. Just by way of conclusion—and I shall have to extend rather extensively—I call attention to correspondence that I have had on the subject with a woman in my district who wanted to get her husband out of the Navy. She wrote to the commanding officer and said:

We find it is impossible with the present high cost of living to adequately provide a home for ourselves and our daughter on his pay which he now receives from the Navy. He has an opportunity to accept a job which will pay $150 a month upon discharge from the Navy, by which we could provide a good home and environment for our daughter—

And so forth. Of course, the commanding officer said no, that they could not let him go. Then she wrote to me and asked if I could do something about it. I said I would try, but I did not hold out any hope.

I wrote to the Chief of the Bureau and got back a reply which said that to discharge this man for the reasons advanced would not only be unfair to the many men whose requests, based on similar reasons, have been denied, but would establish a precedent and be detrimental to the best interests of the service. Many men are asking to get out of the United States Navy because they can make more money on the outside. Now, Mr. Chairman, I am going to ask the committee to make provision for $259,248 to pay reenlistment allowances in the Coast Guard. I have tried to show you why it should be done. The item was not put into the Treasury-Post Office bill this year. The law says that it shall be paid but it cannot be paid unless money is appropriated for the purpose. I trust you will support my amendment when it is offered.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, yesterday my attention was called to the fact that in a radio broadcast the gentleman from New York [Mr. CELLER] made the statement that Nazi propaganda was used to support the Ludlow war referendum and was being cooperated in and fostered by the Von Steuben Society of America. I believe I am the only Member of Congress who belongs to that society, and I therefore ask your indulgence to contradict any false impression that may have gone out on that score. I called Mr. CELLER on the telephone and asked him if he had made any such statement and he said no, that the statement that he had made was to the effect that he had recited the organizations that were in favor of the Ludlow referendum, and he included among them the Von Steuben Society. Mr. Chairman, that society has advocated a war referendum since 1919, long before Adolph Hitler was even dreamed of as occupying any place nationally or internationally. My conversion to the policy carried into the Ludlow war referendum goes back to May 1916, when the older La Follette,

whom I always considered as Wisconsin's greatest statesman, set forth in one of those stirring editorials which he alone could write, an appeal for a constitutional amendment in his magazine, the La Follette Weekly, asking why it was wrong for those who suffered all of the agonies and the heartaches, who experienced all of the misery, who bore all of the wounds of war, should have no voice whatever in deciding whether or not this country should go to war and I felt that the elder La Follette was right in maintaining that policy.

Since then I have advocated it in public speeches wherever I have gone. I spoke probably 60 or 70 times in public during last summer. I refused to speak on any other subject than the next world war, and I brought out a reference to the Ludlow war referendum in practically every speech. My district at least is well educated on that subject. The Von Steuben Society has nothing whatever in common with Adolph Hitler of nazi-ism. Personally I think I express the views of every member of our community when I say that. The unit in my home city of Madison, Wis., is called the Robert Siebecker Unit, named after a former chief justice of the Supreme Court of Wisconsin, who was a brother-in-law of the late Robert M. La Follette and uncle of the present Governor and senior Senator from our State. We have no race prejudice in our society. The secretary of our Robert Siebecker Unit is a Jew, whom we elected to that office, Judge S. B. Schein, of Madison, Wis., whom I am proud to call my friend, a man of very high standing, a man of learning and education, a man who enjoys the confidence and affection of all of the people of our community. Surely, if there had been any prejudice on our part he would not even have been invited to become a member, much less to have been elected to an office in that organization. I personally abhor Hitler and nazi-ism and all it stands for. I abhor it as much as I do Mussolini and fascism and all they stand for, and I abhor it as much as I do Stalin and communism and all they stand for.

I abhor it as much as I do the military oligarchy that rules Japan. They are all, in my judgment, a piece of the same cloth. They rule by force, they rule ruthlessly. They trample under foot the rights of individuals, and they maintain themselves with the mailed fist, bloodshed, and all the atrocities which the human mind is capable of inventing. We want none of them.

In order that you may understand that my organization has nothing in common with them, but that many of us have a great deal in common with the Von Steuben Society, let me tell you a few of the things this society stands for. I read from the preamble:

Whereas we recognize the tremendous problems confronting our United States, we pledge ourselves to stand unflinchingly for government by due process of law and denounce in the strongest terms any groups, open or secret, that attempt to take the law into their own hands; and we will not render aid or comfort to any organization based on prejudice or discrimination against any citizen or class of citizens for reasons of race, color, or creed.

We believe in the system of government as provided for in our Constitution, viz, the executive, the legislative, and the judiciary.

If our existing system of government is to be changed, it shall be done, not by indirection but by the orderly process of amending the Constitution.

We advocate:

(a) The adoption of an amendment to the Federal Constitution which will give power to Congress to regulate the employment of child labor.

(b) Provision for unemployment insurance.

(c) Provision for adequate old-age pensions.

We are in favor of a pension system which will insure an adequate pension to all men and women who have reached the age of 60 and are unable to support themselves or have no means of livelihood during their old age.

We advocate:

(a) The elimination of tax exemption on any and all classes of securities.

The employment of any person on Government undertakings shall not be based on his or her political affiliations, nor shall employment in the civil service be based on any other qualification than personal merit, and that public service should be fostered as a career.

It is our firm belief that it is to the best interests of our country that the provisions of the laws governing employment in the civil service thereof, be it Federal, State, or local, be strictly applied on the basis of merit, and not as a reward for political services rendered or to be rendered.

The failure of many of our banking institutions to carry out the recommendations of the Government in the matter of extending loans and assisting mortgagors clearly points to the necessity of control of our banking system by the Federal Government.

We believe in the competitive system without business dictatorship, preservation of the small-business man, and the enforcement of the antitrust laws.

Minimum wages, maximum hours, collective bargaining, and labor protection through uniform State laws, interstate compacts, and the action of organized industry through trade associations and labor unions should be provided for by a Federal constitutional amendment.

We believe that it is in the interest of the whole country that the farmer shall receive a fair profit on his investment and labor, but we do not advocate the destruction of foodstuffs or limitation of the production thereof whereby the cost of living is increased and the foreign producer is benefited by exporting his foodstuffs to our country.

We favor low-cost housing and slum clearance, undertaken by private enterprise and local government with Federal aid.

We are in favor of the conservation, development, and effective National or State control of our country's water power and natural resources; and the supervision and regulation of public utilities.

In a democracy the safety of the state depends upon the intelligence of the citizen, and an intolerable condition now confronts large parts of the country which deprives thousands of children of even the rudiments of education. We are threatened more by internal strife than by invasion of a foreign foe, and propaganda for revolution and communism finds ready listeners among the ignorant and uneducated.

We recommend the submission of proposed constitutional amendments directly to the qualified electors of each State. Until three-fourths of the States shall have ratified such amendments, or until more than one-fourth of the States shall have rejected the same, any State may change its vote. Whenever more than one-fourth of the States shall have rejected an amendment, the rejection shall be final, and there shall be no further consideration of such amendment by the States. Proposed amendments shall not become operative unless ratified within 7 years from the date of their submission.

We advocate adequate preparation for national defense and, in case of war, the conscription of capital and labor as well as of manpower.

Except in the event of attack or invasion the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress may by law provide for the enforcement of this section.

Whenever war is declared the President shall immediately conscript and take over for use by the Government all the public and private war properties, yards, factories, and supplies, together with employees necessary for their operation, fixing the compensation for private properties temporarily employed for the war period at a rate not in excess of 4 percent based on tax values assessed in the year preceding the war.

We are gratified to be able to extend to the Nye senatorial committee, which laid bare the ramifications of the traffic in arms, our sincere appreciation of their achievements, and urge that this be followed up by legislation which will carry out the recommendations of the committee.

We approve the law which to some extent makes provision for preserving the neutrality of this Nation in the event of war between other nations, but recommend that its provisions be still further fortified by making it impossible for a small coterie of individuals to affect the policies of our Government in favor of or against any belligerent.

We believe in keeping the United States free from entangling alliances with foreign nations. We further declare that we will oppose, with all honorable means at our command, our country's definite entrance into the League, the World Court, or any other movement of a similar nature which would tie the hands of the Nation and prevent its acting in international affairs unfettered.

We approve of the Johnson law, which provides that no loans shall hereafter be made to foreign countries which have repudiated their debts to us. These nations have expended sums vastly in excess of the amounts they owe us for purposes of increased armaments in preparation for new wars.

I have read some of the leading declarations of policy of this society. I could go on at great length, because I have the bylaws and the purposes of the organization, but the time allotted to me does not permit. Not all the things advocated are supported by me, but the vast majority of them I believe in and support.

There have been some misguided, misinformed, or perhaps malicious, individuals who have gone out and spread propaganda. Among these is Fritz Kuhn. He is one of the leading Nazi propagandists in this country, but he has got nothing to do with us, and we certainly want nothing to do with him.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I will come to the gentleman in a minute. Wait, please.

Just to show how much influence Mr. Fritz Kuhn has, he made a speech to the students of Union College in Schenectady, N. Y., several weeks ago, according to a clipping from the St. Louis Post-Dispatch. After he got through and they voted on what he had spoken about, 294 opposed what he said, 22 agreed with him; but the 22 were mostly boys who considered it a great joke. Fritz Kuhn, however, took it seriously and no doubt reported to Berlin that he had 22 converts.

Mr. Chairman, I now yield to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. I am very much in sympathy with and interested in the gentleman's statement. I have always considered the Von Steuben Society a very fine group. They are opposed to everything Mr. Kuhn and his crowd stood for.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Wisconsin.

Mr. DICKSTEIN. In my report of the Committee on Un-American Activities I so stated in as many words. In my present investigation I have found the same conditions to exist and have so stated on the floor.

Mr. SAUTHOFF. I am glad to have that statement from the gentleman from New York.

Inasmuch as the gentleman from New York has been kind enough to give me a contribution, let me give him one. The Jewish people are in a hopeless minority in the United States. To arouse racial prejudice against this minority group would be a crime. The closest, dearest, warmest personal friend I have is a Jew. His home is my home. His family treats me as one of them. I would fight to the last ditch anything that favored of propaganda or persecution against these people. But I would advise our friend and colleague from New York that he should desist from this spreading of racial prejudice, before something happens that neither he, nor we, nor anyone else can control. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, I am really surprised at my colleague bringing in the Jewish question or any other religious question. In all my time in this Congress I have never attempted to bring in any racial question. My presentation of these un-American activities has been purely and solely based upon Americanism.

Mr. Chairman, I have heard this remark made before by one or two or more gentlemen. I can count them all on one hand. May I say upon my word of honor as a Member of this House that the Jew, Catholic, or Protestant question never entered my mind. There is only one thing in my mind, and that is to save America for Americans, irrespective of their religion. I have no use for one who is subversive to the Government and not willing to defend it, whether he be Jew, Catholic, or Protestant. I would not go out of my way even for my own people who seek to overthrow this Government, whether you call them Communists, Fascists, or Nazis.

Mr. Chairman, it took me 4 long years to bring this matter to the attention of the Congress and the American people. It has resulted in 35 endorsements from Legions and patriotic organizations which are supporting my position. They agree with me that we must once and for all rid this country of all subversive movements. The Department of Justice has made an investigation, and it has turned over a report to the Attorney General for study. The report, as I understand it, weighs about 200 or 250 pounds and consists of a number of volumes of exhibits or propaganda, which not only attacks Jews but everything and everybody that stands for democracy. From the time I came here 16 years ago I have always fought for the principles of our Constitution.

If the gentleman will come to my committee room and look at the bills my committee is considering for ridding this country of undesirable aliens, he will agree with me this did not come about through the racial question at all. Somebody has interjected the racial question, naming Jews. This is not fair. It is hitting below the belt. I am willing to go as far as you want to go, and I know you are sincere. I was fair enough to tell you what I thought of the Steuben Society, whether you agree with me or not, and I am going to tell you the truth whether it hurts or not. Some Members should be fair and we should all work together for one cause, for one purpose, for one flag, and for one country.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CROWE.]

Mr. CROWE. Mr. Chairman, I desire to take a few minutes' time in reference to one particular matter contained in the Treasury and Post Office Departments appropriation bill. I refer to page 47, line 14, and the following language:

Provided, That the character of the exterior construction material for Annex Building No. 3 shall be that contemplated in the original cost estimates for such project.

This refers to the Government Printing Office. I want to give just a brief picture of this building and its location. This extension to the Government Printing Office will be constructed at North Capitol and H Streets. As you know, in the city of Washington the construction of the newer buildings is taking place particularly along Pennsylvania Avenue and in other parts of the city, including Fourteenth Street, which is on Highway No. 50. You will also notice these buildings are being constructed of material which is durable and which will last throughout the ages. This statement cannot be made for buildings constructed of cheaper and less expensive materials, such as brick and concrete.

I appreciate the fact the Government and the Congress is attempting to inject some economy into the Government program. I realize also that the Budget must be balanced; but I do not think it is proper to effect these economies to the extent you reduce a public building to the place where it will not be durable and lasting.

Mr. McFARLANE. Will the gentleman yield?

Mr. CROWE. I yield to the gentleman from Texas.

Mr. McFARLANE. To what kind of material is the gentleman referring, or are you going to cover that later in your remarks?

Mr. CROWE. I expect to; yes, sir. I happen to come from a district in Indiana which is the home of Indiana limestone, which in private enterprise is more extensively used than any other material, particularly in substantial buildings.

The Treasury Department some years ago made a study of building materials and it found that limestone such as we have in Indiana and some of the other States will erode at the rate of one-fifth of an inch in 225 years. Therefore, when you construct a building of material such as that you will have a building which will be there for all time. However, when you construct a building of that material you would not put a cheap roof on the building, neither would you put an inferior foundation under the building. Therefore, in the interest of economy if you would not do the latter two things you would not surface a building with an inferior or cheap material.

We speak of economy, but in my district we have had to spend many thousands of dollars for relief and for work relief, because our stone industry was at one time down to 6 percent of normal. Only 6 men were working where 100 had worked previously. Therefore we have had relief work there in generous amounts. We have been compelled to resort to made work to keep many hundreds of our good people from starving, which in turn has kept our merchants from going into bankruptcy. Why not use this money to promote something useful and helpful, something which would be economically sound, and let us have a revival of business in the communities where the stone business has not yet come back? I find that in the first 10 months of 1937, as compared with the same months in 1934, the use of brick increased 282 percent; of lumber, 197 percent; and of steel,

92 percent, while there has been practically no increase in the use of stone in the United States, and this applies to marble and granite as well as limestone. Why not help these industries and at the same time make and keep this Nation's Capital the most beautiful capital in the world? I cannot see use for economy to the extent that, after spending many millions and billions of dollars, we commence to economize by constructing buildings which are not substantial and lasting. False economy in the end is waste and loss. We may well economize in the number of things created; however, each structure should be well done and with the best materials obtainable, durability, strength, general utility, and beauty combined.

I point with pride to the beautiful Archives Building, containing all these attributes above mentioned, as well as other buildings on Pennsylvania Avenue which are constructed of Indiana limestone.

Eighteen State capitols are built of Indiana limestone, as well as most buildings of loft in most large cities of the United States.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MCFARLANE].

Mr. MCFARLANE. Mr. Chairman, we have listened with a great deal of interest to the splendid addresses this afternoon on various and sundry subjects, but I want to get back now for a few minutes to the subject which apparently lies nearest to the hearts of those who are in charge of the administration of our laws and who have the responsibility of pulling us out of this recession, in the midst of which we find ourselves. I believe in order to do this we had better review a little bit of history and see just where we are, in order to better understand the situation and avoid the mistakes of the past in providing a remedy to the conditions confronting us at this time.

FARMERS RESPONSIBLE FOR ANTITRUST LAW

You remember it was due largely to the farmers of America, the Populists, as we called them, the Grange movement, the Farmers' Union, and other farm organizations in the early eighties, as Mr. Jackson stated the other day, that the first antitrust law, the Sherman Act, was passed.

This legislation was brought forward in 1889 and finally became a law in 1890; and was known as the Sherman Act. Its antitrust provisions read:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding 1 year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding 1 year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding 1 year, or by both said punishments in the discretion of the court.

The intent back of that piece of legislation then as now was excellent.

This act above quoted provided that every combination in restraint of trade was illegal and that forbade monopolizing or attempting to monopolize any part of the trade or commerce among the several States.

However, it did not take the monopolies long to organize their forces and have the Supreme Court, the majority of whose appointments they had influenced, to nullify the effect of its provisions.

THE COURT NULLIFIED THE LAW

For example, the first case to reach the Supreme Court after the Sherman Act was the so-called Knight case in 1895 (*United States* v. *E. C. Knight Co.*, 156 U. S. 1).

This case involved the validity of the purchase by the American Sugar Refining Co. of the capital stock of its four principal independent refining company competitors. It was admitted that these five corporations refined at least 98 percent of the sugar of the Nation.

The majority opinion of the Court in this case in part said:

It is true that the bill alleged that the products of these refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States and with foreign nations; but this was no more than to say that trade and commerce served manufacture to fulfill its function. Sugar was refined for sale, and sales were probably made at Philadelphia for consumption, and undoubtedly for resale by the first purchasers throughout Pennsylvania and other States, and refined sugar was also forwarded by the companies to other States for sale. Nevertheless it does not follow that an attempt to monopolize or the actual monopoly of the manufacture was an attempt, whether executory or consummated, to monopolize commerce, even though, in order to dispose of the product, the instrumentality of commerce was necessarily invoked. There was nothing in the proofs to indicate any intention to put a restraint upon trade or commerce; and the fact, as we have seen, that trade or commerce might be indirectly affected was not enough to entitle complainants to a decree. The subject matter of the sale was shares of manufacturing stock, and the relief sought was the surrender of property which had already passed and the suppression of the alleged monopoly in manufacture by the restoration of the status quo before the transfers; yet the act of Congress only authorized the circuit courts to proceed by way of preventing and restraining violations of the act in respect of contracts, combinations, or conspiracies in restraint of interstate or international trade or commerce.

Justice Harlan wrote a stinging dissenting opinion and after reviewing the agreed statement of fact as to the object of the purchase of the four additional refineries he said:

"The object," the court below said, "in purchasing the Philadelphia refineries was to obtain a greater influence or more perfect control over the business of refining and selling sugar in this country." This characterization of the object for which this stupendous combination was formed is properly accepted in the opinion of the court as justified by the proof.

And on this question of restraint of trade or commerce among the several States he quoted from the decision of *Kidd* v. *Pearson* (128 U. S. 1, 20), wherein the Court said:

The buying and selling, and the transportation incidental thereto constitute commerce.

And further the Court said:

Interstate commerce does not, therefore, consist in transportation simply. It includes the purchase and sale of articles that are intended to be transported from one State to another—every species of commercial intercourse among the States and with foreign nations.

In further analyzing the existing sugar monopoly case he said:

We have before us the case of a combination which absolutely controls or may, at its discretion, control the price of all refined sugar in this country. Suppose another combination, organized for private gain and to control prices, should obtain possession of all the large flour mills in the United States; another, of all the grain elevators; another, of all the oil territory; another, of all the salt producing regions; another, of all the cotton mills; and another, of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the Nation?

And Justice Harlan then, as now, might have gone on and named many of the articles we daily purchase which are in truth and in fact manufactured and sold in clear violation of the plain letter of the antitrust laws.

MERGERS AND CONSOLIDATIONS RUN WILD

With a majority of the Supreme Court of reactionary frame of mind, as shown by their decisions, after the Knight deci-

sion the monopolies ran wild and, as stated in Mr. Myron W. Watkins' Mergers and the Law, on page 34:

The idea seems to have become prevalent that this decision precluded any application of the Federal Antitrust Act to corporate consolidations, as such, no matter how extensive they might be. And therein rests the true importance of the Knight case. It was acted upon generally as a carte blanche to consolidation, and in the decade following the decision there occurred such a flood of mergers in all lines of industry, from glue making to steel manufacture, as has not been witnessed in any other like period before or since.

It is recognized that under our attempted antitrust legislation since 1890, for convenience, we may divide the periods into three parts, namely, 1890 to 1904, 1904 to 1911, and from 1911 to date.

THE NORTHERN SECURITIES CASE

As above pointed out the Knight decision turned loose the monopolies and nullified the affects of the farmers and laborers of the Nation who had fought for the enactment of the antitrust laws to control monopoly. The monopolies as shown by the court decisions had their own way until President Theodore Roosevelt stepped in and through his appointments to the Court and through a vigorous antitrust campaign, tried to curb them with the result in 1904 in the *Northern Securities Co.* v. *The United States* (193 U. S. 197), the consolidation of these three important railroads was blocked. In this case a financial group interested in the Union Pacific was trying to secure control of the Northern Pacific and the Great Northern railroads to monopolize the transportation in that area, the Court in this suit held:

What the Government particularly complains of is the existence of a combination among the stockholders of competing railroad companies which in violation of the act of Congress restrains interstate commerce through the agency of a common corporate trustee designated to act for both companies in restraining competition between them. Independently of any question of the mere ownership of stock or of the organization of a State corporation, can it in reason be said that such a combination is not embraced by the very terms of the Antitrust Act?

And so the Court left them where it found them and the merger was not permitted.

The Court in this case was divided three ways, three Justices concurring with Justice Harlan, a liberal, who wrote the official majority opinion, while Justice Brewer concurred in the conclusion but disagreed sharply in respect to the grounds for the judgment. The remaining four Justices were opposed to the condemnation of the Northern Securities Co. and two separate opinions of dissent were filed, so thus, because of the three-way split in the Court, the masses of the people were able to get a break, however, in that decision through Justice Harlan, one of the greatest Justices who ever sat on the Court, really followed the antitrust law, according to the original intent and purposes of the people and the Congress in framing the act, when he said:

That the act is not limited to restraints of interstate trade that are unreasonable in their nature, but embraces all direct restraints imposed by any combination upon such trade. That every combination which would extinguish competition between otherwise competing railroads engaged in interstate commerce is made illegal by the act. That combinations even among private manufacturers or dealers whereby interstate commerce is restrained are equally embraced by the act.

THE RULE OF REASON AND "OIL"

If the Supreme Court had followed the decision in this case, as above quoted, we would not have the monopolies existing throughout the Nation today in almost every line of industry, controlling a large part of the business done in the Nation. But the thought expressed in this decision was soon discarded. President Theodore Roosevelt, in trying to compromise with big business, sent messages to the Fifty-ninth and Sixtieth Congresses, stating that the decision in the Northern Securities Co. case was too severe and these messages to Congress were heralded in the press throughout the Nation, and this got the desired results for big business, and thus with this backing the Court as then constituted went reactionary again and in the next guess they took at the law in *Standard Oil Co.* v. *United States* (22 U. S. 1 (1911)), the Court for the first time set forth their famous rule of reason for holding with big business.

In this case the Standard Oil Co. had increased its capital stock in 1899 by exchanging its shares for those of 19 other companies, which together controlled some 64 additional subsidiary companies, and through them the Government charged that this combination had obtained a complete mastery in those products.

In this case Chief Justice White, in announcing his famous rule of reason, in part said:

Although the statute makes it certain that its purpose was to prevent undue restraints of every kind or nature, nevertheless by the omission of any direct prohibition against monopoly in the concrete, it indicates a consciousness that the freedom of the individual right to contract, when not unduly or improperly exercised, was the most efficient means for the prevention of monopoly.

In other words, it seemed clear that the Supreme Court had rejected the interpretation of the statute which, as has been seen, prevailed in the lower courts. Whenever or not this achievement is properly to be accredited to the adoption of the rule of reason, there is no occasion to argue.

JUSTICE HARLAN EXPOSES JUDICIAL LEGISLATION

Justice Harlan, in a well written dissenting opinion containing 26 pages, carefully reviewed the antitrust decisions from the enactment of the Sherman Act in 1890 to 1911 and carefully pointed out how strongly big business had tried to force the Supreme Court to write into the law by judicial legislation the so-called rule of reason without success.

Justice Harlan also carefully traces the record and points out how big business tried to have the Congress amend the Antitrust Act, having failed to get control of the Supreme Court at the time to nullify it by judicial legislation.

He quotes from the adverse report made in 1909 by Senator Nelson on behalf of the Senate Judiciary Committee in reference to a certain bill offered in the Senate which proposed to amend the Antitrust Act and write into the law the question as to whether or not any agreement or combination or contract was reasonable or unreasonable. In this report Senator Nelson states:

The Antitrust Act makes it a criminal offense to violate the law, and provides a punishment both by fine and imprisonment. To inject into the act the question of whether an agreement or combination is reasonable or unreasonable would render the act as a criminal or penal statute indefinite and uncertain, and hence, to that extent, utterly nugatory and void, and would practically amount to a repeal of that part of the act. And while the same technical objection does not apply to civil prosecutions, the injection of the rule of reasonableness or unreasonableness would lead to the greatest variableness and uncertainty in the enforcement of the law. The defense of reasonable restraint would be made in every case and there would be as many different rules of reasonableness as cases, courts, and juries. What one court or jury might deem unreasonable another court or jury might deem reasonable. A court or jury in Ohio might find a given agreement or combination reasonable, while a court and jury in Wisconsin might find the same agreement and combination unreasonable. In the case of *People* v. *Sheldon* (139 N. Y. 264), Chief Justice Andrews remarks: "If agreements and combinations to prevent competition in prices are or may be hurtful to trade, the only sure remedy is to prohibit all agreements of that character. If the validity of such an agreement was made to depend upon actual proof of public prejudice or injury, it would be very difficult in any case to establish the invalidity, although the moral evidence might be very convincing." To amend the Antitrust Act, as suggested by this bill, would be to entirely emasculate it, and for all practical purposes render it nugatory as a remedial statute. Criminal prosecution would not lie and civil remedies would labor under the greatest doubt and uncertainty. The act as it exists is clear, comprehensive, certain, and highly remedial. It practically covers the field of Federal jurisdiction, and is in every respect a model law. To destroy or undermine it at the present juncture, when cobinations are on the increase, and appear to be as oblivious as ever of the rights of the public, would be a calamity. The result was the indefinite postponement by the Senate of any further consideration of the proposed amendments of the Antitrust Act.

Justice Harlan further points out in his dissenting opinion in the Standard Oil Co. case that Chief Justice White now delivering the opinion of the majority apparently had an entirely different conception of the antitrust statute in the

dissenting minority opinion in Northern Securities and Freight Rate cases:

In the opinion delivered on behalf of the minority in the *Northern Securities case* (193 U. S. 197), our present Chief Justice referred to the contentions made by the defendants in the Freight Association case, one of which was that the agreement there involved did not unreasonably restrain interstate commerce, and said, "Both these contentions were decided against the association, the Court holding that the Antitrust Act did embrace interstate carriage by railroad corporations, and as that act prohibited any contract in restraint of interstate commerce, it hence embraced all contracts of that character, whether they were reasonable or unreasonable." One of the Justices who dissented in the Northern Securities case in a separate opinion, concurred in by the minority, thus referred to the Freight and Joint Traffic cases: "For it cannot be too carefully remembered that that clause applies to 'every' contract of the forbidden kind—a consideration which was the turning point of the Trans-Missouri Freight Association case. Size has nothing to do with the matter. A monopoly of 'any part' of commerce among the States is unlawful."

BUT CHANGE IN THE COURT BROUGHT THE RULE OF REASON AND INTENT JUDICIAL LEGISLATION

However, after the death of Chief Justice Fuller and the resignation of Justice Moody and his appointment as Chief Justice and the addition of Justices Van Devanter and Lamar gave big business control of the Court again, and the minority became the majority, and their program of judicial legislation has continued from that date until this administration.

In the same term of Court in the *American Tobacco Co. case* (221 U. S. 106 (1911)) the Court reemphasized the fact that the form of the consolidation was immaterial and both of these cases made clear the intent of the promoters and perpetrators therein was made the criterion of the legal status of the corporate consolidation. The true significance of the rule of reason as set forth in these two cases and apparently continuously followed since then by the Court is that the Court will use the broadest judicial consideration of the facts in changing the intent of the parties and if illegal intent is proven to the Court's satisfaction by the Government, then under those circumstances no benevolence of purpose or effect will relieve the business merger from liability under antitrust law. In the tobacco case they had merged their company with 65 American corporations who had 59 subsidiary corporations, together with two English corporations and 29 individuals, were known as defendants in this case. It takes nearly five pages of the Supreme Court Reports to name the different defendants. Yet, Chief Justice White pulled them through with his rule of reason and the Court's program of enacting legislation by judicial decisions, thus doing what the Congress had refused to do, kept big business intact.

THE DU PONT CASE

A review of the different decisions from that date (1911) makes interesting reading. The Du Pont case reached the Supreme Court in 1918. In this case the Du Ponts had been consolidating all competitors or driving them out of business, and otherwise rather successfully since the turn of the century. But the Buck-Eye Powder Co., objecting to their tactics, brought suit under the antitrust statute. The records show the Du Pont companies and their subsidiaries controlled 64 percent of the trade in black blasting powder, 72 percent of the trade in saltpeter blasting powder, and 72 percent of the business in dynamite, 73 percent of the business in black sporting powder, and 100 percent of the business in smaller military and ordnance powder, which of course was the biggest business of all, and although the Buck-Eye Powder Co. was supposed to have won in this suit and the decree was supposed to have divided up the Du Pont Co., they still go merrily on controlling the powder business.

THE NATIONAL CASH REGISTER CASE

The National Cash Register case, *United States* v. *Patterson* (222 Fed. 599 (1915)), is interesting from several angles.

In this case the Cash Register Co. was organized in 1892, and at the time the Government filed suit in 1912, it did approximately 95 percent of the cash register business in the United States. Its dominant position in the industry was found to have been acquired in the years prior to 1907, by means of practices tending to exclude competitors from the trade, as set forth in the Government's indictment, as follows:

(1) Bribing employees of competitors to secure commercial secrets.
(2) Bribing employees of express and railway companies to disclose information about competitor shipments.
(3) Spying upon competitors and their salesmen through sales agents of the National Cash Register Co.
(4) Interference with sources of credit and supplies relied upon by competitors.
(5) Unfair sales methods.
(a) Disparagement of competitors' products and business integrity to their customers and prospective customers.
(b) Inducing breach of sales contracts made by competitors.
(c) Manufacturing and offering for sale "knockers."
(d) Tampering with mechanism of competitors' products in hands of buyers.
(6) Threats, not bone fide, of infringement suits against competitors and their customers.
(7) Actual institution of spurious litigation.
(8) Organizing bogus independents.
(9) Enticing employees from competitors.
(10) Acquiring patents upon novel features of competitors' products, developed by such competitors.
(11) Authorizing and encouraging use by its agents of other unfair means of exterminating its competitors.

The Court found in some, if not all, of these practices the defendant had been successful in driving out their competitors. This is another typical illustration of where the Government had fought the case through the lower courts to the Supreme Court, and due perhaps to the weakness of the personnel of the Department of Justice, entered into one of their many famous consent decrees, in which the guilty monopolies go free and proceed to carry on their lucrative business unmolested.

THE CORN PRODUCTS REFINING CO. CASE

The *Corn Products Refining Co. case* (234 Fed. 964 (1916)), is another illustration of where this company was operating on a monopolistic scale, processing 92 percent of the corn ground, and at the time had a strong influence in both the glucose and starch markets. While they were dissolved under this decree, it seems they are still maintaining their influence, as shown by the price the farmers receive for their products contrasted with the prices the monopolies get for their products from the public.

THE UNITED STATES STEEL CO. CASE

The *United States Steel Co. case* (251 U. S. 417), which company combines the three groups known as the Morgan, Carnegie, and Moore groups which show a combination of some 180 supposedly independent corporations under which business control they controlled from 80 to 95 percent of the entire steel output of the country. The Court excuses their restraint of trade and monopoly on the ground of extenuating circumstances in that some of the companies had already been almost busted by them, and those merely had to be taken over and the rest were excused by the Court on the ground that they were favoring their competitors and customers. It seems that after they secured a monopoly of the steel business they decided to dress up and have the appearance of being lily white. One of the additional points and significance is that the Supreme Court took the position that a corporation consolidation formed in violation of the antitrust laws may, by reforming itself and business policies, remove itself from the penalties of the law. It must be remembered, too, that by this time the Court was overwhelmingly reactionary minded, and their decisions favoring the monopolies were openly and notoriously repudiating all previous decisions to the contrary.

It will be remembered, in this case, that the Steel Trust wanted complete control and wanted to take over the Tennessee Coal & Iron Co., and in the midst of a panic or depression (1907) the steel company bargained with President Theodore Roosevelt to be permitted to take over the Tennessee Coal & Iron Co., and he gave his approval. You will remember, and history records, that soon thereafter the money panic was eased by the owners of the Steel Trust, who also largely controlled the money market.

Justices Day, Pitney, and Clark, in a well-written dissenting opinion bitterly condemned this gigantic steel monopoly, and in their decision, in part, said:

For many years, as the record discloses, this unlawful organization exerted its power to control and maintain prices of pools, associations, trade meetings, and as the result of discussion and agreements at the so-called Gary dinners, where the assembled trade opponents secured cooperation and joint action through the machinery of special committees of competing concerns, and by prudent provision took into account the possibility of defection and the means of controlling and perpetuating that industrial harmony which arose from the control and maintenance of prices.

It inevitably follows that the corporation violated the law in its formation and by its immediate practices. The power thus obtained from the combination of resources almost unlimited in the aggregation of competing organizations had within its control the domination of the trade and the ability to fix prices and restrain the free flow of commerce upon a scale heretofore unapproached in the history of corporate organizations in this country.

These facts established, as it seems to me they are by the record, it follows that if the Sherman Act is to be given efficacy there must be a decree undoing so far as is possible that which has been achieved in open, notorious, and continued violation of its provisions. * * *

* * * Its total assets on December 31, 1913, were in excess of $1,800,000,000; its outstanding capital stock was $868,583,600; its surplus $151,798,428. Its cash on hand ordinarily was $75,000,000; this sum alone exceeded the total capitalization of any of its competitors.

MONOPOLIES STILL THRIVE

It must be remembered that the Steel Trust, the Farm Machinery Trust, the Meat Packing Trust, the Radio Trust, and the other trusts as pointed out in some of the many cases that have been carried to the Supreme Court and condemned by them, are now all back before us in a thriving monopolistic condition controlling their various fields of activities awaiting our action. The question is, What does this Congress expect to do with the monopolistic situation existing in the Nation today that controls the prices on almost everything the consumer buys?

Under the last three Republican administrations the monopolists all increased their strangle hold upon the country. Under this administration, under our Democratic platform of 1932, we promised the people the following:

THE ANTITRUST PLANK OF 1932

We advocate strengthening and impartial enforcement of the antitrust laws, to prevent monopoly and unfair trade practices, and revision thereof for the better protection of labor and the small producer and distributor.

TRIPLE A AND N. R. A.

In keeping with our promise, we enacted legislation in the Triple A, the N. R. A., and other pieces of legislation exempting these important fields of endeavor from the provisions of the antitrust law. It was thought that by this method we would better be able to get along with the monopolists. Let us look at the results. The monopolists took charge of the N. R. A. and largely wrote the codes under which it was administered. Not being satisfied with the results obtained, its constitutionality was attacked and carried to the Court that they knew was anti-New Deal, with the result the N. R. A. and Triple A were declared unconstitutional.

ANTITRUST PLANK OF 1936

In 1936 the Democratic platform on monopoly and concentration of economic power provides:

Monopolies and the concentration of economic power, the creation of Republican rule and privilege, continue to be the master of the producer, the exploiter of the consumer, and the enemy of the independent operator. This is a problem challenging the unceasing effort of untrammeled public officials in every branch of the Government. We pledge vigorously and fearlessly to enforce the criminal and civil provisions of the existing antitrust laws, and to the extent that their effectiveness has been weakened by new corporate devices or judicial construction, we propose by law to restore their efficacy in stamping out monopolistic practices and the concentration of economic power.

THE PRESIDENT SPEAKS

In keeping with the Democratic pledge to the people, the President in his message to this session of Congress on monopolies, said:

"There are practices which most people believe should be ended. They include tax avoidance through corporate and other methods, which I have previously mentioned; excessive capitalization, investment write-ups, and security manipulations; price rigging and collusive bidding, in defiance of the spirit of the antitrust laws by methods which baffle prosecution under the present statutes. They include high-pressure salesmanship, which creates cycles of overproduction within given industries and consequent recessions in production until such time as the surplus is consumed; the use of patent laws to enable larger corporations to maintain high prices and withhold from the public the advantages of the progress of science; unfair competition, which drives the smaller producer out of business locally, regionally, or even on a national scale; intimidation of local or State government to prevent the enactment of laws for the protection of labor by threatening to move elsewhere; the shifting of actual production from one locality or region to another in pursuit of the cheapest wage scale."

The enumeration of these abuses does not mean that business as a whole is guilty of them. Again, it is deception that will not long deceive to tell the country that an attack on these abuses is an attack on business.

HON. ROBERT JACKSON ON MONOPOLIES

In further reference to carrying out this promise, Hon. Robert Jackson, Assistant Attorney General of the United States, in charge of the enforcement of the antitrust laws, has recently made numerous speeches on monopolies, urging strengthening the law, in which in a speech, he in part stated:

If business is going to do its part to bring about revival, business must boldly reduce prices to the point necessary to cause a normal flow of goods to the consumer. Big business is not today permitting the competitive system to work. Fortified by high corporate surpluses, big business refuses to supply the normal requirements of the consumer, but will sell only to those few who are willing to pay the prices fixed last spring when business was booming. Although the consumer's income is about a third less than it was in 1929, big business is asking the consumer to pay more for their goods than they did in 1929. If a consumer wants to build a home, he must pay 11 percent more for cement, 5 percent more for steel, 4 percent more for lumber than he did in 1929. For some building materials he must pay even 100 percent more than he did in 1929. How can we have a housing program under such conditions? * * *

The individual farmer felt a terrific disadvantage in bargaining with powerful combinations. He could not choose the time to sell his produce. He had to dispose of it in order to pay his taxes, or buy his winter clothing, or meet his machinery notes. He could not bargain as to price, but received a proposition which he could take or leave. He became fearful of his ability to survive, hemmed in on both sides by industrial combinations whose power and resources overwhelmed him. The antitrust laws promised him relief. After 47 years what relief has he had?

The simple fact is that the farmer, except to the extent that he buys or sells cooperatively, is in exactly the position today that the grangers of 1890 feared he would be.

Let us consider the farmer as an individual seller. When the farmer attempts to sell his produce he has no bargaining power that compares with that possessed by his only buyers. He finds a concentrated control and ownership of the only channels by which his produce may reach its ultimate market. Thirteen manufacturers bought 64 percent of the 1934 tobacco crop; three manufacturers alone bought 46 percent of the 1934 crop. I take it no one will doubt that when three buyers take 46 percent of a crop, those three are in a position to fix the price. They would be strange persons if they did not take advantage of the power they have. Thirteen companies bought 65 percent of the commercial wheat crop in the fiscal year 1934 and 1935, and here again three of those companies bought 38 percent of the commercial crop. Ten packers in 1934 bought 51 percent of the cattle and calves and 37 percent of the hogs. Twelve milk companies bought 13 percent of the commercial fluid milk production of 1934. Thus big business has thrust itself between the producer and the consumer and is in a position to dictate terms to each.

LET US HAVE A NEW DEAL

It seems clear that this Congress should immediately take stock of the situation and work out amendments to our antitrust laws that will correct the conditions court decisions clearly show exist and need correcting. The people have spoken in increasing majorities in the past three elections—1932, 1934, 1936—and have said by their votes that the New Deal should go forward. We have the largest majority in the House and Senate ever given any party in the history of the Nation. The President has repeatedly urged us to enact antitrust legislation that will cur bthe monopolies. We now have a majority of the Supreme Court apparently of liberal frame of mind. It seems the stage is all set for action. Why should the Congress further delay to do its part to relieve the great masses of the people of the burdens inflicted upon them by the monopolists? It will not be any easy task to work out legislation that will correct the known existing

evil. For example, since the enactment of the Sherman and Clayton Acts there have been many amendments to the antitrust laws giving special groups special favors. Each in its own way weakening the effect of the antitrust law and strengthening the effect of the monopolies. Let me briefly refer to some of these special acts giving special favors to special groups:

SPECIAL FAVORS TO SPECIAL GROUPS

The Federal Reserve Act gives the banking group many privileges not enjoyed by any other group.

The Clayton Act, while enacted for the purpose of exempting trade unions and the agricultural organizations from provisions of the antitrust laws, the monopolists have used this act for the contrary purpose. What we need now is to strengthen this act to give it the effect Congress originally intended it should have.

The Shipping Act permits the fixing of rates and making similar arrangements of traffic and steamship lines.

The Webb-Pomerene Act permits monopolies in export trade.

The Transportation Act permits consolidation and mergers of transportation lines under the approval of the Interstate Commerce Commission.

The Packers and Stockyards Act transferred enforcement of this act from the Federal Trade Commission to the Department of Agriculture.

THE COMMUNICATIONS MONOPOLY

The Communications Act places the jurisdiction of our communications, including telegraph, telephone, and radio, under the complete jurisdiction of this Commission. The record discloses that it was the intention of Congress to clearly protect the people by preserving competition, yet the effect of this act so far has clearly been to foster and perpetuate the known existing monopolies in this entire field. Let us first take the telegraph. The Department of Justice, on December 1, 1937, filed suit against the Western Union Co. and Postal Telegraph Co., alleging that the Western Union Co. controls 60 percent of the domestic telegraph business, while the Postal Telegraph controls 20 percent and the Radio Corporation of America et al. controls the remainder. The records clearly show the Government's suit is sound and well taken, yet the facts disclose that apparently they were jumping on a cripple. Western Union and Postal Telegraph came back and filed a suit with the Federal Communications Commission on December 20, 1937, requesting a 15-percent increase on all their rates and charges for domestic messages, except as follows:

Rates for special types of greeting and other messages which carry a rate of 25 cents for messages of fixed text and of 35 cents for 15 words and 2½ cents for each word in excess of 15 words for messages of sender's own composition irrespective of distance, rates for press messages, and rates for stock and commercial news commonly referred to as CND service.

This raises a very interesting question, for the telegraph companies under this petition are now requesting a 60 percent increase on the prices of all Government messages and business transactions, regardless of the cost of this service to them and the many benefits received by them from the Government. For example, as shown by the Government's answer to this petition, the Government has given in cash and important legislation enacted for the benefit of the telegraph companies, of which they have availed themselves, an amount equal to many millions of dollars. Congress immediately after the close of the Civil War had legislation pending to establish Government telegraph lines for use, the same kind existing in every major foreign government in the world, and the telegraph companies came in and with their rosy promises, and so forth, were able to convince the Congress that they would cooperate with the Government, and in lieu thereof the Post Roads Committee of 1866 was enacted, which gave the telegraph companies many favorable rights not enjoyed by other lines of business. Their petition for increase in rates at the hand of the Government and all messages affecting directly the people again raises an interesting question as to whether the Government should not at this time take over the telegraph lines. Of course, the radio and telephone companies are sitting back and laughing up their sleeves, and would be greatly benefited both directly and indirectly if this increase in rates goes through.

THE FEDERAL RADIO ACT OF 1927

The Federal Radio Act of 1927 amply protected radio from monopolistic practices, as follows:

SEC. 13. The licensing authority is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person, firm, company, or corporation for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such firm, company, or corporation.

THE FEDERAL COMMUNICATIONS ACT OF 1934

However, apparently the radio authorities were well satisfied with the Communications Act of 1934, which gave them several favorable loopholes they did not have under the previous act. For example, section 313 provides:

APPLICATION OF ANTITRUST LAWS

"SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however,* That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

The existence of the present radio monopoly is due to the action of the Federal Communications Commission both by their acts of omission and commission as shown by the records of their own Department.

Investigation resolutions have been pending before the Congress both in the House and Senate for the past three sessions of Congress. The Senate Interstate Commerce Committee reported favorably their resolution to investigate the Federal Communications Commission last session but nothing further has been done regarding same. For some unexplained reason no action has yet been taken by the House Rules Committee on reasons given as to why the different resolutions pending for investigation before their committee have remained unacted upon.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. McFARLANE. I do not like to take up too much time of the House on this subject, but I do want to make a few remarks in closing, and this is the thought I want to leave with you.

With every clear channel on the radio dial owned or controlled by this radio monopoly, contrary to our laws; with 93 percent of the power that goes into radio broadcasting controlled by this group; with every station beyond 1,000 watts in power controlled under this set-up; with exclusive contracts with these radio monopolies; and with the American Telephone & Telegraph Co. in chain broadcasting, under the patent control and cross-licensing agreements between these monopolies, R. C. A. and A. T. & T., and the newspaper-owned radio stations throughout the Nation, they control

and dictate largely through their patent tie-up and set-up the molding of public opinion in this country. I know and you know how powerful that control is. They can censor the kind and character of remarks that a Congressman makes.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. DICKSTEIN. Can they not do that under the law, have they not a right to do that? Did not Congress give them that power? I was a Member of this House when we created that Commission, and did we not give them the power to censor any statement that goes over the air? Is not that the right thing to do on both sides? I am not appealing on behalf of the R. C. A. or anybody else.

Mr. McFARLANE. In that regard I have searched in vain for the censorship power which they have asserted and I cannot find it in the law. They can require the filing of these speeches as they see fit. I have had that experience in my district. I have had the most vicious kind of attacks made upon me only to find that not a single solitary speech was filed with the broadcasting station by the opposition, while my speeches were required to be filed hours before the broadcast or I was not allowed to go on the air.

Mr. DICKSTEIN. To that extent I agree with the gentleman. That is what I am coming to.

Mr. McFARLANE. But Congress never intended to give them that power and the law does not give them power to supervise or censor our remarks, but they have usurped that power and the Commission here has apparently condoned it. However, that is a small part of the entire part of the program now being permitted by the present Communications Commission.

In conclusion let me say that the time is ripe for our immediate consideration of legislation to really curb the monopoly existing in this country. Everyone apparently admits they exist. We have promised the people repeatedly we will do something about it. The monopolistic control of prices by big business is now in effect throughout the Nation. They are today disregarding the economic conditions of the country, the cost of production, and the existing unemployment, to a greater extent and degree than ever before. They are maintaining their high prices of finished products regardless of the inability of the people to buy or cost of replacing these articles. The Government has spent billions of dollars trying to increase the purchasing power of the great masses of the people only to have the profits thus gained lost by the noncooperating attitude of the monopolistic group.

We must have the cooperation of all parties working together if we are going to be able to overcome the depression in which we now find ourselves.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8947, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RUTHERFORD, for Friday, on account of important business.

To Mr. ATKINSON, for 5 days, on account of being subpenaed as witness in a criminal court.

PANAMA RAILROAD CO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Eighty-eighth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1938.*

WORKS PROGRESS ADMINISTRATION

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the report of the Works Progress Administrator on progress of the Works Program, placing primary emphasis on activities of the first 10 months of the calendar year 1937.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 13, 1938.*

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include a communication from the Cleveland Building Trades Council, a synopsis of a Build American Movement.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain tables.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short letter from a constituent of mine who is a tremendous worker for peace and who realizes the great ideal embodied in my colleague's [Mr. LUDLOW's] resolution and his great sincerity of purpose, just as I do, but who felt the method would not be helpful. A peace resolution has been a dream of Mr. LUDLOW's for years.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. McFARLANE. Mr. Speaker, I make the same request and to include certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until tomorrow, Friday, January 14, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RANDOLPH's subcommittee on public utilities of the Committee on the District of Columbia will meet Friday, January 14, 1938, at 10:30 a. m., in room 362 (caucus room), House Office Building. Business to be considered: H. R. 6811, streetcar capacity; H. R. 6862, maximum-fare investigation.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. CROSSER's subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Friday, January 14, 1938. Business to be considered: Continuation of hearing on House Joint Resolution 389, Withrow resolution.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at

10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

988. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

989. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1938, for the Department of Agriculture, for salaries and expenses, Forest Service (fighting and preventing forest fires), $1,279,417 (H. Doc. No. 475); to the Committee on Appropriations and ordered to be printed.

990. A letter from the President of the Georgetown Barge, Dock, Elevator & Railway Co., transmitting the Annual Report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ending December 31, 1937; to the Committee on the District of Columbia.

991. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice for the fiscal year 1939, amounting to $2,500, for printing and binding for the Supreme Court (H. Doc. No. 476); to the Committee on Appropriations and ordered to be printed.

992. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1938, for the Department of Agriculture, for administration of the Sugar Act of 1937, amounting to $39,750,000 (H. Doc. No. 477); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LUDLOW: Committee on Appropriations. H. R. 8947. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1666). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUDLOW: A bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MAAS: A bill (H. R. 8948) to liberalize the laws providing pensions for veterans and the dependents of veterans of the Regular Establishment for disabilities or deaths incurred or aggravated in line of duty other than in wartimes; to the Committee on Pensions.

By Mr. SCHAEFER of Illinois: A bill (H. R. 8949) to authorize the construction of a fill along the Illinois shore of the pool of lock and dam No. 26 at Alton, Ill., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. DOXEY: A bill (H. R. 8950) to promote sustained-yield forest management in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife; to the Committee on Agriculture.

By Mr. FISH: A bill (H. R. 8951) to amend the Home Owners' Loan Act of 1933 to reduce the rate of interest to 3½ percent, to extend the time of maturity to 25 years, and for other purposes; to the Committee on Banking and Currency.

By Mr. KRAMER: A bill (H. R. 8952) to authorize the President of the United States to include in annual Budgets for the Government expenses an annual appropriation for adult education in evening colleges or evening high schools; to the Committee on Education.

By Mr. SUTPHIN: A bill (H. R. 8953) to amend the Home Owners' Loan Act of 1933, as amended, to reduce the rate of interest to 3 percent, to extend the time of maturity to 25 years, and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMPSON of Illinois: A bill (H. R. 8954) to authorize a preliminary examination and survey of Henderson River and the watershed thereof, in the State of Illinois, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. TOWEY: A bill (H. R. 8955) to provide for the appointment of an additional district judge for the district of New Jersey; to the Committee on the Judiciary.

By Mr. WHITE of Idaho: A bill (H. R. 8956) to provide for the conservation of the fishery resources of the Columbia River, establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho, and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROMJUE: A bill (H. R. 8957) to authorize a preliminary examination and survey of the dam at the northern end of Fox Island, in Clark County, in the State of Missouri, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. SIROVICH: A bill (H. R. 8958) authorizing the coining of United States silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the death of Francois Joseph Paul, Comte de Grasse, admiral of the fleet which aided the armies of General Washington during the American War of Independence; to the Committee on Coinage, Weights, and Measures.

By Mr. GREEN: A bill (H. R. 8959) to supplement the act approved March 2, 1887, by aiding and promoting research in the engineering experiment stations of the colleges established and designated in the several States under the provisions of the act approved July 2, 1862, and the acts supplemental thereto; to the Committee on Agriculture.

By Mr. MARTIN of Colorado: Resolution (H. Res. 401) for the relief of J. William Lee's Sons, Inc., undertakers; to the Committee on Accounts.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 562) providing an additional appropriation for inquiries and investigations of the Senate for the fiscal year ending June 30, 1938; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY of Pennsylvania: A bill (H. R. 8960) granting an increase of pension to Frank B. Ritzie; to the Committee on Pensions.

By Mr. HALLECK: A bill (H. R. 8961) granting an increase of pension to Hannah A. Wallace; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H. R. 8962) granting a pension to Florence V. Mercer; to the Committee on Invalid Pensions.

By Mr. LAMBETH: A bill (H. R. 8963) for the relief of Marguerite Peedin; to the Committee on Claims.

By Mr. LAMNECK: A bill (H. R. 8964) granting an increase of pension to Amy A. Watson; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8965) for the relief of Jackson Howard; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 8966) granting an increase of pension to Nelle G. Eckman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3775. By Mr. COLDEN: Resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles and vicinity, California, protesting against statements to the effect that labor racketeering and extortion are prevalent in the city of Los Angeles, and asking the President of the United States to assign representatives of the Department of Justice for the purpose of investigating such charges; also that he enlist the aid of the Attorney General in having investigated the activities of antiunion interests; and that the Civil Liberties Committee of the United States Senate investigate the matters mentioned; to the Committee on the Judiciary.

3776. Also, letter from the Conservation Association of Los Angeles County, Calif., calling attention to provisions in Senate bill 2970, for reorganization of the Government departments, considered inimical to southern California, and suggesting certain amendments; also submitting statement concerning the reorganization of executive departments; to the Select Committee on Government Organization.

3777. By Mr. CONNERY: Petition of Local 201, United Electrical and Radio Workers of America (Electrical Industry Employees' Union), of Lynn, Mass., urging Congress, business, and industry to use the power of the government of the people to defeat the purpose of certain interests who wish to profit at the expense of national well-being; to the Committee on the Judiciary.

3778. By Mr. CURLEY: Petition of the New York County Lawyers' Association, New York City, recommending disapproval of Senate Joint Resolution 220, introduced by Senator SHEPPARD, which seeks to amend the Constitution of the United States in relation to taxation of homesteads; to the Committee on Ways and Means.

3779. Also, petition of the New York County Lawyers' Association, New York City, recommending disapproval of House bill 8351, introduced by Mr. LAMNECK, in relation to designating the maintenance of oppressive wages and oppressive hours or oppressive child labor as an unfair method of competition in commerce; to the Committee on Labor.

3780. By Mr. DIXON: Resolution of the Department of Ohio, the American Legion, in convention assembled, requesting that the Navy Department be asked to name one of the new ships to be laid down in 1939, or shortly thereafter, the "Ohio"; to the Committee on Naval Affairs.

3781. By Mr. DORSEY: Petition numerously signed by citizens of Philadelphia, Pa., protesting against the provisions of Senate bill 2970, the reorganization bill, which will permit the transfer of the Forest Service, Biological Survey, and Soil Conservation Service from the Department of Agriculture, and the renaming of the Department of the Interior as Department of Conservation; the signers of this petition respectfully urge specific exemption from transfer, under this bill, of the above-mentioned divisions from the Department of Agriculture, and elimination of the provisions for renaming the Department of the Interior; to the Special Committee on Reorganization.

3782. By Mr. LUTHER A. JOHNSON: Petition of Earl Graham Unit, No. 159, American Legion Auxiliary of Bryan, Tex., favoring House bill 6704, known as the universal service bill; to the committee on Rules.

3783. By Mr. MERRITT: Resolution of the Fourth Assembly District Democratic Club of Jamaica, N. Y., demanding reestablishment of the Naturalization Bureau, heretofore attached to the office of the clerk of the County of Queens, in Jamaica, N. Y.; to the Committee on Immigration and Naturalization.

3784. By the SPEAKER: Petition of the American Indian Federation, Sapulpa, Okla., petitioning consideration of their resolutions dated July 25, 1937, July 29, 1937, and July 30, 1937, with reference to communism; to the Committee on Indian Affairs.

3785. Also, petition of the Winfield Industrial Union Council, Alabama, petitioning consideration of their resolution with reference to unemployment; to the Committee on Appropriations.

SENATE

FRIDAY, JANUARY 14, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 13, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Bailey	Dieterich	La Follette	Radcliffe
Bankhead	Donahey	Lewis	Reynolds
Barkley	Duffy	Lodge	Russell
Berry	Ellender	Logan	Schwartz
Bilbo	Frazier	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McCarran	Smathers
Brown, Mich.	Glass	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Minton	Tydings
Byrnes	Herring	Murray	Vandenberg
Capper	Hill	Neely	Van Nuys
Caraway	Hitchcock	Norris	Walsh
Chavez	Holt	Nye	

Mr. COPELAND. I announce that my colleague [Mr. WAGNER] is much better this morning, but is still detained on account of illness. I ask that this announcement stand for the day.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained from the Senate. I ask that this announcement stand for the day on all quorum calls.

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Georgia [Mr. GEORGE], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], and the Senator from Montana [Mr. WHEELER] are detained from the Senate on important public business.

Mr. McNARY. I announce that my colleague [Mr. STEIWER] is necessarily absent, and that the Senator from

Pennsylvania [Mr. DAVIS] is unavoidably absent on official business.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the General Assembly of the State of Ohio, which was referred to the Committee on Immigration:

Resolution relative to the deportation of criminal aliens

Whereas the department of public welfare is requesting a large appropriation for the construction of a new penitentiary at the London prison farm; and

Whereas it is commonly known that the penal institutions of Ohio contain a large percentage of aliens among their criminal population; and

Whereas it is a matter of tremendous cost to the taxpayers of Ohio to prosecute and convict these aliens, and then later to maintain them in the penal institutions of the State; and

Whereas it would be to the best interest of society in general that such aliens be deported; and

Whereas the deportation of such criminal aliens would largely relieve the overcrowded condition in the penal institutions of Ohio; and

Whereas such deportation of criminal aliens cannot be brought about unless Congress amends the immigration and deportation laws of the Nation: Therefore be it

Resolved, That the warden of the Ohio penitentiary, the superintendent of the London prison farm, the superintendent of the Ohio State reformatory, and the superintendent of the Ohio reformatory for women, be, and are hereby requested to file with the clerk of the house of representatives the name and a brief personal history of the case of each criminal alien in the respective penal institutions for transmittal to each United States Senator and Member of Congress from Ohio; and be it

Resolved, That the Congress of the United States be, and is hereby requested to so amend the immigration and deportation statutes as to permit the immediate return to their respective countries of the criminal aliens now confined in the penal institutions of this State or that may hereafter be convicted while living in the State of Ohio; and be it

Resolved, That a copy of this resolution be sent by the clerk of the house to each United States Senator and Member of Congress from Ohio, to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives, and to the Governor and attorney general of each State in the Union.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the executive board of the International Association of Heat and Frost Insulators and Asbestos Workers, Local No. 12, New York City, N. Y., appealing to Congress to encourage private initiative in the construction industry, and to establish a sound and stable public fiscal policy, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from the Amalgamated Meat Cutters and Butcher Workmen of North America, New York City, N. Y., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as presently constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Williamstown (Mass.) Taxpayers' Association, favoring the enactment of legislation making public the names of all persons receiving aid or assistance from the Federal Government to the local welfare boards so as to avoid duplication of welfare expenditures, which was referred to the Committee on Finance.

Mr. WALSH presented a resolution adopted by the Council for Western Massachusetts, favoring permanent retention of the Civilian Conservation Corps, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the official board of the Centre Methodist Episcopal Church, of Malden, Mass., protesting against the Government's participation, directly or indirectly, in the manufacture of rum or other intoxicating liquors for beverage purposes in the Virgin Islands, which was referred to the Committee on Territories and Insular Affairs.

He also presented a resolution adopted by the Cambridge (Mass.) Industrial Association, protesting against the enactment of the bill (S. 69) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars, which was ordered to lie on the table.

Mr. COPELAND presented petitions of custodial employees of the Church Street Annex Post Office in New York City and sundry other citizens, all in the State of New York, praying for the enactment of House bill 2699, reclassifying salaries of custodial service employees in the Post Office and Treasury Departments, which were referred to the Committee on Civil Service.

He also presented petitions of employees of the Behr-Manning Corporation of Troy, and the V. & O. Press Co., of New York, in the State of New York, praying for the enactment of legislation to encourage the return of stable business conditions and the restoration of confidence, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Icebreakers, of Great Neck, N. Y., condemning war as an instrument of national policy and favoring legislation which will keep the United States out of foreign entanglements, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the New York Chapter of the Yankee Division Veterans' Association, New York City, N. Y., favoring the enactment of the joint resolution (H. J. Res. 199) proposing an amendment to the Constitution of the United States to provide for a referendum on war, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of House bill 7508, prohibiting the importation of liquor into any State in violation of local law, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Hudson Post No. 184, American Legion, Department of New York, of Hudson, N. Y., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also presented a resolution adopted by a nonpartisan meeting of employers of Littleton, N. H., favoring the enactment of legislation repealing the present undistributed-profits tax and capital-gains tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by the executive committee of the Onondaga County (N. Y.) Farm Bureau, protesting against the enactment of Senate bill 2475, to establish fair labor standards in employment, which was ordered to lie on the table.

JOINT COMMITTEE ON HAWAII

Mr. KING. Mr. President, at the first session of the present Congress a concurrent resolution was adopted authorizing the appointment of a joint committee to investigate conditions in Hawaii with reference to statehood. The resolution called for a report by the joint committee on the 15th of this month. The members of the joint committee met this morning. They are not quite ready to report, and I was authorized to ask unanimous consent that the committee may have an additional 30 days in which to make their report.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3239) for the relief of Minnie B. LaBarre and Harrie A. LaBarre;

A bill (S. 3240) for the relief of R. Thomas Carter; and

A bill (S. 3241) for the relief of R. Thomas Carter and Alice E. Carter; to the Committee on Claims.

By Mr. McNARY and Mr. STEIWER:

A bill (S. 3242) to aid in providing a permanent mooring for the battleship *Oregon;* to the Committee on Military Affairs.

By Mr. McGILL:

A bill (S. 3243) granting an increase of pension to Sarah E. Crane; to the Committee on Pensions.

By Mr. THOMAS of Utah:

A bill (S. 3244) to amend an act approved June 28, 1937, entitled "An act to establish a Civilian Conservation Corps, and for other purposes"; to the Committee on Education and Labor.

A bill (S. 3245) granting a pension to J. H. Matthews; to the Committee on Pensions.

By Mr. NYE:

A bill (S. 3246) to amend the Tariff Act of 1930, as amended; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 3247) granting a pension to Hosea F. Dearth; to the Committee on Pensions.

By Mr. BULOW:

A bill (S. 3248) to increase the rates of pay for charmen and charwomen in the custodial service; to the Committee on Civil Service.

By Mr. McKELLAR:

A bill (S. 3249) for the relief of Howard Burkette (with accompanying papers); to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3250) for the relief of Samuel Richard Mann (with an accompanying paper); to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 3251) for the relief of Alice Minnick; to the Committee on Claims.

BALANCING OF FEDERAL BUDGET—ADDRESS BY SENATOR LA FOLLETTE

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address by Senator LA FOLLETTE on January 13, 1938, entitled "How Can the Federal Budget be Balanced?" which appears in the Appendix.]

MAJORITY AND DISSENTING OPINIONS OF SUPREME COURT IN M'CART ET AL. *v.* INDIANAPOLIS WATER CO.

[Mr. MINTON asked and obtained leave to have printed in the RECORD the majority and minority opinions of the Supreme Court of the United States in the case of *McCart et al.* v. *Indianapolis Water Co.*, which appear in the Appendix.]

THIS CRISIS—ARTICLE FROM NEW YORK SUN

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article from the New York Sun of January 8, 1938, entitled "This Crisis," which appears in the Appendix.]

WORLD PEACE—ARTICLE BY FRANCIS B. SAYRE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article by Francis B. Sayre on the subject of world peace, published in the New York Times Magazine of Sunday, January 9, 1938, which appears in the Appendix.]

SWEATSHOP OPERATORS IN THE SOUTH—EDITORIAL FROM RALEIGH (N. C.) NEWS AND OBSERVER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial entitled "Warning," published in the Raleigh (N. C.) News and Observer of January 9, 1938, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. BYRNES. Mr. President, I ask to have read at the desk a resolution adopted by the House of Representatives of the State of South Carolina with reference to the pending bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The resolution was read and ordered to lie on the table, as follows:

A resolution denouncing the bill in Congress commonly known as the antilynching bill

Whereas a bill, known as the antilynching bill, is pending in the Congress of the United States; and

Whereas the said bill, if enacted, would clothe the Federal Department of Justice with jurisdiction in local affairs through the power to punish county officials in cases of lynching; and

Whereas the said bill would allow suits in the Federal courts against counties in which a lynching occurs: Now, therefore, be it

Resolved by the House of Representatives of the State of South Carolina, That in the assertion of our sovereign and constitutional right we denounce this antilynching bill as an insult to the Southern States and as an invasion of the clearly reserved scope of exclusive State jurisdiction; be it further

Resolved, That we denounce this bill in no defense of mob violence, but in reaffirmation of the foundation principles of State sovereignty; and

Resolved further, That we call upon that great sisterhood of Commonwealths, whose cooperative effort founded this Nation, to join us in demanding respect for the autonomy of the several States; and

Resolved further, That copies of these resolutions be forwarded to the Representatives and Senators from South Carolina in the Congress of the United States of America.

In the house of representatives, Columbia, S. C., January 12, 1938.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from North Carolina [Mr. BAILEY] had the floor and expressed the hope that he might continue his address this morning. So the Chair recognizes the Senator from North Carolina.

Mr. BAILEY. Mr. President, 2 days ago I was concluding the first section of the first paragraph of my discussion of the pending measure, and at that time I promised to lay before the Senate a great feast—a Jackson Day dinner address by Andrew Jackson himself, made 100 years and 10 months ago, his farewell address to the American people. I thought I should be reading that address and laying that feast before the Senate during all of yesterday. To my discomfiture I noticed that the guests were rather reluctant in coming. I think there were about five Republicans and four Democrats here, on the average, through the day. So I deferred the feast, being reminded somewhat of the parable of the excuses made long ago. One had bought some oxen, and another had bought a field, and another had married a wife; but they all had excuses and did not come.

I meditated for a while on what might be done in order to induce my fellow Democrats to attend a feast at which Andrew Jackson was to be heard. I wondered if I should offer an inducement by way of requiring everybody who came to pay $100. I am a little fearful of that right now in view of the exhausted condition of some of the gentlemen. At any rate, as the day came to an end and my opportunity was presented, I looked around and saw that the number had been reduced to one Republican and two Democrats, and I thought of the lines of the poet long ago:

I feel like one,
Who treads alone,
Some banquet-hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed!

So I did not make Andrew Jackson's address on yesterday. I am meditating now; I see that I have quite a good audience, but I am a little fearful of undertaking it now. I do not think Andrew Jackson is exactly out of date, but somehow or other he just does not draw the crowd he used to draw. There may be an explanation of that; but that is something in the way of philosophy which I am not going into today.

But I have undertaken today, Mr. President, to accommodate myself to those circumstances; and while I still intend at some appropriate time to read the farewell address of the father of our party, either charging $100 a plate or not, as advices may determine, at the present time I am going into something which I think will be more entertaining.

Mr. Secretary Ickes made himself either famous or infamous, as we may choose, or as fate may determine—I do not know about that—and made a literary production temporarily famous. It will have a vogue, I suppose, that will last about as long as the vogue of that infamous publication last year called "The Nine Old Men," which is as dead as a yellow hammer now. A Cabinet officer having called attention to this book, I thought I would get a copy of it in order to see it. It is going to be known in our history as the bible

of the Secretary of the Interior—Mr. Ickes' bible. He got all his inspiration for the speech he made the other day from that book. He was well set on fire by it; and I think if there have ever been any evidences of inspiration in that Department they were manifested in this utterance of the Secretary of the Interior. At any rate, I got this book, having a curious mind, and wondering how certain conclusions were arrived at by our ex-Republican and Bull Moose Democrat, or whatever you may call him now. I do not know what his classification is. My friend from Texas [Mr. CONNALLY] says he is not "ex." Well, I hope he will be "ex."

Mr. CONNALLY. He is still a Republican.

Mr. BAILEY. But I insist on the "ex." I am fond of it. I am not going to try to classify him on this occasion. I do not know that that would be fair, but I am saying that here is his book, the book of his inspiration. Here is the book which made him either famous or infamous, as you may choose. I am going to be very careful about making a decision in that regard today.

I wondered how a book could set a man on fire as Mr. Ickes was set on fire, so I got the book. I have been reading the book. I think it is probably worth a man's while, in view of the circumstances—not in view of the book—to look into a thing of this sort once in a while. Reading it yesterday I came across a paragraph that intrigued me very greatly. I should like to have the Senate hear this paragraph, found on page 417 of the book, entitled "America's 60 Families," being the source book of our Secretary of the Interior, and the source—I would not say of his information, not that—but the source of his inspiration.

On page 417 I found this very fine light on our situation in America:

> Bathing is a frequent ceremony in upper-class life, and the member of the average wealthy family is apt to spend much time in the bath—telephoning, tranacting business with secretaries and housekeepers, reading, listening to the radio or the phonograph, visiting with friends. The psychologist Freud has a theory that frequent washing of the hands marks a betrayal of a subconscious feeling of guilt. Frequently bathing, by the same token, must then mark a betrayal of an even deeper feeling of subconscious guilt.

[Laughter.]

So if you wash you are guilty. [Laughter.] If you get in the bathtub you are condemned. That is a new doctrine in America; but I will say that I am ready for anything now. I have heard enough of things new and strange not to be astonished at the bible of the Secretary of the Interior, Mr. Ickes. He laid down the law here that if you wash your hands it is a sign that you have a subconscious feeling of guilt; and if you frequently bathe—that is what he says—

> Frequent bathing, by the same token, must then mark a betrayal of an even deeper feeling of subconscious guilt.

[Laughter.]

So now, if you bathe, look out. I should advise Senators hereafter, if they are going to bathe, to keep it very quiet; and by no means should they bathe more often than they did in the old "horse and buggy" days; that is, every Saturday night. [Laughter.]

All of this has brought to my mind, my fellow Senators, a good deal that interests me tremendously. It never before had occurred to me that if a rich man washed his hands it was a bad sign, or that if a poor man washed his hands we might find him guilty. I have the book here, however; and if it is printed in a book, and the Secretary of the Interior gets all his inspiration from it, I think we ought to pay a great deal of attention to it.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. BAILEY. Before I permit the Senator to interrupt me, I should like to ask him whether he has bathed lately. [Laughter.] If he has, I do not want to deal with him.

Mr. SMITH. But the Senator warned us, if we bathed, not to make it public. Does the Senator want me to betray my guilt right here? [Laughter.]

Mr. BAILEY. I just warn the Senator. That is all I have to say. Go ahead; I will take the risk.

Mr. SMITH. What significance, then, should be attached to the new building of the Interior Department, which is honeycombed with bathtubs and all the latest accompaniments of the "60 families" to which the Secretary of the Interior refers?

Mr. BAILEY. Very clearly, they are all guilty.

I have never been admitted to the privacy of that gorgeous Department. I have rarely been allowed to go in and out there. Intimations were made, you know, which made a gentlemanly man a little reluctant to expose himself. When favors are denied us in advance, in the interest of our own self-respect, we are wise not to ask for them. When we are notified that we are to be excluded and punished, the thing to do is to avoid the opportunity of exclusion and punishment. But I have heard—and I make this statement with a very great deal of reluctance; I would not care to impeach the Secretary of the Interior with the suggestion that he bathes; I would not go that far, in view of what his book says about this subject—I read in the newspaper, and I will state, as the lawyers say, on information and belief, that when his office down here was built he required, in addition to all the other palatial accoutrements, that he should have a private bath, and it should be in blue marble, and finished in gilt. I have heard men who were admitted to those sacred precincts say that Mr. Gibbons' description of the luxuries of Caligula and Nero faded into insignificance in the presence of that great reality; but I am not saying that Mr. Ickes ever bathes. I would not do that. I would not strike below the belt. [Laughter.] I want to be fair about it. I am not going to say that he ever washes his hands. As for getting in a bathtub and listening to a radio, I would not say that. [Laughter.] I would not go that far even with a renegade Republican who has become a sort of half-way Democrat. I would not do that.

But there you are, Mr. President; there you are. Here is the source book, this thing handed out by a Cabinet officer to the American people as if there were some authority or some substance about it, and all the country stirred up. Well, I am not going to get stirred up about it.

I am going into the book a little further. There is a great deal in it; and I think I have sufficiently warned my fellow Senators on this business of bathing under the New Deal. [Laughter.] Above all things, do not bathe. If you bathe, you are guilty. It evidences a feeling of subconscious guilt; and I understand that one of the most awful feelings in the world is to feel subconsciously guilty. You know, just to be guilty is all right; but when you are subconsciously guilty, it is just working in your "innards" all the time, and you go about washing on all occasions.

I think that was the trouble with Lady Macbeth. You know, she was all the time washing her hands. Do you remember that? Well, the same thing is true now. If you wash your hands, you have Lady Macbeth's trouble.

I am a little bit overcome with this discovery. I do not know what we are going to do about it. I think we ought to refer it to the plumbers and the soap dealers. It is going to hurt them very badly. Perhaps they must all go on relief.

I notice that one of the great soap men was a large contributor to our party. I take it we shall have a protest from him in due season. This disclosure about washing being evidence that you are guilty is going to ruin the soap business. However, we can account for that. We can get contributions, I suppose, from the folks who do not wash, and then we shall be all right—from the great unwashed democracy. [Laughter.]

Do not sell "soap." It is against public policy. Let us be like the Russians! Senators have heard about that, have they not? The people in Russia do not wash. That is probably the explanation. Instead of washing themselves in Russia they just use a smelling thing to put on themselves [laughter], a sort of countersmelling thing, if Senators get the idea—perfume. They call it perfume. Go over to Russia and come back and tell me whether you call it perfume or not. That will be another matter.

Mr. SMITH. A deodorant.

Mr. BAILEY. I do not know that they have gotten far enough along to call it a deodorant. It is not a disinfectant. All I am saying is that they have something over there that is a substitute for bathing; and I think we ought to send a commission over there, with Mr. Ickes at the head of it, and learn how to do that job. If washing is evidence of guilt, I should like to find some way to get out of washing and then go around amongst my fellow men; and I will do it if the balance of my colleagues will. I would not lay down any rule now that would bring a fellow Senator into guilt by taking any advantage of him. I think we have reached the time when we must beware how we wash our hands, and I am going to suggest that hereafter whenever Senators wash their hands they do it in secret; but if they ever get into a bathtub, never let it be known—of all things, do not let Mr. Ickes know it. This is his source book. He will find you guilty right then.

I shall proceed about this most remarkable book. It says that if a man gives away any money for the endowment of a college he is guilty also.

> Should any gift whatever its nature be considered a benefaction to humanity?

"Any gift, whatever its nature." This is Mr. Lundberg's book; this is Mr. Ickes' bible; this is the source of his inspiration.

"Should any gift." If one gives a beggar 5 cents, or the Democratic Party $5, or contributes $100 to the Jackson Day dinner, he should ask himself this question:

> Should any gift, whatever its nature, be considered a benefaction to humanity? To argue that it should would leave one's self open to crushing rejoinders.

Now, mind how you give away anything, fellow Senators, under this new regime. According to Mr. Ickes' bible, if you give anyone anything, if you make a gift, you lay yourself open to a crushing rejoinder. It is not just an ordinary rejoinder. One might say something and get away with it, but if you ever give away anything now you will be crushed. I am not making this up. It is in the book.

> Rockefeller, in all his miscellaneous "giving"—

And he puts "giving" in quotation marks, and I hope the reporter will also put it in quotation marks—

> was not really giving at all. He was buying.
>
> One can purchase a good many friendly observations for $1,000,000; patents of nobility have been acquired for much less. For $18,000,000 one can very nearly purchase sainthood.

Now the prices are all arranged for patents of nobility and sainthood, and everything of that sort. Just beware hereafter if you ever give away any money; you are buying somebody; you are not giving anything; you are just buying. That is a great point. I think if that is the case there would be a great distribution here very soon. That may be the object of this great article. I take it we may buy Democratic convention books and escape other condemnation.

Taking that a little seriously, what sort of mind could it be out of which paragraphs like that come? I would not indict Mr. Lundberg. I do not know a thing about him. He may never have washed in his life. I would not say he ever washed. I would not say Mr. Lundberg ever gave away anything in his life. In view of his book I do not think he ever washed or ever gave anything away. That is what we call inductive reasoning. I am not going to be too certain about it. I would not be dogmatic about Mr. Lundberg; I do not know him. Whether he washes or uses Russian powders as a counterirritant or counterdeodorant I do not know, but I do know that here is the Secretary of the Interior of the United States, a great and noble figure in the world—oh, my soul, on that great pedestal down there—and this is his book. This is the book out of which he got that speech; and I think very fortunately he disgusted the whole country, I will say in passing. It interested us very much. And here is the source of it.

I should like to know what we are going to say about a man who says that if Mr. Carnegie endows a library in Washington and leaves a fund to endow it for a thousand years after his death, Mr. Carnegie is not really benevolent, he is just buying something; that if Mr. Rockefeller creates an educational foundation, under which, I believe, $350,000,000 has been distributed—just think of it!—he was not giving away anything, he was just buying something. Mr. Rockefeller, after living nearly a hundred years, died, and his beneficence goes on. This endowment is unimpaired, notwithstanding the fact they have spent $350,000,000. The old man is dead and in his grave, but he is still "buying" something. He was not giving anything away; there was not any benevolence.

Mr. Rockefeller also created the great medical foundation. Senators who read An American Doctor's Odyssey realize that that foundation has coped with disease throughout the world, wherever there was suffering, wherever there was a plague, wherever poor people were stricken with one affliction or another. If they had to combat yellow fever, or the smallpox, or typhoid fever, or hookworm, or if little children had diphtheria, this fund was working to combat the disease and save lives. This American doctor writing his odyssey—and it is really an odyssey, too, as he was everywhere, all over the world—tells a marvelous story of the preventive power of sanitation, and the healing power of curative medicine, all under this foundation. But we understand now from Mr. Ickes' bible that it was not a benefaction to humanity at all; oh, no, no benefaction to humanity.

I raise the question, What sort of mind is it that produces that sort of stuff and what sort of mind is it that gives currency to it? What sort of mind is it that gets inspiration out of a book like that? I will leave that just where it is. It is an astonishing thing to find that sort of mind in the Cabinet!

Mr. President, we have a free press in America, and I am glad of it. I wish to God we had a foolproof world; we would be still better off.

I am not through with the book. He says William Jennings Bryan got money. Bryan is dead. He raises a question as to the genuineness of Mr. Bryan's liberalism on the ground that he did get money from campaign contributors when he ran for office.

He says that Woodrow Wilson was the beneficiary of the money of the rich; and he mentions a man named Dodge, I believe. He insinuates that Woodrow Wilson deviated from the path of honor and public service because he did accept that money in a campaign.

He refers to Walter Page, of North Carolina, whose body is sleeping down in the old country churchyard with his fathers, a name honored the world over, known to me when I was a young man, and an inspiration to me, too; as noble and true a man as ever breathed the breath of life. He says he got money.

What are we to do with a vulture like that? There are animals in the world, and classifications and grades. There is the hawk, cruel and selfish. There is the eagle, like him. There is the lion, which leaps on its prey in the dead of night. There is the tiger, which stalks up on his quarry. We make some allowance for them. There is only one animal of which the world has utter horror, and that is the hyena. He feeds in the graves.

What are we to do with a mind like this? What are we to do with a Secretary of the Interior who responds to a mind like that and publishes to the world that he got his inspiration and his information from this book?

This man attacks our party. He says we got a lot of money, and prints here a list of the people who contributed. I will not mention them all, but here is the name of William Randolph Hearst. He says that Mr. William Randolph Hearst gave us $25,000 and that Mr. Percy Straus gave us $30,000. I do not know whether he is the man in the Housing Administration or not. I see Senators shake their heads, so I assume he is not the one.

Here is the name of William H. Woodin, who was our Secretary of the Treasury, and who is dead. He put down after his name, "American Car & Foundry Corporation." He gave us $35,000.

Here is the name of Mr. Joseph P. Kennedy, who was at the head of the Securities and Exchange Commission, then in the Maritime Commission, and is now our Ambassador to the Court of St. James. He gave us $15,000. And so it goes on. All of that is imputed to us by way of corruption, and Mr. Secretary Ickes, the beneficiary of our party, vouches for the book.

There is a great deal in this, but I have sized the book up for Senators now. I do not know that I care to say any more about it. I think that if anyone will turn to page 417 and read the paragraph about the guilt of washing he will find that he is dealing with a man with a diseased mind, who thinks everyone is wrong, that everything is crooked, that everybody is corrupt, Wilson and Bryan and Page. There are insinuations all the way through. He implicates all the newspapers in the United States, "America's 60 families," "pecuniary journalists." He does not hesitate to attack all the big daily papers, and Time Magazine, Fortune Magazine, the Saturday Evening Post. They are all corrupt, all in the hands of the money power.

He does not spare the colleges and the universities. All of them are sold out, all of them are corrupt, all of them are dirty, all of them are filthy; we ought not to trust them; they should not be trusted in our civilization. They received endowments, but the giving was not giving; it was just buying. That is Mr. Ickes' book.

Sometimes I hear my friend the senior Senator from South Carolina [Mr. SMITH] exclaim in almost hopeless futility, "What on earth are we coming to?" Here is what we have gotten to. We know where we are now.

If I should go on all the way through the book, Senators would be amazed to see the matters contained in it. Here is a chapter, The Journalism of Pecuniary Inhibition. Here is another, Intrigue and Scandal. Here is one, The Politics of Pecuniary Aggrandizement. Here is one, Golden Dynasties and Their Treasures. All I have to say about it is one word, and that is that if the book of last year, The Nine Old Men, received the first prize for 1936 as a muckraking production, this book has surpassed it. This should receive the prize not only for 1937 and 1938, but I am willing to give it the prize for all time. It is the prize muckraking production of my generation and, I hope, for all the generations that are to come. But I am saying that with respect to the speech of Mr. Ickes, in which he undertook to raise class against class in this country and stir up the great deeps of people's prejudices and feelings, break down the business structure, and destroy our faith in what we are trying to do, Mr. Ickes himself gave evidence that the inspiration of his whole address was right here in this book.

Mr. President, I am now going to leave Mr. Ickes right there. If he chooses to get his information from a book such as that, there is no help for it. Just let him go ahead and do it. We should not pay any more attention to a man who gets his inspiration from such a book than we would to the man who wrote it. Sometimes we have to protest. Sometimes things have to be exposed. It is a disagreeable task, to be sure. But we cannot stand here and let a Cabinet officer proclaim this book as an authority without showing the interior evidence that it comes from a diseased mind.

Let us now take a look at him for a minute. It is written that the noblest and the best of beings who ever walked the earth, when talking to the Scribes and Pharisees who were visiting their judgments upon their fellow men, said:

> For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.

I will measure the author of that book and those who "fall for it" by the judgment that the book itself metes. According to that book, no one is right, no one is straight, no one is above corruption, everything is rotten. That is the idea. The author even carries it to the point that if the other fellow should bathe in a bathtub, it is an evidence of subconscious guilt.

I think we ought to go down, I will say to the Senate, and take the bathtub out of Mr. Postmaster General Farley's office. I understand he has a fine, beautiful bathtub. I have never seen it. We ought to remove the badge of his guilt. And we should take the bathtub out of Mr. Secretary Ickes' office and the one out of Mr. Secretary of Commerce Roper's office. I have heard that he had a private elevator and a—I hate to say it, but perhaps he has just a wash basin. I do not know whether or not he has a bathtub. I do not wish to prefer any serious charges aginst my fellow men; I do not wish to go too far; but I do not know but that the time is coming when the Senate ought to appoint a committee to see who has washed and who has not, and who has bathtubs. I do not think we ought to be parties to appropriations for bathtubs in view of the fact that if you get in one you are guilty. We ought not expose our Cabinet officers to temptation. You are not only guilty outwardly, but you are guilty in here—in your heart—you have a subconscious guilt. As I said just now, that is a terrible thing. Senators know that it is worse for man to be walking around the world with a subconscious guilt in his soul than to be in the penitentiary. [Laughter.] Of course it is. I should just as well be guilty and condemned, and wear stripes, as to be subconsciously guilty. I know a man who committed suicide because he was subconsciously guilty. I never heard of one bathe on that account.

Mr. President, I do not know that I will say anything more about this book. There is a great deal to say, but I doubt if it is worth a man's preserving. It ought to be thrown on the trash heap. Think of a man of the foulest mind, with all those suspicions, giving it to his children and exposing his children to it in his house. Well, that is what is done. It came from garbage and it is garbage—that is where it goes. That is all it is.

I have no complaint against a garbage collector. I think a man who collects garbage or cleans out sewers by way of making a living—if that is the best he can do for a livelihood—is to be just as much honored as a man as is the President of the United States, or a Cabinet officer, or a Senator. I can take off my hat to the humblest man who does the humblest job on earth. He is a man. But when a man deliberately chooses to create garbage and sell it for money he has gone a little bit lower than the stuff in the sewer itself. There are degrees in animals, as I said just now, and there are degrees in lies. A man who lies in self-defense may have some excuse. Senators may think I am wrong about that, but that is not wrong. The law of our country is that if I am guilty of murder the court will plead me not guilty. It will not permit me to come in there and say I am guilty. The court will plead me not guilty. It does not mean to lie, but it means to say I am entitled to a defense.

I would say that a man who lied to save a life might have some sort of forgiveness or condonation, at any rate, but a man who lies for money is the lowest form of liar. A man who writes a lying book and spreads lies to make money is the lowest form of liar. The inducement arises within himself. It is not a temptation. It is his own self-inducement. The man who lies about his fellow men for money, whether they be in office or not, and the politician who lies about his rival in order to obtain office are the lowest forms of liars.

The most charitable thing that can be said about men who for money write such books as that and spread such dirt as that is that their minds are diseased. That is a forgiveness. But if in their own minds they knew what they were doing, then they are the lowest of all men.

I might say about the book what the New York Times has printed in an editorial in the second column of today's issue, Friday, January 14, in which it says that this book does not even tell the truth about the statistical facts. I think I will just save my time by having the editorial put in the RECORD. I have said enough about that book. I will just send this editorial to the desk and ask that it be printed in the RECORD. The editorial is entitled "The Sixty-Headed Hydra." I ask that it be printed in the RECORD, not necessarily that Senators have to know about these things, but let us hope and pray that Mr. Ickes will read it and find out that the author of the book not only filled him full of stuff that any man, however weak and however crazy, might have resisted, however parti-

san and however blind might have discovered, but he also told him a whole lot of things that were so absolutely untruthful that if he had looked up the facts, as he said—and this book was presented as well documented and well authenticated—he could not have made those statements.

I ask that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of January 14, 1938]

THE SIXTY-HEADED HYDRA

Considering the obvious indebtedness of Messrs. Ickes and Jackson to America's 60 Families, by Ferdinand Lundberg, it is instructive to read the inquiry into the accuracy of that book published in the current issue of the Annalist. The article confines itself to various statements in the volume that can be checked by reference to public records or official figures.

The article finds that the so-called 60 families are a fluid and changing number, as Mr. Lundberg considers them, standing at 75, 150, even 500, as the argument requires, and comprising on one occasion 6,000 adults, and on another everyone with income of $100,000 or more.

Mr. Lundberg estimates the wealth of his 60 families to be $3,028,200,000. He arrives at this from the 1924 income-tax figures, which he uses as a basis for determining the net income of each family. The net income is then capitalized at 5 percent (that is, multiplied by 20), the result supposedly representing the value of such property as actually yields income. This result is then multiplied again by three in order to produce what Mr. Lundberg calls the "gross adjusted income."

This, of course, is a fantastic process. It is a pure assumption that income-producing property is worth 20 times its yield, or that all the income had property for its source. Income from salary or sale of assets represents no capitalizable property. (A man with an income of $5,000 from salary, for example, is not thereby "worth" $100,000.) The Annalist article, by citing the sources of net income of the 75 persons reporting net incomes of $1,000,000 or more in 1924, as revealed in the income-tax reports, shows how far astray Mr. Lundberg's assumptions are.

On page 143, Mr. Lundberg states: "By the close of 1916, stock-exchange prices had risen 600 percent over the 1914 average." The Annalist article asserts that according to the Dow-Jones index of the average price of industrial stocks, however, the increase from the 1914 low points to the end of 1916 was not 600 but 100 percent; according to the Times average of 50 stocks, only 80 percent; according to the Standard Statistics average of 90 stocks, only 30 percent.

The statement is made on page 368 that Andrew Mellon, by giving his $50,000,000 art collection to the Government, paid $32,362,000 to his estate, since a tax of that amount would have been payable on it had it gone instead to his family. The Annalist article points out that if the collection was worth $50,000,000, his family would appear, according to normal arithmetic, to have lost $17,638,000 through this gift, rather than have gained $32,362,000.

These few examples picked from the citations in the Annalist may give some indication of the fairness and accuracy of the book as a whole. Yet it is from such a source that men in high office recently derived their lurid picture of an America strangled by a 60-headed hydra.

Mr. BAILEY. Mr. President, that is the situation. That is what is going on in our land of liberty. I would not stop it. I believe in the freedom of the press, but I think that when such a book is quoted with favor it is incumbent upon someone to rise here and tell the truth about it, and let the facts be known, and warn the American people. I will just say to them if they want to fill their minds full of lies, they can do it, just as Mr. Ickes did when he read that book. I would not say that he did it deliberately. I think the trouble with Mr. Ickes that day was that he had forgotten to wash before he read the book. I think that if he had taken one good bath the book would not have had any influence on him at all.

That is enough for the book. Let us turn now to a more agreeable consideration. Let us go back across the years to a great man; let us sit at the feet of a noble spirit; let us clear the air of all our partisan confusion; let us dismiss from our minds little partisan and personal and political considerations; let us sit at the feet of a great patriot and a great American, a man who came from down there—and I will be courteous about it—from North Carolina and South Carolina, and all the better for coming from them both; who grew up there in my State and practiced law there. Such a man as he was then—no one knew that he was ever going to be the great man he came to be. He was a great spirit, though, even as a young man. He went to Tennessee and received a larger recognition there. Then he took that whole southern territory for his domain, became a national hero, and, as President, became a great American figure.

Mr. President, his home is no longer North Carolina or South Carolina or Tennessee or the South. His home is in the hearts of all Americans, and always will be so long as this is a good Republic. Let us sit at his feet. Let us hear, not my poor voice but the solemn words of the founder of the Democratic Party, the President of the United States for 8 years, the great examplar of good citizenship and wise official conduct in our land. Let us hear him as he says farewell to the people who had made him what he was, from whom he had drawn his inspiration, and whom he had served as very few in this world have ever served. Let us hear him as he tells us that his race is nearly run, and all the worldly temptations and inducements have left his mind, when he has nothing to look forward to save the accounting he has to give the Creator from whom he came. Let us hear Andrew Jackson in the most solemn words of his great life:

FAREWELL ADDRESS, MARCH 3, 1837

FELLOW CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors. But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you; and if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost 50 years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war against each other; and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel, when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvements by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from the degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of this ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary exception, our relations with every foreign power are now of the most friendly character—our commerce continually expanding and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union, was earnestly pressed upon his fellow citizens by the Father of his County in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds"; and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passed around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be, not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment—and he so speaks of it in his address—but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended Nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? Or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions, a want of patriotism or public virtue. The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves.

May I digress here to say that that is a message aimed directly at the issue here? Let me read it again:

The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicion and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterward repaired. If the Union is once severed the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword.

Prophetic words!

Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of the Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present Constitution; the proud name they bear as citizens of this great republic; if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken, and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious Republic would soon be broken into a multitude of petty states, without commerce, without credit—jealous of one another—armed for mutual aggressions—loaded with taxes to pay armies and leaders—seeking aid against each other from foreign powers—insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes—they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors, and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times stand ready to put down, with the combined force of the Nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume.

And that is good doctrine for the sit-down strike and the riot. I wish Andrew Jackson had been here in spirit last spring when that sort of thing was going on.

Let me read it again:

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the Nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority—

Now, will the Senate hear me? I want to read this again; I wish the Senate to get it:

Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

Andrew Jackson believed in the right and the power and the necessity of judicial review of acts of Congress. He is the father of our party. He bowed before the courts. He said the only way in which we could exert our feeble efforts

here was to be willing to submit our legislation to judicial review, and then to accept the decision of the courts.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the Government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a Government where the power is in the hands of a patriotic people; and no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other.

Hear Andrew Jackson on this bill:

Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became fr and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness—

Still speaking, 100 years ago, to the present moment in the Senate—

and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled with public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages.

Prophetic Andrew Jackson, 100 years ago, speaking to the present moment:

Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every attempt must, in the end, fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them, and when such designs are discovered, it naturally provokes resentments which cannot always be allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or National.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government—

Prophetic again!—

and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution.

Prophetic again!

Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them.

Hear me! Andrew Jackson says there can be no justification for claiming anything beyond the powers laid down in the Constitution as it is.

Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government.

Prophetic again; 100 years and 10 months ago, speaking as directly and as appropriately to his country in this moment as he penned these final lines to the people he had served:

From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

That is Andrew Jackson, the father of my party. That is Andrew Jackson, at whose feet we were supposed to sit one night this week, in whose name we—not myself—were paying $100 to eat dinner. Here is Andrew Jackson. The next time we have a Jackson Day dinner in Washington, I would give not merely $100 but $1,000 for leave to read his address to those assembled there; and it would be worth unlimited, inconceivable funds, and inconceivable values other than funds, to our party and to all the American people.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power.

Prophetic again!

The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article—

Hear it!—

and the taxes which it lays upon commerce being concealed from the real payer in the price of the article—

Absolutely true; we take it from their pockets when they know it not—

they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax gatherer.

The American people hate direct taxes, and we cannot impose them. They would drive us out of office if we did; and they put the Congress, they put those who conduct the Government, in the position of taking taxes from them without their knowing it. Nobody doubts that.

But the tax imposed on goods enhances by so much the price of the commodity to the consumer; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers entrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may, indeed, happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find that there is a constant effort to induce the General Government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people.

Prophetic again!

Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue

that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support.

Spend on the one hand, and everybody likes it, and all forget it means taxes on the other hand.

Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government, by its veto, endeavored to arrest the prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the Executive, and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

He was not prophetic in this. He was prophetic in many things, but not prophetic in this statement. I hope those who hear me get the point of the great founder of our party. Internal improvements are put forward for the purpose of increasing taxes. The Federal Government is committed to the spending policy by men who wish to have the taxes go up. Taxes take in an indirect way from the things the people eat, from the labor they pour out, from their struggles to make a living, and they know nothing about it.

The result of this decision has been felt in the rapid extinguishment of the public debt.

I see Senators smiling. This is Andrew Jackson speaking:

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury.

I take it that if I had read this down at the Jackson Day dinner the other evening there would have been some trouble. [Laughter.] I will read it again:

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury.

That was a hundred years ago. I hope that in another hundred years we can say the same thing about our country.

Notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned.

He was prophetic in this.

The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it, to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters—

Andrew did not mind telling them the truth, but he put on the soft pedal there when he said, "for the purpose of purchasing influence in other quarters." We would now know what he meant—

and since the people have decided that the Federal Government cannot be permitted to employ its income in internal improvements efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States.

This we have been doing for the past 4 years, to such an extent that I sometimes think we have bought at least a dozen of the American States once a year for several years. Make the calculation. We know what the tax value is in those States. I know what the tax value is in my State. I know how much money has been spent. It would pay us, if we could do it, to have a compromise with them in the matter of the tax value of the States for the next 5 years, on the condition that they would not call on us for any more—

And if encouraged by these fallacious hopes the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay; and the temptation will become irresistible to support a high tariff in order to obtain a surplus distribution. Do not allow yourselves, my fellow citizens, to be misled on this subject. The Federal Government cannot collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice and, if persisted in, will inevitably lead to corruption and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians who have friends to favor and political partisans to gratify?

This is in the form of an interrogation, but he is prophetic again.

It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burdens of the people so far lightened.

Let me pause in the reading to say that Andrew Jackson was under no delusions about the spending policy. He knew that spending meant taxes, and he knew that taxes meant oppression, and he knew that the taxes did not mean oppression of the rich. Taxes do not mean oppression for the corporations. Taxes have always been, are now, and always will be, the means of oppressing the poor, and it cannot be avoided. Yet it is spread abroad all over the country that the Government is getting a lot of money and distributing it and that the poor people are getting the benefit of it. The poor people are bearing the burden of it, and they always will.

I will give one illustration, which I have so often given on the stump in North Carolina. People come to me and say, "Why not tax the power company?" I say, "All right; I am perfectly willing to tax the power company." There are lights burning in all the homes. The power company has a big revenue. We read that they are making millions of dollars.

They ask us to tax the power companies. Who really pays the tax when the power company is taxed? The power company never paid a tax out of its capital in its life. If it did so long it would not have any capital, it could not go on. The power company always imposes the tax on the light consumed in the home of the little man. It pays the check, but the check is made up of funds taken from the people who sit around in the little home and listen to the radio and read the paper. They pay the power company. It cannot be any other way. If the power company paid it, it would have to pay it out of its capital, and its capital would be exhausted in about 5 years. They are paying at the rate of about 20 percent a year.

Let us consider what happens in the case of a pack of cigarettes. I do not know how much is paid in taxes by the Reynolds Co. in my State, who manufacture cigarettes like those I exhibit to the Senate, but I would not be surprised if the record showed that they pay $100,000,000 in taxes on these cigarettes. The collections of revenue in North Carolina on cigarette packages amount to somewhere around $275,000,000 a year. Who pays the tax? The man who buys the cigarettes pays the tax. The cigarettes are sold by the Reynolds Co. at the rate of $5.50 a thousand; then the tax is imposed of $6 a thousand, and that brings the price to $11.50, and when I bought the package I had to pay 15 cents a pack instead of 11½ cents. Who pays the tax? The man who consumes the cigarettes pays the tax, and the farmer who produces the tobacco pays part of it. Andrew Jackson knew that. If the American people but knew it, we would have an end of a lot of extravagance now going on, and a lot of fiscal folly. We would balance the Budget; we would reduce taxes; we would quit throwing money around; we would abandon the folly of believing that by spending money we could save the country. By saving money we can save the country. I read further:

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing

that has produced such deep-seated evil as the course of legislation in relation to the currency.

Now let us hear what Andrew said about the currency.

The Constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

We are in that situation again. No one has any gold or silver now; all the money is paper.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men, are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain.

I wish to read that again, because of the widespread talk in America now about setting the printing presses going, having some inflation and printing some money.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here.

These ebbs and flows of the currency and these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall preserve public virtue and promote the true interests of our country. But if your currency continues as exclusively paper as it now is it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger and inevitably lead to corruption which will find its way into your public councils and destroy at no distant day the purity of your government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth—their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected unless silver and gold are restored to circulation.

Prophetic again.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportionate to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government down to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks, necessarily, went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war with an enemy at your doors? No nation but the free men of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many into the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers and compelled you to make peace or war as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written or amend it in the constitutional mode if it is found to be defective.

Andrew Jackson is speaking again to the present moment.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated

under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures; and if a sufficient number of States can be induced to create such establishments, the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organiaztion by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you, every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourself of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared, during my administration of the Government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in the season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people. It is your true policy. For your Navy will not only protect your rich and flourishing commerce in distant seas but enable you to reach and annoy the enemy, and will give to defense its greatest efficiency, by meeting danger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment; dock yards and Navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been 13,000,000 of people associated together in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

Mr. LEWIS. Mr. President, will the able Senator from North Carolina allow me to interject a suggestion at this time touching the address which he has read?

Mr. BAILEY. I yield.

Mr. LEWIS. Knowing the Senator should have some rest, I merely for a moment invite the attention of the Senate to the cruel persecution and partisanship and the extreme of cruelty to which prejudice may go. When Andrew Jackson had delivered this famous address, in which he made such a masterly exposition of statesmanship and government, the University of Harvard tendered him the honor of the university, desiring to give him a degree of letters. When the university had so advertised or publicly made known its inten-

tion, and the assemblage was called for the purpose of conferring on this distinguished Republican-Democrat this natural and justified honor, John Quincy Adams, theretofore President of the United States, addressed the public in an open revolt and protest against Harvard, his alma mater, taking such action, and cried out he would not attend the session as he would not behold his distinguished alma mater dishonoring herself by giving literary recognition to a barbarian.

Mr. ELLENDER obtained the floor.

Mr. OVERTON. Mr. President, will my colleague yield to me for the purpose of suggesting the absence of a quorum?

Mr. ELLENDER. I yield.

Mr. OVERTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Bailey	Dieterich	La Follette	Radcliffe
Bankhead	Donahey	Lewis	Reynolds
Barkley	Duffy	Lodge	Russell
Berry	Ellender	Logan	Schwartz
Bilbo	Frazier	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McCarran	Smathers
Brown, Mich.	Glass	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Minton	Tydings
Byrnes	Herring	Murray	Vandenberg
Capper	Hill	Neely	Van Nuys
Caraway	Hitchcock	Norris	Walsh
Chavez	Holt	Nye	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. ELLENDER. Mr. President, the Senate is dealing with a very serious problem. It is not a question of whether or not the enactment of this bill will prevent lynching; but to me the question which is presented is a social one.

Before I proceed further, I desire to state that I am very happy at this moment. This happiness is not occasioned, however, because of the speech I am about to make but because of the contents of a telegram that my clerk just handed to me. It reads: "Houma, La. A bouncing boy born Wednesday night. All well. Randolph." [Laughter.] I hope the mother is doing well. Randolph, the father of the bouncing boy, is our clerk of court in Terrebonne Parish, La.

I believe that the South is well able to take care of this social problem, which problem involves the Negro. The South has had to wrestle with it since the Negro first landed on our shores. We feel that we know the problem, and we believe that the North must be ignorant on the subject, judging from its attitude in the past and its action at present.

Mr. President, I repeat, we of the South have been dealing with the Negro problem from its inception, and are thoroughly conversant with its many aspects. I shall produce statistics to show that from the time the Negro first came to America, from 74 percent to as much as 87 percent of the entire Negro population has been constantly the wards of the South. It was very unfortunate, I believe, ever to have brought the Negro to our country. His coming has marked the darkest page in our history. Because of slavery, the Civil War was fought and the South forced to surrender its principle. But it has kept on to the best of its ability endeavoring to handle the Negro problem. I think it is succeeding and will succeed if let alone by the North, by the East, and by the West.

Although the Negro came to this country as a slave, I believe it is agreed that he benefited thereby. He came from his native Africa almost as a cannibal, naked and without the semblance of having been the subject of civilized society, and although thereafter held in bondage, he gradually learned the customs of a real civilization. Bear in mind that I am not arguing for slavery, but only to show that the Negro benefited by having been brought into a new environment.

Senators, we do not desire the old wounds that were made during reconstruction days to be reopened. The scars have almost faded. Let us permit them to forever disappear. Just as surely as I am talking to you, if I thought for a minute that the enactment of the pending bill would prevent lynching, I should not be here today raising by voice against this measure; but I say to you, Senators, that the enactment of this bill will not prevent lynching. If I know anything about it, if the bill is enacted we shall have more lynchings.

The South is proud of the fact that it has always stood for local self-government. The South is proud that it has been able to handle this problem as it has without the interference of the Federal Government; and we now ask that we be let alone, so that we may handle the problem as we have in the past.

Mr. President, it has been demonstrated by volumes of statistics that the South is winning the battle against lynching. None of the good people of the South favor lynching. They do not desire it. They abhor it. They think it is tragic. They think it is a heinous crime to take a human being and hang him without the right of trial permitted under our laws. I repeat, the good people of the South are against lynching, but the North is hindering, rather than helping, our efforts to prove it. What I fear is that political equality will lead to social equality, and social equality will eventually spell the decay and the downfall of our American civilization. I propose to show, before I take my seat, that such decay has followed wherever there has been a mixture of the colored races with the whites.

I live in the parish of Terrebonne, down in southern Louisiana, and I am happy to say there never has been a single lynching to occur therein.. In order to be certain of that I telegraphed the sheriff of my parish yesterday and asked him to search the records, to interrogate our older citizens, and find out whether or not any lynchings had ever occurred there.

His telegram, dated this day, in reply reads as follows:

Have no record or knowledge of any lynchings in Terrebonne Parish.

F. X. BOURG, *Sheriff.*

There have been a few attempts at lynching in my home parish to my own personal knowledge. I remember a case that occurred not long after I was admitted to the bar which I should like to mention to the Senate. When a young fellow starts practicing law, he is usually appointed by the court to defend various culprits, and it became my task to defend a Negro charged with attempted rape. An effort was made to take him from the hands of the law, but the good people of my parish permitted the law to pursue its course, and it did not require much effort to bring about that result.

I spent a few hours in the parish jail conversing with the defendant, asking him the facts so as to make up my defense, and he established what seemed to me a perfect alibi. He swore to me that he was not present, that he was not anywhere around when the crime of which he was accused was committed. He was visited by two or three colored people before he talked to me, and evidently he sent them to me in order to be able to prove his alibi.

I took the case very seriously. I studied the law applicable and spent a lot of time in preparation. I was then just a young beginner at the bar, and I wanted to make a record for myself. I fought that case for that colored boy as hard as I fought any case in the years after that, but my client was convicted and he was hanged. Almost to the time of his execution I was not convinced of his guilt, he had made such an impression upon me. I went back to the cell, after he had been found guilty, and asked him about it, and he said, "Boss, I is innocent. I never did that."

The time approached when he was to be hanged, and a preacher went in and talked with the boy and evidently got him to thinking right. After the preacher left the condemned sent for me. I said, "Brown, what do you want?" He said, "Well, boss, I suppose you did all you could for me, but I do not think I am going to let myself be hanged unless I tell you the real truth." He said, "Boss, I lied to you. I did

it, but I did not think it would hurt the girl." He repeated, "I did it and I am guilty." It can be imagined how relieved I was in that situation. There I was, a young beginner. I felt I had made a good defense, but all in vain. The trouble is in many cases, as it was in that, that instead of the Negro race trying to prevent lynching, trying to stop it themselves, they help to get culprits out of jail, and it encourages them to commit these crimes. That is the situation and I personally feel that much of their trouble results from their own acts in helping each other evade the law and not trying to cooperate with the officers upholding it.

Another attempt at a lynching of which I have knowledge occurred in my parish 3 or 4 years ago. A man lived in the vicinity not far from Houma, my home city, who sold ice. He would get his ice from Houma, and store it just a few blocks from his home, out in the country. Somehow a colored man found out that this man went to his ice house every morning to get ice to distribute over a certain territory which was assigned to him. This colored man lay in wait for that poor fellow, and when he came to get his ice this Negro entered the room where the ice was stored and hacked him to pieces and robbed him.

A very serious attempt was made by some of the people of the locality affected to get this murderer. They tried in every way possible to get this Negro to lynch him. The sheriff of our parish and the good citizens of our city got together and fought off the mob and saved him. Later, he was tried and hanged.

I merely cite these instances to show that I honestly believe that the people of other sections of the United States are doing the very thing the people of my parish are doing in order to protect the Negro from mob violence and see to it that he receives a fair trial.

Mr. President, we understand the Negro. We sympathize with him. A Negro who is born in the South and who has lived there is polite by instinct, but send him up North, where he can rub elbows with the whites, where he thinks he is equal to them, and soon he becomes impudent, and if he returns to the South, he gets into trouble. He usually tries to place himself on a social equality with the southern whites and that does not work. I propose to show to the Senate by accurate figures the difference between the number of crimes committed by the Negroes of the North and the crimes committed by the Negroes of the South, and to prove that we in the South know how to handle the problem.

As I said, I repeat, we do not favor lynching; we abhor it. We think it is a heinous crime. We are doing all we can to prevent it, and I beg Senators not to impose this bill on the South, which has been doing all that is humanly possible in order to abolish the evil. Do not attempt to send Federal officers to tell us what to do. The South has taken every conceivable step to stop lynching. Few cases occur at present and those that do are beyond the control of officers, because in most cases the victim is caught and dealt with before the officers are able to apprehend him. There is hardly a Southern State which has not a law making lynching a crime, one punishable by hanging. Almost every State has such a law, and the records show, as was pointed out on many occasions on the floor of the Senate, that the crime of lynching has decreased in frequency. It is now down to a minimum, and we feel that if we are let alone we will continue to be equal to the occasion. In my State in 1936 and 1937 there were no lynchings. We do not propose to have any in 1938, or at any time in the future, if we are only let alone. We propose to keep up the fight until the crime is eradicated.

Mr. President, I am not making these remarks in the nature of a threat that if this bill shall be enacted we in the South will become wrought up over it and start lynching Negroes. I do not mean it in that spirit. But I say that we have made earnest efforts to stop the abuse, and if let alone we are confident, in fact we know, that we can solve the problem.

Mr. President, I wish to present some actual figures taken from Government records published by the United States Department of Commerce for the years 1934 and 1935, and I hope Senators will follow me. These figures to my mind give as fine a picture as I could paint were I to remain on my feet today, tomorrow, and the next day, of the ability of the South to handle this problem, and the inability of the North, under present conditions, to take care of the situation.

When I refer to the North I do not mean all of the people of the North, but in many communities in almost every State there is a little clique of Negro politicians; there is one in Harlem; there is one in Indianapolis; there is one here in Washington, shouting for equal civil rights and social equality, and the few politicians affected in those various groups in certain States in the North are the ones who are agitating this question. They have used tons and tons of propaganda, and have been labeling this bill as an "antilynching bill," when it is as far removed from being an antilynching bill as I am from the North Pole. It mentions lynching, but no effort has ever been made to educate the advocates of antilynching in what the South has done in handling the problems which have in years gone by confronted it, and which confront it today.

I will ask Senators to listen to some figures I have compiled from a Bureau of the Census publication showing the number of prisoners received in jails and other penal institutions under county or municipal jurisdiction for the first 6 months of 1933. In the 13 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas, the number of Negro prisoners received aggregated 25,496, when the Negro population of those 13 Southern States totaled 8,805,635 persons. In the remaining 35 States, with a Negro population of 3,085,508, 29,542 Negroes were received in county and municipal jails. Just think of it! With the Negro population in 35 States amounting to a fraction less than one-third of the Negro population in 13 Southern States, more Negroes were sent to prison from these 35 States of the North, East, and West than were sent to prison from the 13 Southern States! To put it in another way: For every 100,000 Negroes in the South, 290 were incarcerated in the county and municipal jails, and in the remaining 35 States, 957 out of every 100,000 were sent to the county and municipal jails.

In other words, in the same period, in the North, with a little less than one-fourth of the Negro population, we find that almost three times more Negro prisoners per 100,000 population went to jail than in the South. And in the South, with practically three-fourths of the country's Negro population, only 290 per 100,000 were imprisoned. To what can we attribute such a large difference? The only answer is that we in the South know how to cope with the Negro problem. We do not let the Negro feel that he is socially equal to the white race.

The Negro of the North gets into trouble with the white man of the North when he tries to rub elbows with him—not politically but socially. It is that which the white man of the North resents, and he should. The only white friend the Negro has in the North is the politician and then only when he votes right. As I said a while ago, the Negro from the South is polite by instinct, and he remains in his place and he does not have to be told to do so. He does it by nature. He is taught it from childhood by parents who respect the whites.

Let us compare that table, so far as the white portion of the population is concerned, and see how the figures differ in respect to those living in the North and the South. Using the same table for the same year, 1933—Senators, listen to this—it will be found that in the 13 Southern States there are 24,146,167 white people, and in the remaining 35 Northern States there is a white population of 84,718,040. In the 13 Southern States there were incarcerated 35,273 white people. In the remaining 35 States, together with the District of Columbia, there were 140,602 white persons held in county and municipal jails. Or for every 100,000 white persons in the South, 146 were incarcerated in county and municipal jails, and in the North, for every 100,000 white persons, 166

were incarcerated in jails. That picture shows with clearness the condition with respect to the white population as it exists in the North and the South.

Let us take another example which shows the picture as vividly as that shown a few minutes ago. I give it now in support of my contention that we in the South know how to handle the Negro problem, and that it should be left to us. Let me give Senators as an example some more figures with respect to State and Federal prisons and reformatories. These are very interesting figures. They have also been taken from the Department of Commerce, Bureau of the Census.

In 1934, in 10 Southern States—3 of the 13 Southern States just mentioned did not report—Alabama, Mississippi, and Georgia—there were received in State and Federal prisons and reformatories 6,616 Negroes, out of a total population of 5,779,958 Negroes. In the 35 remaining States, including the District of Columbia, with a total Negro population of 3,085,508, there were 8,237 Negro prisoners received in State and Federal prisons and reformatories.

Stating it in another way: Out of every 100,000 Negroes in 10 Southern States, 114 of them were sent to the State and Federal prisons and reformatories, and in the 35 remaining States, 267 Negroes per 100,000 were admitted to these reformatories. Just think, we in the South with almost double the Negro population of the North, in the States mentioned had 153 Negro prisoners per thousand less in State and Federal prisons.

Mr. President, that again should be convincing that we in the South at least know how to handle the Negro problem. It strikes me, as I am sure it will appear to anyone else, that with treble the amount of Negro population in the South as in the other sections of the country, we should have as great if not greater ratio of crime, but just the contrary is true. The 35 Northern States have only one-fourth of the Negro population, and we in the South have three-fourths of it; yet in the Northern States the ratio of crime among the Negro population is almost three times greater than in the South. That is the picture, and it is worthy of close scrutiny.

Let us see how the figures compare as they affect the white population. In 1934, out of a total white population of the 10 Southern States of 19,611,562, there were 9,319 white prisoners received in State and Federal prisons and reformatories. The 35 remaining States with a white population of 84,718,040, sent 35,772 whites to prison. The ratio or rate per 100,000 in the case of the 10 Southern States was 47, and in the case of the 35 remaining States it was 42. That shows how close the figures are as between the whites in the North and in the South. Compare them with the ratios for the Negroes.

Mr. President, these figures should be very conclusive, and I propose to put them in the RECORD in the hope that those really interested in this bill—those really interested in the problem confronting us—will read and study them.

Let us take the figures for 1935 with reference to State and Federal prisons and reformatories. Those figures show practically the same thing. The same ratio as existed for the year 1934 existed in 1935. For the purpose of emphasis I am going to read to the Senate the figures for the year 1935.

In the 10 Southern States, with a total population of 5,779,958 Negroes there were sent to the State and Federal prisons and reformatories 7,627 Negro prisoners, or 132 to each 100,000 population. For the 35 remaining States, the record shows that there were 8,735 Negro prisoners, out of a Negro population of 3,085,508, or 283 out of every 100,000. Just stop and think of that comparison, Senators.

In the North, with about one-fourth of the Negro population, the ratio of Negro prisoners is approximately two and one-quarter times as great as in the South, where we have three-fourths of the Negro population of the country. God pity us if that ratio of crime as exists in the North ever spreads to the South!

Let us now look at the figures for the white persons who were sent to the State and Federal prisons and reformatories during the same period, to show the analogy, to show the closeness of the ratio with respect to the North and the South.

The 10 Southern States had 9,980 white prisoners out of a white population of 19,611,562, or 51 to each 100,000. The 35 remaining States had 38,602 white prisoners out of a population of 84,718,040, or only 46 to each 100,000.

Mr. President, that picture shows what the conditions are, and it should be evidence of the fact that we in the South are able to handle our own affairs.

At this time I ask that these tables be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

The tables referred to are as follows:

	Number of prisoners	Total population	Rate per 100,000
1933 (first 6 months) (county and municipal jails):			
Negroes:			
13 Southern States	25,496	8,805,635	290
Remaining 35 States and District of Columbia	29,542	3,085,508	957
Whites:			
13 Southern States	35,273	24,146,167	146
Remaining 35 States and District of Columbia	140,602	84,718,040	166
1934 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting)	6,616	5,779,958	114
35 remaining States and District of Columbia	8,237	3,085,508	267
Whites:			
10 Southern States	9,319	19,611,562	47
35 remaining States and District of Columbia	35,772	84,718,040	42
1935 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting)	7,627	5,779,958	132
35 remaining States and District of Columbia	8,735	3,085,508	283
Whites:			
10 Southern States	9,980	19,611,562	51
35 remaining States and District of Columbia	38,602	84,718,040	46

Mr. ELLENDER. Mr. President, I dislike burdening the Senate with too many figures, but I have some additional data that paint a picture that it would take a long time for me to express in words.

These figures, which are taken from the records of two cities of almost the same population, one being the city of Washington, D. C., and the other the city of New Orleans, La., are worthy of the consideration and attention of the Senate. They show again that in the South we at least know how to deal with the colored problem.

I do not want to be misunderstood when I continuously refer to this bill as one dealing with the Negro problem; I do not doubt that there are a few honest and sincere people who feel that the pending bill will prevent lynching; but I repeat that in my humble opinion, and as has been said many times on the floor of the Senate, the bill comes from a small group of Negro and low-white politicians, who are using this issue as a camouflage. I am confident of that.

Now, let me proceed to read from this table, and I ask the Senate to pay close attention. The figures are based on the census of 1930, the latest figures we have available as to population.

The total population of Washington at that time was 486,869. Of that number, the Negro population was 132,068. So in 1930, 27 percent of the population of the city of Washington was made up of Negroes. In the same year the city of New Orleans had a total population of 458,762, of which number the Negro population was 129,632; so that 28 percent of the people living in New Orleans were colored, in contrast to Washington with 27 percent of its population colored.

Let me point out what the records from those two cities show. The records are accurate; the figures for Washington have been taken from the annual report of the major and superintendent of the Metropolitan Police of the District of

Columbia; and the figures for the city of New Orleans were furnished by the superintendent of police, Mr. George Reyer, and taken from the official records. Listen to the figures.

In the city of New Orleans, in 1935—and I ask the Senate to keep in mind that the Negro population of Washington in 1930 was 27 percent and of New Orleans 28 percent—in the city of New Orleans 22 arrests for murders committed by whites and 26 arrests for murders committed by colored people, or 48 altogether, were recorded. There were 27 whites arrested for manslaughter and 10 Negroes, or a total of 37; for rape, 7 whites were arrested and 11 colored, or 18 altogether; robbery, 52 white and 29 colored, or 81 altogether; aggravated assault, 107 whites and 111 Negroes, or 218 altogether; burglary, 119 whites, 131 Negroes, or 250 altogether; larceny, 427 whites, 399 colored, or 826 altogether; auto thefts, 31 whites, 18 colored, or 49 altogether. So in the city of New Orleans in 1935, with a population 28 percent of which is composed of Negroes, there were 792 whites arrested for the offenses I have just mentioned as against 735 Negroes, or a total of 1,527 altogether.

Now, let us compare those figures with similar figures for the city of Washington, which has a Negro population only 1 percent less than that of New Orleans.

Murder, white 19, colored 53, or a total of 72; manslaughter, 29 white, 15 colored, or 44 altogether; rape, 9 white, 13 colored, or 22 altogether; robbery, 163 whites, 359 Negroes, or a total of 522; assault, 105 whites, 313 Negroes, or 418 altogether; housebreaking (burglary), 301 whites, 916 Negroes; or a total of 1,217; larceny, 209 whites, 330 Negroes, or 539 altogether; auto theft, 146 whites and 5 Negroes, or a total of 151.

What do those figures show? They show that in the city of Washington itself, in which, as I have said, 27 percent of the population is made up of Negroes, there were 981 whites involved in the crimes I have mentioned, as against 2,004 Negroes. Think of that! With only 27 percent of the population of the city of Washington being made up of Negroes, yet in that city 2,004 colored persons were arrested for the crimes listed as against 981 whites.

Let us see how that compares with New Orleans, located in the South, where we have been dealing with the Negro problem for many years past.

As I said a moment ago, in the city of New Orleans, with 28 percent of its population composed of Negroes, for the year 1935, 735 Negroes were arrested for the crimes I have enumerated, while in Washington, during the same year, 2,004 Negroes were arrested for the same crimes, although Washington has a population only 27 percent of which is made up of Negroes. In other words, while the Negro population of Washington is about the same as that of New Orleans, almost three times more colored persons in Washington were arrested and sent to jail than were arrested and sent to jail in New Orleans.

I ask you, Mr. President, what do you think is the cause of that condition? Is it that the South is meaner to the Negroes, as it has been accused of being? Is that it? Or is it that the North and other sections of the country do not know the Negro problem? I think it is the latter. I do not believe they understand the problem; they are absolutely ignorant of it. I state now, Mr. President, that in my humble opinion the Senate had better let the South handle the Negro problem than to undertake to have it attempted by Federal authority.

We of the South do not tolerate an amalgamation of the races. We keep them separate, because we believe in white supremacy.

Let us consider the crime figures for 1936. I have similar data for that year, and I repeat that if these tables are studied by the Senate they will paint a picture that cannot be disclosed by the reading of books. Let me repeat that in 1930, according to the census reports, the city of New Orleans had a total population of 458,762 and a Negro population of 129,632, or 28 percent of the total, while Washington had a total population of 486,869 and a Negro population of 132,068, or 27 percent of the total. Bearing those figures in mind, let me give the statistics as to crimes committed in 1936, and I ask the Senate to listen to them. I will first take the city of New Orleans.

Murder, white 23, colored 24, or a total of 47; manslaughter, white 14, colored 5, or a total of 19; rape, white 9, colored 11, or a total of 20; robbery, white 57, colored 40, or a total of 97; aggravated assault, white 108, colored 122, or a total of 230; burglary, white 142, colored 165, or a total of 307; larceny, white 375, colored 339, or a total of 714; auto theft, white 25, colored 12, or a total of 37.

Now let me give similar figures as to the city of Washington. Murders, 17 by the whites and 42 by the Negroes, or 59 altogether; manslaughter, 6 whites and 6 Negroes, or a total of 12; rape, white 5, colored 9, or 14 altogether; robbery, 212 white, 644 colored, or a total of 856; assault, white 78, colored 296, or a total of 374; housebreaking (burglary)—listen to this—white 297, colored 1,465—in the city of Washington—or a total of 1,762; larceny, 149 white, 348 Negro, total 497; auto theft, whites 13, Negroes none, total 13.

Now listen to the comparison of totals between the two cities, which, as I said a moment ago, have about the same Negro population. Of the whites, 753 in the city of New Orleans, according to the police records of that city, were arrested for the crimes which I have mentioned, while in the city of Washington, with about the same white population, 777 whites were arrested for such crimes. There is a difference of only 20 in the case of white people.

Now let us see how the colored race fared. In New Orleans a total of 718 colored were arrested for the crimes mentioned, while in the city of Washington, which, I repeat, had practically the same Negro population as had New Orleans, there were 2,810 colored people arrested for the same crimes.

What does that show, Senators? It simply shows that when you give to the Negro an inch he will take a foot. The enactment of laws such as the one now proposed is no guarantee against lynching. The Negro thinks he will gain something by the enactment of this bill. He has been told he will win recognition. The next thing he is going to do, I believe, is to try to have the marriage laws passed by the various States nullified.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I call the attention of the Senator to the fact that there is now pending in the House of Representatives a bill authorizing the Federal Government to take over from the States all marriage and divorce laws. If Congress yields to this colored paid agitator and lobbyist on this question, is it not entirely reasonable to assume that in some future Congress he will be back advocating a Federal marriage and divorce law?

Mr. ELLENDER. There is no doubt about it, Mr. President.

Mr. CONNALLY. And, of course, if such a law shall be enacted, the same Senators who are clamoring for the enactment of this bill will provide in it that there shall be no discrimination as between the races.

Mr. ELLENDER. That will be the next step just as surely as I am now addressing the Senate.

I want to say at this time, since the Senator from Texas has brought up the subject—and I shall repeat the statement after a while—that this bill may pass, but before that happens I am going to give the Members of this body the right and privilege of voting on three amendments. I do not know whether or not they are constitutional, but I venture to say that they will be just as constitutional as the bill itself is.

First. I am going to offer an amendment to the bill to prevent the marriage of Negroes with whites or whites with Negroes.

In case that amendment is not agreed to, in order to protect the States which respect their whites, and which have enacted laws to prevent intermarriage between members of the two races, I am going to offer an amendment preventing Negroes and whites who have intermarried from going into

States where marriage between Negroes and whites is prohibited. That is amendment No. 2.

No. 3. I am going to ask Senators to vote to prevent the marriage of Negroes with whites in the District of Columbia. Since I have been here I have seen quite a few cases, I am sorry to say, of white women hanging on the arms of Negro men. That ought to be prevented, and if I have anything to do with it, I am going to stop it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Does the Senator mean he is going to demand a yea-and-nay vote on these amendments?

Mr. ELLENDER. I am.

Mr. CONNALLY. And let Senators express themselves in a record vote on these three amendments?

Mr. ELLENDER. I do not know whether or not they will do it, but we shall find out how they stand on this question.

Mr. McKELLAR. Mr. President, the Senator probably will not demand a yea-and-nay vote before the Fourth of July, will he?

Mr. ELLENDER. Hardly.

Mr. McKELLAR. I think the bill probably will be before the Senate until that time, unless it is withdrawn.

Mr. ELLENDER. It may be, Mr. President. I hope not, though. I hope the proponents of the bill will see the light before it is too late.

Mr. McKELLAR. I sincerely hope so, too.

Mr. ELLENDER. I will say frankly that as surely as I am talking to the Senators today, if I thought for a moment that the enactment of this bill would accomplish the prevention of lynching, I would not be here talking against it; but I repeat, as I said a while ago, that political equality as camouflaged by this bill, will lead to social equality, and social equality eventually will spell the decay and downfall of our American civilization; and I propose to show that statement is true, not by the history of one country but by the history of many countries.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I agree with the Senator from Louisiana that not only will enactment of the bill not do any good but in my judgment it will increase to a very considerable extent the number of lynchings in the United States. Its every tendency is in that direction. Its every intendment will be likely to bring about that result. Those who are the real friends of the colored people—and I know I am one of their real friends—are opposed to lynching, and they want to extirpate it, pull it up by the roots; and the only way in which it can be done is by State action. It cannot be done by Federal action.

Mr. ELLENDER. There is no question about that, Mr. President; and I yield precedence to no one in my sympathy for the colored race on this subject.

To go back to this table, let us see what it shows.

In 1935, as I pointed out a while ago, as between the whites and the colored race in New Orleans, the crime record was about the same. With 28 percent of the population of said city colored as against 72 percent white, the infractions of the law were about the same. For the whites, the violations numbered 792 and for the colored they numbered 735. For the same year, in the city of Washington, with 27 percent of the population colored, the proportion of crime was over 2 to 1 for the Negroes as against the whites.

For 1936, in the city of New Orleans, as between the whites and the colored, with a population ratio, as I said, of 28 percent of colored and 72 percent of whites, the crimes were 753 for the whites as against 718 for the colored; but in the city of Washington, with 27 percent of colored and 73 percent white population, the crime ratio was 4 to 1—4 colored to 1 white. Stop and think of that—4 to 1!

Mr. President, I ask that the table to which I have referred be printed at the end of my remarks.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

(See exhibit A.)

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Hitchcock	Schwartz
Ashurst	Duffy	Johnson, Colo.	Sheppard
Bailey	Ellender	La Follette	Shipstead
Bankhead	Frazier	McGill	Smith
Barkley	Gibson	McKellar	Thomas, Utah
Bone	Guffey	McNary	Townsend
Brown, Mich.	Hale	Minton	Vandenberg
Brown, N. H.	Harrison	Norris	Van Nuys
Bulow	Hatch	Nye	
Caraway	Hayden	Overton	
Connally	Hill	Pope	

The PRESIDING OFFICER. Forty-one Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BULKLEY, Mr. COPELAND, Mr. GILLETTE, Mr. LEWIS, and Mr. LOGAN answered to their names when called.

The PRESIDING OFFICER (Mr. BONE in the chair). Forty-six Senators having answered to their names, there is not a quorum present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CONNALLY. I ask for the yeas and nays on that motion.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to, and the Sergeant at Arms was directed to request the attendance of absent Senators.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. When we send for the absent Senators do we send for those who have been here and fled, as well as for those who have not been here at all?

The PRESIDING OFFICER. The parliamentary clerk advises the Chair that only those who did not answer to their names will be required to come.

Mr. CONNALLY. At the time the Sergeant at Arms produces those who have not heretofore answered to their names, those who have answered to their names will be gone.

Mr. BARKLEY. That is not a matter of which the Chair can take official notice.

Mr. ANDREWS, Mr. BYRNES, Mr. LODGE, Mr. MCADOO, and Mr. TRUMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. McKELLAR. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. The Senator from Kentucky [Mr. BARKLEY] made a motion that the Sergeant at Arms be directed to request the attendance of absent Senators, and the motion was agreed to. The order to the Sergeant at Arms has not been vacated. What becomes of it?

The PRESIDING OFFICER. A quorum has been developed, and the Chair takes it that that answers the demand under the motion of the Senator from Kentucky. The record now indicates that a quorum of the Senate is present.

Mr. CONNALLY. That may be true, Mr. President, but the Senate voted to direct the Sergeant at Arms to request the attendance of absent Senators. In order to proceed in order now there must be a motion to vacate the order.

Mr. BARKLEY. Oh, no; it is not necessary to vacate the order. Upon the development of a quorum the Senate can proceed with its business. The order will remain in force until it is revoked or modified, and it is not necessary to do that in order that the Senate may go ahead with its business.

The PRESIDING OFFICER. The Chair understands that to be the correct rule.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Assuming that to be the correct rule, does the Sergeant at Arms disregard his instructions and not try to bring in any other absentees, or go to sleep, or what becomes of him?

The PRESIDING OFFICER. The Sergeant at Arms being an officer of the Senate, the Chair assumes he is advised that a quorum is now present.

Mr. CONNALLY. The order of the Senate was not to send for absent Senators until we got two more Senators, but the order of the Senate was to notify all absent Senators to come to the Senate. If the Sergeant at Arms is at liberty to ignore the order of the Senate, that is one thing. I have no disposition to annoy the Chair about the matter, but——

The PRESIDING OFFICER. The Sergeant at Arms has not reported, and the present occupant of the chair has no way of knowing what he is doing.

Mr. BARKLEY. And the Senate has no right to assume that he is not performing his duties.

The PRESIDING OFFICER. We can reach that point if it is desired to dispose of it, in another fashion.

The Senator from Louisiana has the floor.

Mr. LEWIS. I move that the——

Mr. BARKLEY. Action on a motion will call for another roll call, I will say to the Senator from Illinois.

Mr. McKELLAR. I move that the order to the Sergeant at Arms be vacated.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. ELLENDER] has the floor, and he has not yielded.

Mr. ELLENDER. Mr. President, I did not realize that I was making what may be termed a boring speech until it came to my attention that, for the first time since I have been here in the Senate, the Senate has hardly been able to get a quorum. [Laughter.]

I revert to the pending bill. It is my hope that every Senator will read and study the two tables that I have sent to the desk for incorporation in the RECORD following my remarks. As I pointed out to the Senate, the last table dealt with crime in the city of Washington, the District of Columbia. That table shows that apparently the city of Washington, which is under Federal control, which acts under and by virtue of laws enacted by Congress, has really failed to enforce the laws with reference to the Negroes when comparison is made with law enforcement in the city of New Orleans. Senators, just stop and think! In 1935 under Federal law the city of Washington was unable apparently to cope with the situation in comparison to what we in the South were able to do in New Orleans, with particular reference, of course, to the Negro problem.

As I have pointed out, last year in the city of Washington, D. C., four Negroes to one white person were placed under arrest, although in Washington only 27 percent of the population were Negroes. Compared with the 28 percent in New Orleans, the ratio of black to white offenders was almost even in the two cities.

Mr. President, if the Federal Government fails to do its duty in the city of Washington with respect to the crime problem, with respect to the enforcement of the law, insofar as it affects the colored race and the white race, I maintain that it will make a more dismal failure when it attempts to put its fingers into the pie, as it were, in the South.

I repeat, Senators, we of the South understand the Negro question; all we ask is to be let alone and we will solve our own problems. To my way of thinking—and I believe the same opinion has been expressed by a large number of Senators—this bill is purely sectional; it is directed solely and wholly at the South. I say further that this bill results from mere politics on the part of its proponents and those behind them. There is a little group in Harlem, a large group in Chicago, a larger group in Indianapolis who are pressing this measure. No one will make me believe that the white citizenry of those cities are in any manner pressing this bill. If they are, then surely they do not know what it is all about and what result its passage will eventually accomplish.

I repeat, political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization. I propose to show, by historical record, that elsewhere such a condition has come about. I say to the Members of the Senate that if these groups succeed in passing legislation of this kind, politicians from such States and cities, a Negro group here and another one over there will become bolder and bolder as time passes and will insist that their representatives enact laws which, in my opinion, will finally give to them social equality. The moment that is done, God pity the American people and this Nation of ours. I repeat, Mr. President, that in my humble opinion this bill is sectional. It is a slap, as it were, at the South. It is a blow aimed at a section of the country that is attempting to solve and is succeeding in solving the problem.

The South is friendly to the colored race; it understands its people; it is kind to them; and it tries to work with them. We of the South realize that the colored people are our wards; that they are in the South to stay; and, if we are let alone, we are going to solve the lynching problem which affects not only them, but whites of a low status.

Mr. President, to prove that this bill is purely sectional, I wish to refer the Senate to some of the measures which have been introduced on the same subject in the past. Practically every bill formerly introduced in either House of Congress has contained almost the same language. There has been hardly any difference. A little addition, by way of improvement, perhaps, was made in the second bill over the first bill and in the third bill over the second bill, and so on, insofar as the question of lynching was concerned and as the colored race was affected. Those, however, are the things at which all the bills have been directed.

What do we find in the pending bill? We find that the pending bill as it came from the House of Representatives contained almost the same language as that found in the Dyer bill, known as H. R. 5540, which was before this body in 1927, and in Senate bill 24, known as the Costigan-Wagner bill, which was before this body in 1935. The phrasing of those two bills is almost identical with the language of the pending bill as it came from the other House. But what did the Judiciary Committee of the Senate do? They changed it and added to it, which, to me, proves conclusively that the bill is directed at a particular section of the country, and that is the South. Why do I say that?

Let me read from the bill as reported by the Senate Committee on the Judiciary.

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

That is somewhat similar to the language of the House bill.

Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act.

Now, listen to this language:

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting, or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

That is the language that was added to the bill.

In other words, gangsters in New York and Chicago are exempted from the provisions of this bill, and labor disputes of any character in which three or more are engaged are

likewise exempt from the provisions of the bill, and the bill is left to deal only with the lynching problem of the South. The sponsors of the bill come here and tell us that we in the South cannot manage our affairs. I say that if they will let us alone we will handle them; but if the Federal Government interferes and tries to do so for us, I am confident it will fail worse than it has failed in the correcting of crime in the city of Washington in the very shadow of the Nation's Capitol.

Why was the provision relating to labor put into this bill? I suppose that some of the labor leaders may have read Mr. Justice Black's speech on the question, in which he forcefully pointed out the effect this bill would have on labor and on the lawful assemblage of labor engaged in an effort to settle industrial disputes. He pointed out in his speeches that, in his opinion, if this bill should be enacted it would injuriously affect labor. So what do we find as a result? We discover that in the pending bill, as I just pointed out, labor is excluded from its terms, thereby showing conclusively that it was the intention of the proponents of the bill and of those who appeared before the Judiciary Committee and who were interested in it to slap the South; to make the bill apply only to the South, and let every murderer and racketeer who may operate elsewhere to escape entirely the severity of its provisions.

Mr. President, I dislike to see such a condition exist in the Senate. I dislike to see the greater portion of our Nation hurl insult at the South, where the people are law-abiding, respectable citizens. They are doing all they possibly can to solve a problem which they consider to be theirs. It is an unwise act to open those wounds which were caused during reconstruction days. Left to our own judgment we can handle the problem in our own way and we propose to do it.

Just stop and think of this. As was pointed out by several Senators, do you know that since 1901 up to 1923 less than 100 persons per year—not only Negroes but whites and others—were lynched, in comparison to as many as three hundred and some odd in previous years; and from 1928 up to 1935 as low a number as 33 and even less per year was the maximum number of lynchings of both whites and Negroes in the South. That ought to show that we are doing all we can to put an end to this violation of law. We abhor lynching as much as you do; we are endeavoring to stop it; and we feel confident that, if let alone, we shall succeed.

The great labor organization known as the American Federation of Labor has seen fit to take sides in this matter; why, I do not know. If the officers of the American Federation of Labor would study this problem conscientiously and not merely listen to a lot of "hooey," as I call it, a lot of propaganda from various sources, I am sure they would be better informed.

Let me read you what they did in 1937 at their convention in Denver. I say if they had been informed on the subject, if the American Federation of Labor had been shown what progress has been made with reference to lynching, how the South is solving this problem, the resolution on antilynching which I shall read would not have been passed by members of their convention. I read from the proceedings of the American Federation of Labor of that year:

ANTILYNCHING BILL

(P. 161, executive council's report)

The committee recommends that the convention register emphatic support of legislation for the purpose of removing from our society the blot of lynching. It further recommends that the executive council be instructed to vigorously continue efforts for the enactment of legislation of the most drastic character for this purpose.

A motion was made and seconded to adopt the committee's report.

Delegate Jackson (Dallas, Tex., Central Labor Council) said:

"Personally, I would not like to see the fifty-seventh annual convention go on record approving of the antilynching bill, for the simple reason that we in the South are able to run our own business. I refer the delegates to the splendid speech before Congress of the Honorable HATTON W. SUMNERS. We are capable of handling our own affairs, and up to this time I think we have only had 1 lynching in about every 3,000,000, and I think this convention would be discriminating against a great section of this United States, as we are capable of handling our own business."

Delegate MARTEL, Typographical Union. I would like to know if the gentleman means the way they handle union organizers in Florida and some of the Southern States is to be taken as an evidence of the desire of the southern people to maintain decent civil government.

Delegate RANDOLPH (sleeping-car porters)—

I understand he is a colored man—

Mr. Chairman, I simply rise to endorse the report of the committee. I think it is a very splendid report and ought to be supported by this entire convention. It seems almost inconceivable that anyone would get up and oppose such a report.

As a matter of fact, the history of lynching in the South indicates that the Southern States are not prepared to deal with this problem. They have not dealt with it in the past.

This is a colored man talking.

In the last 50 years over 5,000 people have been lynched in the Southern States.

"Five thousand people have been lynched in the Southern States." This is Randolph, a colored man, talking.

One thousand or more were white, and certainly there is no evidence that the Southern States are qualified or even have the intention of handling this question with justice.

The only way to eliminate lynching in America is to have some Federal antilynching law enacted. I think this committee's report is very splendid, and I hope the convention will adopt it.

The report of the committee was adopted by a practically unanimous vote.

Fellow Senators, that is what was done by the American Federation of Labor in convention assembled.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. Yes, sir.

Mr. CONNALLY. There is a popular idea that this bill does not cover labor disturbances and disputes, but I call the attention of the Senator from Louisiana to section 2 of the bill, which reads as follows:

Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

For the sake of illustration, let us assume that there is a labor conflict, a strike, with one group of strikers and another group of antistrikers, or on the one hand the American Federation of Labor and on the other the C. I. O. The police interfere and arrest one of the disturbers and start to deal with him. If the officer should be interfered with, or the prisoner should be taken away from the officer by either group, as frequently happens in labor disputes, they would immediate become subject to the provisions of this bill, if it should be enacted into law, and subject to criminal prosecution and criminal penalties.

Mr. ELLENDER. I doubt if they would come under the bill if the proviso which is now in it shall remain in it.

Mr. CONNALLY. But an amendment has been offered by the Senator from Illinois [Mr. LEWIS] to eliminate that particular proviso.

Mr. ELLENDER. I understand that that is the case.

Mr. CONNALLY. Under the general terms of the bill, however, without the exception, labor disputes would be within the terms of the bill.

Mr. ELLENDER. That is true. Am I to understand the Senator from Texas to indicate that he will offer an amendment that will include labor as well?

Mr. CONNALLY. An amendment is being prepared making the bill applicable not merely to labor but to anybody, any three persons who may do these things. There is no reason why we should discriminate as between different kinds of persons.

Mr. ELLENDER. I agree with the Senator. Such an amendment will tend to make the bill more constitutional, anyhow, if that is possible.

Mr. President, as I have just stated, I believe the American Federation of Labor should keep out of this controversy unless it first gets the facts. I think it could perform a much better service to the people of the Nation if its members would really study the issue—not merely the antilynching problem, but the race problem.

The representative of the American Federation of Labor, Mr. Randolph, condemns the South with the statement that "In the last 50 years over 5,000 people have been lynched in the Southern States."

Certainly the records do not justify this statement. A few days ago the senior Senator from Tennessee [Mr. McKELLAR] made reference to certain data prepared for the World Almanac by Monroe N. Work, director of the department of records and research, Tuskegee Institute, Alabama, and editor of the Negro Year Book. By reference to these records, which will be found on page 282 of the World Almanac for 1937, it will be found that between the years 1882 and 1935, the total lynchings in the United States amounted to 4,681—1,311 whites and 3,370 Negroes—a total for the entire United States for 54 years, of 4,681 lynchings; and yet Mr. Delegate Randolph, of the American Federation of Labor, accuses the South alone of over 5,000 lynchings during the past 50 years!

There is another table found on the same page of the World Almanac, prepared by the same person from Tuskegee Institute, which lists, by States, the total number of lynchings in the United States from 1889 to 1933. If Senators will total up the number of lynchings as shown by this table for the 13 Southern States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Virginia, Tennessee, and Texas, they will find that in this 45-year period these Southern States are charged with 3,151 lynchings. Since the total lynchings in the United States for the years from 1934 through 1937 amounted to only 52, it may readily be seen that Randolph erred deliberately in his charge that the South was responsible for over 5,000 lynchings in the past 50 years, and for that reason, as he says, is "not prepared to deal with this [the lynching] problem."

As a matter of fact, the South is prepared to deal with, and is meeting, the lynching problem. I believe that fact has been clearly and without a doubt established by my colleagues who have heretofore spoken on this subject. In this connection, I should like to quote further from the report mentioned by me a few minutes ago, prepared by the representative of the Tuskegee Institute, regarding lynching in 1935. I quote from the report:

> There were 53 instances in which officers of the law prevented lynchings. Nine of these were in Northern and Western States, and 44 in Southern States. In 42 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 11 other instances armed force was used to repel the would-be lynchers. A total of 84 persons, 17 white and 67 Negro, were thus saved from death at the hands of mobs.

I repeat that Mr. Randolph was wrong when he stated at the American Federation of Labor convention that 5,000 Negroes were hanged in the South during the past 50 years, and that the South is making no progress in dealing with this problem. It is such propaganda as that which is being spread throughout this Nation which is giving a little backing to this bill, and nothing more. Certainly it is not based on facts.

Mr. President, as I stated a while ago, the problem of lynching is strictly a southern problem. We have had the larger percentage of Negro population ever since this country has been a country. We have had to deal with the Negroes. Let me state to you the percentage of the Negro population in the South as compared with that of the North.

Mr. President, the figures I desire now to give are for the 13 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. The figures are taken from the Census Bureau reports. The table shows the geographic distribution of the Negro population from 1850 to 1930, as follows:

	13 Southern States		Remainder of the United States	
	Number	Percent	Number	Percent
1850	3,152,998	87	485,810	13
1860	3,890,037	88	551,793	12
1870	4,161,242	85	718,767	15
1880	5,631,749	86	949,044	14
1890	6,408,272	86	1,080,404	14
1900	7,527,007	85	1,306,987	15
1910	8,327,377	85	1,500,386	15
1920	8,441,106	81	2,022,025	19
1930	8,805,635	74	3,085,508	26

I cite these figures merely to show to the Senate that we have the greater portion of the Negro population of the country in the 13 Southern States, yet 35 of the Northern, Eastern, and Western States are now attempting to tell us how to handle the Negro problem. I repeat, we have had to deal with the Negro problem since the Negroes were landed in the United States about 1619, on the James River, and we will have that problem to deal with as long as the country remains as it is. We have tried in every way we know to separate the races, to segregate them, and not to amalgamate them, as would eventually be done if the pending bill and similar measures were enacted. I repeat, if there were an amalgamation of the races, political equality would lead to social equality, and social equality would eventually spell the decay and downfall of our American civilization.

I propose to show the Senate by actual figures how nations in the past have decayed because of having Negro blood mixed with white blood, and that is what we are destined for unless we check it.

I desire now to come to a discussion of the States themselves, and I ask, What interest does the State of Maine have in the Negro problem, when in that State less than one-tenth of 1 percent of the State's population is Negro, according to the 1930 census? The folks in Maine certainly do not know anything about the Negro problem. Whenever the colored people find that the whites are superior to them in number, they usually toe the mark, but whenever they feel that they are equal in strength to the whites, if they are given an inch they take a yard.

EXHIBIT A

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes—Years 1935 and 1936

	1935			1936		Total
	Whites	Colored	Total	Whites	Colored	
City of New Orleans:						
Murders	22	26	48	23	24	47
Manslaughter	27	10	37	14	5	19
Rape	7	11	18	9	11	20
Robbery	52	29	81	57	40	97
Aggravated assault	107	111	218	108	122	230
Burglary	119	131	250	142	165	307
Larceny	427	399	826	375	339	714
Auto theft	31	18	49	25	12	37
Total	[1] 792	[1] 735	1,527	[1] 753	[1] 718	1,471
City of Washington:						
Murders	19	53	72	17	42	59
Manslaughter	29	15	44	6	6	12
Rape	9	13	22	5	9	14
Robbery	163	359	522	212	644	856
Assault	105	313	418	78	296	374
Housebreaking (burglary)	301	916	1,217	297	1,465	1,762
Larceny	209	330	539	149	348	497
Auto theft	146	5	151	13	------	13
Total	[2] 981	[2] 2,004	2,985	[3] 777	[3] 2,810	3,587

[1] About even. [2] Over 2 to 1. [3] Almost 4 to 1.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau; taken from 1930 Census]

	Washington	New Orleans
Total population	486,869	458,762
Negro population	132,068	129,632
Percentage of Negro population to total	27	28

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LODGE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hayden	Murray
Andrews	Connally	Hill	Norris
Bailey	Copeland	Johnson, Colo.	Overton
Bankhead	Donahey	Lodge	Pope
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	McAdoo	Sheppard
Bone	Gibson	McCarran	Shipstead
Brown, N. H.	Guffey	McGill	Thomas, Utah
Bulkley	Hale	McKellar	Vandenberg
Bulow	Harrison	Miller	Van Nuys
Byrnes	Hatch	Minton	

The PRESIDING OFFICER. Forty-three Senators having answered to their names, a quorum is not present.

Mr. BARKLEY. Mr. President, an order heretofore entered directing the Sergeant at Arms to request the attendance of absent Senators is still in force, and I insist upon its observance.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Mr. President, it was argued a while ago that the formal order became vacated by reason of the appearance of a sufficient number of Senators to constitute a quorum. Does that order still remain in full force and effect?

The PRESIDING OFFICER. The Chair is advised by the parliamentary clerk that not having been formally vacated, the order is still in effect.

Mr. McKELLAR. I move that the order be vacated.

Mr. CONNALLY. On that I demand the yeas and nays.

The PRESIDING OFFICER. The Chair is advised by the parliamentary clerk that that motion is not in order in the absence of a quorum.

Mr. DUFFY, Mr. GILLETTE, Mr. MALONEY, Mr. MCNARY, Mr. RADCLIFFE, Mr. RUSSELL, and Mr. SCHWARTZ entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The Senate ordered the Sergeant at Arms to do certain things. Has the Sergeant at Arms ever made a report to the Senate?

The PRESIDING OFFICER. The Chair is not in receipt of any report from the Sergeant at Arms.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is it in order to move to vacate the order directed to the Sergeant at Arms?

Mr. BARKLEY. Mr. President, I make the point of order that the Senator from Louisiana [Mr. ELLENDER] has the floor, and no motion of any sort is in order unless the Senator from Louisiana yields for that purpose.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I rise to a question of privilege of the Senate. The Senate is entitled to a quorum all the time; not just for a second, after which most of the Senators may run out of the Chamber. When the roll was called some 25 minutes ago certain Senators answered and immediately departed, and then the Sergeant at Arms was instructed, under an order of the Senate previously entered, to request the attendance of absent Senators. A quorum, in my opinion, is a physical fact, to be determined by the Presiding Officer based upon the Senators who are present; not upon Senators who are over in the office building, or on the little car riding to the office building, or down in the restaurant, or out in the Secretary's office, or in some other office.

I understand that it is a habit of the clerks at the desk, when a Senator merely walks through the Chamber and walks on out, to put him on the roll; and he stays on it until some other quorum call is had.

That is not a quorum. The Senator from Texas is going to challenge the integrity of the roll calls from now on. The Senator from Texas does not wish to embarrass anybody, but if the Senate is going to order us to stay here and debate this bill I want Senators to stay here and hear the debate, because if they do they will not vote for this infernal measure.

The PRESIDING OFFICER. The Senate will receive a report from the Sergeant at Arms.

The SERGEANT AT ARMS. The Sergeant at Arms desires to report that a quorum has been produced, as the record shows.

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield to me for the purpose of making a motion to discharge the Sergeant at Arms from the further production of absent Senators?

Mr. ELLENDER. I yield for that purpose.

Mr. McKELLAR. Mr. President, I move that the Sergeant at Arms be discharged from the further execution of the order to procure the presence of absent Senators.

The PRESIDING OFFICER. That motion is in order.

Mr. MINTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MINTON. If the Senator from Louisiana yields for the purpose of permitting the Senator from Tennessee to make that motion, does he lose the floor?

The PRESIDING OFFICER. He loses the floor. The question is on the motion of the Senator from Tennessee.

Mr. BARKLEY. Mr. President, is that motion debatable?

The PRESIDING OFFICER. The Chair believes it is debatable.

Mr. BARKLEY. I have no desire to debate the motion. I merely wish to call attention to the fact that the question of a quorum is a matter of privilege for the Senate. The object of the motion which I made in the beginning to instruct the Sergeant at Arms—which is always in order when the presence of a quorum is not developed—is to bring in absent Senators. The Chair held that that order was good until vacated, and would apply to any future roll call until vacated, in order that a quorum might be obtained. For that reason, while it makes no difference to me whether or not the order is vacated, it might facilitate obtaining a quorum if the Sergeant at Arms should rest under a continuing order, whenever on a roll call a quorum is not developed, to produce one.

Mr. McKELLAR. That is just the point. That is why I made the motion to discharge the Sergeant at Arms from the further execution of the order. I believe the Sergeant at Arms stated, under a preceding motion which I made when there was not a quorum present, and which the Chair very properly held could not be entertained so long as there was not a quorum, that I was undertaking to discharge him. I want him to understand that we are not trying to discharge the Sergeant at Arms at all, but are merely trying to discharge him from the further execution of this order; and I insist upon the motion.

Mr. BARKLEY. Mr. President, if the Senator will yield, does the Senator take the position that he does not want a quorum kept here or produced?

Mr. McKELLAR. I do want a quorum kept here or produced; but I think it ought to be accomplished by a motion made in each individual case, and I do not think a standing order of that kind ought to be made.

Mr. BARKLEY. Mr. President, I move to lay on the table the motion of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained. If present, he would vote "yea."

Mr. BYRNES. I have a pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "nay."

Mr. COPELAND. My colleague [Mr. WAGNER] is detained from the Senate by illness. If present, he would vote "yea."

Mr. McKELLAR (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. TOWNSEND]. I inquire whether or not he has voted.

The PRESIDING OFFICER. The Senator from Delaware has not voted.

Mr. McKELLAR. In that case I transfer my pair with him to the senior Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

The roll call resulted—yeas 33, nays 13, as follows:

YEAS—33

Ashurst	Copeland	Lundeen	Schwartz
Barkley	Donahey	McGill	Schwellenbach
Bone	Duffy	McNary	Thomas, Okla.
Bridges	Frazier	Maloney	Thomas, Utah
Brown, N. H.	Gibson	Minton	Truman
Bulkley	Gillette	Murray	Van Nuys
Bulow	Guffey	Norris	
Capper	Lodge	Pope	
Clark	Lonergan	Radcliffe	

NAYS—13

Adams	Connally	Hill	Reynolds
Bailey	Ellender	McKellar	Russell
Bankhead	Harrison	Overton	Sheppard
Byrnes			

NOT VOTING—50

Andrews	Gerry	La Follette	Shipstead
Austin	Glass	Lee	Smathers
Berry	Green	Lewis	Smith
Bilbo	Hale	Logan	Steiwer
Borah	Hatch	McAdoo	Townsend
Brown, Mich.	Hayden	McCarran	Tydings
Burke	Herring	Miller	Vandenberg
Byrd	Hitchcock	Moore	Wagner
Caraway	Holt	Neely	Walsh
Chavez	Hughes	Nye	Wheeler
Davis	Johnson, Calif.	O'Mahoney	White
Dieterich	Johnson, Colo.	Pepper	
George	King	Pittman	

The PRESIDING OFFICER. On this question the yeas are 33, the nays are 13. A quorum, therefore, is not present, and the clerk will call the roll in order to develop a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lonergan	Reynolds
Ashurst	Duffy	Lundeen	Russell
Bailey	Ellender	McCarran	Schwartz
Bankhead	Frazier	McGill	Schwellenbach
Barkley	Gibson	McKellar	Sheppard
Bone	Gillette	McNary	Shipstead
Borah	Guffey	Maloney	Thomas, Okla.
Bridges	Harrison	Minton	Thomas, Utah
Brown, N. H.	Hatch	Murray	Truman
Byrnes	Hayden	Norris	Van Nuys
Clark	Hill	Overton	
Connally	King	Pope	
Copeland	Lodge	Radcliffe	

The VICE PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

The Chair will ask the Senate to indulge him while he makes a statement touching the rule under which the Senate is at present proceeding.

In nearly all parliamentary bodies with which the Chair is familiar, when the absence of a quorum is suggested, the roll is called, and when a quorum is developed, the Members vote on the question at issue, and it is decided.

Under the procedure in the Senate, as the Chair understands the rules and the precedents, when a question is presented and the yeas and nays are taken, and a quorum is not developed on the vote, the roll is called, as has been done in the present instance. A quorum is now present, and the question is on agreeing to the motion of the Senator from Kentucky. The question will be submitted to a yea-and-nay vote, the yeas and nays having been ordered, and if the roll call should again show less than 49 Senators present, the roll would again have to be called for the purpose of developing a quorum.

It seems to the Chair that a simpler rule would be to provide that when a quorum had been developed in such a case, the Senators who had not voted on the previous vote should have an opportunity to cast their votes. That would greatly facilitate the proceedings.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR]. The yeas and nays have been ordered.

Mr. CONNALLY. Mr. President—

The VICE PRESIDENT. The question is not debatable. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GIBSON (when Mr. AUSTIN's name was called). I announce that my colleague [Mr. AUSTIN] is unavoidably detained from the Senate. If present, he would vote "yea" on this question.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. On this question I do not know how he would vote. If at liberty to vote, I should vote "yea."

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. BULKLEY], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from West Virginia [Mr. HOLT], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. McADOO], the Senator from Arkansas [Mr. MILLER], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

Mr. McNARY. I announce the following general pairs:

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Vermont [Mr. AUSTIN] with the Senator from Arkansas [Mr. MILLER];

The Senator from Oregon [Mr. STEIWER] with the Senator from Tennessee [Mr. BERRY]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Mississippi [Mr. BILBO].

I also announce that the Senator from Pennsylvania [Mr. DAVIS], the Senator from Maine [Mr. HALE], the Senator from Oregon [Mr. STEIWER], the Senator from Delaware [Mr. TOWNSEND], the Senator from North Dakota [Mr. NYE], and the Senator from Michigan [Mr. VANDENBERG] are necessarily detained.

The roll call was concluded.

The result was announced—yeas 35, nays 11, as follows:

YEAS—35

Adams	Donahey	Lonergan	Pope
Ashurst	Duffy	Lundeen	Radcliffe
Barkley	Frazier	McCarran	Schwartz
Bone	Gibson	McGill	Schwellenbach
Bridges	Gillette	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Capper	Hatch	Minton	Truman
Clark	Hayden	Murray	Van Nuys
Copeland	Lodge	Norris	

NAYS—11

Andrews	Ellender	McKellar	Russell
Bankhead	Hill	Overton	Sheppard
Connally	King	Reynolds	

NOT VOTING—50

Austin	Davis	Johnson, Colo.	Shipstead
Bailey	Dieterich	La Follette	Smathers
Berry	George	Lee	Smith
Bilbo	Gerry	Lewis	Steiwer
Borah	Glass	Logan	Townsend
Brown, Mich.	Green	McAdoo	Tydings
Bulkley	Hale	Miller	Vandenberg
Bulow	Harrison	Moore	Wagner
Burke	Herring	Neely	Walsh
Byrd	Hitchcock	Nye	Wheeler
Byrnes	Holt	O'Mahoney	White
Caraway	Hughes	Pepper	
Chavez	Johnson, Calif.	Pittman	

The VICE PRESIDENT. On this vote the absence of a quorum is disclosed.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. When a Senator is in the Senate Chamber and votes "present," is he counted in the calling of the roll for a quorum?

The VICE PRESIDENT. He is counted; yes.

A quorum is not present.

Mr. BARKLEY. Mr. President, I ask unanimous consent to make a statement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky that he be permitted to make a statement? The Chair hears none.

Mr. BARKLEY. Mr. President, I am advised that a number of Senators who are in the vicinity of the Chamber, have not answered on the last roll call. I wish Senators to know that so long as those present will sustain me we propose to stay here tonight until a quorum is developed if it takes all night. What we will do when the quorum is developed is another matter. I am not willing to have the Senate admit that it cannot obtain a quorum of its Members in order to carry a motion. If Senators think they can break up this session by remaining on the outside of the Senate Chamber and refuse to answer to their names, I wish to serve notice that, at least insofar as I can, I shall attempt to keep the Senate in session tonight until a quorum is developed.

The VICE PRESIDENT. The Chair might make an additional statement, with the permission of the Senate. A quorum developed just prior to this vote. A quorum developed just prior to the former vote. What has occurred illustrates the chaotic condition of the rules of the Senate with reference to this particular subject. The Chair wishes the chairman of the Rules Committee of the Senate were present so that he could take official notice of it.

Does the Senator from Kentucky desire a roll call in order to develop a quorum?

Mr. BARKLEY. Automatically the roll must now be called in order to obtain a quorum.

The VICE PRESIDENT. The Chair is advised by the parliamentary clerk that automatically under the rules the roll must be called for the purpose of developing a quorum.

The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hill	Overton
Andrews	Connally	King	Pope
Ashurst	Copeland	Lodge	Radcliffe
Bailey	Donahey	Lonergan	Reynolds
Bankhead	Duffy	Lundeen	Russell
Barkley	Ellender	McCarran	Schwartz
Bone	Frazier	McGill	Schwellenbach
Borah	Gibson	McKellar	Sheppard
Bridges	Gillette	McNary	Shipstead
Brown, Mich.	Guffey	Maloney	Thomas, Okla.
Brown, N. H.	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tydings
Capper	Hayden	Norris	Van Nuys

The PRESIDING OFFICER (Mr. CLARK in the chair). Fifty-two Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Tennessee [Mr. MCKELLAR]. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BORAH (when his name was called). Present.

Mr. SHIPSTEAD (when his name was called). Making the same announcement as before, I withhold my vote.

The roll call was concluded.

Mr. MCKELLAR (after having voted in the negative). On this question, as on previous roll calls, I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], who is not present. I transfer my pair with him to the senior Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

Mr. MINTON. The Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Ohio [Mr. BULKLEY], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Iowa [Mr. HERRING], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from West Virginia [Mr. HOLT], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. MCADOO], the Senator from Arkansas [Mr. MILLER], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained. If present, he would vote "yea."

Mr. COPELAND. My colleague [Mr. WAGNER] is absent on account of illness. If present, he would vote "yea."

Mr. MCNARY. I announce the following general pairs:

The Senator from Vermont [Mr. AUSTIN] with the Senator from Arkansas [Mr. MILLER];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Oregon [Mr. STEIWER] with the Senator from Tennessee [Mr. BERRY]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Mississippi [Mr. BILBO].

I also announce that the Senator from Vermont [Mr. AUSTIN], the Senator from Delaware [Mr. TOWNSEND], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oregon [Mr. STEIWER], the Senator from North Dakota [Mr. NYE], the Senator from Maine [Mr. HALE], and the Senator from Michigan [Mr. VANDENBERG] are necessarily detained from the Senate.

The roll call resulted—yeas 36, nays 11, as follows:

YEAS—36

Adams	Copeland	Lodge	Norris
Ashurst	Donahey	Lonergan	Pope
Barkley	Duffy	Lundeen	Radcliffe
Bone	Frazier	McCarran	Schwartz
Bridges	Gibson	McGill	Schwellenbach
Brown, Mich.	Gillette	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Capper	Hatch	Minton	Truman
Clark	Hayden	Murray	Van Nuys

NAYS—11

Andrews	Ellender	McKellar	Russell
Bankhead	Hill	Overton	Sheppard
Connally	King	Reynolds	

NOT VOTING—49

Austin	Dieterich	La Follette	Smathers
Bailey	George	Lee	Smith
Berry	Gerry	Lewis	Steiwer
Bilbo	Glass	Logan	Townsend
Borah	Green	McAdoo	Tydings
Bulkley	Hale	Miller	Vandenberg
Bulow	Harrison	Moore	Wagner
Burke	Herring	Neely	Walsh
Byrd	Hitchcock	Nye	Wheeler
Byrnes	Holt	O'Mahoney	White
Caraway	Hughes	Pepper	
Chavez	Johnson, Calif.	Pittman	
Davis	Johnson, Colo.	Shipstead	

The PRESIDING OFFICER. On this question the yeas are 36 and the nays are 11. One Senator has answered "present" and one Senator, being present, has announced his pair. A quorum is present, and the motion of the Senator from Tennessee [Mr. MCKELLAR] is laid on the table.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky has the floor, having been recognized by the Chair.

Mr. BARKLEY. I simply wish to inquire whether the Senator from Louisiana wants to go on now or to suspend until tomorrow.

Mr. ELLENDER. I will state to the Senator from Kentucky that I cannot conclude my remarks today.

Mr. BARKLEY. Under those circumstances, I do not desire to hold the Senate in session any longer. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair would like to state that, so far as he is concerned, he should be glad to recognize the Senator from Louisiana; but the Senator from Louisiana, having yielded, he lost the floor, and the Chair recognized the Senator from Kentucky.

Mr. BARKLEY. The Chair is correct about that. I wish to say that I did not want to take advantage of the Senator from Louisiana, but I did not understand that he wanted to proceed further tonight.

The PRESIDING OFFICER. The Chair would have been glad to recognize the Senator from Louisiana.

Mr. ELLENDER. I should like to have the floor tomorrow morning.

The PRESIDING OFFICER. The Chair cannot control that matter, because the present occupant of the chair may not be in the chair tomorrow. If the present occupant of the chair should be in the chair tomorrow, he would be glad to recognize the Senator from Louisiana.

Mr. BARKLEY. There will not be any trouble about that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CLARK in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF COMMITTEE ON THE JUDICIARY

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Toxey Hall, of Mississippi, to be United States attorney for the southern district of Mississippi, vice Robert M. Bordeaux, which was ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

POSTMASTER

The legislative clerk read the nomination of Peter M. Davey to be postmaster at Bridgeport, Conn.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Saturday, January 15, 1938, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 14 (legislative day of January 5), 1938

NATIONAL MEDIATION BOARD

Otto S. Beyer, of Virginia, to be a member of the National Mediation Board for the term expiring February 1, 1941. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE

Rufus W. Fontenot, of New Orleans, La., to be collector of internal revenue for the district of Louisiana to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 14 (legislative day of January 5), 1938

APPOINTMENTS IN THE REGULAR ARMY

Brig. Gen. Percy Poe Bishop to be a major general.
Col. Jay Leland Benedict to be a brigadier general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Howell Harrell to Quartermaster Corps.
First Lt. Graydon Casper Essman to Chemical Warfare Service.
First Lt. Travis Ludwell Petty to Chemical Warfare Service.
Second Lt. Gordon Harrison Austin to Air Corps.
Second Lt. German Pierce Culver to Air Corps.
Second Lt. Jackson Holt Gray to Air Corps.
Second Lt. James Rutland Gunn to Air Corps.
Second Lt. Harry Ripley Melton, Jr., to Air Corps.

PROMOTIONS IN THE REGULAR ARMY

Louis Roberts Dougherty to be colonel, Field Artillery.
Samuel Roland Hopkins to be colonel, Field Artillery.

Otto Frederick Lange to be lieutenant colonel, Infantry.
Harlan Leslie Mumma to be lieutenant colonel, Quartermaster Corps.
Alexander Mathias Weyand to be lieutenant colonel, Infantry.
Walter David Mangan to be lieutenant colonel, Field Artillery.
Edgar Ambrose Jarman to be major, Judge Advocate General's Department.
William Giroud Burt to be major, Infantry.
Howard Webster Lehr to be major, Infantry.
Marshall Joseph Noyes to be major, Corps of Engineers.
Charles Manly Walton to be major, Infantry.
Versalious Lafayette Knadler to be major, Field Artillery.
Samuel Lyman Damon to be major, Corps of Engineers.
Thomas Cleveland Lull to be major, Infantry.
Leonard Sherod Arnold to be major, Field Artillery.
Henry Blodgett McIntyre to be colonel, Medical Corps.
Martin Robert Reiber to be lieutenant colonel, Medical Corps.
William Kenneth Turner to be lieutenant colonel, Medical Corps.
Fletcher Emory Ammons to be major, Medical Corps.
Clifford Paul Michael to be captain, Medical Corps.
Oscar Samuel Reeder to be captain, Medical Corps.

POSTMASTER

CONNECTICUT

Peter M. Davey, Bridgeport.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 14, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, author of the morning light, guardian through the darkness and the shadow of the night, be with us in the experiences of the day. Whatever may be our trial, give us the courage to stand without compromise for that which we believe to be true. Grant that the mists of uncertainty may be dispensed in the sunlight of a happy faith. Almighty God, we breathe out of our heart an earnest prayer for our Capital City; the circles of crime are dipping to murky depths. Be it according to Thy will to suppress the corrupting forces, lest they be instruments of immeasurable degradation. We pray that all righteous citizens may unite their powers to drain and cleanse the moral scrofula out of the dark channels of our city life. May they labor sleeplessly for her fair name and character. We thank Thee for our home life; may it ever be a symbol to us of Thy beautiful household where Thy presence pervades. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table and the legislative program for the day, that I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

JOINT COMMITTEE ON HAWAII

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Joint Committee on Hawaii may have 30 days more in which to file their report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert therein some short newspaper clippings and a table.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address delivered by my colleague the gentleman from Connecticut [Mr. CITRON] and the Reverend Gilbert, chaplain of the Senate of the State of Connecticut, on the subject of flood control.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOME RULE FOR THE NATIONAL CAPITAL

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to address the House for 1 minute. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, in the other body much has been said in recent days of certain conditions existing in the Capital. I today have introduced a joint resolution proposing an amendment to the Constitution of the United States to provide for a republican form of government and representation in the Congress for the District of Columbia.

The time has come for the Congress of the United States to relieve itself from the burden of operating a municipal administration in the National Capital.

The problems of national government have become so complex and so strenuous that I am sure I speak for all my colleagues in saying none of us ever has enough time to do his work as he would like to. As much as has been accomplished since 1933 we all know that a great deal remains to be done before the United States is firmly established on a basis of permanent modern democratic prosperity.

I make this preamble by way of explaining why I say that Congress should divest itself now of an unnecessary and unjust burden: the operation of the District government.

When the Constitution of the United States was written, article I, section 8, directed the Congress:

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislation of the State in which the same shall be, for the erection of forts, magazines and arsenals, dockyards, and other needful buildings.

It is that phrase "exclusive legislation in all cases whatsoever" which continues to place upon Congress the unnecessary and unjust burden of which I have spoken.

When the founding fathers were building the structure of the National Government, what is now the District of Columbia was no more than a village and a vision. Nobody conceived the present thriving and magnificent city of 625,000, nor the Washington we will have 10 years from now.

By 1947, according to George McAneny, chairman of the committee appointed by President Roosevelt in 1936 to study Washington's fiscal affairs, there will be 1,000,000 residents in the District. Thus we have confronting us an extremely important, fundamental issue.

Shall 1,000,000 Americans be disenfranchised, denied the right of citizenship, because they have moved to the Capital of the United States?

It is not necessary to argue the question of whether an American citizen should have the right to vote. That was settled by the Declaration of Independence and the Revolutionary War.

Yet at the heart and Capital of the world's most powerful democracy we have a great city in which the legal residents are denied the right of representation in the tax-making and law-making bodies, denied the right to elect their administrative government; denied the right to vote on the Presidency of the United States; and denied the right to elect or otherwise express their views upon the judges of their courts. Such a condition is repugnant to every true democrat. It is a denial of the democratic principle. It was never intended by the makers of the Constitution, I feel certain; even if it were, I brand it as un-American, unjust, and untenable.

In these times we hear the democratic principle of government denounced and reviled. Mussolini curses democracy and says that he stamps upon its rotten body. Hitler ridicules democracy as old-fashioned and the impossible in the modern economy. Stalin mocks it by shooting all political opposition—at the same time he marches his groveling subjects to the polls to vote for him. In Japan democracy is not even discussed.

It would become the Congress of the United States at this time to demonstrate the American confidence in democratic principles of government by instituting such at the Capital of the United States, and such is my motive in proposing the amendment to the Constitution of the United States here offered. This amendment simply relaxes the mandate of article I, section 8, that Congress must legislate in all cases whatsoever for the District.

This amendment would permit Congress to confer upon the District of Columbia whatever degree of sovereignty possible which is not in conflict with the general purpose of maintaining the seat of the National Government here. It would allow Congress to unburden itself of the many, many trivial and unimportant matters of municipal legislation which we cannot do now under article I, section 8. Both the Congress and the Supreme Court have made repeated efforts to find a way around that stricture, but if language has any meaning—and we must be honest in interpreting the Constitution—there is no escape short of amendment.

I wish to assure all legal residents of the States, who maintain establishments in the District, that their citizenship would be in no way affected by the granting of voting rights to legal citizens of the District proper. Many persons live in Washington and work for the Government, but maintain their voting rights in the States. Whatever the laws that might be enacted to grant the vote to bona fide legal residents of the District, it would have no effect whatsoever upon them. Only the laws of their own States could alter their status as voters.

I ask that this proposal be given serious consideration by every Member with a view to relieving all of us from the burden of operating the District government; to endowing the residents of this Capital with the citizenship to which they are entitled; and to demonstrating to the world that the Congress of the United States still has faith in democracy.

EXTENSION OF REMARKS

Mr. ALLEN of Pennsylvania asked and was given permission to extend his own remarks in the RECORD.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE GENERAL WELFARE ACT—H. R. 4199

Mr. SMITH of Washington. Mr. Speaker, 104 Members of this body have attached their signatures to the petition on the Speaker's desk for the discharge of the Ways and Means Committee from further consideration of the General Welfare Act, H. R. 4199, which embodies the principles of the Townsend national recovery plan, and bring it before the House for consideration and vote. No less than 108 Members of this body have signed a letter addressed to Hon. ROBERT L. DOUGHTON, chairman, Ways and Means Committee, petitioning for a hearing of said measure before that legislative committee. In other words, the chosen representatives of over 27,000,000 citizens, approximately the same number who voted for the election of President Roosevelt in 1936, have asked that this great legislative proposal be heard upon its merits before the proper committee and before this House. We have every confidence and assurance that this request of so numerous a body of American citizens will be granted and that H. R. 4199, the General Welfare Act, will be fully heard before the Ways and Means Committee and this House during this session of Congress. Many of the facts and arguments in support of this legislation are set forth in a speech which I delivered in Old South Church, Boston, Mass., and which may be found in the Appendix of the CONGRESSIONAL RECORD, Seventy-fifth Congress, first session, on pages 1812-1815.

Mr. Speaker, for the information of the Members of the House and the country, I also make a brief analysis of the provisions of the General Welfare Act, H. R. 4199. I take this opportunity to earnestly urge my colleagues who have not already done so to sign both the discharge petition on the Speaker's desk and the petition to Hon. ROBERT L. DOUGHTON, chairman, Ways and Means Committee. No Member of the House will ever have cause to regret doing so and, in my opinion, will some day be proud of his action.

ANALYSIS OF PROVISIONS OF THE GENERAL WELFARE ACT OF 1937, H. R. 4199

1. A monthly annuity for life to all citizens of the United States over 60 who have been citizens for over 5 years, and not to exceed $200 per month, so as to create purchasing power for the things the Nation can produce.

2. The annuity to be spent during the current calendar month so as to utilize this purchasing power in putting all idle factories and farms to work at full capacity, the old people to be merely the disbursing agents for Uncle Sam and put the young and middle-aged to work manufacturing and producing things for them. Annuitants must "buy American" and employ Americans.

3. The annuitants to retire from all gainful pursuits so as to create additional jobs for the young and middle-aged.

4. Annuitants may not save money for burial purposes, but may take out life insurance on their own lives of not exceeding $1,000 to provide for this. They may continue paying premiums on life or endowment policies taken out over a year before the effective date of this act.

5. Annuitants must pay all just debts, including debts contracted before they became annuitants, but may not spend more than 10 percent of their annuities each month for such back debts and gifts (except tithing to a church or religious institution).

6. They may support actual dependents but cannot maintain any able-bodied person in idleness or any person in drunkenness or gambling, or pay clearly unreasonable wages to any person.

7. The annuity is free from levy by any court process and may not be assigned. (It is also free from any tax levy.)

8. If any annuitant disposes of any property purchased with his annuity he must spend the proceeds within the current calendar month.

9. Annuitants must file returns each month under oath at their local post offices and these returns must, in general terms, state the truth as to how annuities were spent or the annuitants are subject to perjury charges as well as charges of defrauding the Government.

10. Annuitants who violate the rules with reference to the expenditure of the annuities forfeit, upon conviction before a judge or jury in United States district court, one-fourth of the amount of their annuities for life for each violation.

11. Applications for annuities to be filed with local postmaster with proof of age and citizenship, photo and fingerprint record for identification purposes so that one person will not apply in two different States or in different places in the same State.

12. Applicants for annuities, annuitants, and postmasters may call upon the local United States district attorney for advice and assistance in connection with problems arising under the act.

13. Applicants and annuitants may, in informal proceedings, petition the United States district court for rulings as to their rights under the law.

14. No annuity to be paid to persons forcibly confined in institutions, or to persons not domiciled within the United States or its Territories, or en route between the States and Territories.

15. Annuitants may terminate their annuities upon proper notice.

16. The annuities to be financed by means of a 2-percent tax on transactions, which term includes all transfers for a money consideration, all service furnished for a consideration (except personal services rendered by employees to their employers), the winnings of any lottery, the payment of any membership fees, all inheritances and gifts, and the use of any raw material, article, or product on which a transaction tax has not been paid, as a component part in the manufacture of any other article or product.

17. There is no tax on transactions of pure barter or exchange, nor on transactions by or through governmental agencies or instrumentalities. (There is no tax on religious services.)
18. The tax is not payable until the money consideration passes.
19. On executory or time-payment contracts each payment constitutes a separate transaction.
20. The tax is collected by the Collector of Internal Revenue, or such other person designated by the Secretary of the Treasury, who has general supervision over enforcement of the act and issues all rules found necessary to take care of administrative details.
21. Tax returns to be filed monthly with the collector, which returns must show the total taken in from all taxable transactions for the month.
22. No return need be filed or tax paid if the total tax is less than $1 for any month.
23. Returns must be sworn to, and besides being liable for perjury the party making any false returns may be prosecuted for defrauding the Government, with severe maximum penalties for a first offense and still more stringent penalties for subsequent offenses.
24. If the tax is not paid by the due date a civil penalty of double the amount is added, plus interest.
25. A tax lien is also provided for, which may be foreclosed in the United States district court.
26. The collection of taxes does not start until 3 full calendar months after the act takes effect.
27. The taxes must be paid and the returns made within 10 days after the end of the calendar month during which the taxes accrued.
28. At the end of the twentieth day after the end of the calendar month in which the taxes accrued, distribution takes place by checks mailed out by the Secretary of the Treasury at Washington to all annuitants whose applications have been approved by the Secretary.
29. Those applications not approved by the twentieth, and all moneys collected after the twentieth for the previous calendar month to be carried over to the next month.
30. All checks returned that were sent out to deceased annuitants, or to annuitants forcibly confined in institutions, and all penalties forfeited by annuitants, to be carried over to the next month.
31. The checks to be mailed out between the twentieth and the last of the month and to have indicated on them that, as to the annuitants, they are for the next calendar month.
32. The checks to be on a pro rata basis of the money on hand, after deducting the expenses of administration, but not to exceed $200.
33. Any balance in any month, after qualified annuitants receive $200 each, to be used in liquidation of the national debt and, when it is cleared, to go into the general fund.
34. A sufficient fund appropriated from the general fund to establish and maintain the act, subject to reimbursement from the money collected under the act.
35. All money collected under the act to go into a special fund in the Treasury to be known as the General Welfare Fund, which fund shall be used for no other purpose than for the purposes outlined in the act.
36. If for any reason payment to an annuitant is delayed to such an extent that he has two or more annuity checks on hand, he has one additional month for each month of such accumulation in which to spend the money.
37. All Federal acts or parts of acts in conflict with the provisions of the act are expressly repealed, to the extent of the conflict, and any person who accepts an annuity under the act thereby forfeits his right to any other pension, unemployment insurance or other benefit under any Federal social-security or other measure, to the extent of the amount he receives under the act.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the independent offices appropriation bill and to include some brief citations from legal reports.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD upon the subject of planned production.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUESTS FOR PERMISSION TO ADDRESS THE HOUSE

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, and I shall not object to this request, during the last session I adopted the plan of not allowing speeches when there was other business to come before the House. I said at that time that I would not object to any Member speaking for 1 minute, but during this session, Members have begun to ask for 2 minutes, and then 3 minutes. If 15 or 20 Members do this we wreck a day. I am going to have to return to what I originally did; that is, to object hereafter, until the legislative program for the day is completed, to any Member proceeding for more than 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

HOW FAR CAN TARIFFS BE REDUCED BY TRADE AGREEMENTS?

Mr. CASE of South Dakota. Mr. Speaker, my understanding is, and I believe it has been the general understanding as evidenced by the debates in this House, that under the Reciprocal Trade Agreement Act tariffs could be reduced to 50 percent of the amount that was fixed by the Tariff Act of 1930. I call attention to the fact that in the list of articles cited in the public notice of the Secretary of State relative to the proposed agreement with the United Kingdom, and printed in the RECORD of January 8, many items are listed that already have been reduced 50 percent through previous trade agreements. The public notice states that concessions will be considered on these items.

Only one interpretation can be placed on that, which is that the State Department holds it has the authority to reduce a tariff from the act of 1930 by 50 percent through trade agreements, then by a successive trade agreement to reduce it still further or another 50 percent. You can readily appreciate that by successive agreements the tariff structure may be entirely destroyed.

There is a distinct difference between the way the rate of duty is presented in the Secretary's public notice of January 8 and the way the tariff changes are set forth in the publication of the Tariff Commission. The Secretary's notice merely lists the present rate of duty, and that rate of duty in some cases is the unchanged rate under the Tariff Act of 1930 and in other cases is the rate to which a duty has been reduced by trade agreements. The Tariff Commission's periodical publication on changes gives:

RATE CHANGED—EFFECTIVE PROCLAIMED DUTY—EFFECTIVE DATE AND BASIS OF CHANGE

This fact, coupled with the fact that several items on which notice was given January 8 are already down 50 percent, indicates the Department believes each new agreement establishes a new tariff base which, in turn, can be cut in two as often as desired.

I am today introducing a resolution asking the State Department what is the basis for the rates cited in the notice of January 8 and asking them whether or not it is their interpretation that by successive agreements they can destroy the entire tariff structure without any further act of Congress.

This matter concerns every congressional district in the United States. The resolution follows:

Resolution of inquiry to determine what reduction of tariff duties is under consideration by the Department of State in the proposed trade agreement with the United Kingdom

Whereas the Secretary of State under date of January 8, 1938, gave public notice of intention to negotiate a trade agreement with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire, and the same date announced that the granting of concessions by the United States would be considered only with respect to articles described in an accompanying list; and

Whereas the present rate of duty given in the list in many instances is not the rate of duty prescribed in the United States Tariff Act of 1930, but the rate to which the article described has been reduced under trade agreements previously negotiated, and which, in some instances, are already 50 percent of the rate established in the Tariff Act of 1930, so that any further concessions would mean reducing the rate of duty to below 50 percent of the amount fixed in the Tariff Act of 1930; and

Whereas the effect of any announced intention to consider any revision of tariff schedules inevitably unsettles the industries affected, delaying expansion, and creating hesitancy in the purchase of normal stocks; and

Whereas the announced intention to consider concessions that will reduce duties that have already been cut 50 percent below the rate established by the Tariff Act of 1930 will seriously affect all industries that have adjusted themselves to the 50-percent reduction and considered that the rate was stabilized at that point; and

Whereas an interpretation of the Trade Agreement Act which would permit the negotiation of trade agreements to grant further concessions on rates already reduced 50 percent would permit the complete destruction of the tariff structure by successive agreements: Be it therefore

Resolved, That the Secretary of State is requested to transmit to the House of Representatives at the earliest practicable moment the following information, namely:

1. What is the basis of the rate of duty given in the list of products announced on January 8, 1938, on which the United States will consider granting concessions to the United Kingdom, Newfoundland, and the British Colonial Empire?

2. Which items on the list have already been reduced to 50 percent of the rate of duty provided in the United States Tariff Act of 1930?

3. Has the Department of State interpreted "The act of Congress approved June 12, 1934, entitled 'An act to amend the Tariff Act of 1930,' as extended by Public Resolution No. 10, approved March 1, 1937," to mean that it can reduce the tariff rates below those provided in the act of 1930, and then by subsequent agreements further reduce the rates to 50 percent on each preceding rate so established?

[Here the gavel fell.]

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to announce the program for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, next Monday is the day set for consideration of bills on the Consent Calendar, and I think this will not take more than 45 minutes or an hour.

It is desired to consider the naval bill on Tuesday and the remainder of the week, with the exception of Calendar Wednesday. In order to accomplish this it will be necessary to pass the pending appropriation bill by Monday evening. Of course, we can take it up after the bills on the Consent Calendar are called on Monday. I had hoped that we may be able to complete general debate on this bill by the middle of the afternoon and read it under the 5-minute rule for probably 2 hours. From the time requested for general debate on this bill it would appear that the general debate may run until 4:30 or 5 o'clock. If it develops this afternoon that this bill cannot be read today and if it appears it may be impossible to finish its consideration on Monday after the call of the bills on the Consent Calendar, it will be necessary to have a short session tomorrow.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, it has become plain that the Woodrum resolution to eliminate and reduce items in appropriation bills carries no machinery at all for any action by the Congress to override after the President acts. Neither is there any limit as to when he must cease to curtail items even after he signs the bill. This could extend into the next session of Congress.

Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to print in parallel columns in the RECORD the Hoover and Roosevelt resolutions to which the gentleman from Virginia has referred as being similar; also to include telegrams from William Green and other labor leaders, protesting this resolution.

The SPEAKER. The Chair may say to the gentleman from Kansas that the Chair is doubtful as to the propriety of his request to print anything in parallel columns. The Joint Committee on Printing has a regulation in reference to the matter. However, the Chair will submit the request, although it may be subject to some objection on the part of the Joint Committee on Printing.

Mr. LAMBERTSON. I am not asking for any special privilege.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Column 1 contains the so-called Hoover resolution, which is found on page 223, section 407, of Appropriations Estimates for the first session of the Seventy-second Congress. Column 2 contains the so-called Roosevelt proposal, found on page 304, section 407–409 of Appropriations Estimates for the Seventy-second Congress in the second session.

HOOVER	ROOSEVELT	WOODRUM
Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be transmitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall sooner approve of such Executive order or orders by concurrent resolution, in which case said order or orders shall become effective as of the date of the adoption of the resolution: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the opening day of the next succeeding regular or special session: *Provided further*, That if either branch of Congress within such 60 calendar days shall pass a resolution disapproving of such Executive order, or any part thereof, such Executive order shall become null and void to the extent of such disapproval.	Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose but shall be impounded and returned to the Treasury. The authority granted to the President under section 403 shall terminate upon the expiration of 2 years after the date of enactment of this act unless otherwise provided by Congress.	The President is authorized to eliminate or reduce by Executive order, in whole or in part, any appropriation or appropriations made by this act, or any act or joint resolution, whenever, after investigation, he shall find and declare that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby: *Provided*, That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session, and shall not become effective until after the expiration of 60 calendar days after such transmission, unless the Congress shall by law provide for an earlier effective date of such Executive order: *Provided further*, That any appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury, and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section.

I have inserted the foregoing provisions in order that all Members may know just what it is the House has voted and whether it is really the same as the authority voted to Mr. Hoover, or even to Mr. Roosevelt, in connection with reorganization.

There are three elements involved, as follows:

First. The transmission to Congress of a proposed action of the Executive and the lapse of 60 days before the Executive order can take effect.

This provision is common to all three of the laws above referred to.

Second. The carry-over provision, under which, if Congress adjourns before the 60-day period has elapsed, the Executive order shall not then take effect until 60 days after the beginning of the next succeeding session.

This provision was in the Hoover Reorganization Act; it was in the Roosevelt Reorganization Act for only 17 days, when it was repealed; and it is entirely absent from the

Woodrum provision for the Executive repeal of appropriations.

Third. Congressional disapproval and nullification of the Executive order by a simple resolution passed by a majority vote of either House of Congress.

This provision was in the Hoover Reorganization Act, but is entirely absent from the Roosevelt Reorganization Act and the Woodrum provision for Executive repeal of appropriations.

It is obvious, therefore, that the principle of the Woodrum provision for the Executive repeal of appropriations is wholly unlike that underlying the Hoover reorganization act. The latter was hedged about with every possible safeguard for congressional review of Executive action, and the machinery for blocking and nullifying Presidential action deemed by either House to be unwise was of the simplest order.

The Hoover reorganization act preserved to the Congress easily applied and effective control of Executive indiscretion at all times.

The Woodrum provision for the Executive repeal of appropriations sets up no machinery for such restraint upon unwise Executive proposals. Only the cumbersome, slow-moving legislative processes are available and these cannot often be completed within a 60-day period of time, or if completed, would be certain to meet an Executive veto requiring repassage by a two-thirds vote of both Houses.

To obviate the danger of such an adverse move in Congress, a determined Executive need only delay transmitting his action to Congress until the closing days of a session. It would then be legislatively impossible for Congress to act and the Executive order would take effect at the end of 60 days.

The Woodrum provision is much more nearly like the Roosevelt Reorganization Act, but even here there are two important differences.

In the first place, the life of the act granting reorganization power to Roosevelt was limited to 2 years, and expired automatically on March 20, 1935, without any further action by Congress. The Woodrum provision for the Executive repeal of appropriations is a grant of continuous power and cannot be brought to an end against the wishes of the Executive, except by a two-thirds' vote of both Houses.

In the second place, the Roosevelt authority was granted on the day before his first inauguration at a time when there was widespread belief that the Nation was on the verge of collapse and could only be saved by an unprecedented—peacetime—concentration of power in the hands of the Executive. That time of crisis is now past. While many Members of Congress, through force of habit, have continued to vote for legislation delegating its legislative functions to the Executive, more and more of them are awakening to the fact that there must soon be an about face in this matter, or else Congress will, before long, find itself completely emasculated and under the dominance of an all-powerful Executive.

The presentation of the Woodrum provision for Executive repeal of appropriations may have a wholesome effect in opening the eyes of Congress to the ultimate result of a continuation in its 4-year-long course of surrender to the Executive. If it will have this effect and will result in its own final defeat, it cannot be said that its presentation has been altogether a bad thing.

There seems to be a widespread impression that the Woodrum provision for Executive repeal of appropriations is the individual-item veto requested by the President in his Budget message. Such is not the case. In fact, the Woodrum Executive repeal provision is a grant of power to the President vastly greater than that requested by him in his Budget message.

The President's request is as follows:

> Appropriation item veto: An important feature of the fiscal procedure in the majority of our States is the authority given to the Executive to withhold approval of individual items in an appropriation bill, and, while approving the remainder of the bill to return such rejected items for the further consideration of the legislature. This grant of power has been considered a consistent corollary of the power of the legislature to withhold approval of items in the Budget of the Executive; and the system meets with general approval in the many States which have adopted it. A respectable difference of opinion exists as to whether a similar item-veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one.

An Executive veto must be exercised within 10 days from the final congressional passage, and it must be done before the bill is signed. Once the bill is signed or is passed over his veto, it is beyond the power of the Executive to change it. He cannot, for example, 6 months after the final approval of an appropriation bill, single out an item, dear to the heart of a particular Congressman or Senator, and by threat—subtle or blunt, as the case may be—to repeal the appropriation for that item, force the legislator into line to vote against his own conscience for some bill dear to the heart of the President. Exactly that thing could be done, however, under the Woodrum provision for Executive repeal.

The Executive repeal of appropriations in the Woodrum provision cannot be exercised until after the bill has become a law; and it is within the power of the President to repeal any appropriation, in whole or in part, any time thereafter.

Under the Executive veto any bill or provision so vetoed may become a law, notwithstanding Presidential disapproval, by a two-thirds vote of both Houses. The machinery for this is of such a simple nature that the repassage of a vetoed bill by a two-thirds vote of both Houses is often accomplished on the same day the veto message is received.

Under the Executive repeal of appropriations as contained in the Woodrum provision, no machinery whatever is set up for congressional disapproval. With the discretion which the Woodrum provision clothes the President to delay the transmission to Congress of an Executive repeal of an appropriation until the closing days of a session, it then becomes a race against time for the cumbersome, slow-moving legislative machinery to defeat the Executive will—comparable to the race between the hare and the tortoise, with the hare—in this case, the Executive will—almost certain to win out over the tortoise, the legislative will.

There may be some merit to the proposal for the individual-item veto; and if it is hedged about with the same safeguards now obtaining under the Constitution for congressional disapproval of unwise Executive action it is possible it would not produce any seriously harmful results. That is a matter which the membership of the House should carefully inquire into if and when the individual-item veto is presented for enactment.

The Woodrum Executive repeal, however, is now before the Congress and it challenges our present careful consideration. Unfortunately, in an unguarded hour, it has slipped through the House. It must yet receive the approval of another body if it is to become a law. If that body should strike it from the bill, the House will have opportunity to bring its sober second judgment to bear upon the question whether it wishes, by a final approval of this provision, to further surrender its legislative prerogatives to the Executive branch of the Government or whether it will make the high resolve—in this critical period of the Nation's history—to about-face and to begin to restore the system of checks and balances which the founders of the Republic so wisely provided as a safeguard against tyranny—whether that tyranny be one of the legislative, the Executive, or the judicial branch.

EXTENSION OF REMARKS

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD concerning the policy of authorizing the President to veto items in an appropriation bill and to insert a letter on the subject, which I have received from the chairman of the Judiciary

Committee, as well as a statement as to the position of the various States upon this matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. MICHENER. Mr. Speaker, reserving the right to object, the gentleman is chairman of the Committee on Appropriations. Is the Appropriations Committee giving consideration to the matters embodied in the Woodrum amendment?

Mr. TAYLOR of Colorado. I may say we have had a meeting on that subject this morning; yes.

Mr. MICHENER. I call the gentleman's attention to the fact that the Woodrum amendment is a legislative matter entirely and that the Appropriations Committee has nothing more to do with that subject matter than has the Committee on the Disposition of Useless Papers. The gentleman understands that thoroughly. The gentleman was a Member of this House, as I was, when the Budget system was adopted, and he understands at that time it was insisted that the time would come when the Committee on Appropriations—if we adopted the Budget system—would attempt to usurp the power, jurisdiction, and the authority of legislative committees.

Can we not plead with the gentleman to abide by the rules of the House and cease and desist from this attempt to control legislation that does not come within the jurisdiction of the committee? Let this matter be considered by the proper legislative committee. I favor giving the President power to reduce or eliminate items in appropriation bills, with the Congress having the right to override that veto.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. COCHRAN, Mr. LAMBERTSON, and Mr. SABATH asked and were given permission to extend their own remarks in the RECORD.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by me today before the American Engineering Council.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1939

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes; and pending that motion, I ask unanimous consent that general debate may continue uninterruptedly during the afternoon, the time to be equally divided and controlled by the gentleman from New York [Mr. TABER] and me.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8947, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I feel like apologizing to the Committee for presuming on your time during the consideration of this bill to talk about the much discussed and cussed Woodrum amendment.

I reiterate what I said the other day on the floor. I take full personal responsibility for the action complained of so bitterly by many Members. In my heart I am very happy to take this responsibility. I believed my colleagues on the Democratic side certainly would not object to writing into the bill the authority which our own President had requested when it seemed that if we had to resort to the method of an amendment to the Constitution the matter might still be in the archives of the Capitol when some of us had passed on. I did feel an obligation to the minority. I felt quite sure the astute gentlemen on the other side would make a point of order if I did not say something to them about my proposal, so I mentioned it to them and I appreciate their not making the point of order. I believe Congress has done a wise thing. I respect every gentleman who disagrees with me about it. If I used bad judgment, I certainly meant no offense to the House or to the Committee on Appropriations, and I love everybody now just as I always have.

This matter has been widely misunderstood and misinterpreted. In the first place, nothing was done in the amendment which this House has not done many times by overwhelming votes—a simple conferring upon the Chief Executive of certain powers within well-defined limitations. By no wild stretch of the imagination is the question of the item veto involved in this amendment. The item veto is highly controversial, both as a matter of policy and as to whether it may be done by legislative action or require a constitutional amendment. Nothing of this kind is involved in the amendment, as you will see if you will read it in section 2 of the independent offices appropriation bill.

The item veto means that when a bill goes to the President he may approve certain parts of it and veto a portion of it, reporting his action back to the House, and Congress then proceeds to consider and act upon such veto in the manner provided by the Constitution, a two-thirds vote being required to override the veto.

The amendment which I have offered does not come into force or have any effect whatever until after the bill is signed by the President in toto and becomes law. Under the amendment, if it should become law, Congress then says to the President, just as we said to President Hoover in the Reorganization Act of 1932, to President Roosevelt in the amendment to that act in 1933, and to President Roosevelt in the Warren reorganization bill passed in the House by a vote of 286 to 79 on August 13, 1937, "You may have the permission of Congress to reduce or eliminate any item of appropriation, reporting your action back to the Congress during a session of the Congress. You cannot do it when Congress is not in session. Congress must be in session when you take this action and report it back, and then 60 days must elapse before your action becomes effective."

I say this is not by the wildest stretch of the imagination an item veto. On August 13 of last year the House passed the Warren bill, which went very much further than the amendment which I offered to the independent offices appropriation bill, and if time permitted I would call the roll of the distinguished gentlemen on both sides of the aisle who passed the bill by a vote of 286 to 79. The Warren reorganization bill, for which I voted and for which I would vote again, gave the President not only the right to reduce items in appropriation bills but to discontinue functions of government set up by legislative acts, to put them out of business and liquidate them, and impound into the Public Treasury the funds involved therein. We voted for this proposal in overwhelming numbers, so naturally I did not believe there was any fundamental departure in giving this authority to the President.

Let us consider the practical operation of this amendment. Of course, the amendment is directed, not at the ordinary items in appropriation bills, which are budgeted and sent up here as Budget estimates, and upon which committees act after having hearings. There has been no trouble with such items. The Committee on Appropriations has performed its function, and the House has performed its function, and these items have universally been under Budget estimates. However, the danger, the difficulty, and the damage to the Public Treasury have come where large items have been inserted not only in appropriation bills but in other bills, carrying huge commitments and appropriations which have never been

passed upon by the Budget and upon which the President has never had an opportunity to pass; and this has been done time and time again.

To give a practical illustration, the House of Representatives struck out of the independent offices appropriation bill the item for construction of a dam at Gilbertsville, Ky., believing this to be a project which could wait. We not only took out the language authorizing the construction, but we took out the appropriation, amounting to something over $2,000,000. The bill goes to another body. If that language should be reinserted in the bill and the appropriation reinstated, and the House placed in the position it was during the last session of Congress where, in order to get the appropriation bill passed, we had to make concessions and agree to certain things we did not wish to agree to, it would go to the President's desk. Under existing law the President of the United States would have to sign that bill, putting in the Budget an item that he did not approve and one that would disrupt Federal finances or else veto the whole bill and send it back to the Congress.

Under the provision I have put in, the President would have the right to turn back into the Treasury the money appropriated but the legislative authority which had been written in the bill for the construction of the dam would still be there. The President in no sense of the word would be usurping the legislative powers of the Congress and the Congress at the next session could appropriate the money.

Let us now see how far this is a departure from actual practice today. Any chairman of a subcommittee who has held hearings on his bill knows very well that the President under the power he has now has impounded in the Treasury at least 10 percent of the funds of the various established departments, and many of them have not been permitted to withdraw these funds. A familiar instance of this is in respect of the Civilian Conservation Corps. Thirty-five million dollars of the $350,000,000 Congress appropriated for the Civilian Conservation Corps was impounded in the Treasury by Executive order and is still there and will remain there unless the President sees fit to release it.

Now, you may ask if he has that power why put in this amendment? The answer is because, for instance, this $35,000,000 which the President impounded he could actually save, but it disrupts the Budget and the finances of the Government to that extent during the fiscal year, and it was thought an amendment of this kind would give him the power to control or regulate to some extent these matters of appropriation and public spending.

Now, Mr. Chairman, let us consider the realism of the matter for a moment, if you please. In the emergency we did not hesitate to give the President of the United States a blank check for $4,800,000,000 to spend as he should see fit in the public interest. I voted for that, and I would vote for it again in an emergency. Now, if we can give the Chief Executive such blanket power to draw upon the Treasury of the United States, I submit it is splitting hairs when we say that our legislative dignity is offended when we are asked to give the President of the United States the power to save a few dollars for the Public Treasury and bring finances back into balance if he can do so.

I do not know of a member of the Committee on Appropriations, even though he may differ with me about the wisdom of this amendment, who, after he has had hearings on his bill and reports it and it is passed and goes to the White House, if the Chief Executive should come back and say, "Gentlemen, I believe upon looking over these matters again we can save $1,000,000 out of this bill," would feel offended if the President impounded such funds and saved that amount of money, because, bear in mind, if you please, the Budget estimates which the President sends up here are considered and passed upon from 15 to 18 months before we can act upon them on the floor of the House of Representatives.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman from Virginia 5 additional minutes.

Mr. WOODRUM. I believe this amendment which was placed on the independent offices appropriation bill on the floor of this House is one of the constructive steps we have taken in the matter of trying to control and handle the Budget system of the United States.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. COLMER. I would like to have the gentleman's reaction on this matter. If the President were given this power, would the President have the time, with all of his many duties, to look into this matter personally, or would this be like many other veto matters connected with small items and represent the result of the work of some clerk in some department sending the President, through Government channels, notice that an item ought to be vetoed? In other words, would not these items in reality be vetoed by some clerk in some bureau rather than by the President himself?

Mr. WOODRUM. In the first place, let me correct my friend by saying this is not a veto in any sense of the word or by the wildest stretch of the imagination.

In the second place, of course, the President of the United States under this amendment would not have either the time or the facilities to sit there personally and check these various matters, but the President does, as those of us who know how he operates understand, with a remarkable degree of personal detail and familiarity with these things, act upon the recommendation of his Budget officer. This is what we did when we gave him the power I have referred to under the bill of the gentleman from North Carolina [Mr. WARREN], passed on August 13, which is still pending in the Senate.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. BOILEAU. Is not this power the identical power the President has exercised during the last year?

Mr. WOODRUM. Not the identical power.

Mr. BOILEAU. During the last year the President has impounded 10 percent of the funds of many agencies, and is not that the objective you have in mind?

Mr. WOODRUM. No; it is not the objective. There is no law which compels the President to spend the money we appropriate, and it is true that he has impounded a small portion of appropriations for the varoius executive departments.

This goes further than that. This gives him the right to disapprove entirely or to curtail the amount appropriated, of course reporting his act back to Congress, and when Congress acts, the permanent action taken by Congress has its effect on the Budget.

Mr. BOILEAU. Does he not have that power now?

Mr. WOODRUM. No.

Mr. BOILEAU. If he has the power to reduce it 10 percent, why has he not the power to reduce it up to 50 percent.

Mr. WOODRUM. So far as taking power away from Congress, this gives Congress more control over appropriations than we have at the present time. In the last session our beloved friend from Missouri, Mr. CANNON, next to the ranking member of the Committee on Appropriations, introduced a resolution to impound 15 percent of all appropriations but giving the President authority to release them—an astounding grant of power, compared to the small amount of power given under this amendment. Of course no action was taken on that resolution.

Mr. BOILEAU. We assume to give the President power, but the President has usurped that power. Since we turned that proposal down he has done the same thing, not to 15 percent but to 10 percent.

Mr. WOODRUM. To a small extent, and that was done by requesting the departments to make savings; but this amendment proposes to give him power to disapprove these items and send them to Congress and then Congress has the right to say ultimately what shall be done about it, to approve or disapprove, and I direct the gentleman's attention to the fact that it is by a majority vote, and not a two-thirds vote, that Congress may disapprove the action of the President.

Mr. BOILEAU. Both the Woodrum and the Cannon amendments have certain objectives; that is, to give power to the President to reduce appropriations, in the case of Mr.

CANNON'S resolution, up to 15 percent. I cannot, for the life of me, understand why we should waste time here trying to pass that resolution if we are willing to assume that he has the inherent power to do that by Executive order, such as he has done.

Mr. WOODRUM. I do not think he has that power.

Mr. BOILEAU. I do not think so either, and if he has that power, it ought to be taken from him, because if Congress, by its act in appropriating $350,000,000 for C. C. C. camps, thereby expects so many camps to be established, I do not think the President has the right to thwart the will of Congress by reducing the amount by 10 percent, which undoubtedly would have the effect of reducing the number of camps that Congress intended to appropriate for.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. MAVERICK. Suppose in the last days of a Congress, say the day before we adjourn, the President should report a bill back and we did not do anything about it.

Mr. WOODRUM. That would be impounded until Congress would meet again, and it would be a grand thing if that could be done a lot of times. Congress would have to act again, of course.

CONSTITUTIONALITY OF SECTION 2 OF H. R. 8837

Mr. Chairman, under authority given me in the House, I attach herewith a statement respecting section 2 of H. R. 8837:

Section 2 of the independent offices appropriation bill, 1939 (H. R. 8837), as it passed the House, vests in the President power to eliminate or reduce by Executive order any appropriation or parts thereof made by any act or joint resolution, whenever, after investigation, he finds and declares that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby. The section also contains provisos postponing the effective date of Executive orders issued under the section for a period of 60 calendar days after their transmission to the Congress unless an earlier effective date is provided by the Congress, and further providing that appropriations or parts thereof eliminated, and the amounts by which appropriations are reduced, shall be returned to the Treasury.

In considering the constitutionality of this section it is essential to bear in mind that the section does not constitute any attempt by the Congress to vest an appropriation item veto authority in the President, and, indeed, does not in any manner involve the veto power of the President. The veto power, as that power is granted and defined in the Constitution, deals with the approval or disapproval by the President of bills passed by the Congress prior to the time such bills become law. On the other hand, section 2 of H. R. 8837 grants to the President authority to take the action prescribed by the section as to appropriation acts only after they have become law through passage by the Congress and approval by the President, and at a time when the veto power in its constitutional sense has already been exhausted with respect to the act involved. The constitutionality of the section in question must, therefore, be considered without reference to the authority, or lack of authority, in the Congress to enlarge the veto power by statutory enactment.

The question here is rather one of the authority of Congress to delegate to the President a power which the Congress is conceded to have, namely, to delete or reduce any appropriations made by appropriation acts after their enactment. The same principle is involved as in the reorganization acts, where Congress has vested in the President power to alter by Executive order the organization of the agencies of the Government, as that organization has been previously prescribed by acts of the Congress, a power which ordinarily could be exercised only by the Congress itself through statutory enactments. Both in the present bill and in the reorganization acts the action authorized to be taken ordinarily must be accomplished directly by an act of Congress; the sole problem presented, therefore, is whether by conferring this power upon the President Congress has authorized him to exercise legislative power in violation of the Constitution.

The issue of delegation of legislative power has been raised in the Supreme Court a number of times in the past and although it has been raised successfully but three times—in the following cases: *Panama Refining Co.* v. *Ryan* (1935) (293 U. S. 388); *Schechter Poultry Corp.* v. *United States* (1935) (295 U. S. 495); *Carter* v. *Carter Coal Co.* (1936) (298 U. S. 238)—the Court has announced the principles upon which to judge such cases. Thus, it appears that Congress cannot delegate to an agent its power to make law. However, it may authorize an agent to regulate a subject matter which Congress itself might regulate by statute, if in so doing sufficient restriction is imposed upon the power of the agent to prevent him from substituting his will for that of Congress as to what the law shall be. Hence, if Congress in a statute clearly states the subject with which its agent is authorized to deal, and prescribes the policy of Congress with respect to such subject, so as to furnish an adequate standard to guide its agent in carrying out the delegated power, the statute will not be considered as delegating legislative power. If the agent, however, has been authorized to regulate any subject he may choose, or if Congress has properly restricted him to a particular subject matter but has failed to state adequately its policy with reference thereto, in either case, the agent has been authorized to exercise legislative power.

An excellent statement of these principles appears in *Sears, Roebuck & Co.* v. *Federal Trade Commission* (C. C. A. 7th, 1919; 258 Fed. 307), in which the Court upheld the Federal Trade Commission Act (38 Stat. 717; U. S. C., title 15, secs. 41–51). In the course of its opinion, the Court stated (at p. 312):

"With the increasing complexity of human activities many situations arise where governmental control can be secured only by the 'board' or 'commission' form of legislation. In such instances Congress declares the public policy, fixes the general principles that are to control, and charges an administrative body with the duty of ascertaining within particular fields from time to time the facts which bring into play the principles established by Congress. Though the action of the Commission in finding the facts and declaring them to be specific offenses of the character embraced within the general definition by Congress (unfair methods of competition) may be deemed to be quasi legislative, it is so only in the sense that it converts the actual legislation from a static to a dynamic condition. But the converter is not the electricity."

Since the validity of a statute when attacked on the ground that it constitutes an invalid delegation of legislative power depends upon the definiteness of the instructions given by Congress to its agent, the authorities must be examined to determine what statements of policy or standards have been considered in the past to be sufficiently precise.

In *Field* v. *Clark* (1892) (143 U. S. 649), the Court dealt with the third section of the act of October 1, 1890 (26 Stat. 567), which enacted a schedule of duties on certain merchandise and empowered the President to cause these duties to go into effect against the products of any country producing such merchandise, which imposed upon American products duties or other exactions deemed by the President to be reciprocally unequal and unreasonable. The phrase "reciprocally unequal and unreasonable" was held to constitute a sufficient standard to guide the President in so regulating the duties.

The case of *Buttfield* v. *Stranahan* (1903) (192 U. S. 470) involved the act of March 2, 1897 (29 Stat. 604), which made it unlawful to import into the United States any tea "which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3." Section 3 empowered the Secretary, upon the recommendation of a board of tea experts, to fix uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States. The Court held that Congress had stated a policy to forbid the importation of "the lowest grades of tea, whether demonstrably of inferior purity or unfit for consumption, or presumably so because of their inferior quality," and concluded that this statement of policy was sufficiently definite to guide the executive officers.

In *United States* v. *Grimaud* (1911) (220 U. S. 506), the Court considered a statute (the act of Feb. 1, 1905; 33 Stat. 628) providing for the establishment of certain forest reservations and giving to the Secretary of Agriculture the power to "make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and preserve the forests thereon from destruction." Thus the executive officer was instructed to regulate the use and occupancy of the national forests so as to "preserve the forests thereon from destruction." This standard was held by the Court to be adequate.

Section 315 of the Tariff Act of 1922 (42 Stat. 858) has also been upheld. By that section the President was empowered to adjust the duties on imported merchandise so that they would equal the difference between the cost of production in the country of origin and the cost of production of like merchandise in the United States. In *Hampton & Co.* v. *United States* (1929) (276 U. S. 394), the Court held that Congress' statement of its legislative plan was sufficient to permit the delegation to an agent of the duty to fill in the details. See also *Hampton & Co.* v. *United States* (1927) (14 C. C. P. A. 35).

It should be noted in passing that the Hampton & Co. case establishes the principle that a delegation to an executive officer is constitutional even though it authorizes him, in effect, to amend specific provisions of existing statutes. This principle is also illustrated by the authorities upholding the Anti-Dumping Act and the Reorganization Act, hereinafter discussed.

The Radio Act of 1927 (44 Stat. 1162) permits the Federal Radio Commission to grant licenses when "public convenience, interest, and necessity requires." In *Radio Commission* v. *Nelson Bros. Co.* (1933) (289 U. S. 266), it was held in effect that the standard furnished by the quoted phrase was sufficiently definite to prevent the Commission from substituting its will for that of Congress as to what the law should be.

The Trading With the Enemy Act (40 Stat. 411), which authorized the President to sell property seized under that act in any manner "consistent with the public interest," was upheld in *United States* v. *Chemical Foundation* (1926) (272 U. S. 1).

The phrase "unfair methods of competition" has been held to constitute a sufficient standard not only when used in the Federal Trade Commission Act, heretofore mentioned (*Sears, Roebuck & Co.* v. *Federal Trade Commission, supra*), but also when used in

section 316 of the Tariff Act of 1922 (42 Stat. 943) (*Frischer & Co. v. Elting*, C. C. A. 2d, 1932; 60 F. (2d) 71).

The Anti-Dumping Act (42 Stat. 11) authorizes the Secretary of the Treasury to impose additional duties upon merchandise to the extent that the foreign market value exceeds the exporters' sales price. This formula was held to be sufficiently definite in *Kleburg & Co., Inc., v. United States* (C. C. P. A., 1933), 71 F. (2d) 332.

In contrast with the above decisions the statement of policy in the National Industrial Recovery Act (48 Stat. 195), was held inadequate in *Panama Refining Co. v. Ryan* (1935), 293 U. S. 388, and *Schechter Poultry Corp. v. United States* (1935), 295 U. S. 495. Consequently certain sections of the act which conferred regulatory powers upon the President were held invalid as delegations of legislative power. In those cases it was contended that the policy or standard to guide the agent was contained in section 1. In that section it was declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce; to promote the organization of industry; to induce and maintain united action of labor and management; to eliminate unfair competitive practices; to promote the fullest possible utilization of productive capacities of industries; to increase consumption; to reduce unemployment; to improve the standards of labor; and otherwise to rehabilitate industry; and to conserve natural resources.

In the Panama Refining Co. case the Court considered section 9 (c), which conferred power upon the President to prohibit the transportation in interstate commerce of oil produced in excess of quotas permitted by State law. The Court held that the subject of the President's regulation was completely stated, for section 9 (c) specifically provided that the transportation of hot oil in interstate commerce was to be prohibited. It concluded, however, that Congress had not fully stated its policy in this regard, for it had not indicated at what time or under what circumstances it intended this prohibition to go into effect. The statements of policy in section 1 were regarded (p. 418) as "simply an introduction of the act, leaving the legislative policy as to particular subjects to be declared and defined, if at all, by the subsequent sections."

In the Schechter case the validity of section 3 (c) of the act was involved. This section authorized the President to approve "codes of fair competition" upon a finding that the codes would "tend to effectuate the policy" of the act. The question there presented was regarded as more fundamental than that presented in the Panama case, for the statute did not include a precise statement of the subject to which the President's regulatory power under section 3 (c) was addressed. The Court, after having turned to the statements of policy in section 1, stated that it was unable to determine what constituted or what regulation might be included in a code of fair competition, and it therefore held that the statute had failed to specify with sufficient particularity the subject with which the President was authorized to deal. Accordingly it concluded that the President's discretion in prescribing rules for the government of trade and industry being virtually unfettered, the code-making authority conferred by the act was an invalid delegation of legislative power.

It may be concluded from the authorities set out above that in delegating regulatory power to an agent, Congress, in the statute making the delegation, must specify (1) the subject matter over which the power is to be exercised; and (2) a policy or standard to guide the agent in the exercise of the delegated power. An illustration of the nature of these necessary elements is found in the case of *United States v. Grimaud*, heretofore referred to. There the subject to which the delegated power was addressed was stated by Congress to be the occupancy and use of the national forests. The policy or standard prescribed by Congress to guide its agent in regulating such occupancy and use was the preservation of the forests from destruction.

It is now necessary to apply these principles to the provisions of section 2 of H. R. 8837. Under this section the President is authorized, after investigation, and upon a finding and declaration by him that such action will aid in balancing the Budget or in reducing the public debt and that the public interest will be served thereby, to eliminate or reduce by Executive order appropriations made by law.

Unquestionably, the subject to which the delegated power is addressed, namely, the elimination and reduction of appropriations, is set forth with sufficient definiteness, for the President is told in the section precisely with what he may deal and what he may do with respect thereto. That is, he may deal with appropriations made by law by eliminating or reducing them. The meaning of these terms is well recognized and the President is not empowered by this section to take any action which does not fall within them. Thus the section differs from section 3 (c) of the National Industrial Recovery Act, for the Court, in the Schechter case, held that the terms of the latter which described the subject of the President's regulatory power—codes of fair competition—had no well-defined meaning and would have permitted the President to make any type of regulation he considered necessary or advisable for the rehabilitation or expansion of industry.

Having determined that section 2 of H. R. 8837 contains a sufficiently definite statement of the subject matter to which the President's power is addressed, the only remaining question is whether the policies or standards declared in the section are adequate to guide the President in exercising the delegated power.

The section provides that the President may exercise his power when it "will aid in balancing the Budget or in reducing the public debt and * * * the public interest will be served thereby." Thus Congress has stated its policy, namely, to eliminate and reduce appropriations so as to further the balancing of the Budget and the reducing of the public debt to the extent that the public interest will be served by such action. A comparison of this policy or standard with those which have received judicial approval in the decisions heretofore cited clearly shows that it would be considered a sufficient guide to the Executive.

The standard here set forth is more definite than was that approved by the Supreme Court in *United States v. Chemical Foundation, supra*, in which the President was empowered to sell certain property of the Government when it was in the "public interest," or that prescribed in the Radio Act of 1927, which permits the Federal Radio Commission to grant a license when "public convenience, interest, and necessity require" (*Federal Radio Commission v. Nelson Bros. Co., supra*). Moreover, the standard under discussion is much more precise than that approved in *Buttfield v. Stranahan, supra*, in which the Secretary of the Treasury was authorized to forbid the importation of tea which was "inferior in quality" or "unfit for consumption." It is unnecessary to set forth further precedents, for those already stated clearly indicate that the President's power to effect the elimination and reduction of appropriations under this bill is controlled by limitations which are more precise than those which have been heretofore approved by the Supreme Court.

Nor can the standards prescribed in section 2 of H. R. 8837 be compared with the statement of policy in section 1 of the National Industrial Recovery Act, for the Supreme Court, in considering that act, did not regard section 1 as setting out standards but merely as serving as an introduction to the act (see p. 8 of this memorandum). Section 2 of the bill here in question, however, cannot be dealt with in this fashion, for the section clearly indicates the intention that these standards shall serve as a guide to the President in exercising his powers under the section. In this connection, it will be observed that he is required to investigate and to find and declare that the policy set forth in the section will be furthered before he can exercise any of the powers conferred upon him by the section.

Moreover, even if the statements of policy in section 1 of the National Industrial Recovery Act had been considered as a declaration of standards but had been rejected by the Court as too indefinite to serve as a guide to the Executive, the scope of the power delegated by H. R. 8837 is so much narrower than that delegated by the National Industrial Recovery Act that the standards set forth in the two are not proper subjects for comparison. Where the delegated power is narrow in scope the standards to guide the agent in the exercise of that power may be less definite, for the agent's discretion is limited by the very nature of the subject matter. This is illustrated by an excerpt from the opinion of the Court in the Schechter case (at p. 540) concerning the licensing authority of the Federal Radio Commission:

"The authority of the Commission to grant licenses 'as public convenience, interest, or necessity requires' was limited by the nature of radio communications, and by the scope, character, and quality of the services to be rendered and the relative advantages to be derived through distribution of facilities."

Direct support for the constitutionality of section 2 of H. R. 8837 is found in the reorganization provisions of the Economy Act of 1932, as amended, and the judicial decisions and opinions of the Attorneys General regarding those provisions. Apart from the fact, heretofore pointed out, that section 2 of H. R. 8837 is based upon the same principle as the 1932 reorganization provisions, H. R. 8837 vests in the President a part of the same power granted to the President by the 1932 act.

Thus, under the 1932 act, the President was authorized (among other things) to abolish agencies and functions of the Government, and it was further provided that the appropriations available with respect to agencies and functions abolished by the President should be eliminated and impounded and returned to the Treasury. This is precisely what section 2 of H. R. 8837 authorizes, except that the authority granted by this provision is more limited in its scope than the 1932 act, in that the present provision authorizes the elimination of appropriations alone, without extending the authority to the abolition of agencies and functions. Under both provisions the authority of the President includes the elimination of appropriations.

The delegation of authority contained in the reorganization provisions of the Economy Act was upheld in an unpublished opinion of Attorney General Cummings on June 8, 1933. Moreover, Attorney General Mitchell, in stating that the validity of section 407 of the Reorganization Act of 1932 was extremely doubtful (37 Ops. Atty. Gen. 56), apparently considered the delegation of authority in that act to be valid. Section 407 provided that any Executive order issued under the act should be transmitted to Congress and should not become effective until after the expiration of 60 days from such transmission; and that if, during the 60-day period, either branch of Congress passed a resolution disapproving the Executive order, it should become null and void. Mr. Mitchell questioned the constitutionality of this section because, Congress having made a valid delegation to the President of the power to issue such Executive orders, they became law upon their effective date and Congress could not alter, amend, or repeal them, except by the enactment of legislation.

In addition, numerous Executive orders have been issued under the authority of the Reorganization Act of 1932, as amended, and their validity has been attacked on only two occasions. In both

cases the court indicated that this legislation was valid (*Isbrandtsen-Moller Co. v. United States* (D. C. S. D. N. Y. 1936; 14 F. Supp. 407) (recently affirmed by the Supreme Court on other grounds, 4 U. S. L. Week, 639), and *Swayne & Hoyt, Ltd., v. United States* (S. Ct. D. C., 1936; 10 Am. Mar. Cases, 1790).

In the reorganization provisions of the Economy Act and the authorities sustaining the validity of those provisions is found direct support for the constitutionality of the delegation of authority to the President embodied in section 2 of H. R. 8837. Other examples of delegations of authority to make administrative reorganizations follow:

Act of February 14, 1903 (32 Stat. 830): President authorized to transfer from designated departments to the Department of Commerce and Labor any bureau performing "statistical or scientific" work.

Act of June 24, 1910 (36 Stat. 613): Secretary of the Navy, with the approval of the President, authorized to distribute the functions of the Bureau of Equipment of the Navy Department among other bureaus of that Department "in such manner as the Secretary of the Navy shall consider expedient and proper."

Act of August 24, 1912 (37 Stat. 434): President authorized to reorganize the Customs Service with a view to reducing expenses.

Act of March 3, 1917 (39 Stat. 1122): President authorized to abolish bureaus or agencies in order to eliminate duplication of service.

Act of May 20, 1918 (40 Stat. 556) (Overman Act): President authorized to reorganize the agencies of the Government.

It is submitted that under the principles laid down by the decisions cited herein, and under those same principles as embodied in the reorganization provisions of the Economy Act, section 2 of H. R. 8837 contains no delegation of legislative power, for the subject matter with which the President is authorized to deal is definitely stated in the section and an adequate policy or standard is prescribed to guide him in the exercise of his power. Any constitutional question which might be raised concerning the power of Congress to enlarge the President's veto power is not pertinent with respect to this legislation.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. TABER. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. As I have but 30 minutes, I ask that I be not interrupted until I have concluded my remarks.

Mr. Chairman, last June 3, in the course of an address delivered on the floor of the House, among other things I called attention to certain wasteful operations of the Tennessee Valley Authority. As this was the first public charge of waste and inefficiency in the administration and operations of T. V. A., my remarks were challenged by the gentleman from Mississippi [Mr. RANKIN].

Developments and exposures made since last June have more than justified the remarks I made at that time. Now, with the directors of T. V. A. fighting among themselves and the Acting Comptroller General severely criticizing the accounting methods, which have delayed the audit of expenditures running into more than $10,000,000, there is ample ground for a full and complete investigation of T. V. A. by this Congress.

Mr. Chairman, the vileness of falsehood can add nothing to the glory of truth. If the T. V. A. is all its proponents claim it to be, it need fear neither honest criticism nor an investigation at this time. Money that has been spent cannot be recalled, but money still to be poured into this proposal can be safeguarded.

For the information of those who seek to disparage my endeavors for economy in the handling of funds allocated to various Federal projects, I will present some added facts concerning the generation and sale of electricity by the T. V. A. and the relationship of the electricity sold to the total electrical energy consumed throughout the Nation. After reading the facts I am sure that practically everyone will agree with me that as a so-called yardstick on which to base electrical rates in any community—either within or without the Tennessee River Basin—this whole project has been a costly experiment, a dismal failure and a cheap sham from its very inception.

When one pauses to consider that commercial traffic on the Tennessee River for the past 5 years, exclusive of ferry traffic, has averaged but 1,450,074 tons per annum, having an average annual value of but $4,557,785, who will have the temerity to stand up and propose that expenditures of more than $40,000,000 a year on this project for navigation, flood control, and hydroelectric program is a sane, common-sense procedure in a nation where millions are unemployed and where poverty is rapidly assuming the character of permanency for a large portion of our population? Within the last few days the directors of T. V. A. have released the annual report covering activities to the end of the fiscal year 1937. This report shows that T. V. A. is serving only 17 municipalities and 14 cooperatives with energy to be distributed to fewer than 30,000 customers—28,508 to be exact.

A study of the report reveals that the T. V. A. directors have been more than generous with pay and salary increases during the year. Employees in supervisory and managerial positions have been the recipients of salary boosts as great as 40 percent in certain instances.

Many employees who work by the hour have had their hourly wages boosted from $1 per hour to $1.10 and $1.37½. With thousands of people out of work and the Federal Government sorely pressed for finances to continue the necessary aid to those who are unable to take care of themselves, these wage boosts come at a time which, to say the least, is ill-considered if not entirely out of place.

So much complaint has been made against the T. V. A. that Senator NORRIS, father of the idea, has introduced a resolution in the Senate calling for an investigation by the Federal Trade Commission. Congressman MAURY MAVERICK, of Texas, a liberal Democrat, has introduced a similar resolution in addition to one providing for the appointment of a select congressional committee to make an independent investigation. Then there is that sterling Democrat from Kentucky, ANDREW JACKSON MAY, the new chairman of the Military Affairs Committee of the House. He also wants T. V. A. investigated.

To cap the climax, the Chairman of the T. V. A. Commission, Arthur E. Morgan, formerly of St. Cloud, Minn., and one of the country's outstanding engineers, whose ability and reputation for honesty are beyond question, demands an investigation of the T. V. A. He objects to the proposal of his two colleagues on the Commission to pay a high Government official a very large sum of money for some marble deposits of doubtful value that will be overflowed by one of the dams. This official and his associates claim several million dollars in damages. Mr. Morgan says there is no merit to the claims, but the two other members of the Board are willing to make some satisfactory settlement, no doubt, because this official has a strong political pull with this administration.

Let me suggest to the gentleman from Mississippi [Mr. RANKIN] that he read the testimony of Dr. Arthur E. Morgan in T. V. A. against George Berry et al., given at Knoxville, Tenn., on December 20, 1937. Therein he will find that Dr. Morgan exposes a most brazen attempt to "gyp" this Government of millions of dollars, and I here challenge the gentleman from Mississippi to say that he approves of these claims against the T. V. A.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. THOMAS of New Jersey. In regard to the statement made by the gentleman from Minnesota about how easy it is for the gentleman from Mississippi to be mistaken, I call attention of both gentlemen to another misstatement that the gentleman from Mississippi made about the same time that he made these remarks that the gentleman refers to.

The gentleman from Mississippi made the statement in the Appendix of the RECORD that the people in my town in particular, Allendale, paid 9 cents a kilowatt. I assume he got those figures from statistics of the T. V. A. I use electricity myself and can show bills proving my statement that I pay 5 cents and less per kilowatt-hour. I do not believe anyone in my town pays 9 cents a kilowatt-hour.

I would also like to make this further short observation: That I have mail from constituents—I assume they are constituents—of the gentleman from Mississippi proving how impossible it is for them to determine just what they pay to the T. V. A. The bills are so confusing that even the people of Tupelo, I understand, cannot understand them.

Mr. KNUTSON. I regret, Mr. Chairman, but I cannot yield further; I refuse to yield further. I yielded to the gentleman originally only because I made a statement challenging statements made by him.

I have read Dr. Morgan's testimony, and as a result I am more convinced than ever that we should have a most searching investigation into T. V. A. and all its ramifications. Were it not for the fact that Dr. Morgan's testimony covers 59 pages of single-spaced typing, I would ask to have it made a public document that his testimony might be made available to all of our people.

I make the statement here and now, and without fear of contradiction, that a full and complete investigation of T. V. A. will make Teapot Dome appear like a molehill in comparison. It will show collusion, fraud, waste, extravagance, and inefficiency on a scale without parallel in all the annals of engineering anywhere and at any time. Let me suggest to my colleagues that they secure a copy of Dr. Morgan's testimony and that they particularly read the evidence as found on pages 7, 8, 10, 11, 12, 14, 17, 18, 20, 21, 22, 23, 24, 33, 57, 58, 59.

Now, let us see what the T. V. A. is doing down there.

From the data submitted to the Appropriations Committee of the House by the T. V. A. directorate only last month, we glean the following information: When the project is completed it will overflow 933,100 acres of the richest land in the Tennessee Valley, which will affect 13 municipalities and necessitate the relocation of 10,442 families—which means a population of approximately 50,000—and 8,776 graves. It will be necessary to relocate 601½ miles of highway and 8 highway bridges, not to mention 61 miles of railroad trackage and 16 railroad bridges. This data is very interesting and goes to show that the T. V. A. does not believe in doing things by halves.

The constitutional peg on which the existence of the Tennessee Valley Authority hangs is the power of Congress to regulate interstate commerce, and the courts have held that under this regulatory power Congress may improve the navigability of rivers. It should be remembered that Army engineers spent approximately a million dollars in making a survey of the Tennessee River and its tributaries and as a result of that survey recommended a program of improvement for navigation which would have cost the Government not to exceed $75,000,000. That program called for 32 low-lift dams which would have provided a 9-foot channel from the mouth of the Tennessee River to Knoxville, a distance of some 650 miles, and which would have involved very small expenditure for electrical generating equipment. The engineers' report pointed out, however, the great power possibilities of the river and suggested that it should be the policy of the Government to contribute toward the construction, by private interests, of any high dams built for power production, the estimated cost of the low dams which would be replaced by such high dams.

Let us see what the program under T. V. A. has already cost and what its continuance may cost the American taxpayer. When representatives of the Tennessee Valley Authority appeared before the House Appropriations Committee in April 1937 there was presented to the committee (Hearings, p. 403) a tabulation of principal features of present and proposed dam and reservoir projects of the Tennessee Valley Authority, which shows a power installation of 1,878,000 kilowatts at an estimated ultimate cost of $520,600,338, which of course did not include any expenditures necessary to market the power to be produced at the various dams.

The cost of transmission lines proposed to be constructed by the Tennessee Valley Authority by the end of the fiscal year 1938 was estimated at $19,857,946 (hearings, p. 469), making a total to be expended of $540,458,284. Even that figure does not include the total amount which the United States Treasury must supply to generate and distribute the power to be produced under the T. V. A. plan. It should be borne in mind that the Rural Electrification Administration and the Public Works Administration are expected to supply a large part of the funds for the construction of systems to distribute power from the T. V. A. projects.

Instead of spending only $74,000,000 to improve navigation, the Government, to carry out the T. V. A. program, will expend substantially in excess of $540,000,000 to go into the utility business. So much for the actual and prospective expenditures to construct the power developments of Tennessee Valley Authority.

On June 9, 1937, Mr. RANKIN said:

> It sounds strange to hear a man from Minnesota criticizing the T. V. A. in view of the benefits which T. V. A. has brought to the people of that State.

I may say to the gentleman from Mississippi that we in Minnesota are not aware that T. V. A. has brought us any benefits. We are well aware, however, of the new taxes imposed upon us to enable T. V. A. to carry on its vast and unsound experiment. In his speech the gentleman from Mississippi went on at great length to show how electrical rates had been reduced in nearly every part of the Nation, and he wondered why I did not exercise myself about the enormous burden of electrical rates charged the overburdened consumer of electricity in Minnesota. The people of Minnesota are entirely familiar with my record during the past 20 years in Congress.

The people of Minnesota know that I am solely interested in their welfare and that I will fight against any proposal, no matter what it is, that will saddle upon the Federal Government and all the people of the United States, including those in Minnesota, added taxes to support projects which at best can benefit only a limited number or class of our population. It is conceded that the ultimate cost of the T. V. A. will be $540,000,000 and the taxpayers of the Sixth District of Minnesota will have to pay $1,250,000 as their share of this fantastic undertaking.

A reading of Mr. RANKIN'S speech might create an impression that the T. V. A. is very popular down South. Suppose we examine the operating results of the T. V. A. to see whether anyone is benefiting from T. V. A. Testimony of T. V. A. representatives before the subcommittee of the House Committee on Appropriations in April 1937—hearings, page 492—shows the following estimated generation and estimated gross revenue figures for the fiscal year ending June 30, 1937:

Estimated fiscal year 1937

Generation, kilowatt-hours	786,000,000
Distribution, kilowatt-hours:	
Sales to:	
Municipalities	47,000,000
Associations (cooperatives)	22,000,000
Utilities	515,000,000
Industrials	12,000,000
Interdepartmental sales (i. e., used by T. V. A. in constructing and in fertilizer experimentation)	130,000,000
Temporary rural service	16,000,000
Total sales	742,000,000
Station use, losses and unaccounted for	44,000,000
Gross generation	786,000,000

The anticipated revenue is also shown in the same table, as follows:

Operating revenues:	
Sales to:	
Municipalities	$248,600
Associations	131,400
Utilities	756,000
Industrials	50,000
Interdepartmental sales	444,000
Temporary rural service	130,000
Total sales	1,760,000

In other words, it shows that the estimated kilowatt-hour output from the T. V. A. plants during the fiscal year, 1937, would amount to 786,000,000 kilowatt-hours, from the sale of which the Tennessee Valley Authority expected a gross revenue of $1,760,000. Of that generation it expected to sell to utilities 515,000,000 kilowatt-hours, and it planned to apply 130,000,000 kilowatt-hours to its own uses. From the sale of the 515,000,000 kilowatt-hours to utilities it expected a revenue of $756,000 (or at the rate of 1.47 mills per

kilowatt-hour) and for the 130,000,000 kilowatt-hours applied to its own uses it credited itself with $444,000, or at the rate of 3.4 mills per kilowatt-hour.

In other words, they are charging themselves just twice as much as they are charging purchasers, and that is done to make the statement look better. [They are good bookkeepers. They are about as good bookkeepers as my friend from Mississippi is statistician.] Thus over 80 percent of the kilowatt-hours generated by the T. V. A. projects were to be sold to the utilities or used by T. V. A. itself. At this point it may be pertinent to ask why T. V. A. charges itself more than twice what it is getting from its big monopolistic customers.

Statements published in the newspapers in the early part of September indicated that the total generation of the Tennessee Valley Authority for the fiscal year ended June 30, 1937, amounted to 787,460,000 kilowatt-hours for which it received a gross revenue of $1,650,000, which is, of course, only a slightly lower revenue figure than the estimate presented to the House Subcommittee on Appropriations; and for practical purposes it may be assumed that the estimate presented to the committee was accurate. It should be borne in mind that the figures above presented do not include any operating expenses, while private utility companies would have to include such items as interest on investment, taxes, wear and tear, and replacement, not to mention expansion.

How in the world can a corporation that gets its money from the Federal Treasury on which it pays no interest, and taxes not to exceed 5 percent to the local States in which they operate, that does not have to maintain funds for interest or for taxes except the 5 percent, or for dividends, or for replacement and expansion purposes; how in the world can you say a concern of that kind can serve as a yardstick to determine what rates should be charged throughout the country?

Let us see whether the Government has derived any substantial return upon its huge expenditures in the Tennessee Valley. The Wilson Dam cost $47,000,000; Norris Dam, completed in July of 1936, cost $36,310,370; Wheeler Dam, completed in November 1936, cost $37,157,657; or a total in round numbers of $120,000,000. Interest at 3½ percent on the capital cost of those three projects would have amounted to $4,200,000, an amount more than two and one-half times the gross revenue of T. V. A. Nothing has been included to cover the cost of transmission lines. Obviously, an enterprise, the gross income of which is by 200 percent insufficient to pay fixed capital charges, cannot be considered a yardstick.

The benefits to the Tennessee Valley area of reduced electrical rates have thus been achieved only at tremendous cost to the rest of the Nation. Those benefits by comparison are so infinitesimally small and the cost so relatively great that the whole proposition, when fully publicized, will in all probability go down in history as one of the most wasteful projects the Government has ever undertaken.

Let us see whether the T. V. A. rates have functioned as a yardstick for the measurement of electric rates for the Nation as a whole. In the fiscal year ended June 30, 1937, the total electric energy produced at the three hydroelectric dams so far completed amounted to 787,460,000 kilowatt-hours. The total energy produced in the United States for the calendar year 1937 was approximately 120,000,000,000 kilowatt-hours.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 15 additional minutes.

Mr. KNUTSON. Thus the energy produced at Wilson, Norris, and Wheeler Dams—if all had been sold to the public—would have been only one one-hundredth-and-fifty-fifth part of the generation throughout the Nation.

How can that serve as a yardstick in Minnesota or elsewhere?

It is readily apparent that such a small fraction of the total national output can have no effect as a yardstick in regulating rates throughout the Nation. But a more significant factor in the development of T. V. A. power and one which has not been publicized by the promoters nor given to the public by Mr. RANKIN is the fact that, according to the table shown at page 492 of the 1937 hearings, less than 12 percent of the energy generated goes directly to consumers, while more than 80 percent of the power generated and sold was sold to utility companies and big industrial corporations against whom the New Dealers have been waging a sham battle for more than 4 years. You Members will recall T. V. A. had its origin in the idea that its primary purpose was to furnish cheap fertilizer to the farmers of America. Apparently that idea has been abandoned.

Mr. Chairman, I repeat, more than 80 percent of all power generated at Norris, Wheeler, and Wilson Dams, and sold, has been sold to economic royalists, while the people of the United States have been sold down the river to pay for this huge development which has, incidentally, brought cheap electricity to Mr. RANKIN's home town of Tupelo, Miss.

Let us see whether T. V. A. has served as a yardstick for the measurement of electric rates in the valley area. We need only be reminded that the Tennessee Electric Power Co. recently sought permission to issue bonds and with the proceeds of the sale construct a steam plant in the Nashville area.

Why did they want to construct a steam plant if they can buy power so cheaply from the T. V. A.?

In acting on the petition, the Tennessee Railroad and Public Utilities Commission, over the protest of the T. V. A. protagonists, issued on August 15, 1937, an opinion holding that it had shown that electricity could be produced cheaper at the steam plant than by buying it under a proposed contract with T. V. A.

The New Deal has brought with it to the city of Tupelo other conditions which the gentleman from Mississippi would have a hard time explaining to his people if he lived in Minnesota. I refer to the industrial carpetbaggers who have invaded the State of Mississippi, the commercial pirates who have sought, with State and local cooperation, to set up in Mississippi the worst system of human exploitation that has ever been devised in America. Mississippi was a populous and prosperous State when Minnesota was only a wilderness, but time and events have changed the situation. Minnesota—a wilderness and prairie yesterday—is now one of the most productive States in the Union. It has developed its industries and its agriculture hand in hand. What is the picture in Mississippi? Agriculture and one-crop farming has been the custom for years.

Quite recently, because it is becoming aware of its predicament, the State has made a bid for industries to locate within her borders. This invitation to the industrial carpetbaggers of the North and the former operators of prison industries, was one of the most diabolical schemes ever uncovered.

It was George McLean, the able editor of the Tupelo Journal, who first protested against the low wages and unfair practices which were being inaugurated in the State of Mississippi. Other courageous newspapermen picked up the lead and exposed the whole sordid story of how garment factories had been built with public moneys under the guise of vocational-training schools. A high-minded Baltimore newspaper correspondent brought the facts to the attention of Works Progress Administrator Harry Hopkins, who promptly called a halt to the Government's participation in the scheme. It was a courageous newspaperman who wrote the almost unbelievable stories, which have not been denied, of checks as low as 97 cents for 2 weeks' work being paid by one of these carpetbagger firms from the North which had located in Hattiesburg, Miss.

These are conditions I could not explain to my constituents if they had happened in Minnesota, but I can explain my opposition to the wasteful spending in this T. V. A. project.

The T. V. A. has already cost the taxpayers of America more than $250,000,000 in the building of power-houses, dams, transmission lines, and other improvements along the Tennessee River for the generation of electric energy, more than 80 percent of which was in 1936 sold to "economic royalists." The unfairness of the whole development is apparent when

it becomes known that industrial and utility customers of T. V. A. secured rates of 1.5 mills per kilowatt-hour (House appropriations hearings, 1937, p. 522), while the municipalities and cooperatives are charged a wholesale rate averaging about 6 mills per kilowatt-hour. Recently, according to newspaper reports, Tennessee Valley Authority has executed a contract with Arkansas Power & Light Co. for the sale of its output with no provision or stipulation in the contract as to what the utility may charge as a resale rate to the public.

How T. V. A. electricity was distributed in fiscal year 1937

Sold to—	Kilowatt hours	Percent of total	Revenue	Average price per kilowatt hour
				Mills
Municipalities and cooperatives	66,743,114	9.1	$369,338	5.53
Temporary rural customers	15,841,673	2.2	105,370	6.65
Commercial and industrial customers	5,548,000	0.8	19,418	3.50
Interdepartmental (T. V. A. use)	129,387,168	17.7	[1] 410,242	3.17
Utility companies	514,067,237	70.2	725,573	1.41
Total	731,587,192	100.0	1,629,941	2.22

[1] Value.

This is an ideal situation as far as the industrials and the utilities are concerned but a rather unbusinesslike and slipshod manner in which to safeguard the public interests and to provide a yardstick by which to regulate electric rates, say in my home town of St. Cloud, Minn.

At this point it may be of interest to note how much American utilities pay in taxes. The amount really surprised me.

Taxes paid by Electric Light & Power Co., 1936

Federal	$105,000,000 or	5.4 percent of revenue
State and local	180,000,000 or	9.3 percent of revenue
Total	285,000,000 or	14.7 percent of revenue

Of course, if we embark on a system of public operation of all utilities these $285,000,000 in taxes will be lost to the Government, and to the States, and the people will have to make up the loss.

During the fiscal year ending June 30, 1937, the Federal Government spent $8,105,859,000, of which amount $41,994,000, or 0.51 percent, was spent for T. V. A. During the same period the State of Minnesota paid $52,192,613 in internal-revenue taxes, or 1.14 percent of the total collected; 0.51 percent of $52,192,613, or $266,182, is Minnesota's share of the T. V. A. burden for 1937. Oh, yes; I agree with Mr. RANKIN; we have felt the effects of T. V. A. up in Minnesota; but, unfortunately, we are on the paying end of the line.

Every Member of this Congress will be interested in knowing that while the T. V. A. has been lauded to the skies as a great enterprise for the benefit of all the people, it now appears that the principal beneficiaries will be monopolistic industrial enterprises. Since the directors submitted the estimates to the House Subcommittee on Appropriations in April 1937, T. V. A. has signed a few contracts with some very large customers. They are the Aluminum Co. of America—a trust—which has a contract with T. V. A. for a maximum of 100,000 kilowatts of electrical energy over a period of years, to cost $1,500,000; the Monsanto Chemical Co., of St. Louis, Mo., which has contracted for 17,250 kilowatts of firm power and 32,750 kilowatts of secondary power, to be taken at its new plant at Columbia, Tenn., for approximately $400,000; the Electro Metallurgical Co., a subsidiary of the Union Carbide Co., which has a contract to take 40,000 kilowatts for $750,000; and the Victor Chemical Co., which has a contract for 32,000 kilowatts for $500,000. These four great contracts, together with the recently executed contract with the Arkansas Power & Light Co. for 40,000 kilowatts, makes one ask, "For whom are we building these dams?" Certainly not for the people of Tennessee Valley, who take but 11 percent of the output.

In executing the contract with the Arkansas Power & Light Co. there was no provision made as to what the Arkansas Co. could charge consumers on resale. That is nice business. No wonder these big corporations are in favor of the T. V. A.

When it is borne in mind that the T. V. A. soon realized that it would be necessary to locate heavy industries in the area to absorb some of its output and fixed its rates with the object of attracting new industries, it is not surprising to find that in recent months T. V. A. has signed contracts with these monopolies. The following editorial and articles from the Chicago Tribune of August 20, 26, 27, 28, 1937, tell an interesting story:

[From the Chicago Tribune of August 20, 1937]

CHEMICAL FIRM EXPLAINS USE OF T. V. A.'S POWER

(By Philip Hampson)

The Victor Chemical Works of Chicago has just started construction of a $1,000,000 chemical plant at Mount Pleasant, Tenn., which will be operated by electric power obtained from the Tennessee Valley Authority, August Kochs, president, said yesterday. The company owns about 3,500 acres of land in the vicinity containing phosphate-rock deposits from which it will obtain its raw materials.

"The reason that we located our plant at Mount Pleasant," Kochs explained, "was because we could get electric power from the T. V. A. at a lower cost than any other place in the country, with the possible exception of the Niagara Falls district, and even there we could not be sure of being able to get it.

"The T. V. A. power lines run within a few miles of our property, hence we find the Mount Pleasant plant ideally situated for our needs. We discussed power costs with the Public Service Co. of Illinois, but it could not meet the T. V. A. rates.

[From the Chicago Tribune of August 28, 1937]

VICTOR CO. AND THE T. V. A.

CHICAGO, August 27.—I am writing to call attention to an error in an editorial published yesterday in the Tribune. The editorial stated correctly that the Victor Chemical Co. had contracted with T. V. A. for power at a price distinctly lower than the cost at which any private corporation offers it. But it was stated further that the company was building its new plant in Tennessee rather than in Chicago for this reason of cheaper Government [T. V. A.] power. That was a mistake. The Victor Co., which operates and will continue to operate a plant in Chicago Heights, desired to supplement its present Nashville plant with a new one in south Tennessee. It had not intended to expand its Chicago plant at this time.

The company found that the Tennessee Electric Co. would not make rates comparable with the Government rates, and so accepted the T. V. A. power contract.

WALTER B. BROWN,
Vice President, Victor Chemical Co.

[From the Chicago Tribune of August 26, 1937]

TENNESSEE POWER AND CHICAGO INDUSTRY

CHICAGO, August 20.—In the Tribune this morning President August Kochs, of the Victor Chemical Works of Chicago, says that he has just started construction of a million-dollar plant in Tennessee so as to get the cheap electrical power of the Tennessee Valley Authority, the great socialist project of the Roosevelt administration.

"We discussed power costs with the Public Service Co. of Illinois," he said, "but it could not meet the T. V. A. rates." That means that he would not construct a plant in the South if the taxpayers would furnish power in the North.

But as he has lived all these years successfully without riding the taxpayers, why does he not serve his country by continuing to do so instead of falling into the arms of socialism? Why do so many American businessmen have no country? That kind of "business" will be the end of the United States as it was when it became first among the nations.

THOMAS JAMES NORTON.

[From the Chicago Tribune of August 27, 1937]

T. V. A. ATTACK ON CHICAGO

How T. V. A. is affecting Chicago business has just been indicated by the action of Victor Chemical Co. in establishing a new million-dollar plant at Mount Pleasant, Tenn. The concern had plans to build the new unit in the Chicago area and had discussed power rates with the Public Service Co. of Northern Illinois. When the Tennessee Valley Authority heard of this, it offered power to the company at $24 per horsepower, which is less than the cost of the power to the Government and a price, therefore, at which the private corporation could not compete. Thus Chicago loses an industry, and in its taxes Chicago is paying a part of the cost of the power which is luring its industry to Tennessee.

The letter of the vice president of the Victor Chemical Co. stating that the "company found that the Tennessee Electric Power Co. would not make rates comparable with Government rates" is significant. The T. V. A. and the Tennessee Electric Power Co. are in keen competition, but the T. V. A. rate was so low the private utility could not meet it. Of course the Tennessee Electric Power Co. could not meet the

T. V. A. rates because the Tennessee Co. must pay taxes, interest, and replacement costs, all of which enter into production costs, while the T. V. A. has none of these charges to meet. Can it be doubted that the reason that Victor Chemical Co. decided to expand its plant in the South was that T. V. A. quoted it low rates?

In a dispatch from Chattanooga of May 10, published in the New York Times of May 13, 1934, Mr. Draper, director of land planning and housing of the T. V. A., is quoted as saying:

> A surprisingly large number of industrialists want of their own accord to leave developed industrial cities and the Tennessee Valley Authority will use power rates as a magnet to draw them to rural sections.

Sure, and the American taxpayer pays for the magnet.

Of course, they could not beat it. No interest to pay, no dividends to pay, no replacement charges, no expansion charges, and taxed two-thirds less than private companies must pay. Why even an idiot could do business and show a profit under those conditions.

Only last week I received a letter from one of the leading granite firms of St. Cloud, Minn., calling my attention to the advantages that the granite producers of the Tennessee Valley have in the way of cheaper rates and lower labor costs. The writer said:

> Personally, I believe if you will investigate the granite industry in the State of Minnesota and the granite industry in the southern States you will find that practically 50 percent of the business that formerly came here is going to the States to the south, and the reasons are mentioned above. * * *

That is, low power rates and cheaper labor.

Power rates at below cost of production, and we of the North are paying the bill. We of the North are not only losing our industries but we are paying the bill, and that is one of the things to which we are objecting.

I ask you Members of the House if it is fair to this and other granite firms in St. Cloud to have the Government furnish power at much below cost to the granite industry in the Tennessee Valley, thereby placing the granite companies of the North at a big disadvantage and at the same time compelling these northern granite companies, through increased taxes, to help make up the losses sustained in the operation of the T. V. A.?

There is not the least doubt in my mind but that a movement exists in connection with the T. V. A. to coax northern industries to the Tennessee Valley, where labor is cheap, and that the bait offered is electric power rates so low that no other section of the country can compete with them because of the huge Government subsidies that are being contributed to T. V. A.

Indeed, the Sixth District of Minnesota to my knowledge has been covered with propaganda for the T. V. A., and it is my information that a real-estate dealer named C. A. Ryan is very active in spreading this propaganda; and whatever his motive, the effect is to move industry from the North to the South, and that will mean a longer haul for our agricultural products, which in turn will be reflected in lower prices to our farmers, not to mention depriving our people of an opportunity to work at home.

I have here a cartoon from the Chattanooga Free Press of November 26, 1937, entitled "Synthetic Hillbillies," which depicts a streamlined limousine occupied by the Aluminum Trust, the Electro-Metallurgical Co., the Monsanto Chemical Co., and the Victor Chemical Co., all riding blissfully toward the "more abundant life." I cannot visualize anything more abundant than the low power rates these monopolies enjoy in the T. V. A. and at the expense of the American taxpayer.

Mr. Chairman, this affects all of the North, and if it continues we are going to see many of the industries of our section move down to the Tennessee Valley, where they can get power at much below cost, whereas they must pay probably several times that amount up in our section of the country, because private companies do not have the Federal Treasury to draw on. The movement to the Tennessee Valley has already started in Chicago and other large industrial centers. If we do not put the T. V. A. on a business basis and make them charge according to cost of operation, just as private industry is compelled to do, it will only be a short time until Minnesota, Pennsylvania, Ohio, Indiana, New York, Massachusetts, Illinois, and other industrial States will have hundreds of thousands of "For Rent" and "For Sale" signs hanging on their homes and factories.

I have here a cartoon I wish every Member could see. It is taken from a Chattanooga paper and depicts a streamlined limousine headed for the "more abundant life." The limousine is occupied by the Aluminum Trust, the Electro-Metallurgical Co., the Monsanto Chemical Co., and the Victor Chemical Co., and they all look as though they are enjoying themselves.

As Mr. RANKIN has repeatedly boasted of what T. V. A. will do for us we can only assume that it has wrought wonders for his section of the country. Well, let us look at the record. Here it is:

Wages in manufacturing industries

	Average number wage earners	Wages	Average wage for year
YEAR 1929			
St. Cloud, Minn.	1,984	$2,676,720	$1,349
Lee County, Miss.	905	539,067	596
Mississippi State	52,049	42,172,862	810
YEAR 1933			
St. Cloud, Minn.	526	520,819	1,066
Mississippi State	27,823	13,635,982	490
YEAR 1935			
St. Cloud, Minn.	713	691,352	970
Mississippi State	36,852	19,941,010	541

Source: Census of Manufactures.

In his many speeches before this body extolling the T. V. A. Mr. Rankin has at various times compared rates in Toronto, Ontario, where they have public ownership, and Buffalo where they operate on sound American lines. Again let us look at the record:

RATES IN ONTARIO

First. The following table is taken from a statement of Cleveland A. Newton, of St. Louis, general counsel of the Mississippi Valley Association, December 15, 1937, at the hearing on regional planning before the House Rivers and Harbors Committee. The figures were derived from the annual report of the Buffalo Co. to the New York Public Service Commission and from the annual report of the Toronto hydroelectric system or of the Ontario Hydro Commission:

Comparison of Buffalo and Toronto rates[1]

	Toronto, 12 months ended Oct. 31, 1935	Buffalo, 12 months ended Dec. 31, 1935
Population	623,562	573,076
Rate per kilowatt-hour:		
Domestic—cents	1.35	3.27
Commercial—do	2.27	1.75
Industrial—do	.83	.66
Total average—do	1.33	1.39
Taxes paid—dollars	38,041	1,921,162
Rate per kilowatt-hour (total average excluding taxes)—cents	1.35	1.18

[1] Buffalo tax rate, 1936-37, $30.05 per thousand. Toronto tax rate $24.25 general, plus $11.45 for public schools, total $35.70. (Source, Moody's Manual.) On a $4,000 house the tax differential is $22.50 per annum in favor of Buffalo. The annual electric bill of the average family in Toronto is about $7.50 less in Toronto than it would be if the family used the same amount of electricity at the Buffalo rate.

This table shows that though domestic rates are substantially lower in Toronto than in Buffalo, the average rate for all uses is about the same in Toronto as in Buffalo, and when correction is made for taxes, electricity is shown to be substantially cheaper in Buffalo than in Toronto. The mayor of Toronto some years ago had stated that power was sold at a loss to the domestic customer.

Second. Apropos domestic rates in Toronto and Buffalo: The combined tax and electricity bill of the average family in Toronto is about $15 per annum higher than the combined

tax and electric bill of a family using the same amount of electricity and living in a house of the same value in Buffalo. What the family in Toronto saves on its electric bill it more than pays out in higher taxes.

Third. The Buffalo worker receives higher wages with which to pay his electric, tax, and other bills than the Toronto worker. The following table shows the hourly wages in 1935 in the building trades in Toronto and Buffalo.

Comparison of hourly wages in Buffalo and Toronto

	Buffalo, 1935	Toronto, 1935-36
	Per hour	*Per hour*
Bricklayers	$1.25	$0.90
Glaziers	1.00	
Carpenters	1.00	.80
Inside wiremen	1.125	[1] 1.00
Painters	1.00	.75
Plasterers	1.50	.90
Plumbers	1.20	.90
Steam fitters	1.20	
Stone masons	1.25	.875
Structural iron workers	1.215	

[1] Electrical workers.

Source: Monthly Labor Review, November 1935, U. S. Department of Labor. Canada Yearbook, 1937, p. 782.

Fourth. The Ontario debt has increased over five times as much as the Quebec debt since Ontario went into the power business. Increase in debt follows in chronological order the growth of the Ontario hydro system. The following table shows the gross bonded debt of Quebec and Ontario for 1936.

Gross bonded debt (per capita)

Year	Quebec	Ontario
1900	$21.52	$0
1936	53.21	163.15

Source: Canada Yearbook 1937, p. 852.

Let me call to your attention how public operation has saddled the people of Ontario with debt. In addition to the direct debt of these Provinces, as shown above, they are obligated through underwriting bonds of Government business ventures for additional debt. This indirect debt in Quebec amounts to about $3 per capita and in Ontario amounts to at least $30 per capita.

Fifth. Taxes since Ontario went into the power business have grown nearly three times as fast in that Province as in Quebec, which is not surprising, as utilities pay little or no taxes in Ontario. The following table shows per capita taxes in Ontario and Quebec:

Taxation (per capita)

Year	Quebec	Ontario
1900	$0.64	$0.39
1934	6.61	10.63

Source: The data for 1934 was obtained from Financial Statistics of Provincial Governments for 1932-33 and 1934, published by the Dominion Bureau of Statistics. The Canada Year-book has the same data for 1933 and 1934. The data for 1900 was taken from the annual reports of the Provincial treasury departments and set up according to the classification in effect 1916-26.

Debt and tax figures reflect more accurately than any other over-all measure the true cost of public business ventures.

Sixth. The following table taken from the latest annual report of the hydroelectric commission shows that the ratio of capital debt to capital investment of the Hydroelectric Power Commission of Ontario after 30 years of operation is 91 percent:

Ratio of capital debt to capital investment, twenty-ninth annual report Hydroelectric Power Commission of Ontario

(Funded debt issued or assumed Oct. 31, 1936, p. 183 of the twenty-ninth annual report)

Principal outstanding Oct. 31, 1936	$109,340,242.50
Commission's share in Provincial bonds Oct. 31, 1936	164,049,412.49
	273,389,654.99
Less sinking fund reserves (p. 189)	$39,088,953.29
	234,300,701.70
Plus municipalities equity in sinking fund (p. 17)	36,193,874.21
	270,494,575.91
Capital investment (p. 17)	297,864,134.93

Ratio 91 percent.

The original act of May 10, 1906, provided that charges should be such as to create "an annual sum sufficient to form in 30 years a sinking fund for the retirement of the securities issued by the Province, i. e., the cost of operating, maintaining, renewing, and insuring works." It was promised that the whole debt would be discharged in 30 years and in addition a depreciation sum set up sufficient to install a new system when the present system became obsolete or worn out. On October 31, 1936, a little over 30 years after the passage of the act, the capital debt was over $270,000,000 on an investment reported to be $298,000,000, or a ratio of 91 percent, and the sinking-fund reserves of the commission, after deducting the municipality's equity in the sinking-fund reserves, was less than $3,000,000. Additional bonds had been floated because of depleted reserve funds. (Article by J. T. Jeffery, engineer, Hydroelectric Power Commission of Ontario, March-April 1922 Bulletin, Hydroelectric Power Commission of Ontario, p. 96.)

Incidentally it is worthy of mention that after the Arkansas company I previously referred to had made its contract with the T. V. A. the officials of the company were able to borrow $323,000 of Federal funds from the Rural Electrification Administration in order to extend its private business to serve 19 Arkansas counties. The company borrowed this Federal money at 2.88 percent per year, and it will be able to set up as a part of its rate-making schedule the value of the improvements made with borrowed money so as to achieve at least a 6- or 7-percent return.

Thus are the people of the entire Nation being taxed and heavily taxed, to support a system of experiments and excursions into the field of sociology and economic experiment which, to say the least, no businessman or commercial banker would enter, under similar circumstances, and with such scant hope of ever being reimbursed.

Mr. Chairman, the whole story of the T. V. A. has not yet been told. It will unfold itself in the years to come when all the ballyhoo has died down and we find what a white elephant we have built. There has been too much of a destructive nature connected with T. V. A. so far to warrant the continued appropriations of money to this project without some degree of congressional supervision in the spending.

In my 20 years as a member of this body I have always voted for advancement and progress, and against graft and waste. I do not wish to see any section of our country retarded in its normal and sound growth. Neither do I wish to see the whole Nation suffer merely for the benefit of a particular section. I will vote every dollar necessary for relief but I want the money to go to those who need it and not to build up big and cumbersome bureaus that take the bread out of people's mouths. Acting always upon that sound principle I have consistently voted against all proposals to bring new agricultural areas into production through irrigation development at Government expense, because they compete with the hard-pressed farmers of other sections whose present difficulties are increased in proportion to the acreage reclaimed. Any activity subsidized with Government money is impossible to compete with, I care not whether it be agriculture, industry, or what not.

The T. V. A. has turned out to be a costly and wasteful enterprise, one that, at best, has benefited only a small fraction of our people, and one that has cost all the people a great deal of money. While the Congress has exercised practically no supervision and no control over the T. V. A., we can at least bring to light some facts which will remove from this corporation the halo of righteousness which has been built around it, and show that the managers and

builders are just human beings who have made many mistakes. And it is in that spirit that I shall continue to criticize the waste and extravagance of its program.

The T. V. A. has on its pay rolls more than 14,000 persons, many at salaries well above the average for employment of similar character in private industry. Among this high-priced help there are numerous accountants, auditors, bookkeepers, and statisticians, yet at the end of November no Member of this Congress was able to get any facts or official figures which would enable him to determine how the Federal money was spent during the fiscal year 1937, which ended June 30, last. We have just seen this House appropriate further funds for T. V. A. for another fiscal year. With the data of previous spendings, to all intents and purposes, adequately covered up by red tape and unnecessary secrecy, Members of this Congress have again blindly poured public money into this grand Russianized experiment in socializing an entire section of our Nation.

Against such procedures and against such methods I shall continue to protest, feeling confident the people of Minnesota would not want me to do otherwise.

To the gentleman from Mississippi and to my thousands of friends in Minnesota and other parts of the Nation, I recommend the reading of Carpetbaggers of Industry, published by the Amalgamated Clothing Works of America, and With Labor Thrown In, by Walter Danvenport in Collier's for November 27 last.

Thus can one arrive at a new perspective of the State of Mississippi and how it could better be served by its own representative. Perhaps the gentleman from Mississippi will explain why, in view of all the benefits he claims the T. V. A. has conferred upon Tupelo, none of the heavy industries have located there to use T. V. A. power. Muscle Shoals will have its Electro Metallurgical Co.; Columbia, Tenn., its Monsanto Chemical Co.; Mount Pleasant, Tenn., its Victor Chemical Co.; Alcoa, its aluminum company; and Arkansas Power & Light Co. will have its cheap-power contract and low-financing charges. What does Tupelo have? Cheap lights and its labor trouble. And it has been truly said that every time a householder in Tupelo turns on his lights the taxpayer's book gets a shock.

The President's Budget calls for curtailing appropriations for relief during 1938 by 33⅓ percent, but I fail to find in his message where he recommends cutting appropriations for T. V. A. a single penny. The salary boosts down there show the intent is different. Can it be that it is more important to provide a comparatively small area down south with electric power below cost of production than to relieve human misery?

In closing, let me repeat the warning sounded by Maj. Gen. Edward M. Markham, former Chief of Engineers, United States Army, presented at the Upstream Engineering Conference held in Washington September 23, 1936. General Markham said:

> It is a beautiful picture to visualize the major streams of the United States controlled by reservoir systems combining storage for domestic water supply, irrigation, the development of hydroelectric power, and the impounding of flood waters. Unfortunately the combination of these purposes, in a single reservoir or in a unified system, is normally unfeasible.

Furthermore, in the booklet Soil Defense in the Piedmont, by E. M. Rowalt, of the Department of Agriculture, Farmers' Bulletin 1767, under the heading of a chapter entitled "Dwindling Waterpower", we find, page 15, the following statement:

> Large and small reservoirs pass through the same cycle. They all, in time, fill and lose their usefulness for water storage; no economical method of clearing them has been devised.

So before proceeding further with this entire unified plan, which will cost in the neighborhood of $700,000,000 to complete, and which will ultimately affect and most directly benefit the persons owning and living on the 5,000,000 acres of tillable land in the Tennessee River Basin, it is no more than right and proper that the representatives of all the people of the United States, who will in a large measure pay the bill for this great experiment, I refer to the Members of this Congress, shall now institute the investigation which a full discharge of our congressional duties demands. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that I may insert in my remarks a graph which I have prepared bearing on the yardstick.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Chairman, I shall not attempt at this time to answer the address to which we have just listened, attacking the T. V. A., but will confine my remarks to a discussion of the T. V. A. yardstick for the measurement of electric light and power rates to the ultimate consumers.

This yardstick is the greatest weapon ever devised for the protection of the people who pay the light and power bills of the Nation. I have already shown that this yardstick, together with the other power policies of this administration, has reduced light and power rates throughout the country $556,000,000 a year—for last year, this year, next year, and for every other year that lies spread out before us in the decades that are to come. In fact those savings will be increased from year to year as the influence of the yardstick spreads and the people become better educated on this vital question.

Every municipality should own and operate its own electrict light and power system. It should not be operated for profit, but should deliver electricity to the consumers at the lowest possible rate, in order to enable them to enjoy the most liberal use of electric current, which means the most liberal enjoyment of those electrical appliances that go to lighten the burdens of drudgery and to add to the comforts and conveniences of every home, as well as every business enterprise.

I have had prepared a graph, or chart, showing what this yardstick means when applied to domestic rates for electricity. It not only shows the T. V. A. yardstick, but it shows the average yardstick for five public-power systems, and also shows the yardstick of the private-power companies. If you want to know how much your people are overcharged for electricity in their homes, study this chart carefully. You will note that where the T. V. A. yardstick is only 36 inches long, of which 25.1 inches goes to distribution, the private-power company's yardstick is 95 inches long—84.5 inches of which goes to distribution and profits, overcharges, and waste, or graft.

For that reason, if for no other, every municipality should own its distribution system.

Here is a table showing the T. V. A. yardstick rates at which this power is delivered to the domestic consumers:

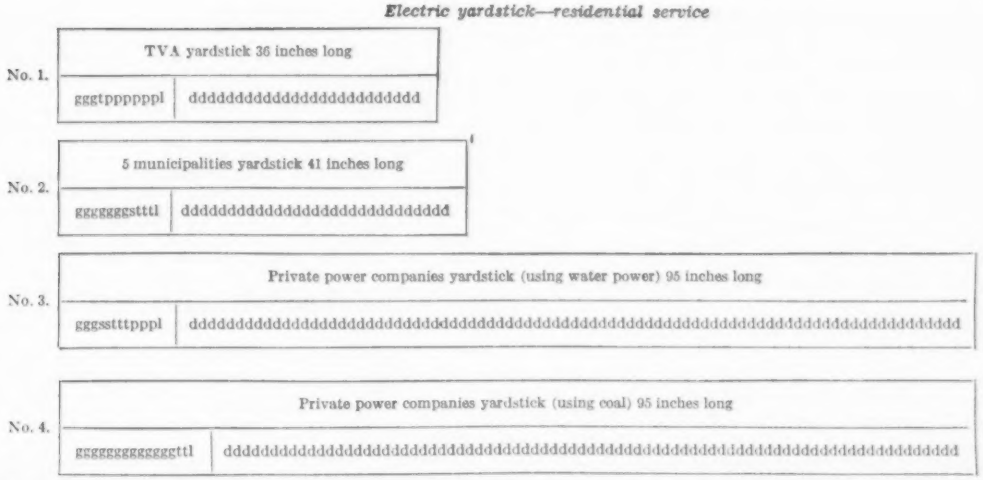
> First 50 killowatt-hours a month, 3 cents a kilowatt-hour.
> Next 150 killowatt-hours a month, 2 cents a killowatt-hour.
> Next 200 killowatt-hours a month, 1 cent a killowatt-hour.
> Next 1,000 killowatt-hours a month, 4 mills a killowatt-hour.

On page 531 is the chart showing how this yardstick compares with the yardstick used by private power companies. Study them carefully and you will see what the T. V. A. yardstick means to the ultimate consumers.

Each letter in these four lines represents a length of 1 inch on the yardstick. The letter "g" represents generation, the letter "t" transmission, the letter "l" line losses, the letter "s" the cost of steam stand-by, the letter "p" represents profit, and the letter "d" distribution costs.

The line chart shows that, based on the true T. V. A. yardstick of 36 inches, the private power companies are using a yardstick 95 inches long. All this is calculated from the average residential sales price to the ultimate consumer for the year 1937.

Electric yardstick—residential service



Line No. 1 represents the T. V. A. yardstick for the measurement of domestic light and power rates to the ultimate consumers. It is 36 inches long—representing 17.8 mills, or 1.78 cents a kilowatt-hour.

Line No. 2 represents the composite yardstick for five municipally owned systems, at Los Angeles, Calif.; Eugene, Oreg.; Tacoma and Seattle, Wash.; and Winnipeg, Canada. It is 41 inches long—representing 20.45 mills, or 2.045 cents a kilowatt-hour.

Line No. 3 represents the private power companies' yardstick for the measurement of light and power rates to the ultimate consumers, based on water power. It is 95 inches long—representing 46.9 mills, or 4.69 cents a kilowatt-hour—or almost three times the amount charged under the T. V. A. yardstick rates.

Line No. 4 represents the private power companies' yardstick where the power is generated with coal. It is also 95 inches long and represents a charge of 46.9 mills, or 4.69 cents a kilowatt-hour.

As I said, each letter in this chart represents 1 inch on the yardstick. For instance, you will notice in line No. 1, or the T. V. A. yardstick, three letter "g's." The letter "g" stands for generation, and each one of these "g's" represents 1 inch on the yardstick. The letter "t" stands for transmission, and the "t" in this yardstick shows that 1 inch of the 36-inch yardstick is absorbed in transmission. The letter "l" stands for line loss. There being one "l" in this yardstick, indicates that only 1 inch on this yardstick is charged to line loss.

The letter "p" stands for profits to the T. V. A. on its wholesale price of power sold to the city of Tupelo. The five "p's" indicate that 5 inches of this yardstick is absorbed by the profits to the T. V. A. The letter "d" stands for distribution. Each "d" represents 1 inch on the yardstick. The 25 "d's" indicate that 25 inches of the 36 inches in the yardstick were absorbed in distribution.

Thus it will be seen that 11 inches of this yardstick are absorbed by the cost of laying this power down at the city gate, while 25 inches are absorbed in the distribution, making a total of 36 inches in all, or an average price to the ultimate domestic consumers of 17.8 mills, or 1.78 cents a kilowatt-hour.

Now, let us take a look at line No. 2, which is a composite of five successful municipal plants located at Los Angeles, Calif.; Eugene, Oreg.; Tacoma, Wash.; Seattle, Wash.; and Winnepeg, Canada. You will note that the seven "g's" indicate that 7 inches of the yardstick are absorbed in generation. The one "s" indicates that 1 inch is absorbed in a stand-by plant, three "t's" indicate that 3 inches are absorbed in transmission, and one "l" indicates that 1 inch is absorbed by line loss; while 29 "d's" indicate that 29 inches are absorbed by distribution. In other words, laying this power down at the city gate takes up 12 of the 41 inches in this yardstick, while distribution, after it reaches the city gate, absorbs 29 inches of the yardstick, making a total of 41 inches all told, or an average price to the ultimate domestic consumers of 20.45 mills, or 2.045 cents a kilowatt-hour.

Now, let us examine line No. 3, which is the national average for hydroelectric power transmitted over a distance of 100 miles and distributed to the ultimate domestic consumers at the average rate now charged by the private power companies. This yardstick, you will notice, is 95 inches long—or approximately three times as long as the T. V. A. yardstick.

We are using the Conowingo Dam on the Susquehanna River in Pennsylvania as the comparative standard in this case. This dam is owned by private interests, generates and sells power wholesale to a private power company at a profit, for 2.7 mills a kilowatt-hour. The private power company then sells to the domestic consumers at the 95-inch yardstick rate.

You will note that the three "g's" indicate that 3 inches are absorbed in generation, three "t's" indicate that 3 inches go to transmission, one "l" indicates that 1 inch is charged to line loss, two "s's" indicate that 2 inches are absorbed by stand-by facilities, and three "p's" indicate that 3 inches go as profit to the wholesaler of this power, while the 83 "d's" show that 83 inches are absorbed in distribution, after this power reaches the city gate, making the yardstick 95 inches long and making the average price of this power to the ultimate domestic consumer 46.9 mills, or 4.69 cents, a kilowatt-hour against 1.78 cents a kilowatt-hour under the T. V. A. rates.

You will note that line No. 4, which indicates the national average yardstick of a modern steam plant with coal at $4 per ton is also 95 inches long. The 13 "g's" indicate that 13 inches of the yardstick is absorbed in generation, 2 "t's" show that 2 inches of the yardstick are absorbed in transmission, 1 "l" indicates that only 1 inch is absorbed in line loss, while 79 "d's" show that 79 inches of it goes to distribution.

In other words, this power is laid down at the city gate for about the same cost as it is at Tupelo and other cities and towns in the T. V. A. area. But, as shown in line No. 1, it takes 25 inches of the yardstick, or 12.3 mills a kilowatt-hour, to distribute power to the ultimate consumers under T. V. A. rates. In line No. 2 it is shown that the five municipalities that have public distribution systems use 29 inches, or 14.45 mills, or 1.445 cents, a kilowatt-hour for distribution, while in line No. 3 the private power companies use 83 inches, or 41.7 mills, or 4.17 cents, a kilowatt-hour for distribution to the ultimate consumers; and in line No. 4 it is shown that

the private power companies generating power by a modern steam plant and distributing it to the ultimate consumer uses 79 inches, or 39.9 mills, or 3.99 cents, a kilowatt-hour for distribution.

If every municipality owned and operated its own light and power system, it could deliver electricity to its consumers at the T. V. A. yardstick rates.

By permission of the House, I am inserting a discussion of this proposition before the Committee on Rivers and Harbors:

STATEMENT OF HON. JOHN ELLIOTT RANKIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. RANKIN. Mr. Chairman.

The CHAIRMAN. Mr. RANKIN.

Mr. RANKIN. I do not know how much time you have allotted to me.

Mr. DEROUEN. Thirty minutes.

Mr. RANKIN. I will try to conclude my statement so that I can yield back a portion of that time.

Mr. DEROUEN. Thank you.

Mr. RANKIN. Mr. Chairman, there has been a good deal said since I was before the committee the last time questioning my statements with reference to the yardstick measurement for electric light and power rates.

So I have had a chart made, and I am going to ask unanimous consent that I may have a reduced copy inserted in the record at the beginning of my remarks.

Mr. DEROUEN. All right; that may be done.

Mr. RANKIN. Mr. Chairman, I will not take the time to reply to what portion of the remarks the gentleman from Kentucky [Mr. MAY] that I heard; but I do want to say to him that if private power companies could produce power or can produce power at three-fourths of a mill a kilowatt-hour, as he said they could, then the American people are being worse overcharged for electricity than I have ever contended they are.

Now, I have shown in the statements which I have put in the CONGRESSIONAL RECORD that at the present time our overcharge as compared with the charges in Ontario, Canada, are something like $1,300,000,000 a year. I understand some gentleman came before the committee this morning, or yesterday, and attempted to show the fallacy of that argument by pointing out the power rates in Buffalo, N. Y. Of course, that is the old scheme of the opposition. He might have told you that Buffalo is right at Niagara Falls, where they can see across the river into Ontario; where they have the lowest light and power rates in America, and the very effect of Ontario forces the rates down in Buffalo; but they might have told you also that at Albany, N. Y., they pay twice as much for electricity as they do in Buffalo, and that at Auburn, N. Y., they pay more than twice as much, and in New York City they pay almost twice as much as they do in Buffalo. Why? Because they are out of reach of the influence of this Ontario yardstick.

Now, Mr. Chairman, the power industry is divided into three distinct steps: Generation, transmission, and distribution.

I have had this chart made to show the cost of generation, the cost of transmission, and the cost of distribution; and also the line losses.

The first, No. 1, at the top here is the Tennessee Valley Authority yardstick, which represents 36 inches on the scale. That is an average retail rate at which the T. V. A. power is sold to the domestic consumer in the municipality of Tupelo, Miss., a town of about 8,000 people, situated approximately 100 miles from the Wilson Dam. The average cost to the ultimate domestic consumer there is 1.78 cents a kilowatt-hour. That is the price the ultimate consumer pays.

Taking the report of the Army engineers of 1930, we find that the generation of that power only amounts to 2.8 inches of this 36-inch yardstick, or 1.4 mills per kilowatt-hour.

That is what it costs to generate by water power at Muscle Shoals, according to the report of the Army engineers of 1930. That has been amply sustained or justified by the fact that at Boulder Dam, where the entire cost of the dam is charged to power, the power is generated at 2.1 mills a kilowatt-hour.

Then, the cost of transmitting that power 100 miles occupied 1.2 inches on the yardstick, or 0.6 of a mill.

This chart is based on 100 miles transmission and the average distribution system.

The amount of line loss running 100 miles per kilowatt-hour, we have at 0.66 inch on the yardstick, or 0.4 of a mill, making this power laid down at Tupelo cost the Tennessee Valley Authority 2 mills a kilowatt-hour, and that is what the Army engineers said it could be laid down for.

I believe they said 1.99 mills.

Tupelo buys it at 5.5 mills, a kilowatt-hour, which makes a profit to the Federal Government of 7 inches on the yardstick, or 3.5 mills a kilowatt-hour, or 175 percent.

Last year the city of Tupelo distributed this power at the yardstick rates. They bought $50,000 worth and sold it for $123,000; paid their interest on their debt against the municipal plant; paid their sinking fund; gave the city $4,000; paid $9,000 taxes, which is more than any power company paid in Mississippi for a town of that size; and made a profit of $27,000, which would make the yardstick—if we had turned back that profit it would have made this yardstick only 28 inches instead of 36 inches.

So much for the Tennessee Valley yardstick.

No. 2. We then took the yardstick of five public plants or systems: Los Angeles, Calif.; Eugene, Oreg.; Tacoma, Wash.; Seattle, Wash.; and Winnipeg, Canada; and all of them combined have an average yardstick of 41 inches, or 20.45 mills, or 2.045 cents a kilowatt-hour. That is the average rate the ultimate domestic consumer pays in those cities for electricity.

Now, let us see what it costs to generate this power used in these five cities. The generation cost averaged 3.6 mills a kilowatt-hour. They have to have a stand-by, which made it 1⅓ inches on the yardstick, or 0.65 mill per kilowatt-hour.

The transmission cost 1.37 mills a kilowatt-hour. The line losses were 0.38 mill a kilowatt-hour. That brought the distribution down to, the generation and transmission down to, 12.15 inches on the yardstick, leaving 28.7 inches for distribution, or 1.45 mills a kilowatt-hour, making their yardstick 41 inches, or the average to the ultimate consumer of 20.45 mills a kilowatt-hour.

Nobody has questioned but that private power interests can generate power with water as cheaply as a public concern can, and there the difference stops, because it costs no more to transmit or distribute power generated with coal than it does power generated with water.

So we have come on down—and I am going through this rather hastily, because the committee has been very patient, and I do not care to tax their patience—so we have come on down to the question of the private power interests, and we have taken exactly the same average, the same transmission distances, and here is their yardstick:

No. 3. Instead of being 36 inches, as the Tennessee Valley Authority yardstick is to the ultimate consumer, or 41 inches, as it is on an average at Los Angeles, Eugene, Seattle, Tacoma, and Winnipeg, their yardstick is 95 inches long; and instead of selling it at 17.8 mills, or 1.78 cents a kilowatt-hour to the ultimate consumer as is done in the Tennessee Valley Authority area, or at an average of 20.45 mills or 2.045 cents a kilowatt-hour, as is done in Los Angeles, Eugene, Tacoma, Seattle, and Winnipeg, they sell it for an average price of 46.9 mills, or 4.69 cents a kilowatt-hour, or considerably more than twice the amount charged by either of the five places above mentioned, and about two and one-half times the amount the ultimate consumer pays in the Tennessee Valley Authority area.

Now, let us see about the cost of generation and transmission. We are taking the Conowingo Dam, which is owned by a private company, and is situated on the Susquehanna River in Pennsylvania. They generate power for profit and sell it for profit.

They sell it to the Philadelphia Electric at 2.7 mills a kilowatt-hour wholesale, according to their report to the Federal Power Commission. In other words, on this long yardstick, 95 inches long, the private power company generation amounts to only 5.5 inches, or 2.7 mills, of the 95 inches in the entire yardstick, of the 46.9 mills, which is the average price the ultimate consumers have to pay.

You then have to have a stand-by, or at least we presume they do, which takes up 2 inches on the yardstick, or 1 mill per kilowatt-hour.

The transmission, we will say, is 2.4 inches, or 1.2 mills, a kilowatt-hour. Their line loss amounts to about 0.3 of a mill per kilowatt-hour. Then when they sell this power at 2.7 mills a kilowatt-hour they make a profit of 2.5 inches on the yardstick, or 1.2 mills; and, as I said, that makes the cost of generation 1.5 mills a kilowatt-hour, which is a little less than the generating cost at Muscle Shoals.

In other words, of this 95 inches there is therefore 10.5 inches that goes to pay for generation, transmission, line losses, stand-by, and wholesale profit to the generating company—10.5 inches. Therefore, instead of distributing this power, using 25.1 inches of the yardstick to distribute, as is done in the T. V. A. area, or 28.7 inches, as is done in the five municipal plants I have mentioned, they use 84.5 inches of that yardstick for distribution, or more than eight times the cost of laying the power down at the city gate. There is where the people get stung. That is the reason for this tremendous wave of propaganda; that is the reason for all these hired agents throughout the country; that is the reason for all this powerful drive to keep municipalities from putting in their own distribution systems.

Why, of course, they want the T. V. A. to sell them power at the city gate and in the ways indicated by the gentleman from Kentucky [Mr. MAY] awhile ago, and let them rob the consumers, as this chart shows they are doing.

Mr. DONDERO. Do you mind if we interrupt you now, or do you want to go on with your statement?

Mr. RANKIN. Let me finish, this please.

Now, that is a water-power set-up. The Tennessee Valley Authority takes 10.9 inches for generation, transmission, profits, and line losses. The five plants of Los Angeles, Eugene, Seattle, Tacoma, and Winnipeg take 11.4 inches, for generation, stand-by, transmission, and line losses; and the private power companies only use 10.5 inches, which shows the cost of generation and transmission to the city gates is about the same as in the case of public plants. But the private companies use 84.5 inches of their yardstick for distribution, whereas the municipalities I have above mentioned only use 28.7 and Tupelo only uses 25.1 inches. In other words, these five cities use 28.7 inches for distribution, making a charge of 14.45 mills a kilowatt-hour for distribution, and the Tennessee Valley Authority 25.1 inches and charges 12.3 mills a kilowatt-hour for distribution while the private companies use 84.5 inches and charge 41.7 mills for distribution.

No wonder they want us to sell it to them at the city gates so they can impose their excessive charges on the consumers. That is what this fight is all about.

No. 4. Now let us get down to the coal plants. I never heard anyone so optimistic as the gentleman from Kentucky [Mr. MAY] when he said that they generated power from coal at three-fourths of a mill a kilowatt-hour, because you heard Mr. Walsh, of the New York Power Authority's statement and the statement of Mr. Fowle, I believe is the name, who made the investigation for the private power companies, or representing their viewpoint.

Now, here is their yardstick, 95 inches long. It is based on coal at $4 per ton. Of course coal is much cheaper than that in Pennsylvania and West Virginia, where the power rates to the consumer are about the highest in America. I believe New Hampshire and Louisiana are a little ahead of them, but they are higher there than they are in the majority of the States.

To generate power with $4 coal, according to Mr. Walsh's statement, costs 6.3 mills a kilowatt-hour, which takes 12.7 inches on the yardstick. The transmission would cost the same as for water power, 2.4 inches, or 1.2 mills per kilowatt-hour. The line loss would be 0.8 inch or 0.4 mill per kilowatt-hour.

I might say in that connection that in sending power from Boulder Dam to Los Angeles, 266 miles, the line losses only amount to 6 percent. So that will give you an idea of the small amount of line loss in transmission.

Mr. FOWLE. I believe it was showed that this power could be generated at 5.4 mills a kilowatt-hour with coal at $4 a ton. But in order to give the power company the full benefit of every doubt, we have used the higher rate, 6.3 mills. What does it mean? It means that the generation, transmission, and line losses totaled amount to 15.9 inches on the yardstick or 7 mills a kilowatt-hour laid down at the city gate, and that 79.1 inches, or 39.9 mills, is charged for distribution.

You do not have to have any stand-by, because your plant is its own stand-by. There is really no transmission of power, for you have transmitted the coal so the rest of it, the balance of that yardstick, which is exactly the same length the private power companies use in measuring out hydroelectric power to the local distributing system, because they sell at the same price in the same area. So of this 95 inches in their yardstick, 79.1 inches is used for distribution costs, or 39.9 mills per kilowatt-hour. That is what they charge for distributing this power to the ultimate consumer, whereas under the T. V. A. yardstick it would cost only 12.3 mills and only 14.45 mills in the five cities referred to.

Now let us look at the Tennessee Valley Authority yardstick, which is 36 inches long. Up to the distribution system it takes 10.9 inches on the yardstick, or costs 5.5 mills a kilowatt-hour, all of which includes the Government costs of 2 mills and a profit to the Government of 3.5 mills.

Under the yardstick at Los Angeles, Eugene, Tacoma, Seattle, and Winnipeg, the yardstick is 41 inches long. The total for distribution amounts to 28.7 inches, or 14.45 mills per kilowatt-hour. The total inches up to the distribution system would be 12.15 inches now—in that is included a stand-by, you understand—for these five stations. Without the stand-by, the total up to the distribution system would be 10.85 inches, total inches in distribution, 28.7 inches or 14.45 mills. All right; the total inches in the private companies' yardstick, which is 95 inches long, the total inches up to the distribution system is 10.5 inches. The balance, the distribution, there is 84.5 inches or 41.7 mills as against 25.1 inches or 12.3 mills under the T. V. A. yardstick rates, and 28.7 inches or 14.45 mills a kilowatt-hour under the yardstick of the five municipalities I have mentioned. And, under the system, the same system, where they use the same yardstick as the private power companies always do, the transmission, the total inches up to the distribution is 15.9 inches, which as I have shown before was only about or actually 7 mills a kilowatt-hour. The balance of the yardstick is absorbed in distribution, which is 79.1 inches or 39.9 mills a kilowatt-hour.

Now, there is where the exorbitant cost comes in. They can sell power generated with coal—I will make this statement—they can generate power with coal and transmit it the same distance and sell it at the T. V. A. yardstick, amortize the investment, and make 4 percent interest on it as they go.

So the thing they are driving at is that they want us to sell the power at the bus bar. They were buying it at 1.56 mills a kilowatt-hour at Muscle Shoals and showing that they are paying 0.3 mill or more profit before T. V. A. was created.

They did that for 5 years and sold it within sight of the dam at 10 cents a kilowatt-hour or a spread of more than 5,000 percent.

Now, Mr. Chairman, I do not care to take up any more time. I would like to have permission to extend my remarks in the record and I will answer any questions that the chairman or any of the members of the committee desire to ask.

Mr. DEROUEN. Any questions?

Mr. DONDERO. What do you have to say to the question I asked Congressman MAY about the cost of generation as compared with distribution, the cost being about one-eighth and distribution seven-eighths?

Mr. RANKIN. I will say this, Judge——

Mr. DONDERO. As near as you know.

Mr. RANKIN. I will say this: On water power, now—taking water power first—the cost of generation and the transmission over the average length of 100 miles or 150 miles of line is, I would say, approximately one-eighth of what the power companies charge, but about one-third to one-half the real cost. The record shows here that is 5.5 mills a kilowatt-hour laid down at Tupelo and that the power is sold for 17.8 mills a kilowatt-hour on the average to the consumers.

Now, that is to the domestic consumers, and that is river-run or primary power.

The gentleman from Kentucky [Mr. MAY] told you awhile ago they are selling some power for 2 mills per kilowatt-hour, but he did not tell you that it is what they call secondary or dump power.

So I would say that the cost of generation and transmission, profit to the generator, and the line losses would be approximately one-third to one-half of the cost of the transmission and distribution under the Tennessee Valley Authority yardstick rates. I would say also that it would be approximately one-eighth, or almost one-eighth, of the entire cost, where you include the enormous profits the private companies charge the consumers.

Mr. DONDERO. What I am getting at is——

Mr. RANKIN (continuing). But when you go to get down here [indicating] to the private power companies, you will find it is a great deal less; but if you put the profits in here [indicating on plat], this is what it will be, the whole thing, it will be approximately one-third of the yardstick at T. V. A. rates.

Mr. DONDERO. Let me ask you again. I do not mean to confuse you at this time. What I am getting at is, this committee has had some information to the effect that the generation of power at the place of generation represents about one-eighth of the cost, and that the other seven-eighths is represented in the cost of distribution and transmission.

Mr. RANKIN. That is not true, where it is distributed at the proper rates, the T. V. A. yardstick rates. Where you distribute it at 17.18 mills a kilowatt-hour, that is not true; and it does not cost any more for a private power company to generate and transmit it than it does for the Tennessee Valley Authority.

So, therefore, instead of using 12.3 mills for distribution they charge 46.9 mills, or more than three times—almost four times—as much as it cost to distribute it by municipalities where they make a profit of about one-fourth, I will say, of the amount of the sales.

Mr. DONDERO. That amount may vary in different localities, depending upon the management, the labor conditions, the coal, rail rates, water power, the length of the transmission lines, and the distributing system.

Mr. RANKIN. I said here [indicating on plat] where you can get your coal at $4 a ton, and I find that the Government gets coal laid down in my town at $4 a ton. So this is based on $4 coal.

Now in the States of Pennsylvania and West Virginia, why, of course, they have coal a great deal cheaper. That large concern the gentleman from Kentucky [Mr. MAY] referred to owns its own coal mines. It can generate power and lay it down at the city gate for approximately the same price the Tennessee Valley Authority lays it down the same distance. It can then be distributed at a profit and laid down to the consumer at the standard Tennessee Valley yardstick rates.

Power can be generated—I will make this broad statement, and I will take on any man who is worthy of my "steel" to debate the question over the radio, or anywhere else it is necessary—I make the broad statement that you can generate power in practically any town in the United States with coal and sell it at the Tennessee Valley Authority yardstick rates without losses.

Mr. DONDERO. Congressman RANKIN, that is a rather severe indictment to every utility commission in the Union.

Mr. RANKIN. Yes, sir; it certainly is. The average public-utility commission, as I said before this committee before, instead of regulating the utilities, has invariably been regulated by them.

Mr. DONDERO. I am interested in knowing what advantage the Tennessee Valley Authority has over private power companies or the municipal plants, away from them, what advantages they have that the private plants do not have.

Mr. RANKIN. Well, it has this, the only one I can point out offhand, is that it does not have to pay the high-priced officials that these private power companies do, and it does not have the holding company's expenses to pay. It is not telescoped with holding companies, layer on top of layer that reach down and absorb the profits. It does not have to pay the enormous amount of money for propaganda purposes and it does not have to hire agents to go all over the country to try to discredit the municipal plants.

All of those expenses are charged up to the consumers, of course. The Tennessee Valley Authority does not have those elements of expense to meet or to pass on to the consumers.

Mr. DONDERO. What do you say about the capital investment?

Mr. RANKIN. They have tried to make you believe that the taxes made a great deal of difference. The Tennessee Valley Authority pays 5 percent taxes. It is not what they were talking about a while ago for the flow of the stream. Alabama had no interest in the flow of the stream. I helped to pass that bill and defended that proposition on the floor of the House. They pay them 5 percent, in lieu of taxes, on the gross receipts in Alabama, and they pay them 5 percent in Tennessee on the gross receipts in that State, in lieu of taxes. But, this power is power that is transmitted to Tupelo. We are paying taxes there on our power system amounting to more than any private power company in Mississippi is paying in a town of that same size in the State.

So, the bugaboo that they have raised about the taxes is merely propaganda.

Mr. DEROUEN. Let me make a statement.

Mr. SMITH. I would like to ask a question.

Mr. MOSIER. May I make a statement?

Mr. DEROUEN. Let me make a statement. For your consideration, we have agreed to let several other Members come on. They have had to come here and go away, and they are here again,

and let us try to hold it within the time that the gentleman has agreed upon.

Mr. MOSIER. I would like to ask a question.

Mr. DEROUEN. I think that we ought to hear these other gentlemen.

Mr. MOSIER. Referring, Mr. Rankin, now, just to the Tennessee Valley Authority.

Mr. RANKIN. All right.

Mr. MOSIER. Will you tell me what elements you take into consideration when you arrive at that rate which you called the yardstick rate?

Mr. RANKIN. The cost of generation, transmission, line losses, distribution, and the profits which the municipality pays to the Tennessee Valley Authority, and the profits to the city.

Mr. MOSIER. All right. Now let me ask you this: Did you take into consideration at all, in arriving at that rate, the invested capital?

Mr. RANKIN. I will say this to the gentleman from Ohio, that when this was worked out by the Army engineers, a good many years ago, when they were in charge in 1930, they based their figures on the proposition that a certain percentage of the cost of the dam would be charged to power, a certain percentage to navigation, a certain percentage to flood control; but in order to show how nearly right they were, at Boulder Dam, where it is all charged to power, there it is generated at a cost of 2.1 mills per kilowatt-hour and is sold in Los Angeles, laid down at Los Angeles, 266 miles away, or more than twice as far as from Tupelo to Muscle Shoals, it is laid down in Los Angeles at less than 4 mills a kilowatt-hour, where we are paying 5.5 mills at Tupelo, only 100 miles from the dam.

Mr. MOSIER. I will refer again to the same question.

Mr. RANKIN. Let me say this——

Mr. MOSIER. Did you consider invested capital at the Tennessee Valley Authority without regard to Boulder Dam or any other basis?

Mr. RANKIN. Yes, sir; we have taken that into consideration. Let me say this——

Mr. MOSIER. What investment do you think——

Mr. RANKIN. Let me answer.

Mr. MOSIER. I want you to answer, but I do not want you to make a speech. I want to find out.

Mr. RANKIN. I am not making a speech. I am going to answer the question in an intelligent way.

In figuring up the invested capital, the Army engineers based their figures on the proposition that they would be permitted to sell a certain percentage of the load.

Now, if they were to sell 60 percent of the load at the rates we are buying it, that would amortize the investment in less than 20 years. If they could sell 80 percent of the load at the rates we are paying for it, then that would amortize it in a good deal less time.

Mr. MOSIER. Now, to ask you the same question: What did the Tennessee Valley Authority officials figure as their investment in order to start to arrive at this rate?

Mr. RANKIN. I am not sure, but it is my understanding that they proposed to charge approximately one-third of the construction of the dam to navigation, one-third to flood control, and one-third to the production of power. I think that is right.

Mr. MOSIER. Now, did they consider any interest on the investment?

Mr. RANKIN. Oh, yes, sir; that is what is meant by amortizing the investment.

Mr. MOSIER. No, it does not.

Mr. RANKIN. I believe 4 percent. That is what the Army engineers figured the investment at. You can get the book, get their report, and I think you will find it on page 530 of the Army Engineers' Report for 1930. That is what the Army engineers said, and they went into it very thoroughly.

Mr. MOSIER. I can read it in the book, but I thought you were the witness.

Mr. RANKIN. I am quoting you exactly what they said about it.

Mr. MOSIER. I am just asking you about this money——

Mr. RANKIN (interposing). Oh, well——

Mr. MOSIER. The money which has been advanced by the Government, whether they consider that they are going to pay the Government anything for the use of that. Do you understand?

Mr. RANKIN. I told you 4-percent interest.

Mr. MOSIER. All right. Did they figure any depreciation?

Mr. RANKIN. Yes. There will be a slight depreciation, not in the dam, but probably in some of the machinery. It might have to be replaced in 50 or 60 years; probably earlier; but it would not have to be replaced within the time this investment would be amortized.

Now, let me say to the gentleman——

Mr. MOSIER (interposing). Have they figured anything for amortization there?

Mr. RANKIN. Oh, yes, sir; and, by the way, the private companies never do. You cannot find a one in the United States that ever amortizes its original investment; that is, where it is controlled by a holding company.

Mr. MOSIER. Now, what taxes did they figure?

Mr. RANKIN. I told you, 5 percent.

Mr. MOSIER. Of what?

Mr. RANKIN. Of the gross sales, to the States of Alabama and Tennessee, and the distribution agency pays its own taxes, whereas the private power companies which are doing the generating, transmitting, and distribution are boasting of all of the taxes they are paying on the whole thing, and trying to compare their taxes with what taxes the Tennessee Valley Authority pays on the investment at the dam, whereas we pay more taxes on our distributing system when we buy this Tennessee Valley Authority power and distribute it at the yardstick rates than they pay in any town of the same size in that section of the country. And let me say again, for the benefit of the gentleman from Ohio [Mr. MOSIER], that the town of Tupelo is a town of 8,000 people, and we paid $349,000 less, the ultimate consumer did, for their power last year than they would have paid if they had bought it from the private power company at the rates it was charging us 4 years ago when it was buying this power at 1.56 mills a kilowatt-hour.

Mr. MOSIER. I will say back to the gentleman from Mississippi, I do not doubt at all that what you say is true, but I further say that the cities of my State are helping to support the city of Tupelo in doing that.

Mr. RANKIN. And I will say to the gentleman from Ohio further that this yardstick is the most profitable weapon ever developed for the purpose of helping his consumers and the consumers of electricity everywhere in the United States, and by its very force and power with the policies of this administration backing it up, we have reduced light and power rates $556,000,000 a year in the United States since 1932. You are saving $556,000,000 a year. You saved $556,000,000 last year, and a large portion of that went to the consumers in the State of Ohio, infinitely more than they ever contributed to Muscle Shoals or the Tennessee Valley Authority and the Columbia River development combined.

Mr. MOSIER. Was there ever any reduction in power rates prior to the coming into existence of the Tennessee Valley Authority?

Mr. RANKIN. No; not to amount to anything.

Mr. MOSIER. Nothing at all?

Mr. RANKIN. Not to amount to anything. Oh, I think that they dropped from 20 cents back in the time when Edison first invented the electric light, 60 years ago. During the last few years there had been no reductions, up to the time the T. V. A. was created.

But, I will tell you what they did do. These same utilities came down here in 1929 and made the same proposition that they are making now to help break the depression and, to give you one illustration, the president of the Commonwealth & Southern and his directors raised his salary from $43,730 a year in 1929 to $130,140 a year in 1932, during the very depth of the depression. Of course, the ultimate consumers of electricity had to pay it. But the ultimate consumers of electricity got no reduction at all. We were paying exactly the same rate in 1932, or 1933, when this yardstick went into effect, that we were paying in 1929.

Mr. MOSIER. Would you mind telling us what they pay the manager of your plant at Tupelo?

Mr. RANKIN. Why, you mean, the manager of the distributing system?

Mr. MOSIER. Yes.

Mr. RANKIN. I do not know. It is in the report. He is satisfied.

Mr. MOSIER. I just wanted to get a comparison of that man's salary, who is handling $50,000, with the other man's salary, who is handling millions of dollars, hundreds of millions of dollars a year.

Mr. RANKIN. Yes; but you understand our manager doesn't handle any water.

Mr. MOSIER. I thought that the percentage probably would be in favor of the bigger man.

Mr. RANKIN. It probably would be, because they get practically all of it. You see, the holding companies stand one up on top of the other. They are the ones who were enriching themselves on this program. They are reaching down and picking the pockets, sapping the money, out of the pockets of the ultimate consumers. Why, the common stock of that company fell from 32 in 1929 to 1⅝ in 1932, during the time that the president's salary was going from $43,000 to $130,000 a year, and their 6-percent preferred stock dropped, I believe, from 104 in 1929 to 27⅞ in 1932. They were not interested in the people who had their money invested. They were interested in raising their own high salaries higher and selling watered stock and racketeering, so to speak, on the helpless consumers.

Mr. MOSIER. Six-percent city of Cleveland bonds, the city which owns one of the biggest plants in the country, fell to 80 at the same time.

Mr. RANKIN. I understand; but they did not fall as much as the stock of the Commonwealth & Southern; and, besides, the people of Cleveland were saving millions of dollars a year on their light and power rates.

Mr. SMITH. Right in that connection, are you familiar at all with the municipal plant at Cleveland?

Mr. RANKIN. Yes.

Mr. SMITH. Could you enlighten the committee in regard to it at all, because the gentleman from Ohio [Mr. MOSIER] very frequently refers to it as one of the instances of the failure of public ownership in this country, and if you can give us any information, I think it would be valuable to the committee.

Mr. RANKIN. Why, I shall be glad to do so.

Mr. DONDERO. I suggest that you put it in the record.

Mr. RANKIN. I just thought that I would give you this information.

Mr. DONDERO. You have answered it once in comparison with Tupelo.

Mr. RANKIN. Remember that Cleveland has a population of approximately 1,000,000 people, and they own a plant which cost them $17,422,381. They have paid that down to $3,000,000.

Mr. SMITH. In how long a period?

Mr. RANKIN. Over a period of 22 years.

But here are their general charges. Residential service charge, 15 cents per month. That is to begin with. And then the rates are 2.9 cents per kilowatt-hour. Cleveland has one of the cheapest power rates in the whole country and, instead of going broke, is amortizing its system and paying it out. Last year it paid $400,000 in lieu of taxes and made a gross profit of $1,739,675.

Mr. SMITH. I thank you.

Mr. RANKIN. It is one of the great municipal systems of the country.

Mr. DONDERO. May I ask a question?

Mr. DEROUEN. Mr. Dondero.

Mr. DONDERO. Is it not a fact that the city of Tupelo got a Government grant of 45 percent in order to build that plant down there?

Mr. RANKIN. No, sir.

Mr. DONDERO. Nothing at all?

Mr. RANKIN. No, sir. It owned the plant already. We did not sell our plant. We already owned it.

Mr. DONDERO. And you did not get a Government grant toward this plant which you built?

Mr. RANKIN. No; we did not build it in recent years——

Mr. DONDERO. What?

Mr. RANKIN. It was built 30 years ago, about the time the Cleveland people built their plant or before.

Mr. DONDERO. Can you tell us the proportion of municipally owned plants in this country as compared with the private-owned plants?

Mr. RANKIN. No; I cannot tell you the proportion.

Mr. DONDERO. We have some testimony to the effect that it dropped from 3,000 to below 700.

Mr. RANKIN. There has been a terrific amount of money that was wrung from the consumers of electricity used by this propaganda to prevent municipalities from owning their plants or buying out the ones already in operation. They have done that in my district. They went into my district at Aberdeen, and I believe paid $108,000 for a plant. They went 18 miles away and offered $1,250,000 for a similar plant. What they were buying was the birthrights of the people.

Mr. SMITH. One question. Can you also tell us anything about the relative rates in Detroit and Windsor, Canada?

Mr. RANKIN. Oh, yes, sir; they are right across the river from each other. Windsor, Canada, transmits her power 238 miles from Niagara Falls and sells it at probably one-third to one-half of what the people have to pay in Detroit, right across the river.

Mr. DONDERO. I have the figures right before me which I obtained from Windsor and Detroit. They are neighbors, as you state.

Mr. RANKIN. What is the top rate?

Mr. DONDERO. Based on an average annual consumption for the annual domestic consumer of 760 kilowatt-hours, the Windsor hydroelectric system charges $26.95 per year. The Detroit-Edison Co., across the river in Detroit, charges $32.35.

In Windsor, the electric plant pays no taxes, but in Detroit, the Detroit-Edison pays $3.56 taxes on that.

Mr. RANKIN (interposing). Now, naturally——

Mr. DONDERO. Let me finish.

Mr. RANKIN (interposing). You will find that here in this report of the Ontario Power Commission. In Windsor, Ontario, they use a great deal more than 760 kilowatt-hours a year.

Mr. DONDERO. That is the basis, upon the average annual consumption for domestic consumers.

Mr. RANKIN. That is not the average. Somebody has been giving you wrong figures.

Mr. DONDERO. I do not think they are wrong.

Mr. RANKIN. Yes; they are wrong, because in Windsor, Canada, they use more power per customer than we do in Tupelo.

Mr. DONDERO. If they did use more, that would make no difference.

Mr. RANKIN. Yes.

Mr. DONDERO. I am basing it on the same amount of electricity on both sides of the river.

Mr. RANKIN. I will tell you what I will do. I can put it into the record. I do not have the Michigan statistics here now, but I went into this before.

What is your top rate per kilowatt-hour?

Mr. DONDERO. I have not gone into that. I have the annual rate to the domestic consumers.

Mr. RANKIN. Who made those figures, Judge?

Mr. DONDERO. Just a minute.

Mr. RANKIN. Will you just answer that?

Mr. DONDERO. In Windsor they pay $26.95; in Detroit, $28.79 a year, a difference of $1.84; but in Windsor there is no service for replacement of lamps. In Detroit it is figured at $1.20 a year, or eight changes a year. In Windsor they charge 64 cents a year for fuse and appliance calls.

Mr. RANKIN. Judge, will you let me say——

Mr. DONDERO (continuing). In Detroit, $2.81. The difference is this—that under the hydroelectric system of Windsor the cost of electricity to the ordinary domestic consumer for residential purposes is $26.31 annually; while in Detroit the same amount of electricity with the service enumerated amounts to $24.78, or a difference of $1.53. A further difference ought to be noted, in that the Edison Co. in Detroit pays taxes on all of its property, while the Windsor hydroelectric system receives its current from the Ontario Hydro Electric and does not pay taxes on all of its properties. It receives the benefit of Government subsidy the same as the T. V. A.

Mr. RANKIN (interposing). The trouble with your information is that it comes from some private power interest, propagandists. I am not talking about the gentleman [addressing Mr. DONDERO]. But he is getting his figures from private power propagandists, and they have grossly misrepresented Windsor, because that $26.95 is not accurate. They are using three times as much power in Windsor, Canada, as his figures indicate. I can prove that. The gentleman from Michigan has been imposed upon.

Mr. DONDERO. I got my information from the Ontario Hydro Power Commission, which is not a private concern.

Mr. RANKIN. No; it is not a private concern. But I'm sure the gentleman did not get it all from Ontario.

Mr. DONDERO. I wrote to both cities to get the figures.

Mr. RANKIN. Well, it is owned by the municipalities of Ontario. It is not a private concern, and they sell power at cost. That is the object, to get electricity to the people of Ontario at cost.

Now, let me tell you another thing right in that connection: If the people of Michigan—if the people of the State of Michigan received their electricity at the Ontario rates, they would save $46,590,901 a year.

Mr. DONDERO. Yes; you have told us before that we are overcharged $46,000,000 a year.

Mr. RANKIN. Yes; $46,000,000. If you received your power at the same rate they are paying throughout Ontario, including the most remote rural sections, you would get it for $46,590,901 a year less than your consumers are now paying.

Mr. DONDERO. We do not have a Niagara Falls in Michigan, I admit.

Mr. RANKIN. I will tell you what I was going to say. You can generate it with coal at the price I have indicated here, and on your present consumption you can get it for $20,000,000 to $40,000,000 cheaper in the State of Michigan than you are getting it now. You are one of the worst overcharged States.

Mr. DONDERO. I happen to have the figures on that, and we are the lowest in this Nation, outside of the State of Washington, from which my colleague, Mr. SMITH, comes; and they have the natural water power in that State. We are the lowest. The United States average is $33 a year per customer, and in Michigan it is $27 a year.

Mr. RANKIN. You are paying $27 a year, $2.25 a month, for a lot less power.

Mr. DONDERO. It costs us less than the price of an ice-cream soda a day. I know that.

Mr. SMITH. Mr. RANKIN, are you going to insert in the RECORD figures regarding Windsor and Detroit?

Mr. RANKIN. Yes.

Mr. SMITH. And Cleveland, Ohio?

Mr. RANKIN. Yes.

Mr. DONDERO. Mr. Chairman, I want the privilege of doing the same thing.

Mr. MOSIER. And I want the privilege of doing the same thing with regard to the Cleveland plant—to show that Mr. RANKIN'S statement is absolutely erroneous concerning that plant.

Mr. RANKIN. In connection with that, I would be glad to have the figures inserted in the CONGRESSIONAL RECORD so we can answer to the public. I would be glad to have them do that.

Mr. DONDERO. I will say that I am not interested in either a private or a public utility anywhere in the world.

Mr. RANKIN. Neither am I. I am in this fight for the benefit of the American people and we are getting results.

In response to questions asked by the gentleman from Michigan [Mr. DONDERO] and the gentleman from Ohio [Mr. MOSIER] relative to a rate comparison between the private plant at Detroit, Mich., and the public plant at Windsor, Ontario, and the facts as to the public plant at Cleveland, Ohio, I desire to say that the Windsor public plant is selling electricity at a much lower rate than it is sold in Detroit. The Windsor plant has an outstanding indebtedness of only $90.30 per meter, compared with $442 for the Detroit company.

As near as can be told, the national private-utility debt in this country is around $518 per meter, which they seem to make no effort to amortize.

The Cleveland, Ohio, public plant for 22 years has been a pacemaker in low electric rates, made with steam. It has been a sound and beneficial yardstick for the investing and consuming public. This plant's indebtedness per meter is around $57 compared with $356 for the private company in that city. In its 22 years of existence it has saved the people of Cleveland around $55,000,000 in rate charges, or three and a quarter times the cost of the city plant, with only 17 percent of its value outstanding as a debt.

These cited examples show the need of a yardstick to protect the consuming and investing public.

The control statistics can be effectively summarized at this point:

	Windsor, Ontario	Detroit private plant	Cleveland	
			Public plant	Private plant
Assets per customer book stated values	$304.50	$540	$328	$472
Debts outstanding per customer	$90.30	$442	$57	$356
Debts outstanding in percentage of assets	27.7	81.7	17.4	75.5

Is it not obvious that a public yardstick plant operating on the debt-redemption principle will have lower debt charges and therefore lower costs and rates?

RATE COMPARISONS

Detroit is served by a private plant, and Windsor, just across the river, is served by the Ontario Hydro. Windsor receives its current from Niagara Falls over two transmission lines, each 238 miles long. Windsor initiated the service in October 1914.

The following residential electric statistics derived from the Federal Power Commission and from the official records of the public plants listed, show the latest available comparative figures, which are as follows:

State or city	Residential kilowatt-hour per consumer per year	Average residential rate, cents per kilowatt-hour	Length of yardstick, inches
Tacoma, Wash	1,565	1.68	34
Tupelo, Miss	1,864	1.78	36
Windsor, Ontario	1,908	1.80	36
State of Washington No. 1	1,327	2.35	47
State of Oregon No. 2	1,258	2.59	52
State of Idaho No. 3	1,301	2.98	60
State of California No. 4	811	3.68	73
State of Michigan No. 5	772	3.72	75
National average	706	4.63	95
Detroit Edison Co		3.85	77

The lower average rates of all of the above States is due to the yardstick influence of the following public plants: Seattle, Tacoma, Los Angeles, and Ontario Hydro. These public plants have set up a zone of influence, which has resulted in public opinion requiring the private plants to trim ship as to capitalization and to give lower rates. This comparison is concrete evidence of the beneficial effect of an honest yardstick. All of these public plants have amortized a substantial part of their cost, and can be considered a well-tried-out demonstration of what can be accomplished by working under the principles of amortization, and volume-price control. The private plants have ignored these principles, and have adopted instead the selfish policy of nondebt repayment or refunding, financial watering, and the vicious cycle of rate-making to freeze fictitious securities outstanding.

Here is the summary comparison of Windsor with the Detroit Edison Co., covering residential consumption:

	Windsor	Detroit
(1) Actual average residential rate	1.80 cents per kilowatt-hour.	3.85 cents per kilowatt-hour.
(2) Average residential rate with taxes added	2.04 cents per kilowatt-hour.	Do.
(3) Yardstick length, No. 2 above	41 inches	77 inches.
(4) Average rate if Detroit increased consumption equal to Windsor's with rates in effect in 1936	2.04 cents per kilowatt-hour.	3.03 cents per kilowatt-hour.
Debt outstanding per meter	$90.30	$442.
Plant, property, and assets per meter	$304.50	$540.
Debt in percent of assets	27.7	81.7.

Source: Moody's Manual for year 1936, p. 1558, 1937 edition.

It is obvious from the debt outstanding per customer (meter) that the Detroit rates cannot be as low as Windsor's, as the debt charges to the Detroit Co. is about five times as great as the property across the river in Windsor—four and nine-tenths times, to be exact.

When Windsor amortizes the small percentage of debt remaining it can cut its rate almost in two, and at that time the Detroit rates will be about two and five-tenths times larger.

On the basis of actual rate billing (and including taxes in Windsor figures), the small nonappliance residential user in Detroit pays 48 percent more than in Windsor; the consumer with a refrigerator pays 31 percent more; and one with a refrigerator and a stove 53 percent more.

The following table, based on actual billings for July 1936, given by the Federal Power Commission and the Canada Department of Commerce, tells the story.

Residential billings from rates in effect

COMPARISON OF DETROIT EDISON CO. AND MUNICIPALITY OF WINDSOR

	Kilowatt-hours used per month				
	15	25	40	100	250
Detroit	$1.03	$1.39	$1.98	$3.53	$6.90
Windsor	.75	.83	1.30	2.38	4.09
Windsor plus 13 percent tax equivalent	.86	.94	1.47	2.69	4.52
Detroit, percentage above Windsor after including taxes	20	48	31	31	53

Kilowatt-hours

Minimum bill customer	15
Small nonappliance customer	25
Average customer with refrigerator	100
Average customer with refrigerator and stove	250

Out of all the cities in the United States of 100,000 population or more Detroit ranked as follows, depending on size of electric bill as of 1936: 25 kilowatt-hours per month, ranks 42; 100 kilowatt-hours per month, ranks 19; 250 kilowatt-hours per month, ranks 24.

From this ranking list prepared by the Federal Power Commission it is obvious that the small consumer in Detroit does not fare so well.

If you go further south in Michigan, and take Flint as an example, the following bill comparisons result, being the percent indicated higher than Windsor with tax equivalent added to Windsor bills: Small user, 25 kilowatt-hours per month, 94 percent; refrigerator user, 100 kilowatt-hours per month, 36 percent; refrigerator and stove user, 250 kilowatt-hours per month, 45 percent.

This shows that the further a community is away from the zone of the yardstick, the higher the rate, especially to the numerous small consumers.

The Windsor top residential net rate is 3.25 cents per kilowatt-hour, whereas the Detroit top rate was 9 cents as of July 1936, for a much shorter block length. The follow-up rates which govern consumption volume were 3.6 and 2.25 in Detroit compared with 1.08 cents in Windsor in the entire range. This tells the story as to why the average rate is much lower in Windsor and the consumption greater.

The Ontario Hydro pays no taxes, so the tax equivalent has to be added to the Windsor bills to produce a fair comparison.

The Federal Power Commission (rate series 5, p. 35) shows that the private utilities in the State of Michigan paid 12.2 percent of their gross (total billings) in all kinds of taxes. The municipality of Windsor secures certain monetary advantages from its own plant which it would not receive were it served by a private utility. Therefore the addition of 13 percent to Windsor costs as a tax equivalent is an equitable comparison for present conditions.

The difference in generation between Niagara Hydro plus long transmission, and a $4 per ton modern steam plant does not account for the difference in rates. Hydro-Niagara is a high-cost plant because of the long rock feeder canal. It is about 2 mills per kilowatt-hour cheaper than a modern steam plant, and this difference on the 25-kilowatt-hour per month small consumer only amounts to 5 cents on a month's bill. The difference could not cause any controversy. The difference is due to ruthless and unreasonable overcharges, holding company rake-off, high debt charges, high salaries, propaganda expense and other expenses that might be termed illicit.

The Detroit Edison Co. is classed as one of the better operating companies in the United States. On a performance standard it is about 20 percent better than the average company but still its rates are much higher than they should be. Detroit could have Windsor rates and the company could make a reasonable return on a prudent investment rate base.

CLEVELAND PUBLIC PLANT

Some 30 years ago the late Mayor Tom Johnson, of Cleveland, started his crusade for a 3-cent rate light plant. It was then referred to as an impossibility as the rates were then ranging from 10 to 20 cents per kilowatt-hour, with the national average rate of 10 cents per kilowatt-hour. The plant was started in 1912 and completed about 1915—22 years ago.

Immediately after the completion of this plant, the competing private utility, namely, the Cleveland Electric Illuminating Co., had to cut its rate in half to hold its business. For many years Cleveland has stood No. 1 in the list of all American cities of 100,000 population in charges to the numerous small electric consumers. In these 22 years this plant has saved the people of Cleveland in electric charges at least $55,000,000—more than $2,000,000 a year. This plant is a relatively small one, but it forced the competing plant to meet its charges.

Meeting the Johnson plant rates did not destroy the competing private company. The following statistics tell the financial and operating story of the plant. The data was furnished by the plant officials as the result of a questionnaire sent them:

Number of meters	53,154
Capacity of plant (kilowatts)	50,000
Peak load in percentage of capacity	84
Net indebtedness of plant	$3,027,484

Net indebtedness per consumer	$57
Assets	$17,422,381
Assets per consumer	$328
Debt outstanding in percentage of assets	17.4
Gross revenue per year 1936	$3,676,173
Operating expenses	$1,936,498
Gross profit	$1,739,675
Taxes and value of free service in percentage of gross	8.6

Any plant which has only an indebtedness outstanding of 17 percent of its assets and has saved its citizen owners $55,000,000 in rates cannot be looked upon as anything but a public benefactor. It is in solid financial condition, despite misrepresentations of private power interests. Let us see what the similar statistics of the Cleveland Electric Illuminating Co. show, taken from Moody's Manual, 1937 edition, page 2413:

Number of customers	36,914
Capacity of plants (kilowatts)	470,000
Peak load in percentage of capacity	77
Net indebtedness	$112,860,500
Net indebtedness per consumer	$356
Assets	$149,770,468
Assets per consumer (book value)	$472
Debt outstanding in percentage of assets	75.5
Gross revenue per year (1936)	$27,083,893
Operating expenses, maintenance, depreciation, and taxes (1936)	$18,759,882
Net earnings	$8,324,011
Federal, State, and local taxes in percentage of gross revenue	14.75

Comparing the Detroit and Cleveland private properties as given it will be seen that the effect of direct competition in Cleveland has resulted in the latter company having a lower unit capitalization and a lower debt per meter, and a lower percentage of outstanding indebtedness. This company's credit rating is excellent as it has out 3¾-percent bonds, which shows that the influence of the Cleveland public plant has been extremely beneficial to the investing as well as consuming public. The competition of a "yardstick" plant in Cleveland did not destroy the company's solvency or credit. It did, however, result in requiring this company to trim its financial structure and meet the yardstick rates, in spite of the fact that it was freely stated in the early days that the 3-cent rate would be impossible. The presence of the yardstick plant has been a blessing both to the consuming and investing public. Therefore it can be fairly stated that the Cleveland plant has been a success and is perfectly sound.

CLEVELAND AND DETROIT OWNERSHIP

The Cleveland private company is controlled by the North American Co. This holding company has also a large stock equity in the Detroit company, and also controls the Washington, D. C., property. The credit ratings of all of these companies is excellent and they are looked upon in the industry as being among the best. They are better than the average American company but still do not have entirely clean skirts in their investment dealings. I will not take time to go into this, but the Honorable WALTER M. PIERCE covered this in detail in an outstanding analytical speech made on the floor of the House July 22 last, which is in the CONGRESSIONAL RECORD of that date. I commend the reading of this to give light on the true costs of electricity, and how the rate base can be padded and manipulated, even by the better companies.

In conclusion, I might add that all the data used herein was taken from official documents, namely, the Federal Power Commission, Ontario Hydro, Canadian Government Department of Trade and Commerce, data furnished by municipalities cited, and the balance sheets of private companies as given in the 1937 edition of Moody's Manual. They can therefore be checked.

Therefore, it will be seen that the yardstick is the greatest weapon ever devised for the protection of the consumers of electric energy.

It should be made available to the people in every community.

Thank you, Mr. Chairman, and gentlemen of the committee, for your patient hearing.

Mr. DE ROUEN. Thank you, Mr. RANKIN.

Mr. DITTER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. DONDERO] such time as he may desire.

Mr. DONDERO. Mr. Chairman, much has been said in the House of Representatives by the gentleman from Mississippi, my friend and distinguished colleague [Mr. RANKIN], regarding the T. V. A. yardstick for the measurement of the cost of electric energy.

Private utilities and the sense of fairness of the average American citizen would have no quarrel with the yardstick so well espoused by the gentleman from Mississippi if it were a fair and reasonable yardstick; if it were exactly 3 feet long and the same instrument of measurement, with everything considered, used to determine the cost of the production of electric energy by private utilities and even municipal plants throughout the United States. But when viewed in the light of the facts surrounding the production of electrical current by the Tennessee Valley Authority, that yardstick is repugnant to the sensibilities of honest men.

Its capital is furnished by the Federal Government. It pays less than one-third as much in taxes as private utilities. It has the advantage of freight rates; franking privileges on its mail, and the great resources of the Federal Government behind it in entering into contracts. It has no stockholders to pay. It does not pay dividends; and when convenient, it allocates a part of its tremendous cost to navigation and flood control. It had its vast properties handed to it without $1 of capitalization.

When these items are charged to T. V. A., which expenses are charged to other utilities, the T. V. A. yardstick shrinks in size and becomes a deceiving and incorrect barometer of cost.

The charge is made that in Michigan, a great State in which I have the honor to represent a district, the people are overcharged annually more than $30,000,000; and yet the rate of electrical current in that State is the lowest of any State in the Union with the exception of the State of Washington, where electrical energy, because of a great natural advantage in one locality, can be produced very cheaply. The average cost for the Nation is $33 per year for the domestic consumer for all purposes. The average cost in Michigan for the domestic consumer is $27 per year, or $2.25 a month, or less than the cost of an ice-cream soda per day.

Strong claim is made in favor of the hydroelectric system of Ontario, Canada, which produces its electrical current through the advantage of Niagara Falls; and considerable has been said that the people of the city of Detroit, a part of which is in my district, are greatly overcharged when compared to the cost of electrical current in Windsor, directly across the river, where the current is furnished by the Ontario Hydroelectric Co.

While home recently for the holiday recess, I went into Canada to learn the facts. Allegations and facts are two entirely different subjects, and I present below a comparative cost of electric current between typical residential consumers on the amount of the annual consumption of electric current in Detroit, furnished by the Detroit Edison Co. and the cost for the same amount of electricity furnished by the Ontario Hydroelectric Co. in Windsor, Ontario, Canada, across the river, a Government-subsidized system which does not pay taxes on its property. The Edison Co. in Detroit pays all taxes, city, county, State, and Federal, with a difference in tax rate on the real estate and physical property of approximately $24 per thousand in Windsor to $40 per thousand in Detroit. The following is a comparison of the cost:

Annual consumption of a typical residence customer

	Windsor Hydro Electric system	The Detroit Edison Co.
As billed (760 kilowatt-hours)	$26.95	$32.35
Taxes (estimated at 11 percent)	None	3.56
Net, before taxes	26.95	28.79
Lamp service at retail costs (estimated at 8 lamp renewals per year at 15 amperes each)	None	1.20
Fuse calls and appliance repairs at retail costs	.64	2.81
Net cost, without taxes or free service	26.31	24.78

Difference in favor of consumer in Detroit, Mich., $1.53 annually.

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

THE UNCERTAINTY CAUSED BY RECIPROCAL TREATIES, TAXATION, AND OTHER ADMINISTRATION POLICIES

Mr. TREADWAY. Mr. Chairman, I had not expected to bring up today the subject of reciprocal-trade treaties, but the gentleman from Ohio, [Mr. HARLAN] was so generous in his remarks yesterday on this subject and seemed to make so many errors in the course of his remarks that I cannot resist the temptation to make a few brief references to some of the statements he made.

For instance, the gentleman stated yesterday there was only $200,000,000 involved in the items which would be under

consideration in the negotiations between this country and Great Britain. The gentleman failed to take into consideration the fact that practically all productive industry in the United States is represented in these negotiations and that, if concessions are granted to Great Britain, every other nation is automatically included under the policy of generalizing our reductions. Therefore, as I have previously stated, you are practically going into the entire tariff structure of this country when you enter into any form of a reciprocal treaty with Great Britain.

There is still further danger in that particular. I read in the RECORD a list of the products on which the United States will consider granting concession to the United Kingdom, Newfoundland, and the British Colonial Empire, according to the Department of State's record of January 8, and there are nine and one-half pages of items. The one very serious feature of this matter is that consideration will be based on the present rate of duty. The "present rate of duty" is not the rate set in the Tariff Act of 1930, but in a great many instances is the rate which has gone into effect as the result of the reciprocal treaties.

I hope I am in error in making this statement, but if I am not, you are then really allowing a reciprocal treaty with Great Britain to take away every bit of protection there is today for the industries of the United States. This is what happens when we enter into a reciprocal treaty with Great Britain.

Another interesting statement the gentleman made was that previous treaties have been prevented from being put into effect by so-called blocs in the United States Senate. The gentleman from Ohio is a great believer in reciprocity. Therefore, why is it not proper that we look after our home interests by having treaties approved by the United States Senate, provided the countries with which we are entering into reciprocal treaties do the same. The treaties which have been entered into up to the present time have, for the most part, been referred to the legislative bodies of the countries with which we were negotiating. It seems to me that methods on one side should be extended to both sides if the treaties are to be truly reciprocal.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Ohio.

Mr. HARLAN. Of course, the gentleman does not want to make a statement so general it is not quite correct. This situation does not apply to all countries.

Mr. TREADWAY. No, not at all. There are one or two countries which do not go back to their legislative bodies.

Mr. HARLAN. Belgium is one of the countries which is operating under the same plan we are.

Mr. TREADWAY. On the whole, the treaties which have been approved and entered into have gone back to the legislative bodies of the countries with which we have entered into agreements, but the gentleman claims that in our country we should not do that—we should not take any chances on the Secretary of State's will being overridden by the United States Senate, representing the people of the United States. In other words, those who do not approve of treaties going back to the United States Senate want centralization of authority in the Executive. They do not want the people to have any chance to say to their legislative body what their wishes are. They want the Chief Executive and his Secretary of State, together with his friends, such as Mr. Sayre and others, to be the ones to write the tariff laws and tariff treaties of this country. I do not approve of such a method of procedure.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. WOODRUFF. Does not the gentleman believe if there could be found a way in which we could get reciprocal-trade agreements before the courts the courts would sustain the constitutional rights of Congress to pass on treaties?

Mr. TREADWAY. I am pleased the gentleman brings that point up in this connection, because I had expected to touch upon it. May I read an extract from a letter I received yesterday from an outstanding lawyer of this House? The gentleman quotes the definition of a treaty, and then states:

> The contention that it is possible or that it was ever intended under our system of constitutional government that an agreement could be made with a foreign nation in disregard of the provisions of the Constitution that such agreements should be made by the President, by and with the advice and consent of the Senate, is, of course, ridiculous. To an honest interpreter of our Constitution any arrangement with a foreign nation—call it treaty, compact, contract, agreement, bargain, deal, transaction, affidation, covenant, indenture, stipulation, settlement, compromise, protocol, or negotiation—comes within the purview of the treaty-making clause of the Constitution as accepted in diplomatic usage and can only be made by the President, by and with the advice and consent of the Senate.

I admit my handicap in not being a lawyer and my inability to discuss these things from a legal or judicial viewpoint, but from the very day the administration asked for this authority to put through these treaties without the consent of the Senate I have maintained such a practice was unconstitutional; and I continue to maintain that position, backed up by definite opinions of the Supreme Court.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Maine.

Mr. BREWSTER. As a member of the Committee on Ways and Means of the House, what does the gentleman think of the provision in one of these so-called agreements restricting the power of the Congress to levy internal taxes?

In the Brazilian trade agreement, as it is called in the United States by those in authority, although the press reports from most foreign countries characterize these agreements as "treaties," there is a most unusual provision. I have not found its like in any of the other treaties.

There is nothing in the debates upon extending this authority to the President to indicate that Congress contemplated the restriction of its power to levy internal taxes. There is even more serious doubt as to whether one Congress could constitutionally limit its successors in such matters even by direct action—to say nothing of giving such power to a coordinate branch of the Government. Yet in the Brazilian trade treaty signed on February 2, 1935, we find this interesting provision:

> ARTICLE VII
>
> Articles the growth, produce, or manufacture of the United States of America or the United States of Brazil enumerated and described in schedules I and II, respectively, after importation into the other country, shall be exempt from any national or Federal internal taxes, fees, charges, or exactions other or higher than those imposed or required to be imposed by laws of the United States of Brazil and the United States of America, respectively, in effect on the day of the signature of this agreement, subject to constitutional requirements.

It is gratifying to have this recognition that at least this paragraph of the treaty is "subject to constitutional requirements." Does the failure to include this clause in other paragraphs imply that they are not "subject to constitutional requirements"?

Or does it indicate that here at least even the authors were in some doubt as to their authority?

And may one inquire whether the authority of the Constitution now prevails only when an administrative official shall make a bow in its direction in the course of concluding an "agreement" with a foreign power?

In view of the trend of recent years this clause seems to be a most interesting and significant piece of surplusage.

But my question to the gentleman from Massachusetts as ranking minority member of the great Ways and Means Committee of the House is whether the committee contemplated such a possible restriction upon the powers of this House when this authority was created and whether any explanation has ever been given to the committee or any member thereof by the State Department as to why they sought to exercise so extraordinary a power as to attempt to bind the Congress in matters of internal taxation?

Mr. TREADWAY. I do not know what the majority members of the committee contemplated, but I do not ap-

prove of anything which takes away from the legislative body its functions as prescribed by the Constitution.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Does the gentleman know what duration is contemplated for the proposed agreement with Great Britain?

Mr. TREADWAY. Most of these agreements have a duration of 3 years.

Mr. WIGGLESWORTH. Is there any limit as a matter of law?

Mr. TREADWAY. Yes.

Mr. WIGGLESWORTH. Is it not a fact that for the full duration of any agreement we are bound not only with respect to the country with whom the treaty is made but also in respect of every other country which does not discriminate against this country?

Mr. TREADWAY. I am of the opinion the gentleman is correct.

Mr. WOODRUFF. If the gentleman will yield, I may say for the benefit of the gentleman from Massachusetts [Mr. WIGGLESWORTH] the law provides these treaties shall be of 3 years' duration.

Mr. TREADWAY. Yes.

Mr. WOODRUFF. The law also provides the treaty shall automatically extend another 3 years, provided neither one of contracting parties has asked for a discontinuance within a certain period prior to the time of expiration.

Mr. TREADWAY. The gentleman is correct.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. HARLAN. As a contribution to the last discussion, of course, none of us knows what the terms of the United Kingdom agreement will be.

Mr. TREADWAY. We ought to, though.

Mr. HARLAN. But in practically all agreements, in fact, in every one with which I am familiar of the 16 agreements, there has been a provision that in a certain period, be it 30, 60, or 90 days, the agreement can be abrogated by either of the parties. So that if this Congress is dissatisfied with any agreement limiting our power to tax or anything else, we can proceed to tax and set aside the agreement any time we want.

Mr. TREADWAY. That is true theoretically.

Mr. HARLAN. That is the fact.

Mr. TREADWAY. I do not believe the Seventy-fifth Congress will set aside the agreements because they are too hidebound to the present administration, but I want to prophesy to the gentleman from Ohio and the House that the Seventy-sixth and Seventy-seventh Congresses will have such a membership that they will show their dislike of these agreements very vociferously.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Has the gentleman called the attention of the House to the fact that any benefit that we give a country with which we make a trade agreement automatically goes to all other countries except Germany and Russia?

Mrs. ROGERS of Massachusetts. Germany and Australia.

Mr. TREADWAY. We have brought that up time and again.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mrs. ROGERS of Massachusetts. Is it not true that among the items on the agenda with the British Empire are commodities that will nearly put our industries in New England out of business?

Mr. TREADWAY. Practically every one of them is a competitive article with New England industry.

The gentleman from Ohio [Mr. HARLAN] was supporting the industries of his district in wanting these treaties to go into effect, because his is an export district which makes adding machines, scales, cash registers, and things like that which have a large sale abroad, as I understand it, but our articles are the textile articles that our people manufacture by the sweat of their brow largely for home consumption, and for which they are paid wages from our producers.

Mrs. ROGERS of Massachusetts. And is it not also true that the commodities the gentleman spoke of are not suffering from competition with other countries?

Mr. TREADWAY. That is my understanding of it. They have a virtual monopoly and are free of foreign competition.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. MICHENER. It seems to me there is one feature of these trade agreements that has not been sufficiently stressed. The Secretary of State enters into the agreements, then later Congress desires to pass legislation affecting the matters covered by the agreement, whereupon the Secretary of State immediately opposes the action of Congress because he states it would be morally wrong for Congress later to enact legislation which might affect these trade agreements. As witness, I call attention to the sugar agreement with Cuba. When sugar legislation was up for consideration we were confronted with this situation: The Secretary of State opposed the sugar bill because he had agreed with Cuba that this country would not increase sugar production during the life of the trade agreement.

Mr. TREADWAY. Let me say in connection with these various types of agreements, particularly in answer to my colleague the gentlewoman from Massachusetts, as to competition, the gentleman from Ohio yesterday referred to McKinley tariffs and reciprocal agreements. Yes; we are for reciprocal agreements of the McKinley type. McKinley was one of the exponents of reciprocity, coupled with an adequate tariff on competitive articles, and it elected him President of the United States. He was chairman of the great Ways and Means Committee of this House, and his theories were so acceptable to the people of the country that he was elected President of the United States with great ease. There is a great distinction between the kind of reciprocal tariffs McKinley advocated and the kind that Mr. Hull wants to put into effect with Great Britain and with other countries. Not one of them has any regard whatsoever for the competitive feature which was the basis of the reciprocal treaties that Mr. McKinley wanted, and which were adopted in accordance with law.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I can only yield very briefly, because I have not reached my main subject.

Mr. HARLAN. The gentleman mentioned my district as being an export district. I simply want to correct that in the RECORD. The industry in my district runs from 13 to 16 percent export, which is just about the average for industrial districts throughout the United States.

As to the McKinley reciprocity which the gentleman just mentioned, the gentleman does not say to this House that if we only granted reciprocity to those countries that supply the things we have to buy from them, there would be any hope of getting any real reciprocity. There is not any country going to give us any privileges in buying the things we have to buy from them.

Mr. TREADWAY. The gentleman wants the power lodged in the executive department, while we want the power retained in the hands of the Congress, where the Constitution put it originally.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman from Massachusetts 10 additional minutes.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. GEARHART. Referring to a horizontal reduction of the tariff accomplished through the reading into the law of the most-favored-nation clause, does not the reading in of the unconditional most-favored-nation clause constitute a usurpation of the legislative power of this Congress?

Mr. TREADWAY. Oh, absolutely. It takes away from the Congress its legislative authority.

Mr. GEARHART. There is nothing in the act itself saying anything about the most-favored-nation clause.

Mr. TREADWAY. They simply assume it.

Mr. GEARHART. That is just read into the act.

Mr. TREADWAY. I must refer once more to the gentleman from Ohio's talk about prosperity yesterday. I think he got the cart before the horse. Prosperity comes with increase of selling and buying power, not because the tariff may be lowered, and we naturally need more from foreign countries. In this period of depression the purchasing power of the American people is tremendously reduced. He had it upside down, as I recall what he said.

On Tuesday I made some observations about reciprocal treaties. I do not think the attention of the country can be called too often to the fact that the State Department is soon to commence negotiations with reference to Great Britain, not for the purpose of aiding our industries but for the purpose of carrying out the misguided doctrine of the Secretary of State to do away, as far as he possibly can, with the protective tariff, which is the basis of employment and decent wages for American labor. We are today suffering from foreign competition, which will be so tremendously increased under any reciprocal-trade agreement with Great Britain which the Secretary of State may advocate that I dread to anticipate the situation which will be developed throughout the country, particularly in New England, which, to a certain extent, is the home of the textile industry.

The list published in last Saturday's RECORD showing the items on which this country will consider granting concessions to Great Britain is a death warrant for large sections of American industry, particularly in my own section of New England.

Twenty-eight different items or groups of items in the cotton schedule are mentioned, including cotton cloth and various other manufactures of cotton.

I do not need to remind the House of the serious condition in which the textile industry of New England finds itself. Imports from Japan and other countries are flooding our market and depriving our own workers of employment. Japan will get the benefit of any concessions which we grant to Great Britain with respect to cotton cloth or any other item. So will every other country in the world, save Germany and Australia. Thus the seriousness of the British treaty to the textile industry is not confined to imports from Great Britain alone. As I have said previously, the reductions made under the various trade treaties are tantamount to a general tariff revision since the reduced rates are not confined to the treaty countries.

Many other New England industries will be injured by any treaty entered into with Great Britain. Numerous concessions are in prospect in the wool schedule, including such items as woven fabrics of wool and woolen manufactures of various kinds. Even the shoe industry, which already is faced with serious competition from abroad with the existing duties, is faced with the possibility of a reduction in the duty on certain kinds of shoes under the British treaty. Even now there hangs over the industry the threat of a reduction in the duty on certain kinds of shoes under the pending Czechoslovakian treaty. Czechoslovakia, of course, will also get the benefit of any reductions made under the British treaty, and vice versa.

The proposed reductions in the duties on manufactures of iron and steel will also adversely affect a large section of New England industry. Among the items mentioned for duty reductions are textile machinery, knives of all kinds, and a long list of other metal manufactures. Thousands of workers are engaged in Massachusetts in the production of iron and steel manufactures. Their jobs are threatened by the proposed reductions in duty on their products under the British treaty.

The paper industry of Massachusetts will also be adversely affected by this treaty. Numerous articles in the paper schedule are set forth in the list on which concessions may be made. In my own district, paper manufacturing furnishes a livelihood for a large segment of the workers. Their jobs are also threatened by the British treaty.

Up to the present time, the people of this country have been indifferent to the injury which the trade treaties already in force have done to our home industries and the workers engaged therein. They have been misled by the one-sided propaganda with which the State Department has flooded the country, purporting to show increased exports resulting from the trade treaties. Little or no mention has been made of the tremendous flood of imports which has resulted, and which has completely offset any increase in our exports, a large part of which has in any event resulted without reference to trade treaties.

I believe that when the British treaty is finally agreed to and promulgated by the President it will serve to awaken the country to the fact that this administration has been, and is, trading off our rich domestic market for a lean and illusory foreign market, destroying our home industries, and throwing our workers out of employment.

The present trade policy of the administration is both dangerous and improvident. We are needlessly admitting increased competitive foreign products into our market, to the detriment of our own people, when the noncompetitive products which we need and have always imported are sufficient to pay for the goods which we send abroad.

I am strongly in favor of the expansion of our foreign trade, including reciprocity of the McKinley type, but I cannot subscribe to the present policy of reducing our duties on competitive foreign products below the difference in foreign and domestic production costs. Such a policy will invariably lead to the closing of more mills, more distress on the part of workers, more unemployment, and, above all, more importation of foreign-made goods.

Mr. Chairman, we have not paid attention enough, in my opinion, to the seriousness of this situation, because the previous treaties we have entered into, to a certain extent, have affected only certain minor items, important to a certain extent perhaps in certain localities; but when you start to trade with Great Britain, and lower your tariff rates, then you are seriously hitting everybody, and I hope the people will wake up to the fact of what this proposed treaty with Great Britain will do and bring such a protest against it that even Secretary Hull will not dare to carry out the negotiations. Our people should rise up in their power. Sometimes the administration is scared into not doing these things.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CULKIN. In the last treaty with Canada the Secretary of State and the President ignored the Ottawa agreement, which gave preferential treatment to England's colonies, or the associated colonies of Canada. Does the gentleman know whether or not it is proposed in this trade agreement with Great Britain to take up the various phases of that Ottawa agreement?

Mr. TREADWAY. I cannot answer the gentleman's question categorically, but I do think in general they are so anxious to knock our industries to pieces that if the Ottawa agreement will help do it they will try to put it across.

Mr. CULKIN. They ignored it in the last treaty. Mr. Sayre and Mr. Hull absolutely ignored the Ottawa agreement. It is safe to assume that the whole British Empire will be on the other side.

Mr. TREADWAY. Yes.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Oh, yes; I will have to yield. My friend always helps me out.

Mr. HARLAN. Is the gentleman informed that in order to get the most-favored-nation treatment in other countries, we have to give the most-favored-nation treatment, and that as a result of that exchange $30,000,000 of imports last year were benefited by that clause?

Mr. TREADWAY. Oh, the gentleman is wandering off a long way.

Mr. HARLAN. And exports have been benefited by the most-favored-nation treaty. In other words, our ratio on the most-favored-nation treaty agreements has been around 9 to 1 in our favor.

Mr. TREADWAY. Of course, as the gentleman says, there is nothing that has to do with reciprocal treaties that I can ever agree to.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mrs. ROGERS of Massachusetts. Is it not true that wages are bound to go down in this country if goods come in made by poorly paid labor?

Mr. TREADWAY. The lady from Massachusetts is so well informed on Czechoslovakian shoes and the products of Lowell, Mass., and her immediate district, that in asking a question of a farmer out in the Berkshire Hills, as she is doing now, I cannot answer other than to always say yes. The lady's inquiries answer themselves.

Mrs. ROGERS of Massachusetts. Will the gentleman yield for one more question?

Mr. TREADWAY. With pleasure.

Mrs. ROGERS of Massachusetts. The gentleman from Massachusetts calls himself a farmer, but he has been a great fighter for the protection of American industry.

The gentleman from Ohio [Mr. HARLAN] stated that the volume of importation of shoes was not very great, compared with the total number produced and sold in this country.

I know the gentleman realizes that it is competition in a certain grade that is so extremely dangerous, that competition in the low-priced shoe field tends to lower the price of the better grades of shoes. The low price is always the market price. The general level of the market price is always influenced by the cheaper grades, and also hurts the sale of leather in this country.

Mr. TREADWAY. Undoubtedly the gentleman uses statistics furnished him by the Tariff Commission which probably are correct for the small percentage they represent.

Mrs. ROGERS of Massachusetts. One of the worst offenders is cemented shoes.

Mr. TREADWAY. The cheaper shoes affect the whole market, but the effect would be very large in one particular grade. Let me further call attention to the fact that the shoe industry has suffered for a good many years, suffered so much that when the last Tariff Act was written our late colleague from Massachusetts, Mr. Connery, came before our committee and urged, and urged on the floor of this House that the shoe rate be increased from 20 to 30 percent.

Mrs. ROGERS of Massachusetts. We all did.

Mr. TREADWAY. We all did; but I am calling particular attention to the source from which that particular item came.

Mrs. ROGERS of Massachusetts. He realized it would throw people out of employment.

Mr. TREADWAY. He did. His brother, I think, agrees with his conclusion.

UNCERTAINTY CAUSES LACK OF CONFIDENCE

Let me proceed now along a somewhat different line. Mr. Chairman, it is not given to the minority to know of the intentions or program of the majority or of the administration. Most of our information must be obtained second-hand, either from what is given us informally or through the press. I usually consult the press. There seems to be at the present time, not only in the minds of the people but in the press itself, a very wide element of divergence and uncertainty. About 2 weeks ago a series of speeches was made by men in the administration close to the head, violently abusing business. Words seemed to fail both Assistant Attorney General Jackson and Secretary Ickes with which to properly vilify and abuse the business interests of the country. The inference could readily be drawn that those employing people were terrible malefactors and in a good many instances even subject to imprisonment. The reaction to this sort of talk was very critical and adverse. It would appear that as a result the President, in his address to Congress, took heed of the feeling of the people and modified the ideas that he evidently had told his henchmen to express. We have recently seen a still further effort to placate business interests by the fact that five of the leading industrialists of the country were in conference at the White House on Tuesday, and from press accounts left there with the feeling that the conference had been to their advantage.

With several millions unemployed and a depression of great magnitude upon us even this straw of encouragement is worth while.

There are several outstanding reasons for the depression which now exists and for the failure of recovery under the pump-priming methods of the administration. It would be a long and difficult task to enumerate all these causes, but let me call attention to a very few of them. Among the principal ones are uncertainty, fear, excessive and unsound taxation, and reciprocal-trade agreements.

I doubt whether there has ever been a period in our history when the people knew less of the expectations of legislation and the effect of future legislation upon business. This uncertainty is so pronounced it even exists among the men charged with the responsibility of government. The Chief Executive deals beautifully in generalities. His addresses, his broadcasts, his speeches all have the well-pronounced Rooseveltian assurance of confidence, but without substance. If the administration itself does not know where it is heading, how can it be expected that the people will have any feeling of assurance? Uncertainty and fear are closely allied, or rather fear is the result of uncertainty. If the business people of the country had any assurance of a permanent policy or a permanent form of legislative recommendations rather than this absolute lack of knowledge, they would develop a spirit of certainty and confidence rather than one of fear, provided, of course, the legislation was of a type that was not to be all-controlling over business.

Within a short time a new tax measure will be before Congress. What it would contain has been unknown to the public since the suggestion was first made last summer that a tax revision could be expected at this session. Innumerable business people have made inquiries as to what the effect would be on their industries. This information has not been forthcoming, and therefore industry has curtailed, reduced inventories, and laid off employees.

The Treasury from time to time has stated that the receipts from taxation were increasing, intimating that that meant improved business. It means nothing of the sort. It means that business is more and more oppressed by the taxes laid against it. I fear it will be found that the tax bill soon to be offered to the country will prove to be a still further effort to extract blood from a stone. An opportunity will be given to debate this measure within a short time. However, it is well known that the administration is so obsessed by the determination to admit no error that it is retaining the structure of the undistributed-profits tax.

Great furore has been aroused in the business world from this ill-advised levy, sold to the administration by an impractical college professor. Whether or not, when the bill reaches the other branch, this form of tax will be repealed remains to be seen, but certainly if the Members of that other branch vote their definite convictions the bill will come back here minus that tax.

The only comment I care to make at this time is with regard to the complicated provisions that the new draft will carry. If I were a lawyer and specialized in a clientele requiring tax device, I should expect to reap a harvest and set up a well-padded bank account. It would be interesting to know the amount of time and the amount of money taxpayers expend in trying to make honest income-tax returns. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, I assume that every Member of this House is not only vitally interested in the well-being and the welfare of the Postal Service, but that he has a

specific problem he would like to bring to the attention of the committee or the Department affecting the service in his district. When this important appropriation bill is before the House and the committee, matters of this kind should receive first consideration; and to that end I intend to devote my time to affairs in the Postal Service.

The great Post Office Department of this country, the most efficient of its kind in the world, has been beset with difficulties since the coming of the great depression. Since 1929 it has been the object of strenuous efforts to bear down on appropriations in order that our Federal Budget might be brought into balance. Since the coming of the great depression it has been called upon by various departments of the Government to render service hitherto unknown to the Postal Department. It has taken on added burdens, and it has been forced by refinements, perfections, and increased efficiencies to absorb those additional burdens while at the same time being obliged to get along with less and less appropriation.

A student of the Postal Service reading the report and the hearings will find statements by those who fear that we are on the threshold of a major depression. He will find arguments of that character used in order to pare down the postal appropriations. He will also find statements that the service is impaired, deliveries diminished, and postal efficiency in various sections of the country reduced, while at the same time, from the same sources, will be found statements that more money than is necessary is appropriated in the pending measure.

The Budget, intimating that we may find in the coming year a reduction in postal volume, also makes the contradictory statement that there is in the offing a surplus of $30,000,000 in postal revenues to be expected in the forthcoming year. These contradictory statements, Mr. Chairman—that more money than necessary is appropriated, that the service is being reduced and impaired, that it is necessary in order to approach a balancing of the postal revenues that we cut expenses, yet at the same time stating that by reason, I suppose, of expanding volume, we are going to have a surplus in the coming year—added together do not make sense.

I find no fault with the Subcommittee on Appropriations. I direct my criticism at the system that has become the method of procedure since the adoption of the Budget, augmented by the practices applied since the coming of the depression, and greatly added to by the increased burdens thrown on the Postal Service under existing circumstances. A new and changed policy governing postal appropriations has taken place. The experts of the Department are almost powerless insofar as giving testimony to the Members of Congress is concerned. Their lips are sealed to a great degree by regulations that make it compelling on their part to go to the Budget first. Recommendations made to the Budget by the Postal Department are severely cut, only to be cut again by the Appropriations Committee of this House, perhaps also by the House itself, and then, before the bill is finally acted on, further reductions may be made in the other body. Under this system the Post Office Department is required to assume more and more work for all the departments of the Government on less and less money as the years follow each other. This policy, insofar as refinements in the service are concerned, insofar as expeditious delivery of the mail is concerned, insofar as the individual productive efficiency of the postal worker is concerned, is commendable, and no one can register complaint as to the service and its administration since the coming of the great depression; but, Mr. Chairman, if we look at the social problem we are developing, if we recognize the fact that by our methods we are reducing employment, forcing men to live below the standard set by law, setting up Uncle Sam as the arch chiseler insofar as work and working conditions are concerned while at the same time asking private industry to raise labor standards and shorten hours, we will see that our example is destined to intensify the difficulties that beset us and our time.

So I say, Mr. Chairman, I have nothing but praise to levy on the Postal Service. My commendation goes to the administrators of this service and surely to my colleagues who are associated with me in this House and who by chance happen to be members of the Committee on Appropriations. But I appeal to all of you as men who are not only interested in the Postal Service and its efficiency but as men who are primarily concerned with this major problem of our generation and age to make the administration of the Postal Department one that industry should be called upon to emulate, one that will be imitated as a result of our example by the industries located everywhere in the land. I cannot see the consistency of urging private enterprise to improve the standards of the workers while we, by reason of this system, neglect to carry out even the minimum standards required by law.

When I addressed the Committee on Appropriations I pointed out that for a period of 4 or 5 years preceding the great depression and after the depression was upon us for a year or two it was the policy of this committee to appropriate more money than was needed by the Postal Service. I then pointed out that since this changed policy took place the same committee appropriates less money than is needed to carry on the activities of the Postal Service, and the demand is ever prevalent for either a curtailment of service or reduction of personnel, or there are requests from the Department for deficiency appropriations.

Mr. Chairman, may I say that we have in this Service a personnel unequaled in any other department of the Government; and in giving consideration to the broad subject of appropriations for the maintenance of this Service, and in making a survey of postal operations for the last 5 years with special reference to the fiscal year ending June 30, 1937, one major fact stands out from every angle of approach, which is that the trend and scope of postal business continues onward and upward. In fact, the fiscal year 1937 has registered a new all-time high mark in postal history. The 1937 postal revenues amounted to $726,201,109, as against $665,343,356 for the fiscal year 1936, or an increase of $60,857,753 over the preceding year.

It is notable—

States our Postmaster General in his most recent annual report—

that 1937 revenue is higher than any previous year, and that 1937 expenditure is $30,000,000 less than in 1930, the all-time high.

And this brings out the story I am attempting to convey to you, that we are burdening the postal employee with a tremendous number of accumulating duties and expecting him to do this with a lesser appropriation each succeeding year.

Mr. FORAND. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Rhode Island.

Mr. FORAND. The gentleman has made reference to the increase in the Postal Service. A situation exists in my district—in fact, in my home post office, Pawtucket—where since the Economy Act was passed six men have either retired or died, and those six routes were absorbed. Therefore there is a shortage there of six men. Would it be possible under the present appropriation to replace these men?

Mr. MEAD. It is my judgment, from the record and the testimony contained in the hearings by Mr. Donaldson, the executive assistant to the First Assistant Postmaster General, that under this appropriation not one single appointment of that character will be made, not only in Pawtucket but in the United States.

This net postal surplus is the third during the past 4 years, notwithstanding the additional cost of $40,000,000 incident to the operation of the 40-hour-week law. Nineteen thirty postal revenues amounted to $705,484,608, the previous high record. For the current fiscal year, ending June 30, 1938, Postmaster General Farley estimates postal revenues will be $752,500,000 and that the expenditure, including nonpostal costs, will approximate $784,000,000.

Meanwhile the Postal Service, whose ramifications reach every nook and corner of our country, has rendered notable

service in various public-welfare undertakings. In June 1936 the Post Office Department assumed the obligation of conducting the prompt and efficient delivery of service bonds to 3,000,000 war veterans. The imperative requirements having to do with the delivery and process of conversion of these adjustable service bonds were handled in a manner that won Nation-wide commendation. In a similar thorough manner the Postal Service and its high-grade personnel rendered notable service to the Social Security Board in obtaining information from employers in the collection and compilation of essential data for setting up the Social Security Act. More recently, in response to action taken by Congress, President Roosevelt confirmed and gave direction to a broad national plan to take a census of the unemployed and partially unemployed. In active support of this program, Postmaster General Farley called on all postmasters and postal employees to cooperate with the administrator of the national unemployment census to translate this immense fact-finding project into prompt and definite accomplishment. The earnest and expeditious manner in which this great undertaking was carried through presented a new demonstration of Postal Service usefulness and an inspiring example of Nation-wide teamwork. Many other nonpostal undertakings to which the Post Office Department gave effective aid could be cited.

Dating from the depression low, postal operations have moved steadily forward, until the past fiscal year presents a story of record progress. Postal revenues and mail volume have scored a notable advance. Moreover, postal wages have been maintained, the postal workweek is now on a 40-hour basis, work opportunities have been greatly increased, and the entire Service has been charged with a vibrant spirit of cooperation and achievement. Because of its magnitude, its great number of employees, and particularly by the force of its example, the Postal Service exerts a profound influence on industry generally. Thus, the maintenance of postal employment standards at a high level becomes a matter of compelling moment, both on its own account and as an example for wide emulation.

Addressing the House on previous occasions, I have sought to stress the importance of the steady expansion of productive efficiency through new means and methods as the chief cause of economic congestion and widespread unemployment. Conceding that there is no short cut to prosperity and no magic formula to insure economic health, I have argued that it is only by observing the principle of balance in our economic relations that prosperity can be obtained and maintained. Productive efficiency continues to move forward with steady stride, but to keep our industrial machine producing, it must be kept in balance. Mass production calls for mass consumption.

This same reasoning applies to the Postal Service. Despite its commendable record of progress, the reactions of technocratic advances are shown here as they are in private industry. The steady expansion of productive efficiency is reflected throughout postal operations in increasing and varying degree, in ouput per man-hour of labor all along the line. The Rural Delivery Service presents a notable case in point. The total number of rural routes as of June 30, 1937, was 33,601, a total which shows a net reduction of 517, as compared to the preceding year. Comparing this 1937 total with the all-time high rural route total for the fiscal year 1926, shows a reduction of 11,714. Meanwhile the number of families and individuals served by these routes have shown a steady increase.

Something of this same trend applies throughout the Service. As of July 1, 1937, there were 30,329 post offices of the fourth class. This total compares with 31,031 as of July 1, 1936, or a reduction of 702 post offices of the fourth class during the past fiscal year. In 1920 this figure stood at 41,102, showing a reduction of more than 10,000 in the number of fourth-class post offices during the past 17 years.

In the Railway Mail Service the total number of regular railway-mail clerks as of June 30, 1937, was 19,127. In 1915 this same total amounted to 19,155. This figure represents a net decrease of 28 railway-mail clerks during the past 22 years, notwithstanding greatly increased mail volume and shorter labor hours.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MEAD. Mr. Chairman, the total number of city letter carriers as of June 30, 1937, was 54,944, an increase of 1,092 during the past fiscal year. The number of village delivery carriers during the same period decreased from 959 in 1936 to 916 village delivery carriers as of June 30, 1937. Post-office clerks, first- and second-class offices, as of June 30, 1937, numbered 72,325, an increase in this total during the past fiscal year of 1,855. This increase in the two foregoing quoted clerk and carrier items of some 2 percent as compared with some 9 percent in postal revenues during the same period, reflects the steady increase of productive efficiency throughout the Postal Service. While this entire recapitulation reflects the same trend of increased production per unit of worker in the Postal Service that is manifest throughout industry and which from one reasoning approach can be cited in justly commending terms as evidence of able administration, it at the same time presents a major factor in the cause of prompting the grave problem of unemployment which we cannot disregard. Thus, in observing the principle of balance, both in public and private employment, as the only sure road to national prosperity, the institution of shorter labor hours points the way that progress must take. [Applause.]

Mr. McFARLANE. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Texas.

Mr. McFARLANE. I am wondering if the gentleman would put in the RECORD during the course of his remarks the subsidy that is now enjoyed by the newspapers of the country in connection with the distribution of their newspapers.

I think this matter is of interest to the country in view of the statement of the President in his recent press conference, as well as the statement of the Postmaster General, regarding this subject.

Mr. MEAD. The President recommended that an independent agency be created to make a study of this item. I should like to see this done, because in addition to a revision of rates as they apply to newspapers, we might also secure a revision of the rates paid to the railroads. We are the only industry using the railroad which purchases space on a space basis. In other words, we pay for a railway mail car going in both directions regardless of the fact it is loaded one way and empty the other way. We pay for the entire space in that particular contracted railway mail car, while the express companies pay only for the space they use.

Mr. McFARLANE. I would appreciate it, and I am sure the Members of the House would appreciate it, if the gentleman would place in his remarks the detail of the subsidy which is now enjoyed by second-, third-, and fourth-class mail, a condition which we should try to remedy in keeping with the President's recommendations. Will the gentleman do this?

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 6 additional minutes to the gentleman from New York.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. The gentleman seemed to give the impression that the 40-hour week is being applied to all the Postal Service. Does this law affect the substitutes?

Mr. MEAD. The substitutes are paid on an hourly basis, unfortunately for them, because they receive less than the regulars would receive. Further, they do not receive sick leave or vacation. We find a large number of postal substitutes working regularly 40 hours a week as substitutes, but they are deprived of the privileges of the regular employee which I have just enumerated. This is because of the policy of providing a smaller amount of money than is necessary properly to enforce and carry out the mandate of existing law.

Mr. O'MALLEY. May I point out to the gentleman that some of this attempt to make a record is resulting in working substitutes as high as 63 hours a week? This is why some of

the figures showing a reduction in the number of employees are not true. More employees would be required if the substitutes were not worked as high as 63 hours a week.

Mr. MEAD. In my limited time I want to exonerate the Post Office Department. They are not responsible for these conditions.

Mr. O'MALLEY. May I ask the gentleman what a Member of Congress can do to have the Post Office Department enforce the 40-hour-week law impartially throughout the Service?

Mr. MEAD. We can help by providing the Department a sufficient amount of money to take proper care of the personnel.

This is what Mr. Donaldson states on page 112 of the hearings:

There would be no way in the world that we could operate next year on $138,000,000—

He is speaking about one branch of the Service—

unless there is some recession in business, either in the volume of mail or something that makes it possible for us to reduce the force or greatly curtail service.

If there is no reduction in the volume of mail and no decrease in the area served by the carriers we could not get by on $138,000,000.

Then the chairman said:

I am trying to get at the truth of this situation, because it is an important matter. You think you just cannot get by on $138,000,000?

Mr. Donaldson said:

We would have to say we will only have one delivery a day in residential sections, which would leave available a number of regular carriers to perform other services and relieve us of that substitute cost. The only thing you could do in City Delivery Service without destroying the service is just to curtail the number of deliveries and the number of collections.

Then Mr. Donaldson added this, with regard to the deficiency in the current appropriation for compensation to clerks of first- and second-class post offices:

Our original estimate for a deficiency was more than $3,000,000.

This is in the current appropriation and indicates we are not appropriating enough.

But due to the efforts that we know this Congress is trying to make to operate with the least possible cost, we have tried to meet every demand made by the Bureau of the Budget.

They have tried to meet it in the manner of which the gentleman has just complained—by working substitutes long hours, by working them as substitutes when they ought to be appointed regulars, by denying to these men what the law of the land promises them, and by depriving them of their vacations and sick leave, in order that we may try to end the fiscal year without a deficit. I believe this changed policy is a mistake, because it calls for not only a curtailment of service but depriving our postal employees of what the law and the Congress intended should be theirs.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Pennsylvania.

Mr. HAINES. May I call the gentleman's attention to a condition which occurs in connection with a very low-paid group of postal employees, the clerks in the third-class post offices? I notice the bill carries an appropriation of only $7,250,000 for them, when the Department indicates they require $8,083,000.

Mr. MEAD. I am pleased the gentleman has brought up this item, because it is an indication of what is going on all along the line. The Department asked for $8,083,000. The Budget cut that figure, according to my records, to $7,250,000, and the committee took $200,000 more off that. These people are the unorganized and defenseless men and women who work in the third-class post offices, and they have nobody to represent them. First of all, the Budget cuts the item, then the Committee on Appropriations cuts it again, and who knows whether or not before it gets to the White House it will not endure a third cut? It is unfair.

THE RAILWAY MAIL SERVICE

Your attention is invited to the table on page 234 of the hearings. This gives the number of regular clerks in the Railway Mail Service on July 1, for the last 8 years:

Regular clerks	
1930	19,453
1931	20,197
1932	19,809
1933	18,622
1934	17,772
1935	17,530
1936	18,744
1937	19,085

Between the years 1930 and 1937 there was enacted both the 44-hour-week and the 40-hour-workweek laws. These two acts were supposed to add approximately 2,500 additional regular clerks to this service. We find, however, that on last July 1 there were 368 less clerks in the Railway Mail Service than there was in 1930, before either of those laws were passed. This in spite of the big increase in the volume of mail.

In the past 6 months the number of clerks assigned to road duty has been reduced by 139. Approximately 80 of that number was on account of the discontinuance of R. P. O. service. In the big majority of those cases the railroad companies withdrew the trains. In the other 60 cases reorganizations have curtailed the number of transfer clerks at various points and road vacancies have been canceled by throwing mail into post offices or terminals for distribution. Less mail enroute is being worked. In the past 4 years much of the distributing space available in the mail cars was eliminated and the racks are placed in a nonuse position. In the working space discontinued, storage, or mails already made up are being carried. The cars are generally crowded to capacity with storage mails and the clerks handicapped by lack of rack separations to properly distribute the mail with any degree of celerity.

Various innovations have been practiced to reduce the number of clerks assigned to road duty. Terminal clerks and laborers are in many instances detailed to assist in the mail car before the train leaves the station. The amount of time formerly allowed for advance distribution—work in car before train leaves terminal—has continually been cut by the above-mentioned method or by having the mail partly worked in the post office or a terminal. As a result of this many road clerks are making just the same number of round trips annually as they did in 1930. The 44- and the 40-hour-week laws reduced their annual hours but mail was shifted for distribution elsewhere, leaving the actual road service required exactly the same. On the other hand there was an increase of 358 clerks in the terminals in the last fiscal year.

Your attention is also invited to the statement of Mr. Cole on page 234 of the hearings, which was in reply to an inquiry as to the probable number of regular employees on July 1 next. He stated:

I do not have the figures, but we will not have any more, I think, than we now have, of regular employees. There is one thing that the record should show, and that is that we carry a great many of what we call acting clerks. They are not regular employees, but are acting additional employees.

Mr. TABER. Are they regular substitutes?

Mr. COLE. Yes, sir; regular substitutes; but we do not put them on the rolls as regular clerks. Therefore, we carry them at less salary than we would if we made them regular clerks. In a number of our terminals we carry so many of them that we think that, under our practice and rules, we must begin to make some of them permanent.

On page 236 Mr. Cole states that the regular force in the R. M. S. has decreased by 104 since June 30. (Hearings, week November 22.) The annual report of the Postmaster General states that on June 30, 1937, there were 1,149 acting clerks in the Railway Mail Service. These clerks are doing work in assignments, the big majority of which should be made permanent regular jobs. One method of economizing at the expense of the employees, which Mr. Farley says should not be done, is to work them in assignments at the

salary of a substitute and save the difference between that amount and the salary of a regular clerk. A further saving is made as substitutes are allowed neither vacation leave nor sick leave.

Service was entirely discontinued on 41 railway post-office lines during the calendar year 1937. In most of the cases the railroad company discontinued the trains, as they were not making expenses. In some few cases the service was taken off although the train continued to operate. These were in cases where a mixed train was operated and the delivery of mail was expedited by star-route service. The lines discontinued were smaller railway post-office units. The saving in travel allowance made by that action is very small. However, that item is reduced by $350,000 for 1939. The table on page 12 shows an unexpended balance of $340,000 last year. Some of that saving was made by requiring clerks to deadhead to the opposite end of their line to begin their runs and away from what had been their established official headouts for a long number of years. This was done to avoid paying them travel allowance for Sunday layovers at their outer terminal, which would have occurred were they permitted to begin their runs at their point of residence and what had formerly been their regular official headout. In some instances runs have been cut in the middle. Clerks were then run out of each end and returned to their initial terminal sooner. This simply to eliminate travel allowance.

TRAVEL ALLOWANCE

On page 238 of the hearings it is stated that in 1937 the expenditure for this item was $3,200,000. The appropriation should at least be increased to that amount, an increase of $100,000 and a proviso included which would prohibit deadheading clerks the length of their line, simply for the purpose of saving at their inconvenience and expense. Sometimes due to changed railroad schedules the time absent from terminal would be less if clerks were headed from the opposite end of line. In spite of long-established residence and long-established official headout, this official headout would be changed to the other end of the run in order to save 75 cents a day. The same thing has happened when the officials have taken certain distribution off on 1 day of the week. This breaks up the crew organization and has resulted in the officials establishing a headout at other point than the one long established and where the clerks lived.

The proposed appropriation of $198,000,000 for clerk hire does not allow for a single appointment, this in spite of the fact that for the remainder of the present year, and for the ensuing one, the Department estimates a minimum of 1,500 new clerks. This item is to care not only for increases in business but also for the large number of substitutes who are now regularly employed within the specified 8 hours within 10, and thus are regular employees in every sense except salaries, vacations, and other privileges. Their wage is, as you know, only 65 cents per hour.

The contention of the Budget and the Appropriations Committee that the present business recession will last through the remaining fiscal year, and throughout that of 1939, is one which the Government cannot assume if it intends to encourage and inspire business to recover and expand.

Further, this pessimistic attitude is contradicted by the facts. The report of the Postmaster General points to receipts in 1937 as higher than any previous year, and at the same time to expenditures $30,000,000 less than the previous "high" year, that of 1930.

Analysis of receipts by months still further refutes this "fear" approach. In 1937, as compared with 1936, receipts in first- and second-class offices, embracing almost the bulk of the business, for July showed an increase of approximately $1,000,000; August showed an increase of $1,250,000; September showed $1,600,000; October developed a comparatively slight loss of approximately $700,000.

It was evidently upon this one instance, backed by the "recession hysteria" prevalent in the country, that the pessimistic views toward postal business were taken, inasmuch as later figures were not then available.

But the fact exists that the following month—November—showed the striking gain of about $3,000,000 for first- and second-class offices. For the entire Service, the gain was about $4,000,000, or 6.9 percent. The month of December continued this upward climb with a gain of 3.05 percent.

I have here returns from 50 selected offices for December which show that these selected offices show a gain of 1.52 percent. That we are not in a tailspin of recession, but are actually and markedly on the upgrade, is shown in much more striking form by the sheet of returns for December from 50 industrial cities therein named. This shows a gain for these cities alone of 3.05 percent.

Attention is also called to the comparisons at the bottom of each sheet which reveal that, so far from a decrease in business, the Postal Service has recently enjoyed an accelerated rate of advance. For example, the 50 industrial cities show that November 1937 was the rather remarkable figure of 9.10 percent over the same month of last year. For the otherwise selected 60 cities the gain is 5.09 percent.

The cold figures amply refute the assumption that the business of the country, including the Postal Service, is going into a tailspin.

Inadequacy of the proposed appropriation of $198,000,000 for clerk hire is demonstrated by the fact that there will be an actual expenditure of $198,000,000 this year to be partly covered by a deficiency appropriation of approximately $3,000,000.

Should 1939 be continued at the same amount, it means that the Post Office Department is in irons so far as any ability to meet the expansion of the Service indicated by the figures of increase shown. As a matter of fact, the sum indicated would not admit of the appointment of a single additional clerk, despite the fact that large numbers of subs are now working regular tours. This will, of course, mean that the number thus performing regular work and under the exacting requirements of regulars will not only not be reduced but will actually increase.

This situation tends to nullify the standards of working conditions established for the Postal Service by Congress. It denies to deserving employees the promotions which they were led to expect and for which they embarked upon the career of post-office clerk, aside from the question of justice, the effect upon the efficiency of the Service; aside from the question of justice to the employees.

In response to the request of my colleague, Representative MCFARLANE, I insert the Department's figures as they apply to second-class postage.

	Revenues	Expenditures	Excess of apportioned expenditures over revenues	Excess of revenues over apportioned expenditures
Second class:				
Publications exempt from zone rates on advertising portion	$1,903,590.76	$18,512,038.19	$16,608,447.43	
Zone rate publications:				
Daily newspapers	8,999,158.84	38,001,739.66	29,002,580.82	
Newspapers, other than daily	2,999,241.28	14,293,411.99	11,294,170.71	
All other publications	9,246,108.13	33,583,007.17	24,336,899.04	
Free in county, all publications		7,906,711.49	7,906,711.49	
Total, publishers' second class	[1] 23,148,099.01	112,295,908.50	89,148,809.49	
Transient	1,215,870.47	1,012,671.73		$203,198.74
Total, all second class	24,363,969.48	113,309,580.23	88,945,610.75	

[1] Includes $63,665.00 revenue from second-class application fees.

Mr. LUDLOW. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I am taking advantage of this opportunity to make a statement to the House with regard to a matter that may become tremendously important at any time.

When we adopted what is known as the "lame duck" amendment to the Constitution, we moved up the time of

inauguration of the President and Vice President, and did not move correspondingly the time of the election, with the result, as I recall, that we have now only 41 days between the time of the election of the electors and the time when these electors are to meet and deliberate.

Suppose there is an election contest, all sorts of charges, and possibly facts of fraud. We know, as a matter of fact, there is not a single State in this country that can rig its machinery so that it can try the question of a contested election in a State in 41 days.

It is a remarkable thing that we would have a situation in America under which, in case of a charge that an election had been stolen in a pivotal State, for instance, there would not be any method in this country by which that question could be properly determined. This is a remarkable fact. This is tremendously important in its potentialities. I have been calling the attention of the Congress to this matter for a good many years and have from time to time introduced a bill changing the date of election. I have felt some special responsibility because I was author of the bill several years ago which changed the method of bringing the election returns here, from the old messenger system which had operated since Washington's first term, to bringing these returns up here by registered mail. It took 6 years to put that law through. It was merely a matter of economy and terminating an absurd, antiquated method. This is, however, a substantial thing.

About a week can be got from rewording that law, but great caution must be exercised. That time would be in addition to the 41 days, which would mean 47, or perhaps 48 days, but you could not get organized for the contest and try the issue of whether or not there was corruption in an election within that time. That is absolutely certain. There is no question about it. The situation is as though there were no provision for contesting a Presidential election.

I had the matter up last when Mr. FLETCHER, of Ohio, was chairman. He was sympathetic and sent a letter to the various Governors of the States. Their reaction to changing their election dates was not favorable. The Governors do not want to move up the election date. It does not make any difference, however, whether they want to move it up or not as an abstract proposition. Moving up the time of inauguration of the President leaves no intelligent choice.

Of course, there could be an abolition of the electors, but that would require a constitutional amendment. We might reach a crisis before such an amendment could be adopted. The States might not adopt it at all.

Mr. LUDLOW. Mr. Chairman, the gentleman from Texas is making an important statement and I yield the gentleman 5 additional minutes.

Mr. SUMNERS of Texas. I thank the gentleman very much.

Speaking practically, there is nothing to be done, as I see the picture, except to rework one end of the existing law and probably add about 1 additional week, and then it seems to me we must move up the time of election of electors, what we ordinarily call the Presidential election, from November to October. This ought to be just as good a time to have an election and it would add 30 days to the period of time in which we could litigate any questions which might arise in a contested-election case.

I do not want to embarrass the Election Committee. I think the committee has done the best it could about the matter with no popular support, but the people of the country do not understand the necessity. It is not a question whether we prefer to have the election in October or November. It is whether we want it to be possible to try election contests or leave it possible for a President to be elected by fraud.

I do not like repeatedly calling attention to this, but, having discovered the situation, I have a responsibility which I cannot discharge except by calling this situation to the attention of the Congress and the country. As certain as the world there is going to come a time when there will be a contested election in a pivotal State and we will find there is no arrangement under which such a vital issue can be decided. That might mean anything in its possible consequences. We do not know what it might mean at a time of great party, sectional, factional, or class strain when, perhaps, the election would turn on the results in one pivotal State, and in that State there should be a challenge of results on the grounds of fraud, sustained by known instances and broad suspicion, for instance, with no chance to try and settle the controversy in a court. We would then be in the position, if the law should remain as it is now, of not having any way on earth by which such an issue could be litigated. The House of Representatives and the Senate have no right to permit this condition to go on.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. GEARHART. I am in hearty accord with the suggestion the gentleman has made, and it seems to me in suggesting a change of the time of election we ought to make a complete change and go back to a time which it has always seemed to me would be in the interest of good campaigning and in the interest of arousing the interest of the American people to the issues of the election. The campaign should be held in the summer and the elections should be completed in the summer and the inauguration of the President should be held at a time of the year when the weather throughout the United States is generally good. The inauguration which occurred here in the first part of January last year was a most unfortunate affair and deprived the American people of a celebration in which they were entitled to participate.

Mr. SUMNERS of Texas. Those things are all important. What I am concerned about, as I look into the future and see the possibility of this Nation at the end of a hot campaign, having a situation where there are charges of fraud and corruption, possibly, and not a single tribunal in America that can try the issue.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HARLAN. The gentleman is aware, of course, that all of these facts that he refers to were brought to this Congress at the time the "lame duck" amendment was under consideration. Yet in the hysteria of the passage of that amendment we went ahead and sent the thing out to the country. Would it not be at least a feasible proposition to consider the repeal of the "lame duck" amendment at the present time and get back to where we were?

Mr. SUMNERS of Texas. I will answer the gentleman. It might be all right, but I really believe that the possibilities of hurt are so great under the present arrangement that we would not be justified, whatever our views about constitutional amendments, in awaiting the result of the determination of the people with regard to a constitutional amendment.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. COCHRAN. The gentleman answered the gentleman from Ohio [Mr. HARLAN] and said "That might be all right," that is, to repeal the "lame duck" amendment. The gentleman surely does not mean that he would be in favor of having a "lame duck" Congress again?

Mr. SUMNERS of Texas. I do not make any expression about that at all. I am talking about something else.

Mr. PIERCE. It will take a constitutional amendment, will it not, to accomplish what the gentleman has in mind?

Mr. SUMNERS of Texas. No; it can be done by statute.

Mr. PIERCE. It can be done?

Mr. SUMNERS of Texas. Yes. I hope I make myself clear, in view of the question of my distinguished friend from Missouri [Mr. COCHRAN], that I am not discussing the "lame duck" amendment. I am talking about this one proposition.

Mr. ANDRESEN of Minnesota. It might be necessary to have all of the State legislatures meet so that a general election may occur in the States at the same time.

Mr. SUMNERS of Texas. Yes; and the quicker we act the quicker they will do it.

Mr. ANDRESEN of Minnesota. It would probably take 2 years before the States could act.

Mr. SUMNERS of Texas. Yes. That is one reason why we should not longer delay. This delay is a mighty serious responsibility which we are assuming both for ourselves and for the country. It is not impossible but that somewhere down the line we will experience serious and possibly disastrous consequences as a result of our failure to act when we ought to have done so.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DITTER. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, it is my opinion, based on many years of contact with the American dairyman, that he is the best type of citizen in the Republic, securely grounded in old-fashioned Americanism and devoted to the cause of law and order. In common with many citizens, therefore, I was not only surprised but angered when the Saturday Evening Post, a weekly with a far-flung national circulation, published an article in its November 13, 1937, issue which presented the American dairyman as a lawless, incompetent, and ne'er-do-well resident of the country. The article had a special sting in it for the reason that it seemed to come from an authoritative source, as it was written by Prof. James E. Boyle, a member of the faculty of the Agricultural College at Cornell University. It was, in fact, distributors' propaganda, containing the conventional reasons why the dairyman should be kept in bondage, all written with a viciousness and disregard of the truth, which seemed to require an adequate reply.

At the suggestion of several of my constituents, I took the matter up with the editor of the Saturday Evening Post, Mr. Wesley W. Stout, calling attention to the libelous character of the article and requesting an opportunity to reply in that publication. I did not believe that any difficulty would be encountered in accomplishing this, but the editor of the Post, Mr. Stout, claimed I had grossly libeled Professor Boyle in my letter, and so far as getting any correction of the wholly erroneous statements concerning the dairyman through the pages of the Post, I was up against a stone wall.

ADVERTISEMENT CONTROL

May I say that in my judgment the Saturday Evening Post, now and in the past, has had little influence on American life and character. Its advertising pages reflect its articles and editorials and vice versa. It has never dared to advocate any real reform, no matter how needed, to preserve American institutions. If it did it would lose advertising, and that is its life's breath. Of late the Saturday Evening Post has lost much advertising, and as a result has developed Fascist leanings. The recent article on Members of Congress by a couple of gag writers, Alsop and Catledge, is an illustration of its tendency under the Stout regime. The present editor of the Post thinks it will appeal to the advertisers to write off Congress. May I say that if Mr. Stout is earning his hundred thousand a year the most inefficient Member of Congress, on either side of the aisle, is earning two hundred thousand. I am wondering, too, if the Boyle article had any connection with advertising heretofore or hereafter to be received by the Post from National Dairies, Bordens, or their affiliates.

However, I do not regard the Saturday Evening Post phase of this matter as important, and if that were the only angle of the case I would not be taking up your time today. What I am greatly concerned about is that we have come to such a pass in America that a professor in an outstanding university supported by public funds can by false statements libelously indict 3,000,000 American farmers of economic and moral crimes and misdemeanors.

DAIRYMEN BEST TYPE OF AMERICAN

May I reemphasize that the American dairyman is the best citizen within the confines of the country. He is the best citizen as measured by spiritual values, and in addition he is making an essential contribution to the health of the American people. He works from dawn to dark, 365 days of the year. In spite of these sacrifices, the dairy farmer is tied to the soil like the Russian serf, and the financial returns to the average dairy farmer, throwing into the scale the services of his wife and family, is less than the income of the average mill hand. His land is being sold for taxes, and he finds himself without sufficient returns to live comfortably, free from the stress of poverty. This is due to the fact that the dairymen nationally are in the grip of a savage, unrestrained monopoly which reaches into every part of continental America and enjoys vast profits while a generation of splendid Americans are being driven to the wall. These statements are based on the authoritative findings of the Federal Trade Commission. The Members of the House have only to examine the last report of the Commission, entitled "Agricultural Income Inquiry," to see that monopoly dominates the marketing of fluid and manufactured milk, and that milk products are controlled by Bordens and National Dairies in affiliation with the Chicago packers. This dominance reaches practically all phases of farm marketing, and the Commission expresses the belief that by reason of this fact the survival of independent farming by farmers who own their own farms and maintain an American standard of living is in jeopardy. This report has not been printed but a digest of the milk phase of it will be found in my remarks in the House on November 23, 1937. The classical example of the distributors' colossal profits is found in House Document 94 of the Seventy-fifth Congress, where the Federal Trade Commission reports that the National Dairy Products Corporation paid $12,000,000 for $9,000,000 worth of assets of the Willis-Jones Milk Co., of Philadelphia, Pa., and in 5 years this concern paid $12,000,000 in net cash dividends. At this time the Pennsylvania farmers supplying this milkshed had their backs to the wall with their mortgages growing bigger. They were unable to get a living price for their product.

An example of distributors' practices is found on page 6 of House Document 152, of the Seventy-fourth Congress, the same being a report on the Philadelphia milkshed, where it appears the dairy farmers of this area in 6 months lost in excess of $530,000 by reason of underpayments by distributors for grade A milk. In the same area, during the first 6 months of 1933 the excess of bottled milk sales over basic purchases amounted to more than four and a half million quarts. These same findings have been made in every milkshed where the matter has been run to earth by the Federal Trade Commission. These facts indicate the lawless and larcenous performances of the distributors.

PROFITS 108 PERCENT

Attorney General Bennett, of New York State, after an investigation of these concerns in New York City and their books, found that the distributors were making 108-percent profit on manufactured milk and 12-percent profit on fluid milk.

The latest figures available from the Department of Agriculture on distributors' profits cover the period from 1929 to 1933. These were lean years, but the figures show that the distributors, handling only fluid milk, made on an average each year 22.5 percent in Boston, 25.8 percent in Chicago, and 30.8 percent in Philadelphia. These figures do not include manufactured milk. They are difficult to estimate by reason of the fact that the milk monopolists have issued a great amount of watered stock on which they are paying substantial dividends.

It is asserted that some of the men drawing $100,000 a year from the distributors are actually $10,000-a-year men. If we equalize these salaries, which possibly Attorney General Bennett did, his figure of 108 percent on manufactured milk is not too high.

The whole burden of sanitary production is on the dairyman. He pays the shot and the National Dairies and the Bordens garner these vast profits, with salaries of executives amounting to a sum in excess of $3,000,000 annually.

BOYLE BORES FROM WITHIN

In the face of these findings, which every intelligent student of agricultural ecomonics is familiar with, Professor Boyle, who should be a watcher from the hilltops, starts boring from within. He ruthlessly maligns and libels the

group for whose benefit he is on the pay roll. Not only that, but he does it for money. The fact is that if he told the truth about this matter, he could not sell his article to the Saturday Evening Post. Let me call the roll on some of the falsehoods.

Falsehood No. 1: Boyle leaves the inference that the dairy farmer, unregulated, will give the city consumer unclean milk. This is a lie on its face, as the bacterial count of the milk is taken at least twice before it reaches the city distributor. That burden is on the farmer and not on the distributor. The fact is the dairyman nationally has spent a hundred million dollars on the sanitary production of milk and another hundred million to free his herds from bovine tuberculosis.

Falsehood No. 2: Boyle pictures the pouring out of milk during the various milk strikes. These strikes actually were nominal in character, sporadic, and local. He joins the Ananias Club again in this connection. The fact is the dairy farmer has been an individualist and not given to organization. When he had risen against the starvation prices paid him by the distributors it was simply an evidence of his manhood and real Americanism. Any agricultural educator worthy of the name would commend him for his stand. One who was getting into bed with the distributors would take a contrary view.

Falsehood No. 3: Boyle throws another sop to the distributors when in this article he charges the farmers with operating a milk trust. This statement is senile in character and in a proper state of civilization would entitle the man who made it to examination for lunacy. The fact is the whole difficulty with the farmer's situation has been that he has been robbed piecemeal by the middleman by reason of his lack of organization.

Falsehood No. 4: Boyle states that many services have to be performed in marketing milk. This is absolutely untrue. The Federal Trade Commission in its report, Agricultural Income Inquiry, found that milk is different from other major farm products. It does not pass through the hands of a long line of middlemen; the bulk of the supply reaches the middleman or processor direct from the farmers. They further found the amount of processing for milk, relative to the total supply, is slight in comparison with other products, and that the distributors took a margin of 50.49 percent, with 6.41 percent going for transportation and 43.10 percent going to the dairyman. The Commission also found the processing of meat is more expensive than the processing of milk, and yet the margin retained by the packers is but 13 percent of the consumer's dollar in the case of beef, as compared with 50 percent taken by the milk distributors. As absent-minded as Professor Boyle is, he probably knew he could not get these facts in the Saturday Evening Post, even if he had seen fit to tell the truth.

Falsehood No. 5 says the spread is justified. With the findings of the Federal Trade Commission, Secretary Wallace, and the Attorney General on profits, which I have enumerated above, this statement places the professor within the category of what the Romans used to call an "easy, extemporaneous liar." An honest-to-God agricultural economist who was not writing for money should be on the housetops proclaiming to the world that the segregation of surplus and fluid milk is a brazen economic fallacy. Both cost the same to produce and the Milk Trust's profits on both are larcenous.

Falsehood No. 6: Out of the mouths of the distributors comes the story about union labor, whom the professor attempts to array against the farmer, and vice versa. The fact is that both union labor and the dairymen are each entitled to their place in the sun. The professor, however, is writing for a distributor-minded publication and speaks their patter.

Falsehood No. 7: The professor makes the usual charge that dairy production is not economic by reason of unprofitable cows, and gives some synthetic figures about the costs of production. This is more distributors' propaganda. Professor Boyle thinks the farmer should produce milk for 3 cents a quart. He must be thinking in terms of his early Kansas days.

The foregoing is a partial résumé of the article in question. It is, by and large, the most brazen piece of distributors' propaganda that has ever come to my notice. It abounds, as I have stated, in unqualified misstatement and carries the flag for the Milk Trust.

HAS A CHAIR IN LAND-GRANT COLLEGE

The writer of this article is a professor of rural economy at Cornell University, a land-grant college which received from the Federal Government 511,000 acres of land, which it subsequently sold for more than $7,000,000, to establish a State college for the benefit of agriculture as provided in the Morrill Act. These public funds brought this great university into life.

The Congress intended that the institution so endowed would aid in developing agriculture along technical and economic lines. If Ezra Cornell were alive today and found a man on the staff of the agricultural college who was writing such vicious propaganda against a hard-pressed agricultural group, he would act promptly and with decision. There would be a new face in the Cornell faculty.

It is interesting to note that New York State contributed last year to Cornell for the purposes of promoting the welfare of agriculture the sum of $2,218,600. The money came from the taxpayers of the State, with the dairy farmer making a considerable contribution to the cause.

Professor Boyle claims the dairymen are lawless and have a milk trust. How long would he stay in Cornell, on the faculty of that great institution after the publication of this article if the dairyman did have some justifiable measure of lawlessness, or unity of action?

One of the members of the New York Legislature, whose name I will withhold, wrote me as follows:

> Professor Boyle's article disturbed me very much but I hadn't determined just what could be done about it. You have performed a great service in checking the Saturday Evening Post in this matter and looking into the record and status of Professor Boyle. He certainly should not be paid a salary out of the taxpayers' money of the State of New York. I have long been convinced that the Ithaca outfit is absolutely detrimental to the best interests of the New York State farmers.

FARMER CONSISTENTLY BETRAYED

I have been over Professor Boyle's record through the years with painstaking care, honestly seeking to find some place in his history where he had rendered any service to the American farmer. I find he has consistently betrayed them throughout his whole career. He seems ingrained with a scorn and actual hatred of the farmer, his words and works. From the beginning, the professor has been an economic sadist so far as the farmer has been concerned.

BOYLE RECORD IN WEST

Professor Boyle first comes to the surface at the University of North Dakota. I am going to quote Congressman LEMKE, candidate for President on the Union ticket in the last election. My colleague LEMKE, may I say, is a graduate of Yale, stands high in the estimation of the United States Supreme Court, and has made more successful appearances before that Court than any lawyer I am acquainted with. Speaking about Professor Boyle, he said:

> Professor Boyle was eased out of the University of North Dakota after the Farmers Nonpartisan League got functioning. He had a similar fate in the Agricultural College at North Dakota. He was against grain cooperatives and every form of self or Government aid to the farmers. My impression is that he was employed for a time by the Chicago Board of Trade. He also insisted on higher rail rates for the railroads. This, of course, spelled ruin for the farmers. He stood firmly for the status quo.

I call Myron Thatcher, for many years one of the outstanding authorities on grain marketing in the United States, for his estimate of Boyle. He says:

> Professor Boyle is the worst reactionary in the history of agriculture and was the chief spokesman for the Chicago Board of Trade. The Chicago Board of Trade in 1937 sold 215 bushels of wheat for every 1 that was bought and cost the farmers in that and other years not less than $200,000,000 a year. This was the state of things that Boyle tried to continue, but he was smashed and driven out of the West. Professor Boyle is the worst individual parasite that the grain cooperatives have had to con-

tend with during the present century. You may use this in a speech or letter, or in any fashion you would like, and I will be glad to have him sue me for libel.

I call as a witness Congressman USHER L. BURDICK, also of North Dakota, a former all-America football star and a graduate of the University of Minnesota, author of a number of books on the development of the West and a leading authority on early literary Americana. He says:

Concerning the activities of Prof. J. E. Boyle, I wish to say that I have lived in North Dakota 56 years and am perfectly familiar with all of the economic and political movements of the farmers of that State. Professor Boyle first appeared at the University of North Dakota and later at the Agricultural College at Fargo. During all of his stay in North Dakota he was the avowed enemy of every farmers' organization in the State.

He was a willing and subservient agent for the Minneapolis Chamber of Commerce and the Chicago Board of Trade. His influence came to an end in North Dakota when the Nonpartisan League got control of the State affairs, and he was driven out of the State.

I have since learned that he has appeared in various places elsewhere, but has persistently stuck to the same philosophy which was that the farmers were a bunch of damn fools and ought to be satisfied to be alive. He was the biggest threat to the farmers' cause that ever appeared in the Northwest, and I am not saying anything outside of the record; and I can prove it by every farmer in the State.

After Professor Boyle was given his exeat in North Dakota he came in 1917 to Cornell University. What influence was it that landed him in this post is variously debated. The underground is that either the railroads or the western grain crowd helped him. His next appearance on the scene was when he was engaged to write a book for the Chicago Board of Trade, for which he received the sum of $500 a month over a considerable period. The record of his performance in that connection is shown in the hearings of the Federal Trade Commission, pages 568 to 576, in regard to grain manipulations at Chicago.

PROMOTION FOR WHEAT GAMBLERS

It also appeared that Boyle was used as a "stooge" lecturer among the farmers, ostensibly coming from Cornell, but really financed by the promotion department of the Chicago Board of Trade at so much a lecture. Out of all this came his book entitled "The Chicago Board of Trade," which was a glorification of the procedure by which the American grain farmer annually loses $200,000,000.

He sold this book so strongly to the board of trade that it printed the same in digest form and tens of thousands of copies were circulated. From Professor Boyle's standpoint this was a highly ethical performance. I shall leave it to the conscience of the Members here today to characterize it in their own ways. If you wish to get a good picture of a hypocrite, read the preface to this book. It is enough to make angels weep.

SOLD THE FARMER SHORT

From that time on, down to date, Professor Boyle has continued at Cornell and eked out his assured income by selling the farmer "short" to various publications. The Colonial farmer he pictured in his writings as a habitual drunkard, the western farmer as an economic squeaker. Every phase of the farmers' struggle was belittled and condemned by this professorial snob, wearing the collegiate gown of an agricultural college. Nor did the slimy trail of sugar escape his notice. He shows an intimate knowledge of the ways of Cuba and the interior of the American Cuban sugar offices, then at 25 Broadway, New York City. He does his level best to handicap the American beet-sugar farmer, who was then coming into larger production. It is strange the professor did not write a book about this. It probably was not his fault.

His next appearance in book form is "Cotton and the New Orleans Cotton Exchange." I wrote Mr. Henry Plauche, secretary of the exchange, for information as to whether Professor Boyle was paid by the exchange to write this book. In due time I received a courteous reply that, of course, he had been paid to write the book. On further inquiry, I was unable to obtain the amount that was paid. That is a dark secret between the cotton exchange and Professor Boyle. In this book he glorifies the men and morals of the cotton exchange, which, in the viewpoint of many people, occupies the same evil position as to the cotton farmer that the Chicago Board of Trade does to the grain farmer. Professor Boyle claims that these gambling marts are a benefit to the farmer. The representatives of the farmers claim that they depress the price of farm products at the time of marketing. This results in starvation prices to the American farmer.

This is the history of Professor Boyle and his relation to the farmers of America, and I assert that his whole history has been destructive of the interests of the farmers. He has consistently and continuously betrayed them. He is as unfitted for the post he now occupies as Jesse James would be for a place in the ministry.

Mr. O'MALLEY. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. The gentleman from New York has established the fact that this man Boyle is definitely arrayed against agriculture from which he gets his meal ticket. Obviously he is a traitor to the cause with which he is allied. Why does the Legislature of the State of New York continue to appropriate moneys for this college which has such a reprobate on its pay roll? Out in Wisconsin, and I believe in every other State, such double-dealers have been driven off the pay roll.

Mr. CULKIN. I thank the gentleman for his contribution, and appreciate his statement of conditions generally in the Nation. I agree with him that if educational circles are to retain the degree of respect to which they are entitled among the people, such misfits and timeservers as Boyle should be cleaned out.

Mr. O'MALLEY. I know the gentleman from New York can be relied on to follow the matter to its proper finish.

Mr. CULKIN. We have little jurisdiction over him here, but the New York Legislature contributes substantially to this gentleman's salary, and I am hoping for action there. I trust that the legislature and his superiors in the great university of Cornell will take his case under advisement and do justice at one and the same time to academic integrity and the 3,000,000 hard-pressed dairymen by casting this collegiate misfit into exterior darkness.

A personal note and I am done. Professor Boyle has threatened to sue me for libel. So that he may have a full opportunity to try out the facts involved in the foregoing remarks, I hereby waive legislative immunity on this question and invite him to come on. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. MAVERICK].

WOODRUM AMENDMENT OUT OF ORDER, UNAUTHORIZED BY COMMITTEE

Mr. MAVERICK. Mr. Chairman, I have asked for this time to talk about the Woodrum amendment. When I refer to it as the Woodrum amendment, I no doubt do it with the gentleman's permission, because he himself referred to it that way.

The Woodrum amendment, as everyone knows, was completely out of order. Neither was it in accordance with any legislative practice. It was slipped over, and was a sort of a revolution, a coup d'état. It was wholly unauthorized by the Committee on Appropriations.

Mr. Chairman, we must realize the Members of Congress have to trust each other. When somebody slips something over on you, some colleague rises with a pious look and patriotic tremolo voice and says you should have been here doing your duty for the people of the United States, and so on, and so on, but as a matter of fact, everybody knows that a Congressman cannot be on the floor all the time and must place his faith in the committees.

I believe the matter is of sufficient importance for the Members of the House of Representatives, by their opinion, to demand of the Committee on Appropriations a statement as to its attitude on this unfortunate occurrence, and whether or not they approve it.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I will yield for a question.

Mr. COCHRAN. Will the gentleman tell the House whether or not he ever notifies any Member of the House

when he has some idea he wants to present on the floor of the House?

Mr. MAVERICK. Yes; if it involves the privileges of the House. A mere speech; no. But let me answer that question. Instead of trying to slip over something which is absolutely out of order, a Congressman ought to say something to the House about it and there ought to be a full consideration of it to provide an opportunity for parliamentary objections to be made. If we start pulling tricks on each other we will have the tavern-house politics of England of 300 years ago all over again. If that gets to be the habit, you could not even leave a minute to get a glass of milk because somebody was waiting to pull something on Congress while you were out.

As far as I am concerned, I have never done anything like that. I do not like to criticize the gentleman from Virginia, because I believe he is a fine man, but I do think he made a mistake, and I feel it is up to the Committee on Appropriations to do something about it.

It is a well-established fact, and every Member of Congress knows it, that the Appropriations Committee is not supposed to legislate. Yet, in this case, a revolutionary change in the conduct of American affairs was slipped over on Congress, with only a few Members present, without notice, and in violation of all precedent and rule.

It is bad.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. For just a question.

Mr. MICHENER. The gentleman has referred to the Committee on Appropriations. Does the gentleman realize the Committee on Appropriations has absolutely no jurisdiction and no authority over this subject? This matter cannot come before the Committee on Appropriations, but must come before some other committee.

Mr. MAVERICK. Yes, I realize that.

Mr. MICHENER. I imagine this is why the amendment was brought in the way it was.

Mr. MAVERICK. I realize that, but the Committee on Appropriations has to have some discipline. It cannot permit things like this to go on, because we have to trust our committees. We have the committee system in this Government, whether it is right or wrong.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Does not the gentleman believe every Member has a right to take the report of the committee and the amendments the committee proposes to offer as an indication of what will happen, when the committee has charge of the bill?

Mr. MAVERICK. That sounds right to me, of course; and nothing tricky or extraordinary should be pulled.

The gentleman from Virginia [Mr. WOODRUM] said that not by the wildest stretch of imagination can this be called a single-item veto. In a way the gentleman is correct, but only because this is much worse than a single-item veto. It is a perpetual veto, an absolute veto by the Chief Executive of the United States, by which an Executive could render nugatory any law he wanted to and could have such a compelling voice that it would be useless to enact laws.

This is one of the worst proposals that has ever been put before the Congress. In my opinion, instead of being constructive, as the gentleman stated, it is destructive of democratic government.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. I may call the gentleman's attention to the fact that during the last year we appropriated $350,000,000 for the C. C. C. camps in an appropriation bill, and the President, by an Executive order, reduced the appropriation, or at least told the C. C. C. authorities they could spend only 90 percent of this amount, impounding or holding back 10 percent. Did not the President then do exactly this same thing? Did he not do it even without legislative authority?

Mr. MAVERICK. No; that is not the same thing.

Mr. BOILEAU. Did it not accomplish the same result?

Mr. MAVERICK. No.

Mr. BOILEAU. There might be a little difference in technical procedure, but was not the effect of that order to go counter to the will of Congress and provide for fewer C. C. C. camps than Congress authorized and directed be maintained?

Mr. MAVERICK. As I understand, we gave a 10-percent leeway there. Am I right?

Mr. BOILEAU. No; I understand not. I understand this was merely an Executive order by which the President told the heads of these departments to hold back 10 percent of their money. As a result, many C. C. C. camps were discontinued which would have been continued had the will of Congress been carried out, because when Congress appropriated $350,000,000 it was for the purpose of maintaining so many camps. It seems to me the Executive has accomplished the same results without even the sanction of Congress. I am just wondering if the President has not done the same thing of which the gentleman is now complaining.

Mr. COCHRAN. If the gentleman will yield for an observation, is it not a fact if the Woodrum amendment had been in force when the President took the action the gentleman from Wisconsin refers to, it would have given the Congress of the United States the power to say, "You can impound that $35,000,000" or "You cannot impound that $35,000,000"? In that respect it gives the Congress an opportunity to say "yes" or "no" when the President asks for a reduction.

Mr. MAVERICK. No, no; it does not give the Congress any power. The result is the opposite of what the gentleman states it is.

May I say to the gentleman from Wisconsin [Mr. BOILEAU] that if the President did not follow the law the answer is obvious—Congress should not permit it. In other words, if he cut down that appropriation without our consent, we should not permit it.

Mr. BOILEAU. That is what happened. We appropriated $350,000,000 for the C. C. C. for the present fiscal year. Because of an Executive order they are spending only $315,000,000, a decrease of $35,000,000. As a result, Mr. Fechner has been advised to discontinue many camps which would have been permitted to operate during the balance of the year had it not been for that Executive order.

Mr. MAVERICK. I naturally think that is wrong. The policy and law of Congress should be followed.

Mr. BOILEAU. Does the gentleman mean my facts are wrong, or the practice is wrong?

Mr. MAVERICK. I think the practice is wrong, and the gentleman is right.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield just for a question.

Mr. GEARHART. Would the gentleman consider that an appropriation act is a mandate to the Executive to spend all we appropriate?

Mr. MAVERICK. I do not know about that. I think when we pass a law the law is to be carried out as a legal proposition. If we appropriate $300,000,000 for a flood and it can be stopped for half, use half; but if we provide 100,000 sailors, certain ships, and the $300,000,000 to cover it, it would not be lawful for the President to cut the number of sailors or ships we provided by law in order to save money.

Mr. GEARHART. Is not the proper interpretation to hold that the Chief Executive is merely mandated not to spend more than we appropriate?

Mr. MAVERICK. No, I do not think so. We set out that a man is to have a certain salary or a certain amount is to be spent. If the President can cut 10 percent, he can cut 90 percent. Congress legislates, and the President is supposed to execute, or carry out what we legislate.

Mr. BOILEAU. In the fiscal year 1936 or 1937 Congress appropriated $500,000,000 for the Soil Conservation Act, and it was the intention of the Congress that the $500,000,000 should be turned over to the Department of Agriculture for

the purpose of carrying out a farm program. During that year between three hundred and ninety-seven and three hundred and ninety-eight million dollars was spent; in other words, over $100,000,000 less than Congress authorized for the farm program was expended. Had all of that money been spent, they could have had a program which would have been about 25 percent better than the one we had.

Does the gentleman think the Department of Agriculture or the Administration was justified in thwarting the will of Congress by spending only 75 percent of the money we authorized for the farm program?

Mr. MAVERICK. I do not know the exact facts, but certainly the will of Congress should be carried out.

Mr. BOILEAU. And is it not a fact that the farmers of the country would have been materially better off if all the money had been spent?

Mr. FLEGER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman for a question, but now I must hurry on.

Mr. FLEGER. I just want to clear up what I believe is a wrong impression here. It seems to me the purpose of an appropriation is to limit the amount of money that the administrative departments can spend. They can spend less if they so desire and the appropriation is merely a limitation and not a command to them that they must spend the amount we appropriate.

Mr. BOILEAU. If the gentleman will permit an interruption just along that same line, and I appreciate the gentleman's courtesy, I would like to say in reply to the gentleman that when Congress appropriates $500,000,000 for the purpose of carrying out a farm program, it means that is the amount we want to spend to aid the farmers. According to the gentleman's viewpoint, they could spend only $1,000,000 of that amount and give a program that would be that much poorer or provide that much less relief for the farmers, and it certainly would not be carrying out the direct mandate of Congress.

If Congress appropriates $1,000 to buy an automobile and they can buy one for $800, that is well and good, but when we appropriate a definite amount to give relief to a certain group of people, or give such relief as we can within that amount, then there is a clear mandate by the Congress that the money be spent for that purpose.

Mr. MAVERICK. I thank my friends and colleagues for their contributions. Let me make my point. This is not a question of saving money, but a question of power that is given to the Executive to cut down a particular item. In other words, cut down a particular job—civil service or anything else—or cut down the appropriation for a particular district if that Congressman is not popular with the Executive.

CONSTITUTIONAL VIEWPOINT DISCUSSED

I now want to go on with a discussion of this matter from the viewpoint of the Constitution, but will first cover the Woodrum amendment..

The Woodrum amendment is as follows:

SEC. 2. The President is authorized to eliminate or reduce by Executive order, in whole or in part, any appropriation or appropriations made by this act, or any act or joint resolution, whenever, after investigation, he shall find and declare that such action will aid in balancing the Budget or in reducing the public debt, and that the public interest will be served thereby: *Provided*, That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless the Congress shall by law provide for an earlier effective date of such Executive order: *Provided further*, That any appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury, and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section.

ANALYSIS OF PROVISIONS OF AMENDMENT

Note that the amendment uses the words "Executive order" all the way through. It states that a report can be made back to the Congress, apparently at any time, maybe 60 days or 100 days or 6 months afterward. Then the Congress has 60 "calendar" days within which they can act, unless they want to act earlier and give the Executive still more power, but Congress cannot make it any longer than 60 days. Also, it does not apply to one appropriation but to all legislation to be enacted hereafter.

You will see that according to this the President of the United States is given the power, by Executive order, to eliminate or reduce or do whatever he pleases with respect to a particular proposition. They say it is not a veto. Well, it may not be a "veto," but it is worse, and hands over to the Executive the power to change our appropriations and rewrite our laws at will.

POWER OF VETO QUOTED FROM CONSTITUTION

I think it is important that we here take a look at the written Constitution of the United States, concerning the veto power of Congress.

That power, in article I, section 7, is as follows:

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Please note the veto provisions of the Constitution of the United States state that it shall be made within 10 days, that the "bill" shall be presented within 10 days, and "it" shall be the whole bill. It does not say a portion of the bill, but it says the bill, and it always refers to "it."

Mr. Chairman, this question came up when we had the War between the States. The Confederate Constitution had the single item veto. Why? Because the only way to give the executive any such power is to specifically provide it in the constitution, and such is not the case now. I will discuss this provision of the Confederate Constitution later.

Let us discuss this part of the Constitution of the United States insofar as it concerns vetoes. It is stated in the Constitution that every bill must be presented to the President, and it says before "it"—not a part of it—becomes a law, and if he approves the "bill" he shall sign "it."

It does not say a "part of it," but he returns "it" to the Congress of the United States. I call special attention to the fact that the return of the bill by the President under his veto power must be made within 10 days, or else the bill becomes law; and that the Woodrum amendment makes it so changes can be made forever and cuts made at will by the Executive.

WHAT HAPPENS?—CONGRESS JUST DOES NOT MAKE THE LAW

Let me give you an instance of what could happen. Congress, say, makes an appropriation. Then the President, under the Woodrum amendment, cuts down this appropriation.

This is a veto in effect, although not according to the Constitution, and it holds up a constitutional law of Congress for 60 days! Bear in mind, let me repeat, the Constitution provides that if he does not return a bill signed within 10 days the same shall become a law. More, if the President does not return a bill, it becomes a law, but he cannot rewrite the law under any terms of the Constitution.

But let us presume that this violation of the Constitution occurs.

What happens then?

The Executive, even though we make the appropriations again as originally—and we would have to go through the committee route as in new bills—we would have to come in here and legislate all over again with the same Appropriations Committee; and after we had done that he could slash it again and keep on doing it always.

So what does this amendment mean and really constitute?

It constitutes, as I have already emphasized, an absolute, perpetual veto for all time. That is what it means, so far as its effect is concerned.

HISTORICAL—CONFEDERATE CONSTITUTION MEETS ISSUE

I said earlier in this speech that I would show some of the historical aspects by reference to the Confederate Constitution. Preceding the Civil War, the South opposed "internal improvements"—bridges, highways, or improvements of any kind which might benefit the general welfare. So, when their constitution was written, they made a point of completely eliminating the general welfare clause, prohibiting internal improvements, and also by giving the power to the President of the item veto.

The constitutional lawyers then believed, and had believed since the formation of the Republic, that the President did not have any such power. So, the South, in order to keep down "internal improvements," preserve slavery, and to give power to the executive to prevent a national development of the country, specifically put that in the constitution, because they knew no such power existed under the United States Constitution.

CONFEDERATE PROVISION OF SEPARATE-ITEM VETO

The provision added in the Confederate Constitution was as follows:

SECTION 7

2. * * * The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President. (Added to Const. U. S., Art. I, sec. 7, par. 2.)

A study of this portion of the Confederate Constitution is quite worth while. It was put there, I must repeat, because no such power existed in the United States Constitution. That is a similar power which is attempted to be put over the United States Constitution by the Woodrum amendment.

But the power sought by the Woodrum amendment, though similar, is far greater than any special-item veto. It goes beyond any type of veto. What we really do by the Woodrum amendment is to give up our power of legislating, whereas, even if we had a special veto, it would be immediately returned and voted on by Congress.

Now the author of the amendment says that it will give the President the opportunity to stop raids on the Treasury by Members of the Senate and the House——

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. McFARLANE. It may interest the gentleman to know that since the Bureau of the Budget has been set up and has functioned in the country as such the Committee on Appropriations of the House has cut below the Bureau of the Budget's recommendation some $650,000,000. In other words, we have slashed Budget recommendations to the amount of some $650,000,000, so that there is not any basis in fact for any such propaganda as is being spread.

Mr. THOMASON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. THOMASON of Texas. In view of what the gentleman says—that the Appropriations Committee goes below the Budget—then assume, if you will, that a bill comes on the floor of the House and the two Houses increase the appropriation tremendously beyond the amount suggested by the Bureau of the Budget, does not the gentleman think that some power ought to be lodged somewhere by which that unusual appropriation could be checked?

Mr. MAVERICK. Yes! It ought to be lodged in the Congress of the United States. That is where it ought to be.

Mr. THOMASON of Texas. But what if the Congress has appropriated large sums and will not take them out, does the gentleman mean to say that no power should be lodged anywhere to prevent such a thing?

Mr. MAVERICK. The answer to that is that if we need a guardian then they ought to abolish representative government and turn the matter over to the Executive and let him run the show. We are supposed to represent the people.

Let us be frank. Suppose I get a post office, or someone else does. They call getting a post office a "pork barrel" matter, although, as a matter of fact, post offices are perfectly proper for us to strive for. Suppose you get a post office and you are entitled to it, and suppose that we have some "bad Republican," a very bad Republican [laughter], and he did not like me and he cuts it out of the bill.

That is not fair to the people of this country. In other words, if we make an appropriation, if we waste the people's money, we are responsible to the people.

Our friend says that this is to stop raids on the Treasury. Whose raids? Our raids! Do we proclaim that we are not honest, that we raid the Treasury, that we go out and put our hands into the "pork barrel" and steal from the people, and that we need a guardian? Are we without self-restraint, self-respect, or sense of duty? That is against representative government, not in favor of it.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. GEARHART. Not being infallible, suppose this Congress makes a mistake and appropriates too much to accomplish a certain objective, then if at the end of the year the President through efficient management has a large unexpended balance, is he not entitled to credit for it rather than criticism?

Mr. MAVERICK. Possibly so; but I do not believe it is relevant to the point under discussion. There are certain ways of accomplishing economy, but when you indiscriminately abandon power and duty over to the Executive with blanket authority to cut down appropriations, it means any particular place or job, it means a scientific project, something that an Executive does not like, it means that you are wrong if he is against it, it means a part of something else. In other words, it gives the Executive power to rewrite our laws entirely.

Mr. McFARLANE. And there are no facts or figures or recommendations from the executive department, if I have been correctly informed, that will justify any such statements, and clearly the Woodrum amendment permits the doing of things indirectly that the provisions of the Constitution do not permit to be done directly. I therefore believe in all fairness to ourselves and the President that if the veto power is to be written into law it shall be written in keeping with the Constitution. And remember, to override a veto under the Constitution it requires a two-thirds vote.

Mr. THOMASON of Texas. I ask the gentleman if he does not think that the principle of the Woodrum amendment has worked well in many of the States?

Mr. MAVERICK. I understand that the single-item veto has, but this is not the single-item veto. It goes way beyond that in the absolute and complete power this amendment gives. Under the operation of the single-item veto the matter would come back to the floor and the Members of Congress have an opportunity to vote on it; but under the operation of the Woodrum amendment an unlimited time is given the President to do the cutting and then the matter lies over for 60 days.

Mind you, the President could take his action just as Congress adjourned and we would not have time to do anything about it. If this thing is enacted into law, we will find ourselves continually watching the Executive, and then, after all, it would simmer down to some fellow being afraid to say

anything about any appropriation for fear his item would be cut.

Mr. THOMASON of Texas. Does the gentleman favor the single-item veto?

Mr. MAVERICK. No; I do not favor it at all, but that does not make the Woodrum amendment any good, nor constitutional.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. CULKIN. The Constitution sets up three branches of government. Is it not a fact that if the President has this power there will be but two, the judicial and executive?

Mr. MAVERICK. I think so; and I would like the Government to be more representative than it is now.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. CARLSON. I am in accord with the gentleman's statement. The gentleman makes the statement that Congress should be responsible for the wasting of funds. The gentleman realizes, of course, that in the last few years a large number of agencies have been created by Executive order of the President. The Resettlement Administration is not a congressional creation. The gentleman, of course, believes that if we are to be responsible for the expenditures we should be somewhat responsible for the creation of the agencies causing the expenditures, does he not?

Mr. MAVERICK. Yes; I think so. We should have more, and not less, to do with agencies.

Mr. Chairman, in conclusion, this proposition was brought before us when only about 20 or 25 Members were present. One man gets up and makes an objection but is told, "That's all right; that's all right, let it go;"—they whisper in his ear the President wants it, not to worry—and the only explanation made by the gentleman from Virginia was that he talked to the Republicans about it—no Democrats.

Did he talk to Mr. BANKHEAD, our Speaker?

No!

Did he speak to our majority leader, Mr. RAYBURN?

No!

Did he speak to the chairman of the Rules Committee, Mr. O'CONNOR of New York?

No!

Did he speak to Mr. BOLAND of Pennsylvania, the whip?

No; he just brings this thing in and jumps it up like the devil.

Did he even speak to the chairman of the Committee on Appropriations about it?

No!

If we let this thing go by, it is just the same as if we should go out and say, "We need a guardian. Please lock us up. We haven't got any sense; we don't know how to make appropriations. We are a bunch of boobs and we want you to lock us up as you do people in a feeble-minded institution." That is what it amounts to, and that is what I think about it.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. PIERCE. The value of the single-item veto lies in the opportunity it affords the Executive. We have the single veto in Oregon. In the 4 years when I was Governor of that State I exercised it only three times, but it did keep many items out of appropriation bills. I am inclined to favor the single-item veto.

Mr. MAVERICK. But this amendment is worse than that.

Mr. PIERCE. I am with the gentleman 100 percent in what he says, yet I favor the single-item veto.

Mr. MAVERICK. We may not always have as benevolent an Executive as we do now, however.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. KVALE. I can endorse what the gentleman from Oregon says, for the single-item veto has worked well in Minnesota. I am, however, in sympathy with the gentleman's remarks about the manner in which the amendment was adopted.

Mr. MAVERICK. I thank the gentleman from Minnesota.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. VOORHIS. Does not the gentleman feel that in this time, when we have found through the experience of a number of years that in certain circumstances almost the only way in which the economic strength of America can be maintained is by keeping up the purchasing power of certain groups of the people, that this amendment is very vital and that it might be used deliberately to defeat a program of the Congress which was necessary for the economic salvation of the country?

Mr. MAVERICK. Yes; but it is not a question of economics but of democratic government. In the matter of appropriation for any item, if Congress feels that the appropriation is a good one and ought to be made, it ought to stand.

I think this is a very serious thing. It involves two things: The prestige of the committee and the Congress and also our own right of self-government in this House.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to my good friend.

Mr. McFARLANE. It would amount to requiring a two-thirds vote of the House and the Senate in order to put through an appropriation bill and know that it would finally become a law. It would just force the thing back on us.

Mr. MICHENER. Why would this require a two-thirds vote?

Mr. KVALE. To override the veto.

Mr. MICHENER. This is not a veto.

Mr. McFARLANE. That is what it amounts to.

Mr. MICHENER. This is not a veto. If I read it correctly, it would come back here. I ask the opinion of the gentleman from Texas [Mr. MAVERICK]; he has studied it.

Mr. MAVERICK. I hate to say this, for Republicans have said it, but this amendment was written by some fellow who was not a Congressman, someone who did not know anything about law. It must have been written by the man in the moon, for all he knew about legislative practice or the Constitution of the United States. It is a piece of cheese.

I do not know who it was. I know the gentleman from Virginia [Mr. WOODRUM] never wrote that amendment. This amendment seeks to go around the Constitution; it seeks to get around the veto power; and, as the Baltimore Sun said, it is a short cut on the Constitution. It does not set up any machinery. It tries to get around the Constitution without setting up any machinery and it just flops bang all our legislative duties in the lap of the Chief Executive.

Mr. MICHENER. And it would make the veto applicable by negation?

Mr. MAVERICK. I do not know. It should have been written as if there was some sense to it. All I know is that it has enough ropes to choke us down for all time if we submit.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PIERCE. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Oregon.

Mr. PIERCE. What is the parliamentary situation now? I was not here when the amendment was passed.

Mr. MAVERICK. The parliamentary situation is that it is in the House bill. It has gone over to the Senate. What we ought to do is ask our Senate friends to cut it out, and when it comes back, if necessary, vote the amendment down. That is what we have to do if we want to retain our representative powers.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I am glad the gentleman from Texas has just challenged the independence of the House. His speech

provides an introduction to that to which I wish to direct the attention of the Members of the House at this time.

Earlier this afternoon the chairman of the Post Office and Post Roads Committee made a plea for the postal workers and in the course of his remarks directed the attention of the Members of the House to the slashes that have been made, as he called them, in the appropriations under the Budget estimates. I was not at all surprised with either the tenor of his remarks or the method he pursued in trying to persuade the House that larger appropriations should be made for the postal workers. He touched upon a very splendid thing, one that naturally appeals to a great many Members of this body, that is, the needs of the postal workers. It seems to me that in so doing, however, he should have been mindful of certain other portions of the hearings than those to which he directed our attention.

It is a very easy thing to stand in this body and make a statement based on generalities with reference to economy. It is an entirely different thing to measure your course of procedure according to the professions of economy that you make on other occasions. It seems to me that the chairman of the Post Office and Post Roads Committee must assume the sole responsibility for advocating increased expenditures, and thereby admit that economy is not a part of his program.

I would like to call his attention and the attention of the Members of the House to some other portions of the record. I want to call attention to the fact that in most lines of industry and in most lines of business the introduction of mechanical devices has tended to a reduction of man-hours. In other words, as machines have been introduced in most lines of activity, there has followed a diminution in the need for man-hours. That is true in every one of the lines of industry that I know of. In fact, it was so true that a few years ago there were those who advocated a cessation of machine production in order that there might be an increase in man-hours. Still the representatives of the Post Office Department came before the Appropriations Committee and told that committee that the introduction of mechanization and the introduction of all the labor-saving devices had not tended to decrease the need for man-hours, but rather had tended to increase the need for employees. I submit, Mr. Chairman, if that is true, then the Appropriations Committee must assume that all of the money that we have appropriated in years past for mechanical devices and for the introduction of machines in the Post Office Department should not have been made, or that there is a waste of man-hours in connection with the operation of the Post Office Department.

Mr. Chairman, I have a very high regard personally for the distinguished gentleman who is Postmaster General. I pay him my respects today. He is a genial, whole-souled, charming gentleman. But we must face the facts, Mr. Chairman, that the distinguished Postmaster General and many of those who are identified with him in the operation of the Post Office Department have a dual capacity. They have two interests to serve. They not only have the interest of the post office to serve, it is not only the transportation and distribution of the mail of the citizens of the country they must look after, but they have the tremendous obligation of looking after the welfare of this Democratic Party. They have two things to do. It is no wonder, with this added responsibility, that the need for man-hours has increased.

No matter how many machines we put down there in the Post Office Department, no matter how fine we carry out our mechanization, no matter how completely we provide facilities that inventions have brought to us, as long as the tremendous responsibility of looking after this New Deal political outfit is laid at the door of the genial Postmaster General and his associates, we are going to be faced with the need for man-hours and more man-hours in the administration of the Post Office Department. The taxpayers are paying for the administration of the Post Office Department and for the management of the political activities of the New Deal.

I wondered why the distinguished gentleman from New York, the chairman of the Post Office and Post Roads Committee, should use the subterfuge of claiming his interests are the poor postal employees? I am just as much concerned, and I am just as eager and as anxious as he is for their needs and their welfare. What he should be more concerned about is seeing that the money appropriated by this Congress for the Post Office Department goes for postal needs instead of being diverted to the maintenance, the support, the encouragement, the aggrandizement, and development of this New Deal outfit. I submit, Mr. Chairman, there will be plenty available for the postal employees if the political activities of the Department are assumed by the party instead of being saddled on the taxpayers. So I answer him today by saying we have provided every dollar, and more, that is needed and necessary for the proper needs of the postal employees, provided the Post Office Department is relieved of this additional, this onerous, this distasteful task that is laid at its door of looking after the more abundant life of the New Deal.

There are other things we should inquire into with reference to the appropriations for the Post Office Department. I believe it is time the Post Office Department tells the country something about these new post offices my distinguished friend the gentleman from Texas [Mr. MAVERICK] a few moments ago unfortunately referred to as "pork." That is a rather nasty term, and I would not have used it; but since it has been put into my mouth by the distinguished gentleman from Texas, I must perforce accept it. So I say it is "pork" you gentlemen have indulged in, not the little pigs you have been killing, but the "pork" you have been devouring and on which you have been feasting. If you will read the hearings, you will see this "pork" must have adornments on it and ornaments on it. This was a revelation to me. As we pursued throughout the course of the hearings our inquiry on ways of saving money, we were advised that every one of these pieces of "pork" which are being put into your districts must have special kinds of ornaments put on them. I assume the features of the "pork" must be somewhat beautified probably. In other words, you seek to remove the nastiness of "pork" by these efforts at adornment, but a pig is a pig and pork is pork, no matter how you attempt to beautify or disguise it.

Then we were surprised to learn these adornments need more man-hours to look after them. In other words, you not only demand "pork" but you want some men paid by the Public Treasury, by the taxpayers, to shine them up, to put a little bit of sheen here and little bit of glitter there, and a bit more of attraction some place, in order that the nastiness of the "pork" feature will be covered over by the beauty of these adornments and ornaments.

Do you honestly believe the taxpayers of the country ought to be paying not only for your "pork" but for the adornments and beautifications which you feel are necessary in order to hide the ugly features which otherwise might worry even you? There, Mr. Chairman of the Post Office Committee, again, sir, I say, let us save a little money from the adornments of the "pork" and you will have more money for these poor postal employees, for whom I join with you in just as fervent a plea, and with just as much an outpouring of my heart, as you resorted to earlier in the afternoon.

Let me refer a moment further to the operations of the Post Office Department and let me call your attention to a matter which I believe should receive serious consideration. As all of us know, we have been faced during the last 6 months with a rather disastrous depression. It has been called a recession, I believe, probably for much the same reason that we put adornments and ornaments on "pork." Nevertheless, the fact remains that unemployment has increased and business has stagnated, and we are up against it as far as the normal activities of industry are concerned. During the course of the hearings we had before us a man who was interested in the air transportation of the mails of the United States. He came seeking some additional help for a very worthy cause, the air-mail transportation. During the course of his examination he pointed to certain fac-

tors which he said had so crippled transportation by air that unless something were done, unless some remedy were provided, a complete collapse of air transportation in the United States was threatened. As we pressed him for a reason, asking him to give us the cause for the difficulties which were encountered, he told us that during the past year taxes had been increased by 65.5 percent. When we pressed him as to whether or not the same crippling and deadly punishments had not been visited upon all private industry and all private enterprise, he admitted that the same factors were present in other lines of industry as prevailed in the air transportation systems of the country.

There is a matter which should be receiving our serious consideration. There is a matter which challenges the attention of every man. Thank God, your Secretary of the Treasury came out today, according to the newspapers, and said what we have to do is not look for more revenues and more ways of getting money out of the taxpayer's pocket but that appropriations must be cut. What we have to do is pare down instead of build up. What we have to do is challenge every man here to assume the responsibility with which he was charged earlier in the afternoon by the gentleman from Texas [Mr. MAVERICK], when he said that upon our shoulders rests the responsibility for the disbursements from the Public Treasury, and that by no rhyme or reason could we maintain representative government and try to pass this responsibility on to the White House. Here is where appropriations have to be cut; here is where savings must be made; here is where economies must be effected—and in no other place.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Missouri.

Mr. SHORT. I take it my distinguished friend the gentleman from Pennsylvania is, therefore, against this item-veto provision?

Mr. DITTER. Unqualifiedly.

Mr. SHORT. I do not know who the author is, but, Mr. Chairman, I believe whoever wrote the provision should be arrested and incarcerated for indecent intellectual exposure.

Mr. DITTER. May I direct the attention of the committee to still a further matter which I believe should receive our serious consideration—the type of accounting system which is presently in operation in the Post Office Department. I believe the distinguished chairman of the subcommittee [Mr. LUDLOW], for whom I have the most profound regard and respect, was startled to learn the Post Office accounting system does not reflect in many ways matters of pertinent importance to the operations of the Department—matters which any small business concern would of necessity have recorded upon its books. I will give just one illustration.

Revenues flow into the Post Office Department as a result of the deposits in postal savings, and what happens to them? In days gone by, when there was a greater degree of confidence on the part of private investors; in the days when the restraints that now are binding down and holding back the energies, the industry, and the initiative of the American people were not present; in those days the postal savings funds, to a very large degree, found their way into the banks of the country, the national banks of the country which in turn let these funds out into the avenues of private industry and private enterprise. Then the pall of the New Deal fell upon the whole thing, and private industry, private enterprise, and private investments had to pull themselves in so that they might not be visited by the punitive and penalizing measures of the New Deal. As a result the Post Office Department finds that the banks will not take the money.

Now, what has happened? The Post Office Department therefore has to invest increasingly large sums in the bonds of the United States. When we asked the question, how are these funds invested, are the bonds purchased on the open market, or is it a direct transaction between two departments of the Government, we were told that in a large measure they were bought in the open market. Well, if they are bought in the open market, then there is one thing that is incident thereto, and that is somebody is getting some commission. Oh, now, I have not made any charges, and none of you Democrats need raise your eyebrows, or evidence such a degree of alarm.

I say it is only natural that these brokerage houses are not in business for love, even though Uncle Sam is the one that is doing either the buying or selling. We then asked the Post Office Department to give us the debit charge against postal savings deposits of the amount of the brokerage paid during the past year and the brokerage houses that have been the recipients of this very lucrative business. It must be a rare privilege to be a favored brokerage house. We were told we could neither get the amount of the commissions nor the houses that had conducted these transactions between the Post Office Department and the Treasury Department.

I say, in my opinion, this condition should be changed. I charge that not this Congress alone but every man and woman who has confidence enough to go to a post office and deposit their earnings in that post office has the right to know how much of their principal, whether it is $10 or 10 times $10, is being paid as commissions to brokerage houses out of the money they are depositing. They have the right to know whether there is any "pork" here, adorned or unadorned, ornamented of unornamented.

While we are talking about these Post Office Department investments let me point out another matter in the same connection. This is a joint bill—for Post Office and Treasury. I think it is a splendid thing to have the two together, the place where they get the money out of the taxpayer and the place where such a large part of the taxpayers' contribution goes from the taxpayer to support the operations of the New Deal machine. I invite your attention to an interesting yet very alarming procedure.

I find that $750,000,000 of social-security money will likely be invested during the next year in Government bonds. What does this mean? This means the money of the wage earner to support the credit structure which has been threatened and impaired by the fiscal operations of this administration, to buttress it by the money that is coming out of the wage earners' pockets, $750,000,000. Four hundred and twenty-five million dollars more under sections 2 and 8 of the social-security program going the same route. I was almost going to say "going down the river" the same way, but I shall not say that. One hundred million dollars more of the money from the railroad employees for the railroad retirement fund is going into Government bonds and other additional millions of postal savings and employees retirement money being used for the same purpose. Making one billion and a half of taxpayers' money, savings or otherwise, being directed, used, managed for but one purpose, and that is to provide an artificial background and base for the present condition of the United States Treasury and to buttress the credit which has been impaired by the profligacy of the New Deal.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Yes.

Mr. PIERCE. Does the gentleman know of a safer place to put it or a better place? Where would the gentleman put it? We do not want the cash, surely.

Mr. DITTER. I will answer the gentleman.

Mr. PIERCE. I would like to know about that. Would you put it in bonds in some village in Ohio?

Mr. DITTER. I wish the gentleman would not presume what my answer is to be.

Mr. PIERCE. To the gentleman, I apologize.

Mr. DITTER. Instead of an accumulation of these funds, I believe we could meet the needs of the social-security program, properly written, and the needs of the railroad employees and all the others, from year to year as the needs arise, by the appropriations of the Congress of the United States, provided there is a cessation of the extravagances and wastes that have brought about an impairment of Federal credit. I believe that Uncle Sam can pay his way for every one of these things. We do not have to put

the money in the vaults of the Secretary of the Treasury or into Government bonds or buttress the credit by these commission transactions, but from year to year appropriations may be made as the need may require.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DITTER. May I just finish this thought. The point I am trying to make is this: I believe we on this side are just as much concerned as those on the opposite side of the aisle for what the needs may be, but I doubt very much whether we should hazard, whether we should jeopardize, the interest of those who look forward to the payments under these benefits by letting the program go on that has been followed during the last few years. It seems to me that we are inviting such hazard. If this structure that is being supported at the present time were to be in any way impaired, the poor man who is looking for social security, and the railroad worker, in whom I am much interested, who is thinking about his retirement benefit, may find no funds available for payment when the need arises.

But I want to go back to the Post Office Department for a moment. Since the distinguished gentleman from Pennsylvania [Mr. BOLAND] presses me to yield to him, I suggest that I would prefer that he would have some other than a Pennsylvanian request that I yield, for it might be an invitation to me to touch on a very sore subject under this debate.

Mr. BOLAND of Pennsylvania. And I say to the gentleman that anything that he might say would not make me sore.

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. DITTER. I yield myself 5 additional minutes.

Mr. BOLAND of Pennsylvania. Mr. Chairman, will the gentleman yield now?

Mr. DITTER. One of the Army chaplains whom I met always assured the men in his outfit that Uncle Sam loved them. "Remember Uncle Sam loves you", he would say. As I think of my distinguished friend from New York [Mr. MEAD], chairman of the Committee on the Post Office and Post Roads, even as I think of the distinguished gentleman from Pennsylvania [Mr. BOLAND], who probably shares the same opinion, it seems to me that they are eager to impress upon everybody in this land that Uncle Sam loves them, that he loves them by giving them everything—everything that they can collect from the taxpayers of the country.

Mr. BOLAND of Pennsylvania. Mr. Chairman, will the gentleman yield for a question now?

Mr. DITTER. I submit, Mr. Chairman, we should appropriate for the needs of postal employees every dollar that they earn, but we should cut off every last dollar of the appropriation which is diverted from proper channels into political streams.

And now, Mr. Chairman, if the distinguished gentleman from Pennsylvania insists that I yield, then I yield.

Mr. BOLAND of Pennsylvania. The gentleman stated that he might open up a subject that would be unpleasant to me.

Mr. DITTER. Oh, no. I said to the Pennsylvania group. If I in any way made any statement which reflected unfavorably upon my distinguished friend, I want to change it.

Mr. BOLAND of Pennsylvania. It is perfectly all right for the gentleman to bring up any subject, as far as I am concerned, but I was not interested in that particular thing, but the gentleman borders very closely, I would say, to a charge that somebody is getting commissions because of this business between departments. Would it not be well worth while, if the gentleman has any specific reason for making a statement like that, to demand an investigation?

Mr. DITTER. I can only answer the gentleman by saying that it seems to me that my duty is to bring it to the attention of my distinguished colleague from Pennsylvania, and since he has accepted it as an innuendo—and I did not go that far—then I feel he will bestir himself to see if there is any such thing that requires an investigation, and if so that he will make it with dispatch. What I feared was that he might have desired to interrogate me with reference to the dirty linen in Pennsylvania that was being washed here earlier in the week.

Mr. BOLAND of Pennsylvania. I thought the gentleman meant during the Pinchot administration.

Mr. DITTER. I want to caution the gentleman. It was most distasteful to me to find that my friends on the other side of the aisle from Pennsylvania felt called upon to bring their family secrets out in the open, their bickerings, their quarrelings, these skeletons that have been hanging in their closets, and expose them to the scrutiny of the whole country. I thought these gentlemen would be more guarded, and that they would hold these things to themselves even for their own protection, if not for the fair name of Pennsylvania.

I plead with my distinguished friend from Pennsylvania [Mr. BOLAND] that the skeletons be left in the closet, that the family quarrel of the Democrats in Pennsylvania be withheld from the public press, that the sorry conditions of discord which prevail in your midst be kept a secret, that all of this be protected from the morbid curiosity of scandal mongers and that Pennsylvania be protected from further censure and criticism growing out of the exposé. [Applause.]

Mr. McCLELLAN. Mr. Chairman, at the proper time I intend to offer an amendment to this bill to appropriate $180,000 for the purpose of continuing the operation and maintenance of the Hot Springs Transient Medical Center Infirmary, located at Hot Springs National Park, Ark., which amendment is as follows:

Provided, That not in excess of $180,000 of this appropriation may be used and expended for the purpose of continuing the operation and maintenance of the Hot Springs Transient Medical Center Infirmary, located at Hot Springs National Park, Ark., under the supervision and control of the Public Health Service of the Treasury Department.

And I propose at this time to discuss the necessity for this amendment and appropriation, in order that the membership may be advised regarding it and give it some thought preceding debate on the amendment when offered.

First, I will say to the membership of the House that this is not a new or additional Federal expenditure, although it is not now and has not heretofore been included in the Budget; but last year I had a similar amendment adopted to the third deficiency appropriation bill, which amendment authorized the President to allot to the Public Health Service of the Treasury Department, for the fiscal year 1938, not to exceed $200,000 out of unexpended balances made available by section 1 of the Emergency Relief Appropriation Act of 1937. This provision of law now appears at page 272 of the statutes of the first session of the Seventy-fifth Congress.

Acting on this authority, the President allocated $180,000 to cover the cost of continuing the operation and maintenance of this transient camp and infirmary.

The reason, as I understand, why this item has not been and is not now included in the regular Budget is because there has been no general statute of authorization for this purpose enacted. However, I have today introduced a bill authorizing regular annual appropriations for this purpose and, of course, hope and expect to obtain the passage of this measure at this session of Congress. This will then insure the inclusion of an appropriation for this purpose in the Budget.

The proceedings I am taking in this matter follow and are in many respects the result of conferences I have had with officials of the Public Health Service, the Treasury Department, and the Director of the Budget.

Many of you, no doubt, recall my explanation of this matter last year, when I offered the amendment that was adopted to the third deficiency appropriation bill, but in order to keep the record straight and so that there may be no misunderstanding, but rather, so that each Member may have full and complete information, I wish to review briefly some facts in connection with and in support of this proposal.

Hot Springs National Park, where this transient medical center infirmary is located, is the oldest national park in the United States and was established by act of Congress in 1832. Healing qualities of the hot waters of these springs had long before been discovered. For many years people who

came there from far and near bathed in open pools on the hillside, just above what now constitutes the main street, Central Avenue, of the city of Hot Springs. In 1878 the Government established a free bathhouse. Notwithstanding the establishment of this free bathhouse, where baths might be obtained without charge, adequate supervision and regulations were not maintained. Each patient was permitted to diagnose his own case and bathe at will. This procedure was obviously dangerous, because it was conducive to the spread of infectious diseases rather than their prevention and eradication. For this reason, in 1921 the Department of the Interior requested the United States Public Health Service to assume supervision of free bathers. Since that time the Public Health Service has maintained a clinic in the Government free bathhouse, and this clinic examines all applicants who apply for free baths and isolates those cases where the disease is found to be infectious.

Before applicants can receive this free treatment it is necessary that they take a pauper's oath. They come to Hot Springs from all sections of the United States, seeking a cure for all character of ailments by bathing in these waters that possess miraculous curative qualities.

They are, in fact, the Nation's charity patients. They are not the responsibilities of the city of Hot Springs nor of the State of Arkansas. Neither the city nor the State can or should undertake to bear the burden of their maintenance and care while being restored to health preparatory to returning to the communities from which they came.

I desire at this point, Mr. Chairman, to insert in the RECORD as a part of my remarks some tables prepared by Dr. E. W. Norris, the medical officer in charge of this transient medical center, one of which shows the total number of patients cared for by this institution for the calendar year 1937, together with the States in which they live, to be 1,851, and other data pertaining to this subject, one showing present number of inmates and their State and another the cost of operations for the year 1937.

ANNUAL REPORT

Admissions to the Public Health Service Medical Center, Hot Springs National Park, Ark., Jan. 1, 1937–Dec. 31, 1937

State	Male			Total	Female			Total	Grand total
	Age groups of patients				Age groups of patients				
	0–15	16–30	30 1		0–15	16–30	30 1		
Alabama		22	3	25		3		3	28
Arizona	1	5	2	8	1	2		3	11
Arkansas	13	249	78	340	26	113	26	165	505
California		19	6	25		1	1	2	27
Colorado		4	4	8					8
Delaware			1	1					1
District of Columbia		1		1					1
Florida		9	1	10	1			1	11
Georgia		23	7	30		1		1	31
Idaho		1		1					1
Illinois		18	11	29					29
Indiana		8	1	9		1		1	10
Iowa		3	2	5					5
Kansas		12	3	15		3		3	18
Kentucky		23	7	30	1	3		4	34
Louisiana		62	10	72	1	17	3	21	93
Maine		1		1					1
Maryland		1		1					1
Massachusetts		2		2					2
Michigan		3	2	5		1		1	6
Minnesota		6	2	8					8
Mississippi	2	44	6	52		5		5	57
Missouri		71	15	86	1	14	1	16	102
Nebraska		2	1	3					3
New Jersey		2	2	4					4
New Mexico		7	3	10		5		5	15
New York		3	2	5					5
North Carolina		6	2	8		1		1	9
North Dakota		1		1					1
Ohio		2	3	5					5
Oklahoma	1	107	29	137	8	30	2	40	177
Pennsylvania		5	2	7					7
South Carolina		3	2	5					5
South Dakota		2		2					2
Tennessee	2	28	9	39		6	1	7	46
Texas	8	293	94	395	11	120	12	143	538
Utah		1		1					1
Virginia		3	1	4		7		1	5

Admissions to the Public Health Service Medical Center, Hot Springs National Park, Ark., Jan. 1, 1937–Dec. 31, 1937—Continued

State	Male			Total	Female			Total	Grand total
	Age groups of patients				Age groups of patients				
	0–15	16–30	30 1		0–15	16–30	30 1		
West Virginia		7	3	10		1	1	2	12
Wisconsin		2		2					2
Wyoming		1		1					1
Total	27	1,062	314	1,403	50	328	47	425	1,828
Births									23
Total									1,851

Census, by States and age groups, of clientele at the Public Health Service Medical Center, Hot Springs, Ark., as of Jan. 11, 1938

State	Male			Female			Total
	0–15	16–30	Over 30	0–15	16–30	Over 30	
Alabama		5	3				8
Arizona		1					1
Arkansas	4	51	12	6	27	7	107
California		1					1
Colorado		1	2				3
Georgia		2	1				3
Illinois		4	2				6
Indiana		5					5
Iowa			1				1
Kansas		4	2		1		7
Kentucky		7		1	2		10
Louisiana		19	4	1	8	1	33
Maine		1					1
Massachusetts		1					1
Minnesota			2				2
Mississippi	1	4	3		2		10
Missouri		14	2		2	1	19
Nebraska			1				1
New Jersey			1				1
New Mexico			1				1
New York		3	1				4
North Carolina		1					1
Ohio		1	1				2
Oklahoma		16	7		5	1	29
South Dakota		1					1
Tennessee		6	5				11
Texas		46	20	4	23		93
Virginia		1	1				2
Wisconsin		1					1
Total	5	196	72	12	70	10	365

JANUARY 11, 1938.

Memorandum.

To: Congressman MCCLELLAN.

From: Dr. Edgar W. Norris, passed assistant surgeon, medical officer in charge, Public Health Service Medical Center.

Total monthly and per capita costs of operation during calendar year 1937, by months

Month	Total costs	Average daily number of patients	Average per capita cost per month
January	$8,958.09	364	$24.61
February	8,126.61	373	21.79
March	9,793.95	354	27.66
April	8,182.58	351	23.31
May	9,113.72	344	26.49
June	9,120.57	331	27.55
July	8,665.37	360	24.07
August	9,740.89	374	26.04
September	11,199.24	355	31.65
October	9,981.43	335	29.79
November	9,404.37	331	28.41
December	12,196.61	346	35.25
Total	115,483.43		
Average per month	9,623.62		

The Federal Government is interested in preventing the spread of contagious and infectious diseases, and maintains this free bathhouse and clinic in Hot Springs National Park for the treatment of social and infectious diseases and other ailments as a part of its permanent health program. It invites the afflicted to come to Hot Springs and make use of

these facilities, and as a result, thousands come annually and thousands have been cured and restored to health, and thus returned to their communities no longer objects of charity, but able to meet their full responsibilities of citizenship.

Public health is generally promoted by this service. Our relief load is lightened and sick bodies are restored to their full health, rather than being permitted to grow into chronic, incurable cases, and thus become permanent burdens on society.

During 1937 the average daily number of persons receiving domiciliary and hospital care at this transient camp was 346.

The physical properties of this camp consist of 9 barracks or dormitories, an administration building, kitchen, dining room, recreation hall, and small infirmary, providing accommodations for 500 persons, and the infirmary providing 60 beds. These buildings are permanently constructed and located on 34 acres of land that was purchased and donated by the city of Hot Springs and Garland County. The camp was constructed by the Federal Emergency Relief Administration at a cost of $106,173.34. Since its completion it has been operated by the United States Public Health Service in connection with the free clinic and bathhouse maintained by the Federal Government at Hot Springs and with funds granted by the Federal Emergency Relief Administration to the State of Arkansas and the appropriation contained in the third deficiency appropriation bill last year. The emergency relief funds are now exhausted; therefore the necessity for this appropriation to carry on this work.

The Government free bathhouse and clinic represents an investment of $275,000.

I emphasize the critical situation that will exist and immediately follow a discontinuation of this service should we fail to make an appropriation to cover the cost of its continuation. You realize that the function of this medical-center camp is to provide domiciliary care to completely indigent persons who take a pauper's oath and apply for treatment at the Government free bathhouse and clinic. Before admission to this camp, by an examination at the clinic, these persons are found to have acute, infectious diseases. They come to Hot Springs from every State in the Union, attracted there by the facilities and operations this Government is offering them without charge, to be restored to health. Most of these persons are young men and women who come from impoverished homes and from communities devoid of medical facilities. They hitchhike, come in freight cars, and every conceivable way of free transportation. They arrive destitute of funds and in such large numbers that it is impossible for local charities to care for them.

Prior to the establishment of the Public Health medical center these people slept in alleys, begged from door to door, and were frequently observed seeking food from garbage cans. When they were unable to find subsistence to maintain them until they could receive this treatment, they returned to their home communities or continued to wander around over the country, carrying with them the infection and diseases with which they were afflicted.

This public-health service has corrected this condition. The acute infectious cases who have no means with which to obtain subsistence are domiciled in this camp and segregated from others and prevented from coming into contact with other human beings so as to spread these diseases. Most of them are fully cured and are returned to good health.

During the year 1937, 937 persons in this camp became hospital patients. The daily average of hospital inmates was 46. Without this medical center hospital care for these patients most of them would have died. Twenty-three babies were born in this hospital, 21 from syphilitic mothers. These mothers were ill and some of them in a critical condition. Of these, 2 were still-born, but of the 19 that lived, 18 were free from the stigma of syphilis, although their mothers were afflicted with this terrible disease. Thus you obtain some impression of the great good this service is rendering.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. McCLELLAN. I yield.

Mr. SHORT. The project to which the gentleman refers is a most worthy one, and I am heartily in favor of the appropriation for which he asks; but I want to ask my able friend from Arkansas if we as Members of Congress and representatives of the people can have any assurance that the appropriation will be spent, since we included the item veto in the independent offices appropriation bill earlier this week, turning the purse strings over to the Chief Executive of the United States and abandoning our own constitutional duties?

Mr. McCLELLAN. Replying to the gentleman from Missouri, and my friend, I may say that I hope before this session of Congress is over we will certainly have that assurance.

Mr. BOILEAU. Will the gentleman yield?

Mr. McCLELLAN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Do the figures which the gentleman has disclose the percentage of cures of these people who come there? Is it proving effective? I may say that I do not know and I am asking for information.

Mr. McCLELLAN. Yes. I invite the gentleman to read the testimony of the Surgeon General of the United States on this point, which will be found on pages 655 and 656 of the hearings. I invite the entire membership of the House to read the testimony of the Surgeon General of the United States in regard to this matter.

Mr. Chairman, I ask unanimous consent to include as a part of my remarks some tables showing the number of patients that have been treated at this hospital and who have received domiciliary care last year, as well as other statements which have been prepared by the medical doctor in charge.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. SHORT. Mr. Chairman, does not the gentleman have to secure that permission in the House?

The CHAIRMAN. The Chair does not think so. The gentleman may be given unanimous consent to insert those tables in the RECORD.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McCLELLAN. Tomorrow or Monday, when I offer the amendment, I hope the membership of this House will give it support. The Appropriations Committee should not object to it, but do as it did when practically the same amendment was offered by me last year to the third deficiency appropriation bill—accept it.

I know it will be said that we need to balance the Budget. To that I agree; and I am willing to go just as far as the next one to do it, and am anxious to reduce and eliminate every item of cost it is possible and right for us to dispense with. The time has come when we must make a sacrifice in order to get the Budget balanced. I know we cannot go on indefinitely with large deficits; but this matter that I am presenting here has a humanitarian appeal. It is a health problem. The neglect to provide this service will mean an increase in these diseases and the further spread of the infection that they carry. Study these tables that I shall include in the RECORD. I also invite you to read the testimony of Surgeon General Thomas Parran, of the United States Public Health Service, which is found at pages 654, 655, and 656 of the committee hearings. No one can read that testimony and study these tables and understand this subject without being convinced of the merits of this expenditure; and, in my judgment, when you have done that you will enthusiastically support my amendment. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield such time to the gentleman from California [Mr. IZAC] as he may desire.

Mr. IZAC. Mr. Chairman, I want to speak for a few moments on a matter that many may consider trivial, but which means so much to the men composing the armed forces of the United States.

In the 1932 drive for economy it was found necessary to discontinue the so-called shipping-over pay or reenlistment allowance. In the bill under consideration today there is no mention of the continuation of this restriction in that section having to do with the Coast Guard.

However, I am fearful lest there be another effort made this year, as happened in the first session of the Seventy-fifth Congress, to deny the reenlistment allowance to the men of the Coast Guard.

There is no provision for an appropriation covering this payment and naturally that leads me to believe that it is the intention of the Appropriations Committee to strike down any attempt to place in any appropriation bill a sum sufficient to make the reenlistment allowance possible.

Now, in the first place, I believe we should squarely face the facts in this matter.

I have introduced a bill, H. R. 8782, which has the endorsement of the Regular Veterans' Association, and, in fact, of practically all veterans. This bill provides for a new schedule of pay for the enlisted men of the armed forces. Naturally, if the time is considered propitious, this will probably receive consideration. If it is not, it will probably not be acted upon for some time.

However, in the meantime, I can see no reason why we should longer continue to deny to these enlisted men the reenlistment allowance which means so much to them and their families in this day when the cost of living is steadily rising.

I want to point out how important it is for the morale of the services that we do everything possible to remove from the minds of these men, ever ready to serve the best interests of the people of the United States—to remove from them any worry of an economic nature.

I believe the United States is financially able to take proper care of the men who have dedicated their lives to the service of their country and to make it possible for them and their families to enjoy a decent American standard of living.

The reenlistment allowance really amounts to so very little when we consider the great advantage from this morale standpoint. For instance, in the present bill, by the insertion of an item of less than $300,000, we can renew the custom of paying this small amount to each man who reenlists. And thus render unnecessary the considerably greater expense encountered in training raw recruits to take the place of those who feel that there is no longer any incentive for them to continue in the service of the United States.

This policy was inaugurated nearly a century ago and has been strictly adhered to until the Economy Act changed it. And, by the way, this is practically the only provision of the Economy Act that has not been rescinded.

I am convinced, herefore, after having made a study of this question, that the taxpayers' interests are served and money is saved them by the renewal of the practice of paying reenlistment allowance, and that a saving will accrue to the Government not only in bettered morale but in actual dollars and cents.

I trust we may count on the support of the Members of this body in our effort to have continued this long-established practice in the interests of the men of the services. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield such time as he may desire to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, in this debate on the appropriations for the Treasury and Post Office Departments, I wish to suggest that we do not lose sight of the fact that the rural mail service must eventually be extended so that all people in the rural districts shall receive this service. I am in full agreement with the members of this committee that we favor reduction in appropriations wherever this is possible. But I am disappointed in the reductions made for the rural mail service. I feel that the amount of money allowed for rural mail service extensions is not enough. I have heard from many people in my district who are anxious for extensions of this valuable service. I have talked to other Members here today who tell me they, too, have need of many extensions in their districts. The small amount of money allowed for extensions in this bill, in my opinion, will not give us the rural mail extensions to which our rural people are entitled. I note that there are increases in the appropriations for the office services in the departments. I feel that this money could be better used in the extension of rural mail delivery.

Mr. Chairman, I wish to compliment the chairman of the subcommittee and other members of his committee who have worked so long and so hard on this bill. However, I feel that in their extreme desire for economy they have cut too deeply into our rural mail service. You will recall that recently the President has suggested a cut in our appropriations for Federal highways. If you read the President's recent communications on that subject you will find that he states that more employment is given to men on farm-to-market roads than is given on the Federal highways. This, to my mind, means that our President is aware of the importance of post roads and rural roads. It has been my personal honor to attend many meetings of these rural mail carriers. It is my privilege to know many of these Government servants personally. I have never known a finer, more loyal, more energetic group of men in my life. They give service to the people in the isolated parts of our Nation in all kinds of weather. They deliver the mail during storms and travel all conditions of roads. They have undergone great personal hardships in order that the mail go through to the remotest places of our Nation. They have broken the trails and through their great service we today learn from the Chief Executive of our land for the need of better farm-to-market roads over which these carriers of our valuable mail may travel and roads over which our farmers can reach their nearest market in all conditions of weather.

I refer to this road question at this point in order to call your attention to the fact that if we do not continually extend this great rural mail service there may be the danger that at the same time we may forget the great farm-to-market and post-road program which we have so well started.

It is well to cut appropriations wherever that saving to our taxpayers can be done. But it must not be forgotten that our Post Office Department is a revenue-collecting branch of our Government. Much of the money which we appropriate for that Department comes back into the people's Treasury. Therefore I feel that this Department should not work with a handicap of a depleted bank deposit. It should have funds with which to continually work and expand. It should be run very much like private business which is in business for the purpose of securing revenue. It cannot do that without expansion and it cannot do that without working capital.

We are told here that some money has been saved by the consolidation of these rural routes. The subchairman informs me that most of these consolidations have been completed. I have opposed some of these consolidations during the depression because I felt that this Government was endeavoring to provide employment for the breadwinners of needy families. I have felt that to consolidate a mail route resulted in putting one breadwinner on relief. However, for the sake of efficiency and economy, I have been guided by those Members who are closer to this problem than I have been. However, I still object to consolidation of mail routes which result in giving one carrier a route, say, 75 or 90 miles long. I feel now that consolidations have about been completed, that we should concentrate on some regulation or limit as to the length of routes. I feel that no rural mail carrier should be forced to cover more than 50 miles or, in extreme cases, 60 miles. I shall support any bill or resolution which will result in bringing this about.

With a limit on these consolidated routes, Mr. Chairman, I feel that we shall place at rest many complaints which I have been receiving and at the same time we shall eliminate many problems which face the carriers themselves.

Mr. Chairman, I come from a farm district. I personally know the great value of the rural mail delivery to the farm people of my district. The service which we now enjoy is highly appreciated by our people. However, there are many, many more lonesome homes in my district which are entitled to this service. It is for these people that I am pleading. today. I hope and pray that this committee will bear in mind these neglected people and make the future brighter for them by appropriations for more rural mail extensions in order that some day in the not far future every farm home will enjoy an all-weather farm-to-market road over which the servants of our Government, the rural mail carriers, can travel. I hope that we all can live to see the day that a rural mail carrier will visit every farm home in our land once every day. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, I have listened with a great deal of interest during the past 2 weeks to the gentleman from Texas [Mr. MCFARLANE] and to my colleague from Massachusetts [Mr. WIGGLESWORTH] and their statements calling the attention of the Members of the House to conditions which today exist in the radio industry.

Yesterday morning I found on my desk a communication from the Federal Radio Commission which contained a mimeographed copy of a press release issued on December 27 with reference to the so-called Mae West program.

The press release reads as follows:

Chairman Frank R. McNinch announced today that the Commission has received, in response to its request, a letter from Mr. Lenox R. Lohr, president of the National Broadcasting Co., Inc., transmitting an exact copy of the transcript of the Adam and Eve feature, the electrical transcription of the skit, a copy of the contract between Chase & Sanborn (sponsors of the program) and the National Broadcasting Co. covering this broadcast, and a list of the stations over which this feature was broadcast.

The Commission will give further consideration to this matter after considering the script and the electrical transcription.

This, as I have said, was dated December 27, and here it is January 14. I know a large number of the Members of the House are joining with me in wondering if this incident is going to be whitewashed. The American people are clean of mind, and naturally they resent the intrusion into their homes of any blasphemous, sensuous, indecent, obscene, or profane utterance, printed matter, or radio broadcast, and that is exactly what this particular broadcast was.

It is claimed by radio officials that some 40,000,000 homes in this country have radio receivers. The people who buy these radio receivers and listen to them do so in the belief and with the thought that such receivers will not be a medium of receiving into their homes any salacious radio broadcast. While the American family can protect its home from the intrusion of salacious and indecent printed matter, radio broadcasts are an entirely different proposition. You simply turn the switch on your radio receiver and you have to take what comes out of it, without having the least idea what the program will contain. It is true you probably have some knowledge of who is sponsoring the program and who are the principals—the artists who are to be presented—and you place your confidence in the reputations of the sponsor and the artists. You certainly do not expect to hear a program that is offensive.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Minnesota.

Mr. KVALE. The gentleman is a worthy successor to an illustrious statesman, who was a dear friend of mine.

Mr. CONNERY. I thank the gentleman.

Mr. KVALE. Does not the gentleman believe no good purpose will be served by criticism at this time, in view of the fact Government agencies are taking cognizance of the matter and have sought to correct it, and have also attempted to see it does not repeat itself in the future?

Mr. CONNERY. I may say to the gentleman that it is my idea that we should get to the bottom of these things. It is our duty. There should be no whitewashing of this or any similar incident. Several weeks have passed since this report was received from the National Broadcasting Co. by the Federal Communications Commission, and it is about time we had a report on what the Commission intends to do.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Under the urgings of the people who are active in the League of Decency, the movies managed to clean up some of their pictures. Does not the gentleman believe the radio industry ought to set up a board of censorship, as the motion-picture industry has done, to look over the material which goes on the air before it is broadcast?

Mr. CONNERY. I may say to the gentleman I believe this would be an excellent idea. Of course, the Federal Communications Commission announces it has no authority for censorship, but section 326 of the Communications Act of 1934 reads as follows:

No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

This situation can be controlled, there is no doubt of it, by the Federal Communications Commission, at the time the offending stations permitting such radio broadcasts come up for renewal of license.

Mr. O'MALLEY. Does not the gentleman believe a vast majority of the people in the radio industry and the advertisers are clean and decent minded, and that they themselves, as was the case in the motion-picture industry, would be best fitted to clean out the dirty-minded people in the business?

Mr. CONNERY. Yes, I believe they could help the situation a great deal, but I still believe the Federal Communications Commission has the responsibility under the Communications Act to see that it is cleaned up if those people in the radio industry do not take it upon themselves to do it.

Mr. O'MALLEY. Of course, the Communications Commission gets the matter only after the damage is done and the dirt has been broadcast.

Mr. CONNERY. That is true, but the Commission could possibly forestall such incidents by forcing the industry to keep the programs clean by proper supervision and regulation.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Texas.

Mr. McFARLANE. I appreciate the splendid address the gentleman is making. May I call your attention to the fact the Federal Communications Commission is the agency with the responsibility of regulating the entire communications field, and under the law they cannot say they cannot stop these practices. They regulate the phases of the industry they want regulated and then close their eyes to what they apparently do not care to regulate. I believe the gentleman's position in that regard is very sound.

Mr. CONNERY. The gentleman is exactly right.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Alabama.

Mr. PATRICK. Is it the purpose of the gentleman in cleaning house in this respect to cover treaty relations with neighboring countries so we can really have the matter cleared up? For example, a doctor from Kansas or some other State in this country may cross the line into Mexico. It may happen, for instance.

Mr. CONNERY. It has happened.

Mr. PATRICK. He may there begin to release broadcasts that are unwholesome and absolutely untrue and which contain representations that cannot be sustained. He may ask that the good, wholesome working people of this country in their time of need send American dollars down to him in payment for advice and ideas which are not sound, and in connection with wild schemes which would not be permitted in this country. Does the gentleman have a plan which would include treaties with geographic neighbors whereby we can

put a stop to the nefarious practice that has grown up of so using this medium which is new to the world and has not yet been legally circumscribed, and thus protect the American people?

Mr. CONNERY. The gentleman is correct. I agree with him wholeheartedly in that something should be done to bring to an end this business of going across our borders, out of the United States, to a neighboring country, where high-powered radio stations permit the covering of this country through the air with offensive programs we would not tolerate here.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield for a brief question?

Mr. CONNERY. I will be pleased to yield to the gentleman from Texas.

Mr. McFARLANE. Does not the gentleman believe there is entirely too much power in the hands of this monopoly, which I think everyone agrees exists, to control the molding of public opinion? I am referring now to the radio monopoly tied in with the communications monopoly of the A. T. & T. Between R. C. A. and A. T. & T. they control through their patent pooling and cross-licensing agreements the entire moving-picture industry as well as the chain broadcasting system and with the monopolistic services existing between them they largely control the chain broadcasting through their radio system newspaper ownership in the Nation. Does not the gentleman believe there is too much power in these three agencies—the radio, moving-picture, and newspaper set-up—to put into the hands of any group to mold public opinion in this country?

Mr. CONNERY. I agree with the gentleman.

Mr. McFARLANE. And is it not the duty of this Congress to act with respect to this monopoly that is apparently flourishing under supposed Government supervision?

Mr. CONNERY. I heartily agree with the gentleman from Texas, and I was coming to that point.

My principal reason for being on this floor today, talking on this subject, is due to the fact that my predecessor in Congress, my brother, the late Congressman William P. Connery, Jr., presented in the first session of this Congress a resolution calling for an investigation of the Federal Communications Commission.

This is not the first time that an incident such as this has happened. This is not the first time we have had such an intrusion into American homes of salacious, indecent, and blasphemous programs. There have been several occasions in the past where similar conditions have existed and my late brother, Congressman Connery, called the conditions prevailing at that time to the attention of the Federal Communications Commission. The usual whitewash was the result.

I am here today wondering if we are going to see a whitewash of this particular incident. Three weeks have elapsed since the electrical transcription of the skit, the script, and the list of stations using the broadcast have been received by the Federal Communications Commission, and it is about time that we received a report on the matter.

Because of the great hubbub that was raised, naturally, by people throughout the country complaining of this particular broadcast, I communicated by letter with the Commission. My letter to Chairman McNinch follows:

Hon. FRANK R. MCNINCH,
Chairman, Federal Communications Commission,
Washington, D. C.

MY DEAR MR. CHAIRMAN: During the past week I have received a volume of complaints from people of my district protesting against the indecency resorted to by the National Broadcasting Co. in its efforts to enlarge the sales opportunities of Chase & Sanborn's coffees. These complaints substantially indicate that your Commission has been derelict, to say the least, in its enforcement of section 326 of the Communications Act of 1934, which section directs your Commission to prevent the broadcasting of radio programs which are indecent, profane, or obscene.

While it is common knowledge in the Congress of the United States that the radio lobbyists, maintained at tremendous expense by the licensees of your Commission, have all but run the Commission, it seems to me that when your Commission permits the ravishing of the American home by the pouring into the ears of millions of decent, God-fearing, law-abiding American people a program so indecent that it violates the sensibilities of even those who are familiar with the burlesquing of historical events, I think it time that your Commission should either function in the interests of the American people or admit your incompetence and permit the President of the United States to place men on your Commission who will function in the interest of and for the benefit of the American people rather than to the satellites acting for the additional enrichment of a privileged few.

My brother, the late Congressman William P. Connery, Jr., realizing the conditions existing in radio, has pending before the Congress a resolution calling for a congressional investigation. It is my intention in the early days of the regular session of Congress to propose for the passage of this very much needed legislation solely in the interests of the American people.

Despite the desire of Congress for a thorough investigation of the unsavory conditions existing within and on the part of your Commission, I sincerely trust that your Commission will at least indicate its own sense of honor by revoking the license issued by your Commission to the radio station which originated this, to say the least, indecent radio broadcast.

Incidentally, may I inquire if it is true that the president of the National Broadcasting Co. personally authorized in advance the broadcasting of this program, knowing it to be of a lewd and lascivious character?

I will appreciate an early response to this protest and inquiry.

Very truly yours,

LAWRENCE J. CONNERY.

The American people rightfully look to the Congress for protection. The Congress has delegated the regulation and supervision of radio broadcasting to a Federal commission. The Congress, realizing, as it must, that such regulation and supervision has proven to be faulty, has but one recourse and that is the removal from office of those who failed to carry out the law and the enactment of laws which will, in reality, protect the millions of American homes equipped with radio sets from the intrusion therein of foul, sensuous, or blasphemous radio programs. The Congress cannot and should not dodge its responsibility.

During the past few weeks the American people, following the wholly unexpected but actual intrusion into their homes of a foul, sensuous, indecent, and blasphemous radio program, indicated their abhorrence by protesting against this type of radio broadcast.

Indicating the character of the radio broadcast complained of, I desire to quote excerpts from just two of the many letters which I have received, as well as some editorial excerpts:

To have this filthy and lewd take-off on the Bible Adam and Eve story was a disgrace. I heard the program and thought it a shock even to our tougher brethren.

Here is another:

I have never listened to anything over the radio coming into my home or elsewhere that I consider so debasing and outrageous as that broadcast. Today I took luncheon with 10 business and professional men. The subject was brought up without my taking any part in it. The unanimous opinion condemned the broadcast. The way it was presented over the radio reduced the Garden of Eden episode to the very lowest level of bawdy-house stuff. Young folks listening to the same would have been led to believe by the broadcast that the Garden of Eden episode was on a level with the lowest courses and cheapest immorality. Among those who have expressed themselves upon the subject, there is the unanimous view that the broadcast was not fit to be used on the air.

Some of the editorial comments I have clipped from newspapers from throughout the country are as follows:

We were shocked last Sunday evening, when Mae West, the very personification of sex in its lowest connotation, appeared on a very popular radio program.

The radio has brought to many a fuller life, carrying the culture of the world into the homes of America. The home is our last bulwark against the modern overemphasis on sensuality, and we cannot see why Miss West and others of her ilk should be permitted to pollute its sacred precincts with shady stories, foul obscenity, smutty suggestiveness, and horrible blasphemy.

It was the most indecent, scurrilous and irreverent program that it has been my misfortune to hear. In her peculiarly indecent style, Miss West introduced her own sexual philosophy into the Biblical incident of the fall of man.

The radio is a piece of machinery as common to the household as electric lights. If programs such as Mae West's burlesque Sunday night are allowed, it can become a very dangerous instrument. The dial is always within easy access of the children.

In thousands of homes where families are wont to seek a little innocent relaxation and amusement on Sunday evenings at the

radio, the most barefaced insult was inflicted upon them until some member of the family had the presence of mind to relieve the embarrassment by quickly switching the dial. Some people who listened in have since said that they waited with bated breath, expecting momentarily that a studio censor might step in with some improvided alibi and kill the program.

The National Broadcasting Co. also shares the responsibility. It holds a public trust in its right to broadcast, and that public trust calls for the protection of public decency. The whole affair warrants a thorough investigation by the Federal Communications Commission. Let the blame be placed and amends be made. The offense was too glaring to be permitted to pass without severe condemnation.

Before the program was produced an effort was made in the light of advance publicity to secure from the Chase & Sanborn Co. some assurance that the program might conform to accepted standards of morality. The Federal Radio Commission is also and ultimately responsible, because on its authority depends the franchise of the National Broadcasting Co. So what? Decent people may not let the three responsible parties get away with this flagrant transgression of decency, else our homes will be deluged with filthy thought.

A few editorial headlines indicative of the contents therein—"prostituting its hour on the air," "indecent burlesque of Eve on the radio," "tainting the air," "impurity invades the air"— illustrate how the press reacted.

Those responsible for the intrusion into millions of American homes of this foul and indecent radio broadcast, fearing the wrath of the American people, and possibly fearing some action on the part of Washington authorities, or the Congress, made haste to try to overcome the indignation of the American people by having the Chairman of the Federal Communications Commission issue a public statement calling upon the National Broadcasting Co. for a copy of this foul and sensuous radio program and had him state in his letter as follows:

There is marked uniformity of thought in the letters of protest, which variously characterize the skit as "profane," "obscene," indecent," "vulgar," "filthy," "dirty," "sexy," and "insulting to the American public." These letters bear no evidence of having been written by cranks or prudes but by responsible and intelligent citizens.

Section 326 of the Federal Communications Act of 1934 clearly precludes this Commission's exercising any power of censorship over radio broadcasts. That same section, however, provides that no person shall utter any obscene, indecent, or profane language by means of radio communication and this Commission is charged by law with the enforcement of that as well as other provisions of the act. Every person holding a radio-station license has the legal, as well as moral, duty and obligation to protect the public from offensive broadcasts.

If those who have protested to the Commission concerning this broadcast are substantially correct in their appraisal of it, I have no hesitancy in saying that the licensees of the stations over which it was broadcast have been derelict in the discharge of their duty. However, I want to make it clear that the Commission has not prejudged this matter, but will reserve its judgment until all of the facts are before it.

Naturally, Members of the Congress, after having read the above letter, copies of which were sent to all Members of the Congress by the Federal Communications Commission, and not reading carefully the last sentence, and, being conversant with the law which reads as follows:

No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication—

advised their constituents that the radio broadcast complained of was under official consideration on the part of the Federal Communications Commission. Believing, as they had a right to, from the tenor of the letter sent to the National Broadcasting Co., that the Chairman of the Federal Communications Commission, the "Charley McCarthy" of the radio monopolists, was sincere, they expected some definite and disciplinary action.

It is common knowledge that these radio programs are well rehearsed days before they are broadcast. It is understood that officials of the National Broadcasting Co. are present at these rehearsals. The many thousands of clean-minded Americans who protested did not know, presumably, but the officials of the National Broadcasting Co. did know, that protests were made at the time of the rehearsals by those participating who realized the sensuousness and the indecency of this particular program.

However, the Congress, as well as many others, who believed in the sincerity of the Chairman of the Federal Communications Commission, I am afraid, will soon awaken to learn that they might as well have sent their protests to the party responsible for the intrusion into millions of American homes of this foul and sensuous radio broadcast so far as securing any action other than a faint apology.

We must bear in mind that the present Chairman of the Federal Communications Commission was placed in public life by those who believed in the Democratic Party. That in 1928, because of his apparent intolerance, he refused to support the Presidential nominee of the Democratic Party, and for his betrayal of that honored party which made it possible for him to occupy public office, he was appointed in 1930 to membership on the Federal Power Commission by the Republican candidate who benefited by the treachery of those Democrats, like himself, who refused to support the nominee of their party.

The hearings before the Senate committee on confirmation of the present Chairman of the Federal Communications Commission, as member of the Federal Power Commission, will interest those who are hoping that the Federal Communications Commission will protect the American home from indecent radio invasion therein. These hearings show that Hon. LINDSAY WARREN described the Chairman as a "political adventurer," and also revealed that McNinch, as head of a political committee in his home State, admitted receiving $15,500 from the head of a bank which is a depository for power company funds.

Having been associated with my brother, the late Congressman William P. Connery, for the past 15 years, and knowing how the Federal Communications Commission had previously declined to enforce the law wherein similar indecent, obscene, profane, foul, and sensuous radio broadcasts had been allowed to intrude into millions of unsuspecting American homes, after such illegal actions had been officially called to their attention, I was and I am skeptical.

I very definitely recall a written protest made to the Federal Communications Commission 3 years ago by 16 Members of the Congress, when for a price a foreign government, which is noted for the atheistic leanings of the minority which control that government and which government has denied to its people the right of religious worship, broadcast over the same radio network—the National Broadcasting Co.—a radio program which one of its own high officials is credited with admitting was profane and indecent.

In answer to this written protest, officially filed with the Federal Communications Commission by 16 Members of the Congress, which protest was headed by my brother, the late Congressman William P. Connery, the spokesman for the Federal Communications Commission, who is still a member of the Commission, in an attempt to justify their decision that those responsible for the broadcasting of this complained-of program did not contravene the law, quoted as their justification, a court decision which was handed down in a wholly different type of case and handed down even before radio was known to the people.

Of course, such actions on the part of the Federal Communications Commission, dominated as they appear to be by the radio monopolists, is not at all unusual as the CONGRESSIONAL RECORD of January 7 will show. Misrepresentation to the Congress itself is apparently openly and defiantly resorted to and the member of the Commission who committed such misrepresentation will probably soon be honored by his associates, through the influence of the radio monopolists, with a trip around the world, under the guise of attending a radio conference in Egypt, at the expense of the American people.

Page 209 of the CONGRESSIONAL RECORD of January 7, 1938, contains the following, which is self-explanatory. The gentleman from Texas [Mr. MCFARLANE] stated:

Mr. Craven appeared for the Commission before the committee, and referring to some tables which Mr. Craven had submitted, Mr. WIGGLESWORTH asked this question:

"I may be mistaken, but I think these tables fail to include the Westinghouse leases to the National Broadcasting Co., but you might check them up in revising the tables."

Then, the record, on page 1247, contains this statement:

Mr. Craven later supplied the following information concerning the lease agreement entered into between the Westinghouse Electric Manufacturing Co. and the National Broadcasting Co.:

The records of the Commission do not reveal any leases having been entered into between these parties with respect to any broadcasting station.

Despite that statement I have in my hand a stipulation which was entered into in the consent decree in the District Court of the United States at Wilmington, Del., which shows that the statement filed by Mr. Craven, one of the members of the Communications Commission, is wholly and totally false. The Westinghouse Co., as shown by an exhibit to the pleadings filed in this case—and under the Federal communications law it is necessary when these leases are in existence for them to be filed with the Federal Communications Commission—had entered into such a lease, and that this lease continues until 1942. If gentlemen will check the statement and the testimony as given in these hearings on this subject, they will find that that is just a sample of many such inaccuracies as appear in the hearings every time the question of policy comes up, which policy is admittedly wrong, such as monopolistic control by the newspapers of radio, such as the monopolistic control of 40 clear channels on your radio dial, and of their control of 93 percent of the power that goes over the air, which gives them practically the control of the molding of public opinion in this country through these facilities.

I cite the above to illustrate the apparent contempt those in control of the radio monopoly and the Federal Communications Commission have for the Congress of the United States. This being true, is it to be expected that protests of the American people against any radio broadcasts, no matter how foul, filthy, obscene, indecent, profane, or blasphemous such may be, will be given much consideration by those who pay the bills which make the radio monopolists' profits possible?

The Federal Communications Commission has in its files an electrical transcription of another radio broadcast, one sworn to by a court official as a true copy of what was broadcast, Il Bastardo, a broadcast which the Post Office Department officially stated was unmailable, a broadcast which was so nauseating that even proper description of the titles given to the actors in the cast is of such a character that it is not fit for publication.

I recall another radio broadcast, this also having been broadcast into American homes at the expense and for the benefit of an alien financial and industrialist interest, which was so profane that a well-known theatrical publication, not noted for its prudery, described it in its columns as profane. Yet no action was taken by these public officials entrusted with the regulation and supervision of radio licenses.

Based upon my observations of the influence, yes, the control which the radio monopolists apparently have over the majority of the members of the Federal Communications Commission, I have no hesitancy in predicting that the punishment meted out, if any, will be a slight reprimand with the allegation or promise, on the part of National Broadcasting Co. officials, that "it will not happen again."

Some have been led to believe that the Commission is helpless in that the law does not allow the revocation of the license of the offending station. That is not true. The law does specifically provide that the Commission, prior to the renewal of the station license every 6 months, must certify or find that the station "is serving public interest, convenience, and necessity." Despite this requirement of the law and the absolute impossibility of finding that a radio station which would originate or permit the broadcasting into millions of unsuspecting American homes of programs which are obviously so indecent and sensuous, was "serving public interest, convenience, or necessity," it is my belief that the officials of the radio monopoly will find enough Charley McCarthys serving on the Federal Communications Commission to secure the renewal of the station license just as though no protests were ever filed.

In view of the well-known record of those entrusted by the Congress with the regulation and supervision of radio broadcasting and their apparent subserviency to those in control of the radio monopoly, a monopoly which controls those radio stations using some 93 percent of the power used nightly for the broadcasting of radio programs, I again appeal to the Rules Committee of the House of Representatives to promptly report favorably the resolution of investigation of the radio monopoly and the Federal Communications Commission presented to the House on January 28, 1937, by my brother, the late Congressman William P. Connery, and which resolution is now pending before the Rules Committee.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, I want to address my remarks to the lack of confidence I find in my own district with regard to industry. I was home a few days ago and one gentleman who has been a manufacturer of washing machines years in the past again wants to enter this field. He asked me what was going to happen in Washington, what the Government was going to do with regard to industry. He said: "I would like to go into business again. I would like to employ some people to manufacture washing machines. I believe I understand that industry and that I could build a better machine than I did when I was in business before."

I said: "It is beyond me. I cannot tell what is going to happen, either, but some of us at least are going to try to create confidence so the business people will go ahead and employ others."

I had a letter a few days ago from a knitting concern in my district, and I am going to read a paragraph or two showing the seriousness of the present condition of business:

I felt it timely to write you relative to the seriousness of the present condition of business. It is disappointing to us that some action was not taken by the Congress just adjourned to alleviate this situation, and I am wondering if our national legislators, who are not directly in business themselves, appreciate the seriousness of the present situation. We are probably experiencing the most trying times that we have had in our 30 years' experience. Textile mills aren't getting any business at all, and in our line we understand that approximately 90 percent of the mills are closed tight. Thousands of operatives are off the pay rolls.

We realize that many optimistic statements are given out by politicians and by some industrial leaders, but it is time that we faced the facts. People are scared. Congress alone can convince business and the people of the country that our Nation is not going to be destroyed. Congress alone can convince the country that business is going to be allowed to operate and flourish and pay wages. Something should be done immediately to assure the business people of the country that we are going to be allowed to operate our machinery and our business and pay the wages and make a profit.

Let us do away with laws and proposed laws that hobble and worry and destroy business; do away with the undistributed-profits tax; do away with the capital-gains tax.

This is a knitting concern that has been most prosperous in past years, yet today they are hardly turning a spindle. This is what this man says in regard to it. I have told you what the washing-machine man says. They are two industries in my district. Even worse than that is the shoe industry. We have the second largest shoe-manufacturing concern in the United States and the third largest in the world in my district. They are working from one-half to 2 days a week. They have 20,000 employees. One can easily see what this means to this locality, and at the present time we all know how the reciprocal-trade agreements are being discussed with Czechoslovakia to lower the tariff on shoes. I see recently that that same consideration is being given England. We are going to consider lowering the tariff on shoes and also on textiles. These are two industries that are the greatest industries in my district, and one can easily see how they are being affected.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. LORD. Yes.

Mr. BATES. Is the gentleman's textile industry cotton or wool?

Mr. LORD. Cotton.

Mr. BATES. Does the gentleman realize that 6 years ago less than 1,000,000 yards of cotton cloth came in from Japan and that this past year over 100,000,000 yards of finished cotton cloth has come in?

Mr. LORD. I was somewhat aware of that, though not the exact amount. Within 2 years I was in the textile factories in Japan. They have the most up-to-date factories there are. They have our best machines. They buy one or two machines, and then they copy them and continue on with that business. They are very efficient factories, and they are working girls there from 14 to 20 years of age who are very competent. They work on a wage scale that would be equivalent to paying our girls 50 cents a day. You can see what our labor here has to contend with if we lower the tariffs as it is proposed to do in these trade agreements.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. LORD. Yes.

Mr. SOUTH. The gentleman does not contend that that is the result of any reciprocal-trade agreements with Japan, because no such trade agreements had been entered into?

Mr. BATES. No; but I do contend that it is due to the open-door policy of the present administration in not properly protecting our textile industries.

Mr. LORD. At the present time our shoe industry is at a low ebb because the tariff is too low on certain shoes that come into this country from Czechoslovakia, and instead of lowering that tariff it should be raised, and our business cannot continue even at the present rate of tariff, which is 20 percent ad valorem on the value they place on the shoes. It should be raised to 30 percent. In 1932 we had the same trouble on certain shoes coming in from Czechoslovakia. The tariff then was 20 percent, but by Presidential order that was raised to 30 percent, and our shoe industry prospered from that time on. Less shoes came in then from Czechoslovakia, and then they went to manufacturing cemented-sole shoes, another cheap process. The rate on that was 20 percent, and that is where we are getting the competition now, and that is where we contend the tariff should be raised, not lowered.

Mr. SOUTH. Doubtless the gentleman read the statement made by Colonel Knox in which he said the Republican Party was going to have to abandon its unwise tariff policy if recovery was to be had in this country, and after they got into power, if they ever did, they would have to do that; otherwise they would have to pay a farm subsidy and other subsidies to overcome the protection given certain sections.

Mr. LORD. One of the great shoemakers in my district is a Democrat. He has been a free-trader. He and other directors called me into a meeting a while ago and said that they had always prospered under a high tariff, and, said this man, "I am convinced that we will never prosper again until we have a high tariff on shoes to protect our trade." Does that answer the gentleman's question?

Mr. SOUTH. That is all right. I thank the gentleman.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that all who speak under general debate may have the right to revise and extend their remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. AMLIE].

Mr. AMLIE. Mr. Chairman, I want to take this opportunity to talk briefly about the relief situation. I shall talk specifically about a city in my district, the city of Kenosha. Kenosha is an industrial city with a population of about 50,000 people. Kenosha, however, is more than just a city in my district; it is typical of industrial America. The situation that obtains in the city of Kenosha obtains throughout industrial cities of the Middle West, it obtains throughout the industrial cities of the East, and generally throughout the industrial sections of the country.

I have here a telegram received from Erich Tillman, chairman of the Kenosha County Board of Supervisors. It reads as follows:

KENOSHA, WIS., *January 14, 1938.*

Representative THOMAS AMLIE:

Unemployment drastically increased. Four thousand men laid off since November 15. Relief rolls doubled and increasing at alarming rate. Thirty-three percent of population city of Kenosha now receiving relief in some form. Local units cannot continue to meet situation unaided. Strongly urge action by Federal Government to provide additional W. P. A. assignments at once. Situation serious.

ERICH TILLMAN,
Chairman of Kenosha County Board of Supervisors.

I have another telegram from Mr. H. C. Laughlin, city manager of Kenosha. I shall read it to you:

KENOSHA, WIS., *January 14, 1938.*

THOMAS R. AMLIE, *Congressman:*

Supplementing telegram county chairman. County and city officials and committee from trades and labor conferred with Governor and W. P. A. administrator yesterday. State providing some aid, but problem is so pressing and relief situation reaching such proportions that immediate increase in W. P. A. is imperative.

H. C. LAUGHLIN, *City Manager.*

Mr. Chairman, when the depression began the city of Kenosha was in excellent financial shape. This city has tried to meet its relief problem. Today the city has borrowed up to the legal limit provided by law. As for the county of Kenosha, the tax rate has increased from 3.3 mills in 1933 to 7.7 mills in 1936.

The situation is serious, not alone in the city of Kenosha, for I read in yesterday's Philadelphia Record the headline, "Death Beats Food to Starving Baby."

The article goes on to state that Mr. and Mrs. Daniel Danielson have not had enough to eat. When the woman returned home after trying to get relief, her 3-month-old daughter, Barbara, was dead from malnutrition.

What I have stated about my district is typical of industrial America. The President in his speeches states that nobody is going to starve. He reiterated that statement to us here in this Chamber on the 3d of January, the opening day of Congress. It is a situation that the majority party must meet. Why do you Members of the Democratic Party suppose that the voters of this country put you in here? They put you in here because of these statements made by your leader. They assumed when they elected you that you would back up your President. I do not think that the American voters, outside of the deep South, were particularly interested in sending most of you to Congress; they sent you here because you rode in on the coattails of the President. They were in favor of the promises that he made; and I am certain that if this situation goes on, if you do not back up the administration in some adequate program, it is not going to take the American people very long to change the situation that obtains in this House at the present time. When I came here as a Member only a few years ago the Republican Party was in the majority. Today you have about 80 percent of the total membership.

In conclusion permit me to say that this is a situation that the American people will demand that you meet. It is not going to take them very long to change the present membership of this House if that membership fails to make good on the promise of its party leader, that no one will be permitted to starve. As for the situation in Kenosha, it is merely symptomatic of what exists in every industrial center in the Union.

[Here the gavel fell.]

The Clerk read the bill down to and including line 11, page 3.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8947, the Treasury and Post Office appropriation bill, had come to no resolution thereon.

ELECTION OF CHAIRMAN OF COMMITTEE ON MILITARY AFFAIRS

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 402

Resolved, That ANDREW J. MAY, of Kentucky, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Military Affairs.

The resolution was agreed to; and a motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication:

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
House of Representatives.

DEAR MR. SPEAKER: I hereby resign as a member of the Committee on Coinage, Weights, and Measures.

EDWARD L. O'NEILL.

The resignation was accepted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DALY, for 2 days, on account of illness.

To Mr. LANZETTA, for an indefinite period, on account of death in family.

To Mr. O'NEILL of New Jersey, for Tuesday, January 18, to attend inauguration of Hon. A. Harry Moore as Governor of New Jersey.

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Saturday, January 15, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 18, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

993. A communication from the President of the United States, transmitting a proposed provision pertaining to an appropriation for the Department of Labor entitled "Transporting Filipinos to the Philippine Islands, 1937, December 31, 1937" (H. Doc. No. 478); to the Committee on Appropriations and ordered to be printed.

994. A communication from the President of the United States, transmitting a proposed provision affecting the existing appropriation of the Farm Credit Administration for farmers' crop production and harvesting loans, fiscal years 1937 and 1938 (H. Doc. No. 479); to the Committee on Appropriations and ordered to be printed.

995. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to amend the Merchant Marine Act of 1936, and for other purposes; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Rept. No. 1667. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1668. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1669. Report on the disposition of records in the Civil Service Commission. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1670. Report on the disposition of records in the Veterans' Administration. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1671. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1672. Report on the disposition of records in the Federal Housing Administration. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1673. Report on the disposition of records in the Department of Labor. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1674. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1675. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1676. Report on the disposition of records in the United States Food Administration. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1677. Report on the disposition of records in the Commerce Department. Ordered to be printed.

Mr. FREY of Pennsylvania: Committee on Foreign Affairs. House Joint Resolution 530. Joint resolution authorizing the President to invite foreign countries to participate in the ceremonies to commemorate the one hundred and fiftieth anniversary of the national ratification of the Constitution of the United States in Philadelphia, Pa., June 17 to 21, 1938; without amendment (Rept. No. 1679). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEROUEN: Committee on the Public Lands. S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet; without amendment (Rept. No. 1678). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8855) for the relief of Maj. Wilbur Rogers; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8944) granting a pension to Annie E. Sutherland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK: A bill (H. R. 8967) to provide for the appointment of an additional district judge for the district of Massachusetts; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 8968) to provide additional relief for veterans and their dependents, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. TAYLOR of Colorado: A bill (H. R. 8969) to add certain lands to the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. McCLELLAN: A bill (H. R. 8970) to provide for the continued operation and maintenance of the Hot Springs Transient Medical Center and Infirmary located at Hot Springs National Park, Ark., under the supervision and control of the Public Health Service of the Treasury Department; to the Committee on Interstate and Foreign Commerce.

By Mr. McREYNOLDS: A bill (H. R. 8971) to appoint one additional judge of the District Court of the United States for the Eastern and Middle Districts of Tennessee; to the Committee on the Judiciary.

By Mr. MANSFIELD: A bill (H. R. 8972) to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MAVERICK: A bill (H. R. 8973) to provide for the placing of insurance by the Home Owners' Loan Corporation on its newly acquired properties; to the Committee on Banking and Currency.

By Mr. SOMERS of New York: A bill (H. R. 8974) to define certain units and to fix the standards of weights and measures of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. CASE of South Dakota: Resolution (H. Res. 403) proposing an inquiry to determine what reduction of tariff duties is under consideration by the Department of State in the proposed trade agreement with the United Kingdom; to the Committee on Ways and Means.

By Mr. ALESHIRE: Joint resolution (H. J. Res. 563) authorizing the Secretary of War to construct a dam for the storing of water for recreational and conservational purposes in Cowan Creek Valley, Clinton County, Ohio; to the Committee on Rivers and Harbors.

By Mr. RANDOLPH: Joint resolution (H. J. Res. 564) proposing an amendment to the Constitution of the United States to provide for a republican form of government and representation in the Congress for the District of Columbia; to the Committee on the Judiciary.

By Mr. MAGNUSON: Joint resolution (H. J. Res. 565) proposing an amendment to the Constitution of the United States to provide for a referendum on a certain method of waging warfare; to the Committee on the Judiciary.

MEMORIAL

Under clause 3 of rule XXII, memorial was presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to consider their House Resolution No. 116 relative to the deportation of criminal aliens; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINGERY: A bill (H. R. 8975) granting an increase of pension to John Cunningham; to the Committee on Invalid Pensions.

By Mr. MAVERICK: A bill (H. R. 8976) for the relief of Augusta Burkett; to the Committee on Claims.

By Mr. O'CONNOR of Montana: A bill (H. R. 8977) for the relief of Maj. M. Reynolds; to the Committee on Military Affairs.

Also, a bill (H. R. 8978) for the relief of John M. Grady; to the Committee on Military Affairs.

By Mr. SCHUETZ: A bill (H. R. 8979) for the relief of Kathryn O. Sweeney, Mary Kay Sweeney, Nancy Lee Sweeney, and Alex H. Sweeney (collectively); to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3786. By Mr. BIGELOW: Resolution of the Ohio House of Representatives, memorializing President Franklin D. Roosevelt and Congress to continue the Works Progress Administration in Ohio; to the Committee on Appropriations.

3787. By Mr. CASE of South Dakota: Petition of L. B. Boorman, Carl Melgaard, J. E. Curtis, and 20 other residents of Lemmon, S. Dak., urging consideration and support of House bill 4797, to provide grants to States for assistance to needy, incapacitated adults, including indigent tuberculosis; to the Committee on Ways and Means.

3788. Also, resolution adopted by Mobridge, S. Dak., Lodge, No. 752, of the Brotherhood of Locomotive Firemen and Enginemen, protesting against the turning of mail contracts over to star-route carriers from railroads; to the Committee on the Post Office and Post Roads.

3789. Also, petition of Minnie Palmatier, of Academy, S. Dak.; Mrs. Roy E. Weins, of Rapid City; and 78 other residents of South Dakota, urging consideration and support of House bill 4797, to provide grants to the States for assistance to needy incapacitated adults; to the Committee on Ways and Means.

3790. Also, open letter to Members of Congress from I. Elliott, Rapid City, S. Dak., relative to housing legislation; to the Committee on Banking and Currency.

3791. By Mr. CURLEY: Petition of the Virginia Highway Users Association, urging Congress not to enact the Pettengill bill, known as the long-and-short-haul bill; to the Committee on Interstate and Foreign Commerce.

3792. Also, petition of the Federal Workers of America, endorsing the McCormack-Logan bill to create a 5-day workweek for Federal employees; to the Committee on the Civil Service.

3793. Also, petition of the Federal Workers of America, endorsing the Bigelow bill to establish a Civil Service Board of Appeals; to the Committee on the Civil Service.

3794. By Mr. LEAVY: Petition signed by 39 citizens of the city of Spokane and the town of Mead, Wash., urging early consideration and enactment of House bill 4797, to provide for grants to the States for assistance to needy and incapacitated adults; to the Committee on Ways and Means.

3795. By Mr. SADOWSKI: Petition of the Renters and Consumers League, Detroit, Mich., supporting Government Home Borrowers Association; to the Committee on Appropriations.

3796. By the SPEAKER: Petition of the Social Security League of Texas, petitioning consideration of their resolution dated January 8, 1938, at Dallas, Tex., with reference to gold and silver; to the Committee on Ways and Means.

SENATE

SATURDAY, JANUARY 15, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, January 14, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pope
Andrews	Connally	King	Radcliffe
Ashurst	Copeland	La Follette	Reynolds
Bailey	Dieterich	Lewis	Russell
Bankhead	Donahey	Lodge	Schwartz
Barkley	Duffy	Logan	Schwellenbach
Bilbo	Ellender	Lonergan	Sheppard
Bone	Frazier	Lundeen	Shipstead
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McCarran	Steiwer
Brown, Mich.	Glass	McGill	Thomas, Okla.
Brown, N. H.	Hale	McKellar	Thomas, Utah
Bulkley	Harrison	McNary	Townsend
Bulow	Hatch	Maloney	Truman
Burke	Hayden	Miller	Tydings
Byrd	Herring	Minton	Vandenberg
Byrnes	Hill	Murray	Van Nuys
Capper	Hitchcock	Norris	Walsh
Caraway	Holt	Overton	
Chavez	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the senior Senator from Rhode Island [Mr. GERRY], the junior Senator from Rhode Island [Mr. GREEN], and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from New York [Mr. WAGNER] is absent because of a slight cold.

The Senator from Tennessee [Mr. BERRY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily detained today from the Senate. I ask that this announcement stand for all quorum calls during the day.

Mr. McNARY. I announce that the Senator from Pennsylvania [Mr. DAVIS] is unavoidably absent on official business.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Latta, one of his secretaries.

COST-ASCERTAINMENT REPORT, POST OFFICE DEPARTMENT

The VICE PRESIDENT laid before the Senate a letter from the Postmaster General, transmitting, pursuant to law, the cost-ascertainment report, with appendix, showing the cost of carrying and handling the several classes of mail matter and of performing the special services for the fiscal year 1937, which, with the accompanying report and appendix, was referred to the Committee on Post Offices and Post Roads.

REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. 133)

The VICE PRESIDENT laid before the Senate a letter from the President of the Civil Service Commission, transmitting, pursuant to law, the Seventeenth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund (also embodying estimates made by the Board of several proposed changes in the Retirement Act), which, with the accompanying report, was referred to the Committee on Civil Service and ordered to be printed.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of Local No. 2 of the Licensed Tugmen's Protective Association, of Chicago, Ill., praying for the enactment of the bill (H. R. 8327) to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf Waterway, and for other purposes, which was referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted by members of the Ford-Dearborn Post, No. 1494, Veterans of Foreign Wars of the United States, of Dearborn, Mich., endorsing the industrial principles and policies of Henry Ford, which was ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as presently constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a resolution adopted by District No. 14, Regional Office of the United Mine Workers of America, Pittsburg, Kans., favoring the enactment of the bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917 relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

Mr. COPELAND presented a petition of sundry citizens of the State of New York, praying for the enactment of the joint resolution (S. J. Res. 192) to repeal certain powers of the President and the Secretary of the Treasury relating to the issuing of $3,000,000,000 of greenbacks, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the careful checking of and avoidance of errors in crop reports so as to prevent undue or unreliable publicity in cases of prospective bumper crops until final reports are complete, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the enactment of legislation to eliminate tax-exempt securities, which was referred to the Committee on Finance.

He also presented a resolution adopted by Onondaga County (N. Y.) Pomona Grange, Patrons of Husbandry, favoring the adoption of measures looking to the preservation of peace, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Building and Construction Trades Department of the American Federation of Labor, and endorsed by Local Union No. 112, of the United Association of Journeymen Plumbers and Steam Fitters, of Binghamton, N. Y., favoring the encouragement of private initiative in the construction industry and also the establishment of a sound and stable public fiscal policy, which was ordered to lie on the table.

REORGANIZATION OF EXECUTIVE AGENCIES—VIEWS OF MR. BYRD

Mr. BYRD, as a member of the Select Committee on Government Organization, submitted his individual views to accompany the bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which were ordered to be printed as part II of Report No. 1236.

ADDITIONAL MEDICAL AND DENTAL OFFICERS FOR THE ARMY

Mr. SHEPPARD. Mr. President, from the Committee on Military Affairs, to which was referred the amendment of the House of Representatives to the bill (S. 2463) to authorize an additional number of medical and dental officers for the Army, I report it back with the recommendation that the Senate concur in the House amendment with an amendment at the end of the first paragraph of the House amendment to strike out the period and insert a comma and the following:

and the authorized commissioned strength of the Army is hereby increased by one hundred and fifty in order to provide for the increases herein authorized in the Medical and Dental Corps.

I therefore move that the Senate agree to the House amendment with the amendment reported by the Committee on Military Affairs.

The motion was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

A bill (S. 3252) to amend subsection (f) of section 1 of the act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes," approved August 29, 1935, as amended; to the Committee on Interstate Commerce.

(Mr. BILBO introduced Senate bill 3253, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. VANDENBERG:

A bill (S. 3254) to amend section 112 of the Revenue Act of 1936, as amended, relating to recognition of gain or loss in case of certain sales; to the Committee on Finance.

ILLEGALITY OF MISCEGENATION IN TERRITORIES, POSSESSIONS, AND THE DISTRICT OF COLUMBIA

Mr. BILBO. I ask unanimous consent to introduce a bill for appropriate reference, and also request that the bill be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be received, appropriately referred and printed in the RECORD.

The bill (S. 3253) to prohibit the marriage in any Territory or possession of the United States, or in the District of Columbia, of any white person and any person who is not a white person, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That no ceremony performed in any Territory or possession of the United States, or in the District of Columbia, shall have the legal effect of marrying a white person and a person who is not a white person.

SEC. 2. It shall be unlawful, in any Territory or possession of the United States, or in the District of Columbia, for any white person knowingly to attempt to marry a person who is not a white person or for any person who is not a white person knowingly to attempt to marry a white person.

SEC. 3. It shall be unlawful for any person knowingly to conduct any ceremony in any Territory or possession of the United States, or in the District of Columbia, for the purpose of marrying a white person and a person who is not a white person.

SEC. 4. It shall be unlawful in any Territory or possession of the United States, or in the District of Columbia, for any white person knowingly to have carnal knowledge of any person who is not a white person, or for any person who is not a white person knowingly to have carnal knowledge of a white person.

SEC. 5. Any person violating any provision of this act shall, upon conviction thereof, be punished by imprisonment for not less than 2 years and not more than 5 years.

AMENDMENT OF FEDERAL TRADE COMMISSION ACT—PRINTING OF BILL WITH HOUSE AMENDMENT

On motion of Mr. BARKLEY, and by unanimous consent, the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was ordered to be printed showing the amendment of the House of Representatives.

FIRST MEETING PLACE OF SUPREME COURT IN WASHINGTON (S. DOC. NO. 132)

Mr. BARKLEY. At the request of the Senator from Arizona [Mr. ASHURST], I ask unanimous consent that certain letters and documents pertaining to the first meeting place of the Supreme Court in Washington, and biographies of the first three Commissioners of the city of Washington, and other matters pertaining to these subjects be printed as a Senate document.

The VICE PRESIDENT. Without objection it is so ordered.

SOCIAL SECURITY BOARD IN TENNESSEE

Mr. McKELLAR. Mr. President, I ask unanimous consent to have inserted in the RECORD a telegram concerning the social-security set-up in Tennessee.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENN., *January 13, 1938.*

Senator K. D. MCKELLAR,
Washington, D. C.:

Have read account of your speech in Senate today charging use of social-security funds as a pay-off for votes for the unit bill. In this connection, as further evidence to sustain your charges, I refer you to the recent appointment of State Senator Albert W. Roberts by Governor Browning to membership on the board of review of the unemployment compensation division made expressly in violation of section 10, article 2, of the Constitution of Tennessee, which provides that no senator or representative shall, during the term for which he was elected, be eligible to appointment to any office or place of trust by the chief executive or the general assembly. I am advised that a quo warranto proceeding will be filed shortly in the courts of this county to vacate this appointment made by the chief executive in flagrant disregard of the constitution.

ELMER D. DAVIES.

JACKSON DAY DINNER ADDRESS BY JAMES W. MORRIS AT CONCORD, N. H.

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD an address by James W. Morris, Assistant Attorney General of the United States, at the Jackson Day dinner at Concord, N. H., on January 8, 1938, which appears in the Appendix.]

NATIONAL GRANGE LEGISLATIVE PROGRAM

[Mr. BYRD asked and obtained leave to have printed in the RECORD a summary of resolutions and reports adopted at the seventy-first annual session of the National Grange, held at Harrisburg, Pa., November 10–18, 1937, which appears in the Appendix.]

EIGHTEENTH ANNIVERSARY OF THE EIGHTEENTH AMENDMENT

The VICE PRESIDENT. When the Senate took a recess yesterday the RECORD shows that the occupant of the chair at that time, the Senator from Missouri [Mr. CLARK] had agreed to recognize the Senator from Louisiana [Mr. ELLENDER], but the Chair finds that 2 or 3 days ago the Senator from Texas [Mr. SHEPPARD] gave notice that today he hoped to secure the attention of the Senate in order that he might deliver his annual oration on "the crime of '33." [Laughter.] So the Chair thinks he ought to recognize the Senator from Texas.

Mr. ELLENDER. Mr. President, I thoroughly understand the situation, and I would not be a party to any attempt to deprive the distinguished Senator from Texas of the opportunity of delivering his annual speech on prohibition.

Mr. SHEPPARD. Mr. President, tomorrow marks the eighteenth anniversary of the beginning of the eighteenth amendment and the passing of a little more than 4 years since its repeal. Let us pause to consider the present status of the liquor problem and the results of repeal.

The evils of intoxicating liquors were well known to the American people when they decided to arrest them through Nation-wide prohibition. The American people were familiar with these evils, with the economic, social, and physical consequences these evils had produced. The American people were determined to eradicate these consequences. It is significant also to observe that this determination had been stimulated by the presence of war, a circumstance which had aroused in them a consciousness of the necessity for the preservation in full measure of all their faculties—physical, intellectual, and moral. It was found necessary to conserve these faculties to meet the problems of war. Why not conserve them to meet the problems of peace?

In the latter part of 1929 we witnessed the beginning of a long and perilous depression. As wave after wave of economic disaster submerged us we became more and more desperate and like a drowning man reached for a straw.

And there was liquor ready with the straw. The hour for which the arch foe had waited was at hand.

In a struggle for material existence we raised the dollar above the soul. Dollars were few after 1929. Yet we made those dollars fewer, so far as the substantials of life were concerned, when by repeal we invited their wastage on liquor.

We were told by our opponents that with the repeal of prohibition, with the Nation free from what they were pleased to term "prohibition poison," free from the resentment against the "thou shalt not" of prohibition which they said was driving increasing multitudes to drink, moderation and temperance in drink would develop and the evils due to liquor would lessen.

What happened?

Stocks of whisky in the United States at the close of the fiscal year ending June 30, 1937, amounted to 445,285,663 gallons.

This was 167,000,000 gallons more than were in the United States at the close of the fiscal year ending June 30, 1914, the peak year in all our history for whisky stocks in existence. The amount of whisky in the United States last year was, therefore, an all-time high in American history. This indicates that a larger volume of consumption is anticipated by the liquor trade than ever before.

Of these whisky stocks, 1,846,181 gallons were over 4 years old; 13,880,214 gallons were 3 to 4 years old; 46,879,936 gallons were 2 to 3 years old; 163,669,344 gallons were 1 to 2 years old; 219,009,988 gallons were less than 1 year old.

Note the fateful stairway.

During this same fiscal year whisky distilleries increased from 112 to 126; all liquor distilleries, including whisky, from 269 to 273. Liquor imports, including wines, increased to 20,000,000 gallons from 13,000,000 gallons during the preceding fiscal year. During the fiscal year ending June 30, 1937, there were 437,380 retail liquor dealers in the United States as compared with 422,587 such dealers during the preceding fiscal year. This number of retail spirituous-liquor dealers and malt-liquor dealers for the fiscal year ending June 30, 1937, was almost two and a half times the number of retail liquor dealers in 1919, the year the eighteenth amendment was ratified. Retail liquor licenses are now being issued in the proportion of about 1 for every 295 of our entire population. I have taken these figures as to production and consumption of liquors, number of retail liquor dealers and licenses from the records of the Bureau of Internal Revenue.

It is estimated by Editor and Publisher, an established journal for the newspaper trade, in its edition of December 18, 1937, that in the 4 years of repeal since 1933 the sum of $75,000,000 has been expended for promotion of alcoholic liquors in newspaper advertising alone, not including magazines and other periodicals, and not including radio advertising, billboards, and other forms of publicity. It is said in the course of this estimate that the liquor interests are seeking space in college publications, that National Advertising Service, Inc., New York, representing 876 college newspapers, has announced that 101 of these college papers now accept beer advertising and that 25 of the leading ones take advertising for hard liquors.

So skillfully are these liquor ads devised and so alluringly presented that they may well account for one of the principal causes of the spread of the liquor evil.

First, I call attention to some of them with appeals based on the pretended quality of the beverage poison to which the American people are being taught by press and radio entering home and shop and office to become addicts. These contain the following expressions:

"A good head on a fine body."
"Made of choicest malt and hops."
"Controlled brewing."
"Rocked to bring out full true flavor."
"A gentleman's whisky."
"Richer whisky."
"Robust."
"A dry whisky—truly dry." (This is apparently a snare for the drys.)

Second, are those based on appeal to the pocketbook, reading in part as follows:

"High hat at low price."
"You use less. Two extra highballs to the pint."
"Unmatched value."

Third, comes the appeal to appetite, to wit:

"Judge quality by taste."
"Super smooth, friendlier to the taste."
"Goes down easily."
"True character and aroma."
"Its tang is mindful of an October morn on Chesapeake Bay."
"Superbly mellow."
"Brisk and keen flavored."

Fourth, comes the appeal to public approval, namely:

"Admiring throngs acclaim it."
"Bows to public preference."
"By public acclaim the best."

Fifth, comes the appeal to conviviality, expressed as follows:

"Presented in a spirit of friendliness."
"Warm up your welcome with" (a certain brand).
"If you are asked what Christmas gift, the answer would be" (another brand).

Sixth, comes the appeal to habit:

"You couldn't pry me loose with a crowbar."

Nor has the craft hesitated to invoke the appeal of the feminine. A properly appointed table with fine linen and cut glass and a delicate feminine hand about to pour wine is undoubtedly expected to create an appeal difficult to resist.

The appeal of nature is portrayed by a western sunset with the suggestion that the golden sunshine of the West has been bottled with a liquid poison.

An appeal to the historical is seen in the ad where the head of a great naval officer decorates an alleged gentleman's whisky and the name of a famous home another, and to make the lure all the stronger this aristocratic whisky is offered at a democratic price.

Nor is the appeal of the liquor ad confined to words alone. Present in connection with many liquor ads is the picture of the bottle. And what an assortment of bottles these ads present—square bottles, round bottles, flat bottles, crackled bottles, short bottles, tall bottles! How the imagination of the bottle makers has been called upon to fascinate the prospective customer! Big bottles, little bottles, red bottles, amber bottles, black bottles, blue bottles—all 99 of them hanging on the wall.

Not even his religious fervor has spared the Quaker, whose broad hat and flowing stock are made to adorn the label on a bottle of whisky. And he is made even to smile. Warming the guest in snowy coat and hat with a glassful of alcoholic brew is supposed to indicate the acme of hospitality, and a huge barrel is supposed to dispel all fear of scarcity.

By these and other means the liquor industry traps its victims. These ads with their glowing descriptions appear wherever it is hoped they will be seen and read. The liquor industry uses modern methods to ensnare. What a commentary on a civilization confronted with a depressed agriculture and a struggling manufacture, with unemployment technological and otherwise, with a third of the Nation insufficiently housed and fed and clothed!

What a lack of balance in the national character! What a weakening of that moral fiber necessary to find new frontiers in a national economy! What a menace to a generation which is to follow us! We are all too prone to criticize the youth of today for its alleged freedom, its alleged lack of moral strength, little mindful of the fact that we ourselves are responsible for the conditions, the environments, the institutions, the habits and practices and temptations that degrade and damn the innocent, the unsuspecting, the unthinking, the susceptible, and the immature.

Now what further has happened in connection with the liquor traffic since repeal?

There has been a steady increase since repeal in offenses for which liquor is directly responsible. The ratio per hundred thousand of the population of those charged with intoxication was 102.6 percent more in wet 1936 than in 1932, the last complete dry year. The ratio of arrests for driving while intoxicated was 48.7 greater in wet 1936 than in 1932, the last

complete dry year. See Uniform Crime Reports, Federal Bureau of Investigation, Department of Justice.

The average population of Federal penal institutions for the fiscal year 1937 was the highest in the history of the Nation, and the number of commitments for violations of Federal liquor statutes had reached 5,390, an all-time high. See Annual Report, Attorney General, United States, 1937.

The annual reports of the Attorney General of the United States show that in 1927 under prohibition 26.1 of the total commitments to Federal penal institutions were for violation of the liquor laws, that under repeal the percentage rose to 39.3 percent in 1934, 51 percent in 1935, 52 percent in 1936, and 51 percent in 1937.

Traffic fatalities continued to grow during the calendar year 1937, despite the best efforts of highway engineers and the makers of motorcars to eliminate hazards. The National Safety Council has reported that traffic deaths during the calendar year 1937 were 39,700, an all-time high, that the number of these deaths was 39,000 in 1935, 38,000 in 1936.

A statement by Dr. Walter R. Miles, of the Yale Institute of Human Relations, in an address in December 1933 may be summarized as follows: Although alcohol is directly mentioned in only 7 to 10 percent of fatal highway traffic accidents, it is the belief of informed traffic officials that a third of such accidents were at least partly chargeable to use of alcohol by the driver. During the preceding 15 years more of our citizens had been killed in automobile accidents than had lost their lives in military action or died of wounds in all our foreign and domestic wars. Our death toll from the automobile was approaching 100 lives per day and the number injured in various degrees short of death amounted to nearly 2,500 per day. Although the percentage of alcohol's contribution to these figures cannot be stated exactly, it is known to be quite material. Alcohol is among the more specific things that can be pointed to as predisposing causes in the auto accident picture.

The manufacturers of automobiles, aroused by figures from the New York State Motor Vehicle Bureau to the effect that the number of driving licenses revoked during the first 6 months of 1937 was nearly double the number of those revoked in the first 6 months of 1936, while convictions of intoxicated drivers by the New York courts rose 58 percent in the same period, are taking up the problem of the drunken driver. The Automobile Manufacturers Association has already appropriated $300,000 for a general safety campaign. Alvin McCauley, president of the association and also president of the Packard Motor Car Co., made the following statement in connection with these disclosures:

> In view of the rise in accidents from this cause we will concentrate on just that thing—drunk driving.

In an article in the New York Times of December 5, 1937, the fourth anniversary of repeal, Yandell Henderson, professor of applied physiology, Yale University, and long-time student of liquor problems said that all classes of motor accidents are being steadily decreased by measures of traffic supervision, except one, but that in this one class the increase outweighed the decrease in all others; namely, the class of accidents occurring chiefly between sunset and early morning, the class in which alcoholic intoxication plays a major part—that the numberless empty bottles and flasks tossed from cars along our highways tell their own story.

While every encouragement should be given to mechanical and highway engineers and to scientists in their studies of highway deaths and injuries, we are, as I view the matter, indulging in a vain hope if we use this method of approach alone. It is not sufficient to devise methods for determining after the accident whether a driver has been drinking. A far more effective way would be to alter our present policy of making liquor readily accessible and of stimulating its sale and consumption with Government sanction.

The Nation and the States are now launching a new venture for the promotion of social security in order to provide insurance against unemployment and against dependency, to provide old-age pensions, public-health benefits, maternity aid, and child welfare. For many years sociologists have recognized that liquor has been a large factor in rendering men unfit for employment, in creating dependency, and in undermining the public health. A recent Government survey shows from 8,000,000 to 11,000,000 out of work. If we are to deal intelligently with the problem of social security we must study the causes of insecurity. According to a careful estimate, the national drink bill for the last fiscal year was between three billion and three and a half billion dollars, and it continues to increase. In view of the growing inroads of the liquor habit on the earning power and employment capacity of the people, good business and sound social policy suggest the need for determining the extent to which the widespread and multiplying use of liquors and the diversion of mass purchasing power are contributing to our present social and economic problems. Clearly the liquor traffic is one of the chief causes of social insecurity and its abolition would lift a tremendous burden in the matter of expenditures for the relief of the human wreckage this traffic produces.

With all the evils which the liquor traffic brought upon the Nation before the passage of the eighteenth amendment returning in multiplied degree and in new and more dangerous guises within 4 years after repeal, it is little wonder that our old antagonist, the United States Brewers Association, at its diamond jubilee convention at Pittsburgh in October 1937, issued a call for all brewers throughout the country to close ranks for intensive resistance to what speakers at the convention had characterized as the new tide of prohibition sentiment. Alarmed by the gains recently registered by the drys in local option elections in large and widely separated areas, the convention urged all sectional, State, district, and local brewers' associations, boards of trade, institutes, and exchanges to consider local option as essentially their problem and to join in efforts to defeat the dry return.

During 1937, three State-wide elections were held, in each of which the total vote throughout the State was against legalized liquor sale, to wit: Alabama, Georgia, and Tennessee.

In Alabama a beverage control act was submitted to a vote on March 10, 1937. It permitted counties voting in favor of it to regulate and control the manufacture and sale of spirituous alcoholic beverages, malt beverages of 4 percent alcoholic content, and vinous beverages of an alcoholic content of 24 percent or less, through the establishment of State liquor stores. In counties voting against the measure the statutes of Alabama prohibiting the manufacture, sale, or distribution of alcoholic beverages were to remain in full force and effect. The total vote cast in the State was 98,051 for and 100,473 against the measure, a State-wide dry majority of 2,422. Twenty-four counties voted wet, and liquor sale by State stores was legalized immediately in those counties, while the 43 counties voting against the measure remain under State prohibition. Several elections have been held since in that State, but the wet-and-dry status remains the same.

In Georgia the drys defeated, on June 8, 1937, a proposal to repeal the prohibition statute effective in the State since January 1, 1908, by a vote of 103,097 to 94,575, a dry majority of 8,522.

The State of Tennessee, in an advisory referendum on September 23, 1937, voted 3 to 1 against the repeal of the present prohibition laws in that State. The official vote was 103,276 against State repeal to 36,839 for such repeal, a majority of 66,437 in favor of the retention of State prohibition.

There are 35 States in which, under present liquor laws, opportunity is afforded under local option for an expression of the sentiment of the people in local governmental units on some phase of the legalization of the traffic in alcoholic beverages. These laws vary greatly in regard to the manner of calling an election, the frequency with which the elections may be held, and the questions which may be placed upon the ballot. Summaries recently compiled show that increasingly the people are availing themselves of the opportunity to protest in some form against the sale of liquor.

Thus in the State of Texas, my home State, latest advices show that as of December 17, 1937, out of a total of 254 counties, 114 are wholly dry, 96 are wholly wet, 42 permit sale of 4-percent beer only, and 2 permit sale of 14-percent beverages.

In Maine, where local-option elections are held in each town biennially in the even years, on spirits, wines, and beer, 267 of the 515 towns, or 51.8 percent, voted dry in 1936. Eight towns permit sales of spirits and 27 beer only.

In Michigan, the capital city of Lansing, voted in November 1937 against the sale of hard liquors by the drink, as did also the cities of Kalamazoo and Royal Oak.

In Pennsylvania, during 1937, 79 communities voted against liquor licenses and 98 against beer licenses. In the communities of Ohio in which the vote was taken in 1937, 58 voted against sale of hard liquor and 26 for the sale of it, while 56 voted against beer and 25 for the sale of beer.

These results are striking indications that the people are becoming dissatisfied and convinced that repeal promises have not been kept, also that present conditions resulting from the sale of liquor need to be changed.

It will not do to say that prohibition will not prohibit. It will prohibit if public opinion is sufficiently behind it. It is my conviction that a public opinion thoroughly informed regarding the antisocial nature of alcoholic drink and the alcoholic trade is rapidly developing in this country.

It is my further conviction that the American people will not tolerate this evil much longer, and that we shall be called upon as Federal lawmakers once again to enact national legislation to eradicate the greatest social menace in the history of civilization, the traffic in beverage alcohol, a traffic that expends millions to keep the alcoholic lure alive. That traffic is going to such lengths as to make certain another fall.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. ASHURST in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, in the course of my remarks yesterday I asked and received permission to have printed in connection with my remarks a table which presents a comparison of crimes committed by Negroes and whites in the city of New Orleans with those committed by Negroes and whites in the city of Washington, D. C. I propose to say a few words in addition to what I said yesterday with reference to that table, and I ask that that table be reinserted in today's RECORD following my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana that the table be printed in the RECORD at the conclusion of the Senator's remarks? The Chair hears none, and it is so ordered.

[See Exhibit A.]

Mr. ELLENDER. Mr. President, as I pointed out yesterday, the total population of the city of New Orleans in 1930 was 458,762 persons. I take the figures for 1930 because those are the only census figures available at this time. Of the total population of New Orleans, 129,632 were Negroes, or 28 percent of the total. In the city of Washington, or the District of Columbia, the total population in 1930 was 486,869, of which 27 percent, or 132,068 persons, were Negroes.

Let us now examine again the difference in the number of persons who were arrested for certain crimes in these two cities, not only to compare the number of colored persons arrested within the city of Washington with those arrested within the city of New Orleans, but also to compare the number of white persons arrested for crime in the city of New Orleans compared with the number of white persons arrested in the city of Washington.

I do not pretend to charge that the authorities of the city of Washington are not attempting to do their duty with reference to law enforcement. Any argument to this effect would fail, because the table I refer to shows that almost the same number of white persons were arrested in the city of Washington as were arrested in the city of New Orleans.

There is very little difference between the number of white persons arrested in the two cities. However, I do wish to point out to the Senate again the vast difference which exists between the number of arrests and incarcerations of Negroes in New Orleans and the number recorded in the city of Washington. I think the table is worthy of the consideration of the Senate, because it shows conclusively that the District of Columbia, which is under Federal control, which operates under and by virtue of statutes enacted by Congress, which deal exclusively with the people in the District of Columbia, has failed in law enforcement when comparison is made with what the people and the law authorities in New Orleans have done with its Negro problem. I propose to show that the Federal Government has failed in that respect.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Has the Senator made any comparison between Washington and other cities than New Orleans—say Chicago or Cincinnati?

Mr. ELLENDER. No; but for the information of the Senator I will say that I am working on that proposition now, and at the proper time I intend to place in the RECORD such data as I may obtain. I am now working on a comparison not only in regard to Chicago, but I am taking various cities in the South and adding their population in order to get a population equal to that of a certain city in the North; my purpose being to show the vast difference in arrests when comparison is made with the population of a number of southern cities which equals the population of a city in the North.

Mr. POPE. What is the Senator's explanation of the difference in the number of arrests of colored people in the city of Washington compared to the number of arrests of colored people in New Orleans, a city with about the same percentage of population?

Mr. ELLENDER. I shall be frank with the Senator and state what I sincerely believe to be the cause for it. I stated yesterday and I cannot find any other reason for it, but down South a Negro is polite by instinct. He has not the intelligence to discriminate, and the moment he is given some little authority, a foot of it, he will attempt to take a yard. Up here in Washington it is necessary that I pass through a portion of the Negro district on my way to my apartment every day, and I see many things that are repugnant to a southerner. I will not say this condition would not be permitted in parts of the South, but the white people there know where to draw the line and the associations would not be in the same manner, nor would social equality be permitted or tolerated as is done here in Washington. We know the colored man to be an imitator, and when he is put on a basis of social equality with the white man he tries to follow and do what the white man does. He may have a certain degree of ambition but his judgment is poor, and when he imagines himself equal to the white man he feels that he can do the same thing with respect to the white race that a white man can, and there is where he gets into trouble.

I maintain that the people of the North, as individuals, are more opposed to associating with the Negroes than are we in the South. They are less tolerant of the Negro than the southerners. And, as I said, the Negroes in the North violate the law more than those in the South because they are more impudent. They get to feeling that they are equal to the white man, and what he can do they can do; and the first thing you know they have overstepped the law and land in jail.

In those communities in the South where the Negro population is far in excess of the white population Senators will find a greater amount of infraction of the law than in those places where the white population predominates. Why is that? Because in such places the Negroes take for granted that they are stronger and have a right to associate socially with the whites. Then he deserves all the trouble he gets into. I want the Senate to know that at no time in my experience as a lawmaker has the Legislature of Louisiana or any municipal body in Louisiana ever attempted to establish a difference insofar as the property rights and economic rights of the two races are concerned. However, we draw the line with respect to legislation that will make it possible for the whites and the colored to rub elbows together; because, I repeat, and I hope it will sink in, political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

It may not occur in my lifetime but it is coming. If the attempt is made to amalgamate the two races a Nation of half-breeds will result.

From the action of some northern politicians it seems very obvious that they have agreed to put the Negroes on the same equality with the whites. Their ignorance is pitiful, and I do not think they have considered the result. I do not think the people of the North realize what is being promoted, but I propose to show that it is going on, and to read statutes from every State in the Union that has passed laws indicating that tendency. I will show how a small handful of Negroes congregate in large cities in the North, a community here, a community there, and under the leadership of some low white, they are able to get together with the politicians of those States who are willing to trade social-equality legislation for their vote. I cannot believe that the white people of those States know that that is being done. If they did, pride in their own race would prevent it.

Mr. President, I am glad of the interruption by the Senator from Idaho [Mr. POPE].

I now return to the tables. As I pointed out yesterday, in 1935 in the city of New Orleans there was a total of 1,527 arrests, both whites and blacks, for murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto thefts. Keep that figure—1,527—in mind.

In the city of Washington during the same year, for the same offenses—no additional offenses, but for the same offenses—there was a total of 2,985 arrests as to both races. In other words, in the city of New Orleans, where the Negro population is 28 percent of the entire population, there were 1,527 arrests, 735 of which were of persons of the colored race, and 792 were white persons.

In the city of Washington, out of a total of 2,985 arrests, 2,004 were arrests of colored persons and 981 were arrests of white persons.

In other words, in the city of Washington in the year 1935 more than two Negroes were arrested to every white person arrested, although only 28 percent of the entire population of Washington is composed of Negroes. Stop and think of that. With 28 percent of the entire population of the city of Washington made up of Negroes, 2,004 Negroes were arrested as contrasted to 981 white people.

Now, let us take the figures showing the number of arrests of white persons in Washington and compare them with the number of arrests of white persons in New Orleans, and note the difference. In the city of Washington, with a total population of 486,869, according to the 1930 census, 981 white people were arrested in 1935, whereas in New Orleans, with a total population of 458,762, 792 white people were arrested. In Washington approximately 200 more white people were arrested than were arrested in the city of New Orleans.

Now, let us take the figures for the year 1936, which paint an even more graphic picture of what I am attempting to show the Senate, namely, that the city of Washington, which is under Federal control and operated under the eyes of the Federal officials, has utterly failed in its efforts to deal with the colored problem. Yet the effort is being made to send Federal officers into the South to show us how to deal with the Negro problem, when the Government has proved itself unable to cope with the situation at hand.

The figures for 1936 paint a darker picture than do those for 1935, about which I have just been speaking. In New Orleans, with a Negro population, I repeat, equal to 28 percent of the total, 718 Negroes were arrested in comparison to 753 whites. In other words, with 72 percent of the population of New Orleans composed of white people, 753 whites were arrested, and, with 28 percent of the population made up of Negroes, 718 Negroes were arrested, making the total number of arrests 1,471.

Now, let us see what the condition in this respect was in the city of Washington. With a total population of 486,869, of which 27 percent were colored, 777 white people were arrested in Washington, while of the Negroes, numbering only 27 percent of the population, 2,810 were arrested, making a total number of arrests, Negroes and whites, of 3,587.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Do I correctly understand the Senator's argument and the statistics which he submits to establish the fact that in the North, whence this measure comes, the percentage of criminality and law violations among the colored people is very much higher as compared with their population than it is in the South, against which this bill is aimed?

Mr. ELLENDER. That is correct.

Mr. CONNALLY. In other words, the northern people have made such a sorry spectacle of their own law-enforcement activities against the colored race that instead of suppressing crime they have stimulated and increased crime to a much larger percentage among the colored population?

Mr. ELLENDER. Yes; and let me say to the Senator that, in my opinion, the best thing that could be done would be to send a few good southerners into the North to show the people of that section how to deal with the problem. I invite the law-enforcement officers of the North to try the experiment. They would benefit by it.

As I emphasized yesterday, we of the South do not hate the Negroes; we like them; but we see to it that socially they remain separate from the whites. We do not rub elbows with them. That is the distinction made and that, it seems to me, is the cause for the much better conditions in the South amongst the Negroes with respect to crime, as compared to conditions in the North. I invite anyone to argue against that statement; I should like to hear his opinion; personally I cannot conceive of a convincing argument that can be advanced.

To return now to the table and to finish my comparison: The total number of arrests for the crimes specified in the city of Washington, with almost the same population as that of New Orleans, in 1936 was 3,587, while in New Orleans it was 1,471. In the city of New Orleans 753 white people were arrested as against 718 Negroes, while in Washington 777 whites were arrested as against 2,810 Negroes. The Members of the Senate can see how close these figures are with reference to law enforcement pertaining to the whites of the North in a city of considerable size, as compared to the whites in the South in a city of approximately the same size. As I said a while ago, because of that fact, it would be foolish to argue that in the city of Washington there is a laxity of law enforcement. I say that if law enforcement in Washington had broken down at all, it would have broken down for the white people as well as for the Negroes. But that record speaks for itself, and I hope every Senator will study it.

Mr. President, I now ask, What interest have certain States in this measure? When I am able to show that during their entire existence from the time they were admitted to the Union until today, there are instances where less than one-tenth of 1 percent of their entire population are Negroes,

I think it may be admitted that such States do not have to contend with the same problem that confronts us in the South. As I said previously, in places where the Negro is in the majority, watch him. Where he is in the minority it is not necessary to pay much attention to him; he will usually stay to himself.

In the large cities, however, where Negroes congregate, as, for instance, in New York, we know who the kingpin is in Harlem. He preys upon their ignorance and incites them. Always he is a white man, and he has colored henchmen there, and in Indianapolis, in Chicago, and in other localities where there may be five or six Negroes to one white man. These Negroes are the small kingpins, and they are demanding to have certain things done for them in the legislatures of their respective States in return for their vote. Most of them demand social-equality laws, of which I will give a few examples to the Senate later and incorporate them in the RECORD.

I asked the question yesterday, What interest has the State of Maine in this measure when its Negro population is less than one-tenth of 1 percent of its total population? Now I will cite New Hampshire. In 1930 two-tenths of 1 percent of the population of New Hampshire were Negroes.

It is strange to note, in studying this problem, that in the early days of our country's development there was a greater proportion of Negroes found in the first States of the Union, in the North, than are found in those States now. I will state the reason for that condition. The South has been accused of fostering the slavery question, of keeping it alive, and of luring Negroes down into its territory. The records show, however, that in the early days the Northern States were as much interested in slavery as were the Southern States. The reason why the slavery traffic which later agitated the Northern States did not prosper was that their climate was too severe on the colored folk, whereas the climate in the South was much the same as that of dark Africa from which the Negroes had come. It is evident that the only reason why slavery did not spread in the North was because the Negro was not an economic asset for the North; but he was for the South. That is why, I believe, in years gone by the Negroes congregated largely in the South; and, as I remarked yesterday, the South has most of them there yet. We do not intend to drive them out; we deal with them fairly; but we do not propose, so far as I am concerned—and in saying this I think I express the true sentiment of every southerner who has had dealings with the Negroes—to mix with them socially. We will never amalgamate our white people with the Negroes; we intend to keep the races separate.

Recurring now to this table, I repeat that New Hampshire according to the census of 1930, had two-tenths of 1 percent of Negroes in its population. In 1920 one-tenth of 1 percent of its population were Negroes, and the highest percentage of Negroes it has ever had was six-tenths of 1 percent, which was away back in 1790, and which brings out the point I just made, that in the early days, the Negro slave was welcome in the Northern States and would have been encouraged to remain had the climate favored him.

Let me inquire now, What interest has Vermont in this measure? Can any Senator rise on the floor of the Senate and say that Vermont, with a population of two-tenths of 1 percent consisting of Negroes, understands the Negro problem as does the State of Mississippi, whose population is 50 percent Negro?

Senators, can you agree that a man from Vermont would be as familiar with the Negro problem as a Mississippian or a South Carolinian, in whose States the Negro population is almost equal to the white population, and where at one time the Negro population was seventy-odd percent of the total? I say such an individual cannot know the problem. What ought to be done, in justice to the South, is to forget politics and to consider seriously the far-reaching effects of this problem. America must stand for white supremacy; for if we do not, I say to you that our civilization will deteriorate as did that of Egypt, of India, of Haiti, and of other countries of the world in the past. That is what may happen to us, and I am not willing to silently permit it.

Louisiana has had as much as 59 percent and now has 37 percent of its entire population Negro. What right has Massachusetts, with a little over 1 percent of its entire population Negro, and that 1 percent congregated principally in Boston and two other of its large cities, to come here and tell Louisiana how it should handle its Negro problem? It seems I recall reading that the people of Massachusetts had slaves in the early days, believed in slavery; and away back in 1790 and 1800, 1.5 percent of the entire population of the State were slaves.

Let us now take the case of Rhode Island. In 1790 Rhode Island had 6.3 percent of its entire population colored. Today the proportion has simmered down to 1.4 percent. I again ask how can you compare the knowledge of Rhode Island on this issue with that of a Southern State which is dominated by Negroes as far as population is concerned?

Members of the Senate, I could go down the list and show that the ratio of Negroes in the various States of the North is so small, so infinitesimal in comparison to the total population of the Southern States, that the people of the North cannot possibly know or understand anything about the Negro problem, and that they should leave it to those who are unforunate enough to have the Negroes as their wards.

All Senators know what occurred soon after the Civil War. Societies were organized throughout the country to deal with this problem. What was proposed? To deport the Negroes; to send them to Liberia; to send them to the continent whence they came; and today we have active societies that are still demanding that that be done. There is little force back of them, but they continue to function.

Now let us revert to the South. I am sure the State of Virginia ought to know something about the Negro problem, because within its borders, since it has been admitted to the Union, as high a proportion as 43.4 percent of its entire population has been composed of Negroes.

Take the case of the State of North Carolina, another Southern State. During its entire history the greatest number of Negroes in that State amounted to 38 percent of the entire population. Can it be said that the Representatives and Senators from North Carolina do not know more about the Negro problem than those from New Hampshire, which has only two-tenths of 1 percent Negro population?

Take the case of South Carolina. I must correct an error made previously. The greatest proportion of Negroes of the entire population of South Carolina at any time in its history was 60.7 percent. I stated seventy-odd percent a while ago.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Maryland.

Mr. TYDINGS. Would the Senator welcome some questions about the pending bill at this time, or would he prefer that I should not interrupt him?

Mr. ELLENDER. I do not mind interruptions. I will answer the Senator's questions if I can. I shall be glad to endeavor to do so.

Mr. TYDINGS. I have a couple of short questions. I have no desire to consume undue time.

It has been represented to me that as the bill is now drawn, if a person thought to have been guilty of a crime is lynched before the sheriff obtains custody of the supposed criminal, the provisions of the bill would not apply.

Mr. ELLENDER. To the officer.

Mr. TYDINGS. To the officer and the county.

Mr. ELLENDER. No, sir; to the officer. Read section 3, as it applies to the criminal aspect of the bill as it affects all officers, and section 5, as it applies to the civil liability of the county or governmental subdivision of a State to which the State shall have delegated police powers.

Mr. TYDINGS. Would they still apply to the county?

Mr. ELLENDER. Yes, sir; under section 5, as I understand it, the provisions of the bill would apply, and that is what I propose to discuss in a few minutes. I can hardly conceive of a case where the county would not be made liable, whether or not the culprit were in the hands of the officers. I invite comparison of the language in sections 3 and 5 of the bill.

Mr. TYDINGS. My understanding is that unless it could be shown that the sheriff was negligent and failed to try to apprehend the supposed criminal, the bill would not apply; that it would apply only where the sheriff could be proven to be negligent.

Mr. ELLENDER. That is not my understanding of the bill, Mr. President. I may have misread it. What the Senator states applies principally under section 3, as it affects criminal prosecution against the officer; but, so far as the civil liability is concerned, as I understand, this is the situation:

I may be here in the Senate doing my duty as a Member of it. The sheriff of the parish of Terrebonne may apprehend a criminal who is charged, let us say, with rape. The sheriff may put the man in jail; he may do all he can do to keep his prisoner in custody; and yet if one of my constituents goes near the jail, and the sheriff says, "Mr. John Doe, I want you to help me prevent this man from being lynched," and John Doe says, "No, no; I am afraid I might be shot," and he walks away, and the man is lynched, under the pending bill I, as a taxpayer, may be made to pay the next of kin of the man lynched from two to ten thousand dollars. I quote from the bill, page 9, line 18:

> That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof, when called upon by any such officer, used diligence and all powers vested in them for the protection of the person lynched—

And so forth. What does that language mean? How could a county escape?

Mr. TYDINGS. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not think the Senator grasped the import of my question. My question was this:

As I understand the bill, if the sheriff gets custody or tries to get custody of a man accused of a crime, and then a mob takes him away from the sheriff, or seizes the accused before the sheriff can arrest him, assuming that the sheriff tries to apprehend the prisoner first, in that case the fine would apply. My question was, Would it apply if the sheriff did not secure custody of the accused, but the mob seized the accused and lynched him before he could be taken into custody? My understanding is that in that case the fine would not be levied on the county.

Mr. ELLENDER. Yes; I do understand the Senator. The bill creates two separate and distinct conditions under which criminal and civil liability may be imposed. When the officer has custody of the criminal, and uses due diligence, and fails to hold the victim after exercising all due diligence, he may not be fined and sent to the penitentiary, provided he has used due diligence in apprehending the members of the mob who took the prisoner from him; but when it comes to the imposition of damages against the county, I do not understand that the bill relieves the county should the lynching occur, whether or not the culprit is in the custody of the officers of the law. It is so worded that no legitimate defense could be made to free the county from liability, and all the county could do would be to pay off. That is the way I interpret section 5 as it affects the county. Study the language as it relates to the burden of proof imposed on the county and to which I have referred.

Mr. TYDINGS. I think the Senator is right; but he has not answered the question which I addressed to him. Let me ask it again.

Mr. ELLENDER. As I understand, one of the things the Senator wishes to know is whether it is true that unless the culprit is in the hands of the officer, the officer is not responsible. That is correct in a way. He is not responsible if he is able to show that he did not willfully neglect, refuse, or fail to make all diligent efforts not only to protect the culprit he has in custody but if perchance he loses custody he must further show that he used diligence, and so forth, to apprehend the persons who formed the mob and who took the culprit from his custody.

Mr. TYDINGS. Then may I ask the Senator a further question? The Senator has just said, in effect, that if the lynching takes place without the culprit being in the hands of the law, the fine does not apply.

Mr. ELLENDER. The fine and imprisonment to the officer do not apply, provided the conditions I have just mentioned are met.

Mr. TYDINGS. I am talking about the fine to the county.

Mr. ELLENDER. I did not have the county in mind. I refer to the officer. No liability can be invoked against the officer unless the culprit is in his custody; provided further, however, as I heretofore stated, that such officer is not guilty of having failed in his duty to apprehend the persons forming the mob. Read lines 5, 6, 7, and 8 of the bill on page 8.

Mr. TYDINGS. As I understand, if the officer exercises due diligence, or at least if it cannot be proved that he has been negligent, and the culprit never has been in the hands of the law, in that case neither the county nor the sheriff is subject to fine.

Mr. ELLENDER. No; in the section dealing with the officer there is nothing to make the officer civilly liable. He is amenable only to the criminal law—that is, to a fine or imprisonment, or both. Unless and until the culprit is in his hands, and if not in his hands, if he has used due diligence to apprehend him, he is not amenable to the criminal provisions of the proposed bill. Should the culprit be in his hands, he must further show that he diligently tried to apprehend the members of the mob.

Mr. TYDINGS. The Senator has not yet grasped my question, if I may say so. Perhaps it is due to my faulty way of stating it. Let me state it again.

Assuming that the officer uses due diligence in attempting to apprehend and bring the accused into custody, on the one hand, and assuming that in spite of his having used that due diligence the mob gets the culprit first and lynches him, does the fine apply to the county?

Mr. ELLENDER. Yes; the fine does apply. Read section 5 for just a minute and digest it, if you will:

> Every governmental subdivision of the State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

The other sections deal with the officer, and as far as the officer is concerned the bill creates a criminal offense—not that he may be charged civilly, but that he may be prosecuted criminally. He may be sent to the penitentiary for 5 years. Whenever a lynching occurs, however, whether or not the culprit is apprehended by the officer, as I understand the bill, the county is responsible. I again invite the Senator's attention to section 5.

Mr. TYDINGS. The Senator has answered my question. Now let me ask him another question.

In order to hold the officer liable, of course, it would be necessary to prove affirmatively that he was negligent in the discharge of his duties. Am I correct in that statement?

Mr. ELLENDER. Negligent, and a few other offenses.

Mr. TYDINGS. Let us take the broad interpretation.

Mr. OVERTON. Mr. President, will the Senator yield in that connection?

Mr. TYDINGS. Let me finish my question.

Mr. OVERTON. The Senator from Maryland has the wrong interpretation.

Mr. TYDINGS. The senior Senator from Louisiana says I have the wrong interpretation. Before he asks the junior Senator from Louisiana a question, let me say that the question I asked was bottomed upon the fact that Senators state to me that it is their interpretation of the bill that the county

would not be fined if the officer had done all he could, and the culprit was lynched before he fell into the hands of the law.

Mr. OVERTON. The question propounded by the Senator from Maryland to the junior Senator from Louisiana involves the proposition that under the provisions of the bill the Federal Government, or the claimant, would have to show that the officer failed to exercise due diligence. That is not correct. All that the claimant would have to show would be that there was a lynching, and the burden of proof would be upon the officer or upon the county or other State subdivision to show affirmatively that the officer did exercise due diligence.

Mr. TYDINGS. Mr. President, will the junior Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. TYDINGS. In order to boil the matter down, the reason for my question to the Senator from Louisiana flowed from the fact that it has been represented to me that the bill in its application, if passed as written, might result in the sheriff having less of an inclination to apprehend and safeguard a culprit than under existing conditions. If that assumption be correct, I was asking myself the question whether or not lynching would be prevented to the same extent by the enactment of the pending measure, with that provision incorporated, or whether lynchings would be increased in number by the enactment of the measure; hence my question.

If the assumption that the county would not be fined if the sheriff had done all he could be sound, then the sheriff could put up a pretense of doing all he could, and conniving with the mob indirectly to lynch the man, because he would not want to be charged with bringing a $10,000 fine on his county, on the one hand. On the other hand, if the assumption be sound, I was going to ask the Senator whether he thought the law might not be an inducement to sheriffs to run away, to put up a fake semblance of executing the law, knowing that the mob was going to demand the prisoner, so as to eliminate the payment of the $10,000 fine by the county. That was the reason why I was asking the Senator the questions I have propounded. I would like to have his answer.

Mr. ELLENDER. Either way the matter were dealt with, I say that the law would not serve its purpose, that it will not prevent lynching. This measure is dubbed by its proponents as an antilynching bill but its title is as far as its meaning goes.

Mr. TYDINGS. From the Senator's knowledge of the South and the temper of the people in such situations as we have under consideration, does he believe the proposed statute would be an inducement to the sheriff to put up a semblance of discharging his duty, while at the same time he was conniving with the mob, in order to save the county the $10,000 penalty?

Mr. ELLENDER. It would open the door wide open for the concoction of such chicanery as the Senator indicates.

Mr. TYDINGS. Then how is it that the penalty could apply if the mob took the culprit and lynched him before the sheriff got him in custody, or tried to get him in custody, to all intents and purposes? The Senator answered that the fine would apply whether the sheriff got the culprit or not, and if that be true, what I had supposed would not be the case.

Mr. ELLENDER. No; but under the first assumption, the sheriff would not arrest the prisoner if he thought he could get away with it and let the mob get him, because after he got him he would be amenable to the law, and something might happen, after the culprit is arrested, to make the sheriff come under the law, and render him liable to be sent to a berth in Atlanta or Leavenworth, or pay a fine not exceeding $5,000.

Mr. TYDINGS. That is true, and I think the Senator has proven, to some degree, that perhaps in the execution of the law the sheriff might be less inclined to apprehend and safeguard a prisoner than without the law. That was one element of the question. The second part of the question is, would the county have to pay the $10,000 anyway?

Mr. ELLENDER. It would, as I interpret the bill.

Mr. TYDINGS. That has not been the information I have received, and I am glad to have the Senator make that clear.

Mr. ELLENDER. I cannot interpret the bill in any other way. Section 5, as I read it, does not purport to contain the same language that applies to section 3, relating to the obligations imposed on the officers of the law and the diligence they must exercise in order to apprehend a culprit, and what they must do after the culprit is in their custody and what they must further do should he be taken from them.

Mr. TYDINGS. Whenever a lynching occurs in a county, whether the sheriff has done his full duty or whether he has not done his full duty, whether the prisoner has been apprehended or whether he has not been apprehended, if a lynching takes place, the fine applies nevertheless?

Mr. ELLENDER. That is my interpretation of the bill. The bill makes it so difficult for the county to escape liability that the county can do nothing but pay off.

Mr. TYDINGS. Let me say to the Senator that many Senators with whom I have spoken hold a different view from that of the Senator from Louisiana.

Mr. ELLENDER. My interpretation, of course, may be wrong, but I invite further discussion from those who entertain the opposite view.

Mr. TYDINGS. That is an important consideration, and I wish someone would prepare himself to answer the question with some degree of knowledge, because if the assumption, not of the Senator from Louisiana, but of other Senators, be correct, the bill might be construed to be an encouragement rather than a deterrent of lynching.

Mr. ELLENDER. I contend it is an encouragement. I have said that all along. From every standpoint from which one looks at it, not only do I oppose the bill because it is an encroachment on the South, on States' rights, but for the reasons the Senator mentioned.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not wish to get into a discussion with the Senator, but the trouble with the argument as to the encroachment on State rights is that Congress recently enacted a law in which it was provided that the Federal Government could go into any town in the South, including the parish to which the Senator just referred, and regulate labor troubles there; and I believe the Senator voted for that proposal.

Mr. ELLENDER. I did. I may further state that I would repeat my vote if the opportunity presented itself.

Mr. TYDINGS. If the Federal Government can go into any State of the South and deal with a plant which is engaged in the manufacture of a product, the subject of commerce only in that State, the Senator has not much ground for standing here and arguing for State rights, because certainly there is more reason to go in and protect the life of an individual in a State, with the constitutional guaranties written as they are, than to go into a State and regulate troubles between labor and capital, where the labor is engaged in the production of a commodity not sent into interstate commerce.

Mr. ELLENDER. I am somewhat familiar with the bill to which the Senator refers. The interstate commerce clause forms the basis for holding it constitutional. If the pending bill can be so amended as to give the Federal courts jurisdiction over the crime when its commission begins in one State and is completed in another, we might get somewhere, and I might not have any objection to that. In such cases the Federal Government would have an absolute right to step in.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. But in the case of regulating a labor difficulty in the State of Louisiana the Senator drew no such fine distinction. He said that even though 99 percent of the manufacture of any plant went into intrastate rather than interstate commerce, the Federal Government had a right to go in. It seems to me that the proposition of State rights has been seriously weakened by certain recent approaches to that problem. In other words, it cannot be said that the doctrine of State rights applies when it suits and does not apply when it does not suit. If the principle of State rights is a valid one, if the Federal Government has nothing to do with the internal affairs of a State, then we ought to stick to that principle; we ought not to vote for it when we think it is going to be pleasant to a community, and vote against it when we think it is going to be unwelcome. The trouble is that the law to which the Senator alludes does permit the Federal Government to go into a State and regulate the purely State matter of wages, and hours, and what not.

Mr. ELLENDER. Because the manufacture of such goods affects interstate commerce.

Mr. TYDINGS. Here is the Constitution of the United States, the fourteenth amendment and other amendments, which provide that a man has the right to trial by jury, that a man has the right to equal treatment before the law, and many other rights are safeguarded; but I do not see any provision in the Constitution which gives the Federal Government the right to go in and deal with intrastate commerce.

Mr. ELLENDER. I believe the Senator is mistaken. The Supreme Court does not seem to take that view.

Mr. TYDINGS. The trouble is that the Senator supported a measure which permitted the Federal Government to go into a State and deal with interstate commerce.

Mr. ELLENDER. Yes; and I will support others along that line because the framers of our Constitution could not conceive of airplanes, could not conceive of the fine roads we have making the Senator's home town within 20 minutes of Washington, when in the old days it might have taken a week. Nobody suspected that the great State of North Carolina would have in its midst factories which would produce for the National Government three-hundred-and-some-odd millions of dollars in taxes, and the State of Mississippi only three million. No one conceived of such a thing. I say that because of those conditions I propose to vote for more bills along the line of that mentioned. By the way, there is on the Senate calendar now the so-called "educational" bill to provide better facilities for educating the youth of our Nation. We ask that the Congress help us, because we want to establish some kind of equalization fund to help the poorer States. We have established such a fund for Louisiana under our fearless leader, the late Senator Long, and today every child in Louisiana, whether he lives in a poor or rich community, can obtain the same educational advantages. We make the richer communities help the poor ones. Such a plan may encroach on State's rights, but I am for it. I believe I could justify my position.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I wish to read to the Senator what the Constitution provides. I read from the fourteenth amendment:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Mr. ELLENDER. That is correct.

Mr. TYDINGS. It further provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The point is that in the case I mention the provision of the Constitution is not implied in its reference to people. It is express, it is definite, it is concrete, it is clear. There can be no argument about it. But in the case the Senator sums up to support his argument, he relies on the interstate commerce clause of the Constitution.

Mr. ELLENDER. Which is found in another part of the Constitution.

Mr. TYDINGS. That is correct. If the Senator can stretch the interstate commerce phase of the National Constitution to take care of the internal conditions arising in the State of Louisiana, or in any other State, which are purely intrastate in character, how can he explain away the explicit and express and direct provisions of the Constitution? Unfortunately in supporting other measures the Senator has adopted a policy which tears down the doctrine of State rights, because he is for such action in the case to which he has referred, but while I appreciate the situation which exists in the South, how can the Senator stand on the doctrine of State rights as a defense of his present position when he has been in the forefront in destroying that doctrine on so many other occasions?

Mr. ELLENDER. I believe that if it can be shown that any goods are manufactured in a State and do not in any manner affect interstate commerce, they would not come within the purview of the law to which the Senator from Maryland refers. I believe those various points were discussed when the bill was under discussion and also when the farm bill was up for consideration during the special session held last month and the month before.

It is only when the manufactured goods come into competition in interstate commerce with other goods that the Federal Government would have jurisdiction.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I have not completed my statement.

Mr. TYDINGS. I must say that the trouble is that the Senator is talking about goods. I am talking about the relation of capital and labor. I am not talking about goods. I am talking about the men who work and labor completely in the State of Louisiana.

Mr. ELLENDER. I am speaking of goods which, after being manufactured, flow in interstate commerce. Goods, because our theory of reaching capital and labor is by controlling the flow of the product of both. Those who make them would not come within Federal jurisdiction unless they were engaged in the manufacture of goods which compete with other goods that are sent into the State and go into interstate channels. I think the Senator from Maryland knows that.

Mr. TYDINGS. I am not going to interrupt the Senator further, but I shall conclude with this observation. The trouble with legislation today is that the doctrine of States' rights is not dealt with as a consistent doctrine. It is only raised when it serves to promote the ends of a particular piece of legislation, and whenever the same doctrine interferes with some other aspect of government then, of course, it is abandoned. What I want to do is to follow men who believe in States' rights consistently, or who do not believe in them, and who do not vary their belief when it suits them politically, and then raise the question as a scarecrow when it suits them politically.

Mr. ELLENDER. Mr. President, there are quite a number of Senators in this body whom the Senator can follow, and who think as he does.

When I was interrupted by the Senator from Maryland—and I was glad to permit the interruption—I think I was discussing the proportion to the total of the Negro population at each census taken since 1790. The object of my discussion was to show that certainly where the percentage of the Negro population in a State is very small in comparison with the population of the Negroes in the Southern States, the people of that State should have small interest in the question, and I failed to see how it was possible for them to take this question seriously and to be in a position to pass upon it intelligently.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Does the Senator have the percentage of colored population to white population in all States?

Mr. ELLENDER. I have. I expect to put those figures in the RECORD. I will say to the Senator from Idaho that I have those figures from the census figures available from 1790 up to and including 1930. The table gives the percentage in each State of the Negro population, from 1790 up to and including 1930. The figures are very interesting.

Mr. POPE. In what States is the colored population the smallest?

Mr. ELLENDER. I will read the percentages. The Negro population in Maine is one-tenth of 1 percent. In North Dakota it is one-tenth of 1 percent. In South Dakota it is one-tenth of 1 percent.

In New Hampshire it is two-tenths of 1 percent. In Massachusetts it is 1.2 percent. In Rhode Island it is 1.4 percent. In Connecticut it is 1.8 percent. I am reading, as I said, from the 1930 census.

In New York only 3.3 percent of its entire population is Negro. I expect to show in connection with other figures which I propose to submit just where that Negro population is centered in those various States.

Mr. POPE. Does the Senator have the figures with respect to Idaho?

Mr. ELLENDER. Yes. I will come to Idaho in a moment, unless the Senator wishes me to give the figures just now.

Mr. TYDINGS. Give the figures for Maryland.

Mr. ELLENDER. Yes; I will.

In New Jersey the percentage of Negro population to white population is 5.2 percent. In Pennsylvania it is 4.5 percent. In Ohio it is 4.7 percent. In Indiana it is 3.5 percent. In Illinois it is 4.3 percent. In Michigan it is 3.5 percent. In Wisconsin it is four-tenths of 1 percent. In Minnesota it is four-tenths of 1 percent. In Iowa it is seven-tenths of 1 percent. In Missouri it is 6.2 percent. I have just given the figure for North Dakota. In Nebraska it is 1 percent. In Kansas it is 3.5 percent. In Delaware it is 13.7 percent. In Maryland it is 16.9 percent.

Mr. TYDINGS. One-sixth of the population.

Mr. ELLENDER. Sixteen and nine-tenths percent. However, I consider Maryland extremely fortunate in comparison to other Southern States, particularly nearby Southern States, in that the colored folks in Maryland, evidently because they were so close to the North, moved into Washington and into close-by Northern States, so that the Negro population in Maryland has gradually decreased from 1790. I will give the Senator a few figures with respect to that matter.

Mr. TYDINGS. The Senator does not need to give me the figures, because I am already familiar with them. Let me say to the Senator that a few years ago we had several counties in Maryland which had more colored people in them than white people. There has been an exodus of Negroes to the large cities in the North.

However, I wish to return to the basic point of our controversy. I am not speaking in a contentious way. The Senator says he is perfectly willing to stretch the interstate clause of the Constitution in order to see that the people who work in factories get better hours of work and wages, and his motives and idealism in that respect are thoroughly laudable. I want to know now how he can on the one hand stretch the interstate commerce clause of the Constitution to apply to remote things, and not stretch the direct, express implications of the Constitution to apply to the loss of human life.

Mr. ELLENDER. I wish the Senator from Maryland, who might be able to convince me, would take the Constitution, take all the jurisprudence that may affect the pending bill and argue its constitutionality. I shall be glad to yield the floor to the Senator from Maryland for a while to permit him to discuss that proposition. That is the question the Senator asked me, and I am going to leave it to him. I want him to discuss it, because I am unable to agree with him.

Mr. TYDINGS. I shall dispose of it very quickly. The Senator has pointed out that the Supreme Court, for the first time reversing itself, has held that the Congress has the power under the interstate commerce clause to go into a State and regulate conditions of labor between labor and capital. That is not set forth in the Constitution; that is only implied; and up to a recent date the Court took a contrary view.

I have just read to the Senator where the Constitution does provide in express language that a man shall have a right to a jury trial. I shall read it again so the Senator will get the exact words:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It is the clear intent of the Federal Government to see that not only shall a man have a jury trial but he shall have all the protection with which the Federal Constitution can surround him. I am not criticizing the Senator's position, but I am trying to show that from where I stand it seems most inconsistent that the Senator should advocate a wage and hour bill to fix the wages in a State, or a labor law to fix the working conditions in a State, and that he sees no incursion into and violation of State rights in those two cases, but he sees a terrible breach of State rights if the Federal Government tries to give a man a fair and impartial trial in a court of law, even though the Constitution expressly provides he shall have it.

Mr. ELLENDER. I might be willing to compromise my differences with the able Senator from Maryland if some day next week, or in the near future, he will take the Constitution from which he has read, and the jurisprudence on the subject, and show me wherein this bill is constitutional. I think it useless to enter into an extended discussion of the articles or paragraphs of the Constitution to which the Senator has referred. Surely if my State should pass a law violative of any of such provisions the injured would have his recourse. We do have laws punishing those who lynch, those who murder, and does not that meet the requirements of the citizen? The pending bill seeks to supersede the State in the enforcement of its own laws as they affect its own citizens.

Mr. TYDINGS. If the Senator will yield for just one more moment, I will say that I think that the reading of one or two constitutional amendments might be very apropos right here. I read:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

That is what the Constitution guarantees. What the Constitution guarantees is not implied in that respect. It is expressed, it is direct, it is mandatory that every person shall not be subject to unlawful seizure. In view of the fourth amendment we certainly have a thousand times more express authority to protect the lives of the humblest individual of this country than we have to go into a State and regulate its labor conditions, because the Senator can show me no place in the Constitution which provides expressly that Congress may invade the State and say how its citizens shall be educated, or how its labor and capital shall cooperate, and so on.

I should be more constrained to sit here and listen to the Senator, and to drink in the philosophy which he is expounding, if he himself had not taken the lead in tearing down the very thing that he now uses as a defense against this bill. The Senator cannot get away from that proposition.

Mr. ELLENDER. I do not know whether the Senator from Maryland was here and heard my argument yesterday

and earlier today, but I think the problem we are now discussing is more serious than the question of labor or any other proposition I can think of at this moment. I will even include the Constitution. I believe that many persons do not realize how far reaching such legislation as is now before us is, and what it will lead to. I am pleading for the preservation of our civilization, and I fear that what is proposed to be done now will eventually force upon us social legislation which, if permitted to be exercised, will bring decay to our civilization.

Mr. TYDINGS. That is a different thing.

Mr. ELLENDER. It is not a different thing. The Senator says he cannot absorb my philosophy and he cannot agree with what I have said about this bill. The only philosophy I have been preaching is the preservation of the white race. If we fail in this, not only will the whites suffer but the Negroes as well. I will attempt to demonstrate that the colored race is unable to govern, and that whenever and wherever it has been permitted to mix with the whites, decay set in and civilization was lost.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I do not take any issue with that position; I can understand the Senator's point of view perfectly and I can understand, whether I agree with him or not, the argument he is attempting to make in that respect; but the trouble is——

Mr. ELLENDER. The trouble with what?

Mr. TYDINGS. The trouble is the Senator's viewpoint.

Mr. ELLENDER. On this bill?

Mr. TYDINGS. Yes, on this bill; that on two occasions, as I have pointed out, he has already violated every philosophy which he now hopes to set up as a defense for his position. Therefore, many of us who might have gone along with him on the question of State rights, who believe that local self-government is one of the finest things that ever was created by man, who might have fought with him on that ground, are somewhat disillusioned that he can play for State rights or against it according as the circumstances fit his particular equation.

If the Senator will say as to men working in a power plant which is selling power entirely within the State of Louisiana, without an iota of it going out into any other State, that the Federal Government can go down there and regulate the differences between capital and labor in a purely intrastate transaction, which it does now, how can the Senator say that the Federal Government cannot go down to Louisiana and protect the lives of its citizens which its Constitution binds it to do?

Mr. ELLENDER. I am not going to further argue the point with the Senator from Maryland. However, I will make this observation that, as I understand his argument, in order to be consistent so far as the Constitution is concerned, he is going to have to vote against the pending bill.

Mr. TYDINGS. Will the Senator yield? I am going to leave the floor in a moment.

Mr. ELLENDER. Am I right or wrong about that? If the Senator wants to be consistent, in view of his vote against the labor bill, he will have to vote against the pending bill.

Mr. TYDINGS. The Senator has asked the direct question, and so I am going to ask him directly if in his own case he was consistent in the vote he cast on the labor bill will he not have to vote for the antilynching bill? How about that?

Mr. ELLENDER. That is where we disagree in the interpretation of the Constitution.

Mr. TYDINGS. The Senator is so inconsistent that his inconsistency makes him consistently inconsistent. [Laughter.]

Mr. ELLENDER. I feel I can take care of myself on that proposition. I can see a broad difference between the two propositions. I have been arguing this question from an entirely different basis, however. As I have stated on this floor oftentimes, I will do all in my power to preserve the supremacy of the white race. I am willing to go to the limit in order to accomplish that end. I again say that the best friends the Negroes have on earth are the white people, for if the Negroes were left to themselves they would revert to the barbarism of Africa from which they originally came. Before I complete my argument I propose to demonstrate that proposition from actual historical facts.

I can quote from the works of historians—I do not have them handy today, but I can get them for the RECORD—who all agree with reference to the Negro race that the average Negro, whether in the South or in the North, is very precocious and rather smart and bright when he is young, but as he grows older he becomes more stupid as time goes on. I do not want that kind of people to rule this Nation and cause our civilization to deteriorate.

Mr. TYDINGS. Mr. President, will the Senator yield to me once more, and then I will certainly have to leave the floor.

The PRESIDING OFFICER. Does the Senator from Louisiana yield further to the Senator from Maryland?

Mr. ELLENDER. I yield.

Mr. TYDINGS. I wish to say, in conclusion, that I did not rise to take issue with what the Senator is saying as to how he thought this question might work out eventually. It is perfectly logical to say that without the passage of this bill lynching may pass into the discard. I am not arguing that. The point that fascinated me was that the Senator was saying that the passage of the measure would be an outrageous invasion of State rights. I can see how he could make that argument with great force and logic; but what I cannot see is how he could make it when it supports the things in which he believes at the present time, and disregard it altogether in connection with other questions that were even more remotely non-State rights than is the case at hand. Therefore, I ask only for enlightenment. I myself have voted for State rights, so far as I know, without any variation. Therefore, the Senator might think I am an ally in this case, but since he has helped to write laws on the statute books which the Supreme Court has now shown contravened the old viewpoint of what State rights are, and the Senator helped to bring about that evolution in our judicial interpretation, I do not see how he can ask me, when he created this situation against which he complains, to support him now in his State rights argument.

If the Senator had held out for State rights when those other matters were under consideration, I could have at least said he was consistent and logical and had a belief in the great principle of State rights, but when he has abandoned that doctrine, how can he at the eleventh hour, after the whole picture is changed, appeal to me, as one who has tried to maintain State rights, to support his views? I do not want a State-rights principle that is applied when it is beneficial and is disregarded when it is injurious. If it is right it is right all the way through, and if it is wrong it is wrong all the way through. I am at the crossroads because, through legislation, in connection with which the Senator from Louisiana took the lead, the Supreme Court has changed its view and said that we have now a new conception of State rights. If that new conception is the law of the land, who am I, a lone Senator, to say, against the opinion of the highest court, that the old views which we once believed were true and accurate and which expressed the philosophy of this Nation, are to be revitalized and reestablished, when the Senator has so lately helped to tear them down?

Mr. ELLENDER. The trouble with the Senator from Maryland may be that he is still living in the past, in "the old horse-and-buggy days" [laughter]; we are now living in a new environment, under extremely new conditions in comparison to those conditions that prevailed when our forefathers drafted our basic law. I consider the pending bill as purely local in nature.

Mr. TYDINGS. I thought I was a modern. The Senator is standing up talking about the old days of State rights and the old South, and here I am battling on the frontier of civilization.

Mr. ELLENDER. The Supreme Court will finally decide who is right and wrong as between the Senator and I on our votes on the labor bill; and I am willing to trust the Supreme Court.

Mr. President, I believe I had reached the State of Maryland in answer to the question by the Senator from Idaho [Mr. POPE]. The Senator from Idaho asked the percentage of the Negro population in his own State, and I thought I would keep on reading from the list and insert the figures in the RECORD. I had reached Maryland, and I proceeded to show that the State of Maryland had, according to the census of 1930, 16.9 percent of its entire population made up of Negroes. The highest percentage of Negro population in its entire history was in 1810, when it had within its borders 38.2 percent.

In Viriginia, according to the census of 1930, the Negro population was 26.8 percent, and the highest percentage of Negro population in its history was 43.4.

The percentage of the Negro population in West Virginia in 1930 was 6.6, which is its highest.

The percentage of the Negro population in North Carolina in 1930 was 29, and the highest percentage in its history was in 1880, when it was 38.

The percentage of the Negro population in South Carolina in 1930 was 45.6, and the highest in its history was in 1880, when the Negro population aggregated 60.7 percent of the total population.

In Georgia the percentage of the Negro population was 36.8 in 1930, and the highest in its history was in 1880, when the percentage reached 47.

In Florida the percentage of the Negro population in 1930 was 29.4 and the highest percentage in its history was in the year 1870, when it reached 48.8.

In Kentucky, the home of the distinguished majority leader of this body, in 1930 the percentage of the Negro population was 8.6, and the highest in its history was in 1830, when it reached 24.7.

It is strange to note that a study of these figures shows that in all the border-line States—States near the North, near the Mason and Dixon's line—there has been a gradual decrease over the years of the Negro population, showing that from these border States there was a gradual migration of the Negro population to the North.

To Tennessee, which is another border State, the same statement applies. According to the census of 1930, the Negroes made up 18.3 percent of its population, which is the lowest percentage in its history except back in 1810, 1800, and 1790. The highest percentage was 26.1, in 1880.

The percentage of the Negro population in Alabama in 1930 was 25.7, and the highest percentage was 47.7, in 1870.

In 1930 Mississippi had a Negro population of 50.2 percent, and the highest percentage in the past was 58.5, in 1900. Since the year 1840 the percentage of Negroes in Mississippi has never been under 50.

I again ask, How can it be said that the people of Maine or the people of New Hampshire or any other Northern State, where the Negro population amounts to little or nothing, know anything about the problem of the Negro and the social aspects involved? I cannot understand how they are in a position to know much, if anything, about it; I cannot fathom it. I wish that some of those in the North who are so eager to regulate the affairs of the South would come down to the South, live in our midst for a while, and see conditions for themselves. I will venture to say that, if they should do so, in a short period of time they would become cognizant of the problem which confronts us, and instead of their proposing such legislation as is now before the Senate, we would probably get from them a greater degree of sympathy and constructive aid.

Senators, we know that we down South are dealing fairly with the colored race. It is very unfortunate that a few persons who might themselves be law violators have been lynched in the past; but, as I said yesterday, and as I pointed out in the course of my remarks, the South is doing and in recent years has done all in its power to prevent lynchings, and I know that we shall succeed in our efforts.

Take the case of Arkansas. The Negro population of that State today is 25.8 percent of the total. The highest Negro population in the State was in 1910, when the proportion reached 28.1 percent.

In Louisiana, my native State, the Negro population today is 36.9 percent of the total. The highest percentage of Negroes in our State in any year of our existence was in 1830, when 58.5 percent of our entire population were Negroes. I again ask with respect to Louisiana, Are not we in Louisiana in a better position to judge of this problem and to work out the solution than are the States in which only one-tenth of 1 percent of the population is of the colored race, or two-tenths of 1 percent, and so on?

Take the case of the great State of Texas, from which hail my esteemed colleagues, Senators SHEPPARD and CONNALLY, and our illustrious President of the Senate, Mr. Garner. In 1930 the Negro population of Texas was 14.7 percent of the State's total. The highest proportion in the history of the State was in 1870 when it reached 31 percent.

In Oklahoma the Negro population in 1930 was 7.2 percent of the total population. The highest proportion in its history was in 1890, when it reached 8.4 percent.

Coming now to the Mountain States, listen to this: In Montana the proportion of the Negro race in 1930 was only two-tenths of 1 percent of the total population. The highest proportion in the history of the State was in 1890, when it was 1 percent.

In Idaho, the State from which was elected the Senator who asked me some questions a little while ago [Mr. POPE], the Negro population in 1930 was two-tenths of 1 percent of the total. That was the highest proportion in the history of the State, except in 1870, when it was four-tenths of 1 percent; and I notice on this chart that in 1930, 1920, 1910, 1900, 1890, and 1880 the percentage of Negro population remained the same.

In Wyoming, the Negro population at the time of the 1930 census was six-tenths of 1 percent of the total. The highest proportion in the history of the State was 2 percent, in 1870.

In Colorado, the figures show that in 1930 the Negro population was 1.1 percent of the total. The highest proportion in the history of the State was in 1900, when it reached 1.6 percent.

In New Mexico, at the time of the 1930 census, seven-tenths of 1 percent of the total population were Negroes. The highest proportion in the history of the State was in 1920, when it reached 1.6 percent.

In the case of Arizona, the State whence comes our present Presiding Officer [Mr. ASHURST], at the time of the 1930 census the proportion of Negroes was 2.5 percent of the total. That is the highest proportion in the history of the State. In the State of Arizona the Negro population seems to be on the increase.

In Utah the proportion of Negroes in 1930 was two-tenths of 1 percent of the total population. The highest proportion in the history of the State was four-tenths of 1 percent, in 1850.

In Nevada the percentage of Negroes was six-tenths of 1 percent in 1930. The highest proportion in its history was eight-tenths of 1 percent, in 1870 and 1880.

Coming to the Pacific States, in the State of Washington the Negro population in 1930 was four-tenths of 1 percent of the total population. The highest proportion in its history was in 1870, when it reached nine-tenths of 1 percent.

In the case of Oregon, the Negro population in 1930 was two-tenths of 1 percent of the total population. The highest proportion in its history was 1.6 percent, in 1850.

In California, in 1930, the Negro population was a little over 1 percent of the total population—1.4 percent. That was the highest proportion in its history.

Mr. President, I ask that this table be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? There being none, it is so ordered.

(See exhibit B.)

Mr. ELLENDER. Mr. President, I also ask that another table, giving the exact figures of the respective populations of the colored and white races from 1850 to 1930 be inserted in the RECORD following the table I have just sent to the desk.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

(See exhibit C.)

Mr. ELLENDER. Mr. President, as I have stated on several occasions, there is no question, in my mind, that it is only the propaganda which is being spread throughout the country which is causing such organizations as the American Federation of Labor and many civic organizations to back this bill. Without speaking boastfully, if it were possible for me or anyone else who has an interest in this question, and who knows the true conditions, to appear before the American Federation of Labor or any other civic organization which is considering the question, I feel confident that we could convince them with facts that they are wrong in backing the bill which is now before the Congress, and such other bills on this subject as have been heretofore introduced in Congress and misrepresented.

The Senator from Texas [Mr. CONNALLY] stated yesterday there is pending today in the other House of Congress a bill seeking to authorize the Federal Government to take over from the States all marriage and divorce laws of the country. What is back of that bill? What is the reason for it? Mark what I say: If this antilynching bill goes through, and like bills, the next thing we shall find is that an effort to obtain social equality will be made by the same small group of Negro politicians in various parts of the country who are concentrated in the large cities of the North, and who deal with little so-called peanut politicians.

ELECTRIC-LIGHT AND POWER RATES IN PIERCE COUNTY, WASH.

Mr. BONE. Mr. President, will the Senator from Louisiana yield to me in order to permit me to have a short article printed in the RECORD?

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. BONE. Mr. President, in the State of Washington, in my own county of Pierce, is a farmer-owned power company or power line known as the Lakeview Light & Water Co. I have before me a clipping from the Washington Grange News, which is the official organ of the Washington State Grange, which sets out a copy of a typical light bill from the Lakeview Light & Water Co., which ought to be tremendously interesting to all farmers. I desire to call the prayerful attention of all the farmers of the United States to this light bill and to the rates which the farmers out in my State enjoy by virtue of a cooperative organization which purchases its power from a publicly owned plant.

The first 20 kilowatt-hours are sold to the members at 4 cents per kilowatt-hour, and thereafter the farmer is required to pay only 1 cent a kilowatt-hour for all his current. This particular farmer consumed 647 kilowatt-hours of current in 1 month; and I may say to some of my southern brethren that that is about a year's consumption in the average home. The result of these low rates was that this man was required to pay only $7.07 for 647 kilowatt-hours of electric energy. If that sort of a rate obtained all over the United States—and it ought to obtain—the saving to the home owners and the farmers of the country would represent such an astounding figure that it would make the claims of power companies concerning their tax contributions appear a rather flabby sort of argument.

I tender this clipping, Mr. President, for the purpose of having it inserted in the RECORD. I make these remarks in order that this matter may be brought to the attention of the farmers of the country who are paying the outrageous prices exacted by the private power companies for a very necessary social commodity.

The PRESIDENT pro tempore. Without objection, the article referred to by the Senator from Washington will be inserted in the RECORD.

The article is as follows:

[From the Washington Grange News of December 11, 1937]

HOW WOULD YOU LIKE TO BUY ELECTRICITY AT 1 CENT PER KW-H?

Lakeview Light & Water Co., R. 1, Box 50, South Tacoma
Office: Jones Service Station . . Telephone: Lakewood 3880-R-4
Pump 5930—No. 1092

Name: Paul Froman — Month of June 1937

Meter Readings		Divided and Charged as Follows
Present	7653 kw	20 kw Light @ 4c $0.80
Previous	7006 kw	____kw Light @ 3c $____
Consumption	647 kw	627 kw Power @ 1c $6.27

AMOUNTS DUE AND PAYABLE BEFORE 15TH OF NEXT MONTH

Electric service for present month as shown above_____$7.07
Electric service due from previous months_____$____
Installments on membership now due_____$____
Due the company for materials, labor, etc., furnished_____$____
Total now due the company_____$____

The minimum meter charge is 50 cents monthly, regardless of consumption.

All accounts payable at the office, or to meter reader, before 15th of next month. Make all checks payable to Lakeview Light & Water Co.

Bring this statement with you when making payments. Please demand and retain receipt.

The Power Trust uses some awesome arguments against public ownership of light and power—such as "taxes" and "politics"—but their arguments fail to hold water as well as their stock does. Truth is bound to win.

The above illustration is a facsimile reproduction of an electric-light bill issued last summer to Paul Froman, overseer of James Sales Grange, Pierce County, for power used on his farm. The Lakeview Light & Water Co. is a cooperative organization, buying electricity at wholesale from the Tacoma municipal plant and distributing to its members at cost.

Notice that the rate for the first 20 kilowatt-hours is 4 cents, and for the balance, 1 cent per kilowatt-hour. Mr. Froman's total bill was $7.07 for the month for a total of 647 kilowatt-hours, so he paid an average rate of 1.09 cents per kilowatt-hour on the whole bill.

Comparative figures, using the rates of the private power company operating in Pierce County, show that if Mr. Froman had bought the same amount of juice from the private company as he bought from the cooperative, his bill would have been nearly $15—more than double what it actually was.

This shows what can be done by cooperative action, so next time Mr. Power Trust tries to scare you with that old bogeyman "taxes," just tell him you are no longer superstitious.—B.

Mr. BONE. Mr. President, with regard to this particular matter, I call attention to the fact that in my office I have dozens of documents put out by private power companies in this country claiming that with the new steam turbo-generating plants and the other new equipment which they have installed in recent years, they are able to produce electric energy much cheaper than it can be produced by the fine publicly owned hydro plants of the West. The claim is repeatedly asserted in these publications—and some day I am going to put these assertions into the RECORD in copious quantities—that current now can be produced for a coal consumption of three-fourths of a pound per kilowatt-hour. If this be true, or even remotely true, the price exacted from the farmers by private power companies is a sad reflection on the morals of modern business in this country.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. VANDENBERG. What is the Senator's judgment as to whether power can now be produced by coal cheaper than by water power, not as a matter of argument, but as a matter of fact? I ask because it is a tremendously, fundamentally important fact.

Mr. BONE. That is quite true; and I understand why the Senator from Michigan asks the question, because the matter is going to be more and more important from now on.

Mr. President, the Senator from Michigan is not a member of the bar.

Mr. VANDENBERG. I thank the Senator for his compliment.

Mr. BONE. In a vague sort of way I am inclined to agree with the Senator. Lawyers do so many strange things that at times I am beginning to wonder if the law is quite so noble a profession as we sometimes assert. But were the Senator a member of the bar he would understand that one of the first things a cub lawyer learns in law school is that the best evidence on earth, the most weighty evidence on earth, is an admission against interest. We have asserted repeatedly, and it has been asserted all over the country, that a good hydro plant can turn out power cheaper than a steam plant, and so by way of rebuttal the power companies come forward and admit and assert that their modern steam plants, a number of which I have examined, can turn out electric energy much cheaper than these fine hydro plants, a great many of which are publicly owned; and, by the way, it is a publicly owned hydro plant which supplies this current to the farmers of the Lakeview system. I am not going beyond the repeated assertion of the power companies and their engineers—assuming that they are honorable men and would not assert a lie or anything they knew to be false—that they can do it.

I think it is true that they can produce current very cheaply. I say to the Senator also that when the question is asked, "How much does it cost to produce a kilowatt-hour of electric energy?" the question cannot be answered, because the plants vary in character. A hydroelectric plant in one case may be much more efficient than another; its load factor may be infinitely greater than that of the hydroelectric plant in another place. So it is impossible to say that it costs so much to produce a kilowatt-hour of electric energy.

The same may be true of a steam plant. Its distance from the source of supply, coal, the line charge for hauling the coal, the difference in machinery—all those factors enter into the calculations. I do not believe there is any answer to the problem. But I am taking by and large the repeated, cold-blooded assertions of private power companies that they can literally lick the city plants with their superior equipment. If that be true, I ask all the farmers in the country who read the CONGRESSIONAL RECORD why it is that they have to pay the outrageous rates which are exacted from farmers by private power companies. The worst of it is that they make the poor farmer buy the line which runs out to his farm, and pay an outrageous price for it, and then make him deed it to the company.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. BONE. Certainly.

Mr. VANDENBERG. My question was prompted by the result of an inquiry I myself made at the time I was inquiring into the Passamaquoddy fiasco, when the Federal Power Commission itself reported that steam-generating equipment could have been set up for one-half of the expense of the "Quoddy" water development, and power produced substantially cheaper by the steam plant than by the water plant. Of course, in the case of "Quoddy" the tides were to be harnessed, and it was a rather novel sort of dubious experiment.

Mr. BONE. The Senator is correct. The Passamaquoddy lay-out was so far off the beaten path of usual experience in hydroelectric power development that it was what lawyers call sui generis, in a class by itself.

Hydroelectric plants are built in different ways. Some are stream-flow plants, which merely utilize the normal flow of the stream. Some provide for partial storage, a dam being built in which a few hours' supply can be stored, which runs off very rapidly. Others are built in connection with dams, which store vast quantities of water, hundreds of thousands of acre-feet of water, perhaps millions of acre-feet of water. So that it is not possible to pick up this problem of hydroelectric power production by the four corners and draw very accurate conclusions about it.

Mr. VANDENBERG. The Senator said something about the Passamaquoddy project being sui generis. Regardless of whether that applies, we would all understand what the Senator meant if he likened it to the Wizard of Oz.

Mr. BONE. I am not sufficiently familiar with that lay-out to undertake to discuss it.

In conclusion I wish to say that I thought I was very cold and very purposeful in doing this work, because I had to meet the criticisms that were leveled at our activities in the West in developing public power systems. Many years ago the power companies of this country developed a very beautiful technique of rooking the farmers, and they did a thorough job. I have seen many queer operations in my time as a lawyer, but, Mr. President, I never saw as successful a "brace game" as was worked on the farmers of this country by the Power Trust of America. This is the way they did it, and are still doing it, where they can get away with it.

If a farmer wanted an extension to his farm, the power company would say, "Yes, we will build it, and it will cost you so much per mile," which was in general anywhere from three to five times what it cost the power company to put it in. I am asserting that because I had many clients in the West who erected lines parallel with those of the power companies, and I know exactly what it cost, because I was counsel for the organizations doing it. Certainly a power company would not admit that a group of farmers such as those to whom I have referred can do work cheaper than can a power company maintaining a magnificient organization.

After the line was built at from three to five times what it cost, the farmer was required to pay for it, when it should have been his, but, on top of that, he was required to deed it to the company, which in turn wrote it into the rate base at the outrageous and inflated value. Thereafter the farmer had to pay interest and dividends on that gift forever, plus a profit on the current that went into the line. That has been done all over the United States, and rural electrification in the United States, concerning which these private power companies are so proud, is plastered all over with that sort of a badge. There is not a lawyer who knows anything about the matter who does not know that what I am saying is true. I have hundreds of cases in my file in which the power companies admit this, and if any one of their engineers were interrogated he would say it was a good game.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, I have discussed the type of propaganda generally used by various Negro organizations in the States, and shown how they were able to make trades in order to have passed in the legislatures of their respective States certain measures which gave them social rights on an equal basis with the white people; in other words, placing the Negroes on the same social plane as the whites. It is my contention that it is this same group of Negroes who are able today apparently to influence the proponents of the pending bill in seeking to have it enacted into law. I can reach no other conclusion. I may be wrong about it, but that is my honest opinion, and I am giving it to the Senate for serious consideration.

Many of the good church people of this Nation—many church organizations, I understand—have sent resolutions to the Senate endorsing the pending bill. I feel confident that if they knew the purpose of it, as I have just endeavored to place it before the Senate, and if they realized what it would ultimately mean, and further, if they were shown the proof of the good work that has been done in the South in eliminating the heinous crime of lynching, we would probably be receiving different resolutions from the same organizations.

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Has the Senator shown what States do and what States do not have laws prohibiting intermarriage between whites and blacks?

Mr. ELLENDER. I am coming to that. I hardly think I can reach it this afternoon, but now that the Senator asks the question, in order to have it answered at this time, and although I shall discuss it later——

Mr. BONE. Mr. President, does the Senator intend to consume the rest of the afternoon with his speech?

Mr. ELLENDER. Yes; all the rest of the afternoon, and probably all of Monday.

In answer to the question of the Senator from Idaho, there are 18 States in the United States which today do not prohibit the marriage of whites and Negroes. They are: Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin; and the District of Columbia.

As I said yesterday, in the event the bill may be enacted—and so far as I can prevent, it will not be enacted this year or any other—I propose to offer three amendments to the bill. I do not know whether the first amendment will be constitutional or not, but I venture to say that it will be as constitutional as the bill in its present form is. I am going to offer an amendment to the bill, and I shall ask for a record vote on it, prohibiting the intermarriage of whites and Negroes in every State in the Union. It may not be constitutional, but I repeat, it no doubt will be just as constitutional as is the bill in the form in which it is now pending. So, if the bill shall be passed, both it and the amendment will be in the same boat.

Let us say that the Senate will not agree to the amendment—may think it is too drastic, or that it is unconstitutional. Then I propose to offer a second amendment prohibiting persons of the Negro race who are married to persons of the white race from going into States where such intermarriages are prohibited. So far as I am concerned, I do not want a Negro man who is married to a white woman, or a white man who is married to a Negro woman, to live in Louisiana. If other States want such people, that is their business, but I do not want them in Louisiana, because, as I have said to the Senate before—and I repeat again—political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

If the second amendment should fail, I shall offer a third. As Senators may have noticed a while ago, I mentioned the District of Columbia. Of course, the District of Columbia is wholly under Federal jurisdiction, and intermarriage of Negroes and whites is permitted. I propose to offer an amendment to the bill, and will ask a record vote on it, prohibiting the intermarriage of whites and Negroes in the District of Columbia.

I may say that during the course of the debate I expect to further elaborate on these amendments I propose to offer. I merely mention them at this time so as to give to the Senator from Idaho [Mr. POPE] the information he asked for.

I revert to the matter of propaganda. I am confident that the resolutions from the various church organizations were adopted in the same manner as was the resolution adopted by the American Federation of Labor, which I read here yesterday. The same sort of information and misrepresentation which was furnished to the American Federation of Labor was no doubt furnished to these good, well-meaning church people, who do not understand the questions involved or the sinister significance behind it. Who furnished that information to the American Federation of Labor? I stated yesterday that it was given to the American Federation of Labor by a Negro porter who happened to belong to the union. Of course, he was not biased or prejudiced! However, he informed the American Federation of Labor that for the past 50 years there have been over 5,000 lynchings in the South, whereas the authentic record shows that for a period of over 55 years there have been in the entire country only 4,600 lynchings. This Negro porter attributes the entire number of lynchings to the South, when as a matter of fact the records show that since 1882 there have been in the South a little over 3,100 lynchings, many of which were of white persons; not that we are proud of the record, but we at least want the record put straight. I am not saying this boastfully. I am not proud of it, but I make the statement to shame this Negro's bid for sympathy on false facts.

I repeat, the attitude of the American Federation of Labor and of other organizations which are backing the bill would be different if they were made familiar with the efforts of the South to prevent lynchings; were shown that whereas the number of lynchings in some years gone by aggregated as many as 231, last year the total was reduced to 8. All of this has been shown by a number of Senators on the floor of the Senate, and the figures remain unchallenged.

There is not one crime in the annals of our history that has shown such a decline as lynching. Yet the great Federal Government, the authorities who cannot handle the crime situation in the city of Washington, want to go down into the South and show us how to handle the Negro problem. They cannot do it. If they try to do it, it will lead to just such a condition as is pictured in the statement from which I read a moment ago. It will mean that sooner or later, if you keep on giving to the colored race an inch, they will take a foot; if you give them a foot, they will take a yard, and so on, and you will not be able to satisfy them until they are able to rub elbows with all the whites throughout the country. And then what is going to happen?

Mr. President, the various sections of the bill have been discussed by Members of the Senate, and it is not my purpose to go much into detail at this time, except to bring certain facts to the attention of the Senate. As I pointed out a few days ago, the bill attempts in section 2 to deal with lynchings in the South. I can get no other interpretation from it, in view of the proviso which appears in the bill.

Under section 3 of the bill, as was pointed out by the Senator from Maryland [Mr. TYDINGS] a while ago, any officers of the law are made amenable to punishment by confinement in the penitentiary or the imposition of a heavy fine who, after having arrested a culprit, do not use every means at their command to save him from a mob. They are amenable to a fine of $5,000 or confinement for 5 years in the penitentiary.

The bill provides in section 3:

> SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

That is the language used, insofar as the criminal aspect of the bill affects all of the officers who are charged with administering criminal laws in the State.

Let us now see how the law is to apply when it comes to the payment of the fine imposed on the State of North Carolina or on any other State. Does the bill provide that the governmental subdivision must have the culprit in its possession before the penalties can be imposed? Does it provide that unless the officers neglect, refuse, or fail to make all diligent efforts, and so forth, the State or political subdivision is to be excused? No; it does not.

I will show the Senator from North Carolina [Mr. REYNOLDS] how the proposed law would work. I believe the Senator lives in the city of Asheville. He has so indicated two or three times on the floor of the Senate. [Laughter.] I do not know exactly in what county the Senator lives, but let us say that he lives in the county in which Asheville is located. The Senator is in Washington attending to his duties and a lynching takes place in his county at such a time. If the sheriff of that county happens to call on a citizen of Asheville who does not like pistol shots, say, one who is a coward, and that citizen refuses to help the sheriff or help the officer who has charge of the culprit to save his prisoner from a mob, the Senator from North Carolina, who is here in Washington attending to his duties, can be held responsible, if he holds property in the county wherein he lives, as I know he does.

Talk about due process of law. Listen to the reading of section 5:

SEC. 5. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

Does the bill make an exception? Does it say that unless the officer fails to do his duty, or unless he has the prisoner in his possession, the county will not be responsible? It does not. It does not impose any limitations such as are imposed upon the officer under the provisions I just read from section 3 of the bill.

Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State—

Is that due process?

which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured, or to his or her next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000 as monetary compensation for such injury or death: *Provided, however*—

Putting the burden of proof upon the political subdivision, as my colleague the senior Senator from Louisiana [Mr. OVERTON], stated a while ago.

That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched.

The provision is so drastic that if a person were lynched I do not know how it would be possible for the State or the county affected to make a defense and escape liability. It would simply have to say to the judge, "All right; write up a judgment." It could not make a defense sufficiently strong to avoid a judgment.

And provided further, That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

Provision is then made that taxes may be imposed for the purpose of collecting the penalty, and any property that a municipal government or a county government owns may be seized for the purpose of satisfying the penalty. The jail in the county, or the courthouse, might be seized in order to get the money with which to pay any judgment that might be imposed under this bill. All of that could be done, and the Senator would be assessed a portion of the damages although he is entirely innocent, and if he had been present he undoubtedly would have helped protect the culprit.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. It is appalling to my mind that this body of 96 men should consume, as we have done, weeks upon weeks in the discussion of this bill which would not abolish lynchings. It is appalling, as I say, when we take into consideration the fact that last year there were, as I remember, only nine lynchings within the confines of the United States.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. OVERTON. The Senator from North Carolina is in error. Inadvertently he stated that there were only nine lynchings in the United States last year. There were only eight.

Mr. REYNOLDS. I thank the Senator from Louisiana for the correction.

Mr. President, as a matter of fact, the crime of lynching is the only crime within the category of all crimes that has been reduced in the United States within the past quarter of a century. Whereas the crime of lynching has been materially reduced, and, as the able senior Senator from Louisiana pointed out a moment ago, last year there were only eight lynchings in the United States, the crimes of murder, rape, larceny, housebreaking, burglary, and crimes of every other classification in this country have increased.

Here is the Senate spending day after day, running into week upon week, considering a bill which last year would have affected only eight persons in the entire United States, and the probabilities are that the eight affected, if they had been accorded due process of law, would have been executed in any event. Yet we pay no attention whatever to the fact that during the year just passed, 1937, approximately 40,000 people were killed upon the highways of the United States of America.

In 1936, Mr. President, the American Automobile Association made a tabulation of the number of people killed outright upon the highways of this country as a result of the operation of motor vehicles. The tabulation showed that 36,000 people were killed and more than 70,000 injured. If my memory is correct, in 1937 between thirty-eight and forty thousand people were killed upon the highways of America by motor vehicles, and more than a million were injured. Yet we pay no attention whatsoever to that situation. This great body of lawmakers, representing the people of America, are wholly neglecting measures to provide safety to life and limb for the American people. We interest ourselves only in a so-called antilynching law, which, if it had been enacted and in force last year, would have affected only about 8 of the 3,200 counties in the United States. We should make utilization of our time in the discussion of matters of immediate moment and of great importance to the people of the country.

I wish to make myself clearly understood by saying that I do not believe in lynching; none of us believes in lynching; but, at the same time, we know that the bill which is proposed here covers a matter which, in all conscience, should be left to the officers of the townships, the cities, and the counties, and the various other political subdivisions of the respective States of the Union.

I thank the junior Senator from Louisiana for permitting me the opportunity to make mention of these few matters.

Mr. ELLENDER. Mr. President, I now want to discuss, in a more detailed way, the social aspects of this problem. During the course of my remarks today and yesterday I have attempted to deal with the problem generally. Now I wish to be specific, and I desire to bring the matter home to Senators from the various States. I wish to show that, in my humble opinion—I may be wrong but I will venture to say that I am right, and I will challenge any Senator on the floor to show to the contrary—that in the various States where the legislatures have enacted laws giving to the colored race equal social rights with the white race in their respective jurisdictions, such laws were initiated and pressed to enactment by small groups of colored people who live in the cities and who control, possibly, sufficient votes in their particular localities so as to hold the balance of power. They, therefore, have become all-powerful by virtue of being able to maintain such control as between the two dominant

parties and they side with the one that makes the most promises to help such little coteries or groups of colored folk. I cannot conceive that such laws happened to be enacted in any other way. I am going to read and put into the RECORD various statutes enacted by the States of California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin. Eighteen States have had special acts passed by their respective legislatures giving to the colored race the same social equalities with respect to restaurants, hotels, public conveyances, and this and that, as are enjoyed by the white people. I intend to show, by actual figures, the small number of colored people in those various States, to prove that they are concentrated in the large cities, and that by virtue of the fact of being able, as is sometimes said in politics, "to deliver the votes," they have succeeded in having such laws enacted. I will venture to say that the good white people of those various States did not know what was being done.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. In speaking of the privileges accorded the members of the colored race, I will ask the Senator if in the State of Louisiana the members of the colored race are not accorded and guaranteed the same educational advantages that are provided for the white people in his State?

Mr. ELLENDER. In Louisiana we have colleges, high schools, elementary schools, and hospitals for the colored race, but not under the same roof as those for the white people.

Mr. REYNOLDS. But the same excellent educational facilities are provided?

Mr. ELLENDER. Absolutely.

Mr. REYNOLDS. And the same splendid hospitalization as is provided for those of the white race?

Mr. ELLENDER. Yes. I propose to show to the Senate, before I take my seat, that last year, 1937, the State of Louisiana spent almost as much money for Negro education as it did for education for both whites and Negroes back in 1908. That is what the South, as a whole, is doing in order to help the colored race.

Mr. REYNOLDS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. In conjunction with the Senator's statement, I desire to suggest that I assume that in his State the Negroes also have higher educational institutions which provide various and sundry degrees, such as we have in North Carolina?

Mr. ELLENDER. We have. There are, I think, six Negro colleges in my State which award the degrees of A. B., B. S., M. A., and, I think, Ph. D., although I am not sure about the latter.

Mr. REYNOLDS. The colored people of the South are provided the same educational opportunities as are the whites. We have made provision for the higher education of those of the colored race, Mr. President, by way of sundry splendid educational institutions, providing them with opportunities to become lawyers, doctors, dentists, teachers, and educators. Only yesterday my colleague the senior Senator from North Carolina [Mr. BAILEY], in addressing this body, mentioned that the day before I had brought to the attention of the Members of the Senate the fact that my great Commonwealth of North Carolina, being appreciative of the fine work done by eminent colored educators, had named some of its highways after the leading colored educators of the State. We have in North Carolina there some very remarkable Negro institutions, and we have at the head of those institutions men who, from every standpoint of preparation, could be well compared with that great and eminent colored leader of Alabama, Booker T. Washington. I have particularly in mind Dr. James E. Shepherd, head of the North Carolina College for Negroes.

As I have said, Mr. President, in North Carolina we do not have any lynchings. The senior Senator from Louisiana mentioned a moment ago that in the whole United States last year, 1937, there were only eight lynchings throughout the length and breadth of the Nation. I would at this time remind my distinguished colleague from Louisiana of the fact that none of those lynchings took place within the confines of North Carolina.

I thank the junior Senator from Louisiana.

Mr. ELLENDER. I venture to say that if the colored people of this Nation who are interested in this bill were to spend as much time, effort, and money as they are spending in trying to have this bill passed in helping the South through education to prevent lynching, in helping other States aid their people, I know that their work would be much more effective.

Mr. CONNALLY. Mr. President, will the Senator from Louisiana yield in order that I may ask the Senator from North Carolina a question?

Mr. ELLENDER. I yield.

Mr. CONNALLY. The Senator from North Carolina has just cited the splendid and commendable record of North Carolina in not having any lynchings. Let me ask the Senator if it is his view that that is true because of the desire of the people of North Carolina, the sentiment of the people of North Carolina, and the consciousness of a high duty and responsibility on the part of the public officials of North Carolina?

Mr. REYNOLDS. It is exclusively attributable to that.

Mr. CONNALLY. The Senator does not mean to suggest that there have been in that State no heinous and terrible crimes which ordinarily would inflame the people to violent action?

Mr. REYNOLDS. Certainly not.

Mr. CONNALLY. The Senator means that because of the love of law and order by the people of his State, and their desire to carry out the law and to uphold peace and orderly processes, they are able to suppress what would otherwise be a violent and highly inflammatory situation. Is that correct?

Mr. REYNOLDS. Quite so.

Mr. CONNALLY. Does the Senator think a condition like that would be improved or hindered by the Federal authorities saying to the people of North Carolina, "Notwithstanding your fine record, notwithstanding you have had no lynchings at all, we know how to deal with this matter better than you do, and we will come down and impose this Federal statute on you, and take over," as it were, "a matter on which you have made a 100 percent record?" Would not that lessen the responsibility of the State officers instead of enhancing it; and would it not beget a feeling of this kind: "Well, if the Federal Government wants to do it, let them do it. I will not take the chance of going to the penitentiary?" A sheriff or other officer would say, "I will not incur the hazard of going to the penitentiary by arresting this fellow, this beast who has committed some horrible crime. Let the marshal or the Federal Government look after him;" and in the meantime, before the marshal could ever find out about the crime, the man who committed it probably would be lynched at the first tree an irate mob could find.

Mr. REYNOLDS. As a matter of fact, in answering the Senator from Texas I give it as my opinion that the passage of this bill unquestionably would be a hindrance to the enforcement of law and order, for the reason suggested by the Senator from the State of Texas, to the effect that were all the power in this matter placed, as the proponents of the bill would have it, in the hands of the Federal officers, those representing the State of North Carolina naturally would feel that it was up to the Federal officers to apprehend and to prosecute the violators of the law.

For instance, I believe it may be truly said, without exaggeration and without endeavoring to provide a parallel which would not be in perfect keeping with the thought, that since the Dyer Act was passed, making it an offense against the

Federal Government to steal an automobile in one State and convey it to another—a bill for which I presume the Senator from Texas voted—when an automobile was stolen in one State and conveyed to another State, which brought the matter within the Federal jurisdiction, the local officers have not felt as much interest in the matter as they felt theretofore when it was exclusively within their hands.

Mr. ELLENDER. Mr. President, as I stated a few minutes ago, if the various colored societies and various other organizations which are interested in preventing lynching would simply get together and try to educate the colored people, not only in the South but in the North, about these questions, it would do more good toward preventing lynching than to try to pass such bills as the one now pending.

Mr. CONNALLY. Mr. President, will the Senator yield for a question at that point in his remarks?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Let me ask the Senator from Louisiana if among these so-called uplift societies he knows of any organization of men or women entitled "The Association for the Suppression of Rape", or murder, or anything of that kind? As I understand, it is the suggestion of the Senator from North Carolina that if some of these so-called high-brow societies would devote themselves to a campaign to suppress the very kind of crimes which are necessarily incidental to this bill, they probably would have greater success than in their efforts to enforce upon the South an alien law.

Mr. ELLENDER. There is no doubt about that, Mr. President. As I stated yesterday, in almost every case where an attempt was made to save a man from being lynched, and where it was successful, some of the colored folks were trying to help the culprit rather than trying to help the officer see that the law was enforced. I say it is incumbent upon the colored people as much as upon the white people of the South and of the North to stamp out the heinous crime which is the chief cause of lynchings; but they do not do it.

Going back to the laws passed in the various States, I again charge that these laws were passed at the behest and at the instigation of certain cliques of colored voters located in various cities in the States of the Union and they no doubt traded their votes, delivered their votes, in order to have certain measures passed in the various legislatures. The same clique, although in a larger way, through various States are agitating this question and demanding of Congress the passage of this bill, although, as has been shown, we in the South are stamping out the crime of lynching. We are bringing about such a condition that lynching today is almost a thing of the past, in comparison to its prevalence 30 or 40 years ago.

Let us see what the various States have done, and let us see what is the percentage of Negro population in the various States; and, further, let us see how much of that Negro population is located in large centers. Then, I ask, if the larger percentage of these colored people are located in the large centers, is it possible that the white people in other parts of these States are cognizant of, or are back of, or were consulted about, or were told that these laws would be imposed on them by these small minorities? I venture to say that they were not, and that if they had been they would have risen to the occasion and prevented it.

Now, let me go to California and read the statutes.

Mr. REYNOLDS. Mr. President, will the Senator yield before he goes out to California?

Mr. ELLENDER. Gladly.

Mr. REYNOLDS. I desire to ask the Senator a question. It is true, is it not, that one does not have to be hanged by the neck to experience being lynched?

Mr. ELLENDER. Yes.

Mr. REYNOLDS. If an individual is shot by one person in a crowd of three or more persons, under the terms of this bill he has been lynched, has he not?

Mr. ELLENDER. That is correct, as I understand the bill.

Mr. REYNOLDS. In other words, a man does not have to be hanged by the neck to be lynched, but he may be shot to death, and that constitutes a lynching. That is correct, is it not?

Mr. ELLENDER. That is correct. The definition of the bill has been broadened to include such occurrences.

Mr. REYNOLDS. I am perfectly willing to accept my colleague's interpretation of the bill. That being true, as a matter of fact the lynchings that occur do not take place in North Carolina, or Virginia, or South Carolina, or Georgia, or Florida, or Alabama, or Mississippi, or Arkansas, or Louisiana, or Texas; but the lynchings take place in other portions of the country as a whole. That is true, is it not?

Mr. ELLENDER. It is.

Mr. REYNOLDS. Last year hundreds upon hundreds of lynchings in the broadest sense of the term took place all over the country, the majority of them occurring in the great North, the Northwest, and the extreme West. Is not that true?

Mr. ELLENDER. Yes; and I may say to the Senator from North Carolina that the Senate Committee on the Judiciary brought in this bill in a form which exempted those lynchings from the provisions of the bill. In other words, they said, "Mr. Gangster in Chicago, or Mr. Gangster in New York, or anywhere else, you may do all the shooting and killing you wish to do, and you are exempt from the provisions of this bill." That is what they did.

Mr. REYNOLDS. Therefore if in the city of New York—to employ the parlance of the modern twentieth-century gangster—a man is "taken for a ride" in an automobile by three or more men, and is filled full of lead, in all truthfulness and in all reality, and according to the proper interpretation, that is a lynching; but there is an exemption of it under this bill.

Mr. ELLENDER. That is true. That demonstrates to me that the bill is sectional. It is a direct slap at the South.

Mr. REYNOLDS. Absolutely. That is the very point I wanted to bring out.

I cannot understand why the gangsters who today are carrying on, we will say for illustration, in the city of Chicago under the direction of Al Capone's outfit, should be exempted from the provisions of this bill. Although Al Capone is incarcerated in the prison on an island in San Francisco Bay, we all know that Capone's gangsters are really carrying on today in the city of Chicago as they did during the time Capone was there. A couple of years ago we read of the St. Valentine's Day massacre in the city of Chicago. On that occasion several of the henchmen of Al Capone, at the instance and under the direction of their chieftain, Al Capone, disguised themselves in the apparel of policemen, in the uniform of Chicago patrolmen, and on the particular day in question, at a set hour, they put in their appearance at a garage which was owned and was being conducted by a rival gang. Capone's gangsters, so it is said, in the uniform of Chicago patrolmen, walked boldly into that garage and shot down in cold blood six or seven or perhaps more rival gangsters when their backs were turned to Capone's henchmen. They were shot down in cold blood when they were facing the wall.

In the Senator's opinion, that was a wholesale lynching; but as this bill has been explained to me, and as we know it is, wholesale lynchings are exempted from the provisions of the bill.

Mr. ELLENDER. That is my understanding of the bill.

Mr. President, just before being interrogated by the Senator from North Carolina I was about to read from the Civil Code of California for the year 1931.

As I said a few moments ago, there is no doubt in my mind that the various acts which I shall read into the RECORD were advocated and were passed at the behest and instance of little colored voting groups, concentrated, as it were, in large cities of the various States. Listen to the California statute:

Rights of citizens in places of public accommodation or amusement. All citizens within the jurisdiction of this State are entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating houses, places where

ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bathhouses, theaters, skating rinks, public conveyances, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

In Louisiana, in the case of damage suits, it is usually necessary to prove damages. Suit is filed for a certain amount, and sometimes we call on the jury to hear the evidence and, after they hear the evidence, to fix the damages. But in California the statute seeks to state how much damages shall be paid to the colored folk who are denied admission to the same bathhouse, or who are kept out of the same barber shop the white folk frequent, or from the same theaters, or from the same restaurants, or from the same hotels. If they are offended, or if they are excluded, the great State of California makes this provision for them:

Damages recoverable for violation of personal rights. Whoever denies to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges enumerated in section 51 of this code, or who aid, or incite, such denial, or whoever makes any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, place where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, for each and every such offense is liable in damages in an amount not less than $100, which may be recovered in an action at law brought for that purpose.

Mr. CONNALLY. Mr. President, is that the California statute?

Mr. ELLENDER. It is.

Mr. CONNALLY. Does the Senator know whether or not that statute was, like the pending bill, a mere political fraud and fake on the colored race, passed to get their votes, and then ignored, and no attention paid to its enforcement?

Mr. ELLENDER. I have attempted to emphasize that on two or three occasions. It is my honest and sincere belief that the same little cliques of Negro voters centered in various cities of this Nation and in various States that are behind the antilynching bill were back of these statutes in the respective States which enacted them. I shall come to that later. I wish to show that all of these statutes are brought about in the various States of the Union—I will not say in all cases, but in most cases—by little cliques of colored voters located in various cities in the States who call on the legislators to deliver in order to get the colored vote.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Has it not been the Senator's observation that the kind of legislation to which he has just referred, the California statute, is not demanded by the great mass of the colored people, who are content to go along and to seek their own society, but is urged by a few little, grafting, so-called leaders who subsist off the dues and assessments they place on the uninformed and the ignorant of their race, and that they are not really concerned in the enforcement of the laws, but simply wish to get a law passed so they may go back and say to the association which is supporting them, "I got your law passed, it is the law," and then the officers in the State, in California, for instance, ignore the law? I have been in California many times, and I do not recall ever seeing in the hotels or in the restaurants colored people associating with white people, as they have a right to do under the law to which the Senator has referred.

Mr. ELLENDER. That is correct.

Mr. CONNALLY. These little grafters and political manipulators of the colored race live off their unsuspecting and credulous fellows, and all they want is to be able to go back to the associations supporting them and say, "We made them pass the law. We put the screws on them," and then the law is ignored. Is not the same sort of a purpose animating the little politicians who are advocating the pending bill, and who are unconcerned as to whether 100 colored persons are lynched next year, or 8, provided they have the law passed, so that they may go back and tell what they have accomplished? They say, "We put the screws to the Senators. There are some elections coming up in the States in 1938, so we put the pressure on them and they jumped through the hoop and passed the law." Is not that a comparable situation?

Mr. ELLENDER. There is no doubt about it. I venture to say that here in the city of Washington there are a few hundred of these leeches who belong to the societies the Senator has described, and who collect from other societies throughout the Nation. As the Senator states, it is not the mass of the colored folk who want these things, but only a few who live on the earnings of the others.

I started a moment ago to show that these little cliques of colored voters who are located in the various cities in the States are the ones who cause such legislation to be enacted, and shout "victory," I suppose, after it is passed, but without hope of having it enforced. I dare say there is not a white person in the State of California who would not resent a colored woman or a colored man sleeping next door in one of the fine hotels in Los Angeles, or accompanying them up the same aisle in one of the leading theaters out there, or going to the same bathhouse and using the same facilities. There is not one who would not resent it. Yet this law is on the statute books merely to satisfy and pacify a few Negro voters. That is all it is for, and nothing else.

I stamp the bill which is before us today as being proposed in order to satisfy a few colored politicians throughout this city and throughout the Nation who are agitating for it, not in the hope that it will stop lynching but, as the Senator from Texas has just said, in order to keep these men on the pay roll of these societies. They have no hope of preventing lynching under the terms of the proposed law.

The 1930 census showed that the State of California, with a population of over 5,000,000, had a Negro population of 81,048. Sixty-five percent of that number, or 52,923, lived in Los Angeles, Oakland, San Diego, and San Francisco. In the large State of California 65 percent of its Negro population was centered in four cities, and I would be willing to wager everything I have that it was the agitation by the little Negro groups from the four cities I have named that caused the representatives and senators in the Legislature of California at Sacramento to enact the statute I have read. I further venture to say that the white people of California were not aware of what was being done.

Now, let us go to the State of Colorado and see what the penal statute is in that State. The code of 1921, section 4128, provides:

That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water—

I did not know they had ships in Colorado—

theaters, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay a sum of not less than $50 nor more than $500 to the person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed.

Colorado seems to be more generous than California. Section 4133 reads:

That no person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly, by himself or anybody else, publish—

Listen to this—

publish, issue, circulate, send, distribute, give away, or display in any way, manner, shape, means, or method, except as hereinafter provided, any communication, paper, poster, folder, manuscript,

book, pamphlet, writing, print, letter, notice, or advertisement of any kind, nature, or description, intended or calculated to discriminate or actually discriminating against any religious sect, creed, denomination or nationality, or against any of the members thereof, in matter of furnishing or neglecting or refusing to furnish to them or any one of them any lodgings, housing, schooling, tuition, or any accommodations, right, privilege, advantage, or convenience offered to or enjoyed by the general public, or to the effect that any of the accommodations, rights, privileges, advantages, or conveniences of any such place of public accommodation, resort, or amusement shall or will be refused, withheld from, or denied to any person or persons or class of persons on account of race, sect, creed, denomination, or nationality, or that the patronage, custom, presence, frequenting, dwelling, staying, or lodging at such place of any person, persons, or class of persons belonging to or purporting to be of any particular race, sect, creed, denomination, or nationality, is unwelcome, objectionable, or not acceptable, desired, or solicited.

That, Senators, represents the statute as it affects the State of Colorado.

The State of Colorado has a Negro population of 11,828. Sixty-one percent of that number is in the city of Denver. The rest are scattered about in small numbers in other cities. I may be mistaken, but it is my firm belief that such statutes as these resulted from the demand in that State of little cliques of colored voters.

Let us now go to the State of Connecticut. In the State of Connecticut we find in the supplement to the general statutes of 1935 the following section:

SEC. 1676c. All persons within the jurisdiction of this State shall be entitled to full and equal accommodations in every place of public accommodation, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons; and any denial of such accommodation by reason of the race, creed, or color of the applicant therefor shall be a violation of the provisions of this section. A place of public accommodation, resort, or amusement within the meaning of this section shall include all inns, taverns, roadhouses, hotels, restaurants, and eating houses or any place where food is sold for consumption on the premises——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. Is the Senator ready to suspend now, or does he prefer to continue?

Mr. ELLENDER. It is immaterial to me; however, I have only two more lines to read with reference to the Connecticut statute.

I continue reading:

railroad cars and stations, street railway cars and stations, public-service buses and taxicabs; and theaters, motion-picture houses, music halls, amusement and recreation parks. Any person who shall violate any provision of this section shall be fined not more than $100 or imprisoned not more than 30 days or both.

In the State of Connecticut, instead of making the person discriminating amenable to damages to the person who suffers, the judge may imprison him. The judge may impose a fine on him. In the State of Connecticut, according to the census of 1930, there was a Negro population of 29,354. Fifty-two percent of the entire Negro population was in three cities—Bridgeport, Hartford, and New Haven. I venture to say that this law was placed on the statute books of Connecticut as the result of agitation by little groups of colored people located in various cities, and that this act was not put on the statute books with the idea or the purpose of placing the Negroes on the basis of equality with the whites, but simply to fulfill a promise that was made to the leaders of the colored aggregations in these various localities.

Mr. President, I know it will be impossible for me to conclude this evening, and I gladly yield, provided I shall have the floor on Monday.

EXHIBIT A

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes, years 1935 and 1936

	1935			1936		
	Whites	Colored	Total	Whites	Colored	Total
City of New Orleans:						
Murders	22	26	48	23	24	47
Manslaughter	27	10	37	14	5	19
Rape	7	11	18	9	11	20
Robbery	52	29	81	57	40	97
Aggravated assault	107	111	218	108	122	230
Burglary	119	131	250	142	165	307
Larceny	427	399	826	375	339	714
Auto theft	31	18	49	25	12	37
Total	[1]792	[1]735	1,527	[1]753	[1]718	1,471
City of Washington:						
Murders	19	53	72	17	42	59
Manslaughter	29	15	44	6	6	12
Rape	9	13	22	5	9	14
Robbery	163	359	522	212	644	856
Assault	105	313	418	78	296	374
Housebreaking (burglary)	301	916	1,217	297	1,465	1,762
Larceny	209	330	539	149	348	497
Auto theft	146	5	151	13		13
Total	[3]981	[2]2,004	2,985	[3]777	[2]2,810	3,587

[1] About even. [2] Over 2 to 1. [3] Almost 4 to 1.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau, taken from 1930 census]

	Washington	New Orleans
Total population	486,869	458,762
Negro population	132,068	129,632
Percentage of Negro population to total	27	28

EXHIBIT B

PROPORTION IN TOTAL POPULATION

Percent Negro in total population at each census, by divisions and States, 1790–1930

Division and State	1930	1920	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
United States	9.7	9.9	10.7	11.6	11.9	13.1	12.7	14.1	15.7	16.8	18.1	18.4	19.0	18.9	19.3
Geographic divisions:															
New England	1.2	1.1	1.0	1.1	0.9	1.0	0.9	0.8	0.8	1.0	1.1	1.3	1.4	1.5	1.7
Middle Atlantic	4.0	2.7	2.2	2.1	1.8	1.8	1.7	1.8	2.1	2.6	2.9	3.3	4.1	4.6	5.3
East North Central	3.7	2.4	1.6	1.6	1.5	1.6	1.4	.9	1.0	1.0	1.1	1.0	1.3	1.2	
West North Central	2.5	2.2	2.1	2.3	2.5	3.3	3.7	5.6	10.3	14.1	18.3	15.9	17.4		
South Atlantic	28.0	30.9	33.7	35.7	36.8	38.7	37.9	38.4	39.8	40.7	41.9	41.6	40.4	37.6	36.4
East South Central	26.9	28.4	31.5	33.7	33.0	34.5	33.2	34.7	33.4	32.2	27.6	24.2	20.5	17.5	14.9
West South Central	18.7	20.1	22.6	25.9	29.1	32.6	36.4	36.9	39.2	47.6	53.2	48.4	54.4		
Mountain	.8	.9	.8	.9	1.1	.8	.5	.1	.1						
Pacific	1.1	.9	.7	.6	.7	.6	.7	1.0	1.1						
New England:															
Maine	.1	.2	.2	.2	.2	.2	.3	.2	.2	.3	.3	.3	.4	.5	.6
New Hampshire	.2	.1	.1	.2	.2	.2	.2	.2	.2	.2	.2	.3	.5	.5	.6
Vermont	.2	.2	.5	.2	.3	.3	.3	.2	.2	.3	.3	.4	.3	.4	.3
Massachusetts	1.2	1.2	1.1	1.1	1.0	1.0	1.0	.8	.9	1.2	1.2	1.3	1.4	1.5	1.4
Rhode Island	1.4	1.7	1.8	2.1	2.1	2.3	2.3	2.3	2.5	3.0	3.7	4.3	4.8	5.3	6.3
Connecticut	1.8	1.5	1.4	1.7	1.6	1.9	1.8	1.9	2.1	2.6	2.7	2.9	2.6	2.5	2.3
Middle Atlantic:															
New York	3.3	1.9	1.5	1.4	1.2	1.3	1.2	1.3	1.6	2.1	2.3	2.9	4.2	5.3	7.6
New Jersey	5.2	3.7	3.5	3.7	3.3	3.4	3.4	3.8	4.9	5.8	6.4	7.2	7.6	8.0	7.7
Pennsylvania	4.5	3.3	2.5	2.5	2.0	2.0	1.9	2.0	2.3	2.8	2.8	2.9	2.9	2.7	2.4
East North Central:															
Ohio	4.7	3.2	2.3	2.3	2.4	2.5	2.4	1.6	1.3	1.1	1.0	.8	.8	.7	
Indiana	3.5	2.8	2.2	2.3	2.1	2.0	1.5	.9	1.1	1.0	1.1	1.0	2.6	5.3	
Illinois	4.3	2.8	1.9	1.8	1.5	1.5	1.1	.5	.6	.8	1.5	2.5	6.4		
Michigan	3.5	1.6	.6	.7	.7	.9	1.0	.9	.7	.3	.9	2.0	3.0		
Wisconsin	.4	.2	.1	.1	.1	.2	.2	.2	.2	.6					

PROPORTION IN TOTAL POPULATION—continued

Percent Negro in total population at each census, by divisions and States, 1790–1930—Continued

Division and State	1930	1920	1910	1900	1890	1880	1870	1860	1850	1840	1830	1820	1810	1800	1790
West North Central:															
Minnesota	0.4	0.4	0.3	0.3	0.3	0.2	0.2	0.2	0.6						
Iowa	.7	.8	.7	.6	.6	.6	.5	.2	.2	0.4					
Missouri	6.2	5.2	4.8	5.2	5.6	6.7	6.9	10.0	13.2	15.6	18.3	15.9	17.4		
North Dakota	.1	.1	.1	.1	.2	[1] 1.3	[1] 1.7								
South Dakota	.1	.1	.1	.1	.2										
Nebraska	1.0	1.0	.6	.6	.8	.5	.6	.3							
Kansas	3.5	3.3	3.2	3.5	3.5	4.3	4.7	.6							
South Atlantic:															
Delaware	13.7	13.6	15.4	16.6	16.8	18.0	18.2	19.3	22.3	25.0	24.9	24.0	23.8	22.4	21.6
Maryland	16.9	16.9	17.9	19.8	20.7	22.5	22.5	24.9	28.3	32.3	34.9	36.1	38.2	36.7	34.7
District of Columbia	27.1	25.1	28.5	31.1	32.8	33.6	33.0	19.1	26.6	29.9	30.8	31.6	33.1	28.6	
Virginia	26.8	29.9	32.6	35.6	38.4	41.8	41.9	34.4	37.1	40.2	42.7	43.4	43.3	41.6	40.9
West Virginia	6.6	5.9	5.3	4.5	4.3	4.2	4.1								
North Carolina	29.0	29.8	31.6	33.0	34.7	38.0	36.6	36.4	36.4	35.6	35.9	34.4	32.2	29.4	26.8
South Carolina	45.6	51.4	55.2	58.4	59.8	60.7	58.9	58.6	58.9	56.4	55.6	52.8	48.4	43.2	43.7
Georgia	36.8	41.7	45.1	46.7	46.7	47.0	46.0	44.1	42.4	41.0	42.6	44.4	42.4	37.1	35.9
Florida	29.4	34.0	41.0	43.7	42.5	47.0	48.8	44.6	46.0	48.7	47.1				
East South Central:															
Kentucky	8.6	9.8	11.4	13.3	14.4	16.5	16.8	20.4	22.5	24.3	24.7	22.9	20.2	18.6	17.0
Tennessee	18.3	19.3	21.7	23.8	24.4	26.1	25.6	25.5	24.5	22.7	21.4	19.6	17.5	13.2	10.6
Alabama	25.7	38.4	42.5	45.2	44.8	47.5	47.7	45.4	44.7	43.3	38.5	33.2			
Mississippi	50.2	52.2	56.2	58.5	57.6	57.5	53.7	55.3	51.2	52.3	48.4	44.1	42.9	41.5	
West South Central:															
Arkansas	25.8	27.0	28.1	28.0	27.4	26.3	25.2	25.6	22.7	20.9	15.5	11.7			
Louisiana	36.9	38.9	43.1	47.1	50.0	51.5	50.1	49.5	50.7	55.0	58.5	51.8	55.2		
Oklahoma	7.2	7.4	8.3	[2] 7.0	[2] 8.4										
Texas	14.7	15.9	17.7	20.4	21.8	24.7	31.0	30.3	27.5						
Mountain:															
Montana	.2	.3	.5	.6	1.0	.9	.9								
Idaho	.2	.2	.2	.2	.2	.2	.4								
Wyoming	.6	.7	1.5	1.0	1.5	1.4	2.0								
Colorado	1.1	1.2	1.4	1.6	1.5	1.3	1.1	.1							
New Mexico	.7	1.6	.5	.8	1.2	.8	.2	.1	[3]						
Arizona	2.5	2.4	1.0	1.5	1.5	.4	.3								
Utah	.2	.3	.3	.2	.3	.2	.1	.2	.4						
Nevada	.6	.4	.6	.3	.5	.8	.8	.7							
Pacific:															
Washington	.4	.5	.5	.5	.4	.4	.9	.3							
Oregon	.2	.3	.2	.3	.4	.3	.4	.2	1.6						
California	1.4	1.1	.9	.7	.9	.7	.8	1.1	1.0						

[1] Dakota Territory. [2] Includes population of Indian Territory. [3] Less than 1/10 of 1 percent.

EXHIBIT C

GEOGRAPHIC DISTRIBUTION AND INCREASE

Negro and white population, by sections, divisions, and States

Section, division, and State	1930				1920				1910		1900	
	Total	Negro	White	Other races	Total	Negro	White	Other races	Negro	White	Negro	White
United States	122,775,046	11,891,143	108,864,207	2,019,696	105,710,620	10,463,131	94,120,374	1,127,115	9,827,763	81,364,447	8,833,994	66,809,196
The North	73,021,191	2,409,219	70,388,367	223,605	63,681,845	1,472,309	62,085,612	123,924	1,027,674	54,627,598	880,771	46,413,758
The South	37,857,633	9,361,577	27,673,879	822,177	33,125,803	8,912,231	23,731,899	481,673	8,749,427	20,316,253	7,922,969	16,521,970
The West	11,896,222	120,347	10,801,961	973,914	8,902,972	78,591	8,302,863	521,518	50,662	6,420,596	30,254	3,873,468
Geographic divisions:												
New England	8,166,341	94,086	8,065,113	7,142	7,400,909	79,051	7,315,995	5,863	66,306	6,480,468	59,099	5,527,026
Middle Atlantic	26,260,750	1,052,899	25,172,104	35,747	22,261,144	600,183	21,638,625	22,336	417,870	18,879,881	325,921	15,110,862
East North Central	25,297,185	930,450	24,277,663	89,072	21,475,543	514,554	20,931,279	29,710	300,836	17,926,513	257,842	15,710,053
West North Central	13,296,915	331,784	12,873,487	91,644	12,544,249	278,521	12,199,713	66,015	242,662	11,340,736	237,909	10,065,817
South Atlantic	15,793,589	4,421,388	11,349,284	22,917	13,990,272	4,325,120	9,648,556	16,596	4,112,488	8,071,473	3,729,017	6,706,058
East South Central	9,887,214	2,658,238	7,224,614	4,362	8,893,307	2,523,532	6,367,166	2,609	2,652,513	5,754,154	2,499,886	5,044,847
West South Central	12,176,830	2,281,951	9,099,981	794,898	10,242,224	2,063,579	7,716,177	462,468	1,984,426	6,490,626	1,694,066	4,771,065
Mountain	3,701,789	30,225	3,303,586	367,978	3,336,101	30,801	3,071,405	233,895	21,467	2,445,515	15,590	1,579,855
Pacific	8,194,433	90,122	7,498,375	605,936	5,566,871	47,790	5,231,458	287,623	29,195	3,975,081	14,664	2,293,613
New England:												
Maine	797,423	1,096	795,183	1,144	768,014	1,310	765,693	1,011	1,363	739,991	1,319	692,226
New Hampshire	465,293	790	464,350	153	443,083	621	442,330	132	564	429,906	662	410,791
Vermont	359,611	568	358,965	78	352,428	572	351,816	40	1,621	354,298	826	342,771
Massachusetts	4,249,614	52,365	4,192,926	4,323	3,852,356	45,466	3,803,467	3,423	38,055	3,324,897	31,974	2,769,764
Rhode Island	687,497	9,913	677,016	568	604,397	10,036	593,976	385	9,529	532,488	9,092	419,050
Connecticut	1,606,903	29,354	1,576,673	876	1,380,631	21,046	1,358,713	872	15,174	1,098,888	15,226	892,424
Middle Atlantic:												
New York	12,588,066	412,814	12,150,293	24,959	10,385,227	198,483	10,170,548	16,196	134,191	8,966,525	99,232	7,156,881
New Jersey	4,041,334	208,828	3,829,209	3,297	3,155,900	117,132	3,036,832	1,936	89,760	2,445,820	69,844	1,812,317
Pennsylvania	9,631,350	431,257	9,192,602	7,491	8,720,017	284,568	8,431,245	4,204	193,919	7,467,536	156,845	6,141,664
East North Central:												
Ohio	6,646,697	309,304	6,331,136	6,257	5,759,394	186,187	5,570,951	2,256	111,452	4,654,758	96,901	4,060,204
Indiana	3,238,503	111,982	3,116,136	10,385	2,930,390	80,810	2,848,346	1,234	60,320	2,639,876	57,505	2,458,502
Illinois	7,630,654	328,972	7,266,361	35,321	6,485,280	182,274	6,294,999	8,007	109,049	5,526,241	85,078	4,734,873
Michigan	4,842,325	169,453	4,650,171	22,701	3,668,412	60,082	3,600,283	8,047	17,115	2,785,135	15,816	2,398,563
Wisconsin	2,939,006	10,739	2,913,859	14,408	2,632,067	5,201	2,616,700	10,166	2,900	2,320,503	2,542	2,057,911
West North Central:												
Minnesota	2,563,953	9,445	2,538,973	15,535	2,387,125	8,809	2,368,586	9,730	7,084	2,059,143	4,959	1,737,036
Iowa	2,470,939	17,380	2,448,382	5,177	2,404,021	19,005	2,381,293	3,723	14,973	2,208,682	12,693	2,218,097
Missouri	3,629,367	223,840	3,398,887	6,640	3,404,055	178,241	3,221,661	4,153	157,452	3,133,570	161,234	2,944,843
North Dakota	680,845	377	671,243	9,225	646,872	467	639,912	6,493	617	569,845	286	311,712
South Dakota	692,849	646	669,453	22,750	636,547	832	619,052	16,663	817	563,747	465	380,714
Nebraska	1,377,963	13,752	1,353,702	10,509	1,296,372	13,242	1,276,473	6,657	7,689	1,179,994	6,269	1,056,526
Kansas	1,880,999	66,344	1,792,847	21,808	1,769,257	57,925	1,692,736	18,596	54,030	1,625,755	52,003	1,416,319
South Atlantic:												
Delaware	238,380	32,602	205,694	84	223,003	30,335	192,585	83	31,181	171,100	30,697	153,977
Maryland	1,631,526	276,379	1,354,170	977	1,449,661	244,479	1,204,690	492	232,250	1,062,627	235,064	952,424
District of Columbia	486,869	132,068	353,914	887	437,571	109,966	326,825	780	94,446	236,113	86,702	191,532
Virginia	2,421,851	650,165	1,770,405	1,281	2,309,187	690,017	1,617,871	1,299	671,096	1,389,802	660,722	1,192,855

GEOGRAPHIC DISTRIBUTION AND INCREASE—continued

Negro and white population, by sections, divisions, and States—Continued

Section, division, and State	1930				1920				1910		1900	
	Total	Negro	White	Other races	Total	Negro	White	Other races	Negro	White	Negro	White
South Atlantic—Contd.												
West Virginia	1,729,205	114,893	1,613,934	378	1,463,701	86,345	1,377,180	176	64,173	1,156,811	43,499	915,233
North Carolina	3,170,276	918,647	2,234,948	16,681	2,559,123	763,407	1,783,769	11,947	697,843	1,500,508	624,469	1,263,603
South Carolina	1,738,765	793,681	944,040	1,044	1,683,724	864,719	818,532	473	835,843	679,159	782,321	557,807
Georgia	2,908,506	1,071,125	1,836,974	407	2,895,832	1,206,365	1,689,070	397	1,176,987	1,431,786	1,034,813	1,181,294
Florida	1,468,211	431,828	1,035,205	1,178	968,470	329,487	638,034	949	308,669	443,567	230,730	297,333
East South Central:												
Kentucky	2,614,589	226,040	2,388,364	185	2,416,630	235,938	2,180,462	230	261,656	2,027,926	284,706	1,862,309
Tennessee	2,616,556	477,646	2,138,619	291	2,337,885	451,758	1,885,939	188	473,088	1,711,417	480,243	1,540,186
Alabama	2,646,248	944,834	1,700,775	639	2,348,174	900,652	1,446,958	564	908,282	1,228,789	827,307	1,001,152
Mississippi	2,009,821	1,009,718	996,856	3,247	1,790,618	935,184	853,807	1,627	1,009,487	786,022	907,630	641,200
West South Central:												
Arkansas	1,854,482	478,463	1,374,906	1,113	1,752,204	472,220	1,279,479	505	442,891	1,130,878	366,856	944,580
Louisiana	2,101,593	776,326	1,318,160	7,107	1,798,509	700,257	1,093,991	4,261	713,874	939,789	650,804	729,612
Oklahoma	2,396,040	172,198	2,123,424	100,418	2,028,283	149,408	1,813,217	65,658	137,612	1,441,577	55,684	670,204
Texas	5,824,715	854,964	4,283,491	686,260	4,663,228	741,694	3,529,490	392,044	690,049	2,978,382	620,722	2,426,669
Mountain:												
Montana	537,606	1,256	517,327	19,023	548,889	1,658	533,991	13,240	1,834	360,491	1,523	226,283
Idaho	445,032	668	437,562	6,802	431,866	920	424,540	6,406	651	319,074	293	154,495
Wyoming	225,565	1,250	214,067	10,248	194,402	1,375	188,146	4,881	2,235	139,960	940	89,051
Colorado	1,035,791	11,828	961,117	62,846	939,629	11,318	909,763	18,548	11,453	780,146	8,570	529,046
New Mexico	423,317	2,850	331,755	88,712	360,350	5,733	301,879	52,738	1,628	283,574	1,610	180,207
Arizona	435,573	10,749	264,378	160,446	334,162	8,005	202,985	123,172	2,009	122,360	1,848	92,903
Utah	507,847	1,108	495,955	10,784	449,396	1,446	440,099	7,251	1,144	366,425	672	272,465
Nevada	91,058	516	81,425	9,117	77,407	346	69,402	7,659	513	73,455	134	35,405
Pacific:												
Washington	1,563,396	6,840	1,521,099	35,457	1,356,621	6,883	1,319,393	30,345	6,058	1,108,967	2,514	496,304
Oregon	953,786	2,234	937,029	14,523	783,389	2,144	768,530	12,715	1,492	654,833	1,105	394,582
California	5,677,251	81,048	5,040,247	555,956	3,426,861	38,763	3,143,535	244,563	21,645	2,211,281	11,045	1,402,727

Section, division, and State	1890		1880		1870		1860		1850	
	Negro	White	Negro	White	Negro	White	Negro	White	Negro	White
United States	7,488,676	55,101,258	6,580,793	43,402,970	4,880,009	33,589,377	4,441,830	26,922,537	3,638,808	19,553,068
The North	701,018	39,035,798	615,038	31,235,267	452,818	24,815,772	340,240	19,337,997	285,309	13,745,077
The South	6,760,577	13,193,453	5,953,903	10,555,427	4,420,811	7,863,209	4,097,111	7,033,973	3,352,198	5,630,414
The West	27,081	2,872,007	11,852	1,612,276	6,380	910,396	4,479	550,567	1,241	177,577
Geographic divisions:										
New England	44,580	4,653,191	39,925	3,968,789	31,705	3,455,043	24,711	3,110,480	23,021	2,705,095
Middle Atlantic	225,326	12,468,794	189,492	10,305,055	148,033	8,662,226	131,290	7,327,548	126,741	5,771,994
East North Central	207,023	13,253,725	183,298	11,012,047	130,497	8,987,512	63,699	6,855,644	45,195	4,478,065
West North Central	224,089	8,660,088	202,323	5,949,376	142,583	3,710,991	120,540	2,044,325	90,412	789,923
South Atlantic	3,262,690	5,592,149	2,941,202	4,657,112	2,216,705	3,635,238	2,058,198	3,305,107	1,860,871	2,818,219
East South Central	2,119,797	4,305,668	1,924,996	3,657,593	1,464,252	2,939,091	1,394,360	2,626,376	1,122,790	2,240,481
West South Central	1,378,090	3,295,636	1,087,705	2,243,722	739,854	1,288,880	644,553	1,102,490	368,537	571,714
Mountain	12,971	1,117,363	5,022	614,821	1,555	301,848	235	164,092	72	72,855
Pacific	14,110	1,754,644	6,830	997,455	4,825	608,548	4,244	386,475	1,169	104,722
New England:										
Maine	1,190	659,263	1,451	646,852	1,606	624,809	1,327	626,947	1,356	581,813
New Hampshire	614	375,840	685	346,229	580	317,697	494	325,579	520	317,456
Vermont	937	331,418	1,057	331,218	924	329,613	709	314,369	718	313,402
Massachusetts	22,144	2,215,373	18,697	1,763,782	13,947	1,443,156	9,602	1,221,432	9,064	985,450
Rhode Island	7,393	337,859	6,488	269,939	4,980	212,219	3,952	170,649	3,670	143,875
Connecticut	12,302	733,438	11,547	610,769	9,668	527,549	8,627	451,504	7,693	363,099
Middle Atlantic:										
New York	70,092	5,923,955	65,104	5,016,022	52,081	4,330,210	49,005	3,831,590	49,069	3,048,325
New Jersey	47,638	1,396,581	38,853	1,092,017	30,658	875,407	25,336	646,699	24,046	465,509
Pennsylvania	107,596	5,148,258	85,535	4,197,016	65,294	3,456,609	56,949	2,849,259	53,626	2,258,160
East North Central:										
Ohio	87,113	3,584,805	79,900	3,117,920	63,213	2,601,946	36,673	2,302,808	25,279	1,955,050
Indiana	45,215	2,146,736	39,228	1,938,798	24,560	1,655,837	11,428	1,338,710	11,262	977,154
Illinois	57,028	3,768,472	46,368	3,031,151	28,762	2,511,096	7,628	1,704,291	5,436	846,034
Michigan	15,223	2,072,884	15,100	1,614,560	11,849	1,167,282	6,799	736,142	2,583	395,071
Wisconsin	2,444	1,680,828	2,702	1,309,618	2,113	1,051,351	1,171	773,693	635	304,756
West North Central:										
Minnesota	3,683	1,296,408	1,564	776,884	759	438,257	259	169,395	39	6,038
Iowa	10,685	1,901,090	9,516	1,614,600	5,762	1,188,207	1,069	673,779	333	191,881
Missouri	150,184	2,528,458	145,350	2,022,826	118,071	1,603,146	118,503	1,063,489	90,040	592,004
North Dakota	373	182,407	113	36,192	94	12,887		2,576		
South Dakota	541	328,010	298	96,955						
Nebraska	8,913	1,047,096	2,385	449,764	789	122,117	82	28,696		
Kansas	49,710	1,376,619	43,107	952,156	17,108	346,377	627	106,390		
South Atlantic:										
Delaware	28,386	140,066	26,442	120,160	22,794	102,221	21,627	90,589	20,363	71,169
Maryland	215,657	826,493	210,230	724,693	175,391	605,497	171,131	515,918	165,091	417,943
District of Columbia	75,572	154,695	59,596	118,006	43,404	88,278	14,316	60,763	13,746	37,941
Virginia	635,438	1,020,122	631,616	880,858	512,841	712,089	548,907	1,047,299	526,861	894,800
West Virginia	32,690	730,077	25,886	592,537	17,980	424,033				
North Carolina	561,018	1,055,382	531,277	867,242	391,650	678,470	361,522	629,942	316,011	553,028
South Carolina	688,934	462,008	604,332	391,105	415,814	289,667	412,320	291,300	393,944	274,563
Georgia	858,815	978,357	725,133	816,906	545,142	638,926	465,698	591,550	384,613	521,572
Florida	166,180	224,949	126,690	142,605	91,689	96,057	62,677	77,746	40,242	47,203
East South Central:										
Kentucky	268,071	1,590,462	271,451	1,377,179	222,210	1,098,692	236,167	919,484	220,992	761,413
Tennessee	430,678	1,336,637	403,151	1,138,831	322,331	936,119	283,019	826,722	245,881	756,836
Alabama	678,489	833,718	600,103	662,185	475,510	521,384	437,770	596,271	345,109	426,514
Mississippi	742,559	544,851	650,291	479,398	444,201	382,896	437,404	353,899	310,808	295,718
West South Central:										
Arkansas	309,117	818,752	210,666	591,531	122,169	362,115	111,259	324,143	47,708	162,189
Louisiana	559,193	558,395	483,655	454,954	364,210	362,065	350,373	357,456	262,271	255,491
Oklahoma	21,609	172,554								
Texas	488,171	1,745,935	393,384	1,197,237	253,475	564,700	182,921	420,891	58,558	154,034

GEOGRAPHIC DISTRIBUTION AND INCREASE—continued

Negro and white population, by sections, divisions, and States—Continued

Section, division, and State	1890		1880		1870		1860		1850	
	Negro	White	Negro	White	Negro	White	Negro	White	Negro	White
Mountain:										
Montana	1,490	127,690	346	35,385	183	18,306				
Idaho	201	82,117	53	29,013	60	10,618				
Wyoming	922	59,324	298	19,437	183	8,726				
Colorado	6,215	404,534	2,435	191,126	456	39,221	46	34,231		
New Mexico	1,956	142,918	1,015	108,721	172	90,393	85	82,924	22	61,525
Arizona	1,357	55,734	155	35,160	26	9,581				
Utah	588	205,925	232	142,423	118	86,044	59	40,125	50	11,330
Nevada	242	39,121	488	53,556	357	38,959	45	6,812		
Pacific:										
Washington	1,602	340,829	325	67,199	207	22,195	30	11,138		
Oregon	1,186	301,982	487	163,075	346	86,929	128	52,160	207	13,087
California	11,322	1,111,833	6,018	767,181	4,272	499,424	4,086	323,177	962	91,635

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. MILLER in the chair). Are there any reports of committees? If not, the clerk will state the nomination on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Toxey Hall to be United States attorney for the southern district of Mississippi.

Mr. BILBO. Mr. President, I wish to make a statement in connection with the nomination of Mr. Hall. He has been State district attorney in my home district for almost a quarter of a century, and I wish to state as a matter of record that the State of Mississippi has never had a better district attorney. He is qualified in every sense of the word and will be a great Federal district attorney.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. BILBO. I ask that the President be notified at once of the confirmation of Mr. Hall.

The PRESIDING OFFICER. Without objection, the President will be notified.

That concludes the Executive Calendar.

The Senate resumed legislative session.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 56 minutes p. m.) the Senate took a recess until Monday, January 17, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 15 (legislative day of January 5), 1938

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States, vice Sutherland, retired.

CONFIRMATION

Executive nomination confirmed by the Senate January 15 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Toxey Hall to be United States attorney for the southern district of Mississippi.

HOUSE OF REPRESENTATIVES

SATURDAY, JANUARY 15, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, whose influence is everywhere, make us susceptible to those qualities of soul that lead us to high spiritual attainments. Descend upon us in full measure that we may put into our daily lives those sublime principles enunciated in the Sermon on the Mount. Comfort us with that everlasting hope that encircles all. Give courage to the father in pursuit of his labor; strengthen the mother for her daily task. O Thou who art the architect and builder of the universe, the light and the life of men, the inspiration of every permanent movement, we beseech Thy richest blessings upon all our people. Grant that they may move onward to a better civilization. Let Thy kingdom come and Thy will be done in all our hearts, in the blessed Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. ROMJUE].

CLEMENT C. DICKINSON

Mr. ROMJUE. Mr. Speaker, it is with very great regret on behalf of myself and the entire Missouri delegation that I announce the death of a former Member of this House, who was some few years ago an outstanding and distinguished member of the Missouri delegation in this body. Clement C. Dickinson passed away at his home yesterday surrounded by his family and a host of friends.

Of the first three Members who spoke to me about it this morning, one said, "Everybody loved Judge Dickinson." Another said, "Bless his old heart, I am sorry he has gone." The third said, "I loved him always. He was a faithful and valuable Member of this House."

Last fall my wife and I paid Mr. Dickinson and his aged wife a visit. The first thing we discussed was public problems. His mind was as alert as at any time while he was a Member of the House, and he was the most mentally alert and one of the most sound in judgment I ever met, here or elsewhere. He was deeply interested in the public welfare. He told me about his suffering, and still cheerful followed me to my car as we prepared to drive away. He laid his hand on my shoulder and, as I bade him good-bye, with a smile upon his face he said, "I am now 88 years old, but there is nothing wrong with me except what I heard Senator George Vest say one time when he was getting quite old and a little feeble. With his head down close between his shoulders and with age weighing upon him Senator Vest said, 'There is nothing in the world wrong with me except old Anno Domini.'" With a smile, Judge Dickinson said, "That is all that bothers me."

When I drove away I did not expect to see him alive again, and I did not.

Judge Dickinson was a faithful public servant. He succeeded a former distinguished Member of the House, David A. DeArmond. I recall the newspapers throughout the country, at the time he was elected at a special election, commented upon it and said his election was a barometer of how the country would go in 1912, and it so happened.

I know every Member of the House who had the pleasure and privilege of serving with Judge Dickinson will regret the passing of this grand statesman.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Mississippi.

Mr. RANKIN. We all join the gentleman from Missouri in the sorrow which Judge Dickinson's death has brought to the people of his State. Those of us who served with Judge Dickinson loved him as a father.

I will never forget the memory he displayed in discussing matters of former years. I believe after Champ Clark's passing he was the best-informed man I have ever met on what we might call the unwritten history of the United States. Judge Dickinson was the only Member of the House I ever saw who heard Jefferson Davis' inaugural address. At that time he was a boy only 10 or 12 years old, but his recollection of the events of that time was as clear as if they had come down in written form.

We all join the gentleman from Missouri in paying tribute to Judge Dickinson, one of the great men with whom we have served in the House.

Mr. ROMJUE. I thank the gentleman.

It is with a kindly feeling that the Missouri delegation expresses, through my words as chairman of the delegation, our universal sorrow and regret at the passing of this noble citizen and outstanding statesman of our State. I believe he was one of the most universally respected and the most lovable character that I ever had the pleasure of serving with in this distinguished body. As the saying goes, "His word was as good as a bond." He was distinctly loyal to his constituents and his friends, and I never knew him to have a harsh and ugly word for anyone. He was of the most forgiving spirit and seemed to hold naught against any person.

As my wife and I drove away from his home after our last visit with him I assured him we would meet each other again, and we shall.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield to me?

Mr. ROMJUE. I am pleased to yield to the gentleman from North Carolina.

Mr. DOUGHTON. I read in this morning's paper with profound regret of the passing of our former colleague Judge Dickinson, a distinguished Member of the House who served here so long and faithfully from the State of Missouri. Judge Dickinson was a member of the Committee on Ways and Means, of which I have the honor to be chairman. Although in point of years he was the oldest member of the committee, in his alertness, his diligence, his ability, and the regularity with which he attended the sessions of the committee he was surpassed by no member of the committee and hardly equaled by any. I have never served with a greater, purer, and nobler man than Judge Dickinson. In his passing the country has lost an outstanding, distinguished citizen, and a most useful and truly great man.

Mr. ROMJUE. I thank the gentleman.

CORRECTION OF THE RECORD

Mr. ENGEL. Mr. Speaker, this bill carries appropriations amounting to almost $4,000,000,000. Only a handful of Members are here. I make the point of order a quorum is not present.

Mr. KNUTSON. Mr. Speaker, will the gentleman withhold his point of order for a moment?

Mr. ENGEL. I withhold it, Mr. Speaker.

Mr. KNUTSON. I should like to have some corrections made in the RECORD, if the Chair will recognize me for that purpose.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. KNUTSON. Mr. Speaker, on page 723 of the daily RECORD it appears that the gentleman from Mississippi interjected remarks at various times while I had the floor, notwithstanding the fact I refused to yield. This is becoming a bad habit in the House. There is nothing objectionable in the remarks the gentleman inserted, but in revising my remarks last evening I struck out the gentleman's remarks because I had not yielded to him.

The SPEAKER. Does the gentleman desire to make a correction or make a point of order?

Mr. KNUTSON. I make a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KNUTSON. In revising my remarks last night after returning to my office I struck out all the interjections for which I had refused to yield. The manuscript went to the gentleman from Mississippi. He has restored these remarks. He not only restored his own language but he restored the language, on page 723 of the daily RECORD, interjected by the gentleman from Oregon [Mr. MOTT]. The reporter's transcript shows I struck out all these remarks, but the gentleman from Mississippi restored them, with his usual desire for publicity, and I can understand his desire to attach himself to such a good speech.

Mr. Speaker, I ask that all the remarks for which I refused to yield be stricken from the RECORD.

Mr. RANKIN. Mr. Speaker, I think I shall demand those words be taken down and make a point of order against them.

The SPEAKER. Let us dispose of the gentleman's demand that the words be taken down.

Mr. RANKIN. I just want to say to the House——

The SPEAKER. Will the gentleman indicate the words he desires to be taken down?

Mr. RANKIN. Where he said I restored anything to the RECORD. As a matter of fact, there is nothing in the RECORD, as I see it, that was not said on the floor, but I have a point of order, Mr. Speaker, that I wish to press at this time.

Mr. KNUTSON. Let us dispose of one thing at a time.

The SPEAKER. The Chair can only dispose of one question of order.

Mr. RANKIN. I just wish to say that statement is utterly false. There is nothing in that RECORD that was not said on the floor.

Mr. KNUTSON. It is true it was said on the floor, notwithstanding the fact I refused to yield. That is what I am objecting to. The gentleman is correct about its having been said on the floor.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I am going to object to any correction of this RECORD for the simple reason that on yesterday—and I make this point of order—the Member from Minnesota who is now addressing the Chair attempted to read into the RECORD an attack on me from a newspaper. I made the point of order that he did not have the right to read anything into the RECORD without the permission of the Committee. He stated that he had secured the permission. In the confusion I did not know just what had taken place, but I turned to the RECORD this morning and I find that when he was yielded time he did not even ask permission to insert anything in the RECORD.

Mr. KNUTSON. Mr. Speaker——

Mr. RANKIN. Wait a minute; I am making a point of order.

The Chairman was not informed of the fact he had asked permission to extend his remarks in the RECORD and to include some articles without naming them, but he had not got permission to read them on the floor of the House.

I want to serve notice on the House that I am going to object to any correction of this RECORD and that probably

Monday or at some future day I am going to move to strike his entire remarks from the RECORD for this flagrant violation of the rules of the House and misleading the Chairman who was presiding over the Committee of the Whole at that time.

So, Mr. Speaker, I object.

The SPEAKER. The Chair is ready to rule on the questions of order that have been raised respectively by the gentleman from Minnesota and the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, I prefer to reserve my point of order until next week, but I am going to object to his correction of the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] withdraws his point of order.

The gentleman from Minnesota [Mr. KNUTSON] withdraws his point of order.

The gentleman from Minnesota [Mr. KNUTSON] has raised a question of order and procedure to the effect that during the debate in Committee of the Whole upon yesterday, the Chair not being present when the incident occurred, in the course of his remarks the gentleman from Mississippi [Mr. RANKIN] interjected certain remarks in the speech of the gentleman from Minnesota, and the gentleman asserts, upon his responsibility as a Member, of course, that at that time he declined to yield to the gentleman from Mississippi.

Mr. KNUTSON. Mr. Speaker, the RECORD shows I refused to yield and I stand on the RECORD.

The SPEAKER. The Chair would like to conclude the ruling on this proposition. It presents no novel matter.

The rule is very clearly established that when a Member has the floor he, of course, has the right to exercise the discretion of declining to yield to any Member of the House who may desire to interrupt him or to propound a question, and all the precedents with which I am familiar—and there are quite a number of them—universally hold that in such an event, if remarks are made by the interrupting Member without the consent of the Member having the floor and in spite of his refusal to yield, the gentleman having the floor, in the correction of his language, will be entitled to strike such remarks from the RECORD. This has been the rule in the application of this principle in debate on the floor.

Section 3465 of volume VIII of Cannon's Precedents holds that—

> A Member having the floor and yielding for a question may not in revising the manuscript of his speech omit the interruption; but if he declines to yield for interruption, may in revision strike out such words interpolated by another without his consent.

The Chair does not think it is necessary to make any further comment on the proposition.

The gentleman from Mississippi, the Chair understands, withholds his point of order until a later date.

Mr. RANKIN. I wish to be heard, Mr. Speaker, for just a moment.

I desire to say that if you will get the manuscript you will find the remarks he is talking about were stricken out, and the RECORD shows that there was a mark across them when they left my office, but I do not care anything about that.

My understanding was, at the time that he yielded to the gentleman from Oregon [Mr. MOTT], that he propounded a question to me and I answered it. I suppose that is the part of the RECORD to which he refers. I have no objection to that being stricken out, but I do have objection to a man taking advantage of the committee, as did the gentleman from Minnesota [Mr. KNUTSON], and by that subterfuge assuming the right to read into the RECORD a lot of scurrilous editorials.

Mr. KNUTSON. Mr. Speaker, I object to the term "subterfuge." The RECORD, on page 515, shows that I secured the necessary permission while the Speaker was in the chair.

The SPEAKER. Does the gentleman from Michigan [Mr. ENGEL] insist on his point of order that there is no quorum present?

Mr. ENGEL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seven Members present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 5]

Allen, Del.	Disney	Jarrett	Seger
Arnold	Dorsey	Johnson, Minn.	Simpson
Atkinson	Douglas	Johnson, Lyndon	Sirovich
Barton	Drew, Pa.	Keller	Smith, Maine
Bernard	Drewry, Va.	Kerr	Smith, Va.
Biermann	Evans	Kinzer	Smith, Wash.
Boylan, N. Y.	Ferguson	Kniffin	Smith, W. Va.
Buckler, Minn.	Fish	Lemke	Somers, N. Y.
Buckley, N. Y.	Fitzpatrick	Lord	Stack
Byrne	Ford, Calif.	McGrath	Starnes
Carter	Frey, Pa.	McGroarty	Sullivan
Cartwright	Fulmer	Murdock, Ariz.	Sweeney
Celler	Gamble, N. Y.	O'Connell, Mont.	Swope
Chapman	Gambrill, Md.	O'Connor, Mont.	Teigan
Citron	Gasque	O'Day	Thomas, N. J.
Clark, Idaho	Gehrmann	Palmisano	Tinkham
Clark, N. C.	Gifford	Pettengill	Towey
Coffee, Wash.	Goldsborough	Pfeifer	Treadway
Cole, Md.	Gray, Pa.	Phillips	Wene
Costello	Green	Quinn	Whelchel
Deen	Hamilton	Rogers, Okla.	Wood
Delaney	Hartley	Rutherford	
Dempsey	Holmes	Satterfield	
Dirksen	Hook	Schneider, Wis.	

The SPEAKER. On this roll 337 members have answered to their names, a quorum.

Mr. RAYBURN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The SPEAKER, laid before the House the following communication which was read:

JANUARY 15, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of May 17, 1928 (U. S. C., title 10, sec. 1052A), I have appointed during the remainder of the third session of the Seventy-fifth Congress the following members of the Committee on Military Affairs of the House as members of the Board of Visitors of the United States Military Academy: A. J. MAY, Kentucky; R. EWING THOMASON, Texas; DOW W. HARTER, Ohio; CHARLES I. FADDIS, Pennsylvania; CLARENCE W. TURNER, Tennessee; WALTER G. ANDREWS, New York, and DEWEY SHORT, Missouri.

Sincerely yours,

A. J. MAY, *Chairman.*

TREASURY AND POST OFFICE APPROPRIATION BILL, 1939

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8947), with Mr. GREENWOOD in the chair.

The Clerk reported the title of the bill.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. TABER: Page 2, line 5, strike out "$230,000" and insert in lieu thereof "$217,850."

Mr. TABER. Mr. Chairman, this is an attempt on my part to strike out from the appropriation, "Office of the Secretary," the amount of funds that are required, according to the statement of the Treasury, for the purpose of administering the Silver Purchase Act of 1934. I am making this motion because I believe that that act is placing an unconscionable burden upon the Treasury without any justification what-

ever, and because I believe that this is the only possible way that the Congress of the United States can get at this racket. It has cost the Government of the United States $600,000,000 to buy the silver that has been bought in the last 4 years. It does not appear on the Budget statement. In the last 4 years it appears on the first page of the Treasury statement that comes out daily, in the increase in the silver certificates outstanding. These silver certificates are carried as liabilities in one separate statement, and on the other side the silver bullion taken in is carried at $1.29 per ounce, whereas the actual market price, if it was not supported by Government subsidy of this kind, would be not over 18 cents or 20 cents an ounce. The only people who benefit from this expenditure and liability the Government is getting itself into are the miners to a certain extent, and, as I understand it, there are 25,000 or 30,000 of them, and the United States Smelting & Refining Co., which now, as a result of operations under this act, and to a certain extent the American Smelting & Refining Co., is able to pay dividends of about $12 a share.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. TABER. No.

Mr. WHITE of Idaho. So that somebody may state the truth?

Mr. TABER. I do not want to yield to the gentleman on a subject which he does not understand.

Mr. WHITE of Idaho. I do understand it.

Mr. TABER. No; the gentleman does not. I want the House to understand that we have been getting the Government into trouble to the tune of $150,000,000 by the operations of this act. There are not over 25,000 or 30,000 of these miners, and that would be $5,700 per miner, if they got it. It is absolutely ridiculous for us to go on in this way. It is nothing but an out-and-out subsidy; and while the set-up of the Treasury statement carried the false value for this silver that is taken in, the actual facts are that it sets up an additional liability on the part of the Treasury for every ounce of silver that comes in.

In the long run it will destroy the financial integrity of the United States Government. This is a small amount. The question of whether we should spend $7,000, $8,000, or $13,000 extra would not make much difference in balancing the Budget; but the main thing is to reduce these appropriations so that no funds will be provided to continue to operate under this Silver Purchase Act. The only possible recourse the Congress has against this terrific charge upon the Treasury of the United States is to adopt these amendments I propose to offer one after another as the occasion presents itself. I hope the House will do so. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the great importance of this matter to all of the mining States of the West, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, the gentleman from New York on Thursday in general debate assailed the Silver Purchase Act and gave notice that when this item was reached for amendment he would attempt to hamstring the act by a motion to cut out the appropriation for the expenses of its administration, and he now makes his motion. When the hearing was held before the subcommittee he asked that the Director of the Budget produce an itemized statement of the Budget estimate for the administration of the Silver Purchase Act.

This break-down will be found on page 17 of the hearings. It shows that the total cost for the fiscal year 1937 was $287,761. The break-down is followed by a significant note which reads as follows:

> During the fiscal year 1937 the sum of $633,712 was collected by the Bureau of Internal Revenue under the taxing provisions of the Silver Purchase Act. If we offset this revenue against the estimate of $287,761, we have a net revenue in excess of expenditures of $346,951.

So the gentleman from New York, for the purpose of affecting a saving of $286,761, would actually effect a loss of $346,951.

He is about as nearly correct in his proposed economies on the operating costs of the Silver Purchase Act as he is upon larger economies mentioned in his remarks. For instance, he says of domestically mined silver, for which the Treasury will pay 64⅔ cents per ounce during this year, and I quote—

> That without this Government subsidy the market price of silver would be somewhere around 18 to 20 cents, perhaps less; at any rate, not more than that—

when as a matter of fact, as shown by the hearings, silver has been fairly steady in the world market for a long time at around 45 cents an ounce, or more than twice the price he said it would be if it were not for what he terms in his remarks, and I quote—

> This monstrous operation on the Treasury.

This monstrous operation on the Treasury, he said in his remarks—I quote—"means a subsidy of $150,000,000 a year." Now, let us see what it means. The Secretary of the Treasury at page 16 said, "63,000,000 ounces of newly mined silver in the United States was acquired in the last fiscal year." At 64⅔ cents an ounce, the total cost would be only $40,720,000, not $150,000,000. Now, assuming that the production for the next fiscal year will be the same and that the Government will pay 65 cents an ounce for it, with the world market at 45 cents, it will be a subsidy of only 20 cents an ounce, and a subsidy of 20 cents an ounce on 63,000,000 ounces will be only $12,600,000 instead of $150,000,000.

But, Mr. Chairman and Members, the Government pays nothing for this silver. It pays for itself and the Government gets half of it as seigniorage, which is a net profit to the Government.

Now, let us see how this silver is paid for. I quote from the hearings, page 19:

> Mr. TABER. What fund or funds do you use to buy silver?
> Mr. BELL. We use regular Treasury Department funds to purchase silver in the first instance, but gradually those funds are replaced by silver certificates which go to the Federal Reserve banks and the Government gets credit for them.

And mind you, these silver certificates are redeemable only in silver. So, in the first place, the silver is not paid for in any form of currency or money, only in that represented by itself; and in the second place, it is redeemable only in itself. And, by the way, it is the only currency in the United States which has any intrinsic value or is redeemable in any metal.

However, this is only dealing with the small-change aspects of the silver-purchase policy and the currency created by it. It was mentioned by the gentleman in his remarks on the floor, it appears in the hearings, and it appears in the daily statement of the United States Treasury, that there is outstanding today in round numbers silver certificates to the amount of fourteen hundred million dollars. These certificates, unlike all other forms of currency, with the exception of $340,000,000 of Civil War greenbacks, draw no interest; that is, are based on no interest-bearing debt. There are no 3-percent bonds outstanding to sustain this currency, and that fact alone saves the taxpayers of the United States on these fourteen hundred million dollars of outstanding silver certificates $42,000,000 a year. It is almost the only kind of hand-to-hand currency in circulation in this country. One-dollar bills, five-dollar bills, ten-dollar bills, are nearly all silver certificates. Look in your pockets and see what kind of currency you are carrying.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, this large volume of much-needed circulating medium, and it appears to actually circulate and which is not a burden on the Treasury or the taxpayers, gives corroborative force to the statement of the Secretary that the silver-purchase program does not burden the Budget. At page 19 appears the following:

Mr. LUDLOW. Is the silver purchasing program affecting the budgetary system adversely?
Mr. MORGENTHAU. No.

Mr. Chairman, the gold- and silver-purchase policies of this administration pulled the precious metal-mining industry in the Mountain States out of the graveyard. That is exactly where it was found on March 4, 1933. The ghost mining towns, which have been the source of this country's monetary metals, have thrown off the grave clothes and taken on new life. Even at the cost of $13,000,000 a year for silver, which means aid for the entire mining industry of the West, and which is little more than 2 percent of the amount carried in the Soil Conservation Act for agriculture, it seems to me the present status would be well worth preserving, and that its abandonment would result in economic losses in the mining States in excess of any cost involved, to say nothing of giving the people a medium of exchange which has no choke strings on it. [Applause.]

Mr. Chairman, I hope this amendment and all other amendments offered by the gentleman from New York will be voted down. [Applause.]

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

Mr. Chairman, I was rather interested in listening to the remarks of the distinguished gentleman from Colorado as he tried to provide to the House an excuse for this program of silver purchases. Very naturally we expected just such a speech from him because this silver-purchase program needs able defenders. It cannot stand on its own, and it is only because of men such as he, with their ability, that this silver-purchase program has been put over on the country.

Let us not talk about big figures. Let us look at figures that anyone can follow. I believe I am correct in saying that at the present time there is a value established by the Federal Government of 64 cents an ounce for silver. I believe I am right in saying that there is a real value to silver of about 18 to 20 cents an ounce. In other words, the difference between the real value and the fictitious value is nothing more, more or less, than the gravy that the silver men are getting out of this program. At the expense of the Federal Government the silver men have been able to put over on the Treasury Department and sell the idea to this administration that something which only has a real value of about 18 cents or 20 cents should be boosted in value to 64 cents.

It would be interesting if the gentleman from Colorado would tell us how many ounces of silver have been bought by this administration since the fictitious value has been established. I believe I am correct when I say that 1,200,000,000 ounces is a fair figure of the amount of silver that has been purchased by the Treasury Department during the last 4 years. If I am incorrect in this statement I will bear correction at the hands of the gentleman from Colorado. I believe I am also right in saying that the purchases have been made at an average cost of about 55 cents an ounce. In other words, the Federal Government has been providing a benefit to the silver group based on the difference between 55 cents an ounce and 18 and 20 cents an ounce and on this basis has purchased over a billion ounces of silver. Figure it out for yourself what this has cost Uncle Sam.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. DITTER. I said I would yield to the gentleman to correct my figure of 1,200,000,000 ounces. If I am incorrect in that statement I bear correction at the hands of the gentleman.

Mr. MARTIN of Colorado. I think the gentleman is approximately correct.

Mr. DITTER. Is my figure on the value correct?

Mr. MARTIN of Colorado. No; it is not. The gentleman ought to know silver has a value of 45 cents an ounce on the world's market all this time and has that value now and not 18 cents or 20 cents an ounce.

Mr. DITTER. Who has established that value? What was the value prior to the time the Silver Purchase Act was enacted?

Mr. MARTIN of Colorado. I may say to the gentleman it was worth about as much as anything else in this country was worth on March 4, 1933.

Mr. DITTER. I am surprised the gentleman would stoop to the use of that illustration as a basis for his argument. I am, indeed. I have the greatest admiration and respect for the gentleman, but any such argument as the gentleman now uses in an effort to prove a real value for silver hardly does him credit.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes. I want to ask him a real question.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Is not the gentleman willing to admit the world price of silver has been around 45 cents for the last 2 or 3 years?

Mr. DITTER. It is only because of the benefit that has been brought to silver from the boosting of the price as a result of this administration's program of silver purchase.

Mr. MARTIN of Colorado. The world agreement is now at an end, and silver still maintains its world price.

Mr. DITTER. I maintain silver in the world market would have the value I suggested to the gentleman earlier in my remarks, when I said it was 18 to 20 cents, and that had it not been for the silver-purchase program advocated by the gentleman for the boosting of the price to 65 cents an ounce it still would be where it was. The subsidy which is being provided by the Federal Government at the expense of the taxpayers is for the benefit of only one group, the silver-producing group in the western part of the country.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. May I inquire why, if we are paying this subsidy in this country, we recently went to Mexico and bought 45,000,000 ounces of Mexican silver in order to help the Mexican silver-mine owners?

Mr. DITTER. It is only a part of this general program, which has neither rhyme nor reason to support it, and against which any reasonable man feels he must of necessity rebel. This is the reason I ask support for the amendment now before the committee which I have offered. I submit, Mr. Chairman, there is not an economist of standing either here or abroad who regards our silver-purchase program as sound.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it gives me a good deal of pain to oppose any amendment offered by the gentleman from New York [Mr. TABER], because we generally see eye to eye on appropriation matters, and I have great respect for his judgment, but in this case I believe the gentleman is wrong, and I think his position should not be sustained by the House.

As I see this question, it is not at all a question of the merits of the Silver Purchase Act but rather a question of

whether or not a mandatory statute passed by the United States Congress shall be nullified and starved out by denying it an appropriation. That is all there is to it. In 1934 Congress passed the Silver Purchase Act, by which it was made mandatory on the Secretary of the Treasury to purchase silver until silver became at least one-fourth of the monetary stocks of the country or until the price of silver reached $1.29 per ounce. The Secretary of the Treasury did not ask for this measure. It was imposed on him, and it was made his duty to enforce it. In the opinion of a majority of our committee it is our obligation to furnish the Secretary of the Treasury a reasonable personnel to enforce the statute. We could no more be justified in starving out this statute by denying it an appropriation than we would be justified in starving out any other statute passed by Congress, such as the Social Security Act or any other act. I repeat that the Secretary of the Treasury has no discretion in the matter. It is made mandatory on him to buy silver. Certainly, when Congress imposes this duty and obligation upon him, it should not deny him any personnel whatever that is required, in the exercise of the proper economy, to carry out the will of Congress.

If we do not agree with the merit of the statute, and I frankly say a lot of us do not think much of it, then the only way to handle the situation is to pass a law repealing the statute. This being the situation, I hope, with all due respect to the proponents of the amendment, that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and there were on a division (demanded by Mr. TABER)—ayes 20, noes 38.

Mr. TABER. Mr. Chairman, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. (After counting.) One hundred and six Members are present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

DIVISION OF RESEARCH AND STATISTICS

Salaries: For personal services in the District of Columbia, $170,000.

Mr. DITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DITTER: On page 4, line 26, strike out "$170,000" and insert in lieu thereof "$60,000."

Mr. DITTER. Mr. Chairman, the purpose of the amendment I offer at this time is to bring about economies at a place where I believe every Member of the House can join me in practicing economy. The amendment has to do with the salaries of the employees of the Division of Research and Statistics. The hearings disclose that the Division is headed by a Dr. Haas, who is fortunate enough to be on four different pay rolls of the Treasury, as well as on the pay roll of the Emergency Relief.

It seems to me the time has come when you and I should assume responsibility so that this wastefulness and extravagance will stop. This Division of Research and Statistics, among other things, attempts to justify its existence by claiming that it prepares statistics for the use of the Ways and Means Committee in its work on the new tax bill. This presents a very interesting basis for an observation. From all sides we hear complaints about the present tax bill. If there is one thing that is demanded from every part of the country, it is an immediate change in the tax bill which was forced upon the country by this administration. If this tax bill, which has caused such universal objection and complaint, which has contributed to the serious business depression that we now face, which has helped to add thousands of workers to our unemployment lists—if this tax bill is the result of the expensive efforts of this Research and Statistical Division, it is manifest that we might have dispensed with their work with profit to the country. I submit, Mr. Chairman, the results of this Division in the fields of taxation have been a nightmare, and have given the country one of the worst headaches it has had at any time.

I submit, Mr. Chairman, that no tax bill has had more complaint registered against it than the tax bill that now burdens the American people.

I feel we have an able Ways and Means Committee in the House. Of course it would be stronger if it had a majority of Republicans. I believe the Ways and Means Committee has the ability to prepare a tax bill. It certainly can advocate the repeal of the present objectionable measure. I believe this Research and Statistical Division is just an unnecessary expenditure, a waste of funds. I believe it is an extravagance we can well do without. If this Division of Research and Statistics is brought within reasonable bounds, the country will profit. If the Democratic majority really wants to practice economy and make slashes in Government expense, here is a splendid place where $110,000 can be saved. This reduction will in no way cripple the work of the Federal Government or any of its agencies. It will in no way decrease the ability of the present administration to carry on its duties. It will enable you to go back to your constituency and boast that your promises of an economical administration of the public business has been carried out by a real performance—shadow boxing and pretenses will be gone—something in saving will be accomplished.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope this amendment will not be adopted.

The Division of Research and Statistics is under pretty heavy fire, but it is a very important division of the Treasury Department. It is the eyes and ears of the Secretary of the Treasury on all international financing, matters of international exchange, and securing the basic facts on which to base tax revision. It has manifold duties of a widely varying nature vitally associated with the administration of the Treasury Department.

The Secretary of the Treasury has advised us he relies tremendously on this Division. Under former administrations it was the custom of Secretaries of the Treasury to accept financial statements of banking houses and fiscal institutions of different kinds, but the policy now is to get the basic facts at first hand, through this Division of Research and Statistics, which, as I have said, is a very important division, and so considered by the Secretary of the Treasury and the administration.

We have already made a tremendous cut in the appropriation for this office. The head of the office, Dr. Haas, had a personnel of 152 this year, including 40 on emergency relief rolls. Under the appropriation we have proposed here for 1939 he will have only 86 persons exclusive of any personnel he may get from the relief rolls, and we do not now anticipate he will get any personnel whatever from that source. The total amount available for him during the fiscal year 1938 is $358,490, and in 1939, through the exercise of what a majority of the committee believe to be the strictest of economy, we have cut him down to $225,000 altogether, including the $55,000 he receives from another source.

The majority of the committee does not think for a moment it could stand the further cut recommended to us here today by the gentleman from Pennsylvania. We have cut to rock bottom, and in view of the great importance of this division in the fiscal operations of the Government and the vital duties that have been assigned to it, we ask you not to adopt this amendment.

Mr. TABER. Mr. Chairman I ask recognition in support of the amendment.

Mr. Chairman, the Division of Research and Statistics is now on four pay rolls of the Treasury. On top of that they are over on emergency relief. This is the Bureau where $100,000 has been spent illegally out of the funds appropriated by this Congress to the Bureau of Internal Revenue for the purpose of examining claims having to do with the refunding of processing taxes. I do not know whether this

Bureau is also on the stabilization fund or not. That is something we do not know anything about, but it is possible. Three hundred and fifty-eight thousand dollars—and the Congress appropriated $60,000 for it last year, that is, for this current year that we are now in, and instead of spending $60,000, they are spending $358,000. They did not come here before the deficiency committee and ask for an increase in appropriations, but they tried to sneak in under the tent. No bureau that can justify itself is operating that way. There is absolutely nothing here excepting duplication of the work of the Federal Reserve Board in gathering statistics on foreign trade, on foreign investments, on foreign operations, and preparing information with reference to our domestic matters, as to whether a bond issue or anything of that kind can be absorbed. An appropriation of what was carried last year, $60,000, such as the gentleman from Pennsylvania [Mr. DITTER] proposes, is ample to carry on what this Bureau has a right to do, and I hope that the amendment offered by the gentleman from Pennsylvania will be adopted.

Mr. LUDLOW. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last word. This is a question of personal opinion. Gentlemen on the other side probably do not believe in the work of this department. There are those on this side and those in the Department who believe that they are doing a most important piece of work, one that is necessary to the Treasury Department, and they ask your support for that reason. The chairman of the committee has stated to you that substantial reductions have been made, and there are functions of the work of this Bureau that do not appear in the hearings. There is work that they do that is most important that should not be in the hearings. In the preparation of material, in the gathering of data, which affect our monetary system, there is much that is done that should not be outlined in detail, and as a result the presentation of their claim for this appropriation does not tell the full story, and it is not exactly fair to attempt to cut their work, where they have no chance to tell the complete job that they are doing. Therefore, this committee, the majority of it, asks you to sustain it as to the amount of the appropriation, which is substantially less than that which the estimate carried, and to vote against the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. DITTER) there were—ayes 15, noes 52.

Mr. DITTER. Mr. Chairman, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

OFFICE OF GENERAL COUNSEL

Salaries: For the General Counsel and other personal services in the District of Columbia, $130,000.

Mr. TABER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 5, line 3, strike out "$130,000" and insert in lieu thereof "$114,000."

Mr. TABER. Mr. Chairman, this is an amendment to reduce the appropriation for the general counsel by some $16,000. This is the amount or approximately the amount that the Treasury Department told us was required in this office for the purpose of administering the Silver Purchase Act. It is right along the line of the amendment that I offered a few moments ago to reduce the appropriation in the Secretary's office. It is the only possible way that this Congress can stop the building up of $150,000,000 a year of liabilities against which we have no real assets in the Treasury. It is the only possible way that this Silver Purchase Act can be stopped. They are buying silver, not only that produced in the United States, but that produced all over the world, at a price away beyond what the price could possibly be if it were not for the operation of this act.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. HOFFMAN. On the other side the other day it developed that the inability of the automobile dealers to sell used cars was cutting down the market for new cars, and that is why the General Motors and other automobile concerns have discharged thousands of men. On the basis of the same practice used here, is there any reason why the Government should not buy those used cars and get them off the market so that the factories could go ahead and make new ones and sell them?

Mr. TABER. There would be just as much sense in proposing that as the other.

Mr. HOFFMAN. Is there any sense in it?

Mr. TABER. Not a bit except for those beneficiaries of the act. They are the winners. We have built up a debt of nearly $1,500,000,000 already against assets which would sell for only $250,000,000 and that are carried on the books at $1,448,000,000. I hope that the Congress will adopt this amendment and stop this racket.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. TREADWAY. Will the gentleman inform me the difference in price between what the Government is paying for silver today and what the same silver would naturally sell for without Government support?

Mr. TABER. As near as I can estimate the price of silver would be from 18 to 20 cents an ounce if it were not for the operation of the Government under the Silver Purchase Act. The Government is paying 64 cents an ounce for newly mined silver and 45 cents an ounce for silver produced in Mexico, China, India, Spain, or anywhere else in the world, and is paying 45 cents an ounce for old silver produced years ago in the United States.

Mr. TREADWAY. May I further ask the gentleman what this amounts to in the aggregate as a cost to the Federal Government?

Mr. TABER. It adds to the liabilities of the Government in silver certificates that are circulated about $150,000,000 a year. I hope that the House will adopt these amendments and stop the racket.

There is no profit to the Government in this silver operation. What results is, that we carry the silver as an asset at $1.29 an ounce, when its real value is 18 to 20 cents per ounce. This false and dishonest bookkeeping is required under the Silver Purchase Act.

Mr. LUDLOW. Mr. Chairman, this amendment offered by the gentleman from New York is a corollary to one which he previously introduced and which was voted down. I understand he will introduce others of a similar nature, the purpose of which is to deprive the Treasury Department of appropriations to enforce a mandatory act of Congress, the Silver Purchase Act. We have already had an expression of the House on the other amendment. I hope this amendment will be voted down likewise.

Mr. Chairman, I ask unanimous consent that all debate on this amendment do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 11, noes 54.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I object to the vote on the ground there is not a quorum present and make the point of order that there is not a quorum present.

The CHAIRMAN. The Chair will count. (After counting.) One hundred and fourteen Members are present, a quorum.

The Clerk read as follows:

OFFICE OF CHIEF CLERK

Salaries: For the Chief Clerk and other personal services in the District of Columbia, $145,000.

Mr. DITTER. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. DITTER: On page 5, line 6, strike out "$145,000" and insert "$140,000."

Mr. DITTER. Mr. Chairman, this amendment that I offer now is in line with the amendments that we have offered heretofore on this bill with reference to the silver-purchase racket.

I feel that if we are persistent enough on this side that ultimately some of you Members on the other side will begin to see the light of day, and that our persistent efforts, instead of being so objectionable to you, will be received with welcome, that eventually you will come to our way of thinking. It is much the same kind of effort that the evangelist must put forth as he tries to bring sinners to a sense of repentance; and so it is with that spirit that I press upon you now the merit of this amendment I have offered. I hope you will be converted this time and support the amendment.

Let us ask the question just as they do in those meetings: Have you men on the other side any disposition whatever to save money? This, in the final analysis, is the whole thing here; it is not a matter of whether you like silver. Dear knows, some of those men on the other side who have been advocating this policy have had a mighty hard time with their own consciences in trying to do it. The real question, nevertheless, is, Do you believe in this racket which requires the Government to pay these silver interests, all these big companies—not the little miner but the big companies that are getting the profit—whether you are willing to pay them the difference between the 64-cent price and the 20-cent value? Those who have the interests of the farmers at heart should be interested. I wonder whether you men of the farm group feel that you are getting the same kind of benefit for your farmers in your districts that these silver men have been able to get for their silver interests. You men of the South with your cotton interests, you should look with longing eyes to these silver men and realize what they have been able to accomplish in the way of a subsidy for silver—the difference between 64-cent price and 20-cent value. That is some subsidy.

You men who are interested in corn should ask yourselves the question, How much of a subsidy should corn have? Are you getting this kind of benefit for every bushel of corn that is grown back in your corn States?

You corn men; you cotton men; you tobacco men; you rice men; you wheat men—you go back home to your farmers and tell them that you stood up here and provided these silver benefits; these gracious bounties; these substantial hand-outs.

I plead with you today to renounce this silver policy and support the amendment which I have offered.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not care to monopolize all of the time on this subject, but as the gentleman spoke I regretted very much that the Republican-controlled American Mining Congress could not have heard his speech and the speech the gentleman from New York [Mr. TABER] made, as well as other speeches that are being made on that side of the House, against silver and the Silver Purchase Act. I sincerely hope when the Committee rises the gentleman from New York [Mr. TABER] will carry out his threat to offer a motion to recommit this bill to strike out all expenses for the administration of the Silver Purchase Act, for the purpose of hamstringing the law.

Mr. TABER. Will the gentleman yield?

Mr. MARTIN of Colorado. I have not the time.

Mr. TABER. I propose to offer that motion. I told the House I was going to offer it when I took the floor the other day and I propose to do it and will ask for a roll call.

Mr. MARTIN of Colorado. And I am going to join the gentleman in getting a roll call on that proposition. When we get that roll call and every Republican Member of the House votes to strike down silver, I am going to some trouble and expense to see that the 11 mining States of the West are put in possession of that roll call. I want to show the West who and where its friends are in this Congress, because we are always on the spot with this kind of a fight, not only in connection with silver but in connection with reclamation, and everything else affecting the West. When the reclamation subject comes up that bunch over there on the Republican side will be clamoring to strike out appropriations for reclamation just as they are in connection with silver.

Mr. DITTER. Will the gentleman yield?

Mr. MARTIN of Colorado. They are inimical to all the western interests represented in this Congress, and I want the West to know it. I want the Republicans on that side to go as far as they like. However, I want my Democratic colleagues on this side to be awake to the situation. We want to put them on record, and you will not see another Republican Member of Congress in this House from west of the Missouri River.

Mr. DITTER. Will the gentleman yield? The gentleman will acknowledge that some of these reclamation projects do have merit?

Mr. MARTIN of Colorado. We will talk about that when we get to it.

Mr. DITTER. Is that not true?

Mr. MARTIN of Colorado. Sure, it is true; they all have merit. The gentleman from Pennsylvania and the gentleman from New York have persisted in saying that silver is only worth 18 cents or 20 cents an ounce on the world market and would be worth only that if it was not for this legislation. Silver is worth about 45 cents an ounce on the world market today. The international agreement between the United States and other nations for the purchase of silver has expired, and that agreement has no further sustaining power. Yet the price of silver stays up, because there is a demand for it at that price.

Mr. DITTER. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Upon the gentleman's own figures we may say that there is a subsidy of 19 cents an ounce being paid at the present time?

Mr. MARTIN of Colorado. That is right.

Mr. DITTER. In other words, the difference between the gentleman's value of 45 cents and the price paid of 64 cents?

Mr. MARTIN of Colorado. Yes; I admit that.

Mr. DITTER. I just wanted to be sure that the House knows the silver group is getting a 19-cents-an-ounce subsidy on every ounce of silver.

Mr. MARTIN of Colorado. That subsidy is small when compared with the subsidy which the steel industry in the gentleman's State receives. It was built up and sustained on a subsidy which costs the consumers of this country hundreds of millions of dollars every year. It could not last a year without that subsidy.

Mr. DITTER. The gentleman will admit that in those days the steel industry was a going concern and we were not faced with millions of unemployed as we are at the present time?

Mr. MARTIN of Colorado. It was not a going concern 4 years ago.

Mr. DITTER. It was a going concern so far as providing employment goes.

Mr. MARTIN of Colorado. It was not a going concern in 1933, when the Steel Trust barons were paying themselves salaries of a million dollars a year as well as a bonus of a million dollars a year, and their stockholders were going without dividends and their plants were shut down and Roosevelt was feeding their men. He is not feeding them all now, however.

The gentleman from Pennsylvania has appealed to the South and asked what has it received; he has appealed to the corn people and other farm groups as to what they are receiving by way of contrast to this twelve- or thirteen-million-dollar subsidy on silver. What did we do in the closing days of the Congress last August when we voted a subsidy of $150,000,000 to $250,000,000 on one southern crop alone—cotton—and in the special session we passed a farm bill carrying over $600,000,000 for all these other crops, which we are making permanent legislation. We have subsidized agriculture in this country and industry and shipping and a score of other activities, but none of which gives the country the return it gets on the silver-purchase policy. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. TABER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the House ought to be informed about the situation. I think the Members ought to know what is being done under this act. Perhaps the silver agreements with foreign countries have expired, but today the United States Treasury is taking all silver offered to it by foreign countries at 45 cents an ounce. That is what the Secretary of the Treasury told us when he appeared before our committee.

On top of that we are paying 45 cents an ounce for old domestic silver and we are paying 64 cents an ounce for newly mined silver. In December we were paying 77 cents an ounce for newly mined silver. There is no market price for silver in the world today. There is nothing whatsoever except the American Government's price; that is, a subsidy price for world silver that is being maintained by the United States Government.

That is the situation presented to you today and the proposition is: Do you want that subsidy to go on? Do you want an average subsidy of $5,700 for every miner to go on, if the money actually gets through the big melting and refining companies to those miners? I repeat, $5,700 to each miner as compared with a farm subsidy of only $66 to each farmer. How do you like it? Do you want to vote for the continuance of that subsidy? The people in the West are entitled to fair treatment, but we must not go on with such a subsidy as that. We must not go on with something which is piling up a debt in the form of silver certificates against which we have nothing in the Treasury but silver valued at six times what it would be worth in the open market. I ask you to protect the people of the United States and stop this interminable drain upon the credit resources of America. I ask you to vote for this amendment.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I dislike very much to say or do anything to discourage the budding evangelist from Pennsylvania, Mr. DITTER, but I can only say in connection with this amendment that it is a replica of what has gone before, a further effort to starve out a mandatory act of Congress by denying it an appropriation. If this amendment is adopted it will not in any way affect the subsidy and it will not in any way affect the act. The act will still remain on the statute books, imposing a mandatory demand upon the Secretary of the Treasury to do this work. The only effect of the amendment will be to deprive a few low-paid Government employees of their jobs. I hope the amendment will be disapproved.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Mr. Chairman, I am pleased to notice the interest in a subsidy to the farmers which has been expressed on the other side of the aisle. The gentlemen of that persuasion have been long on subsidies in the past, subsidies to manufacturers by way of protective tariffs, subsidies by way of mail contracts, ship subsidies, and that sort of thing. They cry out now against a subsidy to silver. I may say, Mr. Chairman, that half the silver mines west of the Mississippi River, half the silver mines of this country, would close down without the 19-cent so-called subsidy which has been mentioned by our Republican colleagues. In behalf of the West and the entire country, I am thankful that the so-called subsidy was continued 2 weeks ago. I do wish it had been raised rather than lowered.

Mr. Chairman, I find that those who are objecting the most to this aid to silver are the men who are in favor of only one kind of money; that is, banking credit money. This country was built on the basis of metallic money—gold and silver—and silver is one of the two pillars on which this system rests. It will be a sad day for this country when one of these pillars is entirely removed, and this is exactly the object of the gentleman who offers this amendment.

I ask the Committee to give due consideration to silver, the money of the fathers. May I remind you that when the Government of the United States buys silver at 64 cents an ounce it is making a large profit at that, for the silver goes into money at $1.29 an ounce. This feature should not be overlooked. In carrying on our present silver-purchase policy there is a double benefit to the country, aside from the employment afforded silver-mine employees and profits to silver-mine owners. I refer to the profits accruing to the Treasury and to the safe and sane stimulation of business by a natural increase of the people's money—the silver coins and silver certificates, constituting the bulk of the money in the purses of the common people. This is one kind of money over which the Congress yet has some control. Let us not surrender it.

Mr. DIES. Mr. Chairman, I ask unanimous consent to address the Committee for 10 minutes.

Mr. TABER. Reserving the right to object, Mr. Chairman, debate has been closed upon this amendment. It would not be fair for this request to be granted unless the proponents of the amendment may have 10 minutes to reply. I should have to object unless we were to change the whole situation.

The CHAIRMAN. The Chair may state there are 2 minutes left under the limitation of debate.

Mr. DIES. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DITTER].

The question was taken; and on a division (demanded by Mr. DITTER) there were—ayes 15, noes 69.

Mr. DITTER. Mr. Chairman, I make the point of order a quorum is not present and object to the vote on that ground.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Salaries: For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, $350,000.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, understanding from the debate something of the amount, $600,000,000, which has been paid to the silver-mine owners by the Government, and noticing on the floor so many gentlemen from Michigan who represent the automobile manufacturing districts, it occurred to me that possibly they might take a hint from the silver producers,

do something for the auto industry, the dealers, the owners of old cars, and something to relieve unemployment.

A few days ago when the head of General Motors appeared before the Senate Committee on Unemployment, he gave as one of the reasons for the discharge of some 30,000 workers at General Motors—and I believe some 35,000 workers of the Ford Co. were then unemployed, though since many have been reemployed—the failure of the sales market, which was, of course, due to the failure of the people throughout the country to buy old cars. These were glutting the market. He stated that the dealers were unable to dispose of the large number of such cars they had on hand; hence unable to purchase and sell new cars. So men were unemployed, wages were not being paid, purchasing power was falling.

If we are to tax all of the people to give a subsidy, as we have been doing for the last few years, to the producers of silver, who employ comparatively few men, is there any good reason why the Federal Government should not buy these old cars, junk them, scrap them, get them off the market, out of the way?

We are told there has been a scarcity of scrap metal. If these old cars are glutting the market and preventing the factories from operating, throwing hundreds of thousands of men out of employment and putting them on the relief rolls—especially in Detroit, where Frankensteen, the C. I. O., and, some say, the Communists, are assisting in distributing the taxpayers' money through relief agencies, to the members of the C. I. O.—is there any reason why we should not buy up these old cars and clear the market, and let the wheels of industry hum once more in Detroit, in Flint, in Pontiac, and all the motor cities, so the boys can go back to work?

Some may then say, with all these men at work, you see a wonderful increase in buying power. Purchasing power is what you are all talking about—that is the panacea for all our ills—according to some. This plan, if it works, would start the wheels of the perpetual-motion machines we hear so much about down here; dealers would be happy and prosperous; factories would be running at full capacity; workers would be drawing high wages; C. I. O. might even think business good enough to pull another sit-down strike. All the boys in the cities would be working at high wages. They would be able to buy the farmers' products at exorbitant prices—if it worked?

The cycle will be started again. High wages for the factory employee means, as just stated, he can buy at high prices from the farmer, who, in turn, can pay the hired man and the hired girl a living wage, and they, together with the farmer and his family, can purchase automobiles, radios, and the other products of the factory, which, in turn, can pay dividends, even to the economic royalists, high wages to the workers, and now you note we are back where we started—and the cycle is complete, the perpetual-motion machine is whirling, and all of our troubles are over—all solved by the enactment of a law and a Government appropriation.

That has been the pump-priming method heretofore followed. And this suggestion is just as foolish—no more so—than several others that have cost us millions of dollars and which are, in part, responsible for the increase in the public debt, the continued lack of employment, the Roosevelt depression.

Mr. SADOWSKI. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. SADOWSKI. Is the gentleman in favor of doing that?

Mr. HOFFMAN. No; I am not personally in favor of that. This is just offered as another one of those cockeyed schemes you fellows have been adopting.

Mr. SADOWSKI. I may suggest the gentleman has a right to introduce a bill to that effect.

Mr. HOFFMAN. You have so many of those foolish ideas that this was just thrown out as a fellow casts a fly on a trout stream, just a cast for the sake of the pastime. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the gentleman from Michigan [Mr. HOFFMAN] admits that his is a cockeyed scheme, and that is the only kind of scheme the gentleman and his colleagues have been able to submit to the country.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I have not the time to yield.

Mr. HOFFMAN. Will the gentleman yield for a question?

Mr. SABATH. No.

Mr. HOFFMAN. The gentleman made a misstatement.

Mr. SABATH. No.

The regular order was demanded.

Mr. HOFFMAN. Just a moment. The gentleman made a misstatement.

The CHAIRMAN. The Chair will state that on yesterday there were statements injected into a Member's speech when the gentleman had refused to yield. Gentlemen should recognize the rule and not inject remarks into the RECORD unless the gentleman who has the floor yields for that purpose.

Mr. HOFFMAN. I rise to a question of personal privilege on the ground that the gentleman has made a misstatement, and if the Clerk will read it I will point out the misstatement. Once before the gentleman had to retract a statement made about me, and I want him to retract this one before he goes out of the Hall.

The CHAIRMAN. The gentleman from Michigan has not stated any ground for injecting a remark into the gentleman's speech. The remarks of the gentleman are not in order, and the gentleman from Illinois will proceed.

Mr. SABATH. I doubt very much whether I have misquoted the gentleman from Michigan. Nevertheless, it is true that not only the suggestions that came from him but that most of those that come from that side, or those controlling that side, have been, if not cockeyed, ridiculous and without any semblance of being constructive. I have received many communications from frightened, misled businessmen, urging that I support the so-called, in some instances 10- and in others only 8-point programs which were offered, I am sure, more as a jest but which were immediately utilized as propaganda by the fear-creating publicity fraternity.

Yes, I would not be surprised if the gentleman's proposal for the Government to purchase these old cars had not emanated from the officials of the General Motors Corporation whose meager salaries for the single year 1936 ran like this: Alfred P. Sloan, Jr., the then president, $561,311; William S. Knudsen, then executive vice president and now president (including bonuses), $459,878; Elmer G. Biechler, general manager Frigidaire division, $108,958; Albert Bradley, vice president, $282,849; Donaldson Brown, chairman finance committee, $353,732; Arvin E. Coyle, general manager Chevrolet division, $194,641; James M. Crawford, chief engineer Chevrolet division, $103,492; Harlow H. Custice, general manager Buick division, $137,605; Felix Dorah, Jr., assistant general sales manager Chevrolet division, $158,127; Nicholas Breystadt, general manager Cadillac division, $63,258; Harvey J. Earl, director art and color section, $113,817; Edward F. Fisher, general manager Fisher body division, $303,423; Lawrence P. Fisher, vice president, $307,773; William A. Fisher, vice president, $303,423; Richard H. Grant, director, vice president, $288,394; Ormond E. Hunt, vice president, $282,749; Charles F. Kettering, director research laboratories, $304,400; Perry J. Klinger, general manager, Pontiac division, $122,919; Frederick C. Kroeger, general manager Delco-Remy division, $117,572; Charles L. McCuen, general manager, Olds division, $129,103; James D. Mooney, vice president, $290,450; Meyer L. Prentis, treasurer, $106,666; John J. Schuman, Jr., president of General Motors Acceptance

Corporation, $175,573; John Thomas Smith, general counsel, $349,257; Charles E. Wilson, vice president, $282,849.

Notwithstanding the fact that General Motors paid these extravagant salaries, that corporation's profit for the year was over $300,000,000. Still the greedy, overpaid officials were not satisfied, but in conjunction with Mr. Ford and others had the audacity to lay off thousands of employees on the eve of the special session of Congress, no doubt hoping thereby to force the repeal of the capital-gains and the undistributed-profits tax and stop the enactment of the wage and hour bill that would have provided the stupendous salary to wage earners of $16 per week. But as I stated on the floor on November 23, and again on December 17, their carefully laid plan to create a recession happily did not fool intelligent and well-informed men, although it did scare many timid investors into disposing of their stocks, which the connivers purchased at a low price and which price since January 3 has increased from 5 to 20 points.

The steel industry also managed to pay some fat salaries, although they did not reach the high marks of those of the officials of General Motors. E. G. Grace, president of the Bethlehem Steel Corporation, managed to draw down $180,000; C. M. Schwab, chairman, Bethlehem, $150,000; H. E. Lewis, chairman of board, Jones & Laughlin Steel Corporation, Pittsburgh, $74,999; S. E. Hackett, president, $66,666. Harry L. Prevert, president, Midvale Steel Co., Philadelphia, $69,861. R. F. Taggart, president, Philadelphia & Reading Coal & Iron Co., $60,541. Charles R. Hook, president, American Rolling Mill Co., Ohio, $135,872; George M. Verity, chairman, $71,261; Valvin Verity, vice president, $99,702. J. E. Goerlich, Defiance Pressed Steel Co., Marion, Ohio, $91,184. E. J. Kulas, president, Midland Steel Products Co., Cleveland, $64,999. The same Mr. Kulas drew another salary of $61,400 as president of the Otis Steel Co., of Cleveland. E. T. Weir, chairman of Weirton Steel, received $71,765, and the same amount from the Great Lakes.

Yes, and the suffering Mr. T. M. Girdler, chairman of the Republic Steel Corporation, notwithstanding his shedding of crocodile tears, I see drew down $174,999—not so bad for a single year. In that connection I have noticed that many of these highly paid officials' salaries are in odd amounts or just under round figures. Why the trifle $174,999? Did he contribute $1 for charity, or did that dollar under $175,000 place him in a lower income-tax bracket?

I have mentioned but a few of the hundreds of large salaries paid in the steel industry. I could mention thousands of similarly fat salaries paid in industries other than motor and steel. Thomas J. Watson, chairman, International Business Machines Corporation, is listed for $342,008. Vincent Fitzgerald, listed as a mere "salesman" for G. L. Ohrstrom & Co., received $320,296. P. E. Martin, a Ford vice president, $163,509. S. P. Skouras, theater manager, $341,000. Herbert G. Shimp, president, American Conservation Co., $45,843. George M. Eisenberg, president, American Decalcomania Co., $52,000. B. G. Dahlberg, president, Celotex Corporation, $75,308.

It should be understood that "salaries" often do not tell the whole story by any means. Hundreds if not thousands of wealthy men who are heads of corporations draw relatively small or no salaries, depending on their returns from their businesses, either in the form of dividends or increased value of their holdings.

If the gentleman from Michigan and those for whom he speaks had not willfully and deliberately created fear in the minds of the people a few months ago, it would not have been necessary for him to offer any such suggestion as the one he has offered about the Government purchasing these old cars that he refers to.

I will say that if things had been carried out as planned by those for whom he speaks, perhaps conditions may have developed where it would have been necessary for the Government again to step in and spend millions of dollars to help industry, but the Government has done its part. Ever since 1933 the Government has aided industry and the commerce of this Nation, and if it had not been for the willful and deliberate acts of those who were most aided and benefited, there would not have been any slump in the last 3 months. But I am happy to say that, notwithstanding this manufactured and wholly unnecessary recession, we are again going ahead in spite of those gentlemen.

I notice in this morning's paper that Mr. Ford is calling back 10,000 men. Day before yesterday I read that another automobile company is calling back 30,000 men. I notice the steel industry is increasing its force by thousands and thousands, and that a large percentage of steel orders are coming in. So I would advise my friend from Michigan, and the rest of them, to desist from willfully and deliberately trying to create fear in the minds of the people who are not informed, stop feeding the public misinformation, and join hands with us, the President and the administration, and I am confident that the prosperity which these big boys of industry have tried to destroy will be with us again. We are doing well and there is no need of any fear, and no need for the Government to purchase these old cars that are manufactured in the gentleman's State that get so old and useless in such a short time that it would keep the Government continuously broke to purchase them.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Is not the reason for the large number of discarded cars due in large part to the fast increase in purchases of new cars during the last few years?

Mr. SABATH. Oh, there is no question about that.

Before ending these remarks I wish to state most emphatically that the country is not in the doldrums, as big business and its supporting press would have the people believe. Perhaps I can explain my feelings in this matter more plainly than I have been able to do in the short time allotted me on the floor by reading a letter I have this day forwarded to the Macfadden Publications:

JANUARY 15, 1938.

Mr. GUY L. HARRINGTON,
Vice President, Macfadden Publications, Inc.,
205 East Forty-second Street, New York City.

DEAR MR. HARRINGTON: As a Member of Congress for 32 years I have had daily contact with politics and government in theory and practice. Over this long span of years I have come to recognize and properly evaluate planned propaganda. With regard to the reprint of editorial to appear in Liberty's January 29 issue, which you sent me, and speaking with a bluntness which I feel it deserves, I condemn it as deliberately misleading and vicious.

Yours is a magazine circulating among the masses. As such it has a far-reaching influence for good or bad. By editorials such as this it instills fear and uncertainty in the minds of its readers.

Under the leadership of President Roosevelt and a Congress which you imply is not independent, the Nation has been saved from the complete demoralization it faced in 1933. It should not be necessary to point out that except for such leadership the tottering railroads, banks, insurance companies, and thousands of other industries and small businesses, as well as States and municipalities, faced inevitable bankruptcy.

By virtue of such leadership every class—not just one—has benefited. For the first time in any administration the farmer has been considered as an individual whose needs are real; the laborer as one worthy of his hire, and the masses as human beings and not as serfs of a chosen few.

As a new high in sophistry, I quote, from your editorial: "When the 1929 depression started, none of our citizens were on the dole and our material wealth was really not decreased. To be sure, prices went down like a toboggan; but the values were there and everything would have come back, as they had in all former depressions, in a big way, if the Government had encouraged and supported business."

I will pass over the first sentence of that paragraph. The millions of the depression who knew unemployment, hunger, and want could give it bitter reply.

To comment briefly on the last statement, let me remind you of the time when the Government's first concern undeniably was to encourage and support business—even more, to save business.

When Gen. Hugh Johnson permitted business, under the N. R. A., to write its own codes, nobody could charge that by background, training, and association he was rendered unsympathetic to its wants. Nor was there opposition to the Government's policy until an attempt was made to enforce the labor provisions of the N. R. A. and to assure the workers a living wage and decent working hours.

From that time new battle lines took form, and even General Johnson chose to pitch his tent in a new camp. The army with which he serves is a small one, though well fed. Its buglers are many, and if to me the notes of their horns are sour, still shall

they be happy to know that royalty finds their pipings indeed sweet music.

And this is verily an army of many slogans, catchwords, and phrases. All of us recognize them. "Raw deal," "rubber stamp," "blue eagle," "alphabet soup," "death sentence," "usurpation of power," "rubber money," "save the Constitution," and many others too numerous to mention. Their authorship unknown, they nevertheless are tainted from a common source, whether they be rediscovered in the remarks of Bernarr MacFadden, Paul Block, Hugh Johnson, and the other lesser lights, or among the shower of literature distributed by the Liberty League, the National Policy Committee, or the many so-called industrial foundations, the very fountainheads of scurrilous propaganda. Corroded pens use mud for ink.

It is a high company these writers serve. You will find their names in the list of those whose salaries last year ranged from $50,000 to $500,000 (not including, of course, such minor items as bonuses, perquisites, and profits from stock manipulation).

My regret is sincere that the well-meaning small-business man, regrettably uninformed of the practices of the unscrupulous industrial leaders, is to some degree influenced by propaganda disseminated by controlled or biased mediums.

The strategy of those who seek to intimidate the President and Congress was clearly shown when, on the eve of the special session, branding the capital-gains tax and the surplus-profits tax as too burdensome and responsible for the recession, and hoping to force their repeal, a prearranged and calculating program of factory lay-offs took place.

Since the first of the year, after the wage and hour bill has been disposed of, thousands of workers have been reemployed and stocks have shown a steady advance.

In passing I might comment on the stock market, and how the maneuvers and manipulations of the speculator and financier also influence conditions, besides enriching the Wall Street gentry. On November 23, and again on December 17, I charged that Wall Street speculators had again completed a cycle of robbing the investors. The procedure is not an involved one, simply this: Stocks are depressed and then bought up at sacrifice prices. Thereafter, by wash sales and other manipulations, the market is artificially ballooned and stocks then dumped upon the public at peak prices. The market is then again depressed. A term owing its birth to Wall Street states the operation more simply as "shearing the lambs."

If I were to attempt rebuttal of Mr. Macfadden's argument—although frankly I do not believe he would receive my answer impartially—I would do so merely by comparing today with yesterdays.

For instance, nobody could charge that there was Government interference with business between 1918 and 1933. No wars raged abroad to threaten democracy and civilization; at home no floods, droughts, or other devastations faced our people. Nor was there, in those earlier years, an army of 16,000,000 unemployed. The fields, mines, and forests produced in overabundance. The Smoot-Hawley high tariff law was on the books, and in the White House sat Presidents never accused of dominating Congress or of even showing a remote interest in Wall Street's frenzied finance.

Still, those placid years culminated in the greatest upheaval this Nation has ever known. What has happened since 1933 is recent history, yet I often marvel at how short is the memory of those who have already forgotten. Their vision is too narrow, their philosophy too selfish, to understand the promise of a fuller life for all our people, and to lend their efforts to its fulfillment.

Very truly yours,

A. J. SABATH.

Why the press permits itself to be used for such a destructive purpose as to create fear and uncertainty abroad the land is beyond my comprehension, because in the long run the newspapers and magazines would themselves be injured financially by such policies. It is an old saying that chickens come home to roost. I humbly suggest that they desist and refuse to be used for such unpatriotic, or as it may be more properly designated, treasonable purposes which, if it were not for the strong hand of the President, might have brought about a real depression such as the one from which we have but recently emerged.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I agree with the last speaker when he speaks of basing money on something that is sound, basing it on metal if we are to have an expansion of the money. The gentleman's remarks regarding the tariff impel me to call your attention to a problem that concerns us more directly at this point in the bill; that is, whether we are going to have any money in the Treasury collected from import duties.

Some of you were not present yesterday, so again I call the attention of those who were and those who were not, to the public notice that was given by the Secretary of State and printed in the RECORD of January 8, dealing with a proposed trade agreement with Great Britain. This public notice lists the various commodities and various items on which it is proposed to consider granting concessions.

Public, No. 316 of the Seventy-third Congress, the act which amended the Tariff Act of 1930 and constitutes the so-called Reciprocal Trade Agreements Act contains this sentence:

> No proclamation shall be made increasing or decreasing by more than 50 percent any existing rate of duty, or transfer any article between the dutiable and the free list.

Consulting the list of items which the Secretary of State sets forth in the notice of the proposed agreement with the United Kingdom are several articles, you will find both manufactured products and raw materials on which the duty has already been reduced 50 percent. The inescapable conclusion is that it is now proposed to consider granting concessions on items that are already reduced 50 percent. The point at issue depends upon the interpretation of the sentence I read from the Reciprocal Trade Agreements Act as to what constitutes the existing rate of duty.

Does the phrase "existing rate of duty" apply to the duties that were in effect at the time that act was passed, or does the phrase "existing rate of duty" mean the rate of duty that might be established by once cutting the rate and then cutting it again?

The inevitable effect will be of immediate concern to every Member of Congress, to every congressional district. If you go into this subject, you will find that cotton items, cordage, whisky, and several other items already have had the duties affecting them reduced 50 percent; and it is now proposed that further concessions will be considered.

I am not discussing whether these particular tariff rates should be higher or lower, but I do raise this question: Can tariff rates be cut 50 percent by one trade agreement and then be cut 50 percent again and again without any action by Congress?

Business, we are told, is in a state of uncertainty. Now it appears that industry, that cotton growers and wool growers, lumbermen and miners, factory workers and farmers, who already have had the tariff rates on competitive products reduced about 50 percent, can wonder today whether they are to be cut in half again. It is an old story that business is restless while a tariff bill is pending in Congress; but if there is to be no point of rest in tariff duties, business can be expected to be in a constant state of jitters.

The thought I have in mind as to the unsettling effect of this proposal upon business, an effect that will continue unless something is determined, is well expressed in some words from the third chapter of Ecclesiastes, which were quoted in the Washington News today, which reads as follows:

> To everything there is a season, and a time to every purpose under the heaven.
>
> A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted.
>
> A time to kill, and a time to heal; a time to break down, and a time to build up.
>
> A time to weep, and a time to laugh; a time to mourn, and a time to dance.
>
> A time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing.
>
> A time to get, and a time to lose; a time to keep, and a time to cast away.
>
> A time to rend, and a time to sew; a time to keep silence, and a time to speak.

The printing of these words in the News today was inspired by the remarks of the President with regard to holding companies; but I submit that it is just as important at this time when we are trying to restore and build up confidence in the country, to know whether or not tariff schedules that have already been cut 50 percent can be cut again without congressional action. This matter should be settled. For this reason I introduced a resolution of inquiry on the subject yesterday.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. CRAWFORD. Does the gentleman know of any way in which we can get the real facts with reference to the nature of the articles and the amount of the reduction in the tariff?

Mr. CASE of South Dakota. Yes; I think we can if the Secretary answers the resolution which I introduced yesterday.

Mr. CRAWFORD. The gentleman has not any idea he will get an answer to his resolution, has he?

[Here the gavel fell.]

By unanimous consent the pro forma amendment was withdrawn.

The Clerk read as follows:

PUBLIC DEBT SERVICE

Salaries and expenses: For necessary expenses connected with the administration of any public-debt issues and United States paper-currency issues with which the Secretary of the Treasury is charged, including the purchase of lawbooks, directories, books of reference, pamphlets, periodicals, and newspapers, and the maintenance, operation, and repair of a motor-propelled bus or station wagon for use of the destruction committee, and including the Commissioner of the Public Debt and other personal services in the District of Columbia, $2,300,000: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed $2,271,500: *Provided further*, That the indefinite appropriation "Expenses of loans, act of September 24, 1917, as amended and extended" (31 U. S. C. 760, 761), shall not be used during the fiscal year 1939 to supplement the appropriation herein made for the current work of the Public Debt Service and the amount obligated under such indefinite appropriation during such fiscal year shall not exceed $3,500,000.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 13, line 5, strike out "$3,500,000" and insert in lieu thereof "$3,444,860."

Mr. TABER. Mr. Chairman, this amendment is offered to reduce the amount that will be available for the Bureau of Research and Statistics. It will cut the amount carried in the green sheet submitted to this Committee for the purpose of carrying on this item under that activity.

We have already passed upon an item carrying $170,000 for this Bureau, which is an increase of $110,000 over the amount carried in the regular appropriation bill for this Bureau for the current fiscal year. With $170,000 they have ample funds to do everything and they have, as a matter of fact, three times more than they need to take care of the operations of the Treasury Department for research and statistics.

There is considerable duplication between their operation and the operation of the Bureau of Foreign and Domestic Commerce. There is considerable duplication between their operation and the Federal Reserve Board. This is an opportunity to save $65,140, and I hope the amendment will be agreed to.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is really not much to be said about this matter, because it has been before the Committee previously in connection with several votes of the Committee. This amendment is offered as a part of the program of the gentleman from New York [Mr. TABER] to take away the appropriation for the enforcement of the Silver Purchase Act.

Mr. TABER. No. If the gentleman will yield, may I say this relates to the Bureau of Research and Statistics.

Mr. LUDLOW. My attention was turned in another direction when the amendment was offered. I understand it relates to the Bureau of Research and Statistics.

As I stated, we have drastically reduced this appropriation for the fiscal year 1939 so that the amount available for the fiscal year 1939 is $225,000 as against $358,490 for the fiscal year 1938.

Mr. Chairman, this Bureau is the eyes and ears of the Secretary of the Treasury in his efforts in connection with the financial administration of the Government. It is a very highly important part of the Federal machinery, and I think the Subcommittee on Appropriations has reduced it to the very lowest point that is consistent with sound administration. I therefore hope the amendment will be voted down.

Mr. CLASON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it occurs to me if they want to reduce these appropriations it might be well for the Democrats to pay these officeholders with this silver for which the United States Government is paying 64.64 cents an ounce. You will find by consulting the New York papers of today that the price of silver on the New York market is 44.75 cents.

The gentleman from Texas stated that when the Government pays one-half of 1 percent of the price of the new silver that is mined, at prices established by the Government, it is making a fine profit. I would like to know what is going to take care of the 20 cents difference in price of silver, because today you can buy silver mined anywhere else in the world for 44.75 cents, while the United States Government pays 64.64 cents. When the Government stands to make this big profit that has been spoken of I would like to know in what market it is going to sell the silver. It cannot sell it to American citizens, because they will be wise enough to buy foreign silver at 44.75 cents while the Government has already paid 64.64 cents. The United States Government goes down into Mexico and buys millions of ounces of silver, knowing it is paying 20 cents more an ounce than they would otherwise have to pay for it on the New York market, or if they bought it right at home in New York.

The same situation applies to gold. When Great Britain gets through with this reciprocal-trade agreement they will sell us gold at $35 an ounce mined in their Dominions. We could, of course, in the old days get the gold for $20.67 an ounce. The British will probably sell us the trade agreement on exactly that same basis. They will sell us wool, cotton, and other stuff at $34, $35, or $36, whereas we should only pay $20.67. For this reason it seems to me we ought to be careful about these reciprocal-trade agreements. We know today we are giving them an advantage of $15 an ounce for South African gold. This is an increase of $15 an ounce over what the American taxpayers ought to pay for it in the world market.

What are we going to do with the $12,000,000,000 worth of gold which we already have? When we get ready to unload it we will have no place to sell it. It is no good at present. You cannot redeem it. There are no gold dollars around. You cannot get a dollar's worth of gold for a dollar bill.

Mr. Chairman, this has gone pretty nearly far enough, and extending our silver purchases beyond the domain of the United States to Mexico and other countries is going altogether too far.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. CLASON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Is the gentleman aware of the fact that we have an embargo on the shipment of domestic gold abroad, which forced the domestic producers of gold to sell gold in this country for $20.67 when they could have gotten $28 and $29 for it in the open market in London? The market in London was above $20.67 when we raised it in this country.

Mr. CLASON. I was not aware of that fact, but I know we have $12,755,000,000 worth of gold belonging to the United States Government at the present time which, up to January 31, 1934, or until changed by Executive order, was worth around $20.67 an ounce. The dates are immaterial. It looks to me as if when we unload we are going to increase the deficit of the United States Government by about $4,000,000,000.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. CLASON. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Does the gentleman know when he goes down to cash one of his checks and he is paid in silver certificates that that is the way the silver is handled, and that all the ones, fives, and tens he receives as his compensation for his work in this House are dug up by the silver miners, and that the Government is making 100 percent on the transaction? Does he know that?

Mr. CLASON. Yes; I know that, but I want the gentleman to understand something further. You can bring the silver out of the United States Treasury and it is worth in the current market only 44.75 cents. It is not worth the fictitious value of 64.64 cents.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I call the attention of the Committee to the fact the amendment offered by the gentleman from New York [Mr. TABER] has nothing to do with the question now under debate. It is very interesting to hear about the Silver Purchase Act and the various opinions about it, but I believe the Committee should take action on the amendment which seeks to reduce the appropriation for the Division of Research and Statistics. The chairman of the subcommittee has presented the opposition to this amendment. The Treasury Department is opposed to any further reduction and substantial reductions have been made. I believe the Committee should proceed now to vote on the amendment, and I trust the Committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 45.

Mr. TABER. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 6]

Allen, Del.	DeRouen	Johnson, Lyndon	Reilly
Allen, Ill.	Dickstein	Keller	Rich
Allen, Pa.	Dirksen	Kelly, N. Y.	Robinson, Utah
Arnold	Dixon	Kennedy, N. Y.	Rogers, Okla.
Atkinson	Dockweiler	Kenney	Rutherford
Bacon	Dorsey	Kerr	Sabath
Barry	Douglas	Kinzer	Sacks
Barton	Drew, Pa.	Kopplemann	Satterfield
Biermann	Drewry, Va.	Kvale	Schneider, Wis.
Bigelow	Duncan	Lanzetta	Scrugham
Bloom	Eaton	Larrabee	Secrest
Boylan, N. Y.	Edmiston	Lemke	Seger
Bradley	Evans	Lesinski	Simpson
Buckley, N. Y.	Faddis	Lewis, Md.	Sirovich
Byrne	Farley	Lord	Smith, Me.
Carter	Ferguson	Lucas	Smith, Okla.
Cartwright	Fish	McGranery	Smith, Va.
Celler	Fitzpatrick	McGrath	Smith, Wash.
Champion	Ford, Calif.	McGroarty	Smith, W. Va
Chapman	Frey, Pa.	Mahon, S. C.	Somers, N. Y.
Clark, Idaho	Fulmer	Nichols	Stack
Clark, N. C.	Gamble, N. Y.	Norton	Sullivan
Cluett	Gambrill, Md.	O'Connell, Mont.	Sweeney
Coffee, Wash.	Gasque	O'Connor, Mont.	Swope
Cole, Md.	Gavagan	O'Day	Taylor, Tenn.
Cooley	Gifford	O'Leary	Teigan
Costello	Goldsborough	O'Neill, N. J.	Thomason, Tex.
Cox	Gray, Pa.	Owen	Tinkham
Creal	Haines	Palmisano	Tobey
Crowther	Hamilton	Pettengill	Wene
Daly	Hartley	Pfeifer	Whelchel
Deen	Hennings	Phillips	Wilcox
Delaney	Holmes	Quinn	Withrow
Dempsey	Jarrett	Ramspeck	Wolfenden

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (H. R. 8947) and finding itself without a quorum, he had directed the roll to be called, when 294 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

Mr. O'NEAL of Kentucky. Mr. Chairman, I make the point of order the amendment offered by the gentleman from New York was voted on and the vote announced. The gentleman from New York then made the point of order a quorum was not present. The gentleman did not object to the vote on the ground a quorum was not present. I ask that my point of order be sustained.

The CHAIRMAN. The point of order is overruled, for the reason that a quorum must be present when a point of order is made that a quorum is not present.

The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 10, noes 119.

So the amendment was rejected.

The Clerk read as follows:

For salaries and expenses in connection with carrying out the provisions of the Silver Purchase Act of 1934 and any Executive orders, proclamations, and regulations issued thereunder, including not to exceed $14,000 for personal services in the District of Columbia, supplies and materials, traveling expenses, printing and binding, rents, equipment, and miscellaneous expenses, $40,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 19, strike out lines 8 to 14, inclusive.

Mr. TABER. Mr. Chairman, this is another amendment offered for the purpose of stopping the operations of the Treasury Department under the Silver Purchase Act. It is manifest this is the only possible way for Congress to reach this operation.

Many things have been said about this proposition which ought to be called to the attention of the House. These silver certificates are redeemable in silver at $1.29 an ounce, three times the current subsidized market and six times what the actual value would be in the open market if there were no subsidy on the part of the Government. This means the certificates are not redeemable at all, because a dollar is still worth more than that. If we are ever going to quit the silver business we should quit now, before we add another $150,000,000 a year to the liabilities of the Government by issuing silver certificates against the silver. We are getting something which will produce almost nothing. We ought to begin to do this now, and I hope the amendment will be adopted.

Mr. WHITE of Idaho. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have been very much interested in the statement of the opponents of the silver policy of the present administration. If there is any monetary policy of the Federal Treasury on which the Government and the people of the United States are making a profit and being relieved of an interest load, it is the silver policy of the present administration.

I assume the gentleman receives every morning a Treasury statement, which gives the figures of the operations of the Treasury in purchasing silver. I assume that when the gentleman receives his pay, and goes to the office of the Sergeant at Arms and cashes a check, and finds he is paid in silver certificates of denominations of 1, 5, or 10 dollars, certificates which will buy anything he can purchase with a Federal Reserve note, he does not refuse to accept that kind of pay. If the gentleman will go over to the cashier's cage in the office of the Sergeant at Arms of the House, or the disbursing officer of the Senate, he will find the silver miners of the United States are digging up the money to pay the running expenses of this Congress, and that the Government is profiting 100 percent on that operation.

The gentleman will also find, if he will make a little investigation, that these silver certificates flow into the channels of trade minus interest. If we should discard silver certificates and replace them with Federal Reserve notes

the business of this country would be loaded with an additional interest cost. If we figure 3 percent on the billion dollars in silver certificates, and this would be the rate of interest paid on the obligations required to support Federal Reserve notes, the people of the United States are being relieved of $30,000,000 of interest a year. Of course, the gentleman would like to see the people pay more interest. He would like to see business loaded with greater expense.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I cannot yield to the gentleman. I asked the gentleman to yield to me. I do not believe the gentleman wants the facts on silver brought out before the Committee.

I hold in my hand the Treasury statement of January 12. We have silver on hand in the amount of $944,448,417.50, and silver dollars in the sum of $503,743,502, or a total of $1,448,191,919.50 in silver.

Let me remind the members of the Committee that every dollar of this money is now in circulation in the form of silver certificates, transacting the business of this country. It is good money and is accepted and does the same business any other dollar would do. The Government is making a profit of 100 percent on the operation. The gentleman would like to cut this off. He would like to cut off the profits of the American people. He wants to load them with more interest.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE of Idaho. On the other side of the Treasury statement of January 12, we find silver certificates outstanding $1,394,067,423.

Backing for the Treasury notes of 1890, $1,170,472.

Silver in the general fund, $52,954,000.24.

This makes a total of $1,448,191,919.58, and we find if we check back to August 12 that since that time the Government has increased the silver certificates in circulation $69,528,312.

Every time a silver ounce is purchased the equivalent is put out in silver certificates that flow into the channels of trade. This goes to relieve the money stringency and gives us money to conduct the business of the country.

The gentleman likes to talk about the velocity of money. What money circulates faster in this country than the $1 bill?

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. My time is limited and I would like to get this matter before the Committee. I am sorry, but I can not yield.

I repeat that if there is any policy of the Federal Treasury on which the people of the United States are making a profit and relieving the people of an interest load, it is the silver policy of the present administration. This is one of the most constructive money plans this country has ever put into operation.

I am glad to find that our Republican friends are standing up to a man in opposition to this silver policy. I just hope we can get a record vote and let our Republican friends in the great Western States and all over the country who are interested in money and know the need of this country for money in circulation, get a record of the position of the Republican leadership in this House. I thank the Republicans for their expression of sentiment, and, Mr. Chairman, I yield back the balance of my time.

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

The issue that is involved here has been passed upon several times today by the Committee of the Whole.

This is another step in the program of the gentleman from New York [Mr. TABER] to nullify the Silver Purchase Act by indirection through depriving them of appropriations. I have no criticism of the gentleman for that, but our committee believes that as long as this statute remains on the books and the mandatory duty is imposed upon the Secretary of the Treasury to enforce it, it would not be fair or right to deprive him of the necessary personnel to enforce it.

I call attention further to the fact that this particular item of $40,000, which it is proposed to strike out, provides the personnel that collects annually and turns into the Federal Treasury about $700,000 in taxes. So the cost of this personnel is abundantly justified by the results, and I hope the Committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 11, noes 81.

So the amendment was rejected.

The Clerk read as follows:

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and three civilian instructors, retired pay for certain members of the former Life Saving Service authorized by the act approved April 14, 1930 (14 U. S. C. 178a), and not exceeding $8,000 for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions; for carrying out the provisions of the Act of June 4, 1920 (34 U. S. C. 943); not to exceed $7,500 for cost of special instruction, including maintenance of students; rations or commutation thereof for cadets, petty officers, and other enlisted men, mileage and expenses allowed by law for officers; and traveling expenses for other persons traveling on duty under orders from the Treasury Department, including transportation of cadets, enlisted men, and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof; expenses of recruiting for the Coast Guard, rent of rendezvous, and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen and applicants for appointment as cadets; transportation and packing allowances for baggage or household effects of commissioned officers, warrant officers, and enlisted men, $18,037,000: *Provided*, That no part of this appropriation shall be used for increased pay at a rate in excess of $1,440 per annum to any nonflying commissioned officer or commissioned officer observer for making aerial flights; which rate shall be the legal maximum rate of such increased pay as to any such officer;

Mr. SCOTT. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 25, line 1, strike out "$18,037,000" and insert in lieu thereof "$18,296,248."

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. SCOTT. Yes.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment provides for $259,248 to pay the reenlistment allowance in the Coast Guard. Heretofore this particular bill has carried a provision doing away with the payment of the reenlistment allowances in the Coast Guard, the Army, and Navy. The bill does not carry that restriction this year; but, as far as I can find out, it does not carry a provision for money to pay the reenlistment allowance. It is estimated by the Coast Guard that this would take $259,248.

Mr. LUDLOW. Mr. Chairman, of course, the gentleman is interested in getting sufficient funds to pay the reenlistment bonuses. I wonder if he thought of the possibility that out of this large blanket appropriation provided in the bill for the Coast Guard, amounting to $18,037,000, there might be found sufficient funds to pay this bonus. There is no prohibition against it, and, on the contrary, there is a mandatory duty imposed upon the Coast Guard to pay these bonuses. I would say for the gentleman's information that the Coast Guard does not expect to use this entire appropriation this year by

$200,000, which would indicate that possibly out of this large total appropriation there might be found for 1939 sufficient money to pay the bonuses. I wonder if the gentleman thought of that.

Mr. SCOTT. I had, and I ask the gentleman this question: The existing law directs that it should be paid. In the gentleman's opinion, will there be money enough left over from which this can be paid, and will it be mandatory on the Coast Guard to use the money they have left over to pay this because of existing law?

Mr. LUDLOW. The prohibition is not inserted, and I understand it will be mandatory to pay this. Of course, I have not consulted the Admiral of the Coast Guard. He has charge of these appropriations, but there is the legislative situation. They are under mandatory requirements at the present time to pay these reenlistment bonuses.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield to permit me to ask a question of the chairman of the committee?

Mr. SCOTT. Certainly.

Mr. WADSWORTH. Undoubtedly when the Subcommittee on Appropriations in charge of this bill examined this item of $18,037,000, there must have been a break-down of it submitted by the Budget or by the Treasury Department as to what types of pay should be covered by the $18,037,000 as carried in the bill. I want to know if that occurred and involved the pay of the reenlistment allowances.

Mr. LUDLOW. There was a break-down, and in that preliminary break-down there was no provision for the payment of the reenlistment allowances.

Mr. WADSWORTH. That is what I suspected.

Mr. LUDLOW. The text of the bill contained this ban, and we decided, inasmuch as a point of order would be made against the ban, that under general authority and the mandatory requirements, in the absence of a ban the reenlistment bonus would be paid.

Mr. WADSWORTH. I assume, of course, that the Coast Guard authorities will obey the law and pay the men as the law requires. I was merely anxious to find out the intent of the committee.

Mr. LUDLOW. The committee believes that out of such a large appropriation there might be found enough money to pay this.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. TABER. Is it not a fact that last year a similar appropriation along this line showed a very substantial saving?

Mr. LUDLOW. I understand so.

Mr. TABER. And has not the President set aside from the appropriation this year upward of a million dollars, according to tables furnished to the committee?

Mr. LUDLOW. There was a $200,000 balance in 1937, and there will be about that balance this year.

Mr. TABER. The whole committee felt that there was more money in this appropriation than there should be; but in view of this situation, we left it alone and did not cut it.

Mr. LUDLOW. We felt that it could be paid.

Mr. SCOTT. Mr. Chairman, with the understanding, from the statement of the chairman, that the money will be there, and that the legislation is mandatory that it be paid, and that we can expect the Coast Guard enlisted personnel to get their reenlistment allowances in the future, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Salaries and expenses: For the Director, two Assistant Directors, and other personal services in the District of Columbia, including wages of rotary-press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; for engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency and Federal Reserve bank currency; equipment of, repairs to, and maintenance of buildings and grounds and for minor alterations to buildings; directories, technical books and periodicals, and books of reference, not exceeding $300; traveling expenses not to exceed $2,000; miscellaneous expenses, including not to exceed $1,500 for articles approved by the Secretary of the Treasury as being necessary for the protection of the person of employees; for transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed $15,000; and for the maintenance and driving of two motor-propelled passenger-carrying vehicles; $9,200,000, to be expended under the direction of the Secretary of the Treasury.

Mr. SHAFER of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAFER of Michigan: Page 29, line 8, strike out "$9,200,000" and insert in lieu thereof "$8,700,000."

Mr. SHAFER of Michigan. Mr. Chairman and members of the Committee, I offer this amendment in a sincere effort to cooperate with the administration in bringing about a decrease in unnecessary and wasteful expenditures by departments of the Federal Government.

My amendment provides for a reduction of $500,000 in the appropriation for the Bureau of Printing and Engraving—from $9,200,000 to $8,700,000, or approximately 5 percent.

I propose this amendment because I know that this amount, and more, is being needlessly spent each year in the printing of certain revenue stamps. From $500,000 to $1,000,000 can be saved each year in the operating expense of the Bureau of Printing and Engraving by merely changing the process in printing just two types of stamps.

To begin with, permit me to explain that there are three major processes of printing now employed at the Bureau.

First, there is the letter-press process whereby paper is printed from type.

Second, the process known as lithography, whereby paper is printed by offsetting the design from a rubber blanket, the design being made from photographed plates.

Third, plate printing or engraving, the process used in printing our currency and Government bonds. This is the most expensive process known to the printing industry, the printing being done from intaglio, or steel-engraved plates.

Since the repeal of the prohibition law, or eighteenth amendment, the Bureau has been printing a red whisky stamp, used to designate bottled blended whisky. The printing of these red stamps has been allocated to the process known as plate engraving at a cost of $29.75 per 1,000 sheets.

Now, it so happens the Bureau also prints a green stamp, used to designate bottled bonded whisky. This stamp has been in use from the first days of the prohibition era and is still in use, and it has always been printed by the offset lithographing process at a cost of $7.25 per 1,000 sheets, or $21.46 per 1,000 sheets less than the cost of the red stamps.

According to the Bureau's own figures, 20,590,000 sheets of the red stamps were printed during the period from July 30, 1935, to June 30, 1936, by the plate-engraving process. This means that at a cost of $29.75 per 1,000 sheets, the total cost of producing these stamps was $612,552.50.

Had these same red stamps been produced by the process of lithography the cost would have been $7.29 per 1,000 sheets, or a total cost of $150,101.10, or a saving of $462,451.40.

During this same period—July 1, 1935, to June 30, 1936—the Bureau also printed 5,000,000 sheets of beer revenue stamps by the process of plate engraving and at a cost of $29.75 per 1,000 sheets and at a total of $148,750. Had this job been allocated to the process of lithography the same number of beer stamps could have been produced at a cost of $36,450, or a saving of $112,300.

Add this $112,300 to the $462,451.40 that could have been saved by the printing of the red whisky stamps by lithography, and you will get a total of $574,751.40 that could have been saved in the printing of only these two items over a 12-month period. Certainly this amount is worth saving.

At the rate these same labels have been turned out during the first 6 months of the present fiscal year, a greater saving could be made if the printing of the red whisky stamps and the beer stamps would be allocated to the lithographing process. My figures show that from January 1, 1937, to December 31, 1937, the Bureau printed 27,000,000 of these

red stamps at a total cost of $803,250. Had this same number of stamps been produced by lithography the cost would have been $195,750, or a saving of $607,500 during that period.

That the printing of these stamps by offset lithography is logical and safe is proven by the fact that the green bonded whisky stamp has always been produced by this process. Also the 6-cent cigarette revenue stamp. In fact, more than 80 percent of the revenue stamps are printed by the offset lithography process.

In my investigation of this matter the only argument advanced against printing the red stamps by lithography was the question of security against counterfeiting. Of course this argument does not hold water in view of the fact that other more important stamps are printed by the method I suggest. Printing by either process can be counterfeited, one as easily as the other.

These stamps are sold by the Government to the distillers for 1 cent each. Certainly there would be no profit in counterfeiting these stamps.

By adopting my amendment the Committee will today force the Bureau of Printing and Engraving to allocate the printing of these red whisky and beer stamps to the process of lithography and will thereby save the taxpayers this needless and wasteful expense.

Only yesterday Mr. Henry Morgenthau, Secretary of the Treasury, was quoted by newspapers with the statement that expense cuts, rather than increased taxes, must be effected in government. The Bureau of Printing and Engraving is in Mr. Morgenthau's own Department. Here is a good place to begin saving.

If you are sincere in your efforts to reduce Government costs, you will adopt my amendment.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 3, noes 42.

So the amendment was rejected.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the last regular session of Congress this Nation extended to the nations of Sweden and Finland an invitation to participate in the tercentennial celebration of the first white settlement in the Delaware River Valley.

We witness today the first of the official visitors from Finland. They arrived this morning at 12:35, at which time I had the privilege and honor of welcoming them to our Nation's Capitol. It is a chorus from the University of Helsingfors, and they are here to participate in the celebration that was arranged for by this Congress. It is said by the leading musicians of Europe that this chorus is one of the best in the world.

It will be interesting to the Members to know that in 1638 about 200 Finnish people arrived in this country, and together with the Swedish people established New Sweden in the Delaware Valley. From those pioneers developed some of the founders of American democracy; in fact, one of the descendants from that group was among the signers of the Declaration of Independence. John Morton, Jr., great-grandson of Martti Marttineu, was that person. This group arrived about 138 years prior to the signing of that document. We are proud of the fact that their descendants have become some of the greatest citizens of our country.

We are proud of the fact that Finland is the only nation that has honestly and promptly paid her debt to the United States of America. [Applause.] We, the Members of the House of Representatives, are pleased to know that representatives from that great nation are now in the city of Washington for the official purpose of participating in the Delaware Tercentennial for which we provided. [Applause.]

The Clerk read the bill down to line 18, page 29.

Mr. LUDLOW. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8947, the Treasury and Post Office appropriation bill, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DEMPSEY (at the request of Mr. GREEVER), for 1 day, on account of illness.

To Mr. MCGRATH (at the request of Mr. SCOTT), for 1 day, on account of illness.

To Mrs. NORTON, indefinitely, on account of illness.

ANNIVERSARY OF CIVIL SERVICE COMMISSION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 2½ minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, there is reference today in the Washington Post to the history of the Civil Service Commission. The Washington Post carried an entire page of pictures pertaining to the civil service. On tomorrow the Civil Service Commission will be 55 years old.

Personally, and as ranking minority member of the Civil Service Committee, I want to pay my tribute and express my appreciation for the splendid work done by the Civil Service Commission, often under heavy odds, during these 55 years. My wish is that during the present year and the years to come there will be for the Civil Service Commission a better understanding and better support for the fine services rendered by that Commission. According to its report this year, in spite of the pledge of the New Deal administration, it has had an extremely difficult time in order to maintain the merit system.

Today, Mr. Speaker, the Civil Service Commission is fighting for its very life. I shall read part of the annual report made to Congress to carry out my contention. The report is as follows:

> This year has seen an increasing growth of public interest in the merit system, unequaled since the days of the popular movement which culminated in the passage of the Civil Service Act of 1883. This interest has been manifested in news columns and editorials of the press, in activities of nonpartisan reform organizations, in studies by progressively larger numbers of young men and women in colleges and universities, in declarations by leaders of all political parties, and in the public-opinion polls.
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> Legislation has not been responsive to this popular acclaim of the merit principle. There has been no important extension of the civil service during the fiscal year. On the contrary, bills introduced to create new agencies included 146 which exempted all personnel from the provisions of the Civil Service Act and rules and numerous others which proposed partial exemptions. Of these measures, 21 providing for total exemptions have been enacted into law.
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> These exemptions no doubt reflect in a measure the tendency to permit wholesale exemptions in emergency agencies created during the early stages of recovery from the financial depression. At that time, however, the Government faced the necessity of placing large groups of employees at work in an extremely limited period; moreover, those agencies then seemed to be temporary.
>
> These positions soon formed a convenient field for political exploitation. The extent to which the positions were treated as political spoils has become the subject of public condemnation, but the practice of filling large numbers of positions by political patronage becomes increasingly difficult to abolish. During the past year friends of the merit system in Congress have had to maintain a constant struggle to prevent a complete triumph of the spoils system. All too frequently their efforts against its encroachments have been ineffective.
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> So marked was this tendency that on May 26, 1937, the Commission addressed a special communication to the President reading as follows:
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> "The Commission has been greatly disturbed by the increasing number of bills introduced in this session of Congress containing provisions which completely exempt from the merit system employments thereunder. There have been more than 70 such bills, 3 or 4 of which are now law. In addition there have been numerous bills introduced which contain exemptions of all but minor positions.
>
> "The merit system fully warrants its designation because it provides for free and open competition by the public to secure

employment in all grades of positions in the Federal classified service. Two of the recent bills transgress even this fundamental principle of open competition for admission to the classified service. They provide that after a period of service in a nonclassified position the incumbent employee may secure a classified civil-service status by noncompetitive examination thus becoming eligible for transfer to a classified position in one of the regular 'old line' establishments, and yet his position will continue to be exempt and be open for personal or political appointment.

"The merit system without question is good business administration, making for the utmost in economy and efficiency, and the Commission, therefore, urges that the President take whatever steps are necessary to place his great influence in public opposition against the continuance of such proposals and their enactment into law."

The President forwarded this letter to the Vice President of the United States and the Speaker of the House of Representatives with the following statement:

"Aside from the undoubted fact that the merit system affords the best method for administration of Government business, the particular feature of the system which has the greatest appeal is the open competition it provides to the taxpayers to seek the public employment for which they pay. Please let me urge upon the Congress the desirability of placing all but policy-forming positions under the merit system."

Nevertheless, in the closing days of the session, Congress climaxed its record of exemptions by enacting the Wagner-Steagall Housing Act, which excepted from the operation of the Civil Service Act and rules all positions affected paying in excess of $1,980 per annum.

This growing tendency to introduce legislation in Congress exempting positions from the civil-service law is a matter of grave public concern.

The selection of employees through impartial examinations and the more secure tenure in office afforded by the competitive classified civil service increases the efficiency of the service and saves the taxpayers money. Competitive examinations bring into the service better trained employees. The knowledge on their part that their responsibility is to the public and not to political sponsors improves their morale and impels them to give more wholehearted service to their work, and the increase in longevity of the employment gives them an opportunity for increased knowledge of the work.

The unanimity of opinion with regard to promotion of the merit system would appear to guarantee legislative support to its extension and principles. No debate should be necessary in connection with legislation to determine the procedure to be followed in selecting public employees. It should be taken for granted that appointments in all agencies, old and new, will be made on merit competitively established. An effective executive civil service cannot be maintained on a half-merit, half-spoils basis. The solemn pledges of political parties and their leaders, the wholehearted support of the American press, and the attitude of the American public in favor of the merit system should be respected. Wholesale exemptions such as have been permitted in the past year must cease if the merit system is to prevail.

Mr. Speaker, the Congress, over the protests of some of us, has passed bill after bill during the past few years in which the administrative set-ups provided for have been given authority to get their personnel from outside the civil-service regulations. The position, in other words, Mr. Speaker, were made through political appointments.

In spite of the pledges of the Democratic platform, the Democratic administration has created new governmental departments with the expressed proviso that many thousand employees should not be under civil service.

It may interest the Members that the Pendleton Act, designed to remove spoils from the Federal Service, was spurred on to passage in 1883 by the assassination of President Garfield by a spoils seeker.

In many ways the merit system is a protection to Members of Congress as well as to good governmental procedure and efficiency.

I have great admiration and sympathy for the Civil Service Commission, which has functioned and has performed an amazing service under most trying conditions and on a very small amount of money during the past few years. The Secretary of the Commission, Mr. Hull, is a civil service employee and has rendered a very remarkable service. I believe no one knows whether this man is a Democrat or Republican. Dr. Doyle, former Secretary of the Commission, who retired in 1932, had for years—from 1886 to 1932—served that Commission, and I doubt if any one knew whether he was a Democrat or a Republican. Dr. Doyle, Mr. Hull, and many others proved to be true public servants under the merit system.

Mr. Speaker, I believe we will have a very fine administrative governmental service if we maintain the merit system. It is generally felt that the reason England has done so well during the years since the World War, is because she has had an administrative and executive section of the Government made up of highly trained experienced men under their unit system that went on year after year no matter which party was in power. I earnestly hope that our civil service may be allowed to develop in the same way——

Mr. EBERHARTER. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Did not the Congress last week incorporate a provision in the independent offices appropriation bill which brought all the departments covered by that measure under the merit system?

Mrs. ROGERS of Massachusetts. The Archives was the only department brought under the provisions of the Civil Service Commission appropriation bill. There are certain departments under this bill that were not taken into the civil service. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein the legislative program promulgated and announced by the Farmers' Cooperative and Educational Union.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the testimony which I gave before a subcommittee of the Committee on Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD at the point where they were made while the House was in Committee of the Whole today.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 59 minutes p. m.) the House adjourned until Monday, January 17, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Fiscal Affairs of the House Committee on the District of Columbia, will meet at 10 a. m., Monday morning, January 17, 1938, in room 345, House Office Building.

The Subcommittee on Public Utilities of the House Committee on the District of Columbia, will meet at 10 a. m.,

Tuesday morning, January 18, 1938, in room 345, House Office Building.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation Tuesday morning at 10 a. m., January 18, 1938, in the committee's hearing room, 128 House Office Building.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, January 18, 1938, at 10:30 a. m., to hold hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 18, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEROUEN: Committee on the Public Lands. H. R. 8773. A bill to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes; without amendment (Rept. No. 1697). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GUYER: Committee on Claims. H. R. 344. A bill for the relief of Ford O. Gotham; with amendment (Rept. No. 1680). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 592. A bill for the relief of E. A. Caylor; with amendment (Rept. No. 1681). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 2316. A bill for the relief of Paul Brinza; with amendment (Rept. No. 1682). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 3179. A bill for the relief of R. L. Scott; with amendment (Rept. No. 1683). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 3389. A bill for the relief of Benjamin Weisenberg; with amendment (Rept. No. 1684). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4020. A bill for the relief of William R. Herrick; with amendment (Rept. No. 1685). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 4251. A bill for the relief of Eva C. Netzley; William G. Stuff; Lois Greenawalt Stuff; William G. Stuff, administrator of the estate of Sarah C. Stuff, deceased; Eva C. Netzley, Clyde M. Netzley, and Dolores Netzley, widow and children and sole heirs at law of Clyde C. Netzley, deceased; and Harry E. Ridley; with amendment (Rept. No. 1686). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4921. A bill for the relief of Hugh Ray; with amendment (Rept. No. 1687). Referred to the Committee of the Whole House.

Mr. CASE of South Dakota: Committee on Claims. H. R. 5149. A bill for the relief of John M. Fraley; without amendment (Rept. No. 1688). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6397. A bill for the relief of John W. Watson; with amendment (Rept. No. 1689). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6471. A bill for the relief of Ralph J. Neikirk; with amendment (Rept. No. 1690). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 7173. A bill for the relief of James T. Rogers; with amendment (Rept. No. 1691). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7678. A bill for the relief of Carl Dement Weaver; with amendment (Rept. No. 1692). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2602. An act for the relief of George Yuhas; with amendment (Rept. No. 1693). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison; without amendment (Rept. No. 1694). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson; without amendment (Rept. No. 1695). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett; without amendment (Rept. No. 1696). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8980) to provide suitable memorials at ports of the United States from which the American forces embarked for World War service; to the Committee on Foreign Affairs.

By Mr. CLASON: A bill (H. R. 8981) to modify the project for flood control in the Connecticut River Basin, to provide for the construction of dikes, flood walls, and related works for the protection of cities in said basin; to the Committee on Flood Control.

By Mr. DIMOND: A bill (H. R. 8982) to amend Public Law No. 282, Seventy-fifth Congress, relative to the fisheries of Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. VINSON of Georgia: A bill (H. R. 8983) to authorize alterations and repairs to certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. ROMJUE: Joint resolution (H. J. Res. 566) authorizing the issuance of a series of special postage stamps in honor of the Seventh World's Poultry Congress and Ex-

position; to the Committee on the Post Office and Post Roads.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 567) to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that Congress; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMLIE: A bill (H. R. 8984) for the relief of Hans Christensen; to the Committee on Claims.

By Mr. LUCKEY of Nebraska: A bill (H. R. 8985) granting an increase of pension to Frank E. Crane; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 8986) for the relief of William Theodore Herbert; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 8987) granting a pension to Flora Green; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8988) for the relief of Esaw Wright; to the Committee on Military Affairs.

Also, a bill (H. R. 8989) for the relief of Thomas H. Bowlin; to the Committee on Military Affairs.

Also, a bill (H. R. 8990) for the relief of James R. Slusher; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 8991) for the relief of J. Aristide Lefevre; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 8992) granting an increase of pension to Effie J. Clark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3797. By Mr. BIGELOW: Petition of various residents of Portsmouth, Va., asking for enactment of the Federal work-week bill (H. R. 8431); to the Committee on the Civil Service.

3798. By Mr. CITRON: Resolution of the Department of Connecticut, Veterans of Foreign Wars, opposing establishment of a Nazi camp at Southbury, Conn., by the German-American bund; to the Committee on the Judiciary.

3799. By Mr. CULKIN: Petition of the employees of the R. A. Jones Co., Inc., Covington, Ky., urging Government steps to encourage investment of capital in business; to the Committee on Ways and Means.

3800. Also, petition of the Reverend Frank Jones and other residents of Harrisville, N. Y., urging the adoption of the Capper-Culkin antiliquor advertising bill and House bill 7508, and opposing the national lottery bill; to the Committee on Interstate and Foreign Commerce.

3801. Also, petition of a nonpartisan meeting of employers in the cities of Rensselaer and Albany, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction of Government expenses, and that Government cease competing with private business; also opposing enactment of a wage and hour bill; to the Committee on Ways and Means.

3802. Also, petition of the Virginia Highways Users Association, Richmond, Va., opposing the Pettengill bill to repeal the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

3803. By Mr. HART: Petition of the Citizens' Civic Association for Social Justice, Irvington, N. J., requesting the return of sovereign power of Congress to coin money, regulate the value thereof, and of foreign coin; to the Committee on Coinage, Weights, and Measures.

3804. By Mr. JARMAN: Petition of the farmers of Perry County, Ala., concerning farm legislation and against the Boileau amendment to House bill 8505; to the Committee on Agriculture.

SENATE

MONDAY, JANUARY 17, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, January 15, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I am requested to suggest the absence of a quorum, which I do, and ask for a roll call, in order to secure one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Lonergan	Schwellenbach
Bilbo	Frazier	Lundeen	Sheppard
Bone	George	McAdoo	Shipstead
Borah	Gibson	McCarran	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Steiwer
Brown, N. H.	Guffey	McNary	Thomas, Okla.
Bulkley	Hale	Maloney	Thomas, Utah
Bulow	Harrison	Miller	Townsend
Burke	Hatch	Minton	Truman
Byrd	Hayden	Murray	Tydings
Byrnes	Herring	Neely	Vandenberg
Capper	Hill	Norris	Van Nuys
Caraway	Hitchcock	Nye	Walsh
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from New York [Mr. WAGNER] are absent because of slight colds.

The Senator from Tennessee [Mr. BERRY], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

INDEPENDENT OFFICES APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. GLASS. Mr. President, I ask unanimous consent, to report back favorably, from the Committee on Appropriations, with amendments, the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes, and I submit a report (No. 1303) thereon. I ask that the bill may go over under the rule.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

RECEIPTS AND EXPENDITURES, ST. ELIZABETHS HOSPITAL

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the report of the acting superintendent of St. Elizabeths Hospital for the fiscal year ended June 30, 1937, showing in detail the receipts and expenditures of the hospital, which, with the accompanying report, was referred to the Committee on the District of Columbia.

IMPROVEMENT OF TRAFFIC CONDITIONS—CASE HISTORIES OF FEDERAL HIGHWAY ACCIDENTS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, the fifth report in a series based upon investigations conducted by the Department under authority of the act

of June 23, 1933 (Public, No. 768, 74th Cong.), making an appropriation of $75,000 for a study of traffic conditions and measures for their improvement, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

CONTROL OF OUTBREAKS OF INSECT PESTS AND PLANT DISEASES

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report of the activities conducted by the Department of Agriculture in connection with the funds appropriated to cooperate with States to control incipient and emergency outbreaks of insect pests and plant diseases, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

PETITIONS

Mr. SHEPPARD presented resolutions adopted by a meeting of farmers and business and professional men of Houston County, Tex., and vicinity, assembled at Crockett, Tex., January 8, 1938, favoring the adoption of the so-called Clair-McDonald plan of farm relief, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented petitions of sundry citizens of Mankato, and members of the Auxiliary to William Roe, Jr., Post, No. 99, American Legion, of Russell, in the State of Kansas, praying for the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which were referred to the Committee on Finance.

He also presented a resolution adopted by Homer White Post, No. 66, American Legion, of Hiawatha, Kans., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3160) to provide for the exchange of land in the Territory of Alaska, reported it without amendment and submitted a report (No. 1304) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 3232) to amend an act to provide for the retirement of Justices of the Supreme Court, reported it without amendment and submitted a report (No. 1305) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MALONEY:

A bill (S. 3255) to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, comparable to that provided by national securities exchanges under the Securities Exchange Act of 1934, and for other purposes; to the Committee on Banking and Currency.

By Mr. SMATHERS:

A bill (S. 3256) to amend the Federal Reserve Act, as amended, to extend for 2 years the period for which loans made prior to June 16, 1933, to executive officers of member banks may be extended or renewed; to the Committee on Banking and Currency.

A bill (S. 3257) for the appointment of an additional circuit judge for the third judicial circuit; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 3258) granting a pension to Margaret Kingery; to the Committee on Pensions.

By Mr. KING:

A bill (S. 3259) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia;

A bill (S. 3260) to prohibit the admission without charge of nonresident pupils into the public schools of the District of Columbia; and

A bill (S. 3261) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes; to the Committee on the District of Columbia.

By Mr. GEORGE:

A bill (S. 3262) for the relief of Alonzeda Jones; to the Committee on Claims.

A bill (S. 3263) for the relief of the State of Georgia; to the Committee on Military Affairs.

By Mr. BILBO:

A bill (S. 3264) authorizing the Commissioner of Lighthouses to mark with buoys a portion of the boundary line between the States of Mississippi and Louisiana; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3265) for the relief of the officers of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the war with Germany; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 3266) granting a pension to Clyde R. Youngblood; to the Committee on Pensions.

By Mr. BROWN of New Hampshire:

A bill (S. 3267) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Commerce.

AMENDMENT OF FEDERAL AID HIGHWAY ACT

Mr. HAYDEN and Mr. TRUMAN submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8838) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

NATIONAL DEFENSE AND THE NAVY—ADDRESS BY SENATOR WALSH

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address on the subject National Defense and the Navy delivered by Senator WALSH on Sunday, January 16, 1938, which appears in the Appendix.]

PLANNED ECONOMY—ADDRESS BY HALLORAN H. BROWN

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an address on the subject of Planned Economy delivered by Halloran H. Brown, president of the New York State Horticultural Society, at the annual meeting of the society at Rochester, N. Y., January 11, 1938, which appears in the Appendix.]

ECONOMIC CONDITIONS AFFECTING THE UNITED STATES AND GREAT BRITAIN

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an address delivered by Sir Charles Morgan-Webb, honorary adviser to the monetary committee of the British Parliament, at a dinner sponsored by the Committee for the Nation, and an address delivered by Mr. Earl Harding, member of the directing committee of the Committee for the Nation, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, on Saturday, the last legislative day, I was discussing with the Senate the various and sundry laws now on the statute books of a number of States of the Union which accord to the colored race certain advantages that are not given to the colored race in other States. I attempted to show that such laws were placed on the statute books of these several States as a result of the

effort of certain groups or cliques, I may say, of colored voters, who probably had the balance of power so far as voting was concerned in those localities or States where such laws exist. I again charge that, employing the same methods, the same little cliques of Negroes that are spread throughout the country are now agitating and fostering this bill. I cannot, for the life of me, see any other reason for the bill being pressed before this body. I propose again to continue to read to the Senate statutes that have been passed by other States named by me on Saturday. I desire further to show, in connection with each State, that the larger portion of the Negro population in the particular States referred to, especially those in the North, is usually concentrated in a few large cities; the Negroes are not scattered about the State, but are usually congregated in the large cities, and, of course, in many instances are able, in a way, to sometimes control elections as between the Democrats and Republicans. These small groups seem to hold the balance of power, and for that reason are seemingly able to command some attention from those seeking their support.

Of course, as all of us know, it often happens that a handful of votes can very often decide an election, and in order to get these votes I charge that certain promises are made to the colored people. I am also informed—I may be wrong about this, but I am going to try to get the correct information for the Senate—that in many of these State legislatures there are quite a good many Negro representatives, both in the lower and in the upper houses of the legislatures, who, of course, are strong advocates of these bills. I refer to those bills which seek to place the whites and the colored on the same social plane such as I read about Saturday, and which I propose to read about today.

Mr. President, I concluded Saturday with the statutes for California, Colorado, and Connecticut. I am now about to read from the Laws of the State of Illinois of 1935, page 708, as amended in 1937, page 485:

SECTION 1. All persons within the jurisdiction of said State of Illinois shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, hotels, soda fountains, soft-drink parlors, taverns, roadhouses, barber shops, department stores, clothing stores, hat stores, shoe stores, bathrooms, rest rooms, theaters, skating rinks, concerts, cafes, bicycle rinks, elevators, ice-cream parlors, or rooms, railroads, omnibuses, busses, stages, airplanes, street cars, boats, funeral hearses, and public conveyances on land, water, or air—

Imagine! The legislators have provided in Illinois that no distinction shall be made as to hearses. I wonder who had that provision put in. I am certain, however, that some of the colored folks were refused the same recognition as was accorded the whites, hence the inclusion of the clause. That is an exhibition of the power of those small Negro minorities—

and all other places of public accommodation and amusement, subject only to the conditions and limitations established by laws and applicable alike to all citizens; nor shall there be any discrimination on account of race or color in the price to be charged and paid for lots or graves in any cemetery or place for burying the dead.

Here is another exception—they seek to be buried in the same cemeteries as the whites.

Mr. LEWIS. Mr. President——

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. LEWIS. I should like to inform my able friend that that statute was not put on the books at the request of the colored race. While it may be true, and doubtless is true, that some complaint of discrimination was circulated generally by some of the colored folks, I assure my friend that there was also considerable complaint on the part of members of certain other races who have very large representation in the State of Illinois, and who felt that they had been greatly discriminated against.

If my able friend will look at the date of the statute he has read he will be advised that—to use a much overworked word—the unfortunate repercussions following the war really resulted in its enactment. I should like also to have the Senator note that that statute, modeled after the equality statute of the Federal law as to rights and immunities, covers not merely one race but very many others, in behalf of which at that time, I assure the Senator, there was in some places very great and general complaint of discrimination.

Mr. ELLENDER. I thank the Senator from Illinois for the information he has furnished. The agitation for equality flows not only from the colored but also from other races who should not be permitted to mix socially with the whites.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from New Jersey.

Mr. SMATHERS. For the past month I have heard a great many speeches here in which the statement has been made that those in this body who favor this bill are doing so because they hope thereby to incur political favor, and to appeal to a certain group from a political standpoint. I desire to ask the Senator from Louisiana if it is not a fact that should he support this measure on the floor of the Senate, he would write his political death warrant in Louisiana. Is that a fact, or is it not a fact?

Mr. ELLENDER. No, sir; it is not a fact. I am glad the Senator asked the question. I have been arguing this matter from a different point of view than politics, and I have been arguing even beyond the Constitution. As I have said on many occasions, Mr. President, the question goes further than politics or even the Constitution. It goes further than politics, because I am convinced, as I have said before, that political equality will lead to social equality, and that social equality eventually will spell the decay and downfall of our American civilization. That is the thought I am trying to impress on the Senate and the white people of America.

Mr. SMATHERS. Mr. President, will the Senator yield again?

Mr. ELLENDER. I yield.

Mr. SMATHERS. Is it not a fact that in the Senator's State of Louisiana it is popular with the masses of the people to oppose this measure? Is that a fact, or is it not a fact?

Mr. ELLENDER. To be frank it never has been an issue in Louisiana politics. Be that as it may, I would rather go down in defeat than not to fight and vote for my convictions on this bill, and for the good that I foresee will follow from its defeat, not to Louisiana alone but to the entire Nation.

Mr. SMATHERS. But the Senator does not answer my question.

Mr. ELLENDER. I do not care to answer it directly.

Mr. SMATHERS. The Senator does not want to answer it directly?

Mr. ELLENDER. No.

Mr. SMATHERS. Then let me ask the Senator another question.

Mr. ELLENDER. In other words, Senator, I do not want to be personal with any Member of the Senate. That is why I do not care to answer the question directly. What I would like to see is a secret vote taken on this measure, and learn exactly how every Senator would stand if he should vote according to the conviction he feels deep down in his heart. I hardly think there would be a half dozen votes for the measure. A good many do not look beyond their own selfish interest.

Mr. SMATHERS. Let me ask the Senator another question. In view of the speeches which have been made during the past month, in which Senators have charged their colleagues who are supporting the bill with appealing for political advantage, if it is a fact that in the States from which these Senators come it is popular to oppose this measure, does it not come with poor grace from those Senators to contend that the Senators who support the bill because they believe in it are supporting it for political reasons?

Mr. ELLENDER. Of course, I do not know; I am not going to name any Senators at present; but I have heard the question discussed privately before I came to the Senate and since that time. This question is a very ticklish one; and, in my humble opinion, the farther away we can get from it, and the more we can let it alone, the better it is going to be. I repeat that whether or not this bill is popular in Louisiana is not the thing that interests me. It is the

principle back of it that appeals to me; not politics but what the enactment of the bill may eventually lead to. Give the Negroes this bill, and they will demand more, and we will wake up some day with laws permitting social equality.

To go back to the State of Illinois, I have just read to the Senate the statute of that State. I may be wrong, but I believe the colored race had a good deal to do with having the law passed. The Senator from Illinois [Mr. LEWIS] said that other conditions were influential in having the statute enacted by the legislature. I accept that statement; but I am confident that the large colored population of the city of Chicago had a great deal more to do with the enactment of the measure than did the white population of the city and State. In fact, I doubt if many of the white population of the State knew about it.

The entire colored population of the State of Illinois, according to the last census, was 328,972 persons. Seventy-one percent of the entire colored population of Illinois is located in the city of Chicago. I am inclined to believe that the fact that such a large colored population is centered in a big city like Chicago results in these citizens commanding quite a lot of attention from the politicians of Chicago; and, no doubt, the politicians in the legislature at Springfield are prone to help them out on questions of this kind.

Before I go to another State, let me say that I notice that the State of Illinois was not quite so generous as the States of California, Colorado, and Connecticut, in that those other States fix the amount of damages or at least the limit of damages that may be collected in case any person affected by the statutes to which I have referred should be refused permission to go into the same hotel or the same theater with white persons, or to be buried in the same cemetery. In Connecticut, if I recall correctly, the amount of damages permitted by law to be collected is $500, whereas in California it is only $100; and one of the States penalizes by fine and imprisonment any proprietor who refuses to comply with, or who violates, the statute.

Let me refer now to the State of Indiana, whence hails the senior Senator from that State [Mr. VAN NUYS], who is the coauthor of this bill. Let us see what the State of Indiana has done for the colored people. I read from Burns' Statutes, 1933 (Criminal Code), section 10–901:

> All persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.
>
> Section 10–902: Any person who shall violate any of the provisions of the foregoing section by denying to any citizen except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay a sum not to exceed $100 to [any] person aggrieved thereby.
>
> Section 10–903: No citizen of the State of Indiana, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as [a] grand or petit juror in any court of said State on account of race or color.

That is the statute as it appears in the Criminal Code of the State of Indiana. In the State of Indiana there was a colored population in 1930, the last year for which figures are available, of 111,982. Sixty-one percent of that entire colored population was in Indianapolis, Evansville, and Gary. They were not scattered all over Indiana. They were centered in cities, where union to them means strength from a voting standpoint; and no doubt in the Legislature of Indiana there are a number of the colored race, as there are in other States, and naturally the Negro representatives from these various States make demands so as to place their race on an equal basis with the whites, just as this statute would indicate. As to whether or not the good white people of Indiana observe what is provided in this statute I do not know; but I have been in Indiana quite often, and I am glad to say that never have I gone to any large hotel in any of the cities of that State and found Negroes associating with the whites—and, may I add, this statement applies to practically every State to which I shall refer. To my mind, those statutes were put on the books simply to appease a few of the politicians of the colored race; not with the idea of having the law enforced, but to urge the Negroes on; and when the colored people do try to exercise the rights thus given to them they get into trouble. That is why, as I explained to the Senate on Friday and Saturday, more of the colored people in the North get into trouble than do those in the South. As I stated Saturday, the colored people in the South are polite by instinct; they know their place in southern society and they keep it. They do not try to rub elbows with the whites in theaters, or various places of amusement, or in schools. As I stated Saturday, in Louisiana we furnish to the Negroes as fine schools as are afforded them in any other State of the Union, but they are placed under separate roofs. We provide for the Negroes but under different conditions. In 1908 Louisiana spent about a million more dollars for education for both whites and colored than it spent in 1937 for the colored people only.

Just imagine what we are attempting to do. If we are let alone, if we are permitted, I say to the Senator from Nebraska [Mr. NORRIS], to handle our own affairs, we can and will solve the problem.

We are making an earnest effort, and the facts and figures with regard to the decrease in lynching which have been produced before the Senate show that we are succeeding, and I hope that in a short time this crime will be a thing of the past, that there will not be any more of it. We are working to that end, and all I ask is that we be not disturbed; that the efforts of the Federal Government, which has proven a failure in the city of Washington in enforcing the law, shall not come to Louisiana or go to Georgia or to any other of the Southern States, which have been for centuries dealing with the Negro problem successfully, and tell us what we ought to do, or punish us if we fail to do it after having tried.

As I tried to show Saturday, the pending bill does not make the same provision regarding what the officer must do and what the county must do; but, as I read section 5 of the bill, the county can hardly make any defense by which it can escape the penalty that is imposed in case there is a lynching. It does not make any difference whether the person lynched was in the hands of the law or not. The provision with reference to the imposition of the civil liability makes no such distinction.

Now, let us go to the State of Iowa. The Code of 1935 of Iowa, section 13251, provides:

> All persons within this State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barber shops, bathhouses, theaters, and all other places of amusement.

Section 13252 provides:

> Any person who shall violate the provisions of section 13251 by denying to any person, except for reasons by law applicable to all persons, the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated therein, or by aiding or inciting such denial, shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed $100 or imprisonment in the county jail not to exceed 30 days.

In the State of Iowa there is a total colored population of 17,380, and the only city figures available were for the city of Des Moines; and I note that of the entire Negro population, 32 percent are located in Des Moines. The figures for the other cities I have been unable to obtain, but I am trying to get them; and if I obtain them before I complete my speech, I shall ask that they be inserted in connection with my remarks as to Iowa.

Let us now turn to the State of Kansas. The Code of 1935, section 21–2424, provides:

> That if any of the regents or trustees of any State university, college, or other school of public instruction, or the State superintendent, or the owner or owners, agents, trustees, or managers in charge of any inn, hotel, or boarding house, or any place of entertainment or amusement for which a license is required by any of the municipal authorities of this State, or the owner or owners or

person or persons in charge of any steamboat, railroad, stagecoach, omnibus, streetcar, or any other means of public carriage for persons or freight within the State, shall make any distinction on account of race, color, or previous condition of servitude, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than ten nor more than one thousand dollars, and shall also be liable to damages in any court of competent jurisdiction to the person or persons injured thereby.

Here is a statute which not only imposes a fine but also permits damages to the injured. The only thing not included that has been provided in other States with reference to damages is that it does not fix a ceiling to which damages may be recovered.

Let us see how the Negro population is distributed in Kansas. I find that in that State, with a Negro population of 66,344, 25,495 of them reside in two cities. Thirty-eight percent of the entire colored population of the State is located in Kansas City and Wichita.

The next State to which I come is Maine. The Revised Statutes of Maine of 1930, chapter 134, section 7, page 1569, provide:

No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement, shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display in any way, any advertisement, circular, folder, book, pamphlet, written or printed, or printed notice or sign of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement.

I read from the Revised Statutes of Maine of 1930. In Maine the entire Negro population in 1930 was only 1,096, of which 25 percent was in Portland. The records are not available to show where the rest of the colored population was centered, but I propose to get the information, if possible, and place it in the RECORD in connection with my remarks as to Maine.

Mr. POPE. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Louisiana yield to the Senator from Idaho?

Mr. ELLENDER. I yield.

Mr. POPE. What is the position of the Senator with reference to statutes such as those to which he has been referring; that they are objectionable, that the States should not have adopted them, or is it the Senator's intention merely to give us information?

Mr. ELLENDER. In answer to the Senator from Idaho, I may state that, to begin with, since the Constitution of the United States treats white people and colored people alike, I am wondering why these statutes were put on the statute books. Why was it necessary to pass these statutes in Maine, Ohio, Indiana, Illinois, and other northern States? Since all people are to be treated alike under the Constitution, it was not necessary to pass special laws on the subject. The point I am trying to make is that evidently the white proprietors of inns, of theaters, of hotels, and of other public places have failed to recognize that provision of the Constitution, failed to give the colored people the right to associate with whites. And in doing that they were acting no different from the white people of the South, all of which proves my contention that the white person of the North does not want the Negro rubbing elbows with him socially any more than does the white person of the South.

But the colored people, through these little cliques located in various cities up North, agitated that question. They organized and had these statutes put on the lawbooks. These statutes were passed, but not with the idea or with the result of giving a greater right to the Negroes than they now have. The point I make—and I believe I can substantiate it—is that these small groups of colored persons and agitators who succeeded in having these State laws passed did so, as mentioned by the Senator from Texas [Mr. CONNALLY] last Saturday, in order to induce their constituents to continue to make money contributions to their societies. They needed these contributions in order to feed some of these leeches in Washington who are at the head of these societies so they might continue to appear before committees of Congress to urge the passage of social-equality laws, which is what is really behind this so-called antilynching bill.

I am bound to conclude that the agitators who caused these statutes to be imposed on the people of the various States mentioned are the same class of agitators who are now working on the Congress. In order to do what? To stop lynching? No, to foster social equality; and instead of this bill's stopping lynching, I think the result of this legislation will be to increase it. If the Federal Government steps in, then the States will not exercise the same effort but it will resolve itself into the proposition of "letting George do it."

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Does the Senator recall how many States have statutes against discrimination such as the Senator has called our attention to?

Mr. ELLENDER. I will name those States which have statutes with respect to discrimination. There are 18 such States.

Mr. POPE. Eighteen States have statutes prohibiting discrimination?

Mr. ELLENDER. Yes. The other States do not have such statutes. The States which have passed statutes such as I have indicated to the Senate are California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

I note from that list that Idaho, the State of the Senator who just asked the question [Mr. POPE], does not have such a statute.

Mr. POPE. Let me ask the Senator if he does not think that the conditions in the various States should be recognized and that the States themselves should have the right to pass upon those matters? For instance, in my State there is a family of colored persons here and there. Most of the colored people in my State live in two or three towns, but there are a few colored persons scattered about over the State. For instance, in a small town there will be one or perhaps two or three families. There are not enough colored persons in such a town to provide separate schools or to provide separate places of amusement or separate eating places, and therefore those colored persons are permitted, as a practical matter, to attend the same schools and to attend the same places of amusement, although they generally do not eat at the same places as the white people. I ask the Senator from Louisiana if the fact that there are a great many colored persons in one State and that there are very few of them in another State might not make it necessary to treat the problem differently in different States?

Mr. ELLENDER. The Senator may be correct. I can see nothing wrong with the position taken by the Senator insofar as the ability of his State is concerned to care for the few colored residents. But the point I am making is that these statutes from which I have been reading were put on the statute books by these little groups of agitators. They have not gotten strong enough in Idaho to come to the legislature and force the Idaho Legislature, for instance, to permit them to eat at the same table as the Senator and his friends eat. They have not grown strong enough to do that. I contend that the same elements, the same small minorities of colored persons, in certain States have caused their legislatures to pass these acts, and in turn the same groups are still busy, they are still agitating, and they are going to keep on agitating until they get that social equality about which I have been speaking, and which, it seems to me, will eventually lead to the decay of our American civilization, as I am going to show by reference to the history of other countries whose civilization has decayed because of the encroachment of the colored race on the white race; and that these local agitators, who have been able to obtain recognition, as it were, in the legislatures of the various States that I have mentioned, are coming to Washington every year,

every time we meet, to urge the passage of legislation which has as its object finally to put them on an equality with the white people in certain matters, and which will lead eventually to social equality.

Social equality between the whites and the Negroes—that is what I am condemning—nothing else. That is what is disturbing me, and that is why I am trying to put the facts before the Senate so that other Senators can see them as I view them. I may be all wrong in my views, but I am in earnest, and I can see coming the very situation I am now describing. It may not affect me, it may not affect my son, or his children, but I am thinking of future generations, and I propose to show a little later, from excerpts from statements of Abraham Lincoln, the Great Emancipator, the man who was responsible for the freedom of the Negroes, that he did not believe in the political or the social equality of the colored race with the white race.

I propose to show by quoting from Thomas Jefferson that he contended that the two races could not survive in the same country separately; that sooner or later we would be dominated by a mongrel race if the mixture of the two races were permitted, and that a mixture of the two races would lead to the decay of our proud American civilization.

I propose to read from Egyptian history and from the history of India, to show that such decay has occurred in the past, for the reasons I have stated, and that we are headed in that direction, and shall continue to go in that direction if we give to the colored race the social equality it is now striving for.

The next State I propose to take up is Massachusetts. I read from the laws of 1933, chapter 117, pages 124–125:

No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort, or amusement, shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display, or cause to be published, issued, circulated, distributed, or displayed, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, race, color, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement: *Provided*, That nothing herein contained shall be construed to prohibit the mailing to any person of a private communication in writing, in response to a specific written inquiry.

A place of public accommodation, resort, or amusement within the meaning hereof shall be defined as and shall be deemed to include any inn, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, any restaurant, eating house, public conveyance on land or water or in the air, bathhouse, barber shop, theater, and music hall.

Any person who shall violate any provision of this section, or who shall aid in or incite, cause or bring about in whole or in part, such a violation, shall be punished by a fine of not more than $100, or by imprisonment for not more than 30 days, or both.

Laws of 1934, chapter 138, page 131:

Whoever makes any distinction, discrimination, or restriction on account of color or race, except for cause applicable alike to all persons of every color and race, relative to the admission of any person to or his treatment in a theater, skating rink, or other public place of amusement, licensed or unlicensed, or in a public conveyance or public meeting, or in an inn, barber shop, or other public place kept for hire, gain, or reward, licensed or unlicensed, or whoever aids or incites such distinction, discrimination, or restriction—

Think of that; whoever incites discrimination—

shall be punished by fine of not more than $300, or by imprisonment for not more than 1 year, or both, and shall forfeit to any person aggrieved thereby not less than $100, nor more than $500. But such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination, or restriction.

In that State the statute not only fixes a criminal penalty of fine and imprisonment, but it fixes a floor and a ceiling as to damages; the plaintiff cannot get less than a certain amount or more than a fixed amount. By the way, Massachusetts at one time, according to my information, enacted a law prohibiting the marriage of whites and blacks; but, for some reason or other—and I am wondering at whose instance, I am sure that it was not at the instance of the white people of Massachusetts—that statute prohibiting marriages between white people and colored people in the State of Massachusetts was repealed.

Let us see how the Negro population of Massachusetts is distributed. According to the 1930 census, the Negro population of Massachusetts was 52,365, of which number 63 percent were in the four cities of Boston, Cambridge, New Bedford, and Springfield. As in other States, it is my contention that the statute granting equal social rights to Negroes to which I have referred was enacted, and the act preventing intermarriages between white and colored people was removed from the statute books of the Commonwealth of Massachusetts, at the behest and solicitation of a small group of colored voters in the cities I have mentioned. I venture to say that the white people of the State of Massachusetts were probably not consulted about those laws, and when I say the white people, I mean the bulk or mass of them. But the legislative action was taken at the suggestion of only a few little, measly politicians here and there who were trying to win the favor of the colored voters and were saying to them, "Vote for me, and when the legislature meets I am going to have taken off the statute books the law prohibiting the marriage of colored people with the whites."

I can just imagine how such politicians influenced the members of colored societies within their wards to say, "We is going to vote for Mr. So-and-So, 'cause he is going to have this law that prohibits us from marrying with white people in Massachusetts taken off the books, so as to allow us colored people to marry white folks."

I come now to the State of Michigan, and read from Compiled Laws of 1929 (Mason's 1933 supplement):

SEC. 17115–146. All persons within the jurisdiction of this State shall be entitled to full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, motion-picture houses, and all other places of public accommodation, amusement, and recreation and all public educational institutions of the State subject only to the conditions and limitations established by law and applicable alike to all citizens.

SEC. 17115–147. Any person being an owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place who shall directly or indirectly refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, and privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and privileges of any such places shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that any particular race, creed, or color is not welcome—

Note the words, "is not welcome"—

objectionable, or not acceptable, not desired or solicited, shall for every such offense be guilty of a misdemeanor.

In that State a few more choice words have been added to the statute; so that it applies if Negroes are "not welcome"; not, if they are not permitted to go into a place, but if they are "not welcome" after they go in, or if anybody says they are objectionable, or not acceptable, or are not desired, or are not solicited. In other words, the fact that they are not asked to come into some hotel or theater makes the person not inviting them guilty of a misdemeanor and punishable by fine and imprisonment.

Section 17115–148:

No citizen of the State of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said State on account of race or color, and any officer or other person charged with any duty in the selection of summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall be guilty of a misdemeanor.

Now, let us see how the population of the colored race is distributed in the State of Michigan. According to the census of 1930, there were in that State 169,453 colored people, of whom 128,586, or 76 percent, were in Detroit, Flint, and Grand Rapids. I again ask the question, What forces brought about the enactment of the statute to which I have just referred? I say that the little cliques of colored voters located in Detroit, Flint, and Grand Rapids brought it about and

made it possible for such a statute to be placed in the laws of Michigan.

Let me now refer to Minnesota. I quote from Mason's Statutes, 1927:

SEC. 7321. No person shall be excluded, on account of race or color, from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshment, entertainment, or accommodation. * * *

In Minnesota, according to the census of 1930, there were 9,445 colored people, of whom 8,177, or 86 percent, were congregated in Minneapolis and St. Paul, the Twin Cities. It is my contention that the small group of colored people residing in those two cities had the power to go before the Legislature of the State of Minnesota and have this law enacted. As I pointed out a while ago, such a law as that was certainly not necessary, since the Federal Constitution accords everyone equal rights, regardless of race. Yet a small coterie of Negro agitators, little cliques here and there, had this law passed, because, forsooth, I presume, some of them were refused admittance to theaters or to restaurants in the State.

I repeat that the passage of such legislation was secured by little cliques located in the various States of the Union who had grown a little bit stronger and probably a little more brazen and who desired to secure from the States laws that will eventually put them on the same social basis with the white people.

Let us take the State of Nebraska. I read from Compiled Statutes of 1920 and 1929:

SEC. 23–101. All persons within this State shall be entitled to a full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, public conveyances, barber shops, theaters, and other places of amusement; subject only to the conditions and limitations established by law and applicable alike to every person.

SEC. 23–102. Any person who shall violate the foregoing section by denying to any person, except for reasons by law applicable to all persons, the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated in the foregoing section, or by aiding or inciting such denials, shall for each offense be deemed guilty of a misdemeanor, and be fined in any sum not less than $25, nor more than $100, and pay the costs of the prosecution.

Mr. President, in the State of Nebraska, according to the census of 1930, there were 13,752 Negroes, and of that entire Negro population 81 percent were congregated in Omaha. I am wondering at the immense power that that small clique of colored people had in inducing the Legislature of Nebraska to pass the statute I have just read. Eighty-one percent of the entire Negro population of Nebraska is located in Omaha.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Nebraska.

Mr. BURKE. Did I understand the Senator to say that 81 percent of the entire population of the State resides in Omaha?

Mr. ELLENDER. No; not of the entire population, but 81 percent of the entire Negro population of the State.

Mr. BURKE. I think that is correct.

Mr. ELLENDER. Those are the figures according to the last census.

Now, let me take the State of New Jersey; and that reminds me of the little colloquy that took place between the Senator from New Jersey [Mr. SMATHERS] and me a few moments ago. Let us see how far the State of New Jersey has gone in attempting to legislate social equality between the two races. I read from the laws of 1921, chapter 174, as amended, Laws 1935, chapter 247:

All persons within the jurisdiction of the State of New Jersey shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place shall directly or indirectly refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited.

The production of any such written or printed communication, notice, or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person.

That is the extent to which the State of New Jersey has gone. The mere fact that a notice is published or circulated by somebody that Mr. So-and-So of the colored race is not welcome at his restaurant, in itself raises the presumption that he was unwelcome and should not come within the doors of the various hotels, and so forth, of which the person in question is the manager or proprietor.

A place of public accommodation, resort, or amusement within the meaning of this act shall be deemed to include inn, tavern, roadhouse, or hotel, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation, or rest; any restaurant, eating house, or any place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where beverages of any kind are retailed for consumption on the premises; garage—

That is a new one—

and all public conveyances operated on land and water, as well as the stations and terminals thereof; public bathhouse, public boardwalk, public seashore accommodation; theater or other place of public amusement, motion-picture house, airdrome, music hall, roof garden, skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor; dispensary, clinic, hospital, public library, kindergarten, primary and secondary school, high school, academy, college and university, or any educational institution under the supervision of the regents of the State of New Jersey. Nothing herein contained shall be construed to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

Any person who shall violate any of the provisions of the foregoing section as amended by denying to any citizen, except for reasons applicable alike to all citizens of every race, creed, and color, and regardless of race, creed, or color, or of previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said act enumerated, or by aiding or inciting such denial, or who shall aid or incite the violation of any of the said provisions, shall for each and every violation thereof forfeit and pay the sum of not less than $100 nor more than $500 to the State of New Jersey, to be recovered in an action of debt, with full costs, and shall also for every such violation be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than $500 or be subject to imprisonment of not more than 90 days, or both such fine and imprisonment.

Here is another statute which has added schools, colleges, and so forth. I do not know what has been left out; everything seems to have been included. Not only are fine and imprisonment imposed but the State collects the damages fixed in the statute, and the person or persons injured may claim the amount from the State. As I read the statute, they do not even have to sue for it. According to this language, the State collects it for them and gives it to them if their feelings are in anywise hurt because, for example, they were prevented from taking a bath with some of the white people on the seashore at Atlantic City.

The aggrieved party or parties in any such action or actions is authorized by this act to institute—

I am glad the Senator from New Jersey [Mr. SMATHERS] has come into the Chamber.

Mr. SMATHERS. I thought I heard Atlantic City mentioned.

Mr. ELLENDER. I am now dealing with the great State of New Jersey. I am sorry the Senator was not here when I read the various places of amusement that are included in the statute of his great State, which permits social equality between whites and blacks, and I am wondering if, by chance, any such places at all were left out. I think everything is pretty well covered.

Mr. SMATHERS. Mr. President, I hope the Senator will do justice to my great State in dealing with this subject.

Mr. ELLENDER. I do not want to be unfair about it. I am going to treat New Jersey just as I treat Maine and Louisiana and other States. I believe in fair play to all.

The aggrieved party or parties in any such action or actions is authorized by this act to institute said action or actions in the name of the State of New Jersey, and in case judgment is awarded in favor of the plaintiff, the aggrieved party shall be paid out of the judgment so recovered, the costs incurred in prosecuting said action according to a bill of costs to be taxed by the clerk of a district court if said action is brought in any district court of the State, or by the clerk of the court of common pleas if said action is brought in any county where there is no district court, such costs to be taxed as in civil actions for tort within the jurisdiction of either of said courts, and also attorney's fees of not less than $20, and not more than $100, to be determined and fixed by an order of the judge of said district court or judge of the court of common pleas where such action is brought at the time of the entry of said judgment.

Notice by this statute that the State of New Jersey has gone to the limit, it seems to me, in aiding any aggrieved person to recover, because the State says to a citizen of New Jersey who happens to have a restaurant or a theater or a place of amusement, "Not only will we fine you, not only will we put you in jail, but we are likely to collect from you and pay over to the aggrieved person the amount of damages fixed by the statute." As I say, I made that statement a while ago, and I have repeated it for the purpose of getting the Senator from New Jersey—who, by the way, was a distinguished jurist and a judge at Atlantic City—to inform me whether or not I misrepresented the situation. If I did, I shall be glad to abide by whatever he states on the subject.

Mr. SMATHERS. Mr. President, the Senator from Louisiana correctly states the law. I should like simply to add to his remarks that there has not been a lynching in the State of New Jersey in the history of the State, at least as far back as I have been able to go since my association with the great State of New Jersey.

Mr. ELLENDER. I have in my hand the World Almanac for 1937, and I desire to check on page 282 to determine whether or not the statement of the Senator from New Jersey is correct. I find that the lynchings are given by States from 1889 to 1933, and I do not find that there has been any lynching in New Jersey during that period.

I read from the Laws of 1935, chapter 151:

1. (a) There is assured to the people of this State under the Constitution of the United States of America freedom of conscience in the matter of religious worship, and also equality in the protection of life, liberty, and property, for the establishment of justice, insuring of domestic tranquillity, promotion of the general welfare, and securing of the blessings of liberty; and

(b) Under the Constitution of the State of New Jersey, civil and religious liberty are guaranteed to the people of this State, and the people thereof are declared to have certain natural and inalienable rights, amongst which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, pursuing and obtaining safety and happiness, and enjoying freedom of conscience in the matter of religious worship; and

(c) The dissemination, circulation, or publication of propaganda or statements creating or tending to create hatred, violence, or hostility against people of this State by reason of their race, color, religion, or manner of worship, has created or tends to create violations of said constitutional assurances and guaranties, and disturbance of domestic tranquillity and peace of the people of this State, and is provocative of violence, causing injury to persons and property.

2. Any person who shall print, write, multigraph, or in any manner whatever make or produce or by any means set out and make legible in any language;

(a) Any book, speech, article, statement, circular, or pamphlet which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(b) Any constitution, bylaws, rules, regulation, or record of any proceedings of any organization, association, corporation, society, order, club, or meeting of three or more persons, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(c) Any picture, photograph, emblem, representation, sign, or token which in any way incites, counsels, promotes, advocates, or symbolizes hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship,

Shall be guilty of a misdemeanor.

3. Any person who shall have in his possession, for the purpose or with intent to utter, sell, give away, circulate, distribute, or exhibit to the view of another, or any person who shall utter, sell, give away, circulate, send, transmit, distribute, or exhibit to the view of another:

(a) Any book, speech, article, statement, circular, pamphlet, or other written, printed, or multigraphed matter, made or produced in any manner whatsoever, in any language, or by any means set out and made legible, which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(b) Any constitution, bylaws, rules, regulations, or records of any proceeding or purporting to be such, of any organization, association, corporation, society, order, club, or meeting of three or more persons, made or produced in any manner, or by any means set out and made legible, in any language, which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship, or

(c) Any picture, photograph, emblem, representation, sign, or token made or produced in any manner, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

4. Any person who shall exhibit or display at any meeting of three or more persons or in any parade, public or private, or in any public place, any flag, banner, emblem, picture, photograph, representation, tableau, performance, sign, or token, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

5. Any person who shall, in the presence of two or more persons, in any language, make or utter any speech, statement, or declaration, which in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

6. Any owner, lessee, manager, agent, or other person who shall knowingly let or hire out, or permit the use of any building, structure, auditorium, hall, or room, or any part thereof, whether licensed or not, to or for the use of any organization, association, society, order, club, group, or meeting of three or more persons where it is purposed or intended to hold any meeting or assembly of three or more persons whereat any provision or provisions of the four preceding paragraphs hereof are to be violated, shall be guilty of a misdemeanor; and any person or persons who shall knowingly hire any such building, structure, auditorium, hall, or room, or any part thereof, for the purpose of using or permitting the same to be used by others for the purpose of violating any provision, or provisions of the four preceding paragraphs hereof, shall be guilty of a misdemeanor.

7. Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment, or device of any nature or kind, located within this State, broadcast, or make audible to others, within this State, through any radio receiving set, device or equipment of any nature or kind, located within this State, in any language, any speech, declaration, statement, or pronouncement which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being within this State, by reason of race, color, religion, or manner of worship of such group or groups, shall be guilty of a misdemeanor, and the owner of any such station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of a misdemeanor.

8. Any person, firm, corporation, or association violating any provision of this act, shall be punishable by a fine of not more than $5,000, nor less than $200, or by the imprisonment not exceeding 3 years, nor less than 90 days, or by both such fine and imprisonment, in the discretion of the court.

Mr. President, I repeat, I do not know of anything that was left out of the statute of New Jersey. It is provided that members of both races can go to theaters, picture shows, beaches, and every other kind of resort. I do not see anything left out. To my mind the statute is about the most complete of any I have had the pleasure to read to the Senate.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. LEWIS. From what State statutes was the Senator reading?

Mr. ELLENDER. I was reading from the statutes of New Jersey.

Mr. LEWIS. The junior Senator from New Jersey [Mr. SMATHERS], whom I see present, will take care of the interests of his State, I am sure.

Mr. ELLENDER. Yes; I am confident the junior Senator from New Jersey, who is listening to what I have to say, will take care of New Jersey's interests, as he always has, and I know always will.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SMATHERS. In New Jersey we feel that Pennsylvania has a better statute, guaranteeing a greater degree of equality, and we hope some day to write the statute of Pennsylvania into the laws of New Jersey.

Mr. ELLENDER. I intend to read the Pennsylvania statute to the Senate. It is a more recent statute. Personally I do not see how one could improve on the statute of New Jersey so as to give to both races a nearer approach to social equality. New Jersey is one of the States wherein marriages between whites and blacks are not prohibited. In my opinion, this New Jersey statute is almost a perfect statute in the attempt to give to the colored folks of New Jersey the same rights and privileges, socially and in every other way, enjoyed by the white people. As I have said New Jersey has gone even further than some of the other States mentioned and permitted intermarriage among white and colored people of the State.

I may be wrong, and if I am I want to be corrected, but I cannot believe that in New Jersey, where only 5 percent of the entire population are colored, the white people of the State had these statutes enacted. I am citing all these laws for the purpose of showing that it is only a small number of colored people in various States who are agitating and who are bringing about the adoption of such statutes as that I have just read, and the same groups are now agitating for the enactment of the bill now pending before the Senate.

Mr. SMATHERS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. SMATHERS. I propose to support and vote for the pending antilynching bill because I believe that 98 percent of the people of the State of New Jersey favor it.

Mr. ELLENDER. I do not doubt that 98 percent of the people of New Jersey are against lynching, just as 98 percent of the people of Louisiana are against lynching, but I am arguing that the pending bill will not prevent lynching. It will not. On the contrary, as I have said on many occasions, if the matter is left to the Federal Government, the Federal Government will make just as dismal a failure in enforcing the laws with respect to colored people and white people in the South as it has done and is now doing in the city of Washington. The Federal Government is not equal to the occasion. If we are only let alone, we of Lafayette, La., from whence comes Congressman MOUTON, who is now in the Senate Chamber, or the good people of St. Tammany Parish, La., the home of Congressman GRIFFITH, who also happens to be present, can handle our own situation.

If the crime of lynching were on the increase, if no effort was being made by the various sovereign States of the South to prevent lynching, if it could be shown that the Southern States were not guaranteeing a republican form of government to the citizens of those States, they would be entitled to come to the Congress for relief; but not before. We feel that we are able to manage this affair. Lynching has been on the decrease in the South and throughout the Nation for quite a number of years, so that last year only eight people were lynched throughout the entire Nation.

Mr. SMATHERS. Mr. President, will the Senator yield?

Last week I heard Senators attack the city of Chicago and the administration of law in the city of Chicago as it relates to gangsters, and I wish to say for the benefit of the RECORD and the benefit of those speakers who made that attack last week that when the local authority broke down completely, the Federal Government stepped in and got Al Capone.

Mr. ELLENDER. To what particular incident is the Senator referring? Is the Senator referring to the labor trouble which occurred some time ago?

Mr. SMATHERS. No, no. I am not referring to the labor trouble. I am referring to the time in the history of the city of Chicago when its authorities failed to or could not enforce its criminal law, and the Federal Government went ahead and got the ringleader, Mr. Al Capone, and the Government today has him in the Federal penitentiary.

Mr. ELLENDER. We in Louisiana have no objection to that at all. I should have no objection if Mr. Hoover should go out there and capture any person who performed an illegal act in connection with a mob. That, however, is not the question. The point I make is that we in the South, the good citizens there, the State authorities, have been doing our duty in an effort to stop the heinous crime of lynching. Lynching is on the decline in the South. Murder is on the increase throughout the United States. Why do you not get the Federal Government to prevent all murders in New York City, Chicago, San Francisco, and in the Senator's State of New Jersey? I say that unless and until it is shown that the citizens of a State do not have a republican form of government and one that can cope with the situation, that the Federal Government should not interfere where the matters involved affect the administration of the State's own laws. The laws punishing mob violence are on the books, and we are trying to enforce them.

Mr. President, as I stated Saturday and the day before, there is hardly a State in the South that does not have a law on its statute books which adequately deals with the lynching problem.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield.

Mr. CONNALLY. If the State of New Jersey in the enforcement of its laws allows some of its citizens to be murdered, and other crimes to be committed, then if the theory of this bill is sound, has not New Jersey violated the fourteenth amendment in no affording equal protection of the law to the different citizens, and if this bill is sound, would not the Federal Government be authorized to go into New Jersey and prosecute everyone guilty of murder and everyone guilty of theft and every highjacker?

Mr. ELLENDER. As always, the Senator from Texas is eminently correct, and he has clearly expressed his point. In other words, that procedure could be extended widely. I can show by actual figures that every crime known in our country's history is on the increase, with very few exceptions. Yet lynching is on the decline. The number of lynchings in the United States was reduced from almost 300 per year to 8 last year. I say that lynching is declining, and we in the South are doing our very best to stop it, and will stop it if we are let alone. But if Senators desire to send the Federal Government down there to handle this matter, and not let the State authorities cope with the situation, God pity the Negro people. As I previously said, I am not saying that as a threat, or in any vindictive spirit. We are and have been earnestly trying to stamp out lynching. The States have been using their militia; they have been employing every agency at their command to prevent lynching, and they have succeeded admirably, as the records for 1936 and 1937 prove conclusively.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SMATHERS. Is it not a fact that all this bill does is to give the Federal Government the right to collaborate in the prosecution of an official who fails to do his duty? A sheriff may elect to turn his back while a mob lynches an accused, whose rights are guaranteed by the Constitution, which the Senator from Texas thinks so much of. Is it not a fact that all this bill provides is that if such a situation arises and a sheriff should fail to perform his duty, then the

Federal Government may step in and see that the officer is properly prosecuted and punished? Is that not a fact?

Mr. ELLENDER. No, no, Senator. If the Senator will read the bill, I know he will not find that situation provided in the bill. That is not what it intends to do. If the bill is studied—and I have tried to digest it from cover to cover—it will be found that it states in section 2 what a mob is, and in section 3 will be found what the officer must and must not do in order to keep from landing in Leavenworth or Atlanta or some other Federal penitentiary.

Section 5 states, in effect, that when a lynching occurs in a certain county, its officials are subject to the bill's provisions. Under its provisions I do not see anything else that the judge could do when there is a lynching except to write up a judgment for from $2,000 to $10,000 in favor of the victim's parents or nearest of kin. It seeks to take charge of local self-government and says to us, "There has been committed a crime of lynching over here. You owe the victim's heirs $8,000. We are going to make you pay it; and if you do not pay it we will seize your jail or your courthouse or we will force you to impose taxes on your property to cover the penalty."

Why should the Federal Government encroach upon the State unless it is shown that the State is failing to give to its citizens a republican form of government such as is provided for in the Constitution? Insofar as the execution of the laws on the statute books by a State is concerned, such execution should be left to the State authorities, without interference by the Federal Government.

New Jersey has a colored population of 208,282. Ninety-four thousand, or 45 percent, live across the river from New York City in the suburbs of New York, but are citizens of New Jersey. Seventy-eight thousand five hundred and sixty-five, or 38 percent, live in Camden, Elizabeth, Jersey City, Newark, Paterson, and Trenton. That is the picture with reference to the distribution of the Negro population in the State of New Jersey.

I believe—I may be wrong, but to me it seems that it is those little cliques of colored folks living and located in these few cities, and not the white people, who have agitated for the passage of the statute I have just read. It is just a little group of low white politicians as their leaders, I imagine, who have demanded the passage of these statutes before the New Jersey Legislature in return for the Negro vote and that same group, together with others throughout the Nation, are now agitating for the passage of the pending bill.

Of course, it is said that it is an antilynching measure. And the proponents say lynching is awful. All of us agree to that. As I said Friday, in my opening remarks, I would not be here today talking against this bill if I thought for a minute that it would stop lynching. But I repeat, it will not.

Let us now go to New York.

Laws of 1936, chapter 511:

It shall be unlawful for any public-utility company, as defined in the public-service law, to refuse to employ any person in any capacity in the operation or maintenance of a public service on account of the race, color, or religion of such person.

Laws, 1935, chapter 737:

All persons within the jurisdiction of this State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodations, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place shall, directly or indirectly, refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any such written or printed communication, notice, or advertisement purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort, or amusement within the meaning of this article shall be deemed to include inns, taverns, roadhouses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation, or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park, or enclosure where spirituous or malt liquors are sold; ice-cream parlors——

The PRESIDING OFFICER. Will the Senator suspend in order that the Senate may receive a message from the President of the United States?

Mr. ELLENDER. Certainly.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on January 12, 1938, the President had approved and signed the following acts:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; and

S. 2575. An act to increase the efficiency of the Coast Guard.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Hitchcock	Pepper
Ashurst	Connally	Johnson, Colo.	Pittman
Austin	Copeland	La Follette	Pope
Bankhead	Davis	Lonergan	Schwartz
Barkley	Dieterich	McCarran	Schwellenbach
Bilbo	Duffy	McGill	Sheppard
Bone	Ellender	McKellar	Smathers
Borah	Gibson	Maloney	Thomas, Okla.
Bulkley	Hale	Minton	Thomas, Utah
Bulow	Harrison	Norris	Townsend
Byrnes	Hatch	Nye	Truman
Capper	Hayden	Overton	Vandenberg

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. BROWN of New Hampshire and Mr. RUSSELL answered to their names when called.

Mr. ANDREWS, Mr. BAILEY, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BURKE, Mr. BYRD, Mr. CHAVEZ, Mr. CLARK, Mr. DONAHEY, Mr. FRAZIER, Mr. GEORGE, Mr. GILLETTE, Mr. GLASS, Mr. GUFFEY, Mr. HERRING, Mr. HILL, Mr. HOLT, Mr. KING, Mr. JOHNSON of California, Mr. LEWIS, Mr. LODGE, Mr. LOGAN, Mr. LUNDEEN, Mr. MCADOO, Mr. MCNARY, Mr. MILLER, Mr. MURRAY, Mr. NEELY, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SHIPSTEAD, Mr. SMITH, Mr. STEIWER, Mr. TYDINGS, Mr. VAN NUYS, and Mr. WALSH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names a quorum is present. The Senator from Louisiana has the floor.

Mr. ELLENDER. Mme. President, as I started to say when a quorum call was asked for, I was reading from the New York statute affecting the rights of colored and white people with respect to theaters and other places of amusement within the State. I had reached ice-cream parlors. I continue reading:

Confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; drug stores, dispensaries, clinics, hospitals, bathhouses, barber shops, theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors——

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield to the Senator from Texas.

Mr. CONNALLY. Did the Senator read "baths" or "bathing facilities"?

Mr. ELLENDER. They are in the statute. Possibly I skipped that line when I was reading a while ago. In case I may have done so, I will reread that portion of the statute:

Bathhouses, barber shops, theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, and universities, extension courses, and all educational institutions under the supervision of the regents of the State of New York; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public; garages, and all public conveyances operated on land or water, as well as the stations and terminals thereof.

It will be noted that in this statute, as in other statutes, even such things as garages have been included. The only reason that I can see for including garages is that evidently some white folks in New York went so far as to attempt to prevent colored folks from using certain garages, so these little cliques from Harlem and from Buffalo and from other large cities in New York prevailed upon the legislature to make no exceptions and to include everything.

Nothing herein contained shall be construed to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

That is all of the statute for New York.

Now let us see how the population of the State of New York is distributed. Listen to this:

In 1930, out of a total Negro population in the State of New York of 412,814, 83 percent, or 341,269, were centered in New York City and Buffalo. That is the situation. The other 17 percent were scattered in other cities of New York State. That shows to me, and ought to prove to any other reasonable person, what power these little groups of colored folks exercise in Harlem, Buffalo, and other cities of New York State in order to impose upon the white population the statute I have just read. Certainly the white people of the State did not ask for the enactment of that statute.

Another thing worthy of note: Apparently these little groups of colored folks located in Harlem and in Buffalo, with their voting strength, have prevented the great State of New York from passing a law prohibiting the intermarriage of white and colored persons in the State of New York.

As I said on Saturday and on Friday, I am going to give all Senators a chance to vote on this question of intermarriage, as to whether or not intermarriage between whites and Negroes should be permitted in this country.

Mr. DIETERICH. Mme. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I do.

Mr. DIETERICH. I suggest to the Senator from Louisiana to expedite matters, that he submit his proposal as an amendment to the pending bill, so that we may vote on the entire thing at one time.

Mr. ELLENDER. I propose to do that, Mme. President. I shall give the Senator from Illinois, and in fact the whole Senate, a chance to vote on it.

As I said on Saturday, I expect to give the Senate three opportunities to vote on this problem of intermarriage of whites and Negroes. Whether or not the first amendment I shall offer will be constitutional, I do not know; but, to my way of thinking, it is just as constitutional as is the bill we are now debating.

I propose to offer an amendment whereby intermarriage between Negroes and whites shall be prohibited in every State in the Union.

If we fail to secure the adoption of that amendment, if it should happen to be a little bit too drastic, and the Senate should turn it down, there are quite a few States in the Union which have thought enough of the preservation of the white race to pass laws prohibiting the intermarriage of white persons and colored persons; so, if I fail in my first amendment, I shall offer another amendment to the bill whereby, if colored folks and white folks are permitted to intermarry, say, in New York or in New Jersey, they shall not be permitted to come into Louisiana, where we have a law against the intermarriage of Negroes and white. North Carolina, Nevada, Oregon, and similar States where such marriages are prohibited, may likewise not want these persons to enter their borders. That is amendment No. 2. I propose to ask for a yea-and-nay vote on that question also, so that every Senator will have an opportunity of expressing himself on the amendment.

There is a third amendment, which I shall offer if the other two fail, which is not quite so drastic. That amendment is designed to prevent the intermarriage of whites and Negroes in the District of Columbia. Since I have been a Member of the Senate I have seen quite a number of white women hanging on the arms of colored men. I presume they were married; but I am going to try to prohibit that in the District of Columbia, if possible, just as it is prohibited in most of the other sections, because I am going to repeat what I have heretofore said on that subject. I hope it will sink in, and I should like to have it absorbed by the white people of this Nation. Listen to it:

Political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

I am going to show that the civilization of Egypt, India, and many other nations has decayed because of a mixture of the races.

Mr. SCHWARTZ. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I will. During the past few minutes I have been addressing quite a number of Congressmen. So few Senators are present that I thought I would address my remarks to the Congressmen who are in the Chamber at the moment; but I yield to the Senator from Wyoming. [Laughter.]

Mr. SCHWARTZ. I desire to ask the Senator whether he has been reading a quotation from someone else in his reference to political equality, or whether he has been reading his own views.

Mr. ELLENDER. That is my own viewpoint, Mr. President. After reducing it to writing, I found that Thomas Jefferson had the same viewpoint. Of course, as the Senator knows, great minds flow in the same channels. [Laughter.]

Mr. SCHWARTZ. Yes.

Mr. ELLENDER. I also found that Abraham Lincoln, the emancipator of the Negro race, held the same view.

Mr. SCHWARTZ. Would the Senator mind reading to the Senate quotations from their views, and not leave them to his recollection?

Mr. ELLENDER. I am going to read them, and I am going to put them in the RECORD for the benefit of the Senator from Wyoming, and other Senators who might be interested in the subject.

Mr. SCHWARTZ. Let me ask the Senator a question. I should like to know if he agrees with this statement:

Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency or unworthiness, duly ascertained by a court of competent jurisdiction.

Does the Senator from Louisiana subscribe to that doctrine?

Mr. ELLENDER. What is the Senator reading from?

Mr. SCHWARTZ. I ask the Senator whether or not he subscribes to that doctrine. If it happened to be the doctrine of Thomas Jefferson, the Senator might say he believed in it.

Mr. ELLENDER. As far as I am concerned, with reference to property rights and rights of that nature, as between the Negroes and the whites, the doctrine read by the Senator is all right. We in the South give them the same material advantages as the whites. We give them schools; we have colleges for them; but we have them under separate roofs. We do not give them social equality.

As I have repeated to the Senate on several occasions, the Negro of the South is polite by instinct.

Mr. SCHWARTZ. Instinct or fear?

Mr. ELLENDER. Instinct.

Mr. SCHWARTZ. I thought perhaps it was fear.

Mr. ELLENDER. He has been taught from the cradle to be polite.

Mr. SCHWARTZ. Certainly; and a hundred years prior to that time he was taught it, was he not?

Mr. ELLENDER. Yes; as long as he has been in this country. When he came from Africa he was a barbarian. As I said Saturday, in the course of my remarks, it was very unfortunate that slavery ever existed in this country; very unfortunate. It brought on the Civil War between the North and the South. That was a terrible occurrence and a regrettable catastrophe. But I contend that the Negro race benefited by slavery. Although they were held in bondage the Negro race benefited by it, because they were brought out of darkest Africa, and from a horde of warring savages they have been civilized and given a place to live, and have been cared for and looked after by the white people, until today they enjoy equal property rights with the white man in this great Nation of ours.

Mr. SCHWARTZ. That has been the argument for slavery since the dawn of time, has it not? Is not that the argument today made for lower wages and miserable conditions?

Mr. ELLENDER. The only reason why there was not slavery in Illinois, and the only reason why there was not slavery in Maine, Rhode Island, and other States, in those early days, was because slavery was not beneficial to those localities.

Mr. SCHWARTZ. The Senator means to the Indians who occupied the area now Illinois?

Mr. ELLENDER. No; I am talking about the Negroes. As I pointed out to the Senate Saturday, records show there were quite a number of slaves in the Northeastern States in early history.

Mr. SCHWARTZ. I will answer the Senator's question of a while ago, and then I will desist. The quotation I read was not from Jefferson, so the Senator need not feel that he is bound by it. It is a quotation from the Constitution of the State of Wyoming, and if I may ask the Senator now, does he believe in the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States?

Mr. ELLENDER. The Senator asks me whether I believe in them?

Mr. SCHWARTZ. Yes.

Mr. ELLENDER. Yes. Not to the extent, however, that they tend to recognize the Negro on a social equality with the whites.

Mr. SCHWARTZ. But the Senator does not believe in political equality?

Mr. ELLENDER. No; because it will eventually lead to social equality, as I have tried to show, and social equality will lead to the decay of our civilization.

Mr. SCHWARTZ. Does not every man make his own social status?

Mr. ELLENDER. Yes; if he is free to act, but I fear that if too much power is given the Negro he will be uncontrollable and the whites will eventually be in the minority. I shall show by quotation from his speeches that the Great Emancipator, Abraham Lincoln, was willing to free the Negroes but he was not willing to give them the political rights which the white people at that time enjoyed.

Mr. SCHWARTZ. An immediate vote, was it not, not general political rights?

Mr. ELLENDER. I will quote from his speeches.

Mr. SCHWARTZ. If the Great Emancipator said something, that closes the Senator's mind.

Mr. ELLENDER. No; it does not; but it merely happens that he expressed what are now my views, the views I expressed a while ago. There is no doubt at all in my mind that what Lincoln and what Jefferson had in mind was that the moment the colored race was given political equality with the whites it would lead to social equality, and they had sense and foresight enough to realize that social equality would eventually lead to a degradation of our civilization.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. Gladly.

Mr. AUSTIN. I should like to ask the Senator from Louisiana whether, in making his reference to certain States not having slavery as an institution, he recalled that the State of Vermont in its first constitution, adopted in 1777, had prohibited human slavery in that State. Is the Senator aware of that?

Mr. ELLENDER. I am not. But I recall that slavery thrived in Vermont for some time in its early history.

Mr. AUSTIN. It is true. I realize that it was the first State of the Union to enact in its fundamental law that doctrine of freedom, and also that it was the first State to put into its fundamental law the right of manhood franchise, not limited by property qualifications. I am very glad to have the Senator know that is a fact in any further discussion he may make.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. ELLENDER. In just a moment. The point I desired to emphasize was the one I made Saturday. In the early period of slavery there were quite a few slaves who were taken to the Northeastern States who were bought by plantation owners and farmers and artisans of the Northeast, but because of climatic conditions the Negro was not an economic success in the North, I am just drawing on my imagination and presume that the severity of weather conditions in the North required more money to feed the Negro, to clothe him, and to house him than it did in the South. In other words, because of the severity of the climate, the Negro slave was not worth enough to pay for his food and clothing, and so forth, in the North, whereas in the South, where the climate was comparable to the climate in Africa, the Negro thrived, and therefore slavery flourished.

I yield to the Senator from Illinois.

Mr. DIETERICH. The Senator made the remark that the only reason why slavery did not exist in Illinois and some of the other States was because it probably was not profitable. I wonder if the Senator is familiar with the period in the history of our country when the Northwest Territory was organized, many, many, many years ago, before the slavery question was a very serious one except with the colonists. I wonder if the Senator knows of the provision in the ordinance creating the Northwest Territory that neither slavery nor involuntary servitude should exist in that Territory or in any of the States that might be carved from it. I wonder if he knows that the Northwest Territory was created long before the States of Ohio, Indiana, Illinois, and Wisconsin were organized, almost as far back as the time when our Constitution was adopted.

Mr. ELLENDER. What I had in mind a while ago and stated applied principally to the Original Thirteen States. By the time the great State of Illinois was taken into the Union the North had already found that the Negro was not an economic asset to deal with.

Another fact, as is well known, the first slaves were landed in this country in 1619, and the importation of slaves ended just a few decades thereafter. The point I desire to make, and the point I did make on Saturday, had particular reference to the Original Thirteen States. In the beginning those States did not exactly disbelieve in slavery—at least most of them did not—but because the slaves were not profitable; because, as I said a while ago, it cost too much to feed them and too much to clothe them and too much to house them in the northern climate; and because the

northerners could not get much work out of them, slaves were not practical. Slaves were better investments in the South, and that is why there were so many in the South and so few in the North.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. DIETERICH. The Senator now explains that the reason why slavery was excluded from the Northwest Territory was that in the meantime the agricultural interests of the Northwest Territory had discovered that it was not profitable to use slave labor. Is that correct? They made that discovery before there was any agriculture in the Northwest Territory, did they not?

Mr. ELLENDER. Yes; long before.

Mr. DIETERICH. Long before there was any agriculture there?

Mr. ELLENDER. That is correct.

Mr. DIETERICH. Yet the reason why they excluded them was that the agricultural interests had found it was not profitable.

Mr. ELLENDER. The remarks I made applied only to the early history of slavery. My inclusion of the State of Illinois was merely a lapsus linguae.

Mr. DIETERICH. Then the argument the Senator makes does not apply to Illinois, or any of the States of the Northwest Territory?

Mr. ELLENDER. What I said about early slavery?

Mr. DIETERICH Yes.

Mr. ELLENDER. No; the Senator is correct.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. I wonder whether the Senator is of opinion that the same condition of cold which made the Negro not an economic factor in the North should be applied to the textile mills of the North in favor of the South?

Mr. ELLENDER. In what respect? The Negro has been with us now over 259 or 300 years, and, of course, he has become acclimated.

Mr. SCHWARTZ. That the employees of the textile mills in the South can exist on lower wages than are paid in New England, and therefore the South should have the benefit of the climate and get the benefit of that low wage.

Mr. ELLENDER. The Senator is now referring to the labor bill. He is not discussing the Negro problem, as I understand.

Mr. SCHWARTZ. I had thought for several days that we had gotten away from the antilynching bill and were discussing everything else.

Mr. ELLENDER. Perhaps the reason why the Senator from Wyoming does not follow me at this time is that he did not hear my speeches on Friday and Saturday. I hope he will read what I said on those days and note the sequence.

Mr. SCHWARTZ. I was present on Saturday.

Mr. ELLENDER. I beg the Senator's pardon. My mistake. In citing these various statutes which were adopted by the States granting equal social rights to Negroes and whites I am endeavoring to point out that enactment of those statutes was brought about by small Negro minorities located in large cities in the various States.

Mr. SCHWARTZ. Various States, or various cities?

Mr. ELLENDER. Let us take New York, for instance. I have read the statute of New York for the benefit of the Senate. In New York, where there is a Negro population of 412,814, 341,269, or 83 percent, live in New York City and Buffalo.

Mr. SCHWARTZ. Where would the Senator have them live? Does he object to them living in Harlem?

Mr. ELLENDER. No; I am not objecting; but I am contending that these small minorities are forcing these laws upon the white population of New York and preventing, I say, because it is not on the statute books, the enactment of a law forbidding the intermarriage of Negroes and whites.

Mr. SCHWARTZ. That does not prevail in the South?

Mr. ELLENDER. No, it does not; and I hope to God it never will. We do not believe, never did believe, and I hope never will believe, in social equality between the whites and the Negroes.

Mr. SCHWARTZ. The Senator misunderstood my question. That was not what I tried to ask him.

Mr. ELLENDER. I am sorry.

Mr. SCHWARTZ. Does the Senator contend that the people in the North and their Representatives in Congress are coerced, and entertain fear, and vote for the pending bill, if they do vote for it, out of a selfish desire to get some individual votes, but the Senators from the South and the people of the South are actuated by high, moral, patriotic motives, away up in the air?

Mr. ELLENDER. That is correct.

Mr. SCHWARTZ. The Senator admits it?

Mr. ELLENDER. Yes; I do. I believe in white supremacy, and as long as I am in the Senate I expect to fight for white supremacy, because I can see, not in my lifetime, perhaps, or in the lifetime of my boy or of his children, but in the years to come, if the amalgamation of whites and Negroes in this country is permitted, that there will be a mongrel race, and there will come to pass the identical condition under which Egypt, India, and other civilizations decayed.

Mr. President, why did not the Negroes progress and become more highly civilized in their homeland—Africa? Africa is a fine land. They had as fine a country to live in as we did. They had as fine a climate as ours. But they did not have the intellect which the white people have! I say that I shall be able to show by historical data that Egypt, a country which at one time was highly civilized, which had the finest engineers, doctors, and scientists, in the world at that period, began to deteriorate the moment there was a mixture of the Aryan race in Egypt with a few slaves who were brought there to help build the pyramids. An amalgamation of the white Egyptian race with the black slaves who helped build the pyramids came about, and in a few centuries what was the result? A mulatto came to the head of the Egyptian Government, and when the Persians took charge of that country there was nothing but a decayed civilization. Their victory was costly and the capture of Egypt simply meant more burdens on the shoulders of the Persians.

Mr. President, I want America to keep its civilization at the highest point.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Louisiana yield to the Senator from Washington?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. Could the Senator tell us just which day he intends to come around to talking seriously about Egypt?

Mr. ELLENDER. I expected to get around to that this afternoon, but I said Saturday that I did not mind interruptions and, of course, I am glad to answer any and all questions to the best of my ability.

I am coming to a discussion of Egypt and will put into the RECORD the facts concerning that country's history and I hope that Senators who do not have the patience to listen to my speech, or what I shall read, will, when they get back home read it in the RECORD, and study it a little bit and follow the sequence of my argument.

Mr. SCHWELLENBACH. But the Senator thinks that perhaps he will get to it this afternoon?

Mr. ELLENDER. Perhaps so.

Mr. SCHWARTZ. Mr. President, will the Senator again yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. Is it the Senator's thought that the passage of the antilynching bill will produce such a fine feeling of harmony and good will in the South that it will speedily produce a mulatto race?

Mr. ELLENDER. No; but this is only one cog in the wheel that will give our Nation, not the South, that, later on. Today in the lower House a bill is pending making all marriage and divorce laws uniform. What is the purpose of that bill? As I have said many times in the Senate during the course of this debate, if a colored man is given a foot he takes a yard. The next thing that is going to confront us here—and Senators, watch it!—is the effort to get something else passed, so as to join the Negroes just a little closer to the whites socially. That is what such legislation as this pending bill is leading to.

Take all of the State statutes from which I have read. As I said today, I have been in New York many times and I have been in Chicago many times, and although those laws permitting the colored folks to go into hotels and restaurants and all those things are on the statute books, they keep from doing so, because the white people of those cities do not want to rub elbows with the Negroes any more than we in the South want to rub elbows with them. That is the truth of the matter.

Mr. President, for fear that I did not put in the RECORD for the benefit of the Senate the Negro population of the State of New York, I will do so now. It was 412,814, according to the 1930 census. Eighty-three percent of that population lives in New York City and in Buffalo. In New York City the greater portion lives in Harlem. That little handful of colored people in Harlem may hold the balance of power on a certain election. They use that power to advantage in getting such legislation as this put before the Congress. I repeat, that it is the same little cliques in Harlem and in Indianapolis and in Chicago and in Rochester and in other cities of the country that are asking that the antilynching bill be passed. It is said that by the passage of such a bill as this lynching will be stopped. I say again that if those propagandists, if those groups, if the church people knew the facts about this question, if they knew how the South is trying to stamp out lynching and knew how the good people of the South hate lynching, just as much as they do, I am sure that they would be likely to take a different attitude on the question, and view it as I do, and as the people of the South have seen it ever since we have had the problem to contend with.

Let us consider the State of Ohio. Code of 1936 (Baldwin's revision):

SEC. 12940. Whoever, being the proprietor or his employee, keeper, or manager of an inn, restaurant, eating house, barber shop, public conveyance by land or water, theater, or other place of public accommodation and amusement, denies to a citizen, except for reasons applicable alike to all citizens and regardless of color or race, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof, or, being a person who aids or incites the denial thereof, shall be fined not less than $50 nor more than $500 or imprisoned not less than 30 days nor more than 90 days, or both.

Let us see how the population in Ohio is distributed, which again will show that it is just a few little cliques here and there in certain States that are causing the legislatures of the various States to pass certain statutes and to give to the colored people in those States social equality. Sixty-seven percent of the colored population of Ohio is in Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. I do not know, and I should like someone to contradict me if I am wrong, but I imagine that in those large centers, just as Harlem and Buffalo and other places, quite a number of Negro voters are found; and, of course, those who control the colored voters are able to demand certain things from the legislatures of those States, and, of course, they are likely to ask for the passage of such legislation as this, so as to give the Negro the same social rights accorded the whites.

Let us now turn to the State of Pennsylvania. I think the Senator from New Jersey [Mr. SMATHERS] said that he was hopeful that in the course of time his State might adopt the statute that is now the law in Pennsylvania, because it happens to be a brand new one. Here it is, Senator SMATHERS. It was passed in 1936. I shall now read it.

Purdon's Pennsylvania Statutes 1936, title 18, sections 1211, 1212:

All persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place, shall directly or indirectly refuse, withhold from, or deny to, any person, any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such places, shall be refused, withheld from, or denied to, any person on account of race, creed, or color, or that the patronage or custom thereat, of any person belonging to, or purporting to be of, any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any such written or printed communication, notice, or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort, or amusement, within the meaning of this article, shall be deemed to include inns, taverns, roadhouses, hotels, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking health, recreation, or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms, or any store, park, or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectionaries, soda fountains, and all stores where ice cream, ice and fruit preparations, or their derivatives, or where beverages of any kind, are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses—

Again bathhouses—

theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges, and universities——

Mr. SCHWARTZ. Does it say anything in that law about churches?

Mr. ELLENDER. I believe it left the churches out. It must have been an oversight. I invite Senator SMATHERS' attention to that omission, since he stated that he was in favor of adopting for his State the Pennsylvania statute and of making the law for his State perfect—

extension courses, and all educational institutions under the supervision of this Commonwealth, garages and all public conveyances operated on land or water, as well as the stations and terminals thereof.

They do not leave out anything.

Nothing herein contained shall be construed to include any institution, club, or place or places of public accommodation, resort, or amusement, which is or are in its or their nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

Any person who shall violate any of the provisions of this act or who shall aid or incite the violation of any said provisions shall for each and every violation thereof be fined not less than $100 nor more than $500, or shall be imprisoned for a period of not less than 30 days nor more than 90 days, or, in the discretion of the court, both such fine and imprisonment may be imposed. (Laws 1935, No. 297, sec. 1.)

Any agent, conductor, or employee of any railroad or railway corporation, within this Commonwealth, who shall exclude, allow to be excluded, or assist in the exclusion, from any of their cars, set apart for the accommodation of passengers, any person or persons, on account of color or race, or who shall refuse to carry such person or persons, on account of color or race, or who shall throw any car or cars from the track, thereby preventing persons from riding, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine, not exceeding $500, nor less than $100, or be imprisoned for a term not exceeding 3 months nor less than 30 days, or both, at the discretion of the court.

Now, Mr. President, let me state to the Senate how the Negro population in the great State of Pennsylvania is distributed and how comparatively small groups located in several of the large cities, as I have pointed out in the case of other States, are responsible for such laws as those to which I have referred. I feel confident that they, and no others, are responsible, and I invite any Senator to show to the contrary. The State of Pennsylvania has a total Negro population of 431,257, of which in the two cities of Philadelphia and Pittsburgh there are located 274,582, or 64 percent. The Negro groups located in those cities probably hold, as in the case of other States, the balance of power; their vote counts for something; and it seems that, from their

standpoint, they have been able to drive a pretty fair bargain when they are able to impose on the people of Pennsylvania such a law as the one I have just read.

The great State of Pennsylvania is one of the 18 States that does not prohibit intermarriage between the whites and Negroes, and, the laws in that State, whether so designed or not, give the Negroes equal rights, social and otherwise, to every white person living within the State of Pennsylvania.

I now come to Rhode Island, Laws of 1925:

C. 658. No person within the jurisdiction of this State shall be debarred from the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any licensed inns, restaurants, eating houses, bath houses, music halls, skating rinks, theaters, public conveyances, on land or water, or from any licensed places of public accommodation or amusement, except upon conditions and limitations lawfully established and applicable alike to all citizens or as provided by law.

Rhode Island had a Negro population of 9,913 in 1930, and 55 percent of that number were located in one city, Providence.

I now come to the State of Wisconsin and read from the Code of 1937:

SEC. 340.75. Any person who shall deny to any other person, in whole or in part, the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, saloons, barber shops, eating houses, public conveyances on land or water, or any other place of public accommodation or amusement, except for reasons applicable alike to all persons of every race or color, or who shall aid or incite such denial, or require any person to pay a larger sum than the regular rate charged other persons for such accommodations, advantages, facilities, and privileges, or any of them, or shall refuse to sell or furnish any type of automobile insurance or charge a higher rate for such insurance because of race or color, shall be liable to the person aggrieved thereby in damages not less than $5 with costs, and shall also be punished for every such offense by fine of not more than $100 or be imprisoned in the county jail not exceeding 6 months, or by both such fine and imprisonment: *Provided*, That a judgment in favor of the party aggrieved or the imposition of a fine or imprisonment shall bar any other proceeding.

It will be noted that the Wisconsin statute adds a clause with reference to automobile insurance and provides that charges for such insurance must be the same. I am wondering what caused such a clause to be put into the Wisconsin statute. It may be that some of the insurance dealers in that State tried to make a difference in rates charged and that the legislature was prevailed upon to put such a clause in the statute by little groups of Negroes residing in the larger cities, who, by banding themselves together and working collectively, have been able to command considerable power politically.

According to the census of 1930, the total Negro population in the State of Wisconsin was 10,739, and 70 percent of that number, or 7,501, were centered in the city of Milwaukee.

The junior Senator from Texas [Mr. CONNALLY] made the statement on Saturday that, in his opinion, in the larger cities throughout the Nation where the Negro population has settled, they have organized into societies, and in their number are found colored politicians who evidently bargain and dicker with the white politicians of the particular locality, and, in order to have the colored people "vote right," there is no doubt, in my mind, that they are promised the enactment of such laws as those to which I have referred—not that the laws are going to be enforced but for political purposes only. As I have said, I have many times been in large cities in States where such statutes are on the books, and I have yet to see Negroes patronize the same hotels as the whites or eat in the same restaurants with the whites. Such laws are fostered and put on the statute books by virtue of the influence of the small groups I have described.

This is not an antilynching bill, and it will not prevent lynching. As a matter of fact, there is no need for any kind of Federal antilynching legislation. Lynching is on the decline. I beg the Senate to let the South alone; to let us work out the Negro problem, and I feel confident that we can and will succeed.

Mr. President, I have just concluded reading the statutes enacted by various States, I am sure to the pleasure and satisfaction of a number of Senators. I know it is rather tiresome for Senators to remain in their chairs and listen to me read statutes, but I am now through with that phase of the discussion. I am glad there were only 18 of them; I am glad the remainder of our States have kept such laws as these off of their statute books.

It is my opinion—I may be wrong about it and I hope I am—that ultimately these groups of colored people in the larger cities are going to become stronger and stronger; that they are going to become so powerful that they will be able to hold the balance of power at election time. If ever that happens, then, as surely as I am speaking to you here today, they are going to come to the Congress and demand legislation that will eventually put them on a basis of social equality with the white people of this entire Nation. And that is something against which I say we should, by all means, guard.

Now, let us see where social equality of Negroes with whites will lead us to. I am going to try, to the best of my ability, to show the Senate how mixture of the white race with the colored race means demoralization of the white race; means that the civilization of the dominant race becomes decayed as it mixes with the inferior race. I propose to cite from a book written by Alfred P. Schultz entitled "Race or Mongrel"; and I am going to read from the second chapter, beginning at page 5, in an effort to show where a mixture of the white and the Negro races will eventually terminate.

I read from chapter II, entitled "The Mongrel in History":

Biology and the correlated sciences of anatomy, physiology, embryology, and medicine prove——

Mr. SCHWARTZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Wyoming?

Mr. ELLENDER. I do.

Mr. SCHWARTZ. I desire to assure the Senator that I am not leaving the Chamber because he is speaking. I am perfectly content to continue as the whipping post for absent Senators; but I am leaving for the moment because I have read the book to which he refers.

Mr. ELLENDER. Very well, Mr. President. I hope it has made an impression on the Senator. I shall address my remarks to the Senator from Vermont [Mr. AUSTIN], who sits before me.

Mr. AUSTIN. Mr. President——

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AUSTIN. I am very much complimented to have the Senator from Louisiana talk to me. I am here performing a duty which is imperative. However, I compliment him upon the vast scope of his reading. I observe that he made no reference to a certain statute, and I commend it to his consideration tonight when he retires to his home and feels like reading some more statutes. I refer to title 50 of the United States Code, sections 203 and 204, which have been in force and effect since 1871 and 1861, respectively, and nobody has yet seen fit to challenge their wisdom or their constitutionality.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I hope the Senator from Louisiana is not going to insulate his voice so that nobody can hear it except the Senator from Vermont [Mr. AUSTIN]. I am still here. I am one of the Senator's most faithful listeners.

Mr. ELLENDER. Indeed, Mr. President, I shall not slight my friend from Kentucky. I shall try to expand my voice so that the Senator from Kentucky will hear me, and all the occupants of the galleries as well. I know they too are interested in this problem, and I am going to read a little bit of history to them. I believe they will be very much interested; and it may remind some of them at any rate of their school days.

As I said, I read from chapter II of this book, the chapter being entitled "The Mongrel in History":

Biology and the correlated sciences of anatomy, physiology, embryology, and medicine prove that man is subject to all the laws which govern animal life; that the rules of nature rule him as rigidly as they govern the animal world, that the violation of any

of these laws on his part is always and without exception followed by the disastrous consequences which are the corollary to that law.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I do.

Mr. LEWIS. May I ask my able friend a question? We gather from the statement of the writer that it is his view that man is to be judged by the same rules which apply to animal life. Does my friend conceive from that statement that in the transformation from other forms of life we must expect to be and are likely by our conduct here to be disclosed as both monkey and jackass? [Laughter.]

Mr. ELLENDER. I suppose so. There are a good many in the country, at any rate. [Laughter.]

Mr. LEWIS. There are. I should like to know whether my able friend included statesmen within that definition. [Laughter.]

Mr. ELLENDER. Hardly. Not those present, at any rate. I continue reading from the book to which I have referred:

The poets and writers of the Middle Ages well knew that promiscuous intermarriage was bad. The bastards they depict in their works are the mean, the low, the sordid, cowards and felons, vermin of humanity. Not great criminals; strength of character, a requisite of greatness even in the field of crime, is the one quality that the mongrel is utterly destitute of.

The fact that most of our domestic animals were domesticated by the savage of antiquity, and that we had but little success in the domestication of wild animals, does not prove the greater intelligence of the savage. Their success was due to the fact that species were then in their nascent stage and more pliable.

A community of men that has not yet become highly specialized, that still consists of crude material, can become absorbed by another more highly developed—not in one generation, but in a dozen or more generations. The absorbent capacity of every race, however, is limited. It is our conviction that we are absorbing and have absorbed countless numbers of the highly specialized Celts, Slavs, Latins, Scandinavians, and Germans. It is a presumption indicating paranoia. External evidence alone prevents us from asserting that we absorb the Negro in two generations. Probably a small amount of Negro blood can be absorbed by a large white community; in 50 or 100 generations every trace of the Negro blood will have disappeared.

Selection is at work continually throughout organic nature; it uses not only the individual as a unit but also every cell, every one of the elements that constitute that individual. The necessary time being given, nature casts out every trace by which the harmony of the individual is destroyed. This result selection cannot accomplish if a considerable amount of foreign blood is continually injected into a body politic. A homogeneous people cannot develop; selection favors the stronger element in the individual; that is, the one fittest to survive, not necessarily the best. Where many people meet and intermarry, this stronger element is not the same in each individual of the nation. The result is a nondescript mongrel mass, devoid of character, without a future. With the thoroughbred, not with the mongrel, rests the future, rests the hope of the world.

Races do not fall from heaven; they are bred. The Aryan, the Semite, the Hamite never existed. These terms are abstractions. It has been found that some races have fundamental characteristics in common, and these are Aryan races; others have other characteristics in common, and these are Semitic races, etc. A race can without degenerating absorb another race of the same stock, if the race is small in numbers and the period of inbreeding following the crossing long. The absorption of a race belonging to a different stock is usually followed by degeneration, thus all Hamitic-Semitic people decayed; the Jews developed.

The intermarriage of people of one color with people of another color always leads to deterioration. Professor Agassiz says, "Let anyone who doubts the evil of the mixture of races and is inclined from a mistaken philanthropy to break down all barriers between them come to Brazil. He cannot deny the deterioration consequent upon an amalgamation of races, more widespread here than in any country in the world, and which is rapidly effacing the best qualities of the white man, the Negro, and the Indian, leaving a mongrel, nondescript type deficient in physical and mental energy.

"The most favorable opinion held in regard to the white-Indian half-breeds in Brazil is very poor. They are a lazy and troublesome class and much inferior to the original stock." (From Brazil, by C. C. Andrews.)

Darwin notes in half-breeds a return toward the habits of savage life. He says, "Many years ago, before I thought of the present subject, I was struck with the fact that in South America men of complicated descent between Negroes, Indians, and Spaniards rarely had, whatever the cause might be, a good expression." Livingstone, after speaking of a half-caste man on the Zambesi, described as a rare monster of inhumanity, remarks: "It is unaccountable why half-castes such as he are so much more cruel than the Portuguese; but such is undoubtedly the case." Humboldt speaks in strong terms of the bad character of the Zambos, or half-castes between Indians and Negroes, and this conclusion has been arrived at by various observers. An inhabitant of Africa remarked to Livingstone that God made the white man, God made the black man, but the devil made the half-castes.

Klapproth states that the intermarriage of Caucasians and Mongolians produces half-breeds in whom the Mongolian type is always predominant, whatever may be the sex of the half-breed. Burmeister, who studied the mulattoes of South America and of the West Indian Islands, denies that the mulatto is exactly the mean between his two parents. In the immense majority of cases his characteristics are borrowed from both races, but one of them is always predominant, and that is nearly always the Negro race. Prunser-Bey passes the same judgment as far as the mulattoes of Egypt are concerned. He observes the marked predominance of the Negro type. It is manifest in the form and dimensions of the skull, in the forehead, usually low and receding, in the curly woolly hair, and in the prognathism (Ribot).

Does the bastard depicted by the medieval writers, and already referred to, personify the mongrelized peoples and nations? The following pages endeavor to answer the question.

Mr. LEWIS. Mr. President——

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. LEWIS. May I ask the Senator from what authority he is reading? Speaking seriously, I will say that the subject interests me.

Mr. ELLENDER. I am reading from the first chapter of a book entitled "Race or Mongrel," by Alfred P. Schultz, dealing with the mongrel in history, the mixing of the blood of people of different races, such as the colored race with the white race, and what it leads to. I propose in a few minutes to read from White America, by Mr. Cox, on the same subject.

Mr. LEWIS. Noting that the Senator has studied ethnology and ethnological relations, and hearing his animadversions upon the prospect of miscegenation between the blacks and the whites, I ask whether the Senator has come to the conclusion that that view as between the whites and the blacks applies also as between the whites and the Chinese and Japanese; in other words, whether the white and the yellow races on the Pacific coast must have the same threat or the same prospect.

Mr. ELLENDER. I may say to the Senator from Illinois that the same rule would apply, but not to so great a degree. There is more civilization in the Mongolian race, the Chinese and the Japanese, than there is in the Negro from Africa. For that reason the danger is a little farther removed; but finally we will come to the same conclusion.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator is discussing a tremendously interesting subject. I feel that he is entitled to have a quorum here. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Lewis	Schwartz
Austin	Chavez	Logan	Schwellenbach
Barkley	Connally	McGill	Sheppard
Bone	Ellender	McKellar	Shipstead
Brown, Mich.	Frazier	McNary	Smathers
Brown, N. H.	Gibson	Miller	Thomas, Okla.
Bulkley	Hale	Minton	Truman
Bulow	Harrison	Neely	Vandenberg
Burke	Hayden	Norris	Van Nuys
Capper	Johnson, Colo.	Russell	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ANDREWS, Mr. ASHURST, Mr. BAILEY, Mr. BANKHEAD, Mr. BILBO, Mr. BORAH, Mr. BRIDGES, Mr. BYRD, Mr. BYRNES, Mr. CLARK, Mr. COPELAND, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. DUFFY, Mr. GEORGE, Mr. GILLETTE, Mr. GLASS, Mr. GUFFEY, Mr. HATCH, Mr. HERRING, Mr. HILL, Mr. HITCHCOCK, Mr. HOPE, Mr. JOHNSON of California, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCCARRAN, Mr. MURRAY, Mr. NYE, Mr. OVERTON, Mr. PEPPER, Mr. HATCH, Mr. PITTMAN, Mr. POPE, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SMITH, Mr. STEIWER, Mr. THOMAS

of Utah, Mr. TOWNSEND, Mr. TYDINGS, and Mr. WALSH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, there is a quorum present.

Mr. LEWIS. Mr. President, with the consent of the Senator from Louisiana, I beg at this time to introduce a joint resolution which looks to the amendment of the Constitution for the providing of a republican form of government to the District of Columbia.

Mr. BARKLEY. Mr. President, would the Senator from Illinois be willing to withhold the introduction of that joint resolution until later in the afternoon? The Senator will be given an opportunity to do that a little later.

Mr. LEWIS. Since the leader of the majority requests that it be done, I shall accede to his request.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I hope that Senators who are present will listen to what I am going to read in a moment. I shall read telegrams and letters from the Governors of all the Southern States concerning this bill. I think their reading will prove extremely interesting to Members of the Senate.

Some 2 weeks ago when I made my first speech on the antilynching bill, I made the statement that the Governors, sheriffs, and other State officials were making splendid progress in eradicating the crime of lynching. I gave the figures showing that in 1884 there were 160 white persons lynched in the United States and that due to the action of State authorities the number of lynchings had steadily decreased until 1934, when there were no lynchings of white persons, and there have been none since that time. I also stated that the peak of colored lynchings was in 1892, when 231 Negroes were lynched, and that since that time the number had steadily decreased until there were 8 in 1937.

Having these facts in mind, I resolved upon the plan of writing a letter to the Governor of each Southern State asking him to advise me of what he proposed to do in stamping out lynching in his State in the year 1938 and in succeeding years. I wrote to 16 Governors. I wrote to the Governors of all the Southern States, including the border States of Kentucky and Missouri, and the far Southwestern States of New Mexico and Arizona. I have heard from all the States but 1, 14 of them being purely Southern States, and have also heard from New Mexico. I have not heard from the Governor of Arizona.

I desire to read first my letter, written on Jackson's birthday. A similar letter was written to each Governor. I shall now read the letter I wrote. It happens that the copy of the letter I have before me is the copy of that addressed to the Honorable A. B. Chandler, Frankfort, Ky. The letter is as follows:

JANUARY 8, 1938.

Hon. A. B. CHANDLER,
Frankfort, Ky.

MY DEAR GOVERNOR CHANDLER: I am sending you under separate cover the bill known as the antilynching bill, together with a table of figures showing the crime of lynching by years, as taken from the Negro yearbook published in Tuskegee, Ala.

You will note that in 1884 there were 160 white people lynched and 51 Negroes. From that time down to 1934 the lynching of white people gradually decreased until it ceasely entirely in 1934. This was brought about solely by the action of the several States.

So in 1892, the lynching of Negroes reached the peak with 231 lynchings, and since that time the lynching of Negroes has gradually decreased until 1937, when 8 Negroes were lynched. This tremendous decrease was brought about by the action of the State and local authorities. I believe that certainly in 2 or 3 more years if the matter is left to the jurisdiction of the States that lynching of Negroes will also entirely cease.

It has now so nearly ceased that I am taking the liberty of calling your particular attention to these figures and asking that you particularly watch the situation carefully this year and see to it, if humanely possible, that in the year 1938 no person in your State be allowed to be lynched.

I hope you will not think me presumptuous in making this suggestion. My sole purpose is the good of our country, my reverence for law and order, and my abhorrence of the crime of lynching.

I do not for a moment approve directly or indirectly the crime for which lynching is so often administered. That crime should be punished, but it should be punished by and under the law and not by lynching.

I am writing this letter to the Governor of each Southern State and I hope, indeed I know, that you will be glad to receive this letter in the spirit in which it is written. I just hope we can make the year 1938 a red-letter year in our history showing an absolute freedom from lynching during the year. We can thus fully demonstrate to the country that this crime which has been so greatly lessened by the State authorities will be entirely eradicated by the State authorities as it should be. I very much fear that the crime will be increased rather than lessened if the Federal Government takes supervision of it.

Can we who are fighting here for home rule, for local self-government, for the rights of the State, as declared by the Constitution, rely upon you to do all in your power to prevent any lynching in your State?

Kindly wire me collect as soon as you can after receiving this letter.

Very sincerely yours,

KENNETH McKELLAR.

I do not read these communications in the order in which they were received, but as they are in the file. I now read a telegram from the Governor of Georgia, dated January 17, 1938. He had been away from his home for some time. The telegram is as follows:

ATLANTA, GA., *January 17, 1938.*

Hon. KENNETH McKELLAR,
United States Senate Building:

The Southern States have shown an ability to reduce lynchings to almost the vanishing point. I believe if permitted to continue to handle the matter ourselves we will entirely eradicate it. I think the passage of the Federal antilynching bill would aggravate the situation rather than assist it. I expect to do all in my power to prevent any lynchings in Georgia. There are more lynchings through gangster and other violence in other sections of the Nation than in the South. We feel we are making more progress in eliminating lynchings than is any section of our country, and this despite the fact that the crime for which lynchings in the South usually occurs is most heinous while the lynchings in other sections by gangsters and other mob violence are usually upon innocent victims who have committed no crime. Certainly I am opposed to the antilynching bill.

E. D. RIVERS, *Governor.*

The next communication is from the Governor of Virginia, as follows:

RICHMOND, VA., *January 10, 1938.*

Hon. KENNETH McKELLAR,
Senate Office Building:

Your letter just received. Virginia has a State law against lynching, passed about 10 years ago. We have not had a lynching in the State since that time. I think the problem should be left to the States.

GEO. C. PEERY, *Governor.*

Next I read a telegram from the Governor of Mississippi, as follows:

JACKSON, MISS., *January 14, 1938.*

Senator KENNETH McKELLAR,
United States Senate:

I have done and will continue to do everything in my power to prevent lynching in Mississippi. I truly and sincerely hope that Mississippi will be able to go through the entire year of 1938 as it did the year 1936 without one lynching to mar its record.

HUGH WHITE,
Governor of Mississippi.

I read a telegram from the Governor of Oklahoma:

OKLAHOMA CITY, OKLA., *January 14, 1938.*

Senator KENNETH McKELLAR,
Senate Office Building:

I have just received your letter of January 8 and hasten to assure you of my sympathy with and support of the position you have expressed in that letter.

E. W. MARLAND,
Governor of Oklahoma.

I now read a telegram from the Governor of Louisiana as follows:

BATON ROUGE, LA., *January 13, 1938.*

United States Senator KENNETH McKELLAR,
Washington, D. C.

MY DEAR SENATOR: I thank you for your letter of January 8. I am thoroughly in accord with the views expressed by you, first that the antilynching bill is an unwarranted interference in the sovereign rights of the States and in my opinion clearly unconstitutional, and second, that public officers should do all in their power to prevent lynching. For your information there have been only 21 lynchings in Louisiana in the past 16 years. There were none in 1936, none in 1937, and we sincerely hope there will be none in 1938. The greatest safeguard against such practices is enlightened public opinion and a realization by the people that

all interests are best served through the established processes of the law. Lynchings, as well as other forms of mob violence, are the results of emotion rather than reason and there is no reason to believe that under such emotional stress a Federal law would be given any more consideration than a State law, even if the Federal law were constitutional. In my opinion, the antilynching bill inspires race prejudice, sectional hatred, and if enacted into law would be no more countenanced by the Constitution than a Federal statute dealing with drunkenness, loitering, or disturbance of the peace.

With kindest personal regards,

RICHARD W. LECHE,
Governor of Louisiana.

I also read a letter from the Governor of Missouri dated January 10 addressed to me. The Governor of Missouri does not express an opinion about the bill. Missouri is a border State. The letter is as follows:

EXECUTIVE OFFICE, STATE OF MISSOURI,
Jefferson City, January 10, 1938.

Hon. KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Thank you very much for your letter of January 8, and for the copy of the antilynching bill, together with table of figures showing the crime of lynching by years, as taken from the Negro yearbook published in Tuskegee, Ala.

With kindest regards and best wishes, I am,

Sincerely yours,

LLOYD C. STARK, *Governor.*

Mr. President, as I said, Missouri is a border State, as we all know. That is the only note in all the telegrams or letters which is not in full sympathy with the letter which I have written.

I now read a telegram from the Governor of Florida, as follows:

TALLAHASSEE, FLA., *January 16, 1938.*

Senator KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.:

Re tel. 14th and letter January 8th. Been away from my office reason for delay in answering. I am personally opposed to lynching and people of Florida against lynching. Lynching in our State has about disappeared. We protect all prisoners with State troops if necessary to see that they get fair trials by the court. Florida is a State composed of people from every State in the Union who have come here to enjoy our climate and many industries moving here on account of favorable conditions. We are bitterly opposed to the Government running our State affairs and appeal to you Senators not to pass the antilynching bill, as it will cause lots of strife and sectional feelings and will positively not help the cause. Can see no reason for legislation of this kind and in these times of international disturbances we need the cooperation of our entire citizenship. Will say to you in behalf of the people of my State who have always been loyal to our flag and our country not to pass this force bill upon our people.

FRED P. CONE,
Governor of Florida.

I now read a telegram from the Governor of New Mexico, as follows:

SANTA FE, N. MEX., *January 13, 1938.*

Hon. KENNETH MCKELLAR,
United States Senator, Washington, D. C.:

Re your letter please be advised as long as I can remember I know of no lynching in this State. It is our hope and trust that we may keep this record clear.

CLYDE TINGLEY, *Governor.*

The next one is from the Governor of Alabama, is addressed to me, and reads as follows:

MONTGOMERY, ALA., *January 15, 1938.*

Senator KENNETH DOUGLAS MCKELLAR,
Senate Office Building:

No violation of the laws either of God or man has shown such marked decrease in recent years as has lynching. Especially in the South. I served 4 years as Governor of Alabama from 1927 to 1931, during which term one, and only one, prisoner was taken out of the custody of the law and lynched. Within 48 hours, as Governor, I had ordered the court to immediately convene and prefer charges of impeachment against the delinquent officers. This was promptly done, whereupon the sheriff and solicitor forthwith resigned. During the 3 years of this term, '34–'38 one such crime has been committed in Alabama. I directed the attorney general to bring impeachment proceedings against the sheriff in the supreme court of this State, which has original jurisdiction in such case, and after full hearing that court acquitted the sheriff. There is no field in which the activities of the sovereign States of the South have been so active and so effective as this field. There is no motion back of this movement for an antilynching bill save a political "sop," and, if successful, it will prove a greater boomerang to minorities in America than anything that has transpired in our history. The trend of facts conclusively proves that the safety of these minorities lies in the sovereignty of their home State. The friends, with both head and heart, of every minority should have the courage to stand for the unhampered sovereignty of the home State of every minority. A pyrrhic victory in this political crusade will inevitably jeopardize every minority that needs the protection of those of its home. I pray that the God of all colors and creeds may give to those in power the courage to say "no" to any plea to array anyone against the other.

BIBB GRAVES,
Governor of Alabama.

I received a letter from the Governor of the State of South Carolina, which reads:

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, January 14, 1938.

Senator KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR MCKELLAR: I appreciate very much the copy of the antilynching bill you sent me.

During my administration as Governor of South Carolina, which has been for a little more than 3 years, there has not been a single lynching in South Carolina. For this and many other reasons, I do not believe that it would be for the best interest of the United States to pass a Federal antilynching law.

We have a law in South Carolina that gives to the relatives of a person lynched $2,000, to be paid by the county in which the lynching occurs. I have called out the National Guard in my State several times to protect people from being lynched and I have received several persons into the penitentiary for safekeeping in order to keep lynching from being permitted.

I fear that if the Federal Government passes an antilynching law the States in the Union will not take as much interest in the matter as they are doing at the present time, which will result in increased lynchings.

As long as it is a duty of the State, I intend to try to keep my record 100 percent against lynching in South Carolina; but should the Federal Government take charge of the situation, then I will have a tendency to feel that I have been relieved of this duty. I have gone probably farther than the law and the constitution in my State demand in calling out the National Guard and permitting people to be placed in the penitentiary before their trial, but I have done this in order to prevent lynchings. Should the Federal Government take charge, I am not saying that I will fight as hard to prevent lynchings.

On the other hand, I believe that should the Federal Government step in, it will have the tendency to have more horrible crimes committed than at the present time, due to the fact that some people may think that the Federal Government is protecting them.

For the good of preventing lynchings in the United States, I believe it for the best interest of the people to let the States handle this matter.

With all good wishes and kind personal regards, I am,

Sincerely yours,

OLIN D. JOHNSTON, *Governor.*

A telegram received by me from the Governor of North Carolina reads as follows:

RALEIGH, N. C., *January 11, 1938.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

North Carolina has not had a lynching for several years. We always take every precaution to avoid violence and shall continue to safeguard the rights of all the citizens and give full protection to all persons charged with crime and provide both for their safety and for a fair and impartial trial without regard to race or color. There is no justification for the passage of a Federal law relating to lynching.

CLYDE R. HOEY,
Governor of North Carolina.

I next read a letter from the Governor of Kentucky:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE CHAMBER,
Frankfort, January 11, 1938.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Thank you for sending me the antilynching bill.

I am glad to report that we have not had a lynching in this State for several years. I will, of course, do everything in my power to prevent this form of law violation as long as I am Governor.

With cordial good wishes, I am,

Faithfully yours,

ALBERT B. CHANDLER, *Governor.*

The next is a telegram from the secretary of state of Texas, at Austin, Tex.:

AUSTIN, TEX., *January 13, 1938.*

Senator KENNETH MCKELLAR,
Senate Chamber:

Referring your telegram to the Governor of Texas. This State had no lynching last year and I think 99 percent of our people are opposed to it. The State ranger force and State police have stand-

ing orders when the slightest occasion arises to go to the community affected and take every step to prevent any chance of a lynching.

EDWARD CLARK, *Secretary of State.*

The next is a telegram from the Governor of the State of Tennessee and is addressed to me:

NASHVILLE, TENN., *January 12, 1938.*

Hon. KENNETH D. MCKELLAR,
United States Senator:

Your favor January 8 has been received, and I thank you for bringing this to my attention. It is a pleasure to go on record as approving the stand taken by the Senators who are opposing the antilynching bill. As Governor of the State of Tennessee I have done and shall do everything in my power to prevent the occurrence of these unfortunate lawless incidents. Last year one such occurrence unfortunately happened in our State. It struck so suddenly that there was no opportunity for the State to intervene. Immediately upon it I issued the following statement: "It seems that on an occasion last week in Tipton County, in flagrant violation of law and order, certain individuals, unknown as yet, seized one Alfred Gooden who was in the lawful possession of the sheriff as a prisoner and lynched him. This is an offense against the name and decent feelings of our State. The station of the individual and the character of the offense he may have committed make no difference on this crime against society. I condemn the act in the strongest possible terms and state that Tennessee thoroughly despises and condemns this form of lawlessness. In order to be of the utmost possible assistance in bringing to justice those who were guilty of this heinous offense, under the authority given me by the code of my State, I hereby offer the maximum reward of $5,000 to anyone tendering that assistance to the authorities of our State that will lead to the apprehension and conviction of said individuals. And I further pledge every other cooperation I can give to the prosecuting authorities in bringing them to justice." This will continue to be my position.

GORDON BROWNING,
Governor of Tennessee.

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. Just a moment. I have also a telegram from the Governor of Arkansas, sent from Little Rock, Ark., which reads:

You may rely upon every law-enforcement agency in the State——

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. I will yield in a moment.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. McKELLAR. Just a second. The telegram from the Governor of Arkansas reads as follows:

LITTLE ROCK, ARK., *January 10, 1938.*

Hon. KENNETH MCKELLAR,
Chairman, Committee on Post Offices and Post Roads,
United States Senate, Washington, D. C.:

You may rely upon every law-enforcement agency in the State of Arkansas, including local officers, State and county police, to exert every effort to prevent any lynching in the State of Arkansas. This is in reply to your letter of January 8.

CARL E. BAILEY, *Governor.*

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. McKELLAR. Just a moment. I have presented communications from every single Southern State showing what the responsible authorities of those States think about the situation. Pass this bill and the cause of law and order in this country will be seriously injured by taking away the jurisdiction that now belongs to the proper local officials. I now yield to the Senator from Illinois.

Mr. DIETERICH. May I ask the Senator from Tennessee were the persons who perpetrated the lynching in his State convicted?

Mr. McKELLAR. Which State?

Mr. DIETERICH. The State of Tennessee.

Mr. McKELLAR. When?

Mr. DIETERICH. Did not the Senator read a letter from the Governor of Tennessee?

Mr. McKELLAR. Yes; I did.

Mr. DIETERICH. In which he strongly condemned the crime of lynching?

Mr. McKELLAR. Yes; and offered a $5,000 reward for the perpetrators of the crime.

Mr. DIETERICH. I ask the Senator were any perpetrators of that lynching apprehended?

Mr. McKELLAR. I do not know.

Mr. DIETERICH. Then, if it be true that the Governor condemned it and offered a $5,000 reward, and yet the lynching took place and nobody was convicted, that is pretty conclusive evidence, is it not, that the sole protection of the Constitution is not accorded people in Tennessee?

Mr. McKELLAR. No; it is not true at all. Everyone who knows anything about such acts of violence knows that that is not true at all. As a matter of fact, the Governor of Tennessee and the Governors of each one of the other Southern States have shown by the telegrams and letters read by me that they are going to do everything in their power to prevent lynching, and they have been doing it, and they have been doing it with masterly effect, while in the State of Illinois——

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. Wait a moment; I wish to answer the Senator's question. While in the State of the Senator from Illinois—and I have the figures here——

Mr. DIETERICH. I might suggest——

Mr. McKELLAR. Wait a moment; I have the floor. In 1932 there were 534 murders in the Senator's State; 110 persons charged with murder were convicted; 135 were discharged, acquitted, or the cases against them were nol-prossed, and in 289 cases the murderers were not even arrested. Yet the Senator talks about one incident in my State.

During the same year there were 141 crimes of rape committed in the Senator's State. There were 50 convictions for such crimes; in 42 instances the charge was nol-prossed, and 48 rapists in the Senator's State were not even arrested.

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. I will let the Senator come in in a moment. In 1934——

Mr. DIETERICH. I wish to make a timely suggestion.

Mr. McKELLAR. Never mind the timely suggestion. I will give the Senator the facts. This is a serious matter.

Mr. DIETERICH. I understand; but the Senator was afraid the other day——

Mr. McKELLAR. Wait a moment; I will yield to the Senator. He need not be bothered. I will yield to him.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. McKELLAR. In 1934 the number of murders in the Senator's State had increased from 534 to 561, for which there were 123 convictions, about 1 in 5; in 181 cases the charge was nol-prossed; and in 157 cases the murderer was not even arrested.

Mr. DIETERICH. Now, Mr. President——

Mr. McKELLAR. The Senator has got to wait.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. McKELLAR. In 1934 there were 182 crimes of rape committed in the Senator's State, the number having increased from the year 1932, when it was 141. For these crimes there were 63 convictions, the number of convictions having increased in about the same ratio as the number of cases of the crime of rape; 98 were nol-prossed, or discharged, and 21 were not even arrested in the Senator's State.

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. The Senator has a right to interrupt me, of course, and to ask about one crime in Tennessee, although the number of crimes in his State is so much greater that it comes rather with ill grace, as it seems to me, from the Senator to refer to the matter. I now yield to him.

Mr. DIETERICH. I just want to suggest to the Senator what he suggested to me the other day.

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does he yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I want to suggest to the Senator from Tennessee what he suggested to me the other day. He was

afraid that I might probably have a stroke of apoplexy. I do not want him to become too enthusiastic in discussing this question for fear he might be subject to such an attack.

Mr. McKELLAR. I am not going to be subject to such an attack. I have the facts and the record here from the various States.

Mr. DIETERICH. Will the Senator answer a question?

Mr. McKELLAR. I will answer any question concerning a matter which I know about.

Mr. DIETERICH. Of the eight cases of lynching that the Senator knows of, can he name any person that was convicted of the crime of lynching?

Mr. McKELLAR. I cannot at this point, because I merely know that the number of persons lynched last year was eight.

Mr. DIETERICH. The Senator has looked into the question of crime in my State——

Mr. McKELLAR. Let me ask the Senator if he can give us the facts about the eight cases of lynching?

Mr. DIETERICH. Yes; I can answer that question. Not one single person was convicted.

Mr. McKELLAR. We will look into the matter and see as to that.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. Since the Senator from Tennessee is so much interested in the crime record of Illinois, can he tell me what the crime record of his State is in reference to the various other crimes, or are they nonexistent there?

Mr. McKELLAR. It is less than one-tenth of the crime record in the Senator's State.

Mr. DIETERICH. Yes; and the population of Tennessee is less than one-tenth the population of Illinois.

Mr. McKELLAR. Oh, no—oh, no!

Mr. DIETERICH. It is about that.

Mr. McKELLAR. How many persons are there in the State of Illinois?

Mr. DIETERICH. About 7,000,000

Mr. McKELLAR. We have nearly 3,000,000 in Tennessee, so the Senator sees the difference. A dozen times as many persons have been murdered and raped in Illinois as in Tennessee.

Mr. DIETERICH. Let me ask the Senator from Louisiana a question.

Mr. McKELLAR. I have not finished. Will the Senator from Louisiana yield to me to finish? Then I will yield the floor back to him.

Mr. ELLENDER. I yield to the Senator from Tennessee.

Mr. McKELLAR. I ask the Senator from Illinois to pardon me for a minute.

Mr. President, these letters and telegrams, and the facts and law already adduced in this debate, show there is but one way in all the world to deal with lynching in this country, and that is through State authority, where the problem constitutionally belongs.

Just as Governor Johnston, of South Carolina, says, and just as I have said before in the debate, the passage of this bill will tend greatly to increase lynching in this country. It is wholly unnecessary. It is wholly unjustified. It is a direct slur and a malicious outrage aimed at certain States of the Union and at their officials. I do not believe there is an unbiased man in the Senate who, after reading the letters I have written and the telegrams and letters I have received from the various Governors, will not admit in his heart, anyway, whatever may be his vote, that the State authorities are the only ones who can cope with this crime.

I further believe that no unprejudiced Senator will say that up to this date the States have not made splendid progress in dealing with this crime. They have made more progress than the National Government could possibly make. So strongly do I believe this that I am going to offer a concurrent resolution as a substitute for this bill, which, when I have read it, I shall ask to have printed and lie on the table.

At this time, with the further consent of the Senator from Louisiana, I should like to read the concurrent resolution to which I refer. It is short. It is to be offered as a substitute for the entire bill and reads:

Whereas the several States have made most remarkable records in reducing the crime of lynching, having lessened the number of white persons lynched from 160 in 1884 to none in 1934 and none since that year, and having lessened the number of colored persons lynched from a peak of 231 in 1892 to 8 in 1937; and

Whereas the crime of lynching is the only crime in either State or Federal jurisdiction which has been steadily reduced in the United States in the periods mentioned; and

Whereas in recent years the records show that the Governors of States, the sheriffs of counties, and other local officials having custody of prisoners have been unusually vigilant in saving the lives of prisoners within their jurisdiction and within their custody; and

Whereas many of the Governors of the States where the crime mentioned has occurred in the past have in writing declared that jurisdiction of this crime is vested exclusively in the States, and have expressed themselves as of the opinion that Federal legislation supervising the crime would be unconstitutional, and in addition if passed would tend very greatly to increase the crime of lynching; and

Whereas said Governors have committed themselves in writing to use their best efforts further to decrease this particular crime in 1938 and in succeeding years; and

Whereas it is the opinion of the Congress that the several States do have full and exclusive jurisdiction to deal with the crime of lynching, and that the officials of the States are sincerely and honestly doing their full duty with reference thereto, and that they will continue to do so; and

Whereas, having every confidence in their State governments and in their State officials to deal with this crime, especially in view of the splendid record made in the last few years in reference thereto: Now, therefore, be it

Resolved by the Senate of the United States (the House of Representatives concurring), That the Congress congratulates the several States, their Governors, sheriffs, and other local officials on their excellent records in reducing the number of lynchings in the United States, and bids them Godspeed in further reducing this crime, and believes that the several State governments will soon extirpate it entirely, and it joins the Governors of the several States and all other law-abiding citizens in the United States in the sincere hope and belief that there will be no lynchings in 1938 and none in the years to come.

Mr. President, after mentioning one other matter, I shall return the floor to my friend from Louisiana.

I have read these telegrams and letters from the Governors of the Southern States. I am going farther away to give the Senate an opinion. It comes from the Sunday Boston Herald of January 16, 1938. It is an editorial from Boston, Mass., and reads as follows:

GOOD INTENT—BAD BILL

The vast majority of the American people, South as well as North, abhor lynching. For 30 years a campaign for the adoption of an antilynching law has been carried on. The bill now pending in the Senate admittedly will pass if it can reach a vote. It has passed the House, but southern Senators are using the same filibustering tactics against it which prevented a vote in both the regular and the special sessions last year. The measure has the support of numerous humanitarian and reform organizations, secular as well as religious. It is a serious question, nevertheless, whether the bill ought to pass.

This Wagner-Van Nuys bill provides that a person injured, or the heirs of a person killed, by a mob may bring suit in a Federal court against the county or other State subdivision responsible and recover damages of from $2,000 to $10,000. An officer permitting a prisoner to be taken from his custody would be subject to $5,000 fine, a 5-year prison term, or both. The bill defines a mob as three or more persons who take from an officer a prisoner suspected of, charged with, or guilty of a crime and injures or kills him.

The more one studies the bill the more doubtful he becomes of its wisdom. It is quite possible that local officials, knowing the reactions of their neighborhoods to certain crimes, would fail to make arrests and simply "look the other way" instead of taking a suspect into custody.

Can and will the South end the horror against which this bill is directed? The unanimous reply of southern public men is in the affirmative.

I digress here long enough to say that we have the most substantial reason in the history of our Government for taking the position in the affirmative; namely, as Mark Sullivan said the other day, that the crime of lynching has become the rarest of all crimes. It is the only crime in the

country which has been reduced in numbers during the past 50 years.

I continue reading:

Statistics strongly support their contention. The downward trend has not been uniform, but, despite waverings, the figures show 231 lynchings in 1892, 20 in 1935, 9 in 1936, 8 last year. It has been said in the Senate that lynching is the only crime that is not increasing. Nor should it be overlooked that many Southern States have passed antilynching laws.

There is a larger and even more important aspect of the matter to consider. Many students of our constitutional system agree with Senator BORAH that this plan would give aid and encouragement to those who want to obliterate State lines and centralize everything in Washington. Any measure that permits the National Government to prosecute in the United States courts a local officer on the ground that he has not performed properly his State or county duties is open to the charge that it violates the rights of the States. Even if it does not, based as it is on the fourteenth amendment, the question of the wisdom of legislation which, as Senator BORAH puts it, would remove "the last vestige" of local authority, remains to be considered.

What is done in the case of one crime could be done in respect to all. In a country so vast and diversified as ours, would it not be a dangerous precedent to call on the General Government to solve a local problem?

Mr. President, whatever may be said about the southern Governors—and I believe all of them are telling the truth when they say they will do everything within their power to obliterate and extirpate this crime absolutely—here is a message from old Massachusetts, from New England, from one of the oldest communities in the United States; and I ask Senators to think seriously about the statements made in it.

I thank my distinguished friend from Louisiana for allowing me to put in these telegrams, these letters, this editorial, and this concurrent resolution which I hope is to be a substitute for the pending bill, which up to this time no Senator has defended.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. DIETERICH. I should like to ask the Senator from Tennessee a question.

What is the population of Memphis, Tenn.?

Mr. McKELLAR. Three hundred and six thousand persons.

Mr. DIETERICH. Does the Senator know how many murders were committed there as compared with the city of Chicago?

Mr. McKELLAR. There were entirely too many, but there were not as many in comparison as there were in Chicago—not one-tenth as many. Incidentally, there were relatively more convictions in Tennessee than there were in Chicago.

Mr. DIETERICH. Mr. President——

Mr. McKELLAR. Wait a minute. I am answering the question. The Senator has asked me a question.

In 1932 there were not 289 murderers not arrested in my State, and there were not 48 persons not arrested in my State for rape. In 1934 there were not 257 persons not arrested for murder and 21 not arrested for rape in my State. I am willing to compare figures with the Senator from Illinois as long as he desires.

Mr. DIETERICH. That is what we are going to do now for a little while, if the Senator from Louisiana will give us the time. I am talking of 1935.

In the United States Government Study of Crime and Criminal Conditions, of the number of crimes reported to the police of the various cities, it appears that in Memphis, Tenn., in 1935, there were 80 murders——

Mr. McKELLAR. How many convictions were there?

Mr. DIETERICH. This volume does not give the number of convictions.

Mr. McKELLAR. Oh!

Mr. DIETERICH. Just a moment; let me finish.

Mr. McKELLAR. The Senator ought not to read part of the statistics and leave out the other part.

Mr. DIETERICH. There were 80 murders in Memphis as against 243 in Chicago, which has a population of 3,000,000 as against 300,000 in Memphis.

Mr. McKELLAR. The Senator has asked me a question.

Mr. DIETERICH. I am not asking a question at this time.

Mr. McKELLAR. The Senator has asked me a question, and I am answering it. It is remarkable that in the year 1932 there were 534 murders in the State of Illinois, and in 1934 there were 561, and in the intervening year there were only the number the Senator reads.

Mr. DIETERICH. Mr. President, the record shows that in Memphis, Tenn., there were 797 aggravated assaults, whatever that may be, as against 1,700 in Chicago, although Chicago has a population 10 times as great as that of Memphis. A study of the entire table shows that the Senator was walking on rather thin ice when he was holding up Chicago as a horrible example, when in the metropolitan city in which the Senator lives there were 506 robberies as against 10,177 in Chicago.

Mr. McKELLAR. I am surprised that the number of arrests for robbery in Chicago is reported. I never knew that in Chicago people were arrested for robbery. [Laughter.]

Mr. DIETERICH. They seem to be.

Mr. McKELLAR. There are not many arrests; the number of arrests is inconsequential.

Mr. DIETERICH. They seem to be reported, and if there is a desire to hold up horrible examples of a city having a criminal element that violates the law, Memphis, Tenn., is not so pure. I do not think the Senator ought to grow eloquent in the matter.

Mr. SCHWELLENBACH. Mr. President—

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. McKELLAR. There is just this difference between Tennessee and Chicago: When murders or other crimes occur in Memphis, we arrest the criminals and indict them and convict them and punish them, but that is not done in Illinois.

Mr. DIETERICH. Mr. President, if the Senator from Louisiana will yield further, will the Senator from Tennessee tell me how many convictions there were in Memphis in 1935?

Mr. McKELLAR. I could not say, but I will get the figures and give them to the Senator.

Mr. DIETERICH. Is it not a fact that there were about half a dozen in 1935?

Mr. SCHWELLENBACH. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. I should like respectfully to suggest to the Senator from Illinois that he recall to his mind the efforts he made during the latter part of the last session to encourage controversy between the present occupant of the chair [Mr. JOHNSON of Colorado] and myself when certain remarks were made by the present occupant of the chair concerning the city of which I was formerly a resident; and I recall to his mind that probably someone might be suggesting a method of settling the controversy between himself and the Senator from Tennessee similar to the method he suggested at that time, and probably we had better stop this talk about the difference between Chicago and Memphis.

Mr. McKELLAR. I am perfectly willing to state to the Senator from Illinois the relative number of crimes committed, and certainly the relative number of crimes for which punishment is meted out in his State and in my State. I know Tennessee has an attorney general who does his duty, and criminals are punished in my State.

Mr. DIETERICH. Mr. President, will the Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I am glad there is such a competent attorney general in Tennessee. We also have an excellent attorney general in Illinois, who does his duty, and the whole corps of law enforcement officers, from the attorney general and the State's attorney down, do their duty.

I wish to ask the Senator from Louisiana a question, recalling to his mind the eloquent address he made concerning the extension of slavery to the North. At the time I

was somewhat rusty in my history, not having had occasion to review it. He said something to the effect that Illinois might have had slavery, but that the agricultural interests there found it was not profitable. Since that discussion I have had occasion to refresh my memory of history, and I wonder if the Senator realizes that the Ordinance of 1787 was adopted before the Constitution of the United States was adopted.

Mr. ELLENDER. The Ordinance of 1787?

Mr. DIETERICH. I refer to the Northwest Territory. Slavery was excluded from that Territory. I wonder if the Senator remembers Thomas Jefferson's attitude toward slavery. It might be well to put that in the RECORD.

Mr. ELLENDER. I will reach that soon.

Mr. DIETERICH. If the Senator does not reach it I will assist him in the matter.

Mr. ELLENDER. I will get to it and also state Jefferson's opinion as to whether the races should be amalgamated or separated. Thomas Jefferson concluded that the two races could not live under the same Government. I will get to that.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. ELLENDER. Yes.

Mr. DIETERICH. Does the Senator realize that Thomas Jefferson tried to have a limitation on slavery adopted in the Federal Constitution, which lost by one vote?

Mr. McKELLAR. In what?

Mr. DIETERICH. In the Constitution.

Mr. McKELLAR. Thomas Jefferson was not even a member of the Constitutional Convention. [Laughter.]

Mr. DIETERICH. I beg pardon——

Mr. McKELLAR. The Senator has his dates and history confused.

Mr. DIETERICH. No; I have not my dates confused in regard to that. I meant to say it was introduced in the Congress which met after the adoption of the Constitution.

Mr. McKELLAR. Thomas Jefferson was Ambassador to France when the Constitution was adopted, and did not return to the United States until long afterward.

Mr. DIETERICH. Let me read, if the Senator will, from James Ford Rhodes' History of the United States, page 15:

> With the end of the war and the ratification of the peace with Great Britain, it became the duty of Congress to establish a government for a large extent of the ceded territory not comprised within the boundaries of any of the 13 States. In 1784, Jefferson reported an ordinance that provided for the prohibition of slavery after the year 1800 in all the western country above the parallel of 31° north latitude. This proposed interdiction applied to what afterward became the States of Alabama, Mississippi, Tennessee, and Kentucky, as well as to the Northwestern Territory.
>
> To his sorrow and lasting regret, this antislavery clause was lost by one vote. "The voice of a single individual," Jefferson wrote 2 years later, "would have prevented this abominable crime. Heaven will not always be silent; the friends to the rights of human nature will in the end prevail." In truth, the friends of human rights gained an important victory in the enactment of the Ordinance of 1787, which was a substitute for the Jefferson Act of 1784, differing from it, however, in that slavery was immediately prohibited, and in that it only applied to the Northwestern Territory, which later became the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota.

I merely wanted to get that in the RECORD, so that the Senator would have it before him while he was delivering his essay on the virtues of human slavery and how it elevated the colored people.

Mr. ELLENDER. Of course, the Senator from Louisiana never took the position that Jefferson favored slavery.

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. The Senator from Illinois had a good deal to say about the crime record of Memphis. Everyone knows that Memphis is in the southwestern portion of Tennessee, right on the Mississippi River, and on the Illinois Central Railroad, which comes direct from Chicago, and when there is a shooting in Arkansas, or Mississippi, or Illinois, or Tennessee, within a radius of probably 100 miles, if the culprit can catch a train, or a boat, even, coming from Chicago, he comes to Memphis. Therefore, Memphis is charged not only with the crimes committed in Memphis, but is charged with the crimes committed within a radius of probably 100 miles. Judging from the figures I have just read, there were 561 murders in Illinois in 1934, and in 257 of the cases the murderers were not even arrested. Perhaps those who were not arrested went to Memphis to see how they could get along there. While many murders may be charged to Memphis, I may say that no city in the country has a better record for indicting, trying, and convicting those who are guilty of murder than has the city of Memphis.

Mr. DIETERICH. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I call the attention of the Senator from Tennessee to something which it might be necessary to explain. The Senator said the population of Tennessee was 3,000,000.

Mr. McKELLAR. No, I did not; I said 2,600,000.

Mr. DIETERICH. The population of Illinois is something over 7,000,000. The peculiar thing is that in the last election for Senator in Illinois there were cast 3,794,664 votes, and in the State of Tennessee 360,184 votes were cast. I wonder why they are so indifferent to their right of franchise in Tennessee?

Mr. McKELLAR. They are not indifferent. Colored people vote in Tennessee just as they vote in Illinois, perhaps not in such enormous number, and perhaps in Tennessee the real colored people cast the votes. I do not know why there is such an enormous vote in Illinois. The idea of three-sevenths of the entire population voting is a remarkable thing, and I do not think that occurs in any other State.

Mr. CONNALLY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Is the Senator speaking of those who actually vote in Tennessee, or those who are counted in Illinois?

Mr. McKELLAR. I do not know which it is. From the figures presented by the Senator from Illinois, it looks as though they count some of them from Tennessee. I am sure that in no other State in the Union do three-sevenths of the entire population vote. In the first place, over half of the population of every State is composed of people under 21 years of age. That takes care of one-half of it, and the idea of three-sevenths of the entire population voting—I think there ought to be an investigation into the voting in Chicago and Illinois. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield to me in that connection?

Mr. ELLENDER. I yield.

Mr. BARKLEY. There is no reflection on either Illinois or Tennessee because of the difference in the size of the senatorial vote. Illinois is a close State, and of course everyone turns out to vote. In Tennessee, when the senior Senator from Tennessee [Mr. McKELLAR] gets a nomination, everyone concedes his election, and many of the people do not take the trouble to go to the polls and vote, because it is unnecessary. That would account for some of the difference.

Mr. DIETERICH. I accept that explanation. I think perhaps the Senator from Kentucky is correct. That did not occur to me.

Mr. McKELLAR. I thank the Senator for his kind words. [Laughter.]

Mr. DIETERICH. I hope the Senator will apologize to me about what he said in regard to Illinois, because we watch the polls very closely. We have a very close division on political issues, and we watch the polls closely and try to get out all the voters.

Mr. CONNALLY. Why is it necessary to watch the polls so closely in Illinois? [Laughter.]

Mr. DIETERICH. It is not necessary to watch them so closely, except to get the voters out and to get their votes in the ballot boxes.

If the Senator from Louisiana will yield for a further question——

Mr. ELLENDER. I yield.

Mr. DIETERICH. What are the election laws in Louisiana. Will the Senator enlighten us a little and tell us what they are? What are the qualifications of a voter in Louisiana?

Mr. ELLENDER. We have what we call a white primary, in which none but white people participate.

Mr. DIETERICH. That answers my question fully and I had that suspicion. They have no particular laws. They just let those vote whom they want to vote.

Mr. ELLENDER. We do things in the open in Louisiana; we do not try to hide our intentions; we are genuine. There is no camouflage.

Mr. McKELLAR. Our good and smiling friend from Illinois stated a while ago to the Senator from Louisiana that he was going to assist him in his speech by asking questions. I hope the Senator will accept that assistance from the Senator from Illinois. In my judgment, the help he has already given me in bringing out the facts has been of wonderful assistance to us all in solving the question before us, because I think he has shown clearly that the bill now before the Senate should not be passed.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I wish to thank the Senator from Tennessee for his compliment and to assure him that I will render him all the assistance I possibly can.

Mr. McKELLAR. That is fine. I shall be glad to receive it whenever it may be offered.

Mr. DIETERICH. I will say to the Senator that my assistance will not have the effect of tending to delay the matter as long as he thinks it will be delayed. I shall assist in seeing that the matter will be closed soon.

Mr. McKELLAR. It will not be delayed longer than the Congress stays in session, anyhow.

Mr. ELLENDER. Mr. President, when I was interrupted by the Senator from Tennessee—and I will say I was very glad indeed to be interrupted by him—I was reading from chapter II of the book Race or Mongrel, by Alfred P. Schultz, in an effort, generally speaking, to show how the mixture of the white race with another race, particularly the colored race, leads to a deterioration of the race and, finally, results in what I tried to show earlier in my argument, a deterioration of the civilization of the race affected.

Mr. McKELLAR. Mr. President, will the Senator yield to me merely to make a correction?

Mr. ELLENDER. I yield.

Mr. McKELLAR. As I understand, I have not formally asked that the amendment which I offered as a substitute be printed and lie on the table, and I now ask that that be done.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. ELLENDER. This book, to which I have just referred, contains chapters devoted exclusively to the deterioration of specific races. For instance, there is a chapter on the Egyptian race, a chapter on the Hindu race, and chapters on other races. But for the moment I will pass over that part of the book and read now from a book entitled "White America" by Earnest Sevier Cox, emphasizing the conclusions reached in the chapter that I read from Race or Mongrel, by Schultz. At page 18, Mr. Cox states:

> Both for scientific observation and for practical dealing with the color problem we must accept the races as such, hopelessly differentiated from each other and conditioned to development in accord with their respective instincts and tendencies. Practical politics no more than scientific research may ignore organic race traits. To do so is to bungle affairs hopelessly, as has been done in many parts of the world during the past century. We cannot act toward the Negro as if he were a white child, for he is not a white child, but a full-grown black, whose hope for the future lies in his development of himself as a Negro, and not in his pathetic and ludicrous aping of the white man.
>
> We cannot ignore race. It is written large in human history. It has left its visible trace upon every continent. We may specify a single race that biologically is but a portion of mankind, but by virtue of race instincts and capacities has contributed all the higher human achievements. This race, the white race, has not had advantage over other races in time, climate, country, or other environment, but to its fertile brain and restless activity humanity owes its all. From our knowledge of history, we are safe in assuming that if the white race were effaced from the earth, civilization, as we know it, would perish. The cultural debit of the colored peoples to the white race is such as to make the preservation of the white race a chief aim of the colored, if these latter but understood their indebtedness. By keeping the white man white, the colored may look forward to a future in which they may enjoy cultural surroundings superior to their own racial contributions.
>
> The inventions of the white man are to become world possessions. This is so at present, has been so in the past, and apparently is to continue to be so. The insane desire of the colored to blot out the color line and bridge the evolutionary chasm between the races by the process of interracial marriage ignores the fact that the white race as white is the sourse of progress. That the colored races should seek to "kill the goose that lays the golden egg" is further proof that their inferiority, demonstrated so clearly in cultural attainments, extends to their rational processes in general.
>
> While the future of the colored races is concerned so deeply with the purity of the white, we are not for a moment to consider it proper to permit their judgment to determine whether the white is to remain white. This is a question for the white to decide, but it would seem that light from history on this matter ought to reach even the mind of the colored. The white man founded the cultures of Egypt and India and eventually interbred with his colored subjects, leaving a mixbreed population heir to the culture of the pure white. With what result? Arrested development. Stagnation. This is light from history that should penetrate the densest intellect. The African Negro was raised from a brutelike condition by white Egypt; what influence for good has mongrel Egypt had upon the Negro? The African Negro's knowledge of the present civilized arts has come from the pure whites of Europe, not from the mixbreed whites contiguous to his domain.
>
> While science may deal with experience only and may not take authoritative cognizance of events that have not happened, yet the results of experience are all that we have from which to construct a program for the future; and in this respect it may be said that a program for the future based upon experience is a program based upon science. The light of experience will reveal that, regardless of the consequence, the colored races will gladly avail themselves of opportunity to interbreed with the white; and if the white is to remain white, since that race is now in contact with all races, such result shall depend entirely upon the attitude of the white man. A gloomy consideration with regard to this matter is that 60 centuries of race history have proved that the white man has at no time or place remained white when in prolonged contact with colored races.
>
> This, then, is the essence of the color problem—the difficulty of preserving the culturally fit when in contact with the culturally unfit. There are, incidental to race contact, economic and political problems which are constantly manifest; but the fundamental problem is to preserve the breed from which progress issues.

I have read to the bottom of the second paragraph on page 21, and now I will skip a few pages and go to page 24, and read:

> In this general introduction the author cannot refrain from calling attention to a matter that should greatly clarify the white man's attitude to the color problem, namely, that a most disturbing phase of the problem is not in reality a part of the problem of color but is incidental to it, arising from a difference of opinion among groups of the white race as to the proper attitude of the white man toward the colored. Such division among the whites cannot but work harm to the white man, and certainly it has never worked permanent advantage to the colored. Any seeming advantages the colored races have derived from intergroup conflicts within the white race concerning the colored are merely temporary and do not have substance. The results of such conflicts have not extended to the evolutionary differentiations between the races. But they have promoted blood admixture of the races; and by so doing, created a type divergent from the parent races. Possibly it is necessary only to point out the geographical demarcations of those groups of the white race which have come into conflict regarding the colored in order to show that such difference of opinion and policy is temporary and is not to abide.
>
> A study of the world-wide color problem during the past eight or nine decades will reveal the white race divided into two schools of teaching with regard to a proper attitude toward the colored. One school is constituted generally of those portions of the white race that live apart from the colored, while the other school is made up of those portions of the white race that live in contact with the colored. The whites who dwell apart from the Negro have advocated one policy toward the Negro, while those whites who dwell with the Negro have advocated another

policy. There is a general agreement among the whites who live apart from the Negro, whether these whites live in Europe or in America. There is also a general agreement among the whites who live in contact with the Negro, whether these whites live in the Southern States of the American Union, in the European colonies of Africa, Asia, Australasia, or in Latin America.

The teachings of the whites who live apart from the Negro have placed great emphasis upon environment, rather than upon race and heredity, whilst those whites who live in daily contact with the colored races are agreed that there is a difference between the white and the colored which cannot be bridged by present environment and that the development of the various races is conditioned by their respective race traits and tendencies.

It is safe to prophesy that there will be no further serious—certainly not armed—conflicts between the white groups over the colored races, for the perilous position of the white race in the world of today and tomorrow will compel that race to seek race unity, rather than division, which can only weaken the white man and artificially elevate the colored. Furthermore, there is an increasing tendency on the part of the whites who dwell apart from the colored to recognize that race traits and tendencies not only permanently adhere to the races but that such potentialities must be taken into consideration in the white man's dealing with the colored.

It may readily be seen that the Negro problem is a part of the greater problem of heredity. When eugenics seeks to eliminate the unfit and establish the fit it has for its purpose not the betterment of physical types merely, but the establishment of those types of greatest value to progressive civilization.

A race which has not shown creative genius may be assumed to be an unfit type so far as progress in civilization is concerned and is a matter of concern for the eugenist. Those who seek to maintain the white race in its purity within the United States are working in harmony with the ideals of eugenics. Asiatic exclusion and Negro repatriation are expressions of the eugenic ideal.

Mr. President, I have concluded reading the general statement by Mr. Cox in regard to the mixture of the races. I have just been reading the statement on page 27, first paragraph. I now propose to deal with the problem as it affects a particular nation. I have made mention, in the course of my remarks at various times, of the manner in which the mixture of the colored race with the early Egyptian civilization affected that nation.

Mr. BARKLEY. Mr. President, I understand the Senator has not quite concluded his address?

Mr. ELLENDER. No, sir; I am not quite through.

Mr. BARKLEY. And that the Senator from Louisiana would prefer not to finish this afternoon?

Mr. ELLENDER. It will be agreeable to me, I may say to the Senator from Kentucky, to proceed tomorrow.

INAUGURATION OF SENATOR MOORE AS GOVERNOR OF NEW JERSEY

Mr. BARKLEY. Mr. President, on tomorrow one of our colleagues the very able senior Senator from New Jersey [Mr. MOORE] is to assume the responsibilities of Governor of New Jersey. It is not unusual for Governors to aspire to come to the Senate; it is unusual for a Senator to aspire to retire from the Senate to become Governor of his State. The Senator from New Jersey has, as we all know, been elected Governor of New Jersey, and on tomorrow he takes the oath of office, and assumes the duties of that office, duties which he has performed in the past as Governor of that State under two previous elections.

I am sure I speak the sentiments of the Members of this body on both sides of the aisle when I say that we regret his departure as a Member of the Senate, where he has evidenced a keen understanding of national problems, displayed marked industry, and shown great courtesy to his colleagues. I send to the desk a resolution, which I ask to have considered at the moment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 222) was read, considered, and unanimously agreed to, as follows:

Whereas, on tomorrow, January 18, the distinguished senior Senator from New Jersey, the Honorable A. HARRY MOORE, will retire from this body to become Governor of the State of New Jersey: Therefore be it

Resolved, That the Senate expresses its profound regret at the retirement of the Senator and congratulates him and the State of New Jersey upon his election as their chief executive.

The Senator, by his faithful discharge of duties and pleasing personality, has endeared himself to the membership of the Senate and they part with his companionship with regret.

The preamble was unanimously agreed to.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BARKLEY. I yield.

Mr. ADAMS. I made inquiry once or twice of the Democratic leader as to whether or not the wishes of, I think, a majority of the Senators could be concurred in who would very much like to pay a personal tribute to HARRY MOORE by attending his inaugural. As the Senator from Kentucky has said, many Governors aspire to come to the Senate; as a matter of fact, there are always a good many Members of this body, as the Senator from Kentucky knows, who are quite uneasy because of the ambitions of the Governors of their State to come here. It seems to me that when we have an instance of this character it might be well to show our appreciation of a Member of the Senate who is willing to sacrifice his place in the Senate in order to serve his State in the capacity of Governor.

We would have no hesitation, I will say to the Senator from Kentucky, if HARRY MOORE should be run over by an automobile, about taking a recess or adjournment; and I am just wondering whether the Senate of the United States in this unusual instance of this unusual man might not consider paying a tribute to HARRY MOORE by recessing for a day in order that many of us who should like to attend the inaugural ceremonies could do so. I may say to the Senator that, from my observations extending over some days, I am sure we would not miss a great deal if the debate which has been proceeding should be postponed for a single day.

Mr. BARKLEY. Mr. President, I hope the Senator from Colorado does not compare the prospective inauguration of our colleague as Governor of New Jersey with his being slain by an automobile, and that, therefore, we ought to recess.

Mr. ADAMS. Oh, no. I was only intimating that the only things we celebrate ought not to be misfortunes.

Mr. BARKLEY. I agree to that.

Mr. ADAMS. Sometimes we ought to celebrate the good things that befall our colleagues and not restrict our celebrations to their misfortunes.

Mr. BARKLEY. I appreciate the spirit in which the Senator from Colorado makes the suggestion; I myself would be most happy to attend the inauguration of Governor MOORE tomorrow, and I have been approached by Members of the Senate as to the probability as well as propriety of recessing over tomorrow in order to allow those who wish to do so to attend the inauguration. But, Mr. President, in view of the condition which now prevails in the Senate, and the delays which have occurred and which appear in prospect with reference to the legislative program, and in view of the fact that I doubt whether the country, under the circumstances, would approve of the Senate taking a holiday from its labors, even for so worthy a purpose, it has not seemed to me to be wise to recess or adjourn the Senate in order that those who want to go to Trenton tomorrow may do so. For that reasn, I have to say, regretfully, that it does not seem advisable to attempt to do that.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield.

Mr. McKELLAR. I wish to take just a moment to express my very great regret that the Senate cannot adjourn or recess over until Wednesday so that Senators might attend the inaugural ceremonies of Governor MOORE. I do not think anyone who has come to the Senate in many years has endeared himself more to every Member of the Senate, without regard to party affiliation or any other affiliation, than has HARRY MOORE. He is a wonderfully fine man; he has a charming personality, he is a statesman of great ability, and he has made a most able Senator. It seems to me that it would be very fitting, indeed, if the Senate, in a body, attended his inauguration at Trenton tomorrow. I regret very much that the leadership cannot see it that way.

Mr. BARKLEY. I appreciate all that, and, as I have said, I am deeply pained at my inability to attend the inauguration, but, knowing the deep interest the Senator and soon-

to-be Governor of New Jersey has in the legislation now pending, I do not believe he himself would approve of a day's delay in its enactment by adjournment or recess in order to attend his inauguration.

Mr. CONNALLY. Mr. President——

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. CONNALLY. I wish to say, speaking for a large number of Senators, that in case the Senator from Kentucky would agree to Senators attending the inauguration of Senator MOORE, we will undertake to see that no lynching takes place. [Laughter.]

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair), as in executive session, laid before the Senate a message from the President of the United States submitting the nomination of Miss Gay B. Shepperson, of Georgia, to be State administrator in the Works Progress Administration for Georgia, which was referred to the Committee on Appropriations.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, January 18, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate on January 17 (legislative day of January 5), 1938

WORKS PROGRESS ADMINISTRATION

Miss Gay B. Shepperson, of Georgia, to be State administrator in the Works Progress Administration for Georgia.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 17, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O magnify the Lord; let us exalt His name together, for He is good and His mercy endureth forever.

O God, hide not Thyself from our supplication. Our Father, the inspiration of every good and great thought, empty us, we pray Thee, of all selfish and ignoble desires that we may discharge our manifold duties in Thy sight. Let Thy fatherly goodness be extended toward all the loved ones of this House. Those from whom we are separated, may they be kept from harm and danger. The Lord God graciously bless our President. Guide him in the Nation's affairs; prosper all measures for universal peace; may we have the broadest conception of right, truth, and justice. Bless the world's children and all righteous workers. Almighty God, may nations and races stop yielding to fear and prejudice and be devoted to Christian brotherhood. In the name of our Savior. Amen.

The Journal of the proceedings of Saturday, January 15, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 10, 1938:

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor.

On January 12, 1938:

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5912. An act for the relief of Judd & Detweiler, Inc.; and

H. R. 5989. An act for the relief of J. L. Myers.

On January 13, 1938:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States.

On January 14, 1938:

H. R. 6628. An act to permit the further extension of the Air Mail Service.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees, with an amendment, to the amendment of the House to a bill of the Senate of the following title:

S. 2463. An act to authorize an additional number of medical and dental officers for the Army.

MINNIE WILHELMY

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask its immediate consideration.

The Clerk read as follows:

House Resolution 401

Resolved, That there shall be paid out of the contingent fund of the House to J. William Lee's Sons, Inc., undertakers, Washington, D. C., an amount not to exceed $250, to defray funeral expenses of Minnie Wilhelmy, deceased, late an employee of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address by me.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech delivered by Hon. Herbert Hoover on his peace program and also a telegram I sent to him.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute in order that I may ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, this is more in the form of a suggestion than a question.

May I suggest to the majority leader that the RECORD contains an announcement every day of the hearings that are to be held by committees. Therefore, I believe it would expedite business on Calendar Wednesday if the majority leader could arrange with the chairmen of the committees which are to be called that they place in the RECORD on Tuesday a list of the measures which may be considered on Wednesday when their committees are reached. At the present time we have no idea what bills any committee is going to call up on Calendar Wednesday. At times when we are interested in bills which are called, if we do not have our papers before us, naturally, someone will make a point of order of no quorum, which delays proceedings nearly an hour. I offer the suggestion to the majority leader and hope he can get such information published in the RECORD on Tuesday, because, in all fairness to the Members of the House, we should know in advance what is coming up.

Mr. RAYBURN. Mr. Speaker, I may say in reply to the gentleman from Missouri that one of the most difficult things I have attempted within the last 12 months is to find out

long enough in advance so an announcement may be made of it what bill a committee intends to call up on Calendar Wednesday. I believe the gentleman's suggestion is fine, and I trust the chairmen of the committees which are going to be called will in the future comply with the suggestion of the gentleman from Missouri.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield, can the majority leader tell us what committee has the call on Wednesday?

Mr. RAYBURN. I believe the first committee called will be the Committee on Military Affairs. I have not been informed what bills the committee expects to call up, but I will try to find out.

Mr. MARTIN of Massachusetts. That committee will probably take all day, anyway.

CONSENT CALENDAR

The SPEAKER. Under the rules, today is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

AIR-MAIL LAWS

The Clerk called the first bill on the Consent Calendar, H. R. 4732, to revise the air-mail laws.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy," approved June 12, 1934, as amended (48 Stat. 933), is amended as follows:

Subsection (b) of section 2 of such act is amended by the addition thereto of the following paragraph:

"The term 'nonmail schedule' means one for which compensation at mileage rates is not authorized by the Post Office Department."

SEC. 2. Subsection (a) of section 3 of such act as amended by the act of August 14, 1935 (Public, No. 270), is amended by the addition of the following proviso: "*Provided further*, That notwithstanding any other provision of law, the rate of compensation bid by the contractor and accepted by the Postmaster General shall remain in full force and effect for the entire term of the initial period of the contract."

SEC. 3. Amend subsection (c) of section 3 of such act, as amended, so as to read as follows:

"(c) If, in the opinion of the Postmaster General, the public interest requires it, he may grant extensions of any route from either terminus thereof: *Provided*, That the aggregate mileage of all such extensions on any route in effect at one time shall not exceed 250 miles, and that the rate of pay for such extensions shall not be in excess of the rate per mile fixed for the service thus extended."

SEC. 4. Subsection (f) of section 3 of said act is amended to read as follows:

"(f) The Postmaster General shall not award contracts for air-mail routes or extend such routes in excess of an aggregate of 35,000 miles, and shall not pay for air-mail transportation on such routes and extensions in excess of an annual aggregate of 50,000,000 airplane-miles. Subject to the foregoing, the Postmaster General shall prescribe the number and frequency of schedules, intermediate regular stops, and time of departure of all planes carrying air mail, with due regard for the volume of mail carried over each route and for connecting schedules, and he may, under such regulations as he may prescribe, authorize and, notwithstanding any other provisions of this act, compensate for a special schedule or an extra or emergency trip in addition to any regular schedule over air-mail routes or portions thereof at the same mileage rate paid for regular schedules on the contract route or routes, or at a lesser rate if agreed to by the contractor and the Postmaster General, and he may utilize therefor any scheduled passenger or express flight of the contractor between the terminal points or over a portion of any route whenever the needs of the service may so require: *Provided*, That the Postmaster General may, upon application by an air-mail contractor, authorize said contractor for his own convenience to transport air mail on any nonmail schedule or plane, with the understanding that the weights of mail so transported will be credited to regular mail schedules and no mileage compensation will be claimed therefor and the miles flown in such cases will not be computed in the annual aggregate of flown mileage authorized under this section."

SEC. 5. Subsection (b) of section 6 of such act, as amended by the act of August 14, 1935, is further amended by adding a final sentence to read as follows: "The Interstate Commerce Commission shall furnish to the Postmaster General a copy of each report made to the Commission by any auditor, examiner, or employee covering any examination of books, records, accounts, contracts, and business records of air-mail contractors referred to in this section."

SEC. 6. Subsection (c) of section 6 of such act is amended to read as follows:

"In fixing and determining the fair and reasonable rates of compensation for air-mail transportation, the Commission shall give consideration to the amount of air mail so carried, the facilities supplied by the carrier, and its revenue and profits from all sources, and from a consideration of these and other material elements shall fix and establish rates for each route which, in connection with the rates fixed by it for all other routes, shall be designed to keep the aggregate cost of the transportation of air mail on and after July 1, 1940, within the limits of the anticipated postal revenue therefrom, as estimated by the Postmaster General, who shall make a report thereof to the Commission.

"In arriving at such determination the Commission shall disregard losses resulting, in the opinion of the Commission, from the unprofitable maintenance of nonmail schedules, in cases where the Commission may find that the gross receipts from such schedules fail to meet the additional operating expense occasioned thereby. In fixing and determining such rates, if it shall be contended or alleged by the holder of an air-mail contract that the rate of compensation in force for the service involved is insufficient, the burden of establishing such insufficiency and the extent thereof shall be assumed by him. In no case shall the rates fixed and determined by the said Commission hereunder exceed the limits prescribed in section 3 (a) of this act. No change in rates ordered by the Commission shall be retroactive or become effective at any time prior to the date of the order of the Commission fixing such rates or changing such rates."

SEC. 7. Section 6 of such act is amended by the addition of the following paragraph:

"(g) Whenever any application for a reduction or an increase of air-mail rates is filed by any air-mail contractor or the Postmaster General, the Commission shall immediately proceed to make a full and complete audit of the books, records, and accounts of the contractor affected, and shall transmit two copies of said audit to the Postmaster General and said contractor at least 30 days prior to the date set for such hearing. No hearing shall be held or ordered held on such application until such audit and report thereof is made to such contractor and the Postmaster General. If the Postmaster General, on receipt of such audit and notice of the setting of an application for a revision of rates, shall file application with the Commission for a continuance of said hearing for the purpose of making a further independent investigation of the books, accounts, and records of such contractor, the application shall be granted for a period of not less than 30 days."

SEC. 8. Subsection (a) of section 7 of such act is amended by substituting a comma for the colon preceding the proviso and inserting the following: "or to engage directly or indirectly in any phase of the aviation industry except the transportation of mail, passengers, and express."

SEC. 9. Section 15 of such act, as amended, is amended by the addition of the following proviso: "*Provided*, That this act shall not be construed as giving the Commission jurisdiction to consider any application for the establishment of any air-mail line or air-transport service, or to grant any such application on the grounds of public convenience and necessity, or for any other reason."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 2 (b) of the act entitled 'An act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy', approved June 12, 1934, as amended (U. S. C., 1934 ed., title 39, sec. 469), is amended by adding at the end thereof the following paragraph:

"'(4) The term "nonmail schedule" means one for which compensation at mileage rates is not authorized by the Post Office Department.'

"SEC. 2. Section 3 (a) of such act, as amended (U. S. C., 1934 ed., Supp. II, title 39, sec. 469a (a)), is amended by adding at the end thereof the following sentence: 'Notwithstanding any other provision of law, the rate of compensation bid by the contractor and accepted by the Postmaster General shall remain in full force and effect for the entire term of the initial period of any contract awarded by the Postmaster General after the date of enactment of this amendatory sentence.'

"SEC. 3. Section 3 (c) of such act, as amended (U. S. C., 1934 ed., Supp. II, title 39, sec. 469a (c)), is amended to read as follows:

"'(c) If, in the opinion of the Postmaster General, the public interest requires it, he may grant extensions of any route from either terminus or any intermediate point thereof: *Provided*, That the aggregate mileage of all such extensions on any route in effect at one time shall not exceed 250 miles, and that the rate of pay for such extensions shall not be in excess of the rate per mile fixed for the service thus extended.'

"SEC. 4. Section 6 (b) of such act, as amended (U. S. C., 1934 ed., Supp. II, title 39, sec. 469d (b)), is amended by adding at the end thereof the following sentence: 'The Interstate Commerce Commission shall furnish to the Postmaster General a copy of each report made to the Commission by any auditor, examiner, or employee covering any examination of books, records, accounts, contracts, and business records of air-mail contractors referred to in this section.'

"SEC. 5. Section 6 (e) of such act, as amended (U. S. C., 1934 ed., Supp. II, title 39, sec. 469d (e)), is amended to read as follows:

"'(e) In fixing and determining the fair and reasonable rates of compensation for air-mail transportation, the Commission shall give consideration to the amount of air mail so carried, the facilities supplied by the carrier, and its revenue and profits from all sources, and from a consideration of these and other material elements, shall fix and establish rates for each route which, in connection with the rates fixed by it for all other routes, shall be designed to

keep the aggregate cost of the transportation of air mail on and after July 1, 1940, within the limits of the anticipated postal revenue therefrom, as estimated by the Postmaster General, who shall make a report thereof to the Commission.

"'In arriving at such determination the Commission shall disregard losses resulting, in the opinion of the Commission, from the unprofitable maintenance of nonmail schedules, in cases where the Commission may find that the gross receipts from such schedules fail to meet the additional operating expenses occasioned thereby. In fixing and determining such rates, if it shall be contended or alleged by the holder of an air-mail contract that the rate of compensation in force for the service involved is insufficient, the burden of establishing such insufficiency and the extent thereof shall be assumed by him. In no case shall the rates fixed and determined by the said Commission hereunder exceed the limits prescribed in section 3 (a) of this act.'

"SEC. 6. (a) Section 7 (a) of such act, as amended (U. S. C., 1934 ed., title 39, sec. 469e (a)), is amended by inserting before the colon preceding the proviso in such section a comma and the following: 'or to engage directly or indirectly in any phase of the aviation industry except the transportation of mail, passengers, and express, the training of personnel, the maintenance and repair of transportation and ground facilities and equipment necessarily incidental to such transportation, and the research and experimental work essential to the proper development of air-transport service.'

"(b) The amendment made by subsection (a) of this section shall have no effect prior to the date of enactment of this section.

"SEC. 7. Section 15 of such act, as amended (U. S. C. 1934 ed., Supp. II, title 39, sec. 469m), is amended by adding at the end thereof the following: 'This act shall not be construed as giving the Commission jurisdiction to consider any application for the establishment of any air-mail line or air-transport service, or to grant any such application on the grounds of public convenience and necessity, or for any other reason.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the next bill, H. R. 4540, authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Is there objection to the request of the gentleman from Missouri?

There was no objection.

UNITED STATES BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OFFICERS OF THE NAVY

The Clerk called the next bill, H. R. 7216, to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

OSAGE TRIBE OF INDIANS

The Clerk called the next bill, S. 670, authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SAN CARLOS APACHE INDIANS

The Clerk called the next bill, S. 1231, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 71, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SAN JUAN NATIONAL MONUMENT, P. R.

The Clerk called the next bill, H. R. 7487, to establish the San Juan National Monument, P. R., and for other purposes.

Mr. MAY, Mr. MARTIN of Massachusetts, and Mr. LEWIS of Colorado objected.

Mr. LEWIS of Colorado. Mr. Speaker, my objection to this bill (H. R. 7487) is based upon careful investigation which has developed the following facts:

This bill proposes to establish a national monument at San Juan, P. R. This monument will include the entire main reservation of the post of San Juan, P. R., and other structures and areas pertaining to this post.

This bill also proposes to place the areas mentioned under the Secretary of the Interior for administration, protection, and development, virtually effecting a transfer of jurisdiction from the War Department to the Department of the Interior.

The post of San Juan, comprising some 155 acres, is the main station of the Regular Army in Puerto Rico. It is located on the point of the island of San Juan, on which island is also located the principal part of the city of San Juan. This station contains accommodations for 55 officers and 1,006 enlisted men. It includes the headquarters of all military activities on the island, warehouses for the storage of supplies for the entire command, shops, and a hospital. The cost of all improvements at this station is $3,626,386.72, including $865,000 which has been expended for new construction and rehabilitation since 1927. The land value has been estimated at figures ranging from three to nine million dollars.

The strategic value of this military reservation is based on its location at the entrance to San Juan Harbor, and on the fact that it is located on the island of San Juan in close proximity to the capitol and other government buildings, and the principal commercial and shipping sections of the city. Furthermore, the location of this station has certain psychological advantages in that the military power of the sovereign government has been located here ever since Puerto Rico became a colony of Spain several hundred years ago. It is believed that prestige and tradition also require that troops representing the sovereign power be stationed in the vicinity of the capitol and principal city of the island.

No suitable site for the relocation of this post is available on the island of San Juan, due to the fact that it is a congested city area and no other suitable site in close proximity to the city is available. The cost of acquiring any new site and establishing a new post would be considerable. Not less than $3,000,000 would be required for buildings and improvements.

There are two other Army reservations in Puerto Rico, as follows:

Henry Barracks—395 acres—is the station of a battalion of infantry. It is located in the interior of the island some 38 miles from the city of San Juan. Its strategic location is unsatisfactory for the main station of the Regular troops in Puerto Rico. The post is without railroad connections. It is connected with the city of San Juan by a narrow,

hazardous road. Modern Army trucks must negotiate the greater portion of the trip to the post in second gear. The road passes through an area where rains and fogs are prevalent and is passable at night with great danger.

Camp Buchanan, 256 acres, is located 6 miles south of San Juan. It is used as a target range. It is not suitable for development as a garrisoned post owing to the proximity of swamps and the prevalance of insect pests. A ridge cuts off the breezes from the sea and offensive odors are prevalent.

In addition to the post of San Juan this bill applies to certain lands which are not under the control of the Army, and to the Army-controlled islands of Cabras, Canuelo, and Punta Salinas—small islands at the entrance to or in the vicinity of San Juan Harbor. Perhaps there would be no objection to the inclusion of these small islands in a national monument providing they remain available for military use in time of need and no considerable alteration or construction is undertaken thereon without the sanction of the Army.

There is added a proviso to the end of the bill which reads as follows:

Provided, That the President may authorize the use of lands therein by other Federal agencies when deemed by him not detrimental to the purposes of said national monument.

Presumably under this proviso the President could authorize the Army to remain in its present quarters on the post of San Juan. However, the administration, protection, and development of this reservation is to be exercised by the Secretary of the Interior, and it is impossible to visualize how satisfactory arrangements can be made for dual control. It is believed that any form of dual control where the military arm of the Government must be subject to regulation by a nonmilitary department of the Government would be inimical to the public interest, particularly in a foreign possession where the matter of prestige is of such great import.

It should be stated that the preservation of structures of historic interest on the post of San Juan has been carried on to the extent of the availability of funds. Considerable sums of relief money have been made available for expenditure in Puerto Rico and various efforts have been made to secure allotments of such funds for further rehabilitation and restoration projects on this property. Those efforts have been without success, except in a recent instance which involved an exchange of properties. Furthermore, the historic structures in question are open to the public and are visited by approximately 5,000 tourists yearly.

If it is determined to create a national monument, as proposed in this bill, a new station for the Army should be created in Puerto Rico or the troops should be withdrawn therefrom.

Particularly in these times it is imperative that nothing shall be done to impair our national defense, either on the American continent or on our insular possessions. Preservation of "unique historic landmarks" is interesting and important, but preservation of national safety is vital.

Therefore, Mr. Speaker, I object to this bill.

CIVIL GOVERNMENT FOR PUERTO RICO

The Clerk called the next bill, H. R. 1486, to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes."

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ALTERATIONS AND REPAIRS TO CERTAIN NAVAL VESSELS

The Clerk called the next bill, H. R. 560, to authorize alterations and repairs to certain naval vessels, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Lexington* and *Saratoga*, alterations and repairs to such vessels are hereby authorized, and expenditures therefor shall not be limited by the provisions of the act approved July 18, 1935 (49 Stat. 482): *Provided*, That the alterations and repairs to naval vessels authorized by this act shall be subject to the provisions of such treaty or treaties limiting naval armaments as may be in effect at the time such alterations and repairs are undertaken.

With the following committee amendment:

Page 1, line 7, after the comma following the parenthesis, insert "but the total cost of such alterations and repairs shall not exceed $15,000,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY

The Clerk called the next bill, H. R. 6652, to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. RANKIN. Mr. Speaker, reserving the right to object, has the gentleman from Michigan consulted the gentleman from Mississippi [Mr. FORD], the author of the bill?

Mr. WOLCOTT. I have not as yet, but I have been talking about this Natchez Trace bill on the floor of the House here for the last 2 years, and I think I have a reasonably clear understanding of it.

Mr. RANKIN. What is the gentleman's request?

Mr. WOLCOTT. That it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADDITIONAL CIRCUIT JUDGE FOR THE SIXTH JUDICIAL CIRCUIT

The Clerk called the next bill, H. R. 6907, to provide for the appointment of one additional circuit judge for the sixth judicial circuit.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, the sponsor of the bill has spoken to me about it, and I may say to the House and to the gentleman that the only question that arose concerning it was the fact that the Judicial Council had failed to make a recommendation on it. I understand the gentleman has some reason to offer for that or that the objection has been overcome.

Mr. CHANDLER. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. CHANDLER. The Federal Judicial Council, at its last meeting in September 1937, recommended this additional judge as being one of the imperatively needed United States circuit judges throughout the country. I asked that the matter go over without prejudice last summer, as the gentleman will recall, and I would like to ask now that the bill be passed.

Mr. WOLCOTT. In view of the gentleman's statement that the bill has been recommended by the Judicial Council, I withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the consent of the Senate, one additional circuit judge for the sixth judicial circuit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHOPAWAMSIC RECREATIONAL PROJECT

The Clerk called the bill (H. R. 6351) to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. We have been guilty in this bill of an abuse which has been growing up constantly in the House, to authorize indefinite appropriations for several purposes. This bill authorizes such an appropriation as may be necessary to

carry out the provisions of the act. The House is not informed of the possible cost of the project, and in the absence of any assurance that we are not opening up the door wide I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BOUNDARY OF GRAND CANYON NATIONAL PARK

The Clerk called the bill (H. R. 7264) to revise the boundary of the Grand Canyon National Park, in the State of Arizona, to abolish the Grand Canyon National Monument, to restore certain lands to the public domain, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent that this bill be recommitted to the Committee on the Public Lands for certain changes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ELEMENTARY SCHOOL PURPOSES IN PUBLIC PARKS

The Clerk called the bill (H. R. 7825) to authorize the use of certain facilities of national parks and national monuments for elementary school purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate the providing of educational opportunities for children of Government employees and other residents in the national parks and national monuments, the Secretary of the Interior is hereby authorized in his discretion to make available for elementary-school purposes therein, without charge, space in Government-owned buildings, and to permit the use, without charge, of Government-owned transportation facilities, when available without detriment to the official business of such national parks and national monuments, for conveying such children to and from schools when not conveniently accessible by public transportation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISLE ROYALE NATIONAL PARK

The Clerk called the bill (H. R. 7826) to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, or which hereafter may be allocated and made available for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Isle Royale National Park, as authorized by the act of March 3, 1931 (46 Stat. 1514), be, and the same are hereby, made a part of the said park as fully as if originally acquired for that purpose and the proviso at the end of section 1 of the said act of March 3, 1931, shall not be construed so as to prohibit the acquisition of lands in the park area with the aforesaid funds.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ARROWROCK DAM

The Clerk called the bill (H. R. 7567) to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in 20 annual installments, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purpose of avoiding an unduly high operation and maintenance assessment in any one year and to keep the operation and maintenance charges in connection with the Arrowrock Division of the Boise reclamation project within the ability of the water users to pay, the Secretary of the Interior is authorized to allow the irrigation districts of the said Arrowrock Division and the irrigation districts, ditch companies, and water users who have assumed obligations, to pay proportionate parts of the estimated cost of the operation and maintenance of the Arrowrock Reservoir, to pay the estimated cost, hereafter determined by the Secretary of the Interior, incurred during the calendar years 1936 to 1938 in the repair, resurfacing, and improvement of the Arrowrock Dam and increasing the height thereof (to provide additional capacity to offset past and, to some extent, future losses of capacity resulting from the deposits of silt in the said reservoir) in 20 annual installments instead of requiring the payment of all of such operation and maintenance cost in 1 year as provided in section 5 of the act of Congress of August 13, 1914 (38 Stat. 686).

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

FUNDS OF CHIPPEWA INDIANS

The Clerk called the bill (H. R. 4544) to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe.

The SPEAKER pro tempore. Is there objection?

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

JURISDICTION OF COURT OF CLAIMS

The Clerk called Senate Joint Resolution 64, defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this Senate joint resolution go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SHOSHONE POWER PLANT

The Clerk called the bill (H. R. 3786) providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming.

The SPEAKER pro tempore. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object, to ask the author of the bill to explain what is planned here. I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LOSS OF TITLE TO CERTAIN INDIAN LANDS

The Clerk called the bill (H. R. 2534) to authorize the Secretary of the Interior to investigate and report on the loss of title to or the encumbrance of lands allotted to Indians.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WAPATO INDIAN IRRIGATION PROJECT, YAKIMA, WASH.

The Clerk called the next bill, S. 558, amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RED RIVER, OKLA.

The Clerk called the next bill, H. R. 3418, to extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the public-land laws of the United States be, and the same are hereby, extended to the public lands in that part of the Red River between the medial line and the south bank of the river, in Oklahoma, between the ninety-eighth

meridian and the east boundary of the territory established as Greer County by the act of May 4, 1896 (29 Stat. 113): *Provided*, That said lands shall be opened to settlement, entry, and other disposal, under the existing public-land laws of the United States, on such dates as may be fixed by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior is hereby authorized to recognize equitable claims to said lands based on settlement made prior to January 1, 1934: *And provided further*, That all homestead entries of said lands, the allowance of which was erroneous because the lands were not subject to entry, and all suspended entries and applications to make final proof, are hereby validated if otherwise regular.

With the following committee amendments:

Page 2, line 5, after the colon, strike out the conjunction "and."

Page 2, line 9, after the word "Regular", strike out the period and substitute a colon and insert the following: "*Provided further*, That patents on nonmineral entries, selections, or locations of said lands shall contain a reservation to the United States of all minerals therein, together with the right to prospect for, mine, and remove the same under applicable laws relating to such minerals: *And provided further*, That the oil and gas deposits in said land shall be disposed of in accordance with the provisions of an act entitled 'An act to permit the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain', of February 25, 1920 (41 Stat. 437), as amended."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PARKS

The Clerk called the next bill, H. R. 6350, to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HABEAS CORPUS PROCEEDINGS

The Clerk called the next bill, H. R. 6178, to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsections (a) and (b) of section 6 of the act of February 13, 1925, entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes" (43 Stat. 940, U. S. C., title 28, sec. 452 and sec. 463, subsecs. (a) and (b)), be, and they are hereby, amended to read as follows:

"(a) In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had: *Provided, however*, That there shall be no right of appeal from such order in any habeas corpus proceeding to test the validity of a warrant of removal issued pursuant to the provisions of section 1014 of the Revised Statutes (U. S. C., title 18, sec. 591) or the detention pending removal proceedings. A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district. The order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

"(b) In such a proceeding in the District Court of the United States for the District of Columbia, or before a justice thereof, the final order shall be subject to review on appeal, by the United States Court of Appeals for the District of Columbia: *Provided, however*, That there shall be no right of appeal from such order in any habeas corpus proceeding to test the validity of a warrant of removal issued pursuant to the provisions of section 1014 of the Revised Statutes (U. S. C., title 18, sec. 591) or the detention pending removal proceedings."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

The Clerk called the next bill, H. R. 8014, to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BOREN. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill, S. 2940, for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That any statistical information furnished in confidence to the Bureau of Foreign and Domestic Commerce by individuals, corporations, and firms shall be held to be confidential, and shall be used only for the statistical purposes for which it is supplied. The Director of the Bureau of Foreign and Domestic Commerce shall not permit anyone other than the sworn employees of the Bureau to examine such individual reports, nor shall he permit any statistics of domestic commerce to be published in such manner as to reveal the identity of the individual, corporation, or firm furnishing such data.

SEC. 2. Any employee of the Bureau of Foreign and Domestic Commerce violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000 or imprisoned not exceeding 1 year, or both.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESEARCH LABORATORY

The Clerk called the next bill, S. 2789, to provide for the establishment and maintenance of a regional research laboratory for the development of industrial uses for agricultural products; the first unit to be devoted to the development of industrial uses for cotton and cotton products; additional units to be provided for the study of other crops as additional funds are provided.

Mr. McLEAN, Mr. WOLCOTT, and Mr. CHURCH objected.

DISABILITY COMPENSATION OF GOVERNMENT EMPLOYEES

The Clerk called the next bill, H. R. 1547, to amend section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, be, and the same hereby is, amended to read as follows:

"SEC. 42. That the President may, from time to time, transfer the administration of this act so far as employees of the Panama Canal and of the Panama Railroad Co. are concerned to the Governor of the Panama Canal, and so far as employees of the Alaska Railroad are concerned to the general manager of the Alaska Railroad, in which cases the words 'Commission' and 'its' wherever they appear in this act shall, so far as necessary to give effect to such transfer, be read, 'Governor of the Panama Canal' or 'the general manager of the Alaska Railroad', as the case may be, and 'his'; and the expenses of medical examinations under sections 21 and 22, and the reasonable traveling and other expenses and loss of wages payable to employees under section 21, shall be paid out of appropriations for the Panama Canal or for the Alaska Railroad, or out of funds of the Panama Railroad, as the case may be, instead of out of appropriations for the work of the Commission.

"In the case of compensation to employees of the Panama Canal or of the Panama Railroad Co. for temporary disability, either total or partial, the President may authorize the Governor of the Panama Canal to waive, at his discretion, the making of the claim required by section 18. In the case of alien employees of the Panama Canal or of the Panama Railroad Co., or of any class or classes of them, the President may remove or modify the minimum limit established by section 6 on the monthly compensation for disability and the minimum limit established by clause (K) of section 10 on the monthly pay on which death compensation is to be computed. The President may authorize the Governor of the Panama Canal and the general manager of the Alaska Railroad to pay the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section 9 and the transportation and burial expenses provided by sections 9 and 11, out of the appropriations for the Panama Canal and for the Alaska Railroad, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

"In the cases of injuries to employees of the Alaska Railroad the medical examinations under sections 24 and 22 hereof shall be conducted by medical officers or physicians other than those in the employ of the Alaska Railroad.

"The transfer by the President of the administration of this act so far as the employees of the Alaska Railroad are concerned to the general manager of the Alaska Railroad shall not divest the United States Employees' Compensation Commission of jurisdiction hereunder, and any claimant shall have the right of appeal from the decision of the general manager of the Alaska Railroad to the United States Employees' Compensation Commission, and the Commission shall, upon such appeal, and may at any time, on its own motion, review the decision of the general manager of the Alaska Railroad, and in accordance with the facts found on such review, may proceed as provided in section 37 hereof. The United States Employees' Compensation Commission shall provide the form and manner of taking such appeals."

With the following committee amendment:

Strike out all of lines 14, 15, 16, and 17.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUSINESS TAX IN ALASKA

The Clerk called the next bill, H. R. 7553, to amend the laws of Alaska imposing taxes for carrying on business and trade.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the paragraph of section 460, chapter 44, title II, of the act approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District" (30 Stat. 1336), as amended by the act approved June 6, 1900, entitled "An act making further provisions for a civil government for Alaska, and for other purposes" (31 Stat. 330), which reads as follows:

"Electric-light plants, furnishing light or power for sale, $300 per annum."

is hereby amended to read as follows:

"Electric-light plants furnishing light and power for sale: Doing a business of $100,000 per annum, $500 per annum; doing a business of $75,000 per annum, $375 per annum; doing a business of $50,000 per annum, $250 per annum; doing a business of $25,000 per annum, $125 per annum; doing a business of $10,000 per annum, $50 per annum; doing a business of under $10,000 per annum, $25 per annum; doing a business of under $4,000 per annum, $10 per annum."

With the following committee amendment:

Page 2, line 12, strike out the period, insert a colon in lieu thereof, and after the colon the following: "*Provided*, That plants operated by municipal corporations, by cooperative societies, or eleemosynary institutions shall be required to pay only $10 per annum irrespective of the amount of business done."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATON OF FOURTH-CLASS POSTMASTERS

The Clerk called the next bill, H. R. 2890, fixing annual compensation for postmasters of the fourth class.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRINTING OF ILLUSTRATIONS OF UNITED STATES AND FOREIGN STAMPS FOR PHILATELIC PURPOSES

The Clerk called the next bill, H. R. 8235, to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BOREN. Mr. Speaker, I ask unanimous consent that the bill S. 2550 may be considered in lieu of the House bill. The Senate bill is similar to the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Postmaster General shall prepare, in such form and at such times as he shall deem advisable, and, upon his request, the Public Printer shall print as a public document to be sold by the Superintendent of Documents, illustrations in black and white of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to such stamps as the Postmaster General may deem suitable: *Provided*, That notwithstanding the provisions of section 52 of the act of January 12, 1895 (U. S. C., 1934 ed., title 44, sec. 58), stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section shall not be sold or otherwise disposed of but shall remain the property of the United States: *And provided further*, That notwithstanding the provisions of section 7 of the Copyright Act of March 4, 1909 (U. S. C., 1934 ed., title 17, sec. 7), or any other provision of law, copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publication authorized by this section.

SEC. 2. The act of March 3, 1923 (U. S. C., 1934 ed., title 18, sec. 350), is amended to read as follows: "That (a) nothing in sections 161, 172, and 220 of the Criminal Code, as amended, or in any other provision of law, shall be construed to forbid or prevent the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black-and-white illustrations of—

"(1) foreign revenue stamps if from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps;

"(2) foreign postage stamps; or

"(3) such portion of the border of a stamp of the United States as may be necessary to show minor distinctive features of the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated.

"(b) Notwithstanding any other provision of law, the Secretary of the Treasury, subject to the approval of the President, may, upon finding that no hindrance to the suppression of counterfeiting and no tendency to bring into disrepute any obligation or other security of the United States will result, by regulations, permit, to the extent and under such conditions as he may deem appropriate, the printing, publishing, or importation, or the making, or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black-and-white illustrations of canceled or uncanceled United States postage stamps. The Secretary, subject to the approval of the President, may amend or repeal such regulations at any time. Such regulations, and any amendment or repeal thereof, shall become effective upon publication thereof in the Federal Register or upon such date as may be specified therein if later than the date of publication. All findings of fact made hereunder shall be final and conclusive and shall not be subject to review."

SEC. 3. Section 147 of the Criminal Code is hereby amended by striking out the period at the end thereof and adding a comma and the following: "and canceled United States stamps."

SEC. 4. Section 172 of the Criminal Code is hereby amended by the addition of the following new paragraph at the end thereof:

"Except as to counterfeits, material, and apparatus referred to in the preceding paragraph, all articles and devices and any other thing whatsoever made, possessed, or in any manner used in violation of any of the provisions of chapter 7 or sections 205, 218, 219, or 220 of chapter 8 of the Criminal Code, or the act of August 26, 1935 (U. S. C., 1934 ed., title 18, ch. 7, and secs. 328, 347, 348, 349, and 349a, ch. 8), as amended, or in respect of which a violation of any such provision has occurred, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of such articles, devices, or other things, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such articles, devices, or other things, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department shall be fined not more than $100 or imprisoned not more than 1 year, or both. Whenever any person interested in any article, device, or other thing, or material or apparatus seized under this paragraph files with the Secretary of the Treasury, before the disposition thereof, a petition for the remission or mitigation of such forfeiture, the Secretary of the Treasury, if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or the mitigation of such forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8235) was laid on the table.

CONVEYANCE OF CERTAIN LAND TO KETCHIKAN, ALASKA

The Clerk called the next bill, H. R. 7259, to authorize the conveyance by the United States to the city of Ketchikan, Alaska, of a certain tract of land in the town site of Ketchikan, Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Ketchikan in the Territory of Alaska, for school purposes, all right, title, and interest of the United States in and to the tract described on the plat of survey of the town site of Ketchikan as Courthouse Reserve in block 13.

With the following committee amendment:

Page 1, line 3, after the word "that", insert "upon the completion of the new Federal building now under construction at Ketchikan, Alaska."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING AN ACT MAKING PROVISION FOR A CIVIL GOVERNMENT FOR ALASKA

The Clerk called the next bill, H. R. 7778, to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Alaska will just explain what this bill does?

Mr. DIMOND. Mr. Speaker, under existing law the mining of land for gold and other precious metals between low tide and high tide on the shores of the Bering Sea is permitted under such regulations as may be prescribed by the Secretary of War.

This bill seeks to extend to all of the shore line of Alaska those provisions of law permitting mining between high- and low-tide lines, which now exist only with reference to the shores of the Bering Sea. The point is that some gentlemen in Alaska think they can work some other part of the tidelands between low and high tide if they may be permitted to do so. Both the Interior Department and the War Department have recommended that the whole matter be placed under the jurisdiction of the Secretary of the Interior rather than the Secretary of War. Under present law the Secretary of War has supervision of whatever mining is done on the tidelands of Bering Sea.

In the early days of gold mining in Alaska valuable deposits of gold-bearing sands were found on the beach of Seward Peninsula, washed by the waters of Bering Sea, between the low- and high-tide lines of that sea. Since a mining claim located on the upland did not under the law extend below the line of mean high tide on the beach, there was no way in which a miner could secure a legal right to mine the gold-bearing sands and gravels between the lines of high and low tide. The privilege of mining those tidelands was a valuable one, and it seemed highly advisable that some way be found to permit the mining of such gold-bearing ground. Accordingly, the act of June 6, 1900, contains the existing provision which permits the exploration and mining for gold and other precious metals by citizens of the United States or persons who have legally declared their intentions to become such, of "all land and shoal water between low and mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States," under such general rules and regulations as the Secretary of War should prescribe, for the preservation of order and the protection of the interests of commerce.

From the year 1900 until the present time a portion of the tidelands of Bering Sea have been worked each year. In fact, as I now recall, one of the operators on the Bering Sea tidelands was reported to have had a clean-up of upward of $70,000 last spring. So far as I am aware, there has been no objection to the working and mining of the tidelands of Bering Sea. The work has not resulted in any interference with commerce or navigation.

It will be noted, however, that the benefits of the provisions of the act of June 6, 1900, to which I have just referred, were confined to the Bering Sea area only and did not extend to the remainder of the tidelands in Alaska, perhaps 10,000 miles or more in extent. Now it is suggested that the tidelands of Alaska which front on the Pacific Ocean or some of the numerous bays and inlets thereof, may be profitably worked and, therefore, it is desired to have some way provided by law by which the mining operations on those beaches may be carried on. It is to be remembered that this proposed legislation affects only the land between low and mean high tide and does not at all affect the upland.

The report on the bill will show that it has the approval of the Secretary of War, the Secretary of the Interior, and that no objection to its enactment has been offered by the Bureau of the Budget. The bill, in fact, provides only for a geographical extension of a provision of law which had been enforced since June 6, 1900, and which has been found workable and entirely satisfactory.

Mr. MARTIN of Massachusetts. This transfers it to the jurisdiction of the War Department?

Mr. DIMOND. From the War Department to the Interior Department, because the Interior Department has general supervision of all mining lands in Alaska as well as in the United States which are on the public domain.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 321), is amended to read as follows:

"SEC. 26. The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the Territory of Alaska: *Provided*, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water between low and mean high tide on the shores, bays, and inlets of Alaska, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals by citizens of the United States, or persons who have legally declared their intention to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of War authorizing any person or persons, corporation, or company, to excavate or mine under any of said waters below low tide, and if such exclusive permit has been granted it is hereby revoked and declared null and void; but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of the interests of commerce; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation, and the reservation of a roadway 60 feet wide under the tenth section of the act of May 14, 1898, entitled 'An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes', shall not apply to mineral lands or town sites."

With the following committee amendment:

Page 2, line 15, strike out "War" and insert "the Interior."
Page 2, line 23, strike out "War" and insert "the Interior."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PUBLIC-UTILITY DISTRICTS IN ALASKA TO INCUR BONDED INDEBTEDNESS

The Clerk called the next bill, H. R. 7827, to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That public-utility districts in the Territory of Alaska, organized under the laws of said Territory, are hereby authorized to construct, improve, extend, better, repair, reconstruct, acquire, and operate any and all types of public utilities and improvements under and in accordance with and to the full extent provided by the laws of said Territory relating to public-utility districts in said Territory, and to incur bonded indebtedness and to issue negotiable bonds for any or all of said purposes: *Provided, however*, That no public utility district shall incur bonded indebtedness or issue its negotiable bonds under this act to an amount which shall exceed 10 percent of the aggregate value of the real and personal property within such public-utility district subject to taxation by such district.

SEC. 2. No bonded indebtedness shall be incurred by any public-utility district in the Territory of Alaska unless the proposal to incur such indebtedness be first submitted to the qualified electors of such district whose names appear on the last tax-assessment roll or record of such district for purposes of district taxation, at an election called for such purpose, and not less than 65 percent of the votes cast at such election shall be in favor thereof. Not less than 20 days' notice of any such election shall be given by posting notices of the same in three conspicuous places within the district, one of which shall be posted at the front door of the United States post office therein, if there be a United States post office within such district. The registration for such election, the manner of conducting the same, the form of ballot, and the canvass of the returns shall be prescribed by the governing body of such district.

SEC. 3. Bonds issued pursuant to this act shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times not exceeding 30 years from the date thereof, may be payable at such place or places, may be sold at public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest or principal only, and may be executed by such officers and in such manner as shall be prescribed by the governing body of the district issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate to be fixed by the governing body of the district issuing the same, not to exceed, however, 6 percent per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest.

SEC. 4. It shall be the duty of the governing body of every district which incurs such bonded indebtedness to levy or cause to be levied each year during the life of such outstanding bonds taxes in amounts sufficient seasonably to provide for payment and to pay all interest on and the principal of such obligations as they respectively accrue and mature.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and the limitations imposed hereby shall not affect the powers conferred by any other law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERECTION OF TERMINAL MARKER FOR JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the next bill, S. 1468, authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I want to compliment the gentleman from Illinois, chairman of the Library Committee, for his tenacity in bringing this bill up at each session of the Congress. To my knowledge it has been objected to and stricken from this calendar on an average of once a year for the last 5 years. I understand there is some question about the way this bill was reported out of the Library Committee. The inference has been the gentleman from Illinois reported the bill out without notification to committee members or without committee meeting. I really think, if the Committee on the Library had met and considered the action that was taken by the House in respect to this bill on several occasions, it would have hesitated to report the bill.

This is a very embarrassing bill and many of us have had to take a great deal of criticism because of it, but I want to now, without making further explanation, give notice to the Library Committee that as long as I am on the Consent Calendar committee, and as long as this bill appears on the Consent Calendar, I will constantly object to it for the reasons I have been giving over a period of 5 years.

For the reasons I have so often given, I object to the bill.

BRIDGE ACROSS RED RIVER OF THE NORTH AT OR NEAR NIELSVILLE, MINN.

The Clerk called the next bill, H. R. 8623, a bill authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, reserving the right to object, may I ask the author of the bill if it supplants some bridge now existing or does it come in competition with a bridge that is there now?

Mr. BUCKLER of Minnesota. No. This is a new bridge across the Red River of the North. Each county, one in North Dakota and one in Minnesota, will pay for it, and we want the authorization or the right to build the bridge over the river.

Mr. DONDERO. It does not destroy an existing bridge?

Mr. BUCKLER of Minnesota. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, westerly of Nielsville, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH BETWEEN CALEDONIA, N. DAK., AND SHELLY, MINN.

The Clerk called the next bill, H. R. 8409, authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, reserving the right to object, may I ask the author of this bill whether or not this is a similar bill to the one just passed?

Mr. LEMKE. Mr. Speaker, this is a similar bill and provides for a bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.

Mr. DONDERO. It does not come in competition with any existing bridge?

Mr. LEMKE. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., be, and are hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, between Caledonia, N. Dak., and Shelly, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SESSION LAWS OF HAWAII

The Clerk called the next bill, H. R. 8403, to ratify and confirm Act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Act 23 of the Session Laws of Hawaii, 1937, amending section 17 of Act 174 of the Session Laws of Hawaii, 1935, so as to extend the time within which revenue bonds may be issued and delivered under said Act 174 is hereby ratified and confirmed and revenue bonds may be issued under and pursuant to the provisions of said Act 174 of the Session Laws of Hawaii, 1935, as amended by said Act 23, without the approval of the President of the United States and without the incurring of an indebtedness within the meaning of the Hawaiian Organic Act, and said Act 174, as amended by said Act 23, shall constitute full authority for the issuance of said bonds without reference to and independent of the Hawaiian Organic Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AIRPORTS, TERRITORY OF HAWAII

The Clerk called the next bill, H. R. 8404, to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any provision of the Hawaiian Organic Act to the contrary notwithstanding, the Governor of Hawaii, with the approval of the commissioner of public lands of the Territory of Hawaii and the Territorial Land Board, is hereby authorized to convey to the Hawaiian Commercial & Sugar Co., Ltd., the present Maalaea Airport on the island of Maui, comprising an area of approximately 111.9 acres and an appraised value of $13,425, in part payment for a conveyance to the Territory of Hawaii, by said Hawaiian Commercial & Sugar Co., Ltd., of an area approximately 300.71 acres and an appraised value of $30,017.75, situated at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHIPPEWA INDIAN LANDS, MINNESOTA

The Clerk called the next bill, H. R. 8432, to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes.

Mr. WOLCOTT. Mr. Speaker, we have not had time to consider this bill and the next bill, and for that reason I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FOREIGN DIPLOMATIC AND CONSULAR OFFICERS IN THE DISTRICT OF COLUMBIA

The Clerk called the next resolution, Senate Joint Resolution 191, to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

Mr. FISH. Mr. Speaker, I object.

The SPEAKER pro tempore. This completes the consideration of the Consent Calendar.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CUSTODIAL SERVICE, POST OFFICE DEPARTMENT (H. DOC. NO. 480)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 7415, Seventy-fifth Congress, entitled "An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department."

The bill fixes the hourly pay of charmen and charwomen employed on a part-time basis in the Post Office Department at 55 cents and of head charmen and head charwomen at 60 cents. These part-time employees are covered by a proviso under grade 2 of the custodial service under the Classification Act. In the original Classification Act, effective July 1, 1924, the hourly pay rates were 40 cents and 45 cents, respectively. Effective July 1, 1928, the rates were raised to 45 cents and 50 cents, respectively; and on July 3, 1930, they were raised to 50 cents and 55 cents, respectively. This is the only class of employees covered by the Classification Act for whom there is a fixed, single, minimum-maximum rate of pay.

The enrolled bill is fundamentally objectionable on three counts:

First. Because it requires an increase in the rate of pay of the char force in one branch of the Government service without applying the same increase to the char force in other branches of the service.

Second. Because it requires the payment to charmen and charwomen in compensation for their services a rate of pay which, upon a per annum basis, exceeds the average rate as fixed by law for all other employees in this same grade. The average of the rates of pay for full-time work is $1,230, whereas upon the same full-time basis the rates of pay for charmen and charwomen in the Post Office Department would be fixed by this bill at $1,258, and the rates of head charmen and charwomen in that Department would be fixed at $1,372.

Third. Because it requires the payment of an increased rate of pay for one class of employees in one grade under the Classification Act without taking into consideration the effect of such increase upon the rates of pay for other grades under the act. For example, the average rate of pay for full-time employees in grade 1 of the subprofessional service is $1,200, as compared with the char force rates of pay under the enrolled bill, if computed upon a full-time basis, of $1,258 for charmen and charwomen and $1,372 for head charmen and head charwomen.

I deeply regret the necessity for withholding my approval of a measure which would provide increased compensation for a low paid class of employees; but I do not feel, for the

reasons which I have set forth, that I would be justified in taking different action with respect to a bill that would give preferential treatment to any single group of employees.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 17, 1938.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. MEAD. Mr. Speaker, I move that the bill and message be referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

NAVY DEPARTMENT APPROPRIATION BILL, 1939

Mr. UMSTEAD, from the Committee on Appropriations, reported the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1699), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. DITTER. Mr. Speaker, I reserve all points of order on the bill.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made today with reference to the bill (H. R. 7778) to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government of Alaska, and for other purposes," approved June 6, 1900.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mrs. HONEYMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio address delivered by me at Portland, Oreg.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an excerpt from a resolution adopted by the Central Labor Council of Long Beach, Calif.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at the point where two other Members and I objected to the present consideration of the bill (H. R. 7487) to establish the San Juan National Monument, P. R., and for other purposes, in order that I may explain why it would be most unfortunate to pass this bill. Its passage would seriously and adversely affect our military defenses in Puerto Rico.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMERCIAL RELATIONS WITH JAPAN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the Clerk may read a resolution which I send to the desk.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

House joint resolution directing the President of the United States to suspend commercial relations with the Empire of Japan during the occupation of Chinese territory by Japanese armed troops

Resolved, etc., That the President of the United States be, and he is hereby, directed to cause to be suspended commercial relations with the Empire of Japan by prohibiting the importation into the United States from or by Japan and the exportations from the United States into the Empire of Japan of goods and merchandise of every kind and character during the occupation of Chinese territory by armed troops of the Imperial Government of Japan.

Mr. RICH. Mr. Speaker and Members of the House, I am introducing this resolution because I am reliably informed by reading an article in the Indian Witness by E. Stanley Jones, probably one of the best-known American missionaries now serving in Asia, a man of ability and power, a man who is interested in men and their future salvation, a man who is interested more in happiness and contentment than in making American dollars; one who is interested in saving the lives of men rather than wounding, persecuting, and executing them; a man who knows the condition in Asia as well as any American probably could know it. Stanley Jones says:

> The objection has been raised that when we ask for economical withdrawal we play into the hands of the militarists in Japan. My answer is that when we trade with Japan we not merely play into the hands of the militarists, we actually strengthen those hands, put guns in them, and thus help in the subjugation of China. We become part and parcel of that invasion. Our hands that buy and sell are stained with blood of Chinese. Sixty-five percent of the export trade of Japan goes to Great Britain and America, so the major responsibility for the support of this war lies on these two countries. If they withdraw their economic support of this war, then it collapses.

Mr. Speaker, this is the reason for this resolution; I want to see this war collapse; I want peace; and we can forego any commerce we lose, any dollars that get away from us, if we can stop war.

The key to the stopping of this war is in the hands of Britain and America, Mr. Speaker and Members of the House; let us do our part and adopt the resolution. Mr. Speaker, Japan now wants to float a loan of $50,000,000 in this country to buy our merchandise. Do not let any of our people loan them the money, and I hope our Government will not assist in any way in granting such a loan at this time to Japan. Let us be for peace, and let us show by our action that we mean it. Actions speak louder than words. Adopt the resolution and let us have peace—peace all over the world.

[Here the gavel fell.]

CORRECTION

Mr. SHAFER of Michigan. Mr. Speaker, on page 830 of the RECORD of January 15, at the conclusion of a statement on an amendment which I offered to the Treasury-Post Office appropriation bill, a vote is recorded in the RECORD as ayes 3, noes 42. If I recall correctly, the figures should have been ayes 33, noes 42. I ask unanimous consent that the RECORD may be corrected accordingly.

The SPEAKER. The request propounded by the gentleman from Michigan involves a matter of the integrity of the RECORD in the Committee of the Whole House on the state of the Union. Will the gentleman kindly withhold his request until the Chair can investigate the matter?

Mr. SHAFER of Michigan. Yes, Mr. Speaker.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1939

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8947, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will resume the reading of the bill for amendment.

The Clerk read as follows:

Expenses, Silver Purchase and Gold Reserve Acts: For salaries and expenses in the Bureau of the Mint and the mints and assay offices in connection with carrying out the provisions of the Gold Reserve Act of 1934 and the Silver Purchase Act of 1934, and any Executive orders, proclamations, and regulations issued thereunder, including not to exceed $67,500 for personal services in the District of Columbia, supplies and materials, travel, printing, rent, equipment, and miscellaneous expenses, $750,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 41, lines 6 and 7, strike out "and the Silver Purchase Act of 1934"; and in line 11 strike out "$750,000" and insert in lieu thereof "$632,000."

Mr. TABER. This is another amendment offered and designed to wipe out appropriations for the carrying out of the Silver Purchase Act of 1934.

We have told the story before. On Saturday afternoon I told it time and again. This means a saving to the Government of the United States of $150,000,000 a year.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITE of Idaho. By what chain of reasoning does the gentleman state that this will make a saving to the Government of the United States when the Government is making 100 percent on the purchase of this silver?

Mr. TABER. The gentleman does not understand what he is talking about.

Mr. WHITE of Idaho. I will make that clear to the gentleman when I have my own time on the floor here.

Mr. TABER. We are paying 64 cents an ounce for something that without the operation of this act would produce only 18 or 20 cents. We are piling into the Treasury a great lot of silver which we are valuing on the books of the Treasury at $1.29 an ounce when it is worth 18 or 20 cents an ounce in the open market, without any subsidy. How anybody with any use of his mental processes could arrive at the conclusion the Government is making a profit out of this kind of operation or by keeping the books of the Treasury by act of Congress in this particular way, I cannot understand.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield further?

Mr. TABER. And if anybody else can, they have never told us.

Mr. WHITE of Idaho. The gentleman is perfectly willing to accept silver certificates for his pay that are issued on the basis of $1.29 an ounce, redeemable in silver purchased by the Government at 64 cents an ounce. These silver certificates have the same purchasing power as any other dollar of the United States.

Mr. TABER. No; I am not. They are nothing but a promise to pay of the Government. They are legal tender, and there is no way of refusing them.

Mr. WHITE of Idaho. Is a Federal Reserve note any different?

Mr. TABER. That is different, because that is backed by something, while these silver certificates are only backed by something that is worth $1.29 an ounce by Government legislation, and therefore you are taking a long chance when you take these silver certificates, especially if we should go on piling up a bunch of these outstanding silver certificates which are good to pay taxes and which the Government must receive for that purpose. Why we should keep on doing this is beyond any kind of honest thinking or reasoning, and I hope the committee will adopt this amendment and stop this notorious racket which is costing the Government $150,000,000 a year.

Mr. WHITE of Idaho. Let me remind the gentleman——

Mr. TABER. I do not yield to the gentleman now.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I rise in opposition to the amendment.

If any of you gentlemen think I am going to put up the competition this morning that I did on Saturday with the gentleman from New York, I am sorry to have to disappoint you. He seems to get kind of rabid whenever this silver question is mentioned and I would not undertake to run competition with him along that line.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. MURDOCK of Utah. Is there any program that is beneficial to the West on which the gentleman from New York does not get rabid?

Mr. MARTIN of Colorado. Not that I have heard of in the last 5 years, especially silver and reclamation.

The gentleman has repeated this morning the statement he made on Saturday, and it is apparently useless to tell him that instead of this silver only being worth 18 to 20 cents an ounce without this legislation, it is worth 45 cents an ounce in the world market, even after the expiration of the London agreement under which this Government was buying world silver.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield again?

Mr. MARTIN of Colorado. Yes.

Mr. MURDOCK of Utah. Is not the gentleman from New York referring to the Hoover administration when silver, in 1932, was worth 27 cents an ounce, and that is the only time it has been that low?

Mr. MARTIN of Colorado. I think that must be it. The gentleman has not gotten any closer down to date than that, not only on silver but on everything else. He has repeated this morning that this silver legislation costs $150,000,000 a year, when the total of domestic silver purchased is only 63,000,000 ounces a year, and at 65 cents an ounce this would only amount to a little over $40,000,000 instead of $150,000,000, even if the silver was absolutely worthless.

When the gentleman from New York and others like-minded talk about the great cost of the Silver Purchase Act to the Treasury of the United States, they must have in mind the silver purchase totals in the Treasury table at page 13 of the hearings before the subcommittee on the appropriations on this bill. That table gives totals including purchases under the London agreement, which is now dead. It is true that according to that table, when the act went into effect on June 19, 1934, there was only 454,000,000 ounces in silver bullion held in the Treasury, which had increased to 1,819,000,000 as of October 31, 1937, the date of the statement, showing an increase of 1,365,000,000 ounces of silver. But they err if they charge this increase to the production of domestically mined silver during that 3½ years. This total in the table includes silver from all sources, some of it bought from India, Spain, Mexico, and other countries under the London agreement, some of it acquired by the payment of foreign debts to the United States in silver, as provided in the Silver Purchase Act, and some of it bought on the world market for the purpose of stabilizing the price of silver.

Now, I have not the figures at hand as to the quantity of domestically mined silver purchased by the Treasury since June 19, 1934, but perhaps the 1937 figures will give us a fair average, 63,000,000 ounces. In 3½ years the Treasury will have purchased, in round numbers, 221,000,000 ounces, which at 70 cents, which is about the mean price, would have amounted to $155,000,000. So we see the total purchase program of domestic silver in 3½ years would only be $155,000,000. Now it must be borne in mind that during the time the Treasury was paying 70 cents an ounce for this 221,000,000 ounces of domestically mined silver, the world market price was 45 cents an ounce, leaving a subsidy of only 25 cents, which, on the total purchase, would amount to only $55,000,000.

When it is borne in mind that this comparatively small sum is all that domestic-silver purchase has cost the Government since the passage of the act, and that the Government has accumulated as seigniorage in the Treasury a like quantity of silver which cost it nothing, and that silver certificates have been issued to the amount of $1,400,000,000 against the purchased silver, both foreign and domestic, and the seigniorage, which volume of circulating medium costs the Treasury nothing, we begin to see why, of all the Govern-

ment's recovery expenditures in the last 5 years, the silver program has been the least burdensome to the Treasury and the most beneficial to the monetary system of the country.

The Director of the Budget and the Secretary of the Treasury testified before the committee, but apparently it was wasted on the gentleman from New York, that the silver program was not disturbing the budgetary estimates one cent, and that this program was self-financing. Let me again read you what the Director of the Budget and the Secretary of the Treasury said to the Committee on Appropriations. Mr. TABER asked:

What funds do you use to buy silver?

Mr. BELL. We use regular Treasury Department funds to purchase silver in the first instance, but gradually those funds are replaced by silver certificates which go to the Federal Reserve bank and the Government gets credit for them.

Mr. LUDLOW. Is the silver-purchase program affecting the budgetary estimates adversely?

Secretary MORGENTHAU. No.

So there their whole argument is disposed of.

Mr. TABER. Is it not a fact that the reason it does not affect the Budget adversely is because of the statute which requires the Secretary of the Treasury to carry those silver certificates at $1.29 as an asset, which is a false figure?

Mr. MARTIN of Colorado. The reason it does not affect the Budget is because this silver purchase is self-financing and is paid for in the first place by the silver itself and in the second place is only redeemable by itself. It is the only currency in circulation that has any redemption metal behind it. And, as I have pointed out repeatedly, these $1,400,000,000 of silver certificates in circulation save the taxpayer $42,000,000 a year in interest, as contrasted with forms of money, Federal Reserve notes, supported and sustained by 3-percent Government bonds. How can you blink the fact that if these certificates were not in circulation we must have instead Federal Reserve notes based on bonds?

Mr. CASE of South Dakota. Does the gentleman know of any other program that puts men to work in noncompetitive industry other than the silver and gold programs, without cost to the Government?

Mr. MARTIN of Colorado. I do not. I do not know of any aid being given by the Government to any branch of industry which brings in so great return for so little outlay as the mere pittance—and that is all it is—for silver, contrasted with what we are doing up in the billions in other directions. It amounts to only 20 cents an ounce on 63,000,000 ounces of silver, $12,600,000 a year.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. WHITE of Idaho. Mr. Chairman, I move to strike out the last word. The opponents of silver are using a number of excuses to oppose the silver-purchasing program of the administration. They say that the silver owned by the Government is useless, that the purchase of the metal is a waste of the taxpayers' money and a needless burden on the people to pay a subsidy to the silver miners, when, as a matter of fact, what they are interested in is the collection of interest and the loss of interest payments to the bankers on the large volume of interest-free silver certificates in circulation. As I stated Saturday, this is the only monetary policy of the Federal Government on which the people of the United States are making a profit. There is now in the vaults of the Treasury a billion and a third dollars in silver and every dollar of that silver is in use as money. What these gentlemen who are opposing the administration's silver-purchase program are attempting to do is fasten a bigger interest load on the American people, which they would accomplish by discarding the interest-free silver certificate currency and replacing it with interest-yielding Federal Reserve notes. Because the silver certificates are paid out by the Treasury in buying silver bullion and in paying bills in meeting the running expenses of the Government and are now circulating in the channels of trade and business interest free, while the Federal Reserve notes which our Republican friends would circulate in place of this money must be supported as long as they circulate by interest-bearing obligations termed "eligible paper."

If our Republican friends are successful in retiring the billion and a third of silver certificates now in circulation and replacing them with Federal Reserve notes, and we compute the interest at the rate of 3 percent, which is the interest on the supporting obligations required as backing for Federal Reserve notes, the business of this country would be required to pay $40,000,000 a year in interest to keep this new money in circulation. Is it any wonder that the bankers and their representatives are fighting silver? Is not a $40,000,000-a-year interest income something to fight for and a sizable interest load to saddle on the people of this country?

Our Republican friends love to talk of balancing the Budget and we are hearing about that all the time from the Republican side of the House. The gentleman contends he wants to balance the Budget and yet when it comes to the only program on which the Government is making money to pay its expenses by buying silver at 64.5 cents an ounce and doubling the money by turning out silver certificates redeemable in silver dollars at $1.29½ per ounce, our Republican friend from New York [Mr. TABER], with the support of his Republican colleagues, is moving heaven and earth to knock out this large source of cash income to the Federal Treasury and the increased profits of business from which our income tax is derived all along the line.

Some of these so-called economists object to silver because it is a rigid element in our currency system; well, I thank God that there is something rigid and stable in our monetary system so that in times of depression and distress there is cash somewhere to be had to save a little part of our accumulations as a protection for old age.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. Yes.

Mr. TABER. If potatoes were selling for 50 cents a bushel, and the Government decided that it should buy a lot and put them in the Treasury and issued certificates against them on the basis of a dollar a bushel would that make the potatoes worth any more than 50 cents?

Mr. WHITE of Idaho. I think that would be unfair to the potato growers of the country, but that is in line with what we are doing to the silver miners. We are making the silver miners dig out the money to pay the running expenses of this Congress, and if the gentleman will go to the Sergeant at Arms or a Senator go to the disbursing office and cash a check, he will find that the dollars he gets from those offices, which are almost exclusively silver certificates, have the same purchasing power as any other dollar in the United States.

Mr. CASE of South Dakota. And does not the gentleman also think that potatoes put in storage for a while would not be worth very much if money is issued against them, whereas silver always has a value?

Mr. WHITE of Idaho. I think the gentleman is entirely correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. LUDLOW. Mr. Chairman, I wish to make a few observations in opposition to the amendment.

Mr. Chairman, this is the same question that was presented several times on Saturday and passed on by the House. It is simply the question whether we shall repeal a law of Congress by indirection through depriving to the department charged with its enforcement all appropriations to carry it out. It is a most extraordinary sort of amendment. The power to execute this law is not discretionary with the Treasury, but under the Silver Purchase Act of 1934 it is mandatory; and if we take away from the Secretary the funds to carry out this act we shall find ourselves in the anomalous situation of having on the statute books a mandatory law which cannot be carried out.

The question at issue here is not the merits or the demerits of the Silver Purchase Act. That is not involved at all, although there has been a great deal of extraneous argument on its merits and demerits; the real question at issue is whether, with a mandatory law on the statute books, the department charged with its enforcement shall be deprived of the necessary funds and personnel to execute it.

Mr. MURDOCK of Utah. Mr. Chairman, those are the tactics of the gentleman from New York; he would resort to any way, fair or foul, to destroy any program that is beneficial to the Western States.

Mr. LUDLOW. I cannot agree with my friend from Utah. I think that the gentleman from New York on appropriation matters, so far as I have been associated with him, is very fair.

Mr. MURDOCK of Utah. Does the gentleman approve of this hitting under the belt that he complains of simply because it comes from the gentleman from New York?

Mr. LUDLOW. As I have indicated, I think the gentleman from New York is actuated by sincere motives, although I cannot always support him.

Mr. THOMASON of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the distinguished chairman of the Subcommittee on Appropriations sounded the keynote in regard to this particular appropriation. It is obviously an effort to do by indirection what the gentleman from New York [Mr. TABER] seems to realize he cannot do by direction. If the silver-buying program is wrong, why does not the gentleman from New York bring in a bill to repeal the Silver Purchase Act? Let us fight it out on its merits. He knows he cannot do it.

This act about which there has been so much talk stabilized the price of silver. Another interesting fact in this connection also is that it does not cost the Government anything, as pointed out by our very able friend from Colorado [Mr. MARTIN]. I undertake to say that this Silver Purchase Act can be defended absolutely as a relief and emergency proposition on the very same basis upon which we have aided agriculture and almost all the different industries. I dare say that the able gentleman from New York has supported a great many of these bills for the relief of farm and dairy products, R. F. C. loans to big industry, H. O. L. C. loans to home owners, and farm-credit loans to farmers. He seems to forget, however, that 5 or 6 years ago practically every silver mine in the West was closed down, to the detriment and loss not only of the workers but also to the great damage of the operators and incidental loss to the communities. In addition to that, this is not a permanent program. It grew out of a terrible emergency. As I understand it, this silver-purchase program is not only sound financing but also a relief measure to try to help a declining industry and to provide employment.

I undertake to say that if the gentleman should succeed in striking out the money necessary to administer this act that it would result in several thousands of men going on the relief rolls in the mining sections of the West. These men are especially qualified for mining, and most of them know nothing else. Failure to support this act would mean the closing down of those mines and placing these men and their families on the relief rolls.

At the present time the mines of the West, nearly all of them, are in a sound condition. They are just beginning to get back on their feet. I cannot understand the argument of those who say that we should help all the industries of the country but the silver miners, silver this Government needs in carrying out a financial program; and it is costing the Government very little, if anything. Shall we, then, strike out the small appropriation necessary to administer the act and thereby make it ineffective?

I am inclined to agree with my friend, the gentleman from Utah [Mr. MURDOCK], that it is hitting a little below the belt. If the act is wrong, let us consider it on its merits and repeal it. If it is not repealed and is the law of the land, being administered by the President and the Secretary of the Treasury in a fair way, and so long as it provides real benefit through the employment of thousands of men who would otherwise be upon relief, we should supply the funds necessary to administer it.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. WHITE of Idaho. Does not the gentleman think that an increase of $1,000,000,000 in the circulating medium of this country is a good thing for the country?

Mr. THOMASON of Texas. I am not an expert on money problems. I do know, however, that a certain amount of silver is necessary to run the currency system of the Nation, and this program has the approval of our Treasury Department. Now, if the mines are run upon a fair basis, with not nearly the subsidy that is being paid to cotton, corn, wheat, rice, tobacco, and hog growers, and to many branches of industry, let us continue it; otherwise thousands will be thrown back onto relief. The Government does not suffer by this program. The mine owners and operators keep their mines running at a fair profit. They pay large taxes to their State and county governments. The workers have jobs and are happy and contented. There is no claim that the program is to become permanent. The emergency is still here, and this amendment should be defeated, as I am sure it will be. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. MURDOCK of Arizona. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

WHO SHALL CONTROL THE VALUE OF MONEY?

Mr. MURDOCK of Arizona. Mr. Chairman, today a bitter fight has been waged against the silver-purchase policy of the present Government by gentlemen from New York and Pennsylvania over on the other side of the aisle. Do they want to discontinue the use of silver in our coinage altogether or do they want to use it to a very limited extent only in such subsidiary coins as we must have? Evidently they would do away with all silver dollars, and certainly with all paper money consisting of silver certificates. We cannot use gold coins any more, and gold certificates are withdrawn from use, therefore we would be forced to resort to paper money, either of the bank-currency kind or of the governmental currency kind, such as greenbacks. Of course, I assume, they would not want to use such fiat money as greenbacks; therefore the only course these men would have left to resort to would be bank money of one kind or another. It is the age-old fight between the East and the West renewed.

No country on earth exhibits a more interesting monetary history than does the United States of America. In our coinage history there has been a great battle between the two precious metals—gold and silver—bimetallism and monometallism. In our currency history there has been a prolonged struggle between governmental currency and bank currency; that is, between greenbacks and bank notes. Of recent years there has been a rather insistent demand from certain quarters that we discard all kinds of paper money which we have used heretofore and use another kind entirely. I sincerely believe that those who are fighting silver today are playing into the hands of those who would discard bank money of all kinds and substitute another kind. Do the gentlemen from the great financial centers wish to bring that about?

Many mines in the West produce silver in connection with other metals. A fair price for the white metal marks the narrow margin of profit determining, in many cases, between the operation of the mine or the closing of it. Shall all of our silver mines be closed down? It has been suggested here on the floor today that silver is practically worthless except for the artificial price which the governmental purchase policy gives it. That I do not believe. In all lands silver has been considered as money since the day when Abraham used it to purchase a burial lot for his wife Sarah. Many more millions of human beings, since the flight of recorded

years began, have coveted the white metal than have paid homage to the yellow metal. All of Latin America, stretching away to the south of us in the New World—and that is the portion of the world with which we are destined to trade for a long future—and the teeming millions of Asia, worship at the shrine of silver. Is it good business to ignore their preference, or to try to convert them to something else?

There is a cry all over this country that Congress must take back the constitutional power to create money away from the banks, who have held it so long, and exercise it for the benefit of the business of all the people of the country. A continuation of the use of silver as heretofore, and a continuation of the present emphasis on silver, is satisfying to that demand. If we relegate silver to a minor role, that cry will increase in intensity until all bank currency and "bank money" of every kind will be done away with. In my judgment, those who favor bank money and credit money will do well to let "well enough alone," and cease their fight on silver. It is plainly evident to the American people that one commodity—gold—is not sufficient to serve as a basis for our money system. If the foes of silver insist that the two commodities—gold and silver—cannot be made to serve as the bases of the Nation's money, then we may have to turn to a money based on many commodities. That might be better, anyway. The people are unwilling to permit the sovereign power "to create money" to remain in the hands and control of bankers.

While I do not want to go to the extent of advocating "bimetallism," I do sincerely believe that the volume of our money should increase in a natural way and that a policy providing for a varying use of silver, which metal has a natural limit due to its scarcity and cost of production, will be a better natural regulator of price than could be furnished us by any banking board. The people fear control over such a vital matter as money by any board whether it be private or governmental, but more especially, if it be private. I certainly do not believe it to be a dangerous policy of inflation to continue our present silver-purchase plan. Therefore, I trust that this legislation now before us providing for that continuation will be passed and not defeated. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, I dislike to take the time of the Committee in opposing an amendment which, I think, has not the slightest chance to prevail; but I am constrained to do so by reason of the fact I would like to know what the policy of the gentleman from New York and some other gentlemen on the Republican side is with reference to the great western part of the United States. When it comes to reclamation, they are against it. When it comes to anything that will benefit our mines, they are against that. Mr. Chairman, they would rather pay interest every day in the week out of the taxpayers' money to issue bonds and buy gold at $35 an ounce, this gold being largely produced in foreign countries, than to buy the silver of the West at a profit to the Government of the United States of 100 percent on each and every ounce purchased.

The gentleman says that in purchasing silver we are creating a liability rather than an asset. Let us see if we are doing that. In order to get $1.29, the monetary value of an ounce of silver, what does the miner of the West have to do? He has to bring in two ounces of silver and deposit it with the Treasury. When he redeems his $1.29, he only gets 1 ounce of silver back. So the Government has an additional ounce of silver after redeeming every $1.29 that is issued against it.

Let us take the gentleman's figure of 20 cents an ounce, which is absurd, and did not prevail at any time, even under the Republican administration of Herbert Hoover, when it reached the low point of 27 cents. Let us assume that the Government sells its silver after redeeming the money that is issued against it at 20 cents an ounce. It is then making a profit of at least 20 cents on every 2 ounces of silver purchased.

Mr. Chairman, I desire to call the attention of the Committee to another item. We have for the past several days listened to speeches by the gentleman from New York and other Members on the Republican side against the Silver Purchase Act of 1934, which they refer to as a great subsidy to the silver-mining industry. The only way the Silver Purchase Act is involved in this present legislation is that this bill carries the appropriations necessary for the administration of the act, and the gentleman from New York and other Members on the Republican side are adopting this unfair method of attempting to scuttle the Silver Purchase Act by eliminating appropriations necessary for its administration, rather than by the direct method of introducing a bill to repeal the act.

Time and time again they have referred to what they call a subsidy to the silver-mining industry of the West, and just as often have been answered by Democrats on this side of the aisle that the Silver Purchase Act in no way provides a subsidy to the silver-mining industry; but that it provides the only method under present law of getting money into circulation, into the hands of the people, to which there is not attached an interest charge. My Democratic colleagues on this side of the aisle have time and time again, during this debate, shown conclusively the fact that under the present price of silver, established recently by the President, the Government makes a profit of 100 percent on every ounce of silver domestically produced and purchased by the Treasury. On the question of a subsidy in the case of silver, let me now point out to you the only subsidy I know of pertaining to that metal. This subsidy has to do with the manufacturing of silverware in all its forms, and we find that the only silver manufacturing in the United States, consisting of the manufacture of silver plate, sterling silver, and all other silverware for table use, for jewelry, and for decorative purposes, is located in the New England States, in New York, and in Pennsylvania.

We find that in order to subsidize the silver manufacturers of this country a high tariff prevails, running from 45 percent to 65 percent ad valorem on all foreign imports to protect the domestic markets and to maintain a high price for all silver manufactured and fabricated by the silver manufacturers of New England, New York, and Pennsylvania. We never hear the gentleman from New York or his colleague from Pennsylvania, on the Republican side, call the attention of the committee to this subsidy. This, of course, has their blessing, and if any attempt were made to eradicate it, their wailings could be heard from one end of the Capitol to the other. But we should not forget that when the western miners, the cotton growers from the South, the farmers from the Middle West, and the laborers from every other section of the United States purchase any article of silverware they must pay to the manufacturers of silverware products manufactured in New England, New York, and Pennsylvania the high prices resulting from the high protective tariffs I have spoken of. Neither should we forget that every ounce of silver that goes into the silver manufacturing business is bought at the world market price. So that if there is any subsidy to any part of the United States in connection with silver, it is the subsidy paid to the silver manufacturers of the gentleman's State of New York and New England and Pennsylvania, and not to the silver miners of the West.

On every other manufactured article from New York, Pennsylvania, and New England we find protection in the way of high tariffs, and there is no question in the mind of anyone on either side of the aisle but what tariff protection is a subsidy to the industry protected and paid out of the pockets of the taxpayers of America. I do not arise in opposition to the tariff on silverware, nor to the necessary tariff on any other American-produced article; but I do deplore the fact that whenever the West asks anything to protect its mining, its livestock, on any appropriations for reclamation, which, by the way, are always reimbursable, we can depend on the opposition of the gentleman from New York and others on the Republican side of the aisle.

The committee hearings in connection with the Silver Purchase Act are replete with statements from the Secretary of

the Treasury that the Silver Purchase Act in no way affects the budgetary policy of the administration; that it is profitable to the Treasury, and we find the Secretary of the Treasury pointing out that the entire cost to the Government in 1937 for the administration of the Silver Purchase Act amounted to $286,761; that the taxes collected on speculative profits on silver provided by the Silver Purchase Act amounted to $633,712, or a net profit to the Government of $346,951 on this tax item alone.

Mr. Chairman, the only way that the United States Government could incur a loss under the Silver Purchase Act would be for it to imprudently and unwisely commence a dumping of silver onto the world market. This, of course, will never be done. On the other hand, if the Secretary of the Treasury would follow the clear mandate of the Silver Purchase Act to continue to purchase silver until one-fourth the value of our metal monetary reserves is represented in silver, or until the price reached $1.29 an ounce, he would do more to stimulate farm prices, to bring back industry to normal production, to raise wages and the standard of living in America than any other act this Government could take.

I have only 5 minutes today to address you, and, of course, I realize the impossibility of presenting the silver issue to you at this time as it should be presented. I hope at a later date, when I can get sufficient time, to make a complete presentation of the silver question to the House of Representatives as I understand it.

Before closing let me add this one statement which cannot be denied: That the silver certificates issued in the past and now being issued under the Silver Purchase Act of 1934 are the only money in circulation today in the United States that is not created out of debt. As stated before, it is the only money in the United States today on which bankers are not collecting interest. Of course, I must assume from the statements made by the gentleman from New York opposing the Silver Purchase Act that he must be representing the interests of these great bankers who are opposed to any money being in circulation unless they are assured of their tribute in the form of interest. And I congratulate him on the splendid representation he is giving in his attempted protection of these banking interests. I am confident that this amendment will be voted down, and I am depending on my Democratic colleagues on this side of the aisle to defeat it.

[Here the gavel fell.]

GOLD AND SILVER PRICES ARE MATTERS OF COMMON WELFARE AND SHOULD NOT BE PARTISAN

Mr. CASE of South Dakota. Mr. Chairman, I take the floor because I do not want the RECORD to show that the only words spoken here in behalf of the mining West have been spoken by members of the Democratic Party. I want to assure everyone here today that the Republicans who live in States in which mining is conducted believe as thoroughly in helping mining as in helping any other industry or activity. We go further. We hold that encouragement of gold and silver mining hurts nobody, pays its way, and returns real profits to the Treasury.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that whenever a vote has been taken on any of these measures the Republicans to a man have stood up against the Silver Act?

Mr. CASE of South Dakota. That is not correct, because I have not.

Mr. WHITE of Idaho. The gentleman is the one exception.

Mr. CASE of South Dakota. I happen to be the one Republican from a mining State on the floor at this time. The point which we people who live where gold and silver is mined appreciate is that when men are put to work mining silver or gold they are not engaging in a competitive industry. When you extend and encourage the mining of silver and gold you do not have to adopt any so-called "dairy" amendments to prevent stepping on somebody's toes, because you are putting men to work in a noncompetitive industry and producing new wealth.

When the price of gold was advanced from $20.67 to $35 a great many people thought that had been done simply as an arbitrary act; but the fact is the daily quotations on gold in the London market will show that gold was already selling for more than $20.67 in the open market.

DEMAND RAISED THE PRICE OF GOLD

As a matter of fact, when we first established the embargo in this country on the shipment of gold abroad it was because of that fact. The miners of this country could send their gold to London and other countries and get more than they could at home. Gold was leaving the country. So an embargo was invoked.

The establishment of that embargo cost the mining men of the West many million dollars before the situation was corrected. Gold was selling abroad at from $28 to $30 an ounce. But our miners were forced to sell at $20.67 if they sold at all. It was an intolerable situation. Finally the Government offered to pay the world market price for newly mined gold delivered to the mint. That was all right for the company with large production, but it was tough on the little fellow who did not have mint-sized shipments. Finally, we did the natural and sensible thing and offered a price that was competitive with the London market, which was then around $33.75 and $34.50 an ounce. We offered $35.

Now, it was not any one man's idea that made gold worth that much; it was the demand for gold. And the fact is that since the United States pegged the price of gold at $35, the open or world market price on gold has, on different occasions, gone above that price when you take into consideration shipping and exchange costs.

Some of my friends talk about returning to the gold standard. Personally, I believe that when you get down to brass tacks and try to say what a dollar is worth, you will find that a dollar is still measured in a certain number of grains of gold, so that we are really on a gold standard although the goldless nations are trying to get along without gold and having a hard time of it. Look at the cabinet crisis in France today. All because they lack gold to support the franc.

Things will not be right in France or in the world until we have international monetary stabilization on a hard-money basis. And when that time comes, you will find gold is valued at not $35 an ounce but more than that.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that the law of supply and demand fixed the price of gold, and when the Government of the United States raised the price to $35 it did that to adjust its price to the world price?

Mr. CASE of South Dakota. Yes. Certainly. If we were to establish an open market in this country today the price would not go back to $20.67 an ounce—not unless the world goes mad; not unless human nature changes overnight. Oh, a country may issue money or managed currency simply on a faith basis, but what happens when that country gets into an international crisis? The only thing it can use in international exchange then is gold or silver.

Why did Japan ship $75,000,000 in gold to San Francisco some weeks ago? So she could get war supplies, of course. Who would sell to her on scrip or paper yen?

HARD MONEY SPEAKS INTERNATIONAL LANGUAGE

King Tut put gold in his tomb. King Solomon overlaid the choice parts of his temple with gold. The wise men brought gifts of gold, frankincense, and myrrh to the young Christ child. When Cortez and Pizzaro invaded the temples of the Aztecs and the Incas in the New World they looked for and found gold.

Gold has been man's measure of value through the ages. Gold speaks an international language.

This is what gives gold an inextinguishable value. I do not say I am in favor of buying gold from abroad and

burying it in a vault in Kentucky. Instead of sterilizing gold we should utilize it. I do not think we should try to be King Midas and turn everything into gold, but I do know that if we have gold and need to buy something abroad we can offer the gold, and gold will talk.

This is why gold has a value you cannot destroy by legislative fiat or declaration or whatever you may do by any law we may pass.

The program to buy silver has not cost the Government anything in dollars or cents. Silver bought at 64½ cents is not expensive when it becomes $1.29 in the Treasury. As I brought out by my question to the gentleman from Idaho a while ago, this is one program which is self-financing, which puts people to work, and does not hurt any person. If you want to do something for the West you will continue to provide that the Government can continue a silver-purchase program.

Perhaps it should be limited to domestic silver. Perhaps the gold program should be revised in the same way. I am not saying we should buy foreign-mined gold under present conditions, but at least, let us pay as much for gold mined in this country as miners anywhere else in the world can get.

Mr. DIRKSEN. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Can the gentleman point to a single benefit which has accrued under the Silver Purchase Act of 1934, outside of the drain on the Treasury?

Mr. CASE of South Dakota. The fact it has put men to work without costing the Government one cent. That is a direct benefit.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Does not the gentleman believe obtaining $1,300,000,000 in currency interest free to this country transcends any benefit extended to the miners?

Mr. CASE of South Dakota. This is an additional benefit. And it is the big benefit. Contract the currency of the country by that much, go back to $20.67 for gold, and the cry from the price-crippled corn and hog farmers will startle the gentleman from Illinois.

Mr. WHITE of Idaho. The Government by reason of its sovereign powers when it coins money from silver is putting more money aside.

Mr. DIRKSEN. If the act puts men to work, is it the purpose of the administration to put men to work in Peru, Canada, and Mexico, where we are buying virtually all the silver produced today?

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 8, noes 50.

So the amendment was rejected.

Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent to return to page 39 for the purpose of considering an amendment I wish to offer.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. McCLELLAN: On page 39, after line 11, insert a new title and paragraph, as follows:

"Public Health Service, Division of Venereal Diseases: For the purpose of continuing the operation and maintenance of the Hot Springs Transient Medical Center Infirmary, located at Hot Springs National Park, Ark., $180,000."

Mr. LUDLOW. Mr. Chairman, I reserve a point of order against the amendment, but I will withhold the point of order until the gentleman from Arkansas has completed his statement.

Mr. McCLELLAN. Mr. Chairman, last Friday I spoke on this amendment and announced that at the proper time I would offer it to this bill. Through inadvertence, I handed the wrong amendment to the reporter and it was printed in the RECORD instead of the one I am now offering.

May I ask that you turn to page 557 of the CONGRESSIONAL RECORD of last Friday and look at the tables which I had inserted. In my remarks of that date I gave full and accurate information regarding the purposes for which I am asking this appropriation. May I say again this is not a new governmental expenditure. In 1933 the Government established in Hot Springs National Park, Ark., a transient medical center and infirmary for the treatment of people who come to the Government's free bathhouse in Hot Springs for the purpose of receiving treatment for infectious diseases. These people come there in a helpless and pitiful condition. The Government has set up this camp to provide domiciliary care for them while they are there being cured of these diseases.

You will notice from the table I have referred to in the RECORD that these people come from all States of the Union. They are not our people from Arkansas, but they are your people, coming to an institution set up by your Government to give them relief and cure them of a disease which is infectious and spreading throughout the country. They are your people and your citizens. You will observe that the State of Texas sent more people there last year than did Arkansas. Large numbers came from many other States.

This service must be continued. It is the intention of the Government to continue it. We ask this appropriation now. Last year the same appropriation was made in the third deficiency appropriation bill. At the time the appropriation was sought, the Budget was consulted about the matter and no objection was made because of the need for this relief. At the suggestion of the Treasury Department I have introduced a bill which will make this a regular appropriation each year, authorizing an annual appropriation for this purpose.

There is no doubt that the measure should have approval. The only question is, Shall we grant the appropriation now in this bill, where it rightfully belongs, or must I come back some time later and ask for it in a deficiency appropriation bill?

Last year I presented this matter as forcefully as I knew how. The facts were given to the Committee of the Whole; and after seeing the sentiment of the Members, the Committee withdrew their objection and let the amendment pass, and an appropriation was passed authorizing the President of the United States to make an allocation out of unexpended balances in relief funds then existing up to the amount of $200,000. The President, after considering the matter, did make an allocation of $180,000. Therefore, this matter is not something which I alone believe ought to be done, not some scheme of mine to get some special consideration for my district, but an effort on my part to have the Congress take care of a situation the Congress has previously created by establishing free bathhouses for these people in the city of Hot Springs, Ark. This is the Government's responsibility, for it involves the American people, your community and my community as well. As far as I can see, we may just as well settle the question now, at this point in the bill. Let us have the appropriation needed. This is not just something guessed at or proposed inadvisedly. Read the hearings. I believe you will find this at page 556, although I may not remember the exact page.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. McCLELLAN. I yield.

Mr. DUNN. Is it the fact that your State has not discriminated against anybody?

Mr. McCLELLAN. No; every State in the Union is accorded the same privileges.

I hope the committee will withdraw and not insist on a point of order, and let the appropriation be made now, rather than at a later date this session.

Mr. LUDLOW. Mr. Chairman, I make the point of order against the amendment that it is not authorized by existing law, and in doing so I would like to compliment the gentleman on the splendid fight he has made for his local community and for his very able presentation of his case, but this would be an irregular proceeding. This is a relief proposition, provided out of relief money this year and is a matter that should be considered in that connection. There is no Budget estimate for it. It is not an appropriation for a public work in progress but is for food and clothing almost entirely. It has not a proper place in this bill.

The gentleman will have every opportunity to present it later in connection with the deficiency bill when, probably, a Budget estimate will be before us, and without any prejudice to the merit of the proposition, I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Arkansas care to be heard on the point of order?

Mr. McCLELLAN. I was hoping, of course, the point of order would not be made. It may be that a point of order will lie against the amendment, but this is an appropriation authorizing the Treasury Department with the supervision of the Board of Health to make this expenditure. It is being expended now under the Health Service and this makes no change in the existing practice.

The CHAIRMAN. The Chair would like to ask the gentleman from Arkansas if there has been an authorization heretofore passed with reference to this project?

Mr. McCLELLAN. Nothing but a relief appropriation, but a bill is now pending for that purpose.

The CHAIRMAN. The Chair is ready to rule.

The Chair sustains the point of order because it is legislation on an appropriation bill, there having been no authorization act heretofore passed.

Mr. McCLELLAN. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk.

Mr. LUDLOW. Mr. Chairman, with great regret I shall have to object to this procedure, because the gentleman has not received consent to offer any such amendment.

The CHAIRMAN. Is the amendment offered to the same paragraph to which the gentleman from Arkansas asked unanimous consent to return?

Mr. McCLELLAN. No; it is to the preceding paragraph.

The CHAIRMAN. The gentleman would have to ask unanimous consent to offer an amendment to that paragraph at this time.

Mr. McCLELLAN. Then, Mr. Chairman, I ask unanimous consent to offer an amendment to the paragraph indicated.

Mr. LUDLOW. I reserve the right to object, Mr. Chairman, until I know what the amendment is. I have no objection to the amendment being read.

The Clerk read as follows:

Amendment offered by McCLELLAN: On page 38, at the end of line 13, strike out the period, insert a semicolon, and add the following: "*Provided*, That not in excess of $180,000 of this appropriation may be used and expended for the purpose of continuing the operation and maintenance of the Hot Springs Transient Medical Center Infirmary, located at Hot Springs National Park, Ark., under the supervision and control of the Public Health Service of the Treasury Department."

Mr. LUDLOW. Mr. Chairman, I make the same point of order against this amendment I made against the other. The same proposition is involved.

The CHAIRMAN. The Chair sustains the point of order for the reason heretofore stated, that it is legislation on an appropriation bill.

The Clerk read as follows:

Repair, preservation, and equipment, public buildings: For repairs, alterations, improvement, and preservation of completed Federal buildings (including Marcus Hook), the grounds and approaches thereof, wharves, and piers, together with the necessary dredging adjacent thereto, and care and safeguarding, not otherwise provided for, of sites acquired for Federal buildings, including tools and materials for the use of the custodial and mechanical force, wire partitions and insect screens, installation and repair of mechanical equipment, gas, and electric-light fixtures, conduits, wiring, platform scales, and tower clocks; vaults and lockbox equipment in all buildings under construction or completed, and for necessary safe equipments in buildings under the administration of the Treasury Department, including repairs thereto, and changes in, maintenance of, and repairs to the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533), $2,750,000: *Provided*, That the appropriation herein made shall not be available for the payment of personal services, except for work done under contract, or for temporary job labor under exigency in an amount not to exceed $100 at one time at any one building: *Provided further*, That the total expenditures for the fiscal year for the repair and preservation of buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings and the installation and repair of the mechanical equipment thereof shall not exceed 20 percent of the annual rental of such buildings.

Mr. CROWE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this time concerning a matter which comes before the Procurement Division of the Treasury Department, the extension or the annex to the Government Printing Office.

We find that in 1935 this matter was before the House and again in 1937. We find that under the Procurement Division of the Treasury Department for the last 2 or 3 years they have been making a study and survey of the Government Printing Office annex. The Procurement Division of the Treasury Department has gone to a lot of expense, as they do in connection with all buildings of this kind, in making surveys of what is best and as well as the best way to handle all such buildings erected in the District of Columbia. Skilled architects and designers of buildings have drawn plans for this Government Printing Office annex and twice before this, this matter has been before Congress. The expense incurred by delay and necessitating additional plans and specifications, would no doubt amount to more than any possible addition of a stone exterior over the cost of brick. We also find that in the year 1936 another Commission of the Government, which was organized in the year 1910, the Commission of Fine Arts, also gave its approval to this structure which was to be along the lines that were projected in the year 1936 which specifications called for a stone exterior.

With all due respect to members of the committee, I feel that, after all, when they set up an arm of the Government like the Procurement Division of the Treasury Department and a commission like the Commission of Fine Arts, with men who have been there for 20 or 25 years, we should give due consideration to their recommendations when we are building the city of Washington, D. C. They are planning it along the lines originally planned by George Washington and L'Enfant more than 100 years ago. So I feel that when we take such matters out of their hands and put them into the hands of someone else, or when we destroy a program that has been laid down, we are making a mistake. It costs no more, and in the long haul costs less, to build well than to attempt to economize with such false economy—economy at the spigot and waste at the bunghole.

I think under the Procurement Division of the Treasury Department, with Admiral C. J. Peoples and his splendid corps of assistants, Messrs. Reynolds, Melick, Martin, Dunning, and others, you will get a program, all in all, that will make this city one of the most beautiful capitals in the world, and this will be done at a small expense when compared to what they accomplish. Accordingly, when we reach the proper place, I shall move to strike out a certain proviso on page 47.

Nearly 100 years ago some very splendid buildings were constructed in Washington, D. C., among them the Treasury Department Building; it is nearly 100 years old, faced with stone. No one would dare suggest the demolition of that grand structure.

I submit it is false economy—rather, it is assuredly waste—to construct buildings in the Nation's Capital of inferior

materials which in a few years will become eyesores in this beautiful city and soon thereafter be razed.

Let us not scrap the work of the very faithful corps of men in the Treasury, Division of Procurement, in their very splendid work for the city of Washington.

I yield back the remainder of my time.

Mr. THOMPSON of Illinois. Mr. Chairman, I rise in opposition to the pro forma amendment. May I ask the chairman of the subcommittee what is meant by the language on lines 5, 6, and 7, page 43, with reference to winding up the affairs of the United States Housing Corporation? I always thought the Housing Corporation was in the Department of Labor.

Mr. LUDLOW. The liquidation of it has been transferred and some property still remains to be liquidated.

Mr. THOMPSON of Illinois. Was it transferred by legislative enactment or by Executive order?

Mr. LUDLOW. By Executive order. This is wartime housing, and it was transferred by Executive order.

Mr. THOMPSON of Illinois. I realize that, but in my district the United States Housing Corporation erected three or four projects, and there are still some claims pending against it, matters that have not been adjudicated. There is still some property owned by the Corporation in my district, and there are still some claims arising from various sources, and I wonder if my people will be forestalled by this process of liquidation?

Mr. LUDLOW. This particular matter has been under the Treasury Department for several years, under the Procurement Division. I am sure the gentleman's constituents will not be foreclosed. I suggest that he take the matter up with the Procurement Division.

Mr. BINDERUP. Mr. Chairman, I move to strike out the last word. Within a few days and at the proper time and place I desire to submit a unanimous consent request that within the next week or 10 days, at such time as is agreeable with those in charge of the daily program for the House, I may be allowed to address the House for 1 hour in order that I might explain the fundamental plan contained in H. R. 8585, a bill providing for governmental monetary control, having for its chief features the plan of distribution and for accelerating the velocity of money. Today, however, I desire merely to make a brief explanation, by way of calling attention to the bill, and to refer to the charts that have been placed in the lobby this morning to remain for 3 days, for which privilege I am deeply grateful. These charts deal with the relation of our monetary system, to our economic conditions, and are in explanation of the plan contained in H. R. 8585. H. R. 8585 is a bill providing for Government control of our monetary system, a bill to restore to Congress its constitutional power and authority, as well as its constitutional duty. I wish also to refer to the motive, the reason, the necessity for the introduction of this bill, which, as I have stated, is a bill (H. R. 8585) to restore to Congress the sole power to issue money and to regulate its value as provided in article I, section 8, of the Constitution of the United States; to restore full employment and production; to prevent inflation and depression; and to provide a stable currency.

There has developed in the method of conducting commercial banks in the United States the custom of lending the private credit of such institutions under the pretense of lending money.

Such credit, transferable from one depositor to another upon the books of the bank or through clearing houses or otherwise to books of other banks upon the check or order of the borrower or subsequent depositor is now generally accepted in payment of debts. The said practice in fact provides an uncontrolled and privately coined circulating medium of exchange which performs substantially every monetary function in violation of and practical nullification of article I, section 8, of the Constitution of the United States, which vests in Congress the sole power to issue the money of the Nation and regulate its value.

This practice places in private hands, and deprives Congress of, the economic control of the Nation, and confers upon certain individuals an unfair advantage over their fellow men, through which they may and do acquire unearned wealth to the end that the product of labor and genius is consecutively concentrated in the hands of the few who have this unfair advantage, in violation of the fundamental principles upon which this Nation is founded.

In effect there is no difference between the issue of this uncontrolled credit and the unsound and thoroughly discredited wildcat bank notes of our earlier history.

The uncontrolled alternate expansion and contraction of this synthetic medium of exchange induces recurrent periods of uncontrolled and disorganizing inflation, invariably followed by disastrous periods of equally uncontrolled deflation, bankruptcy, and distress.

To overcome this unfair situation, in order to restore to Congress the sole power to issue money and to regulate its value, and to promote and control the economic welfare of the Nation to the end that unemployment and poverty may forever be eliminated, and full and profitable employment and production, and continued and uninterrupted prosperity be restored to the people of these United States, the bill (H. R. 8585) is a bill for Government monetary control.

It amplifies the velocity of our money supply by creating a purchasing and consuming power at the bottom, among the ill-fed, ill-clad, and ill-housed portion of our population, in exactly the same proportion and in the same degree as money expansion takes place, thus avoiding any possible inflation.

It establishes the plan whereby banks become merely the custodian of demand bank deposits, thereby preventing the banks from minting and unminting our money supply; thus avoiding booms and depressions, bankers' inflation and deflation. It reestablishes the constitutional provision that "Congress shall have power to coin—issue—all money and regulate the value thereof."

It establishes, for the first time in the history of civilization, a measure of value that measures all values, for the purpose of equitable exchange, the same yesterday, today, and tomorrow; a dollar with the same purchasing and debt-paying power a year or a generation hence that it has today; that definitely protects the creditor as well as the debtor.

It creates a lasting prosperity by reestablishing and maintaining the great American market for American goods and American services.

It provides for the increase of our national income to $108,000,000,000 in the first 18 months of its operation by increasing the purchasing and consuming power in and among the lower-income group, and thereafter an annual increase of national income of from 8 to 12 percent—governed by the ceiling of prices, based on the average of 1926, at 100 percent—to keep pace with the physical increase of all commodities; increased business and new industries, based on 25 years' statistics, including increased population—1,000,000 yearly average—increased prices to 1926 level; money exported to foreign countries; money lost or used in the arts.

It recognizes that our needed yearly increase in money supply must be earned and forced in circulation from the bottom and up, rather than being bribed or coaxed into circulation from the top and down through mortgages and interest charges on a people who have been depleted of equities by money monopoly and man-made booms and depressions. It positively prohibits a ransom being extracted from the people for the creation of their own money.

It provides for liquidation of the entire national debt without taxing the people and without the issuing of a dollar by the Government or the creation of a single bankers' printing-press dollar, but by a simple switching of credits, exactly the same plan used by the big banks when they bought our Uncle Sam's bonds.

It takes away from the trusts their greatest instrument of monopoly—by taking away from the banks the power of money creation.

It makes the smallest bank as safe as the largest bank, eliminating entirely any argument for the dangerous chain-banking system.

It prevents bank failures by automatically insuring demand deposits, 100 percent, free of charge to the banks and free of expense to the Government, leaving only the slight risk on time deposits for the Federal Deposit Insurance Corporation.

It balances the Budget automatically. It makes Uncle Sam a creditor in place of a debtor; a lender in place of a borrower; a master of finance in place of a servant; the guardian of his own soul; the captain of his destiny.

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the pro forma amendment. As I might not have an opportunity to get recognition when the amendment or point of order is offered which means an increase of possibly over $300,000 in the end for the Government Printing Office buildings, I wish to say I think it is a mistake when the Fine Arts Commission extends its activities to the other side of Union Station and tries to tell us that we should construct a stone structure there at an additional cost of money when a brick structure will be absolutely sufficient. The location is right alongside the railroad yards where there is much smoke, and if you do put up a stone structure it will be but a short time before it will be affected by the smoke. Then, again, if you construct this building of stone in a short time you will have a request to face the old building and warehouse with stone, and that is where your $300,000 or more comes in. History tells us that will happen. It always happens. "Make the adjoining buildings conform to the new structure," will be the cry. If this building was in the Mall I would agree with the gentleman from Indiana, but remember it is blocks away from the Mall.

The Fine Arts Commission has been responsible for the most beautiful Government buildings in the world in Washington. I am not complaining now, the job is about done, but I do think they could have constructed the buildings, left off a great deal of the gingerbread, unnecessary trimmings, and it would not have cost the taxpayers quite so much money. Take the Archives Building. That building represents a cost to the American public of $13,500,000. Every building in the Mall has Indiana limestone from the district of the gentleman who is to make the motion.

This annex to the Government Printing Office is north of the Mall; it is north of Union Station; it is north of the city post office, and there is absolutely no sound reason why it should be a stone or marble structure. I realize it is the Representative of the district that produces this building material who is asking that the bill be changed to permit the use of this product. I presume that, as they see it, is their duty to their constituents. Some of us owe something to our taxpayers. I call attention to the new post office in the city of St. Louis, my home city, that pays a large amount of taxes to the Federal Government. While the front is of stone, the back of the building is of brick. It is being constructed at the present time. It, too, is alongside of a union station, where you get the smoke and dirt of the railroad district. I insist we must let this limit of cost on the Government Printing Office remain as it is. I repeat, if we keep this language in the bill, we shall, in my opinion, save the taxpayers of this country approximately $300,000.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. STEFAN. Does the gentleman mean to say that the difference in cost between facing the building with brick and facing it with stone is $300,000?

Mr. COCHRAN. Various estimates have been given. There is supposed to be a limit to the amount of money to be expended for this building. If we make this a stone building, then we will be compelled to reface the present building and warehouse with stone.

Mr. STEFAN. But the limit of cost will have to be raised to come within the provisions of this bill.

Mr. COCHRAN. Yes, if this proviso which the gentleman from Indiana [Mr. CROWE] is opposed to is stricken out.

[Here the gavel fell.]

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

Government Printing Office, annex buildings, Washington, D. C.: For continuation of construction of annex buildings for the Government Printing Office, $2,500,000; and the limit of cost for this project is hereby increased from $5,885,000, as authorized in the Second Deficiency Appropriation Act, fiscal year 1935, approved August 12, 1935, to $7,000,000: *Provided*, That the character of the exterior construction material for annex building No. 3 shall be that contemplated in the original cost estimates for such project.

Mr. CROWE. Mr. Chairman, I make a point of order against the proviso on page 47, beginning with the word "*Provided*", in line 14, and extending to the end of line 17, that it clearly is legislation on an appropriation bill under the provisions of clause 2 of rule XXI.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. Does the gentleman from Indiana care to be heard on the point of order?

Mr. CROWE. Nothing further than to state it.

Mr. O'NEAL of Kentucky. Mr. Chairman, I desire to be heard on the point of order raised by the gentleman from Indiana.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky.

Mr. O'NEAL of Kentucky. Mr. Chairman, this proviso merely seeks to reduce the expenditure and is in reality, therefore, a limitation on an appropriation bill and falls within the rule.

Mr. CROWE. Mr. Chairman, if the gentleman will permit an interruption, there is nothing about the language, as I see it, that limits or reduces expenditures.

Mr. O'NEAL of Kentucky. It is a limitation.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Indiana [Mr. CROWE] makes the point of order that the following language on page 47 of the bill—

Provided, That the character of the exterior construction material for annex building No. 3 shall be that contemplated in the original cost estimates for such project—

Is legislation on an appropriation bill.

For this proviso is legislation and to be in order it would be necessary to show that it would effect an economy or a retrenchment. This not being shown, the Chair is therefore of the opinion that the proviso is subject to the point of order.

The Chair sustains the point of order.

The gentleman from New York having made a point of order against the entire paragraph, and the point of order being sustained against a part thereof, the paragraph is stricken out.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last two words for the purpose of making an observation.

In reference to the Chair's ruling on the point of order made by the gentleman from Indiana [Mr. CROWE], as I understood the Chair he stated it was necessary to show that a saving would be created. That, of course, would bring the proviso within the Holman rule. As evidence it will create a saving, I submit the language of the gentleman from Indiana [Mr. CROWE], who made the point of order, when he admitted to me not less than 5 minutes ago that the increase in cost would not exceed $80,000. I insisted it would cost $300,000, because if the Fine Arts Commission proposal is carried out then you must go across the street to the old building and put stone in the front of that building and you must also go to the warehouse, which is built of concrete, and put stone in the front of that building. The gentleman from Indiana [Mr. CROWE] admitted to me that the ultimate cost would not be over $80,000. When he makes the admission it will cost at least $80,000 more I submit that should have been sufficient evidence of a saving and, there-

fore, the limitation in the bill did, in my opinion, conform to the Holman rule.

Mr. CROWE. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Indiana.

Mr. CROWE. I said the most that anyone suggested was $80,000. I did not admit anything. The gentleman is mistaken when he said I admitted $80,000.

Mr. COCHRAN. How much will it cost?

Mr. CROWE. I do not know that it will cost any more.

Mr. COCHRAN. Then why not leave it as it is?

Mr. CROWE. Because, under the specifications, you confine it to brick and there is no discretion given to the Procurement Division of the Treasury Department. Its hands are tied and it may cost more to build with brick than with stone.

[Here the gavel fell.]

The Clerk read as follows:

MISCELLANEOUS ITEMS, TREASURY DEPARTMENT

AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved February 8, 1927 (20 U. S. C. 101), $115,000.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 52, after line 12, insert a new paragraph, as follows:

"No part of the funds appropriated in this act shall be used for the purposes of paying any employee engaged in carrying out any of the provisions of the Silver Purchase Act of 1934, Public, No. 438, Seventy-third Congress, approved June 19, 1934; and none of the funds appropriated in this act shall be used for the paying of any other expenses incidental to carrying out the provisions or purposes of said act."

Mr. TABER. Mr. Chairman, this is the last of a series of amendments we have offered to the pending bill to wipe out the operations of the Silver Purchase Act. My amendment is a direct limitation affecting every appropriation in the bill which might be used in any way for the purpose of carrying out the provisions of the Silver Purchase Act of 1934.

Many people say this is getting at it the wrong end to, that we should pass legislation repealing this act; but I call attention to the fact the legislative situation is such that the only way to get at it is by this method. This matter is drawing attention all over the country. I hold in my hand an editorial from the St. Louis Post Dispatch in which it is stated:

The opposition of Secretary of the Treasury Morgenthau to the exorbitant subsidy being paid domestic silver producers, revealed in the publication yesterday of his testimony before the House Appropriations Subcommittee, is not surprising. It is in line with the generally sane view he has evinced in fiscal matters. The fact that his reply to the query as to his stand on the silver subsidy was couched in the general language, "I am opposed to all subsidies of any kind," merely makes the answer more emphatic.

From this we deduce that the administration's recent action in decreasing the price the Government pays for domestically mined silver (but still keeping it high enough to constitute a subsidy of nearly 50 percent) does not go far enough to satisfy Mr. Morgenthau. Nor does it go far enough to satisfy any other disinterested citizen. As a member of the appropriations subcommittee suggested, there is no reason why the producers of silver, any more than the producers of any other commodity, should be the recipients of such a princely favor.

Mr. Chairman, we face a responsibility as Members of Congress. That this responsibility has been avoided by the Budget in submitting the pending bill to the Congress, and that it has failed to save money for the Treasury where it could have saved money is no excuse for us. This operation costs millions and millions of dollars, and it will not be long before a situation will arise where the entire financial structure of the country will crumble as a result of this continuously piling up $150,000,000 a year of Treasury liability against a few million dollars of assets.

Will not the House today meet its responsibility and agree to the amendment which will put an absolute and complete stop to this silver-purchase business?

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments close in 10 minutes.

The motion was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER].

Mr. Chairman, I confess I am greatly relieved that this appears to be the last round-up. I was somewhat oppressed by the feeling that this had resolved itself into an endurance contest as to who is the biggest pest in the House—the gentleman from New York or myself. So far as I am concerned, I am for the gentleman from New York.

Mr. CULKIN. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from New York.

Mr. CULKIN. Does not the gentleman consider himself disqualified to pass upon that question?

Mr. MARTIN of Colorado. I admit I expect I could qualify to contest the gentleman from New York for the honor, but I withdraw.

Mr. Chairman, the amendment just offered by the gentleman from New York is in pursuance of a course the gentleman set out upon last Saturday, that as every item came along in the Treasury bill in which he could ascertain that any amount, no matter how small, of the appropriation was to be used in paying for expenditures under the Silver Purchase Act, he would move to strike it out. But there have been two things about his argument I cannot understand in the face of known facts.

I cannot understand why he continues to say that silver on the open market without this legislation would only be worth 18 to 20 cents an ounce when, as a matter of fact, without any support it stands today in the world market, with the international agreement which was entered into at London dead, at 45 cents an ounce.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Does the gentleman know that the English Government has recommended a duty of 20 cents an ounce on silver in order to keep foreign silver out of competition with Indian silver?

Mr. MARTIN of Colorado. I understand so, and I thank the gentleman for his contribution. It shows that England is protecting Indian silver.

The gentleman repeatedly harps on this imaginary 18 or 20 cents an ounce. Even under the administration of his party, when everything hit bottom, it only got down to 27 cents.

Every time he has taken the floor in this debate he has reiterated this policy is costing the Treasury $150,000,000 a year.

I have pointed out repeatedly, and I point out again, that the total purchases of domestic silver last year amounted to only 63,000,000 ounces, and at 65 cents an ounce, and the price is set at a fraction less than that for 1938, the total sum involved would be only approximately $40,000,000. In other words, if silver were worth absolutely nothing and the Government bought 63,000,000 ounces at 64⅔ cents an ounce, it would cost only $40,000,000 instead of $150,000,000.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The $40,000,000 which the gentleman mentioned as the sum paid for silver would not equal the amount of interest business would have to pay on the Federal Reserve notes which would replace the billion and a third of silver certificates in circulation.

Mr. MARTIN of Colorado. What the gentleman from Idaho states is true. It has been pointed out here repeatedly, but apparently in vain, that the $1,400,000,000 of silver certificates in circulation amount to one-third of all the currency now circulating in the United States. If this silver

currency were based on Government bonds paying interest at 3 percent, it would cost the taxpayers of this country $42,000,000 a year. This $42,000,000 a year saving on bond interest more than covers the total expense to the Government involved in the domestic silver purchase program, even if the metal were worthless, whereas it is worth two-thirds of the purchase price on the world market.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that, after the gentleman from Pennsylvania [Mr. DITTER], to whom I am going to yield, has completed his statement, which will consume all the time, I, as chairman of the subcommittee, may be permitted to address the committee for 2 minutes.

The CHAIRMAN (Mr. THOMPSON of Illinois). The gentleman from Indiana asks unanimous consent that at the conclusion of the statement of the gentleman from Pennsylvania, the time for debate on this paragraph may be extended 2 minutes. Is there objection?

Mr. WHITE of Idaho. Mr. Chairman, I ask unanimous consent that the time may be extended 5 minutes, in order that I may have 3 minutes of the time.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the time may be extended 5 minutes. Is there objection?

Mr. WOLCOTT. Mr. Chairman, reserving the right to object, I ask unanimous consent that the time may be extended 10 minutes in order that I may have 4 minutes of the time.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time may be extended 10 minutes. Is there objection?

Mr. LUDLOW. Mr. Chairman, the time on this bill is rather short, and we are trying to get through with the bill. I believe I shall have to object.

The CHAIRMAN. Objection is heard.

Mr. DITTER. Mr. Chairman, as I listened to the effort of the silver bloc to defend its program, it has occurred to me that there is as much substantiality to their argument as there was to a certain Irishman and his pay envelope, of whom I recently heard. Michael died, his widow was mourning the loss of her husband, and telling her friends how much she would miss him. Said Bridget, "Oh, how I will miss Michael. I will miss him on Monday night and I will miss him on Tuesday night." Then a sob was interjected, and said she, "I will miss him on Wednesday night. But, oh, how I will miss him on Friday night. We have been married for 24 years, and there has never been a Friday night during all the 24 years that Mike did not bring home his pay envelope and put it there on the bureau. God knows," she said, "there was never anything in it, but it was the principle of the thing."

I submit to you silverites on the other side there is as much real soundness to the argument you have been giving the committee during the last few days as there was substantiality to Mike's pay envelope. There was never anything in it. There is nothing in the argument you have advanced.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I cannot yield.

An effort has been made to show that opposition to this silver-purchase program comes from the Republican side. I submit, Mr. Chairman, that an examination of the hearings discloses that the distinguished chairman of the subcommittee has little faith in this silver-purchase program. I read from page 16 of the hearings, where he is referring to the substantiality and the soundness of the silver-purchase program. I quote:

> Mr. LUDLOW. Is there any more reason why we should do this than to subsidize Idaho potatoes or Georgia peaches?

I am appealing to the Georgia peach men here today, and to the Idaho potato men. I wonder whether potatoes and peaches are getting out of this subsidy program what silver is getting out of it. How about the Idaho potato men? Are you getting the rakeoff for your potatoes that silver is getting? Then, how about those splendid peaches? My, a Georgia peach is something worth while. All of you men know how luscious a Georgia peach is. Just imagine getting hold of an honest to goodness Georgia peach. It just makes my mouth water to think about it. Do the growers of these juicy, luscious peaches hope to get as much of a rakeoff out of the Federal Government as the hard-silver producers? The silvermen get more by far than the peach men can hope to get. Compare hard silver with a luscious Georgia peach. I invite your attention to what the Secretary of the Treasury said about silver subsidies. He is a Democrat, not a Republican. He is not one of those on this side of the aisle. He is one of your Democrats. Listen as I read what he said of silver in the hearings, "I am opposed to all subsidies of any kind." This includes silver. It means that today Mr. Morgenthau opposes the silver subsidy just as positively as we do. Do not say to us on the Republican side we will not be able to elect any Republican Congressmen, because we are opposing a Democratic measure. We are opposing the same kind of a measure your own Secretary of the Treasury is opposing. We are trying to bring to the attention of the country this rakeoff of 19 cents an ounce for every ounce of silver purchased. We are trying to show the country this whole program is unsound. We know and you know it is unsound and without merit. I plead with you today for support, not for our program, but for the program of your Democratic Secretary of the Treasury, against a continuity of this preposterous, unsound, and indefensible silver-purchase program. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

Mr. WHITE of Idaho. Mr. Chairman, I ask uanimous consent that the time be extended to 5 minutes, as was my original request.

Mr. LUDLOW. Then, Mr. Chairman, I withdraw the request and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 19, noes 39.

So the amendment was rejected.

The Clerk read as follows:

Contingent expenses, Post Office Department.

Mr. MEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a perusal of the RECORD of the other day would indicate that some of the members of the committee have a wrong conception of the philosophy back of this great service Department of the Government. They have in my judgment a wrong conception of the practical situation before us, looking at it from a business standpoint.

We are asking private enterprise to create work, and while we have a tremendous volume of it here available in the form of postal services, we are abolishing jobs. I am going to ask you in the consideration of the postal sections that are to follow to treat this service not as a big spending bureau, but as a service agency. I want you to realize that this service meets its costs, and that it is unfair to penalize the employees of this Department in an attempt to force them to assume losses resulting from nonpostal activities.

I believe if we look at this purely from the business standpoint we will not only increase the revenues and the volume of business of this great Department, but we will at the same time, and without the extravagant appropriation of funds, create work, raise labor standards, provide opportunities for the substitutes in the service, and give to the postal patrons a real, high type of service for which the Department has been noted in the past.

If you will refer to the RECORD, you will find that this conception evidently has missed the minds of some of the Members of the House. They are attempting to reduce the costs without impairment of the service, and this cannot be done.

On page 460 of the RECORD of Thursday last, the chairman of the subcommittee, in answer to the gentleman from Wisconsin [Mr. GEHRMANN], said:

We cut the Budget estimate deeply, as the gentleman understands, but it was necessary to grant some increases on account of the manifest fact that the mails are expanding and increasing.

Yes, they cut the Budget estimate three and a half million dollars, and the Budget cut the recommendations of the experts in the Postal Service $20,000,000, making a total of twenty-three and a half million dollars under what the authorities of the Postal Service said they required.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUDLOW. I am sure the gentleman does not want to be misunderstood. I was absolutely accurate when I said we cut the Budget estimate deeply, but we did not cut the Budget estimate on personal services. The cuts were in other items. The gentleman conveyed the intimation, I take it, we cut them on personal service, which is not accurate, and I am sure the gentleman does not want to make an inaccurate statement.

Mr. MEAD. If the gentleman will look at the record, he will find that the hardest and most severe cuts were levied on personal services rather than on contractual services. The personal services in the Post Office Department amount to 80 percent of its appropriation, and you could not cut the contractual services because they are fixed, and therefore it was the employees who suffered, and it was the substitute employees who suffered most.

Now, what happened as a result of these cuts? Impairment of the service; and here is the testimony. We find in the RECORD, on page 463, this statement:

Mr. MICHENER. I think the gentleman's territory must be exceptional, because it has been the policy of the Post Office Department in the last 3 years, in many cities and in towns where there is city- and village-delivery service, to reduce the number of deliveries.

This is personal service.

Then following, on the same page, we find this statement from Mr. DONDERO:

I have had numerous complaints in my district.

Then, again, on page 463, we find this statement from Mr. TABER of the subcommittee:

I know in my own home community all business people have ceased attempting to wait for the delivery of mail, but go to the post office to get it.

This may be because of curtailed train service, but that is another complaint.

Then on page 464, Mr. SAUTHOFF has this to say:

In looking over the committee print I notice there is a reduction in the appropriations for the Star Route Service, the Railway Mail Service, and the Rural Delivery Service.

Is that personal service? I think it is.

Then in referring to the statement of Mr. GEHRMANN, Mr. SAUTHOFF said:

He mentioned that at the same time cuts are made in the appropriations for these services an increase is given the office of the Postmaster General.

There was no increase in the office of the First Assistant Postmaster General, but I may say to you that the RECORD is replete with cuts and complaints, and this bears out the statement that some of us have a wrong conception of this service, and for 5 years, before that drastic order of the Budget that made it compelling upon the experts of the Department to find out the attitude of the Budget before they came before the Congress, there was always an appropriation in excess of the personnel requirements of the postal service.

For the last few years, however, less money than they needed has been appropriated. I do not blame the distinguished gentleman from Indiana [Mr. LUDLOW], who is the chairman of the subcommittee, but the record indicates that the personnel services of the Department are impoverished.

Here is the testimony in the record. It goes on to say, in effect:

We cannot appoint another clerk with the appropriation you have provided; we won't be able to appoint another carrier with the money that you have given us; we cannot extend the air-mail service another mile.

That is the evidence, that is the record, that is what you will find in the hearings. I want the members of the Committee to know that I have patiently watched the progress of this appropriation, and this Budget system, and the activities of the Congress in the last 4 or 5 years, and while I do not want to fix responsibility onto any one individual, I rather attribute it as a system. I say it is not the Department's fault, because the record is filled with evidence from the experts in the Department that they cannot get along and give service on the meager funds appropriated. I wager that many Members of this House are answering complaints from their districts about proposed reductions or of a possible impairment of some necessary service all because of a lack of money to carry on. [Applause.]

Mr. RICH. Mr. Chairman, I rise in opposition. I am very much interested in our friend, the chairman of the Committee on the Post Office and Post Roads, the gentleman from New York [Mr. MEAD], and what he is doing to try to get all the money he can for the Post Office Department to spend. It seems to me that probably the Postmaster General has got the gentleman from New York well trained in trying to get funds, while he runs around over the country making political speeches. I call the attention of the chairman of the Post Office Committee to the fact that we are appropriating $780,604,514, an increase of $4,954,571 over last year. The amount of money you collected last year was $726,000,000. Is it ever going to be possible for the House of Representatives to try to run the Post Office Department on a paying basis? Why do we not appropriate what we receive and put business methods in this Department? Last year the Department was $88,316,000 in the red, and this year it is $47,000,000 in the red, notwithstanding the fact that you have cut down your subsidies and have increased, since Mr. Farley has been Postmaster General, the revenues to the extent of $90,000,000 by a 3-cent postage rate. Still you are in the red each year to the amount of these fabulous sums. I suggest the chairman of the Committee on the Post Office and Post Roads get up and say to the House of Representatives, "We want to find out where the trouble lies; we want to increase the service to the people and try to have the Post Office Department balance its budget." It can be done if they will only use good business methods in the transactions of the Post Office Department. There is no mistake about that. It can be done if you have a man at the head of the Department who would say to the Department and to this committee, "We want to balance the Post Office budget." What you should do is to increase the revenues in some places where they are inefficient to carry on the affairs of the Post Office Department. Do not tax bread to run the Post Office Department. Then you can have an efficient method established for every branch of the Post Office Department, and if they would do that they would accomplish something. Instead of that the gentleman always comes in here and says, "We are under the Budget estimate," as if that were an accomplishment. Gracious goodness, that Budget Director will never come to the point where we can balance the budget of the Post Office Department or any other department. His estimates are all too high.

I warn gentlemen that every appropriation bill which has been presented to the Congress up to this time this year has been a great increase, and if you will investigate the Treasury statement you will find that we are going in the red this year to the extent of over a billion and a half dollars, notwithstanding the fact the President has told us that he is going to balance the Budget this year. Now he comes in and says that the deficit will be over a billion dollars. It will be

a billion and a half dollars before the end of the year. We have Members of Congress going out over the country and saying, "Build more post offices." It is proposed to build a post office in my little town and spend $75,000 for the purpose, when that is one of the most ridiculous things that could happen. If the Postmaster General tries to put up a building for a new post office in my town of Woolrich, I give you warning that we do not want it, and if men in other districts would get up and do something of this kind we would save a lot of money in the cost of operating this Post Office Department, because it costs from 300 to 1,000 percent more in every instance to operate a new post office than you could rent a post office for in these towns. That is one way to save post-office expenses and there are many, many others.

Mr. MEAD. The gentleman wants good postal service, does he not?

Mr. RICH. Yes; and we have good postal service in Woolrich, and we are giving you as good an administration under a Democratic postmaster, Mr. Charles J. Johnston, as has ever occurred. The Post Office Department is making 300 percent on the operation of the Woolrich post office, and I want to see you do that in all offices, but if you would build a new building, you would lose all your profit.

Mr. MEAD. We want that service all over the country.

Mr. RICH. But you are not going at it in the right way to accomplish it. If you ask for all of these expenditures and you do not try to make your income meet your outgo, you will not get any place. The chairman [Mr. MEAD] is a dandy fellow, Mr. Chairman.

Mr. MEAD. And so is the gentleman from Pennsylvania.

Mr. RICH. But he had better get some business into this Post Office Department. And I know he can do it if he only will. Let us have the Post Office Department balance its own budget and not be a drain on the Federal Treasury; that is my object in these remarks; it can be accomplished if we just say the word. Will we do it?

Mr. MEAD. The Budget report, as appears from the table on page 18 of the committee report, shows that we shall have a surplus of $33,000,000 for the year this appropriation becomes effective.

Mr. RICH. From all indications, receipts will decline, and you are going to lose more revenue next year in proportion than you did this year, and this year you are $47,000,000 in the red.

Mr. MEAD. Do not let the fear motive dampen your spirit, Bob.

Mr. RICH. Well, JIM MEAD, let me tell you this: You have got to get more business into the Post Office Department; make your revenues at least equal your expenditures.

Mr. MEAD. And if you want business you have got to expand the Post Office Department.

Mr. RICH. Let the Postmaster General attend to postal business instead of running around making political speeches.

Mr. JOHNSON of Minnesota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Buffalo is right and the gentleman from Pennsylvania is wrong. He accuses Jim Farley of traveling over the country espousing the building of more post offices. I remember well about 5 years ago, when the Budget included an item for the purchase of an automobile with a high top so that Republican Postmaster General Brown could sit in the automobile without taking off his high silk hat. [Laughter.]

Also, if the gentleman from Pennsylvania wants foolish economy, why does he not espouse the cause of striking out free delivery, especially of the small county newspapers? I am not for that proposition, however, for the one thing that keeps the small county newspaper going is free delivery within the county. Why not strike that out, I ask the gentleman from Pennsylvania? That is a privilege that is given to newspapers and magazines in the country.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. RICH. If the gentleman wants to effect savings in the Postal Establishment, let him use his efforts toward the adoption of businesslike methods in the operation of the Post Office Department. That will help balance the Budget, at least of the Post Office Department.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. BEITER. Did the gentleman from Pennsylvania give the same advice and make the same recommendations to Postmaster General Brown that he is giving and making at this time?

Mr. RICH. If Mr. Brown were the Postmaster General now I most certainly would make them to him.

Mr. JOHNSON of Minnesota. Many new post offices have been built to meet the expanding needs of business. One thing we need is a real mail service; it is one thing that is indispensable; and one thing that we really have today is a democratic mail service, guaranteeing the free flow of the mails in the United States.

I think the gentleman from Buffalo, Mr. MEAD, is the greatest student of the mail service that we have in this House, and he has been in the House long enough to know his business. I would like to see the Members follow the policy he outlined rather than to follow the foolhardy, economic recommendations of the gentleman from Pennsylvania, especially when the gentleman from Pennsylvania tries to duplicate the efforts of the Hoover and Coolidge administrations to economize so much that they plunged the country into a mad dance of economic death.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. RICH. If the gentleman's party does not follow the things I am advocating I make the phophecy that you will wreck this country and worse. I hope the gentleman lives long enough to see the result of such a policy—it would not take long to find out—passing our great debt on to our children because we have not the ability to pay our own way, a sorry situation to find ourselves in.

Mr. JOHNSON of Minnesota. Mr. Chairman, the gentleman hollered every day of the last session about the Budget, and the only result of that we got was the recession.

Mr. RICH. Yes; the gentleman means the Democratic depression.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto do now close.

The motion was agreed to.

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

OFFICE OF CHIEF INSPECTOR

Salaries of inspectors: For salaries of 15 inspectors in charge of divisions and 595 inspectors, $2,271,500.

Mr. LUECKE of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUECKE of Michigan: On page 56, lines 13 and 14, after the words "divisions and", strike out "595 inspectors, $2,271,500" and insert in lieu thereof the following: "605 inspectors, $2,297,500."

Mr. LUECKE of Michigan. Mr. Chairman, if the history of this piece of legislation were followed from the time it left the Bureau of the Budget until it reached the floor of the House it would be found that the Budget originally recommended 40 additional inspectors. The committee cut that down to 10. My amendment proposes to make the increase to 20; in other words, it is a compromise between the Bureau of the Budget and the committee.

Let me point out to the Members of the House that the post-office inspectors constitute one of the most important groups of men in the Postal Establishment. The huge building program that has been undertaken requires that the post-office inspectors oversee those projects insofar as they relate to post offices. These men go into every nook and

corner of the United States. When it is remembered that there are only 585 inspectors to cover this country and perform all the numerous duties required of them, it must be admitted that the number is not sufficient.

The force should be expanded and these additional inspectors allowed so that the Department can operate efficiently.

The post-office inspectors look after the details of running this Service from one corner of the country to the other. They make their reports. They cover fraudulent use of the mails. During the past year the reports show that each inspector covered and finished the investigation of 192 cases in a year. That is a big job, yet the committee proposes to reduce the number even further. As the chairman of the Committee on the Post Office and Post Roads said, if we are to keep this Department up to its high efficiency we cannot take away the foundation. How can the Postmaster General, or the executive of any other kind of business be efficient when he has not the men at his disposal whom he can send out and say, "Make this investigation here; make that investigation there"? So let us correct the wrongs and bring the service up to a further point of efficiency.

Mr. Chairman, in my opinion, there is such a thing as common-sense economy and there is such a thing as false economy. I believe that this is one instance in which the committee has made a mistake. We should allow the additional expenditure as recommended by the Bureau of the Budget. We all know that the Budget Bureau is doing everything it can to balance the Budget at this time, and I think it would be the proper thing to at least go along with its recommendation. It seems to me we would be going too far to slash the very heart out of this appropriation, which would almost eliminate the recommendations of the Department and Bureau of the Budget.

POST-OFFICE INSPECTORS

From page 19 of the committee's report:

The Budget estimates requested an increase in the post-office inspection force comprising 5 new positions of assistant inspector in charge and 35 additional inspectors, with increases in the amounts for traveling expenses.

The committee recommends the addition of 10 inspectors, but has disallowed entirely the 5 new positions of assistant inspector in charge. The addition of 10 inspectors brings the force up to 610, including the 15 inspectors in charge.

Let me quote to you from the hearings before the Appropriations Committee, pages 418 and 419.

Mr. Aldrich, the chief inspector, in testifying before the committee, said:

The present officers of the Post Office Department are doing their utmost to conduct the Postal Service with the strictest economy and at the same time meet the needs of the people. To accomplish this requires investigations by post-office inspectors, but the number of inspectors is insufficient to make the requisite inquiries and to meet the just demands of the public.

Postal Service appropriations total nearly $800,000,000. More than a quarter of a million regular classified employees are engaged in rendering varied services affecting the daily life of every citizen. Success in administering this enterprise and safeguarding the $4,000,000,000 handled annually in post offices requires investigations to obtain dependable information concerning the condition and needs of the Service and to make sure that the policies of the Congress and the Department are complied with.

It is for this reason that the estimate provides for an increase of 40 in the number of inspectors. This will enable the Department to give a better postal service at less cost. The comparatively small expenditures in this item can be offset by much greater savings made through them in other items, and criminality now costing the Government and the public immense money losses can be curbed.

INCREASE IN WORK DONE AND IN ARREARAGES

Pages 418 and 419 of hearings:

Mr. ALDRICH. In 1937, with 575 investigators, 110,000 cases were completed, an average per man of 192 cases. Notwithstanding this increase in production, the number of cases uncompleted at the end of the year had risen to 28,800, an average of 50 cases per man.

* * * * * * *

Stated in terms of percentages, the volume of work to be done increased 27.9 percent, while the manpower increased by 9.5 percent (1937).

Were our force to be increased in the same proportion as the work increased, it would be necessary to have 686 men instead of the 640 which this Budget estimate proposes; 686 men would enable us to handle the present volume of work, but it would not be sufficient to make any reduction in the existing arrearage.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

As a subcommittee we recognize the importance of the inspection service, but we feel we have dealt very liberally with that service. In 1936 we allowed 15 additional inspectors. In 1937 we allowed 37 additional inspectors, and in 1938 we allowed 10 additional inspectors. This bill provides for 10 additional inspectors in 1939. This is a total of 70 additional inspectors in 3 years. The number that we have allowed this year will bring the inspection force up to 610, a very sizable force.

The additional 20 inspectors provided by the gentleman's amendment would place an annual increased charge on the Treasury of $52,000. I think we have been liberal in allowing half of this accretion.

I hope in the interest of economy this amendment will be voted down.

Mr. Chairman, I move that all debate on this amendment do now close.

The question was taken; and on a division (demanded by Mr. O'NEAL of Kentucky) there were—ayes 6, noes 32.

So the motion was rejected.

Mr. MEAD. Mr. Chairman, I rise in support of the amendment.

I do not want to take all the time to which I am entitled in connection with this amendment, but I do want to say that unless we have an adequate force of inspectors it will be difficult to execute the big building program because of the added work necessary in the acquirement of sites and the work in connection with the construction of these projects.

The Budget, after giving the matter close scrutiny, allowed for this item an amount equal to $73,500 more than the committee allowed.

The committee only cut the item $73,500 as it pertains to the inspectors, and it cut $40,000 from the item for traveling expenses. Then the committee cut $4,150 from the Budget estimate for clerks at division headquarters. Therefore the annual increment of $100, which by law is given to the apprentice employee as he advances through the grades, will not be permitted under the appropriation. In other words, the appropriation makes it necessary to violate these automatic increases as provided by law. The clerks at headquarters will not be given these automatic increases, and I therefore trust the amendment offered by the distinguished gentleman from Michigan will be agreed to.

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I call the attention of the committee to what we are going to face this afternoon in connection with the consideration of the pending bill. There is not a member of the committee that went over this bill who would not like to give every cent that will be requested by the amendments to be offered. There is not a man on this committee who has not friends and acquaintances in the postal service at home for whom he would like to show his interest. All of us on the committee are as much interested in the Postal Service as any gentleman on the floor of the House. All of us commend the zeal of the gentleman from New York, but after all, Mr. Chairman, the question is whether we are going to allow in the Postal Service and in the many other branches of the Government all the good things possible that money can buy. The arguments that are being made here apply not only to the Postal Service but to every other branch. We could have allowed increases in the Internal Revenue Division. That department produces revenue. We could have allowed an increase in the Customs Service and all the way down the line.

We believe the Committee on Appropriations should look carefully into every item. Where an appropriation is good business, we should allow it, but where a reasonable economy can be effected and where the Government can be assisted in balancing the Budget, we should not hesitate to say so. On

the item before us with reference to inspectors, within the last 4 years 70 new inspectors have been allowed in connection with the vast program of building in this country. However, this building program is now largely over. In this bill we have increased the number of inspectors and have allowed over $26,000 more than was in the appropriation bill of last year. It is up to this Committee to say whether we are going to stand for reasonable, logical, and sound economies with reasonable cuts or whether we are going to go along and give every dollar asked whenever someone can make a sentimental appeal. We have tried to do this job from the standpoint of good business and of taking care of the men properly. I believe this committee should be supported in appropriating in this one item the amount we have allowed, which is an increase, and I believe any amendment which further increases the number should be defeated.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield with pleasure to the gentleman from Indiana.

Mr. LUDLOW. Is it not true the reduction in the building program has released a very considerable number of inspectors for other service?

Mr. O'NEAL of Kentucky. There is no question about it. All of you know that in the vast building program we have carried on inspectors were very much needed, but this program is largely completed and these inspectors can be used in other service. We believe that with the additional number the committee has allowed there are sufficient inspectors to take care of the Postal Department in every reasonable way, and we ask that the Committee defeat the amendment.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield to the gentleman from New York.

Mr. BEITER. I have great respect for the gentleman's judgment, but in the gentleman's statement he said allowance has been made for 70 additional inspectors.

Mr. O'NEAL of Kentucky. Within the last 4 years, was the statement.

Mr. BEITER. And the gentleman states the travel pay allowance has been cut $40,000.

Mr. O'NEAL of Kentucky. If you have fewer inspectors there is less travel pay. You do not cut the travel pay of those you retain.

Mr. BEITER. I understood the gentleman to say the number of inspectors had been increased by 70 during the last 4 years, yet the travel pay is cut $40,000.

Mr. O'NEAL of Kentucky. I was referring to this estimate. In this bill we have increased the number, but the travel pay has gone down below the estimate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. LUECKE].

The question was taken; and on a division (demanded by Mr. LUECKE of Michigan) there were—ayes 50, noes 10.

Mr. LUDLOW. Mr. Chairman, I demand tellers.

Tellers were refused.

Mr. O'NEAL of Kentucky. Mr. Chairman, I object to the vote on the ground a quorum is not present, and make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members are present, a quorum.

So the amendment was agreed to.

The Clerk read as follows:

Clerks, division headquarters: For compensation of 194 clerks at division headquarters of post-office inspectors, $475,850.

Mr. ROMJUE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROMJUE: On page 57, line 8, after the words "of post-office inspectors", strike out "$475,850" and insert in lieu thereof "$479,850."

Mr. ROMJUE. Mr. Chairman, I want to explain this amendment briefly.

In the first place, we now have a law which provides for automatic promotions. The sum allowed here lacks $4,000 of being sufficient to take care of the automatic promotions. These clerks who are automatically entitled to promotion under the existing law are in the division headquarters, under the supervision of inspectors. Their work is largely with these inspectors in investigating violation of the laws of this country. I need not tell you how important it is that the criminals of this country be captured; neither need I tell you of the valuable work the postal employees who work with and under these postal inspectors are doing in aid of the Department of Justice of this Government in bringing about the capture of many criminals throughout the country. This is very important work, and these men are invaluable to the inspectors. For in the handling of the mails, we read almost daily of the capture of criminal after criminal through this process. At this time of all times we can least afford to cripple any kind of investigation which leads to the capture of criminals. These two points are the vital points in this amendment.

It so happens I have no division headquarters in my district, so the remarks made by the gentleman from Kentucky [Mr. O'NEAL] a few moments ago, could have no application to me.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from New York.

Mr. BEITER. I understand in one recent case alone in New York City an amount was involved which would more than offset the $4,000 increase which the gentleman has asked in his amendment.

Mr. ROMJUE. I thank the gentleman; he is correct and there are scores of similar cases. It takes just $4,000 to provide for and meet the requirements of these automatic promotions which have been created and provided by law. If this Government wastes no more money than is wasted in ferreting out and capturing criminals our record of economy in this country will have no justified criticism.

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just a minute or two ago the Committee adopted an amendment indicating a desire to go beyond the needs of the Post Office Department without any justification whatever for it. Let me give you the facts on this proposition. In the year 1937 the actual expenditure under this appropriation was $439,768. The amount carried in the bill without any amendment is an increase of $36,000 above the actual expenditures for the year ending June 30, 1937. We have gone into the situation carefully. At the present time, with this same appropriation for the current year, there is impounded in the Treasury by Executive order $10,000. I do not believe this amount will have to be touched in any way whatever.

I hope the Committee in considering these appropriations will try to do something to promote economy and not run absolutely wild and beyond any possible reason or need. I hope the amendment will be defeated and that the Committee will stand somewhere for economy.

Mr. LUDLOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, no employee whatever will be deprived of any automatic promotion. Under the appropriation we have provided everyone entitled to it will receive his promotion under the law. In 1937 there was a balance of $25,000 in this appropriation.

There is ample money here to pay all the personnel of this office, and unless we have started out on a campaign of boosting salaries in appropriation bills beyond the necessities of the service, we should vote this amendment down. I am as anxious as any man here that Government employees shall receive good salaries and the automatic promotions due them. All of the employees affected by this item are well taken care of by this appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 32, noes 33.

So the amendment was rejected.

The Clerk read as follows:

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, $198,000,000.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 58, in line 18, after the word "substitutes", strike out "$198,000,000" and insert in lieu thereof "$199,000,000."

Mr. MEAD. Mr. Chairman, a while ago I stated I made no complaint of the treatment accorded the Department by this committee. I said the difficulty that besets the proper operation of the Postal Service is in the system. I pointed out that in the last 3 or 4 years less money than was needed for personal service had been appropriated. Prior to that time a surplus was appropriated, and there was always enough money left to turn some back to the Treasury.

Here is the order I talked about that gags the experts in the Department to a very marked degree in presenting the information needed in connection with postal activities. It states in part:

Before any person in his official capacity as officer or employee of any executive department or agency appears before any committee of the Congress he shall, if time permits, ascertain the relationship, upon the advice of the Bureau of the Budget, of such legislation to the program of the President.

As a result of this order insufficient information is given out, and these appropriation bills are only given to us the day before they are to be considered in the House. As a result of this continued impoverishment of the Service, the service is being cut down, regulars are being surplused, vacancies canceled, and substitutes are not given enough money to keep body and soul together.

Here is what Mr. Donaldson said on page 79 of the hearings, carrying out the statement I just made about the change of policy:

We have in the past 3 or 4 years kept the force down to the minimum by working more substitutes than we were really justified in working.

In other words, they have these poor devils working as substitutes 2 or 3 years after they ought to be regulars, and the only reason they do this is because we do not provide enough money for them to give regular appointments. They save money on these men because all they give them is 55 cents an hour, work them 40 hours or more if they want to, and then deprive them of the sick leave and vacation pay that the law enacted by Congress intended they should have. I am not asking for the amount of money in this amendment that the Department wants, but I am asking that the estimate O. K.'d by the Budget be restored.

Here is another alarming order that was just issued by the Department, altogether due to this impoverishment of the Service:

No distribution of city mail shall be taken up or its frequency of such distribution increased without the approval of the Department. Distribution of city mail is primarily for the purpose of advancing delivery through stations and carriers.

And this order stops the distribution and some delivery of that mail "on trains arriving on Saturdays after 1 p. m. up to 2 a. m. on Monday."

This is just an example of the many pinch-penny regulations and orders that you men are complaining about all the time which are the result of the impoverishment of the Service by this committee. This Department cannot tolerate the policy that has been adopted during the last 3 or 4 years much longer and survive.

I protest the laws being violated. These regulars ought to be given what was intended by the law, and these substitutes ought to be treated like human beings. They are not given such treatment now and have not been given such treatment for the last 2 or 3 years, and, for one, I will not allow this treatment to be continued. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

The subcommittee of which I have the honor to be chairman is composed of seven Members of this House, good, honorable Members, five Democrats and two Republicans. We have worked very hard and very conscientiously, day after day, and week after week, listening to the incessant requests for appropriations by the Departments, and then appraising these requests. We believe we are entitled, through faithful and devoted service, to the consideration of this House. We believe that we know, perhaps, more about the details of these different matters than other gentlemen who have gone into the subject only casually, because it has been our business, under the obligation we owe the House, to go into these matters intensively. We know many factors, both on and off the record, that enter into this equation that others cannot know, because we have devoted our exclusive attention to these matters for many weeks, and we plead with you to give faith and credence to our findings in connection with these appropriations.

There is one thing I may say to the Democratic Members of the House. I want to present the picture to you as I see it. I do not desire to inject any partisan note into this situation, but our President, as the great leader of our party, has outlined a program of reasonable economy in the administration of Government affairs.

We believe that by and large it is the sentiment not only of the Democratic Members of the House, but of the Republican Members as well, that in this day of national economic stress and depression the President's policy of economy is a wise policy, and these estimates that are given here are the President's estimates. They are not ours. We plead with you to help the President carry out this very necessary and vital program of economy. The gentleman from New York [Mr. MEAD] says that he wants to increase the appropriation for clerks up to the Budget estimate. He is entirely mistaken in his understanding that we have cut the Budget estimate on this item. We allow the full estimate of the Budget, which is the estimate of the President, for this appropriation. The Democratic and Republican members of this subcommittee are agreed on every item in this Post Office appropriation bill, and we are working with the President on a program of reasonable economy in the efficient and economical administration of the Post Office Department, and we hope that gentlemen of the House will stand with us and by so doing stand with the President's program. Our committee has allowed the full amount of the Budget estimates on all of the great service appropriations of the Post Office Establishment. We have protected the interest of the employees in the fullest measure and at the same time have approved and incorporated in the bill the President's wise plans for reasonable economy.

In connection with this particular item of compensation of clerks at first- and second-class post offices we have allowed here the highest appropriation of all times—$198,000,000—which beats in size all appropriations heretofore made for that purpose. In 1936 the appropriation was $180,000,000 and in 1930, $184,000,000, and in 1931, both comparable years, $182,000,000, and in 1937, on a comparable basis, $192,000,000. We have allowed $198,000,000, which is the full Budget estimate. We have amply provided for the needs of the Service. Do not let us go wild and pile up this appropriation beyond all reason.

Mr. KENNEY. Mr. Chairman, I move to strike out the last word. The able chairman of the Committee on the Post Office and Post Roads [Mr. MEAD] always presents his argument favorably and well and effectively. The reason he is effective, I believe, is that he is always reasonable in his position and he is reasonable now in offering his amendment. He speaks now for those who have never, in my opinion, been overpaid, but who have been underpaid over the years—the clerks in the Postal Service of the Government. I am one of those who believe that if due allowances are made for the services rendered for nonrevenue items, the Post Office Department is self-sustaining, whatever may have been said to the contrary notwithstanding. The appropriation for

clerk service should be raised $1,000,000. That is what we will need for this service as we are spending now. The Post Office Department is spending for the service at the rate of $199,000,000 a year.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. I am sorry, but I cannot yield. If we cut the amount down to the committee figure the present service will be impaired and curtailed. That will mean, as I recall the testimony before the committee, that there will very probably be but one delivery service daily in a great many residential districts. You will have complaints about the service. And we are not considering an increase of postal services that will shortly be necessary. We are launching on a new housing program. When the bill which we recently passed in the House is enacted into law it will mean an expansion of the Postal Service if there is any appreciable amount of building as we expect. The additional $1,000,000 is required. It seems to me that we will not get along rendering satisfactory service with an expenditure of $198,000,000.

If we are proposing by the committee's figure to effect economies, we will not bring about economy by throwing postal clerks out of work or reducing their hours and, of course, the brunt will be borne by the substitutes whose hours of employment are now restricted and limited. The chairman of the Committee on the Post Office and Post Roads has told you of the plight of the clerks in the Service. I have talked with clerks and carriers as well as rural-delivery men. Their plight in many cases is not unlike that of the custodian and his assistant in one of the post offices in my district. The custodian cannot be relieved by his assistant because the Department lacks funds to pay the assistant, or charman as he is called, except for 2 hours a day. As a result word came from the Department down through the postmaster to the custodian who has charge of the boilers that he ought to split his hours and split them so that he would work every other 2 hours during the day, go to work at 5 in the morning, go home and come back at 7, quit at 9 and come back at 11, and so on. Did you ever hear of anything like that? The assistant custodian, the charman, up there, because of lack of money, is worked only 2 hours a day, 50 cents an hour, $1 a day. How do we expect a man who has gone through the civil-service test, who has qualified and holds himself subject to the call of the postmaster every day only to work 2 hours can long endure? This charman will not be affected by this particular amendment, but his plight applies to clerks and to carriers and I believe another amendment will be offered to carriers. I ask you not to reduce the hours of employment of the clerks and carriers. I ask that you vote for this amendment.

Mr. TABER. Mr. Chairman, just so the House may understand the matter clearly, the Committee on Appropriations did not recommend a cut in this item. The Budget recommended $198,000,000, and that is the figure that we present to the House. It is the unanimous report of the subcommittee. Am I not correct in that?

Mr. LUDLOW. The gentleman is correct; absolutely.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. KENNEY. Was there not testimony before the committee that the Post Office Department was spending now at the rate of $199,000,000?

Mr. TABER. There was not. The testimony before the committee was that we were spending, for the first 4 months, $64,840,000. Three times that is $194,520,000, or three million and a half below what this proposal is. Allowing $3,000,000, which is the ordinary and usual figure for Christmas, that would mean one hundred and ninety-seven million dollars and a half. That is what is being spent now, and we are allowing $500,000 more than the testimony justified us in allowing. The gentleman from New York [Mr. MEAD] and the gentleman from New Jersey [Mr. KENNEY] want us to appropriate a million and a half dollars more than the testimony warrants. Frankly, we are not justified in carrying here more than one hundred and ninety-seven million dollars and a half under the testimony, but in order to allow plenty of margin to work on we have carried the Budget estimate of $198,000,000. Testimony is replete with statements that they can get along this year very nicely on this figure, when they come to consider what the revenues are and business is at the present time.

I cannot see any possible justification for this increase. In 1937 on a comparable basis the expenditures were $192,000,000. There is not any sense in jumping this figure more than $6,000,000 beyond the 1937 expenditures.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. KENNEY. The gentleman's estimate that he just now gave does not take into consideration the extension or increase in the Service; and there was testimony that there was a large increase in New York, Los Angeles, and Washington.

Mr. TABER. The testimony was that they were not at the present time increasing to any considerable extent; not nearly up to the estimates that had been made when these figures were submitted to the Budget. If these figures had been submitted to the Budget at the time the hearings were held before our committee, I have not the slightest doubt but what the Budget would have cut from $500,000 to $1,000,000 below the figure that they actually did submit to us.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. LUDLOW. Is it not true that the President's estimate on this item was sent up at a time when it was thought that the volume of the postal business would be much larger and consequently require much more personnel than is now apparent?

Mr. TABER. That is exactly correct.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MEAD. Is it not true that the Department asked the Budget for $203,000,000 on this item?

Mr. TABER. At a time in July with figures before them showing a large increase, but not at a time in November and December when the Department figures of operation did not bear out the increase that they had estimated when they were before the Budget. I do not believe they would have gone before the Budget on those figures asking for $203,000,000; I do not believe they would have gone before the Budget asking for $199,000,000 on the facts as they appeared before our committee at the time of the hearings. In my opinion, after going over the figures thoroughly, there is no justification for a dollar increase in this appropriation.

[Here the gavel fell.]

Mr. FULLER. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I hardly ever take part in the debate on an appropriation bill, but sometimes we have got to stop and consider. This committee that the gentleman from New York represents is one of the most vigilant committees in the House. They never lose an opportunity to do everything in the world for the post-office employees; and they make one of the most powerful arguments you ever heard on the subject, as we know when we listen to the gentleman [Mr. MEAD] from New York. The members of that committee have succeeded in adding $26,000 to this appropriation this time. The balancing of the Budget and what the Post Office Department wants cuts no figure with them. I call your attention to the fact that last year this same committee added $40,000,000 to the burden of the taxpayers of the United States, and it was not needed at all, yet we are paying it today and will continue to pay it over the years. They do not tell you things that a lot of us know that the Government is doing for these so-called Government employees in the Post Office Department.

We are trying to economize, we are trying to give jobs to those that have no jobs, but this committee has only one object in the world, not to create more jobs for those who cannot take care of themselves, but to give higher wages to those that are in the Postal Service; those in the smaller

brackets whose services are really not needed. It is no benefit to the regular employees, and they can well perform these so-called added duties.

No man responsible for the running of a department, be it Jim Farley, or anybody else, can make his department come out in the black if you listen to these people from the cities who always have a big postal-employee vote. Talk about poor pay; you can sell every one of their postal jobs for 25 percent more than their salary. But that is no real test. The clerks and carriers are not here clamoring for more pay, and you are not seeking to give them more. All these increases for more jobs causes more embarrassment for the regular employees.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. FULLER. I yield.

Mr. BEITER. The gentleman is interested in getting people back to work. How did the gentleman vote on the wage and hour bill?

Mr. FULLER. I voted against it, of course; and I shall continue to vote against it. It will not put people back to work, it will throw people out of work. [Applause.] It is people like these gentlemen from New York, from Buffalo, who come in here talking always about the employees. They talk about making them pay 3½ percent for retirement purposes, but they do not tell you that the Government paid out last year $40,000,000 for the retirement of Federal employees, most of them in the Post Office Department; yet they would lead this country to believe that the 3½ percent is paying for the retirement of Federal employees. I am in favor of the Federal employees getting all that is coming to them.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. FULLER. I yield to the gentleman this time, but I want to hear the gentleman make his speech in his own time.

Mr. BEITER. Is it not a matter of fact that the Federal employee is one of the poorest paid men in this country?

Mr. FULLER. No, they are not; they are amongst the best paid people in the country.

Mr. BEITER. Right now that might be true, but I am speaking of normal times.

Mr. FULLER. Many a rural- and city-delivery carrier in my district is receiving more than the ordinary employee of business and industry. But this is not what I am complaining about. They do not object to some extra work. Some of the Government mail employees get as much as $5,000 a year. We have no better service in the Post Office Department since adding $40,000,000 a year to the burden of the taxpayers of this country. It may be good as a vote-getting proposition, but it is without merit.

That is the truth of the matter.

Those you seek by this amendment to benefit do less work, they draw more pay, and are less efficient than any class of people in my district. Let us stay with the recommendations of the Post Office Department and with the Budget. It is time to economize and economize in earnest and all along the line. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I was very much surprised to see my good friend from Arkansas appear in the role of economist here today. I doubt very much if he would have taken the floor were we debating the question of public highways.

Mr. McCORMACK. And also the rule of sectionalist.

Mr. RAMSPECK. Yes. The gentleman said we were appropriating $40,000,000 for the retirement fund. He shows a lack of information as to this matter. We appropriated last week more than $70,000,000 for the retirement fund for the ensuing fiscal year.

Mr. FULLER. I am talking about per year. Per year $40,000,000.

Mr. RAMSPECK. We appropriated nearly twice that much.

Mr. FULLER. But we did not do that the year before.

Mr. RAMSPECK. I am telling the gentleman. He is mistaken. He does not have the correct information.

Mr. FULLER. Yes; I do.

Mr. RAMSPECK. Look in the appropriation bill which we passed last week and the gentleman will find $73,000,000 for retirement.

Mr. FULLER. And I have known of only an appropriation of $20,000,000, but the fixed charges from year to year run between $39,000,000 and $40,000,000. Does the gentleman deny that?

Mr. RAMSPECK. The normal cost to the Government is less than the amount the employees are paying in themselves.

Mr. FULLER. Is it not between $39,000,000 and $40,000,000?

Mr. RAMSPECK. No.

Let me talk about the post-office business. The gentleman mentioned the salaries. The amendment under discussion here does not raise the salaries. It is simply a question whether or not the Post Office Department will have enough money to secure sufficient employees and clerks to run the Department. This amendment does not raise the salary of a single employee, because that is fixed by the Classification Act; and the amount of this appropriation does not control the salaries. It simply controls the number of employees. I have not read the hearings and I do not know all of the details, but I have been told by officials of that Department they are having a great deal of difficulty securing enough money from the Budget to properly operate the Post Office Department.

Mr. Chairman, this is the only agency of the Government that is practically self-supporting. It would be self-supporting if it were not for the subsidies we give to certain interests in the way of free mail and the use of the mail at less than cost. The Post Office is an efficient organization. Its men work hard and they are entitled to what they get. We should give the Post Office Department sufficient money to get employees enough to carry on the great mail system which we have in this country.

The gentleman talks about raising salaries. This has nothing to do with salaries. It is simply a question of how many employees the Department can have. If the appropriation remains as the Budget recommends it and as the committee made it, it is my understanding that, should the volume of mail increase, the Post Office Department will not have a single dollar to add additional employees in order to take care of the increased business. That is why I think the remarks just made by the gentleman from Arkansas are out of order and not to the point.

Mr. MAAS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Minnesota.

Mr. MAAS. If the volume does not increase and they do not need the additional employees they will not appoint them?

Mr. RAMSPECK. The gentleman is correct. They will let them go when they do not need them.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I think it is well to pause for a moment to decide what is going to be our general attitude toward this bill. I personally believe that reasonable economies are quite necessary. I am also of the opinion that no man should vote on this bill or on the individual items unless he is willing to hear the facts and decide them on their merits.

It appears that a great many here are moved by a sympathetic appeal. Our chairman here would like to be as generous as any man on the floor. May I say, Mr. Chairman, that every item that is added to this bill will increase the deficit for the coming year. If you put a million dollars more in this item you simply add a million dollars to the deficit in 1939. That might be justified if the facts were justified, but I do not believe that any man who wants to do the right thing and who will read the record can come to any other conclusion than that this Department is being dealt with most generously and that the Service will not be impaired by this appropriation.

Mr. RAYBURN. Will the gentleman yield?

Mr. O'NEAL of Kentucky. I yield to the gentleman from Texas.

Mr. RAYBURN. The subcommittee, as well as the full committee, went fully into this matter?

Mr. O'NEAL of Kentucky. Yes.

Mr. RAYBURN. The subcommittee was unanimous that the amount carried in the pending bill, which is $6,000,000 above 1937, was sufficient for all purposes and was enough to do justice to every one in the Service?

Mr. O'NEAL of Kentucky. The gentleman is correct. May I say also that the revised estimates for the Postal Service are $20,000,000 less than when the Budget considered this figure. They were $20,000,000 less than when the Budget figured the amount in this bill. We allowed the full amount the Budget requested. We did not cut it one dime. This is the largest appropriation ever made and it is $3,000,000 more than was used last year. They did not use all of their appropriation last year.

Mr. Chairman, this item has jumped from $180,000,000 in 1936 to $198,000,000, an increase of $18,000,000. There are 72,000 employees under this item and every one can be provided for. The average rate of pay is $2,100 a year. There are 50,000 getting $2,100 a year.

Furthermore, ordinarily there are 1,500 lapses a year due to death or resignation, and out of the sum of money we provide, 1,500 additional employees can be appointed without further appropriation. If this Committee is to pass any appropriation recommended, we can do no more than abide by your decision; but with no item in this bill are we dealing more fairly than with this one.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 12 minutes.

The motion was agreed to.

Mr. MEAD. Mr. Chairman, before the gentleman from Pennsylvania [Mr. HAINES] begins his statement, will the gentleman yield to me?

Mr. HAINES. I am pleased to yield to the gentleman from New York.

Mr. MEAD. Mr. Chairman, I want the RECORD to show some of the statements which have been made here are not in accordance with the requests made by the experts of the Post Office Department. It has been indicated here the subcommittee is giving the Post Office Department all they ask, and that they can appoint these men if they wish, but here is the record. Last year the committee appropriated $195,000,000 for this item, and before this year is over the Post Office Department will have to ask for a deficiency appropriation of $3,000,000, which will make the total appropriation $198,000,000. The Post Office Department asked the Budget for $203,000,000 in order that they might appoint the regular substitutes who are required at the Nation's post offices, but the Budget cut the amount to $198,000,000. Then, of course, the restrictions were applied and they could not ask for any more because they would be in contravention of the Budget regulations.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The statement has been made that the appropriation has been increased $18,000,000 from 1926 to the present time. Will the gentleman enlighten us in regard to the increase in the business of the Post Office Department?

Mr. HAINES. The Post Office is the greatest service organization in the world. If we want to continue to have it a fine service organization, we must provide sufficient funds so the Department can operate efficiently with a personnel which does not need to be cut off or retired temporarily, or the Department will not have to take advantage of some provision of law which may permit a reduction in salary. I want to support this amendment, because I believe the efficiency in the management of the Post Office Department is such that if the money is not necessary, it will not be spent. If it is necessary, I want the Post Office Department to have the advantage of a sufficient appropriation.

Mr. PIERCE. Mr. Chairman, it seems to me we who sit here in the Committee of the Whole considering an appropriation a committee of the House has considered for weeks, and on which it has taken testimony, should be very reluctant to raise the amount of the appropriation, especially at this time. I sympathize with the men in the Post Office Department who are not receiving as much as they think they ought to receive, but I am extremely anxious that we get just as close as we possibly can to balancing the Budget at this time. I am going to vote against raising appropriations which a committee as highly respected as this subcommittee presents to this body and asks us to accept. I think we ought to be extremely careful when we change the figures recommended by such committees, especially in connection with raising them at this time and on this occasion. Let us sustain our committee. What is the use of having a committee if we do not sustain it? What is the use of their taking testimony?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Do I understand the gentleman to say he is going to vote against all efforts to increase appropriations for the rest of the year?

Mr. PIERCE. I would hate to make such a pledge, especially in regard to the C. C. C. camps. Nevertheless, it is going to be very hard to jolt me out of that position, because I believe it is one we should all take. The Postal Service is going to continue, there is no question about it, and there is no considerable hindrance to Government affairs if we simply give them the amount asked for by the Budget. Therefore, why raise the amount and override the committee?

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Indiana.

Mr. LUDLOW. The gentleman has stated no harm would be done in any way, and that is true. The deficiency subcommittee is sitting almost constantly. It happens the gentleman from New York and I are members of that committee. Any reasonable request which may come for additional personnel will certainly be honored by that subcommittee.

In this connection I may read what Mr. Donaldson, of the Post Office Department, stated during the course of the hearings:

> Mr. LUDLOW. In your administration of it, if you find that you cannot get by without curtailing or unduly crippling the Service, you will find a responsive ear here.
>
> Mr. DONALDSON. We have no difficulty in this Committee on Appropriations so far as a deficiency is concerned.

Mr. PIERCE. Let us sustain our committee.

Mr. MOSER of Pennsylvania. Mr. Chairman, as I have listened to this debate, I cannot help but recall the time I was a railway postal clerk running into New York City. The Federal building was then under course of construction. Facing Eighth Avenue, between Thirty-first and Thirty-third Streets, is a fine edifice erected by the Government of our country. On the cornice at the front of this building appear these words:

> Neither rain nor snow nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.

This is the motto of the Post Office Department, and is inscribed on the New York City post office.

I want to say something in behalf of these employees, none of whom has ever been overpaid. They are the most efficient, the highest trained, and the most expert employees in any branch of the service of the Government of the United States. I challenge any member of this committee to show me where any employee of the Government of the United States is put on the spot more than these postal employees, who are required to pass examinations 98 percent perfect in order to hold their jobs and distribute the mail. You know what it means to have mail delivered with celerity

and dispatch. For people to come here and say, as the gentleman from Arkansas has said, that these men are inefficient and incompetent, just beggars description. They are the highest trained, the most efficient, and the best qualified employees of the Government, after passing their examinations successfully, or they would not be able to stand up to their cases and perform their work. They never have been accused of being overpaid. It is unreasonable that the Post Office Department's hands should be tied. The administration of the Post Office Department reaches into the homes, and carries messages of cheer as well as messages of grief, touching the heartstrings of the entire Nation. It is a service which reaches into your district and affects each and everyone of you more vitally than any other service the Government performs. I hope the amendment is adopted.

Mr. RAYBURN. Mr. Chairman, it seems we are all in favor of balancing the Budget when an appropriation bill is not pending before the House. May I say to the members of the committee that as the days come and go balancing the Budget becomes more and more important. Some of these days the Government of the United States will have to do what every wise individual and every wisely managed corporation does, balance its outgo with its income. [Applause.]

You may talk about the requests of the Post Office Department, but everyone who has been in Congress and has watched appropriations throughout the years knows every department in the Government asks for more money than it expects to get. So the fact the Post Office Department asked for $203,000,000 and was granted $198,000,000 is no argument to me.

This is one service that comes very close to all of us, and it comes as close to me as it does to any Member of the House, and when this committee has considered and made its recommendation, and has been confirmed by a committee of some 39 Members of this House, it appears to me it should be persuasive with this Committee when they say this is fair, and this is sufficient, especially in view of the present condition of the Treasury. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 49, noes 41.

Mr. LUDLOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LUDLOW and Mr. MEAD.

The Committee again divided; and the tellers reported there were—ayes 53, noes 52.

So the amendment was agreed to.

The Clerk read as follows:

Clerks, third-class post offices: For allowances to third-class post offices to cover the cost of clerical services, $7,250,000.

Mr. HAINES. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HAINES: On page 59, line 3, strike out "$7,250,000" and insert in lieu thereof "$7,450,000."

Mr. HAINES. Mr. Chairman, my amendment takes care of a small increase in salary that is due the lowest paid postal clerks in the Service—the postal clerks in the third-class offices.

I can subscribe to the sentiment expressed by our floor leader. I am just as anxious to go along in the balancing of our Federal Budget as any man here, but I am equally interested in balancing the human budget, and when you know there are 3,500 clerks in the third-class offices whose salaries are below $50 a month, and who by act of Congress are entitled to an increase of salary, but because of lack of appropriation the Department cannot give them the little increase to which they are entitled, I believe you will support the amendment.

There are over 10,000 offices in the country that employ these low-salaried employees, and I offer this amendment, Mr. Chairman, in all sincerity and with considerable feeling because here is a group of men who have been forgotten.

I appreciate the fact the committee has worked hard, and I believe in their sincerity and in their effort to make a contribution to a balanced Budget and all that, but I am convinced that when the chairman of the subcommittee said they had cut pretty deeply, he made a correct statement. I want to refer you to the hearings at page 91, a statement by Mr. Uttley:

We have been holding these people down that receive very poor salaries; they are importuning us all the time, not only direct but through their Representatives—we have been holding them down, many of them to the minimum allowance, reducing it 25 percent of what is set up as a standard allowance by law. We feel that our allowance on that has been cut to the absolute minimum.

This is the statement of Mr. Uttley, who is Superintendent of Postal Service, and I continue to quote Mr. Uttley:

Because of the low salaries received by them, we originally asked for $8,000,000, which would still be below the average.

Then Mr. DALY asked this question:

When you asked for $8,000,000 the Budget cut you to what?
Mr. UTTLEY. To $7,450,000.

Notwithstanding the statement of this gentleman, who is an expert in the Department, the subcommittee further reduced the amount to $7,250,000.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. O'NEAL of Kentucky. Is not the gentleman aware of the fact that every Government officer who comes before the committee fights for the amount he has requested?

Mr. HAINES. I presume that is true.

Mr. O'NEAL of Kentucky. The gentleman can read the hearings and on every item he will find each one of them saying he could not get along without the amount requested. This is the universal custom.

Mr. HAINES. I think the gentleman is probably correct.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. BEITER. The gentleman's amendment simply restores the amount to what the Director of the Budget recommended and not what was asked by the Department.

Mr. HAINES. I am simply asking what the Director of the Budget has asked and not what it has been suggested is necessary to pay these men the amount of money they are entitled to under the law. They are entitled to $8,083,590, and I sincerely trust in all fairness and justice to a low-paid group whose salary averages $50 a month, with 3,500 of them receiving less than that amount, we do the right thing by these men, and I ask you to support this amendment.

Mr. LUDLOW. Mr. Chairman, I appreciate the concern of the able gentleman from Pennsylvania for these clerks in post offices of the third class, and his concern for them is no greater than mine or the concern of the other members of the subcommittee of which I am the chairman, but the fact of the matter is there is ample money provided in this appropriation to take care of these employees.

The annual rate on November 5, 1937, which is the last index we have to go by, is $7,183,700, which is well below the appropriation carried in this bill.

In submitting this estimate, what appears to have been an error was committed by the Post Office Department. They based it on a certain computation of the number of post offices expected to advance from the third to second class, which is 400 postmasters, but as a matter of fact they failed to give us any information on the point of how many third-class postmasters would advance into the second class. Every time a third-class postmaster advances to a second-class postmaster there is a balance of $1,600 of clerk hire that ceases to be a burden on this appropriation, and that allows for as many as seven clerks in the lowest bracket when they are infiltrated into this particular appropriation by advancement of officers from the fourth to the third class, so that taking that into consideration there is the greatest

amplitude of funds in this appropriation to care for this bracket of employees, the clerks in third-class post offices.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. HAINES. I have three or four instances in my own congressional district where postmasters, by reason of increase in postal receipts, have received increased pay, but these postal clerks were not given the increased pay that they were entitled to under the law; and I called it to the attention of Mr. Uttley, and he told me they would like to pay it, but that Congress does not give them the money.

Mr. LUDLOW. In the year 1937 they did not spend their entire appropriation by $19,000, and that was $7,225,000, or $25,000 less than the appropriation we are allowing this time. Unless you want to swell these appropriations far beyond the needs of the Service, this amendment ought to be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 45, noes 28.

Mr. O'NEAL of Kentucky. Mr. Chairman, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

So the amendment was agreed to.

The Clerk read as follows:

Village delivery service: For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, $1,675,000.

Mr. PHILLIPS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: Page 59, line 12, after the period, insert an additional paragraph, as follows:

"Rewards to postal employees for inventions: The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $2,500 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this act shall be in addition to their usual compensation: *Provided further*, That no employee shall be paid a reward under this appropriation until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns."

Mr. LUDLOW. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill not authorized by law.

Mr. PHILLIPS. Will the gentleman withhold his point of order?

Mr. LUDLOW. We are very anxious to finish this bill.

The CHAIRMAN. The Chair is ready to rule. Clearly this is legislation on an appropriation bill not authorized by law.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PHILLIPS. Mr. Chairman, that same paragraph was in this bill last year. It may not be germane now, but it was germane and put in the bill last year with this change: The amount given in the bill last year was $500. The amount that I ask for is $2,500. The proposition is just a Budget item to reward postal employees for inventions or perfections in their work which may benefit the Post Office Department. Five hundred dollars was allowed for it last year.

Last year I raised the objection that there was not enough money appropriated. Think of a business the size of the Post Office Department, a business that extends throughout the United States, appropriating only $500 to reward employees for inventions. Every large corporation rewards its employees for inventions; it is good business; but this year there is not an item in this bill for this purpose. I am sorry the Chair felt constrained to rule that this amendment is not germane. This wording appeared verbatim in the bill last year. Last year the bill carried $500 for this purpose; little enough. I wish that somehow the wording could be put back, but the amount raised to $2,500.

[Here the gavel fell.]

By unanimous consent, the pro forma amendment was withdrawn.

The Clerk read as follows:

City delivery carriers: For pay of letter carriers, City Delivery Service, $138,000,000.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 59, line 18, after the word "Service", strike out "$138,000,000" and insert "$139,000,000."

Mr. MEAD. Mr. Chairman, I appreciate the interest of the Members in the clerical force of our post offices, an interest which was manifested just a few moments ago in the adoption of the amendment which I offered in behalf of our clerical force.

The present amendment is offered in the interest of the carriers, those postal employees who wear the uniform of gray and tread our streets day in and day out. I appreciate the contribution made by our leader, and I agree with a statement he made that a dollar invested in the Postal Service is not a dollar lost. A dollar invested in the extension of this Service may mean a dollar earned; in other words, by the continued expansion of this Service we increase revenues almost as rapidly as we increase the cost. While the late lamented Speaker, Mr. Byrns, of Tennessee, was chairman of that committee, there was, year in and year out, a surplus for the Post Office Department to expend on this item.

Under existing conditions, however, the Post Office Department will be exhausted of funds after 9 months of the year for which this appropriation applies. Here is the testimony of the expert of the Post Office Department: The appropriation for the current year is $138,000,000; the appropriation contained in the bill for the next year is $138,000,000. The deficiency this year already indicated is $1,000,000, and to prevent a similar deficiency next year is the reason for my amendment. I am asking for the same amount next year that will be necessary for the Department to function this year.

Here is an article that appeared in yesterday's paper: Postal receipts gained 5 percent in the month of December. Here is the Post Office Department's report on 50 industrial cities for the months of November and December. For November it shows an increase of 9 percent, for December 3.5 percent.

Here is the prognostication of the Budget: The Budget says that in 1938 we shall have a new postal surplus of $33,000,000.

Mr. Chairman, we owe a responsibility to the American people.

We cannot pile up surpluses without giving them adequate service. That the protest today is widespread is indicated by speeches on both sides of the aisle; it is indicated by Representatives from rural districts, as well as Representatives from urban centers. It is a protest against the policy that impoverishes the Post Office Department; it is a protest against the policy that makes it compulsory for men to work 2 and 3 years as substitutes after they are working the hours of regulars in order that we may chisel them out of their vacation pay and in order that we may deprive them of their sick leave.

I say to you, Mr. Chairman, this committee did consider this bill and they did cut this bill to the bone. They have a right to consider this bill, but I say as chairman of the legislative committee that we know the law, and we ask you to respect the law; I refer to the law regarding wages, working

conditions, and hours of service. How can you expect private industry to raise labor standards when, by indirection, by impoverishment of appropriations, and by diminution of the appropriation for these items, you nullify the acts of Congress? I ask you not to do it. I say to you, you have been considerate of the clerk; now, be consistent and be considerate of the carrier. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I do not believe this House of Representatives wants to add $1,000,000 to the 1939 postal deficit unnecessarily, and that is exactly what this amendment would do. The amount of money actually expended in 1937 for city letter carriers was $34,425,000, or almost $4,000,000 less than is carried in this bill, and there was an unexpended balance in the 1937 appropriation of $1,300,000.

This estimate was predicated by the Budget on what was supposed to be a prospective 5-percent increase of postal revenues, but it was demonstrated by the first 4 months' revenues that the actual increase would be less than 3 percent. All of this means less postal volume and less need of personnel. Not only is there enough money in this item to cover the expenses of the Service, but there is more than enough.

It must be remembered, too, that the deficiency subcommittee is in almost continuous session. These postal officials have always told our committee that they were sure of a responsive hearing when they came up to ask for additional funds should such funds be necessary.

Let us not go ahead and appropriate $1,000,000 above the necessities of the Service and in so doing add $1,000,000 to the postal deficit at a time when our President is doing his very best to make an approach toward a balanced Budget. The country is back of the President in this matter and we as a subcommittee are doing our best to assist him by upholding his Budget estimates.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. O'NEAL of Kentucky. I wish the gentleman would clear up one point which seems to be disturbing a number of Members. Even though the deficit, which does not appear to be imminent, should come, would that mean any lessening of the clerical force or services of any kind?

Mr. LUDLOW. Not one iota.

Mr. O'NEAL of Kentucky. Would anybody be hurt? Would anything happen except that they would have to ask the Deficiency Appropriation Committee for more money?

Mr. LUDLOW. The gentleman is absolutely correct. There would not be a single iota of impairment of the service. I would like to avoid adding this $1,000,000 to the deficit of the Service. I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken; and on a division (demanded by Mr. MEAD and Mr. BEITER) there were—ayes 46, noes 31.

Mr. LUDLOW. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. LUDLOW and Mr. MEAD to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 55, noes 38.

So the amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents at large, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, $57,500,000.

Mr. MOSER of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MOSER of Pennsylvania: Page 60, line 25, after the comma following "clerks", insert "who may neither be furloughed, surplused, nor reduced in grade that distribution be provided for terminals and post offices."

Mr. MOSER of Pennsylvania. Mr. Chairman, the amendment I have just offered does not involve an increase or decrease of appropriation but is offered solely in the interest of good, efficient service.

Some years ago the Post Office Department saw fit to discontinue paying for the transportation of mail by the weight system and began to contract for space upon a per foot basis. This will continue despite the fact there are efforts being made now to discontinue the distribution of mails on certain days of the week, as the chairman of the Post Office and Post Roads Committee mentioned a while ago, by placing this mail in a post office and there having it distributed by substitutes or other persons on substitute time. The experienced railway mail clerk, such as I described a few moments ago, must qualify by examination year after year and maintain an average of 98 percent in order to hold his job. He is skilled in the distribution of mail for large cities. He is experienced in the distribution of this mail, and I have personally known as many as half a dozen railway postal clerks to distribute city mail en route in the mail cars.

This mail will be turned over to the post office at the terminal. In the larger cities like New York, Chicago, and other large terminals, it is very important to have the mail ready to be delivered.

I may say on one particular occasion a post-office inspector called me on the telephone from the Hudson Terminal Station in New York and asked me to see whether his pay check was there. It was. I put it in a tube and immediately called him on the phone to tell him I had found it, and he already had his pay check delivered to him from the Pennsylvania Station in New York. That illustrates the facility with which mail can be dispatched through station distributing points.

The Post Office Department, under a misguided or a misconceived idea, should not undertake to surplus, furlough, or reduce a regularly qualified mail clerk who has passed his examination with a grade of 98 percent and who is qualified to dispatch that mail with celerity. If they undertake to dump that mail into a post office and take these men off on week ends, Saturdays and Sundays, the Government will continue to pay for this space. This mail will be turned over to the post office where substitutes will be used. When an inexperienced, inefficient, or unskilled substitute undertakes to distribute city mail they resort to a practice known as "scheming," which results in a scheme of distribution being laid out before them and letter after letter is followed down the column, whereas the experienced clerk dispatches the mail with accuracy and speed.

The purpose in offering this amendment is to protect the men who are qualified.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order comes too late. It should have been made before debate was had on the amendment.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this proposition has sprung out of a clear sky, and I do not believe a Member here knows what it means. If this has to do with an administrative matter, that is another thing. As I understand it, this would prevent the Postmaster General from taking disciplinary measures against members of the Postal Service. If that would be its effect, it would be prejudicial to good postal administration.

I hope the amendment will not be adopted. We do not know a thing about it. The gentleman never said a word to the subcommittee about it. I do not say that as a criticism, but, if the gentleman had come to us and explained the matter to us fully, we might have had greater sympathy toward the amendment by virtue of a better acquaintanceship with it, but in view of the fact we know nothing about it, I must, with all due respect to the gentleman, ask that the amendment be voted down.

Mr. MAAS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the purpose of the amendment is to attempt to prevent an order from going into effect on February 1, which provides for discontinuing working the mail on trains on Saturday nights and transferring that function to the post offices on Sunday. There are no genuine economies involved, but it will destroy the morale in the Railway Service.

Mr. LUDLOW. In any event is it not an administrative matter?

Mr. MAAS. No. I think when the administration fails, it is a proper matter for legislation.

Mr. LUDLOW. Does the Post Office Committee want us to legislate like that on an appropriation bill?

Mr. MAAS. Yes; I think it is proper under the circumstances.

Mr. SCHNEIDER of Wisconsin. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Wisconsin.

Mr. SCHNEIDER of Wisconsin. This is done in the name of economy because the Department has not sufficient money.

Mr. MAAS. There is no real economy in it. You will discontinue the pay of one set of employees and pay it to another set. When you discontinue paying this money to regular employees you will give it to substitutes who have been on the list for many years, it is true, but it will demoralize the Service. I believe the gentleman is probably right, that it is legislation.

May I ask the chairman of the Committee on the Post Office and Post Roads if he will hold hearings on a measure designed to stop this order from being effective?

Mr. MEAD. I may say our committee contemplates considering a bill of this character. However, if the gentleman will look up the original act creating the Postal Service, he will find there ample justification for this amendment, because by the act creating this Service we make it the duty and the obligation of the Congress to expedite the delivery of the mails. This order will retard delivery of the mails, and we will not save a dollar by its adoption.

Mr. MAAS. We are not only not going to save any money, but now hotels get mail on Sunday morning and distribute it, and this practice will be prevented if the order goes into effect. No mail will be available to anybody on Sunday.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Pennsylvania.

Mr. MOSER of Pennsylvania. The gentleman understands, of course, that this would not under any circumstance interfere with disciplinary action.

Mr. MAAS. Oh, no; it has nothing to do with disciplinary action. The gentleman is absolutely right.

Mr. MOSER of Pennsylvania. The gentleman understands the space will continue to be paid for, but the railway-mail clerks will be taken out of the space and the mail will be thrown into the post office.

Mr. LUDLOW. If the gentleman will yield, I understand this does interfere with disciplinary action because the amendment says, "Who may neither be furloughed, surplused, nor reduced in grade." Certainly, this interferes with disciplinary action.

Mr. MAAS. In view of the fact the gentleman from New York, the chairman of the Committee on the Post Office and Post Roads, has promised consideration by his legislative committee, does not the gentleman believe he ought to withdraw his amendment and have the matter go through that channel?

Mr. MOSER of Pennsylvania. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

Railway postal clerks, travel allowance: For travel allowance to railway postal clerks and substitute railway postal clerks, $3,100,000.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 61, line 5, after the words "postal clerks", strike out "$3,100,000" and insert in lieu thereof "$3,200,000."

Mr. MEAD. Mr. Chairman, this amendment applies to railway-mail clerks. It involves an expenditure of only $100,000, and applies to their travel-expense item.

I believe if you will listen to me for a moment, as I illustrate what the railway-mail clerks are up against, you will appreciate the difficulties under which these men work. This is further evidence of the impoverishment of this Department, and is an added reason we should provide ample funds for the carrying out of the mandate of the Congress.

The Department has changed many head-outs of railway-mail clerks regardless of their home to their work. The following is a typical example: On the run from Richmond, Va., to Clifton Forge the railway-mail clerks live in Richmond, and the official head-out has been from that point for years. A change in the railroad schedule developed the fact that if these clerks were headed out of Clifton Forge, at the other end of the road, a meal item of 75 cents per man would be saved. This is what they are doing to the railway-mail clerk—sending him from one end of the road to the other to save 75 cents on a meal item. If you call this economy, I say to you I hope never to understand the definition of the word.

This amendment, in my estimation, will provide only the bare necessities for the next fiscal year. It is what the Department asked for in the Budget. In all the amendments I have sponsored this afternoon I have asked for either what the Budget has approved or a smaller amount. If you believe the intent of the Congress should be carried out, and if you are against this method of deadheading railway-mail clerks clear across the line to the other end of the road to save on their travel allowance, then I hope you will join me and adopt this amendment, which will add but $100,000 to the item contained in the bill. If you do this, you will be inserting in the bill only what the Budget itself has approved. For example, the travel expenses under the current appropriation are $617,000. Six hundred and sixty-five thousand dollars was approved by the Budget and $625,000 is reported to the House. I am trying to reinstate at least a part of that sum so this plan of deadheading men clear across a division of a railroad will not be necessary during the year to which this appropriation applies.

We have men who are wholeheartedly interested in the postal appropriation, and it is also your duty and obligation to be so interested. We have as much right to register our will in regard to this and other items as the members of any committee, whether it is the Committee on Appropriations or a legislative committee. I ask you to provide ample funds so the intent of the law may be carried to fulfillment.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I regret exceedingly the temper which seems to have taken hold of the House today. I want to be serious when I say I sympathize sincerely with the leadership of the House. I am surprised that a large group of men on the other side of the aisle who continually profess loyalty to the administration and to the President has felt that it could cast aside all spirit of allegiance and all loyalty and join in this wild orgy of spending which has been urged upon the House today.

I want the RECORD to show and I want the record in Pennsylvania to show that every one of these raids on the Treasury which has been perpetrated this afternoon has come from the Democratic side of the House.

I want the RECORD to show that in a great many instances they have been sponsored and supported by Democrats from Pennsylvania, who profess loyalty to the President, and who have tried at every instance to say his ways and methods were the ways and methods which would lead to a safe port. They have paid lip service of support to the President, but now that the test comes they are deserting him in his effort to economize. They are supporting every spending suggestion here today. You are on a spending spree

and by so doing repudiating the President for whom you profess allegiance and loyalty. You are trying to tie the hands of your President in the efforts he is trying to make to carry out a promise of balancing the Budget. I charge every one of you as supporters of programs of profligacy. You are spendthrifts of the public funds. Remember that every dollar that you waste here means that much less for the unemployed for whom you should be concerned today.

Your concern today should not be for the employed mail clerks. Your concern should be for the millions of unemployed clerks, workmen, employees of all classes who have no pay checks, no pay envelopes, no means of getting jobs because of the effects of your profligacy on the private industries of the Nation. Your first responsibility is to get these men, the unemployed, to work. Your responsibility is to help your President do this job.

There is a cry which you should hear today—the cry of the 11,000,000 unemployed. Every dollar that you spend here today means just that much less for those in distress as the relief rolls—the unemployed rolls—grow larger. Remember their need—the ill-clad, the ill-housed, the ill-fed—those without jobs, is worse by far than these postal employees for whom we have provided adequately. The responsibility for raids on the Treasury is on your shoulders. You are for an economical administration of public affairs or you are against it. You are savers of taxpayers' money or spenders.

I plead with you today to support the distinguished majority leader. Give him the benefit of the support I believe he deserves. Cast aside the demagogues that stand down there in the Well of the House and plead for this raid on the Treasury of the United States. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield for a moment?

Mr. LUDLOW. I yield.

Mr. O'NEAL of Kentucky. I would like to call the gentleman's attention to a few facts about the bill as it now stands.

The economy on the part of your committee, after 6 weeks of hard work, was a shade less than $3,000,000. This committee has raised the amount of the bill, not counting the amendment before us now, $2,226,000. In other words, we have now an economy here under the Budget of $659,000, not counting this $100,000. Practically speaking, all the work of your committee has been wiped out, and by the action of the Committee today the deficit of the Federal Government will be increased $2,226,000 by amendments up to the present time.

Mr. LUDLOW. Mr. Chairman, I thank the gentleman for his contribution.

In reference to the pending amendment increasing the travel allowance of railway clerks from $3,100,000 to $3,200,000, I call attention to the significant fact that the expenditures for this purpose during the first 4 months of the current fiscal year have been $1,029,000. At this rate, the total expenditure for the fiscal year will be $3,057,000, which is $43,000 under the appropriation we have carried in this bill for 1939.

I wish to call attention further to the fact that the railroads are taking off trains all the time, which further diminishes the amount required in this appropriation.

The amount we have allowed of $3,100,000 takes care of the situation amply, and I would like to see the amendment voted down in the interest of economy.

Mr. BEITER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the appropriation for 1938 is $3,450,000, and the estimate for 1939 is $3,100,000, a reduction of $350,000. The Budget approved $3,100,000. On June 30, 1937, with 12,586 postal clerks, the annual travel allowance aggregated $2,964,820. The average annual rate per clerk was $236. During the fiscal year the extra travel allowance for regulars and substitutes was $272,222. Neither regulars nor substitutes can draw any subsistence until they have been away from the terminal for 10 hours. If a clerk makes a round trip and gets back within 10 hours, he does not draw any subsistence at all. In many cases clerks are out over 10 hours, but do not receive any travel allowance, because it may be at a certain time when they would not be entitled to it.

I greatly respect the judgment of the chairman of the Appropriations Subcommittee, but in this case I think he is wrong in trying to effect a savings on a group of employees who are justly entitled to this money.

The amount asked for in this amendment is necessary to carry out the obligations of the current year. Why prohibit these clerks from returning to their initial terminals by not appropriating sufficient funds?

Mr. LUDLOW. Mr. Chairman, if the gentleman will yield, they will get that under the proposed appropriation.

Mr. BEITER. Yes, but the amount of money you have included in the appropriation is not a sufficient amount to cover all of the expenses, as has been stated by the Chairman of the Post Office and Post Roads Committee, and, furthermore, this amount complies with the figure submitted by the Bureau of the Budget. This is not the amount requested by the Department, but the amount requested by the Bureau of the Budget.

Mr. LUDLOW. I understand we have allowed enough to cover their actual expenditures as demonstrated by their real expenditures now, and let me correct the gentleman by stating that we did give the Budget estimate. This is the exact amount that was allowed by the Budget.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. BEITER. I yield to the gentleman from New York.

Mr. MEAD. The current appropriation carries an item of $3,450,000. The Budget approved $3,100,000, but that is less than the amount necessary to carry out the obligations of the current year. Why appropriate an amount that will result in another deficiency next year? Why appropriate an insufficient amount that will compel these clerks to deadhead to the other end of the line?

If the gentleman will let me have another moment, I may say that the charge of demagogy was hurled in this Chamber for the second time in 2 days by the gentleman from Pennsylvania [Mr. DITTER] at those of us who are trying to secure appropriations sufficient to carry out the law, but he deleted the first charge from his remarks appearing in the RECORD of the following day. I will leave it to the membership of the House whether the sincere efforts of any man here in expressing his views, even though they may be opposite to the attitude of other Members, should place him in the category of a demagog.

When I espouse the cause of the clerks in third-class post offices, those who are paid by a lump-sum item in the third-class postmasters' appropriation, those who are getting $10 to $15 a week, I do not believe I should be accused of using the methods of a demagogue. I resent that, and I believe that the membership of the House resents it. I think we ought to discuss these matters on their merit, and we ought not to be carried away in the heat of debate and charge that any man is violating his trust or is assuming the attitude of a demagogue. We ought not to impugn the motives of anyone. I hope always to be fair with my colleagues, and I only ask them to be fair with me.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. Mr. Chairman, on the basis of the expenditures so far this year, the amount that we have carried is absolutely sufficient by a decided margin to take care of everything that is required. There is absolutely no evidence in the hearings that justifies this increase. I do not believe that there can be any possible excuse for this proposed increase. The travel allowance was set out on June 30 at an annual rate of $2,964,820. There is nothing whatever to justify any increase, and the amount allowed here will be ample in my opinion not only to take care of every bit of

needed expense, but there will be a considerable margin of at least $50,000. I hope the amendment will not be agreed to.

Mr. BRADLEY. Mr. Chairman, I move to strike out the last four words. I listened with much interest to the remarks of my colleague from Pennsylvania [Mr. DITTER], for whom I have high personal regard. He particularly took issue with his Democratic colleagues who have voted for living wages for United States Government employees. I am perfectly content that he shall place me in the classification of those who vote for a living wage for men and women who work for the United States Government, because I think the United States Government should take the lead in paying a living wage, and I and my colleagues from Pennsylvania on the Democratic side of the House, who have voted for these amendments, have no apology to offer because we are voting for the things necessary to enable these men and women to live according to the American standard of living.

I was very much interested in his remarks regarding the unemployed. I would like to examine the record with respect to the votes of his colleagues on the Republican side of the House when it has been a question of voting funds for the unemployed in this country. I am sure that you will find that they have consistently voted against relief and against appropriations for the W. P. A. When we vote for living wages for the post-office clerks we do not forget the unemployed, because when the question of the W. P. A. and unemployment relief is before this body we will vote as we always have done, for adequate relief, and I am sure that the Republicans on the other side of the Chamber will be found voting against these measures, as they always have done.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. Certainly, I yield to my distinguished friend and colleague.

Mr. McGRANERY. I, too, like my good friend, have a very high regard for the gentleman on the other side of the aisle [Mr. DITTER], and I want to say that I have since consulted the RECORD and find that our friend did vote to recommit and voted against the last relief bill.

Mr. BRADLEY. I thank the gentleman for that contribution. Further, Mr. DITTER said he would like a permanent record of all the votes that were cast on these amendments. I would like to see him ask for a separate vote on these amendments to correct conditions in the Post Office Department, because I am quite content to be found voting for the amendments if he is content to be found voting against them, because my vote would show I favored a living wage and his would indicate he favored starvation wages for Government employees.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. Yes.

Mr. RICH. I think the gentleman is telling the truth about the Members, that gentlemen on the Democratic side voted to spend every dollar since they have been here. They have not done anything except vote expenditures, and they are not considering trying to take care of the financial conditions of the country at all.

Mr. BRADLEY. When it comes to relief, my friend Mr. RICH will find me voting for relief for those who work for a low standard wage, in the Post Office and elsewhere and also for funds for the unemployed, and we will probably find the gentleman voting for relief for the corporations.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 48, noes 43.

Mr. LUDLOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. LUDLOW and Mr. MEAD were appointed to act as tellers.

The Committee again divided; and the tellers reported that there were—ayes 57, noes 45.

So the amendment was agreed to.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 61, line 5, at the end of line 5, strike out the period, insert a colon in lieu thereof, and add the following: "*Provided*, That clerks shall not be required to deadhead from their established official head out and residence to a distant place for the purpose of saving travel allowance because of changed service conditions."

Mr. LUDLOW. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MEAD. I desire to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MEAD. The Committee of the Whole by the action which it has just taken has placed its stamp of approval upon the amendment which I sent to the desk. As I interpret the intent of Congress, expressed in the law applying to railway-mail clerks, it is that the railway-mail clerks are entitled to a travel allowance under the ordinary and normal conditions of their work.

Mr. LUDLOW. Mr. Chairman, I do not believe the gentleman is addressing himself to the point of order.

Mr. MEAD. Mr. Chairman, I do not yield to the gentleman from Indiana. I am within my rights.

The CHAIRMAN. The Chair desires to hear the gentleman discuss the point of order.

Mr. MEAD. I am trying to inform the Committee and the Chairman that the adoption of the amendment just a moment ago, together with the law as it applies in this instance, make this amendment in order. We provide by law certain restrictions. These restrictions have not been carried out. We have now appropriated the money. By adopting this amendment the Department will be asked to live up to the law.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. MEAD. I yield.

Mr. TABER. Does the gentleman mean to imply by this amendment that the Postmaster General is abusing the railway mail clerks?

Mr. MEAD. No; I mean that because of the impoverishment of the Department by the subcommittee the Department cannot carry out the law adopted by the Congress. The chairman of the legislative committee resents this impoverishment of this Department and is trying in this way to make it possible for the Post Office Department to carry out the law.

Postmaster General Farley and those who are ably assisting him are very anxious to carry out the law; they are in sympathy and accord with the law as enacted by the Congress. Of them I have no complaint, but I do say that this policy adopted by the committee since the Budget regulations have been issued will, if it persists for a few years more, result in a postal service of which there will be complaint all over the United States. Our effort today is to save and increase the effectiveness of this great Department of the Government.

I believe that the acceptance of this proviso would be in keeping with the intent of the law and would make for ordered administration of the laws that were enacted by the Congress. We did not go into the details of preventing the Department from sending a railway mail clerk from New York to Chicago in order that it might save a 75-cent meal allowance, but we expected the Department to carry out the intent of the law.

Mr. LUDLOW. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from New York undertakes to direct methods of transfer of railway-mail clerks. It is clearly legislation. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

Electric- and cable-car service: For electric- and cable-car service, $335,000.

Mr. WEARIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEARIN: Page 61, line 24, strike out "$455,000" and insert in lieu thereof "$460,000."

Mr. WEARIN. Mr. Chairman, this amendment has to do with the Railway Mail Service and the necessity for the increase in appropriations is to take care of a certain increase in floor space that is contemplated on the part of the Post Office Department, and that will, if carried to its ultimate conclusion, bring about a certain amount of economy in the handling of the mail by making it possible for the mail to be handled in the railway-mail terminals rather than on the cars. This fact is borne out by the testimony before the committee appearing on pages 240 and 241 of the hearings. I read a brief excerpt from the hearings:

Mr. COLE. Yes; Mr. Chairman. The expected increases are at Buffalo, N. Y., $5,000; at Columbus, Ohio, $8,000; at Council Bluffs, Iowa, $5,500; at Indianapolis, $1,000; and at Louisville, $1,500.

Mr. LUDLOW. These are all rental charges?

Mr. COLE. We anticipate increasing our space at those points in order to provide for distribution of more mail in the terminals rather than on the railroad lines.

Now, preceding a little further in the hearings I find this statement under the title of Mr. Cissler:

May I add, Mr. Chairman, that in this increase we ask for there will be a certain amount of economy in the service affected.

Mr. Chairman, I trust that in view of these facts, namely, the necessity for the increase in floor space and the importance of facilities in the Railway Mail Terminal Service, and the fact that the testimony of the Department heads indicates that there will be a very substantial saving eventually as a result of such a program, that the committee will go along with me in this amendment to increase the amount on page 61 by $5,000, to a total of $460,000, which was requested by the head of the Department.

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

The items of increase requested by the Department amounted to $5,000 for Buffalo, $800 for Columbus, $5,500 for Council Bluffs, a thousand for Indianapolis, and a thousand for Louisville, or a total of $13,300. There was said to be a saving at Milwaukee of $8,500. This leaves a net increase of $4,800.

The committee allowed a $5,000 increase over last year on the basis of that testimony or $200 more than the hearings justified.

I hope the Committee will not increase this bill to the extent of $5,200 more than the hearings justified.

Mr. WEARIN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. WEARIN. The gentleman is taking into consideration only the savings at Indianapolis. There will be savings at other points where other terminal facilities are contemplated.

Mr. TABER. I am taking into consideration a deduction from this appropriation at Milwaukee only. I am taking into consideration the increases at these other places that will be required for rental.

We have already allowed $200 more increase than the Department told us would be necessary. There was no reason for them to hold back anything because the Budget estimate is the amount the gentleman asked for, but their justification, with the field wide open, did not come within $5,200 of justifying the appropriation that the Budget allowed, so we cut off $5,000.

Mr. WEARIN. If the gentleman will yield for a brief statement, I still insist he is taking into consideration only the savings to be effected at one terminal point. There will be savings at all terminal points.

Mr. TABER. Then the amount we carry in the bill is too much at that rate.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. WEARIN].

The question was taken; and on a division (demanded by Mr. WEARIN) there were—ayes 14, noes 35.

So the amendment was rejected.

The Clerk read as follows:

Foreign-mail transportation: For transportation of foreign mails by steamship, aircraft, or otherwise, $14,787,275: *Provided*, That not to exceed $10,842,275 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1940 in excess of such amount: *Provided further*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed $170,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States including the salary of the Assistant Director, Division of International Postal Service, with headquarters at New York City: *Provided further*, That not to exceed $12,000 of this appropriation shall be available for expenses of delegates designated from the Post Office Department by the Postmaster General to the Congress of the Universal Postal Union to be held during the fiscal year 1939, to be expended in the discretion of the Postmaster General and accounted for on his certificate notwithstanding the provisions of any other law.

Mr. DITTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, since taking my seat in the House I have sought to retain the friendship and good will of the Members on both sides of the aisle.

I thought I was paying the distinguished gentleman from New York [Mr. MEAD] a compliment when I resorted to the use of a word which apparently is not acceptable to him. In view of the fact that he does take exception to it, I preface my remarks now by tendering him my sincere apology for the pain which I have caused him. I would not offend him nor any Member. I refer him to a definition of a demagogue.

I find that Webster tells us that a demagogue is a leader, an orator, popular with or identified with the people.

I have looked upon my distinguished colleague from New York [Mr. MEAD] as a brilliant orator. The power of his appeal and the eloquence of his oratory have been persuasive and convincing. I have admired him. I do admire him. I always looked upon my distinguished colleague from New York [Mr. MEAD] as a leader, one to whom this group of postal employees might look with hope. I am disappointed if I have been mistaken either in looking upon him as an orator or a leader.

Probably a sense of humility prompts my distinguished friend to take exception to the compliment I tried to pay him. I hope that his rejection of my complimentary effort was not due to his misunderstanding of the term which I applied to him. I repeat here today my apology if I was mistaken in assuming that he is a leader and an orator. I believe him to be both. If I have wounded his fine feelings, I tender to him my apologies and genuine regrets.

Mr. MEAD. Will the gentleman yield?

Mr. DITTER. In just a moment.

Mr. Chairman, as to this outburst of enthusiasm from the gentleman from Pennsylvania, I am not at all surprised. There is no more jittery group of Members in this House than the Democrats from Pennsylvania at the present time, and they all know why they are jittery. They are being put on the spot every day. I wish I had the roll so that I could call their names to determine whether they are in the vest pocket of a certain distinguished gentleman whose name appeared recently in one of the popular magazines. Some want to get in the vest pocket; others are eager to jump out.

I am not surprised at these friends of mine, and I express for them my high regard just as they expressed it for me; but I believe I can be more sympathetic to them than they can be to me. They are exceedingly nervous these days. They are being counted. They are vest-pocket men or non-vest-pocket men. Have you seen them gather in groups, small groups, whispering to each other, pouring out their secrets, the secrets of their souls in admitting or denying that they belong to the vest-pocket edition?

I now yield to the gentleman from New York [Mr. MEAD].

Mr. MEAD. May I say I am very glad that the gentleman took time to look up and acquaint himself with the definition of the word. I trust it will guide him in his future use of the term.

Mr. DITTER. I knew what the word meant. I always used it so, sir. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

Contract air-mail service: For the inland transportation of mail by aircraft and for personal services for examining and auditing the books, records, and accounts of air-mail contractors, as authorized by law, and for the incidental expenses thereof, including not to exceed $31,200 for supervisory officials and clerks at air-mail transfer points, and not to exceed $53,700 for personal services in the District of Columbia and incidental and travel expenses, $15,800,000.

Mr. CARLSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARLSON: On page 63, line 8, after the word "expenses", strike out "$15,800,000" and insert in lieu thereof "$16,000,000."

Mr. CARLSON. Mr. Chairman, I assure you it is not with pleasure I come before you and ask an increase in the air-mail appropriation. We already have an increase in this air-mail appropriation of $1,300,000, but it does not grant 1 mile of new air-mail service. I find one route is transferred from foreign Air Mail Service to the domestic Air Mail Service, the route from New York to Montreal. This is a distance of 330 miles. It seems to me this is most unfortunate in view of the amazing development of all mail and the popular demand for new route service.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Indiana.

Mr. LUDLOW. We are thoroughly sympathetic with the gentleman's idea in regard to the extension of the Air Mail Service, but we have given this Service in this bill all that can be appropriated under the statutory limitations of 32,000 route miles and 45,000,000 flown miles. In fact, we have given more, and we have anticipated an increase.

Mr. MEAD. If the gentleman will permit an interruption, which I know will clarify the record, I may say the President signed last evening the bill which permits the expansion of the Service.

Mr. LUDLOW. I may say to the gentleman I did not know the bill had been signed, but even so, I believe it is a matter which ought to be attended to at the other end of the Capitol, since we have gone this far with the bill. We have gone the very limit of the amount estimated.

Mr. CARLSON. I am pleased to state this bill has been signed by the President since the hearings were held. I want to come before the House this afternoon and express a protest against freezing the Air Mail Service in the United States. I do not believe we should do it at this time, and there are many reasons for not doing so.

It is not my intention, nor will I have the time, to trace the rapid growth and amazing development of the Air Mail Service, but will call your attention to a few figures. The air-mail poundage increased from 6,000,000 pounds in 1934 to 19,500,000 pounds in the fiscal year closing June 30, 1937. In 1934 the postal revenue for air mail was $5,737,536, while in 1937 the receipts had reached the grand total of $12,439,-577.24. Using the same years, we find that the excess of direct expenditures over revenues were $7,341,340.37 in 1934, and in 1937 this figure had narrowed to $1,638,821.61. The popularity of the Service is rapidly growing, and I note in the testimony before your committee that the Post Office Department is conducting an advertising campaign which should greatly increase the revenue for this Service. When one realizes that the postage for air mail has dropped from 18 cents in 1918 to 6 cents at the present, there can be no question but what this Service should be greatly extended.

It is stated in the testimony that an increase of one air-mail letter a day at the 46,000 post offices in the United States will mean an increase of $1,000,000 per year in revenue.

There are 80 cities in the United States of 100,000 population or over which do not have air-mail service. There are hundreds of cities of a population of 15,000 to 25,000 which do not have air-mail service, and this at a time when I believe we ought to be training aviators. Here is an opportunity to render a domestic service and keep our pilots, our airplanes, and our airports in shape.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Kansas.

Mr. HOUSTON. If the gentleman's amendment is agreed to, will it be possible to restore some of the old air-mail routes, say, from Kansas City to Denver?

Mr. CARLSON. I may call the gentleman's attention to page 186 of the hearings, where Mr. Graddick testified as follows:

Mr. GRADDICK. We had planned to advertise routes or to extend routes between San Antonio and Houston and Houston and Brownsville; between Kansas City and Denver or Wichita and Pueblo; between Jacksonville and New Orleans, or Jacksonville and Mobile; and between Detroit and Sault St. Marie, Mich. We had planned an extension from Pembina to Winnipeg, and then, if there was any money left, we were to give consideration to some service between Memphis and Tampa.

Mr. LUDLOW. You mean that because of the statutory limitation they have not been installed.

Mr. GRADDICK. Yes, sir.

Mr. LUDLOW. But you could add frequencies, although you could not establish new routes.

Mr. GRADDICK. We could not put on more frequencies, either.

Mr. LUDLOW. You did put them on, did you not?

Mr. GRADDICK. We did up to the point permissible under the 45,000,000-mile limitation.

Mr. HOUSTON. If the gentleman's amendment is passed, is there any assurance these routes will be put into operation?

Mr. MEAD. If the present appropriation goes through, there will not be another mile added.

Mr. HOUSTON. But if this amendment is adopted?

Mr. MEAD. Yes.

Mr. HOUSTON. Then, I shall be pleased to support the gentleman's amendment.

Mr. CARLSON. I hope the Committee will give this amendment serious consideration and not freeze the air mileage in the United States at this time.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Is not the gentleman of the opinion our air-mail service—that is, the number and direction of air-mail lines—should be extended north and south? The emphasis heretofore has been on east and west lines, especially in the far West. I believe the efficiency and value of the transcontinental east and west air lines could be greatly increased by uniting them with connecting links and the between regions reached.

Mr. CARLSON. I want a complete network of air-mail service in the United States.

In this day of speed the demand for this service is coming from cities with a population of ten, twenty-five, and fifty thousand people. The Air Mail Service not only performs a valuable public service but is of vital importance and might be considered a part of our national defense.

Within a few days we are going to consider greatly increased appropriations for our Navy. It is possible this Congress will authorize the construction of one or more battleships, costing $60,000,000 each. It occurs to me we might well spend some of this money, which would not only give us a valuable service at home but would be very valuable in our program of national defense.

On page 549 of the hearings, I quote from the testimony of Col. Edgar G. Gorrell, president of the Air Transport Association of America.

Colonel GORRELL. Yes. In my opinion it would annually cost the Government approximately $50,000,000 to maintain from military appropriations an air base equivalent to that owned by the air-mail carriers. The air-mail planes of the domestic companies, of which you have the reserve use, represent approximately 35 or 40 squadrons of transport and cargo airplanes. * * * I have estimated for you that it would cost America approximately $50,-000,000 to train a number of experts similar to the number now employed by the air lines. Furthermore, they would not be so well trained, because emergency training would of necessity be very rapid.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Indiana.

Mr. LUDLOW. I may say to the gentleman we have given every dollar the Budget estimated.

Mr. CARLSON. That is very true, I may say to the gentleman.

Mr. LUDLOW. These things ought to be proceeded with in an orderly way. The gentleman should go to the Budget and get an estimate on his proposition.

Mr. CARLSON. That is very true, Mr. Chairman, but we have had an authorization to increase the air mileage of the country. Last year the Senate authorized an increase of $250,000 to take care of this appropriation.

Mr. LUDLOW. May I state the gentleman has plenty of time to go about this in the regular way. He should go to the Budget and get an estimate, and then come up here with his proposition.

Mr. CARLSON. I trust the Committee will keep this in mind, and I seriously hope it will grant this increase. It might be that should we curtail the air-mail extensions at this time we would be penny-wise and pound-foolish.

Before concluding I want to call special attention to one of the needed routes mentioned by Mr. Graddick in his report before the committee, namely, the Kansas City-Denver route. On June 2, 1937, I called the attention of the House to the need for the Kansas City-Denver air-mail service as mentioned by Mr. Graddick in his testimony before your committee. With your permission I shall read my statement of June 2, 1937, which is found on page 5248 of the CONGRESSIONAL RECORD:

At present I want to call the attention of the House and the country to the need for an air-mail service between Kansas City and Denver, Colo., a distance of 560 miles. This service is badly needed to serve the commercial needs between these cities, which are the largest and most important from the Missouri River to the Pacific coast. This service, if established, would furnish air mail and commercial aviation to Topeka, the capital city of Kansas, which is not now being served, as well as such other cities as Lawrence, Manhattan, Junction City, which is located near Fort Riley, the military post, Abilene, and Salina, and would traverse the route over county-seat towns in every county to the Colorado line. Much money has been spent by the Federal Government in improving airports in all of these cities, and the natural terrain of the country is conducive to safe flying. Kansas City, including Kansas City, Kans., has a combined population of over 550,000. Denver has a population, including its metropolitan area, of over 325,000 people, and this service if established would be of benefit to several million people in and contributory to that territory. Topeka is the capital city of Kansas, has a population of approximately 80,000, and at the present time houses a large number of Federal bureaus, which would be greatly benefited by air-mail service. Salina is a city of approximately 20,000, has extensive commercial interests, and is a large milling center which is badly in need of air mail. It is also the headquarters for the Soil Conservation Service for the States of Kansas, Nebraska, and Oklahoma, and I am informed that should air-mail service be established, it would greatly reduce the communication costs of this agency.

I also want to call to the attention of the House the fact that the State of Kansas is at present crossed by only one air-mail route and it crosses the southeast fourth of the State, and additional route mileage is badly needed.

Mr. Chairman, I sincerely hope the Committee will give this route serious consideration.

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the procedure today is reminiscent of much that took place in the House immediately succeeding the creation of the Appropriations Committee as now constituted and the adoption of the Budget system. I hope this procedure is not indicative of that which is going to take place as the several appropriation bills come before the House. May I suggest to the majority leadership, however, that its plain duty is to have sufficient Members on the floor at all times to protect its bills. That is not the case today.

In the first place, a legislative committee, if it is a good committee and works hard in behalf of its particular department, necessarily becomes an advocate of the special interests which it represents on the floor of the House. It thinks in terms of the activity of its particular department sponsored. It is a special pleader. Therefore, every legislative committee, in a sense, is an advocate of the interests it represents here. It makes no difference whether it is the Post Office Committee, the Naval Affairs Committee, the Military Affairs, Rivers and Harbors, or what not. It is not of judicial temperament so far as concerns the matters in which the committee is promoting. The Congress, recognizing this condition, set up the Budget system and one appropriating committee without power to consider or report proposed legislation other than making appropriations.

Shortly after the Budget system came into operation, when many appropriation bills came up for consideration the legislative committees of the House "ganged up," so to speak, against the Committee on Appropriations, and loaded the bills with amendments by logrolling and cooperation between legislative committees, so much so as almost to threaten the effectiveness of the Budget system.

Today we are considering a bill presented by a disinterested committee, the Committee on Appropriations, which is attempting to join with those who are so inclined, in an effort to balance the Budget, and this bill is being hamstrung by partisan efforts. When I say "partisan" I do not mean politically partisan, because the amendment last offered, with the intent of increasing an appropriation, was offered by a Republican member of the Post Office Committee. The members of this Post Office Committee have already added more than $2,000,000 to this bill. We are increasing the expenditures rather than reducing. I hope the President is sincere in his statements that he is endeavoring to balance the Budget. He has put it up to Congress and for one I shall not be responsible for any unnecessary expenditures. We all want to help the post-office employees, but the President has sounded the warning that the very credit of our Government is threatened by our prodigal spending. This is no time to increase the cost of the Post Office Department or any other department. These employees are the best and they do not want increases that will imperil their Government.

I hope, Mr. Chairman, the Committee will stop, look, and listen, because we all know the Budget must eventually be balanced. We all know we cannot have our cake and eat it, too. We all know the things suggested here by the Committee on the Post Office and Post Roads are largely, if not all, advisable, and we would all like to see them consummated. Possibly none of us have all the luxuries or all the conveniences we would like. Our desires, however, must be controlled by our finances. We cannot live beyond our means. Neither can our Government. It is easy to vote for appropriations, because that pleases some group of constituents. It takes courage to deny money where money can be usefully spent and when some group of voters in our respective districts will be disappointed. The country has reached the crossroads in this matter of spending. Even so careless a spender as the President sounds the alarm. Repudiation or destructive inflation is inevitable unless we give heed now. I have as many telegrams as any of the committee urging these increases, but the senders do not have all the information this committee has. This responsibility is on the House. Are we courageous enough to arise to the necessities of the hour? The clock has struck. The people are demanding economy in Government. We are the people's hired men. Will we do the task at hand, or will we yield to group pressure or political expediency?

Oh, something was said about relief. Yes; we will have bills here later on for relief. Like many other Members of the House, I believe in caring for human need first, conveniences second, luxuries third. The depression is with us again and we will be called upon before long to appropriate more money for relief. Necessary relief cannot be denied. That spending is essential. The amounts carried in these amendments are not necessary in view of present conditions. If other legislative committees follow the example of the Post Office Committee and load up the appropriation bills with these vast amounts, then our financial doom is sealed. The postal employees are patriots first. In many cases they should have increases and the Budget and the Appropriations Committee have given all consideration that can be given in the light of the necessities of the Treasury and ability of the taxpayer. [Applause.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to discuss for a moment again the present situation with reference to this bill.

Your committee met in December and for 6 weeks labored on every item in the measure. There has not been an argument presented on this floor in behalf of any item in the bill that did not come before our committee, as I recall. Not only presented by those who want these amendments, but the other side was also considered, and, after a great deal of laborious study, the committee managed to effect an economy of approximately $3,000,000 in this bill.

On the floor of this House today there has been a majority voting for amendments, and they have put in this bill today $2,326,000, which leaves a saving so far effected of $559,000. This is the result of the work that your committee has done. This is the value to the House of Representatives of the services rendered over the weeks of time that your committee put in.

Here we have another amendment offered which would reduce the present saving of $559,000 to $359,000. This would be all that would be left. The gentleman makes, as many of the other arguments, an interesting comment, tells a very good story; but, Mr. Chairman, the expenditure of money requires more than just sympathy. It requires more than a first opinion. It requires more than just a few arguments made by one side. It does seem to me that the business judgment of this House would say that the orderly way to do this is to bring the amendment the gentleman has before the Budget and before our subcommittee or some other committee and have it gone into in a businesslike way so we may have the entire matter presented to us.

I therefore suggest that we try to save a little under this bill, that we try not to reduce further the $559,000 of economy that the bill now has in it, by voting down this $200,000 additional.

I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. CARLSON].

The question was taken; and on a division (demanded by Mr. CARLSON) there were—ayes 23, noes 36.

So the amendment was rejected.

Mr. RANDOLPH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 63, line 8, strike out "$15,800,000" and insert "$15,900,000."

Mr. RANDOLPH. Mr. Chairman, during the hearings before the subcommittee of the Committee on Appropriations dealing with the Post Office appropriation bill there appeared at that time the Honorable W. W. Howes, the First Assistant Postmaster General of the United States. In a colloquy and by questioning by my colleague from West Virginia [Mr. JOHNSON], a member of that committee, Mr. Howes made the following statement:

> The time will come, I presume, when there will be such advancement made in airplanes and in the art of aviation that there will have to be big ships and fast ships, that will only stop maybe at a very few places between the coasts. Then there will probably have to be feeders come in. We will have to serve our ports that cannot take the big ships with smaller ones and feed into the big ones. I suppose that is what it will eventually come to.

The reason I offered this amendment for an additional appropriation of $100,000 is to bring to the attention of the membership of the House the actual amount necessary now to go forward with the progress of aviation in this Nation. I want the $100,000 to be used specifically if at all possible, and I am not certain it could be, by those in charge of the Post Office Department, for experimental feeder-line and auxiliary air-mail services in the United States. We passed in this body in the first regular session of the Seventy-fifth Congress authorization for feeder service and for experimental lines, which would go into smaller cities and mountain territories now inaccessible, and therefore spread out the arms of aviation and make this Nation conscious of air mail and what it means to smaller communities which are today outside of this service because of the fact that their airports are not sufficient to handle the large planes which operate. Mr. Hildebrandt would put in a new paragraph and add an amendment which would cover the subject if the Senate passes the bill, which the gentleman from Pennsylvania [Mr. HAINES] sponsored and which passed this body.

I hope that the Committee this afternoon will vote for this increase of $100,000, with the idea that the Post Office Department might accept it as an opinion from this House to the effect that we want to see experimental feeder lines operating in the United States as an adjunct, or as an addition, to the great Air Mail Service now carried by the transport lines in this country.

The reports which went out from Mr. Howes the other day and were carried in the newspapers said that we were going to have only large air lines operating with great transport planes from coast to coast, and landing in but few places. I do not believe that Mr. Howes wanted that impression to go abroad in the country. Aviation tomorrow is not going to be so much great transports operating from coast to coast, but it will be through feeder lines, and the small services with planes operating into the now inaccessible parts of the country. That, Mr. Chairman, is the only sound way that we can build up an efficient air-mail service in the United States.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. Yes; I yield to my friend.

Mr. HAINES. I think the Department will likely put into operation this experimental feeder service. I think the gentleman witnessed a demonstration of picking up mail without stopping at the cities. That would give adequate expedition of mail to many small communities that have no advantage in buying air-mail stamps.

Mr. RANDOLPH. That is true. Dr. Lyle Adams, of Irwin, Pa., has experimented to a successful degree with a type of pick-up service where the plane does not have to alight, but takes the mail from a mechanical contrivance some 25 feet above the ground.

Mr. MEAD. Instead of increasing the expenditures of this Service this will, in my judgment, increase the revenues.

Mr. RANDOLPH. I think so, and I feel that the $100,000 which could be expended by the Post Office Department on experimental air-line feeder lines would be a real contribution to the cause of air-mail service, and the cause of commercial transport aviation in the country, and I plead with the membership of the Committee to vote for this amendment, which will be a step forward in this needed development.

Mr. EDMISTON. Is it not true that only two cities in West Virginia have the air-mail service?

Mr. RANDOLPH. Yes; I am glad you mention the fact. In West Virginia we have a mountainous terrain, which makes it very difficult to get adequate service into most cities. We need badly, and as soon as possible, an expanded service.

Mr. McGRANERY. Mr. Chairman, I move to strike out the last word. I was quite interested this afternoon in listening to my distinguished colleague from Pennsylvania [Mr. DITTER] speak about the Pennsylvania delegation with reference, I suppose, directed mainly to this side of the House. I was not a Member of the House when the State of Pennsylvania sent a huge block of Republicans to the House of Representatives, though the gentleman from Pennsylvania [Mr. DITTER] was. I now see it all very clearly. The gentleman speaks as though we might be a little bit snobbish and not desire his company on this side. He has become lonesome over there, and I regret that I did not take the opportunity to say something to him earlier and to invite him into our group before this time. I have enjoyed Mr. DITTER's society for many years.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. McGRANERY. I have known Mr. DITTER as a distinguished member of our bar, back in Philadelphia.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. McGRANERY. I have enjoyed his company on many occasions. I did not get quite clearly whether he said that the Pennsylvania delegation, when he speaks, might be

either "Dittery" or "jittery"; but I can assure him that the delegation is neither "Dittery" or "jittery." [Laughter.]

Mr. DITTER. Now will the gentleman yield?

Mr. McGRANERY. I say to my distinguished colleague about these little groups of Pennsylvanians that he sees before him here, that when he sees them gather I do not want him to turn on his heel and go the other way, I want him to come right into that little group. He will find much enlightened discussion and a hearty welcome. I say to my distinguished friend that when he comes along, come right in. I like him on the outside; I like him on the inside; and I think there is hope that some day, even though tarred with the stick of the former Senator Grundy—and, of course, my distinguished friend is not only allied with the former Senator Grundy but one of his close neighbors at home—but I think there is still hope that my good friend may see the light; and when he comes into our group I can assure him a hearty welcome. I sincerely hope that he will avail himself of this at the earliest moment. [Applause.]

Mr. DITTER. Now will the gentleman yield?

Mr. McGRANERY. I yield to my friend.

Mr. DITTER. Does the gentleman invite me into the vest-pocket edition or the unabridged edition of the Democratic group of Pennsylvania?

Mr. McGRANERY. I can only say in answer to the gentleman that he was a Member of the House on his side of the aisle when the great—now deceased—Senator Penrose cracked the whip, and at that time it was entirely impossible for little groups of Members of the great State of Pennsylvania to gather together to discuss any matter which after all might not meet with the approval of their leader, whom history records them as following blindly [laughter], but I do not know of any such set-up existing today. [Laughter and applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia.

Mr. Chairman, there is no recommendation from the Budget covering this item. I hope the amendment will not be adopted. It is exactly similar to an amendment that was voted down, but less in amount.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were—ayes 27, noes 45.

So the amendment was rejected.

Mr. HILDEBRANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILDEBRANDT: Page 63, after line 8, insert the following paragraph:

"Experimental air-mail service: For use in conducting or procuring, by contract or otherwise, experiments and experimental services for the purpose of further developing safety, efficiency, and economy of air-mail transportation, including the procurement of necessary personal services in the District of Columbia and elsewhere, and of devices and equipment, notwithstanding that such device or equipment may be patented, $100,000."

Mr. LUDLOW. Mr. Chairman, I make a point of order against the amendment.

Mr. HILDEBRANDT. Mr. Chairman, will the gentleman reserve his point of order?

Mr. LUDLOW. Yes. Mr. Chairman, I do not make the point of order at this time, but I reserve a point of order against the amendment.

Mr. HILDEBRANDT. Mr. Chairman, the amendment I have offered is in the interest of safety, efficiency, and economy and will provide funds for experimental air-mail service. I trust the committee can see its way clear to accept the amendment. By adopting this amendment the Post Office Department can carry on experimentation that will, I am sure, revolutionize air-mail service. There are many reasons why certain cities and towns cannot be given air-mail service but by providing the Post Office Department with funds for experimental purposes, auxiliary or feeder air-mail service could be established giving such service to many of these cities and towns now denied air service. These auxiliary or feeder routes would increase the volume of air mail which would be delivered at some point for the regular air-mail contractor to pick up. This would increase air-mail revenue and cut down still more on air-mail subsidies. At the present time our air-mail revenue income is almost that of the outgo and will be on a paying basis in the very near future. In establishing auxiliary or feeder routes, lighter planes could be used which would not require the long runways necessary for heavier planes to insure safety. In fact, there is now air service in operation that does not require landing fields en route but just an open field to carry on their operations. I hope the amendment will be accepted.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. HILDEBRANDT. Yes.

Mr. RANDOLPH. I certainly think the gentleman is absolutely right in his argument. I called the attention of the committee to the fact that during the past year as subsidies to steamship lines for carrying the mail the Government paid something in excess of $10,000,000, whereas to carry the air mail by transport planes we had a loss of only $400,000. Certainly, the Members of this House are increasingly going to realize that the aid we give to commercial aviation in this country will stand us in good stead not only from the standpoint of lessened expenditure of funds but as a line of defense which this Nation will increasingly need in the days that are to come.

Mr. HILDEBRANDT. I am sure that everybody here knows that it is going to be necessary to increase the auxiliary and feeder routes for the Air Mail Service. None present but who is conversant with the situation so far as increasing air-mail revenue is concerned by feeder and auxiliary groups.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. HILDEBRANDT. Certainly.

Mr. MEAD. And the gentleman's amendment will not cost any money, if I understand it correctly.

Mr. HILDEBRANDT. No; it will not cost any money.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. HILDEBRANDT. I yield.

Mr. MURDOCK of Arizona. Is it not the gentleman's opinion that we are today in the same position of pioneering and developing the interior of this country that we were 70 years ago at the time of the pony express? The Postal Service must help carry on this pioneering now, and this is especially the task of the Air Mail Service in this generation.

Mr. HILDEBRANDT. Aviation is in its infancy.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. HILDEBRANDT. I yield.

Mr. TABER. Why did the gentleman from Virginia propose to add $100,000 to the bill if this proposition is not going to cost any money?

Mr. HILDEBRANDT. Such money as it may cost will be more than offset by increased revenues from these feeder and auxiliary routes, and I hope that the distinguished chairman of the subcommittee, the gentleman from Indiana, will not insist upon his point of order.

Mr. LUDLOW. Mr. Chairman, I dislike very much to make a point of order against the amendment of the gentleman from South Dakota. He has made a splendid fight for his proposal, but my subcommittee must protect the bill.

The point of order is that this is not authorized by existing legislation. A bill authorizing this has passed the House, but has not passed the Senate. Therefore there is no authorization.

The CHAIRMAN. The Chair is ready to rule.

There has been no authorizing bill passed for this particular item. The proposed paragraph provides for an experimental service in connection with the air mail, which is legislation in an appropriation bill.

The point of order is sustained.

Mr. DUNN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am mighty glad to have an opportunity to vote on amendments to H. R. 8947—the Treasury-Post Office Departments appropriation bill, which will benefit the postal and other Federal employees. Many of our postal employees, as well as other Federal employees, are receiving insufficient compensation for the valuable services they render.

There has been a great deal of talk about balancing the Budget. It seems to me, if we would consume one-fourth of the time in devising ways and means to balance the people's stomachs with good substantial food we would make a great deal more human progress. There is not any reason why any person in the United States or throughout the world should be deprived of the necessities of life. We have a great abundance of everything; in fact, more than we can consume. The trouble is, it is in the hands of a few individuals, and those individuals who own and control 96 percent of our natural resources are also the people who control the legislative bodies throughout the world. Every person who is employed by the Federal Government, no matter what kind of work he or she is required to do, is justly entitled to a living wage—in fact, all people who are compelled to work for a livelihood, no matter where they are employed, should be given a living wage. I hope the time is not far off when the majority, and not a small minority, will be the possessors of the natural resources of this world. When that time comes to pass, humanity will get the consideration to which it is justly entitled.

The Clerk read as follows:

Post-office stationery, equipment, and supplies: For stationery for the Postal Service, including the money-order and registry system; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910 (39 U. S. C. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased and rented quarters; for the purchase, repair, and replacement of arms and miscellaneous items necessary for the protection of the mails; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed $1,500; for wrapping twine and tying devices; for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding $57,000 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, accident prevention, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed $35,000 for salaries of 13 traveling mechanicians, and for traveling expenses, $2,700,000: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 percent thereof added: *Provided further* That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

Mr. BURCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BURCH: Page 66, line 12, after the word "added", insert a period and strike out the remainder down to and including line 16.

Mr. BURCH. Mr. Chairman, may I say at the start there is no increase in the appropriation involved in my amendment. The language that would be stricken by my amendment reads as follows:

Provided further, That no part of the appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

With this proviso in the bill the Fourth Assistant Postmaster General is not permitted to recondition lock boxes that have been taken out of old buildings, or out of buildings into which they have put improved equipment. They cannot recondition those boxes and supply them to the third-class postmasters.

Mr. HAINES. Will the gentleman yield?

Mr. BURCH. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Is it not true we have over $100,000 worth of second-hand boxes now on hand that could be reconditioned and it would save the Government a considerable amount of money?

Mr. BURCH. It is true we have over 50,000 boxes that have been taken out of these post offices which cannot be reconditioned now except to a small extent. The value of that property, as I understand it, is from $150,000 to $200,000.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. BURCH. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Do I understand the third-class post offices are not permitted to have these reconditioned boxes, according to the present practice?

Mr. BURCH. Under the existing law they either have to purchase these boxes at an enormously high price or pay an unreasonable rental. I have letters from postmasters which show that they pay rentals amounting to as much as 18 to 20 percent of the value of the outfit.

Mr. MURDOCK of Arizona. I find from the postmasters of my State a demand for the very thing the gentleman is proposing. We have many post offices of that class in Arizona and the burden is heavy upon the postmasters. I see no good reason why these postmasters should not be relieved by saving this equipment.

Mr. BEITER. Will the gentleman yield?

Mr. BURCH. I yield to the gentleman from New York.

Mr. BEITER. The amendment which the gentleman has offered is a very good amendment and should appeal to all those gentlemen who stand for economy. I assume the gentlemen on the right hand side of the aisle will support the amendment in view of the statements they have made this afternoon. Is there any particular reason why a law such as that should exist on the statute books at this time? Is there any reason why those boxes cannot be used?

Mr. BURCH. I do not see any reason and I am going to leave it to the great chairman of the subcommittee to tell us when he replies to what I have to say.

Mr. MEAD. Will the gentleman yield?

Mr. BURCH. I yield to the gentleman from New York.

Mr. MEAD. The amendment that you are trying to have adopted merely eliminates an inhibition which prevents the Post Office from salvaging their own property. The gentleman is trying to get away from a bad situation which forces the third-class postmasters to pay exorbitant rates for the rental of this equipment that could be provided over a long period of time at little or no expense by the Government from the same equipment that has been salvaged out of first- and second-class offices.

Mr. BURCH. That is true; and may I say further that I am in favor of economy. I believe if my amendment is adopted it will result in economy.

Mr. ASHBROOK. Will the gentleman yield?

Mr. BURCH. I yield to the gentleman from Ohio.

Mr. ASHBROOK. It is a fact that the Government does not provide any equipment for third-class post offices, and the gentleman is trying to help the third-class post offices to have this equipment furnished to them out of salvaged equipment from first- and second-class offices?

Mr. BURCH. From equipment that is now being thrown aside. May I say if you eliminate this proviso it will only be a few years until all of the third-class postmasters will be able to have equipment. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a matter with which the subcommittee is thoroughly familiar. If you want to put the Government in business with a vengeance you should adopt this amendment. This is simply an entering wedge to put the Government into business on a monumental scale.

This inhibition was carried in the bill long before I became chairman of the subcommittee. It was written at the direction of Mr. Byrns when he was chairman of the subcommittee. It was approved by Mr. ARNOLD, who followed him as chairman of the subcommittee, and in every instance the subcommittee backed the chairman. This proviso has been carried in the bill for years and years.

When this was first presented to the subcommittee, long ago, when Joseph W. Byrns was chairman, it was testified by officials that it was an initial step in a program that would cost $10,000,000. If you want to strike out this proviso and foist a program involving $10,000,000 on the people of the country, and at the same time put the Government into business at a tremendous ultimate cost to the taxpayers, you could do so by adopting this amendment. I have great respect for the gentleman who offers the amendment, but if Members of the House understood its implications I do not believe it would get a vote. If you want to keep the Government out of business, and it is too much in business now, then do not adopt the amendment.

There are 10,000 of these post offices throughout the country. The original proposition was to take them up 100 at a time and equip them at Government expense, making fair-haired favorites of a little bunch and denying the opportunity to others, but this would carry the program to the point where it would ultimately cost $10,000,000 and put the Government into business, as I say, at a tremendous cost to the already overburdened taxpayers. The late Speaker Byrns saw great harm in the proposal, and his objections to it are fully set forth in the committee hearings of former years.

This is not merely a simple reconditioning program of which the gentleman speaks, but a program of supplying new furniture and putting the Government into the post-office-furniture manufacturing business. Automobiles might be the next thing, or any other article the Government furnishes. Do you want to put the Government into business in competition with the enterprises of your districts and start it on that sort of a campaign at a cost of $10,000,000? I am sure no one wants to see this opening wedge inserted to put the Government into competition with business.

Mr. BURCH. In the hearings on the 1938 appropriation the Fourth Assistant Postmaster General appeared before the gentleman's subcommittee, and I notice he made the following statement at that time:

> Mr. LUDLOW. There is no Government manufacturing involved?
> Mr. PURDUM. No, sir; none whatever. There is no repair work involved either. Mr. Chairman, I do not believe that the situation as it exists is equitable and just with reference to the postmasters of the Presidential class. I believe that the time will come when complete equipment will be furnished to offices of the third class by the Government, or a considerable part of the postal receipts will be paid out for the rental of equipment.

Mr. LUDLOW. There are 8 or 10 of these concerns throughout the country which manufacture post-office furniture. One of them, a very excellent concern, is located in my own city. I do not want to see it destroyed nor do I want to see any legitimate business institution in any other district destroyed. I am sure we do not want to see private concerns put out of commission through Government interference, as that would be a very bad policy. Let us not establish that policy by our votes here today.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from New York.

Mr. TABER. Is it not a fact the cost of reconditioning boxes in the Government shop is very often much more than it would cost to buy new boxes?

Mr. LUDLOW. When you consider the overhead, certainly, it is.

Mr. TABER. On top of that, there are thousands and thousands of sets of this kind of equipment available at very low prices. It seems to me we ought not to undertake a $10,000,000 program of this kind.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. What does the gentleman mean by a low price?

Mr. TABER. I know of postmasters who bought their equipment for less than $50, and it is good equipment, too.

Mr. BULWINKLE. I know of postmasters whose equipment cost them over $300.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BURCH].

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 39, noes 30.

Mr. LUDLOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BURCH and Mr. LUDLOW.

The Committee again divided; and the tellers reported that there were—ayes 36, noes 28.

Mr. RICH. Mr. Chairman, I object to the vote on the ground a quorum is not present.

Mr. LUDLOW. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-four Members are present, not a quorum.

Mr. LUDLOW. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address which I delivered before a conference of old-age pension groups in Washington, D. C., on January 10, 1938.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DIRKSEN asked and was given permission to extend his own remarks in the RECORD.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MEDICAL AND DENTAL OFFICERS OF THE ARMY

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2463) to authorize an additional number of medical and dental officers for the

Army, with an amendment of the House thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After the word "Corps" at the end of section 1 insert: ", and the authorized commissioned strength of the Army is hereby increased by 150 in order to provide for the increases herein authorized in the Medical and Dental Corps."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object—and I believe I will object at this time; it is late, we do not have a quorum present, and I have not had an opportunity to consult the members of the Committee on Military Affairs. Therefore I will object, unless the gentleman withdraws his request.

Mr. MAY. If the gentleman is going to object, Mr. Speaker, I may as well withdraw my request, because I have to have unanimous consent. I will bring the matter up at another time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. OWEN (at the request of Mr. BROWN), indefinitely, on account of illness.

To Mr. BIERMANN, for an indefinite period, on account of illness.

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p. m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 18, 1938, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, January 18, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will be the first witness.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Public Utilities of the House Committee on the District of Columbia, will meet at 10 a. m., Tuesday morning, January 18, 1938, in room 345, House Office Building.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation, Tuesday morning, at 10 a. m., January 18, 1938, in the committee's hearing room, 128 House Office Building.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, January 18, 1938, at 10:30 a. m., to hold hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Tuesday, January 18, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

996. A letter from the Secretary of Agriculture, transmitting a proposed amendment to the act of December 28, 1922 (Small Claims Act) (42 Stat. 1066); to the Committee on Claims.

997. A letter from the Secretary of Agriculture, transmitting, pursuant to law, a section of a report on a study and research of motor-vehicle traffic conditions in the United States, entitled "Skilled Investigation at the Scene of the Accident Needed to Develop Causes," together with recommendations of measures for their improvement (H. Doc. No. 462, pt. 5); to the Committee on Roads, and ordered to be printed.

998. A letter from the Postmaster General, transmitting the cost ascertainment report and appendix for the fiscal year 1937; to the Committee on the Post Office and Post Roads.

999. A letter from the Secretary of War, transmitting a draft of a proposed bill to clarify the status of pay and allowances under the provisions of the act of September 3, 1919, which the War Department presents for the consideration of the Congress with a view of its enactment into law; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. UMSTEAD: Committee on Appropriations. H. R. 8993. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1699). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 7513. A bill to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and for other purposes; without amendment (Rept. No. 1700). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. H. R. 8346. A bill authorizing the sale of certain lands to the regents of the Agriculture College of New Mexico; with amendment (Rept. No. 1701). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico; without amendment (Rept. No. 1702). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UMSTEAD: A bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. KITCHENS: A bill (H. R. 8994) to provide for a preliminary examination and survey of Smackover Creek and its basin in Union, Ouachita, and Nevada Counties; to determine the feasibility of cleaning out the channel, leveeing the stream, and reservoir control; to give flood prevention, water and soil conservation, and having in mind recreational features of such impounded water as might be justified; serving the demands for fish reserves, wild-fowl refuge as a byproduct of impounded water; to the Committee on Flood Control.

Also, a bill (H. R. 8995) to provide for preliminary examination and survey of Bartholomew Bayou of Ashley and other counties in the State of Arkansas; to determine the feasibility of cleaning out the channel, leveeing same from a connecting point with Ouachita River in the State of Louisiana, and reservoir control; to give flood prevention, water and soil conservation, with due regard to recreational feature of such impounded water as may serve demands for fish reserves, wild-fowl refuge, and other purposes; to the Committee on Flood Control.

By Mr. WARREN: A bill (H. R. 8996) to amend section 8, Public, No. 207, Sixty-eighth Congress, to include certain warrant officers, Army Mine Planter Service, Coast Artillery Corps, United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. McCORMACK: A bill (H. R. 8997) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. CANNON of Wisconsin: A bill (H. R. 8998) to amend the act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, as amended; to the Committee on Immigration and Naturalization.

By Mr. BOEHNE: A bill (H. R. 8999) to amend section 327 of the Liquor Tax Administration Act, approved June 26, 1936, relating to certain tax refunds to brewers, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Maryland: A bill (H. R. 9000) authorizing the disbursement of funds appropriated for compensation of help for care of materials, animals, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia; to the Committee on Military Affairs.

By Mr. WARREN: Resolution (H. Res. 404) to authorize the Clerk of the House to employ a laborer; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 9001) for the relief of the Byfield (Mass.) Snuff Co., Inc; to the Committee on Claims.

By Mr. CARLSON: A bill (H. R. 9002) granting a pension to Ella Manwarren; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9003) granting an increase of pension to Ida Young; to the Committee in Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 9004) for the relief of the Commercial Standard Insurance Co.; to the Committee on Claims.

By Mr. SCHAEFER of Illinois: A bill (H. R. 9005) for the relief of Thomas W. Wright; to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 9006) granting a pension to Pauline M. Ridgman; to the Committee on Invalid Pensions.

By Mr. SHAFER of Michigan: A bill (H. R. 9007) granting a pension to Harry M. Snow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9008) for the relief of Lee S. Robbins; to the Committee on Military Affairs.

By Mr. SHANLEY: A bill (H. R. 9009) for the relief of Willard Twitchell; to the Committee on Claims.

By Mr. WALLGREN: A bill (H. R. 9010) for the relief of Allen B. Boyer; to the Committee on Claims.

By Mr. WEST: A bill (H. R. 9011) for the relief of Charles H. LeGay; to the Committee on Military Affairs.

By Mr. HENNINGS: A bill (H. R. 9012) for the relief of Joseph Webbe; to the Committee on Claims.

By Mr. MAHON of Texas: A bill (H. R. 9013) for the relief of W. Connally Baldwin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3805. By Mr. COFFEE of Washington: Resolution of the membership of Local Union No. 483, International Brotherhood of Electrical Workers Tacoma, Wash., expressing their approval of Government owned and controlled hospitals and demanding that the President and Congress establish a system of Government hospitals, financed, owned, and controlled by the Government, the system to be extended to meet the needs of proper medical care of all the people requiring such care; and objecting to members of various associations interfering in the operation and regulation of our present public- and Government-owned hospitals in an attempt to eliminate the purpose for which they were established and gradually kill these institutions; to the Committee on Military Affairs.

3806. By Mr. FITZPATRICK: Petition of the Private Gabriel Cohn Post, No. 95, Jewish War Veterans of the United States, urging the enactment into law House bill 6704, which is to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace; to the Committee on Military Affairs.

3807. By Mr. FULMER: Resolution denouncing the bill in Congress commonly known as the antilynching bill, submitted by James E. Hunter, Jr., clerk of the house of representatives, Columbia, S. C.; to the Committee on the Judiciary.

3808. By Mr. LEAVY: Resolution of the Newport (Pend Oreille County, Wash.) Commercial Club, urging upon Congress to appropriate $2,000,000 per year for the next 2 years to carry on to completion the fight the Department of Agriculture has been making against the ravages of white-pine blister rust and pointing out that unless this work is carried on the fight on the white-pine forests largely owned by the Federal Government, having an existing lumber value of $465,000,000, are threatened with complete destruction and that there can be no restocking of new growth; and further urging that sufficient appropriations be made in order that the work may be carried on under the Bureau of Plant Quarantine and Plant Entomology and the Forest Service under such rules and regulations as work is done by these governmental agencies rather than under the restricted rules incident to the Emergency Relief or Works Progress Administrations; to the Committee on Appropriations.

3809. Also, resolution of the Okanogan County Pomona Grange, No. 53, requesting and urging that apples be included in the enactment of any farm legislation and be given consideration as one of our great national crops along with wheat, cotton, corn, tobacco, and rice; to the Committee on Agriculture.

3810. Also, resolution of the Oroville Grange, No. 985, Oroville, Wash., pointing out that all chemical tests made thus far indicate that the vast majority of food products and tonics, even those fed to infants contain doubled the amount of arsenate of lead that is now permitted by arbitrary regulation of the Pure Food and Drug Department in the case of apples; also pointing out that chemical analysis which have been accepted and upheld by the Federal courts based upon evidence submitted by eminent scientists, indicate that a lead tolerance of 0.03 would meet every requirement in the protection of life and health insofar as the apple industry is concerned and that the present tolerance of 0.018 is by reason of the tremendous added overhead, a burden in preparing apples for market, and is unfair, unjust, and discriminatory and it is having the effect of rapidly destroying the apple industry of the Northwest; and further pointing out that such regulation is not only arbitrary and useless but that its effect is so

detrimental to the great fruit industry that immediate relief from this arbitrary and bureaucratic regulation and standard must be granted or the apple industry of the Northwest as an individual industry will cease to exist; to the Committee on Agriculture.

3811. By Mr. QUINN: Resolution of the Straight Forward Lodge, Brackenridge, Pa., favoring Federal antilynching laws; to the Committee on the Judiciary.

3812. Also, resolution of the Straight Forward Lodge, Brackenridge, Pa., urging that the Federal Government abolish the dole of direct relief and substitute a program of work; to the Committee on Appropriations.

3813. Also, resolution of the Straight Forward Lodge, Brackenridge, Pa., protesting against the interpretation of the National Labor Relations Act which has been made by the Labor Board; to the Committee on Labor.

3814. Also, resolution protesting against the action of capital in certain industries; to the Committee on the Judiciary.

3815. By Mr. WOLCOTT: Petition of Capt. Daniel Murphy, of Marine City, Mich., and other duly licensed masters and pilots of the Great Lakes, requesting that the existing Great Lakes rules for the prevention of collisions be retained; and to this end that Senate bill 1273 be amended accordingly; to the Committee on Merchant Marine and Fisheries.

3816. By the SPEAKER: Petition of the Pennsylvania Society of Professional Engineers, Philadelphia, with reference to Hayden-Cartwright Road Act of 1936; to the Committee on Roads.

3817. Also, petition of the American Legion, Kings County, Brooklyn, N. Y., petitioning consideration of their resolution with reference to United States congressional medal for Albert Moritz; to the Committee on Naval Affairs.

3818. Also, petition of the county commissioners' office, Manchester, N. H., with reference to House bill 4199; to the Committee on Ways and Means.

SENATE

TUESDAY, JANUARY 18, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 17, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2550. An act to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes; and

S. 2940. An act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1547. An act to amend section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended;

H. R. 3418. An act to extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma;

H. R. 4732. An act to revise the air-mail laws;

H. R. 6178. An act to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal;

H. R. 6907. An act to provide for the appointment of one additional circuit judge for the sixth judicial circuit;

H. R. 7259. An act to authorize the conveyance by the United States to the city of Ketchikan, Alaska, of a certain tract of land in the town site of Ketchikan;

H. R. 7553. An act to amend the laws of Alaska imposing taxes for carrying on business and trade;

H. R. 7560. An act to authorize alterations and repairs to certain naval vessels, and for other purposes;

H. R. 7567. An act to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in 20 annual installments, and for other purposes;

H. R. 7778. An act to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900;

H. R. 7825. An act to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes;

H. R. 7826. An act to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes;

H. R. 7827. An act to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes;

H. R. 8403. An act to ratify and confirm Act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935;

H. R. 8404. An act to authorize the Territory of Hawaii to convey the present Maalaea Airport, on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport;

H. R. 8409. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North, between Caledonia, N. Dak., and Shelly, Minn.; and

H. R. 8623. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Johnson, Calif.	Pepper
Austin	Davis	King	Pittman
Bailey	Dieterich	La Follette	Pope
Bankhead	Donahey	Lewis	Reynolds
Barkley	Ellender	Lodge	Russell
Berry	Frazier	Logan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Shipstead
Bridges	Glass	McGill	Smith
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Tydings
Capper	Hayden	Neely	Vandenberg
Caraway	Herring	Norris	Van Nuys
Chavez	Hill	Nye	Walsh

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from New York [Mr. WAGNER] are absent because of colds.

The Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. LEE], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Nebraska [Mr. BURKE], the Senator from South Carolina [Mr. BYRNES], the Senator from Wisconsin [Mr. DUFFY], the Senator from Colorado [Mr. JOHNSON], the Senator from Connecticut [Mr. LONERGAN], the Senator from Montana [Mr. MURRAY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Missouri [Mr. TRUMAN] are absent, attending the inauguration of Governor Moore.

The Senator from Arkansas [Mr. MILLER] is absent, attending a meeting of the project committee of the Rivers and Harbors Congress.

Mr. AUSTIN. I announce that the Senator from Delaware [Mr. TOWNSEND] is necessarily detained from the Senate.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

ACCEPTANCE OF DECORATION BY CAPT. WILLIAM BOWIE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear the decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

PETITIONS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Mississippi, which was ordered to lie on the table:

Senate Concurrent Resolution 6

Whereas there is much dissatisfaction throughout the South with the cotton provisions of the pending agricultural bill in the Congress of the United States; and

Whereas the Association of Southern State Agricultural Commissioners did, in a session held in Jackson on Wednesday, January 12, 1938, unanimously agree to ask the conference committee on the agricultural bill pending in Washington to grant to the cotton producers of the South compensatory tariff payments on 13,000,000 bales of cotton in 1938 in addition to the existing soil-conservation provisions of said bill, and did make an appointment to meet in Washington on Monday, January 17: Therefore be it

Resolved by the senate (the house of representatives concurring therein), That the Honorable J. C. Holton, commissioner of agriculture of the State of Mississippi, be requested to attend said conference as a representative of the State.

Resolved further, That a copy of this resolution be immediately delivered to the commissioner of agriculture.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Colonel Crawford Camp, No. 105, United Spanish War Veterans, at Connellsville, Pa., favoring the prompt enactment of legislation for the relief of Spanish-American War veterans who served in the Philippine Islands (1899) for an additional 6 months after the expiration of their enlistments, which was referred to the Committee on Claims.

ADMINISTRATION OF RECIPROCAL TRADE AGREEMENTS PROGRAM

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD, and referred to the Committee on Finance, a letter addressed to me by Mr. F. X. A. Eble, managing director, Made in America Club, of January 8, together with my reply to him of January 10, and his response to me January 11, relating to the administration of our reciprocal trade agreements program.

There being no objection, the correspondence presented by Mr. DAVIS was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MADE IN AMERICA CLUB, INC.,
New York, N. Y., January 8, 1938.

The Honorable JAMES J. DAVIS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I have your letter of the 7th, and note what you say about having so many applications for appearances before the committee that you have found it necessary to ask those making such requests to file a statement.

Having myself been clerk of the Finance Committee of the Senate, and knowing how much value various Senators and their clerks attach to such briefs—they rarely ever read them—I cannot arouse sufficient enthusiasm to sit down and write one myself.

Senator, you know as well as I do that every time Congress took up the question of tariff during the past 50 years, there was always "hell a-popping" in business. Now you have permitted the State Department to monkey with the tariff for nearly 3 years, and the advance information this Department has released on the proposed treaties with Czechoslovakia and England contains sufficient threats to the rank and file of American business to put every one of the 150,000 small American manufacturers in the cellar of despair.

I said "rank and file" and "small American manufacturers." Yes, there are about 150,000 of them, employing less than 500 workers, and they have but one market in which to sell their wares and that is the American market.

Examine the list of items to be traded in on the Czech treaty. Look over the big list of wares to be juggled within the treaty with Great Britain, and ask yourself "How would I feel if I knew that my business was to be sacrificed on the 'altar of reciprocity'?" When Congress handled the question of tariff, these small manufacturers had some opportunity of being heard, but now everything is left to the State Department, where a few men are permitted to use the making of these treaties as nothing but a subterfuge to break down our entire protective tariff system under the guise of reciprocity.

There was never a greater humbug perpetrated on the American farmer, and the American workingman in our entire history.

With all good wishes, I am,

Sincerely yours,

F. X. A. EBLE,
Managing Director, Made In America Club, Inc.

JANUARY 10, 1938.

Mr. F. X. A. EBLE,
Managing Director, Made in America Club, Inc.,
420 Lexington Avenue, New York City.

DEAR MR. EBLE: I have your letter of January 8 in which you say, "You have permitted the State Department to monkey with the tariff for nearly 3 years, and the advance information this Department has released on the proposed treaties with Czechoslovakia and England contains sufficient threats to the rank and file of American business to put every one of the 150,000 small American manufacturers in the cellar of despair."

Permit me to correct the impression that you may have concerning my attitude on the way in which the State Department has handled these reciprocal-trade agreements. What has been done has not been done with my permission. I have protested these invasions of our American markets by low-wage foreign labor every step of the way. I believe in foreign trade. I believe in the principle of trade reciprocity. But I have never favored giving our markets to anyone who seeks to break down our American standards of work and wages by offering goods which compete with our own unfairly.

When the Reciprocal Tariff Agreements Act was up in May 1934, I said on the floor of the Senate, "Our desire to be neighborly with all the nations of the world must continue in the future as it has persisted in the past. The United States has always used its power in a practical way to be helpful to all the people of the world. We cannot do so by encouraging legislation which will do much to undermine the living conditions of our own people. One of the greatest contributions which the United States has made to all the world is our example of high wages, improved working conditions, and standards of living, which example has set the pace for working people everywhere. To lower our living standards will not aid the working people of the countries which compete with us, but rather they will be further crowded down on the economic scale."

I have long believed that it would be much better for us to maintain the competitive American markets for our own products and thus suggest to foreign competitors that they increase the wages of foreign workmen to a parity with our own. This will result in a world-wide improvement of living standards and an increase of purchasing power throughout the world.

I question the constitutional basis of the reciprocal-trade agreements as they have been operated the last 3 years. These trade agreements are, in effect, treaties. As such they should be ratified by the Senate before they become effective. I am not opposed to increasing our trade with Great Britain if it can be done so as to bring our people an advantage but the proposed trade agreement is as important as any treaty we might make with Britain. As such it should not become effective until ratified by the Senate.

Under the procedure now followed, announcement is given of intention to negotiate an agreement or a treaty. Thereafter announcement is made of hearings to be held before an executive committee in the Department of State. The action upon those hearings is conducted in executive session, without the knowledge of the public, those who presented their cases at hearings, and the Members of the Senate. These "star chamber" proceedings are not American.

With steel operating at less than 30 percent capacity in Pennsylvania and with the coal mines closed down and miners crowded

on relief rolls, our country has no business importing steel and coal as we have been doing in recent years.

I hope I have made clear to you that although I believe in foreign trade, I do not tamely submit to the injustices now being practiced on American workers under the present administration of our tariff laws.

Most cordially yours, JAMES J. DAVIS.

MADE IN AMERICA CLUB, INC.,
New York, N. Y., January 11, 1938.

The Honorable JAMES J. DAVIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR DAVIS: I am sorry that my letter of the 8th gave you the impression that my statement in the third paragraph in which I used the personal pronoun "you" (whereas I meant the whole Congress) referred to you personally.

I want to assure you from the bottom of my heart that such was not the case. I hope you will forgive me for being so careless in the use of my language in that letter, because I want you to know that I have the greatest respect for your judgment on all matters pertaining to the interest and welfare of the workingman, the farmer, and the employer. I know that you always act in the interest of the Nation as a whole.

I am glad to hear you say that you are in favor of an expansion of our foreign trade. The several hundred members of the Made in America Club, representing 65 industries, have no desire to limit the expansion of our foreign trade as long as this expansion is carried on in an orderly manner without injury to the farmer, the workingman, or any American industry.

I am quite certain that you are as familiar as I am with the number of man-hours of labor represented in our major items of export. It is distressingly low; and the annual earnings of the cotton sharecroppers is a disgrace to the economic condition of the South.

On the other hand, nearly all of the foreign manufactured items that compete with and displace the things we make and produce in our own country contain a very high percentage and ratio of man-hours of labor in the production of these imports, both abroad and in the United States, and that is the great menace to the Nation's buying power.

These are some of the points that I had hoped to have the privilege of bringing to the attention of the Employment Committee of the Senate, which is now holding its sessions. Of all the witnesses that have been called so far not one has given your committee a constructive suggestion as to how to cure and prevent unemployment in America.

Lord Beaverbrook, an Englishman, in an address at Miami the other day, told us how they did it in England.

With my warmest personal regards, I am,

Most cordially yours,

F. X. A. EBLE,
Managing Director, Made in America Club, Inc.

P. S.—Enclosed you will find a copy of Lord Beaverbrook's statement.—F. X. A. E.

PROGRAM OF COMANCHE COUNTY (KANS.) FARM BUREAU

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions adopted by the Comanche County Farm Bureau at Coldwater, Kans., at the annual meeting of the county bureau.

Others and myself at various times have placed in the RECORD the resolutions adopted and programs approved by State and national farm organizations and groups. Such resolutions generally are accepted as the work of farm leaders. The resolutions I am asking consent to have printed in the RECORD, however, may be designated as "grass roots" resolutions. These resolutions were approved by farmers themselves, not by representatives of farmers nor by so-called farm leaders. For that reason I believe it may be of interest to my colleagues to read what farmers who farm are thinking these days.

Naturally these resolutions deal with local matters to a greater extent than the resolutions adopted at State and regional and national conventions; but it is the combined thinking of these local groups that goes to make up the mind of the Nation.

I send the resolutions to the desk with the request that they be printed at this point in the RECORD as a part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COMANCHE COUNTY FARM BUREAU ANNUAL MEETING, DECEMBER 14, 1937

REPORT OF THE RESOLUTIONS COMMITTEE

Committee: A. L. Beeley, chairman, Coldwater; C. H. Jackson, Coldwater; C. F. Nichols, Coldwater; Frank Dale, Coldwater.

National agricultural policy

The restoration of farm income and purchasing power and the maintenance of a prosperous agriculture form the essential basis of industrial and national prosperity, employment, and security. To accomplish this all-important task it is necessary to bring supply of farm products into balance with demand.

There can be no denial that in a large measure the price levels of the products of other American industries are largely determined and maintained through artificial means, exercised to control supply, and that the standard of American wages is largely determined and maintained in the same manner. To a large degree these artificial standards of prices and rates are accomplished through assistance or the approval of government. It therefore becomes the responsibility of government to assist farmers in securing and maintaining a standard of price levels and income for American agriculture that are commensurate with the standards set for other economic groups of American society.

This position the Comanche County Farm Bureau believes to be just and fair, and to help accomplish these results the organization believes in the following program:

1. Continuation of the soil-conservation and domestic-allotment program.
2. An ever-normal granary, supported by adequate commodity loans, which would insure sufficient supplies to consumers at a fair price.
3. Parity income for producers.
4. Commodity loans to cooperating farmers.
5. Production control to assist in controlling unmanageable surpluses.
6. Penalty features as a last resort to control surplus market supplies, including quotas, if found necessary.
7. Research into new uses and new outlets, both domestic and foreign, for agricultural products.

We commend the American Farm Bureau Federation and other farm organizations for the effort being made in behalf of the foregoing program and pledge our cooperation in their continued efforts.

Interest rates

We approve the 3½-percent interest rate on land-bank loans and 4 percent on Commissioner loans. We ask for the extension of these rates from June 30, 1938, until such time as the price of farm commodities justifies either a higher or lower rate.

Kansas delegation

We commend the Kansas delegation in Congress for their unqualified support of measures beneficial to agriculture.

Gasoline tax

We approve the present law for exemption from tax of gasoline used for agricultural purposes and urge the cooperation of every farmer with the department of inspection and registrations that our privileges under this law are not abused.

Farm-to-market roads

We urge our legislators to make provision for large participation by State, counties, and townships in building farm-to-market roads, so as to take full advantage of Federal funds now available for such purposes.

Rural electrification

We urge the development of rural electrification to the end that all farms be adequately served at a reasonable rate.

Water conservation and flood control

We earnestly petition for the enactment of laws that will make effective a sound and practical water-conservation and flood-control program for our State which should include farm ponds and small lakes in local communities.

Farm trucks

We believe that laws regulating trucking should be revised so that the rights of farmers to operate their private trucks in an economical manner will not be invaded. Farmers operating their trucks for hire less than 25 percent of the time they are using them should be exempted from the jurisdiction of the Kansas Corporation Commission. We favor the removal of such rules and regulations as do not protect public interests but tend only to hamper the benefits to be derived from competitive transportation systems.

4–H club work

Realizing that 4–H club work is of utmost importance and has unlimited opportunities for expansion we especially commend the leaders of the various 4–H clubs.

The above resolutions were presented to the group present in the annual meeting session December 14, 1937, by A. L. Beeley, chairman of this committee, who moved their adoption. This motion was seconded by Ernest Dale and carried.

Mrs. FRANK DALE,
Secretary, Comanche County Farm Bureau.

REPORTS OF COMMITTEES

Mr. AUSTIN, from the Committee on the Judiciary, to which was referred the bill (S. 488) to provide for the appointment of one additional United States district judge for the eastern district of Louisiana, reported it without amendment.

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3237) to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex., reported it

without amendment and submitted a report (No. 1306) thereon.

EXECUTIVE REPORT OF COMMITTEE ON APPROPRIATIONS

As in executive session,

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Miss Gay B. Shepperson, of Georgia, to be State administrator in the Works Progress Administration for Georgia, which was ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 3268) providing for the advancement in rank of Frederick L. Caudle on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 3269) to provide for the appointment of one additional circuit judge for the sixth judicial circuit; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3270) authorizing the Administrator of Veterans' Affairs to provide appropriate military honors at the funerals of certain veterans; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 3271) to establish an Office of Motion Pictures in the Government Printing Office, and for other purposes; to the Committee on Printing.

By Mr. SHEPPARD:

A bill (S. 3272) to clarify the status of pay and allowances under the provisions of the act of September 3, 1919; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 3273) to amend section 2 of the act to incorporate "The Howard University"; to the Committee on the Judiciary.

REPUBLICAN FORM OF GOVERNMENT FOR THE DISTRICT

During the delivery of Mr. ELLENDER'S speech,

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LEWIS. The joint resolution I tendered yesterday looking to the granting to the District of Columbia of a republican form of government, but which I withheld at the request of the majority leader, and because my friend the Senator from Louisiana [Mr. ELLENDER] had not reached the point in his address where I could disturb him, he now permits me to do so, and I tender the joint resolution for appropriate reference, to have it take its proper place in the RECORD.

The PRESIDING OFFICER (Mr. MINTON in the chair). Without objection, the joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 246) proposing an amendment to the Constitution of the United States to provide for a republican form of government and representation in the Congress for the District of Columbia was read twice by its title and referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 1547. An act to amend section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended;

H. R. 6178. An act to abolish appeals in habeas corpus proceedings brought to test the validity of orders of removal; and

H. R. 6907. An act to provide for the appointment of one additional circuit judge for the sixth judicial circuit; to the Committee on the Judiciary.

H. R. 3418. An act to extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma;

H. R. 7825. An act to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes; and

H. R. 7826. An act to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 4732. An act to revise the air-mail laws; to the Committee on Post Offices and Post Roads.

H. R. 7259. An act to authorize the conveyance by the United States to the city of Ketchikan, Alaska, of a certain tract of land in the town site of Ketchikan;

H. R. 7553. An act to amend the laws of Alaska imposing taxes for carrying on business and trade;

H. R. 7778. An act to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900;

H. R. 7827. An act to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes;

H. R. 8403. An act to ratify and confirm Act 23 of the Session Laws of Hawaii, 1937, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; and

H. R. 8404. An act to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport; to the Committee on Territories and Insular Affairs.

H. R. 7560. An act to authorize alterations and repairs to certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

H. R. 7567. An act to authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in 20 annual installments, and for other purposes; to the Committee on Irrigation and Reclamation.

H. R. 8409. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.; and

H. R. 8623. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn.; to the Committee on Commerce.

ADDITIONAL COPIES OF PART 3, SENATE REPORT NO. 46—VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

Mr. LA FOLLETTE submitted the following resolution (S. Res. 223), which was referred to the Committee on Printing:

Resolved, That there be printed 5,000 additional copies of Senate Report No. 46, part 3, current Congress, on violations of free speech and rights of labor, of which 1,000 copies shall be for the use of the Senate document room and 4,000 copies for the use of the Senate Subcommittee on Education and Labor conducting the investigation.

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of the bill (S. 3212) to establish the Administrative Office of the United States Courts, and for other purposes. There is some misunderstanding as to the purport and effect of the bill, and I

ask that it be printed in the RECORD, so that all persons who are interested in the measure may have an opportunity to read it.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3212) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Judicial Code is hereby amended by adding at the end thereof a new chapter to be numbered 15 and entitled "The Administrative Office of the United States Courts," as follows:

"CHAPTER XV—THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"SEC. 302. There shall be at the seat of government an establishment to be known as the Administrative Office of the United States Courts and a Director at the head thereof, who shall be appointed by, and hold office at the pleasure of, the Supreme Court of the United States. There shall be in said establishment an Assistant Director, to be appointed by the Supreme Court, who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director. There shall also be in said establishment such additional officers and employees as the Director may find necessary or proper. The Director and Assistant Director shall receive annual salaries of $10,000 and $7,500, respectively. The Director shall cause a seal of office to be made for the said establishment of such device as the Chief Justice of the United States shall approve, and judicial notice shall be taken of the said seal.

"SEC. 303. The Director shall have authority to appoint, remove, and prescribe the duties and fix the salaries of officers and employees of said establishment.

"SEC. 304. The Director shall be the administrative officer of the United States courts and shall have charge, under the supervision of the Chief Justice of the United States and of the conference of senior circuit judges, of (1) all administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the courts; but nothing contained in this chapter shall be construed as affecting the authority of the Attorney General respecting United States marshals and their deputies, United States attorneys and their assistants, and probation officers; (2) examining the state of the dockets of the various courts and securing information as to their needs for assistance, if any; (3) making recommendations to the Chief Justice of the United States respecting the assignment and designation of judges to serve temporarily in circuits or districts other than those for which they were respectively appointed; (4) the disbursement of moneys appropriated for the maintenance, support, and operation of the courts; (5) the purchase, exchange, transfer, and distribution of equipment and supplies; (6) the examination and audit of vouchers and accounts of the officials and employees covered by this chapter; (7) the provision of accommodations for the use of the courts and the various officials and employees covered by this chapter; (8) the preparation of statistical data and reports of the business transacted by the courts; and (9) such other matters as may be assigned to him by the Chief Justice of the United States or by the conference of the senior circuit judges. The Director shall, under the supervision of the Chief Justice, prepare and submit to the Bureau of the Budget annually estimates of the expenditures and appropriations necessary for the maintenance and operation of the United States courts and the Administrative Office of the United States Courts, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, in accordance with the provisions of the Budget and Accounting Act. All estimates so submitted shall be included in the Budget without revision.

"SEC. 305. The audit made by the Director of the accounts and vouchers of the officials and employees referred to in this chapter shall be final.

"SEC. 306. The provisions of this chapter shall apply to the Supreme Court of the United States, the several United States circuit courts of appeals, the United States Court of Appeals for the District of Columbia, and the several district courts of the United States in the continental United States, including the District Court of the United States for the District of Columbia. The term 'courts' as used in this chapter means the courts specified in this section. The term 'continental United States' as used in this chapter means the States of the Union and the District of Columbia."

SEC. 2. The employees of the Department of Justice engaged in the audit of accounts and vouchers referred to in section 304 of the Judicial Code may be transferred to the Administrative Office of the United States Courts. In such event, the appropriations available for the current fiscal year, from which such employees are paid, shall be apportioned between the Department of Justice and the Administrative Office of the United States Courts, on the basis of duties transferred to the latter office. All records, documents, and papers relating to the audit of accounts referred to in section 304 of the Judicial Code shall be transferred from the Department of Justice to the Administrative Office of the United States Courts.

SEC. 3. All unexpended appropriations for the support, maintenance, and operation of the courts specified in section 306 of the Judicial Code for the current fiscal year, and all unexpended appropriations covering judicial personnel as specified in section 304 (1) of the Judicial Code, including appropriations for the salaries of justices and judges who have retired or who have resigned under the provisions of section 260 of the Judicial Code (U. S. C., title 28, sec. 375), are hereby transferred to the control of the Administrative Office of the United States Courts.

SEC. 4. All powers and duties now conferred or imposed by law upon the Department of Justice or the Attorney General, relating to the administrative audit of the accounts and vouchers referred to in section 304 of the Judicial Code, are hereby transferred to and vested in the Administrative Office of the United States Courts.

SEC. 5. All administrative powers and duties now conferred or imposed by law upon the Department of Justice or the Attorney General, respecting clerks of courts, deputy clerks of courts, and clerical assistants, law clerks, secretaries, and stenographers to the judges, and librarians in charge of libraries of the courts, are hereby vested in the Administrative Office of the United States Courts.

SEC. 6. This act shall take effect 90 days after its approval.

THE NAVAL PROGRAM, NEUTRALITY, PEACE, AND WAR—ADDRESS BY SENATOR NYE

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a radio address on the subject of the Naval Program, Neutrality, Peace, and War, delivered by Senator NYE on Sunday, January 16, 1938, which appears in the Appendix.]

THE CONSTITUTION AND INDUSTRIAL REFORM—ARTICLE BY PAUL L. BLAKELY

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article by Paul L. Blakely entitled "The Constitution and Industrial Reform," published in Thought for December 1937, which appears in the Appendix.]

THE P. W. A. POWER VICTORY—EDITORIAL FROM SPRINGFIELD (MASS.) REPUBLICAN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial entitled "The P. W. A. Power Victory," published in the Springfield (Mass.) Republican of January 5, 1938, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday, the Senator from Louisiana [Mr. ELLENDER] had the floor, and had not concluded his remarks.

Mr. BILBO. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. ELLENDER. I do.

Mr. BILBO. I should like to have the floor tomorrow, after the roll call, in order to address the Senate on the subject of the pending bill.

The VICE PRESIDENT. Provided when the Senate takes a recess tonight no other Senator is speaking who desires to continue his remarks tomorrow, the Chair sees no reason why the Senator from Mississippi should not have the floor at that time.

Mr. ELLENDER. Mr. President, I wish to further discuss the pending bill. I intend at this time to review only to a certain extent some of the arguments I have been presenting to the Senate for the past 3 days. I believe it has been successfully shown, not only by myself but by a number of Senators who have preceded me, that the South is making a noble and successful fight toward eradicating the crime of lynching.

It has been conclusively shown that the South does not favor lynching any more than does the North, and that the enactment of the pending bill would not by any means tend to help conditions in the South. I have tried to show to the Senate—and I hope I have succeeded—that the great city of

Washington, which is under Federal jurisdiction from top to bottom, has been unable to cope successfully with the crime situation, insofar as it deals with Negroes, in comparison with what we have been able to do in the South in the city of New Orleans, a city of approximately the same population as Washington, with practically the same proportion of Negroes located therein. I believe I have also shown that, notwithstanding the provision of our Federal Constitution which gives equal rights to both races, and makes no distinction between the races, various States, which have been named, 18 in number, have seen fit to pass statutes recognizing certain civil and other rights in favor of the colored race, and in a measure placing both the white and the colored races on the same basis, although, as I pointed out, the Constitution of the United States guarantees equality of rights to all citizens.

Why did the great State of Pennsylvania see fit to enact, in 1935, the statute which I read on yesterday—a statute which, as the Senator from New Jersey [Mr. SMATHERS] said during the debate, he would like to see adopted as a model for New Jersey, although, as I also pointed out yesterday, New Jersey already has a statute which does not need much more elaboration in attempting to place both races on a social parity?

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Louisiana yield to the Senator from Pennsylvania?

Mr. ELLENDER. I do.

Mr. DAVIS. To what statute of Pennsylvania does the Senator refer?

Mr. ELLENDER. A statute passed at the session of 1935.

Mr. DAVIS. There are many statutes that were passed in 1935.

Mr. ELLENDER. Pardon me, Senator. I am referring to the statute which was read by me to the Senate yesterday, and was pointed out by the Senator from New Jersey [Mr. SMATHERS], before I reached it, as being a model statute—a statute granting to the citizenry of the great State of Pennsylvania, irrespective of color or race, equal civil rights.

Mr. DAVIS. I am familiar with that statute.

Mr. ELLENDER. I know you are. Further, I pointed out that the State of Pennsylvania has seen fit not to pass a law prohibiting intermarriage between whites and Negroes.

Mr. President, I have cited and read all of these various State statutes to the Senate in order to make my point clear that they were not enacted at the behest and for the benefit of the great majority of the people in Pennsylvania, or Connecticut, or Massachusetts, and such other States as have these statutes. Such legislation is the result of the demand of small colored groups, little cliques of Negro politicians who congregate in Harlem, who congregate in Chicago, who congregate in Pittsburgh, who congregate in Philadelphia, and who, by uniting their strength, are not only able to be well represented in the legislatures of those various States but who are also able to hold the balance of power in close elections in those States. They invade a legislature that is predominantly white and have such equal social-rights legislation placed on the statute books of those various States in exchange for their vote, although such rights are already guaranteed by the Constitution.

I ask the question, Why should these small groups make these demands in view of their guaranties under the Federal Constitution? The answer is, as I conceive it, that the white people of those States evidently refused to recognize them socially, and in order to have further recognition of their rights they appeal to their local legislatures. I am convinced that the good white people of the North do not want to mix with the Negro socially.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. ELLENDER. I yield to the Senator from South Carolina.

Mr. SMITH. Was the legislature by which this civil-rights bill was passed in Pennsylvania overwhelmingly Democratic?

Mr. ELLENDER. I think it was pretty well divided between the parties; but, as I recall, the Democrats were in the majority in one house. I am not certain. I will ask the Senator from Pennsylvania [Mr. DAVIS] to answer the question. He may be able to supply the information for the benefit of the Senator from South Carolina.

Mr. DAVIS. Mr. President, the Democratic Party was in the majority in the house of representatives.

Mr. ELLENDER. But not in the senate? That was my information, and I am glad the Senator has confirmed it.

Mr. SMITH. But the Governor was Democratic?

Mr. ELLENDER. Yes, sir; the Governor was Democratic.

Mr. SMITH. And the bill received his approval?

Mr. ELLENDER. It did. He did not veto the bill. It is on the statute books of the State of Pennsylvania today.

Mr. DAVIS. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield to the Senator from Pennsylvania.

Mr. DAVIS. The Democratic Governor of Pennsylvania, Mr. Earle, was invited to deliver a number of speeches throughout the South during the past year, and has done so.

Mr. ELLENDER. I do not know much about that, and I do not know what the Senator has in mind. I do not know that the Governor of Pennsylvania has appeared in Louisiana. But, Mr. President, as I started to say, these little minorities, these little groups that have been able in the past to obtain recognition, as it were, in the various State legislatures, are the same groups that are now behind the pending bill. They do not know much about this bill or what it will do. As I said yesterday, it is dubbed an anti-lynching bill, but I say that it will not curb the crime of lynching; but these groups have been collecting money from other little groups throughout the country and have been spreading propaganda throughout the country and have received the support of many organizations that, I feel confident, do not know the contents of the bill and do not know what the South has done, is now doing, and proposes to do in the future, in order to eradicate and stamp out the heinous crime of lynching. The point is, as I stated in the course of this debate for the past 3 days, that gradually these small groups are coming before Congress, step by step, and are advocating laws in order that, sooner or later, as time goes on, the Negroes may receive social recognition that will place them on the same plane with the whites.

As I pointed out yesterday and the day before, there is pending in the lower House of Congress a bill to do away with the so-called Jim Crow law of the South, and that bill was introduced by a Negro Congressman from Chicago. I believe his name is MITCHELL.

There are other bills before the lower House, and one to which I desire particularly to refer is the bill seeking to nationalize the marriage and divorce laws of the country. I am wondering who is back of that. I am wondering who is advocating that bill. I am wondering whether the same little groups of colored voters, the same little cliques which hold the balance of power in the various States which I mentioned yesterday, are not collecting money from the members of their societies throughout the Nation and sending the presidents of some of these societies, who live by what is collected from the societies throughout the Nation, to Washington. They have established headquarters here in Washington in order to lobby for bills like this so-called antilynching bill—bills like the ones now before the lower House which I have just mentioned, in order to eventually give the colored race social and other rights equal to those now enjoyed by the white people of this Nation.

Mr. President, in the course of my remarks I mentioned the fact that it was an awful thing that citizens of this country ever engaged in the slave traffic. It was unfortunate that the Negro was ever landed on the shores of our country. Slavery brought on the Civil War. It made the North fight against the South, and the South lost. But, as I pointed out, bringing the Negro slave to this country from darkest Africa has benefited the Negro race, and now the Negroes' greatest benefactors, the white people, are being imposed upon, because certain groups are seeking to give the Negro equality, to put him on the same plane with the white man. I propose to show by history that wherever there has been a mixture of a colored race, especially the Negro race, with the whites, there has developed a mongrel type, which is not able, which has not the capacity above the shoulders, to carry on civilization. I say sincerely what I have stated on two or three occasions; a remark I shall repeat: political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

With this in mind I propose to read from the pages of history and show that the great civilizations of Egypt and of India have decayed because of the mongrelization, I may say to the junior Senator from Florida [Mr. PEPPER], of the early white race in those countries with the Negro from Ethiopia. What I fear is that the same result may be brought about in this country, and we are bound, as the forerunners of future generations, to take heed of the danger now, before it is too late.

When the cannon were heard at Fort Sumter back in 1861 it was the signal for the beginning of the bloody Civil War between the North and the South. We will not hear such a disastrous signal again insofar as the North and the South are concerned. But what I fear is that sooner or later, unless something is done to prevent the amalgamation of the Negro race with the white race, if the Negroes keep on wedging in, getting nearer and nearer to social equality, the white people of this country are bound to see the handwriting on the wall, and I do not know whether there will be any lynchings or not, but there may be a lot of shootings, a lot of bloodshed, race riots as never before.

Mr. DIETERICH. Mr. President, I ask the indulgence of the Senator from Louisiana in order that I may call the attention of the Senator from Tennessee [Mr. MCKELLAR] to some statistics I have gathered since our little dialogue yesterday in reference to crime conditions in the States of the Union.

Mr. ELLENDER. I yield for that purpose.

Mr. DIETERICH. I have some statistics on murder and aggravated assault in 1936, giving the rate per 100,000 of population, for offenses known to the police from tables 74 and 78, Uniform Crime Reports, Federal Bureau of Investigation, Fourth Quarterly Bulletin, 1936.

Table 74 gives the national average per 100,000 population as reported in 1,658 cities, with a population of 60,372,091.

The national average for murder is 6.2. The national average for aggravated assault is 46.2, both of these referring to 100,000 population.

I note that this table shows that the rating of Tennessee in the murder classification is 25.2, far above the national average per hundred thousand, and that the State of Illinois has a rating of 5.4 in the classification of murder, from figures gathered by the Federal Bureau of Investigation.

I note also that in the rating as to aggravated assault the State of Tennessee has a rating of 207.5 per hundred thousand of population, while the State of Illinois has a rating of 39.9.

I ask permission to have this table inserted in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Murder and aggravated assault in 1936

[Rate per 100,000 population for offenses known to the police from tables 74 and 78, Uniform Crime Reports, Federal Bureau of Investigation, Fourth Quarterly Bulletin, 1936]

Rating	Geographic division and State	Murder	Geographic division and State	Aggravated assault
Table 74 (pp. 128-130): National average per 100,000 population as reported by 1,658 cities with 60,372,091 population		*Percent* 6.2		*Percent* 46.2
	DIVISION		DIVISION	
Table 78 (p. 137)	East South Central	21.3	South Atlantic	162.9
	South Atlantic	17.5	East South Central	143.3
	West South Central	17.1	West South Central	89.0
	Mountain	7.5	West North Central	36.4
	East North Central	4.8	Middle Atlantic	35.5
	West North Central	4.4	Pacific	28.0
	Middle Atlantic	4.0	Mountain	23.0
	Pacific	3.5	West North Central	19.1
	New England	1.0	New England	10.5
	STATE		STATE	
	Georgia	31.8	North Carolina	458.6
	North Carolina	27.6	Florida	268.0
	Alabama	27.5	Virginia	261.7
	Tennessee	25.2	Tennessee	207.5
	Florida	21.4	Georgia	132.6
	Texas	19.8	Kentucky	128.9
	Louisiana	18.1	Louisiana	121.0
	Virginia	18.0	Arkansas	105.5
	Arizona	17.5	South Carolina	102.7
	South Carolina	15.9	Alabama	95.7
	Kentucky	14.7	West Virginia	93.8
	Nevada	13.1	Texas	88.2
	Arkansas	11.6	Mississippi	79.1
	Mississippi	10.7	New Jersey	57.7
	West Virginia	10.3	Arizona	56.7
	Oklahoma	10.0	Oklahoma	51.7
	Missouri	8.5	Indiana	44.5
	Colorado	7.5	Delaware	43.5
	Maryland	7.4	Illinois	39.9
	New Mexico	7.3	Nevada	39.2
	Wyoming	6.6	Ohio	37.9
	Ohio	6.5	Michigan	37.4
	Delaware	5.9	New Mexico	36.6
	Utah	5.5	Pennsylvania	34.3
	Indiana	5.5	New York	31.1
	Illinois	5.4	California	31.0
	Kansas	4.3	Missouri	27.9
	Pennsylvania	4.2	Washington	21.8
	Nebraska	4.1	Utah	20.9
	New York	4.0	Kansas	20.3
	California	3.8	Colorado	17.5
	New Jersey	3.6	Montana	17.3
	Montana	3.1	Idaho	15.0
	Idaho	3.0	Minnesota	14.9
	Washington	3.0	Nebraska	14.3
	North Dakota	2.9	Oregon	14.0
	Michigan	2.9	Connecticut	12.8
	Vermont	2.2	Iowa	12.1
	Maine	2.0	Maine	10.8
	South Dakota	1.8	Massachusetts	10.5
	Oregon	1.6	New Hampshire	9.4
	Minnesota	1.4	Maryland	9.0
	Connecticut	1.4	Rhode Island	8.4
	Wisconsin	1.2	Wisconsin	7.2
	Iowa	1.2	North Dakota	6.7
	Massachusetts	.9	Wyoming	6.6
	Rhode Island	.7	South Dakota	4.4
	New Hampshire	.5	Vermont	1.1

Mr. MCKELLAR. Mr. President, I will look into the figures at the proper time. I hope the figures furnished by the Senator from Illinois today are more accurate than the figures he cited yesterday, and more accurate than the history he attempted to repeat on yesterday.

Mr. ELLENDER. Mr. President, I am not alone in the statement I have just made, and in the conclusions I have reached. Let me read to the Senate what some of our great statesmen, from Jefferson to Lincoln, thought of this problem. I may say that it is not my purpose at this time to go into the details of the problem or into the opinions of these men, what they thought, and what their remedy was, but I propose to leave that for future reference, and perhaps debate. I merely desire to read the opinions of these eminent statesmen on this vital subject before I proceed to read to the Sen-

ate how an amalgamation of the races affected the countries which I have named.

I find in Cox's White America, from which I read yesterday, the following at page 321:

Let us compare the solutions offered by our time-serving or ignorant demagogues with those of our greatest statesmen, men whose statesmanship and prophetic vision have withstood the test of time and events. In company with these great Americans, let us visualize the future. If we cannot peer into the years before us and see the burden upon our children and our children's children, we are not qualified to deal with the Negro problem. Men die; man lives on. We must look to the future. This visualization is essential at the present time, for a race problem is of such inaidious nature as to be realized by the mass at such late date as to render its effective solution an impossibility.

Jefferson, the most farseeing of our statesmen, foretold that we awaited separation of the races or their amalgamation. We have seen how his analysis is true, that it agrees with every instance in the contact of races during the 60 centuries of written history.

When the author of this book refers to the fact that we have seen many instances where decadence has occurred on account of amalgamation he refers to the histories of India and Egypt and other countries, to which I will refer later on in this debate.

When the Negro numbered but 1,000,000, the fathers of the Republic had already foreseen the gravity of the race problem and they knew that not the problem of slavery but that of the Negro—his physical presence—whether slave or free, was a menace to our race and institutions.

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government."

That is a quotation from Jefferson's works, volume 1, page 48.

Jefferson repeatedly pointed out that the problem of Negro slavery was but a phase of the Negro problem; that if the slaves were freed, the freedmen would remain. Jefferson believed that separation was possible and imperative.

Henry Clay was a lifelong advocate of the necessity of removing the Negro from America. He, like Madison, Monroe, and numerous other foremost Americans, from both North and South, became an active supporter of the American Colonization Society, the purpose of which was to return the freed Negro to Africa and which succeeded in founding the Republic of Liberia, the ruling class of which is of American origin.

This organization is still in existence, with headquarters at Washington. It is now well officered and is giving signs of a revival of its early energy. Of late, it is urging the United States Government to intervene in behalf of Liberia and prevent further spoliation of that republic by Great Britain and France. The United States is certain to protect the independence of Liberia. At the request of that country the United States is now furnishing an administrator for its customs. Liberia may prove to be a providential gateway into Africa at the disposal of the American Government, for the repatriation of American Negroes.

Observe now what Webster thought:

Webster came to the point when he said, "If any gentlemen from the South shall propose a scheme to be carried on by this Government upon a large scale, for their (the Negroes') transportation to any colonies, or to any place in the world, I should be quite disposed to incur almost any expense to accomplish that object."

That is a quotation from Webster's speech of March 20, 1850.

Senators, listen now to the colloquy which took place in a debate between Stephen A. Douglas and the Great Emancipator, Abraham Lincoln. This appears at page 323 of the same volume from which I have been reading:

Stephen A. Douglas, in his contest with Abraham Lincoln for a seat in the United States Senate (1858), said: "I am opposed to Negro citizenship in any and every form. I believe that this Government was made by white men for the benefit of white men and their posterity forever."

Lincoln, the statesman that he was, did not, in any manner dodge the question, but said—I read further from the same volume:

The immortal Lincoln answered Douglas with, "I will say this, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races—that I am not, nor ever have been, in favor of making voters or jurors of the Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality.

Fellow Senators, there we have the views of men of early American history from Jefferson up to the immortal Lincoln. I may add that it can also be shown that Grant likewise believed that something should and must be done to preserve the supremacy of the white race if we are to keep the Negro within our borders.

As far as I am personally concerned, I should not like the idea of deporting the Negroes to Liberia. I believe that we can let them stay here in America, provided they are separated socially and politically from the white people and not permitted to amalgamate with the white race. But, Senators, what I fear, and what the American people should fear, is the continuous encroachment by these little groups of Negroes who come to the Congress and attempt to obtain the passage of bills that will eventually put them on the same plane with the white people—that is what I fear, not only for the Negro but for the white people and for the future of America; and I say that if those agitators succeed, if our Nation shall become so amalgamated that the Congress is presided over by a Negro, or if we have sitting in these seats men of Negro blood, we shall have the same condition existing in this country which existed in the past in Egypt, in India, and other countries. Mr. President, I believe my fear is well founded, and this, to me, is beyond politics and even beyond the Constitution.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LEWIS. I ask the able Senator from Louisiana if he sees in the bill now before us, which is merely addressed to preventing lynching, anything whatever that itself works amalgamation of races on the social plane? If he says he thinks it does, merely because it recognizes some legislation in behalf of the Negro, which is national legislation, I ask my able friend, why did not the national privilege of voting which is extended to the Negro work the unfortunate result which the Senator prophesies or seems to fear?

Mr. ELLENDER. I will say to the Senator from Illinois, as I said yesterday, and as I said Saturday, and as I said Friday, that if I were convinced that the pending bill would stop lynching I would not be here talking against it. But I claim that the small groups that are now behind this bill are the same groups which have fought in Pennsylvania, which have fought in Massachusetts, which have fought in other States in order to give to the Negro something he already enjoyed under the Constitution. Why were the laws I have read placed on the statute books of those various States? Certainly because some demand had been made by these various colored groups that such laws be placed there.

As I pointed out yesterday, there are some statutes which even provide that Negroes and whites should be buried in the same cemeteries. Some State statutes provide that they may bathe in the same bathrooms, sleep in the same hotels, eat in the same restaurants.

Mr. President, I say that the Constitution of the United States does not deny that right to the colored people, but evidently those Negroes who were back of these bills tried to nudge in or get into these various places, where they were unwelcome, and because they were refused entrance and because the white people of these Northern States refused to associate with them socially they saw fit to go before the various legislatures and demand the passage of such legislation permitting equality. There can be no other explanation for such legislation. Certainly the learned Senator from Illinois [Mr. LEWIS] will not deny that the power of the ballot was the cause of such legislation.

I contend that those same groups—which are growing more and more powerful—are coming now before the Congress with not only the so-called antilynching bill, but other bills that I have indicated as now pending before the House of Representatives, and if they succeed in having those bills passed they are coming back after additional benefits and privileges. If a bill now pending making divorce and marriage laws uniform throughout this Nation shall become law, that would signify a fine victory for the colored people.

Mr. President, as I remarked yesterday and as I said the day before, I am pleading that this bill shall not pass, but should it pass, then before the final vote is taken I propose to submit three amendments for action by the Senate. I do not know whether the first amendment will be constitutional, but I venture to say it is going to be just as constitutional as the bill itself.

Before I go into a discussion of those amendments I wish to say that there are 18 States, as I have already pointed out, which do not prevent intermarriages of colored people and white people. But I propose to present an amendment to the pending bill, first to prohibit such intermarriage between Negroes and whites in every State in the Union, and I shall give an opportunity to every Senator to express himself by record vote on that amendment.

Should that amendment be too drastic, I am going to propose a second amendment so as to protect those States of the Union which have passed laws prohibiting the intermarriage of colored and whites; so that if Pennsylvania, New York, or Massachusetts decide to permit the intermarriage of colored and white persons, such persons who have intermarried shall not be permitted to come into Louisiana or other States where the practice is forbidden.

That is amendment No. 2. I shall likewise give an opportunity to the Members of the Senate to express their opinion on that proposition by a record vote.

Should my first amendment fail, then I shall propose for the District of Columbia what is provided for in Louisiana, and, I am glad to say, in many other States of the Union; that is, to prevent the intermarriage of Negroes and whites in the District of Columbia—in the city of Washington. I expect to offer that as an amendment to the pending bill if my first amendment shall fail of adoption.

Mr. President, I believe I have demonstrated, not today but during the course of my remarks of the past 3 days, that this country cannot afford to permit the amalgamation of the white race with the colored race. Not only can we not accede to it but we cannot sanction practices that will lead up to it. In other words, we should not pass this pending bill or like bills which will encourage it. We must do something to stop it now before it is too late. I do not want cannons to boom or musketry to crash or to have any strife between the whites and the colored. I do not want anything like that to happen in this country, and what I am pleading for is not only for the benefit of the white race but for the benefit of the colored race itself, because I contend that the colored race is bound to suffer unless the white people, who have been the benefactors of the colored race in the past, are maintained at the top of the ladder. I plead for white supremacy, for a pure, unadulterated white race, because I feel and believe that only the whites can maintain and further build up and retain our present high plane of civilization. The mongrel has failed in Egypt and India. We must not even give him the chance to destroy our proud American civilization.

(At this point Mr. LEWIS, by unanimous consent, introduced S. J. Res. 246, proposing to establish a republican form of government for the District of Columbia, which appears in today's RECORD, p. 681, under the appropriate heading.)

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. ELLENDER. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, there are very few Senators present. Will the Senator yield to me for the purpose of making a suggestion as to a quorum?

Mr. ELLENDER. I do not yield for the purpose of a quorum call.

Mr. McKELLAR. Then will the Senator yield to me for another purpose at this point?

Mr. ELLENDER. I gladly yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I take it from the joint resolution introduced by the Senator from Illinois that he wants to change the form of government of the District of Columbia. I do not know but that I may join him in that effort; I have not determined entirely my attitude, but I may do so. At the present time, however, I wish to read into the RECORD an article from the Washington Post of January 18, 1938, this morning's issue, which should certainly cause two reactions in the mind of the Senator from Illinois. First, it should make him feel that there ought to be something done with the government of the District of Columbia, and, secondly, it should cause him to believe that the Congress ought not to turn over to Federal authority jurisdiction over a crime such as lynching, which has now been almost entirely eliminated up to date, and take jurisdiction out of the hands of the State authorities, when the Federal Government is showing such inability to cope with crime conditions in the District of Columbia. I read from the first page of the Post, published in the city of Washington, where the Federal Government is supreme, as we all know, a two-column article under the headlines—

Bandits kidnap, beat man as D. C. counts 50 crimes in 48 hours.

I do not think there is a State or city government anywhere that can excel that crime record.

Bandits kidnap, beat man as D. C. counts 50 crimes in 48 hours.
Eleven suspects identified in biggest line-up in Capital annals.

Yet we want to turn jurisdiction of the crime of lynching over to Federal authorities selected by the Federal Government.

Mr. LEWIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Illinois, if I may.

Mr. LEWIS. With the consent of the Senator from Tennessee, may not I invite his attention to the thought that while these offenses have been committed, and doubtless have multiplied, it is only fair to the great Capital of our country to call the attention of the Nation to the fact that criminals come into the District of Columbia from many other jurisdictions; they pass through the Capital and pause at the Capital, and no doubt, as the Senator says, commit offenses in the Capital. But they are not of the Capital; they are not of the citizenry of Washington. It is difficult to apprehend them because they come from different sections and are not located in the District of Columbia. I hesitate to join in that which merely holds the Capital of the Nation up morn, noon, and night as a despicable place and impeach it before all civilization as unworthy of the residence of law-abiding citizens. I feel that we should look at this situation fairly and recognize that the many offenses to which the Senator from Tennessee has from day to day alluded are not the result, in large measure, of the action of those who reside in the city of Washington, but, unfortunately, of those who come into our midst from other sections of the land. That is the point of view which I desire to express.

Mr. McKELLAR. May I ask the Senator, in partial reply, has he read this article?

Mr. LEWIS. I read this morning that the charge my able friend makes was made in the newspapers as to certain crimes having been committed yesterday. I regret the situation very much.

Mr. McKELLAR. I, too, regret it very much, but I want to compliment the police on taking the position they have taken about it. I am not criticizing the police. I think if there were 50 crimes here and the police arrested the criminals it is very much to their credit that they have done this good job at this time. But I wish to read from the article:

Eleven suspects identified in biggest line-up in Capital annals.
Woman routs thug by use of tear gas.
United States employee——

A "United States employee"—

forced into car and left in Rock Creek Park.

These are the things that are happening in the city of Washington, which is under the supreme control of the Fed-

eral Government, and yet the Senators from Illinois are anxious to have the Federal Government assume jurisdiction of eight lynchings throughout the entire Nation in a year.

I read from the article:

While the District's most ambitious line-up of robbery suspects netted 11 identifications in 20 cases last night, the city's crime wave rolled on to pile up more than 60 larcenies, hold-ups, housebreakings, and assaults in the preceding 48 hours.

Most spectacular of these was the kidnaping and robbery early last night of Fred M. Miller, 45, of 1426 Twenty-first Street NW., a Government employee. He was forced into an automobile near his home by two white men, struck over the left eye, robbed of $12, and left in Rock Creek Park.

In Montgomery County, Md., on River Road, just over the District line, a pretty 23-year-old woman routed with a blast of tear gas a huge colored man who sought to snatch her pocketbook.

TEAR GAS FINDS ITS MARK

A stream of the noxious gas struck the would-be attacker, who outweighed his victim, Mrs. H. C. Burrus, by more than 70 pounds. The gas hit him squarely in the face. Police said the charge would incapacitate the man several hours.

Identified at last night's record line-up, where more than 200 victims of hold-ups—

More than 200 victims of hold-ups!—

saw 40 suspects paraded before them in the shadow box, were 11 men connected with some of Washington's most daring hold-ups in recent weeks, police said. At least a score of gunpoint robberies were believed to have been solved and at least one gang, swooping down on the District from Baltimore and swiftly retreating, was broken up.

$2,000 HOLD-UP SOLVED

Those identified, police said, were:

Harley Maddox, colored, picked out by William E. Matthews in connection with a $2,000 robbery of a Peoples Drug Co. messenger.

Ellsworth Tippett, one of the two young "drunk bandits," who staged seven hold-ups here last week, identified by Fannie Litman, 337 Third Street SW.; and by Louis Hillman, 318 First Street SW.; also by Millard Brickerd, gas-station attendant of Twenty-sixth and Benning Road NE., who was held up twice; and David Frye, Twenty-fourth Street and Benning Road NE.; Abraham Butts, 831 Sixth Street SW., who was the target for several shots from the bandit's gun when he attempted to resist; Morris Bassin, 53 D Street SE.; and Grover Dare, 36 D Street SE.

Ellis Tippett, the other "drunk bandit," was identified by Brickerd and Frye.

Luther A. Riley, colored, was identified by Moe Hein, 600 I Street SE. Riley was identified by other hold-up victims in a line-up last week.

Samuel Brady, returned to Baltimore, was identified by Hein.

John Johnson, colored, also returned to Baltimore, was picked out by Isaac Lapidus, 3110 Rhode Island Avenue NE., and by Benjamin Wilson, 705 Fourth Street NW., and Nick Bobys, 501 Florida Avenue NW., and Manuel Auerbach, 1311 North Capitol Street, and by Stanley Golden, 300 M Street SW.

Clarence Trusty, colored, now in Baltimore, was identified by Lapidus and Abraham Kayuffman, 1501 T Street NW.

Harry M. Towson, colored, was identified by Eddie B. Smith, 609 Eleventh Street SW., and by Auerbach Leon Pappas, 43 H Street NW., and Aaron Golubotzky, 433 Ninth Street SW.

Thomas Austin, colored, held in Baltimore and identified by his photograph by Smith, Golden, and Pappas.

William T. Nelson, colored, also identified in last week's line-up, picked last night by Golden and Golubotzky.

Andrew Savage, colored, of Baltimore, picked by Millie Farber, 1000 block Seventh Street NW.

Savage and Towson were captured after a running gun battle by Detective Sgt. Robert Barrett and Precinct Detective Dewey Guest, when their automobile crashed into another at the Peace Cross in Bladensburg, Md. Trusty, Austin, and Johnson were captured in Baltimore after Savage and Towson implicated them in several robberies here.

Ellsworth and Ellis Tippett were captured in a hotel at Woodbridge, Va., with a 14-year-old girl, when the hotel proprietor became suspicious and notified police. It was said the girl was to have become Ellis' bride.

Miller's kidnaping in the heart of a northwest residential section was reported to police almost as soon as it occurred. Miss Grace McLean, walking from work to her home at 2131 O Street NW., told police she heard a man scream and saw Miller being forced into the automobile in an alley adjoining that address. A half hour later he made his way back home in a taxicab with 25 cents the bandits left him for carfare—

They must have been "good" bandits—

He was treated by Dr. Harry P. Scott, 1426 Twenty-first Street NW.

Mrs. Burrus told police the colored purse snatcher crept up behind her while she was walking to her trailer home in a sparsely inhabited section of Montgomery County—

Just across the District line—

She said she heard him creeping through tall grass which bordered the road and got her tear-gas pen ready. He snatched at her arm and cried, "Gimme that pocketbook, white woman," Mrs. Burrus said.

Whirling, she discharged the tear gas directly in his face at less than 2 feet. The blast almost knocked him to the ground. He fled, bellowing curses and crying, "My God! My God! My eyes!"

Burrus, an employee of the Loughborough Oil Co. and a crack rifle shot, had given the pen to his wife. He said it carried an exceptionally heavy charge and would have effect at least 7 hours.

Samuel Gittleman, Takoma Park, Md., proprietor of a clothing store in the 1300 block Seventh Street NW., was the first robbery victim yesterday.

Gittleman told police a colored man was waiting at the store when he arrived. When he opened the door, Gittleman declared, the bandit followed him in and then stuck a pistol in his back, taking $100 from the storekeeper's pocket.

What a commentary on American rights and constitutional guaranties right here in the District of Columbia!

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. McKELLAR. I ask the Senator to pardon me for a moment.

Rufus Berman, colored, porter for a drug store at Seventeenth and I Streets NW., was robbed of $100 by a man who snatched a money bag from Berman's hands.

The robbery occurred at noontime in the 1400 block K Street NW. Several pedestrians saw the daring snatch but were unable to apprehend the culprit.

Two small colored girls snatched the pocketbook of Theresa Phiefer, 230 East Capitol Street, while she was walking in the first block of Third Street SE. Miss Phiefer said the girls grabbed her purse and ran into an alley, where two older women were. All ran, she said. The purse contained $14.

Louis F. Bradley, owner of a drug store at 701 Maryland Avenue NE., successfully fought off a young white man who attempted to hold up his store. Bradley said the man held his hand in his pocket as if he had a gun.

"This is a stick-up," Bradley quoted his assailant.

Bradley declared that he struck the man in the face, knocking him against a showcase. The bandit returned the punch and then fled empty-handed.

Yesterday afternoon Ellis and Ellsworth Tippett, young gunmen who blazed a trail of seven hold-ups in 35 minutes last week end, were taken over their route. In custody of Detective Sgt. Robert J. Barrett, who aided in their capture, the boys were brought face to face with their victims, whom they identified and who identified them.

The places visited were a gas station at Twenty-fourth Street and Benning Road NE., a filling station at Twenty-sixth Street and Oklahoma Avenue NE., and stores at 53 D Street SE., 319 First Street SW., 337 Third Street SW., and 831 Sixth Street SW.

And yet, with the splendid record which has been made by the State during the past few years, we are asked to turn over the crime of lynching to Federal authority for enforcement of law, when right here in the city of Washington we find these numerous violations of law—50 of them in 48 hours. I think it would be a travesty on law and order and decency to take this power away from the States, where the laws are being well administered, where crime is being lessened, and turn the power over to the Federal authorities, when crime is committed right here under the eaves of the Capitol at the rate of 50 crimes in 48 hours.

Mr. DIETERICH and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. I yield first to the Senator from Illinois.

Mr. DIETERICH. Mr. President, if the Senator from Tennessee has finished his statement as to the police record in the District of Columbia during the past 24 hours, I merely wish to remark that I assume the Senator considers that that has a bearing on this bill; that we should abandon our police activities and turn over to lynchers the enforcement of the law.

Mr. McKELLAR. Oh, no; the Senator cannot assume that. I do not know what the Senator is going to assume, and I do not care, because he has already made up his mind that he is going to vote for this bill. What I want other Senators to do is to see how futile it would be to turn this greater but lessening crime over to the Federal authorities, who evidently are not doing their duty, certainly not in the past few days; and instead of criticizing the police for what they did yesterday and the day before in running down these criminals, I desire to compliment them for doing it, and I hope they will keep it up. They ought to keep it up.

Has the Senator anything else to ask? If he has, I shall be delighted to answer him if I know how.

Mr. DIETERICH. Mr. President——

Mr. ELLENDER. I further yield to the Senator from Illinois.

Mr. DIETERICH. I assumed that the Senator was putting that matter in the RECORD in order to show that lynchings should not be interfered with. I do not know any other reason for inserting it in the RECORD.

Mr. McKELLAR. In making that assumption the Senator makes an assumption contrary to the facts. I am putting these occurrences into the RECORD to show, not what the Senator says but quite the contrary. I am putting them into the RECORD to show that we would do a useless, a futile, and an asinine thing to turn over to Federal authority a law that is now being well administered by the States. I think the Senator understands that language.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana further yield to the Senator from Illinois?

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. DIETERICH. I merely wish to admonish my friend from Tennessee, for whom I have the highest regard and the highest respect as a Senator, as he very kindly admonished me the other day, not to become excited, for fear some malady may overtake him.

Mr. McKELLAR. I am not excited, but I am very determined about this matter.

Mr. DIETERICH. I hope the Senator will keep his equilibrium and not become excited about the matter. I hope he will not jeopardize his health and jeopardize the membership of the Senate by his enthusiasm. I say that merely by way of a friendly admonition.

Mr. McKELLAR. My health is very good and, in my judgment, it is likely to remain so. I thank the Senator from Illinois for his interest in it, but I am very much more interested in lessening the crime of lynching in this country than I am in appealing for colored votes in certain States where there are not so many colored people.

Mr. DIETERICH. Mr. President——

Mr. ELLENDER. I further yield to the Senator from Illinois.

Mr. DIETERICH. In reply to that statement, let me say that of course I realize that there are some colored votes in other States. In a State with 3,000,000 population which casts a total of 300,000 votes, evidently neither the colored nor the white people are permitted to vote.

Mr. McKELLAR. The Senator is entirely mistaken about that. He does not know what he is talking about in that respect, however much he may know about the value of colored votes in Illinois. He may have a very accurate knowledge about their value in his own State. I am not disputing that, but I say that in Tennessee the colored voters vote exactly as the white voters do. They have all the rights and privileges that the white voters have, and they exercise those privileges whenever they desire to do so.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Texas.

Mr. CONNALLY. I was interested in the Senator's comparison between the administration of law here in the District of Columbia, under Federal supervision, and its administration in the States. I desire to call his attention to a newspaper clipping which shows that in the District of Columbia, which is not as large as the city of Baltimore, the amount of property which citizens here lost by theft in 1937 was very much greater than that lost by theft in Baltimore, and the amount recovered here was only about half the net recoveries in Baltimore. I should be glad if the Senator would call the attention of the Senator from Illinois to the clipping.

Mr. McKELLAR. I shall be glad to do that, with the permission of the Senator from Louisiana.

Mr. ELLENDER. I further yield to the Senator from Tennessee.

Mr. McKELLAR. The clipping referred to by the Senator from Texas reads in part as follows:

RECOVERED $1,299,859 OF $1,989,555 STOLEN HERE IN 1937

District residents were robbed last year of $1,989,555 in cash and property, of which $1,299,859 was recovered for a net loss of $689,696—nearly twice as much as that suffered by their neighbors in the larger city of Baltimore—police records disclosed last night.

Jewelry and automobiles accounted for the largest amounts of property stolen and the largest percentage of recoveries. Automobiles valued at $1,053,167 were reported stolen during the year. Of this amount, $869,470 was recovered in the months the thefts occurred.

The important part of this article, as I understand, is that the total net amount lost by theft, $689,696, was a great deal more than the amount lost by theft in the city of Baltimore.

A day or two ago I wrote to Mr. Hazen, the president of the Board of Commissioners of the District of Columbia, having charge of the suppression of crime here, and today I received a letter from him. I have not yet read it, having just received it, but I desire now to read it to the Senate:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
WASHINGTON, *January 17, 1938.*

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: In compliance with your letter of January 15, I am forwarding herewith the information you requested relative to murder and rape cases in the District of Columbia during the years 1934 to 1937, inclusive.

With my highest regards, I am,

Sincerely yours,

M. C. HAZEN,
Commissioner, District of Columbia.

Now, I wish to read the record:

Murders in 1934: Indicted, 47; ignored, 16; suicides, 2; double murder, 1; pending, defendant unknown, 2; unsound mind, escaped from asylum, none. I see why that was in. Justifiable, none.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. McKELLAR. Let me finish these figures.

Mr. SCHWELLENBACH. I merely wish to inquire about the second set of figures. What was the word before them—"ignored"?

Mr. McKELLAR. Ignored, 16 murders in 1934.

In 1935, 48 murderers were indicted, but 11 murders were ignored.

In 1936, 63 murderers were indicted, and 7 murders were ignored.

In 1937 there were 48 indictments for murder, and 16 murders were ignored.

I am going to publish the entire record; but before doing so I desire to speak of the second crime, rape.

Cases reported in 1934, 20; held for grand jury, 20; sent to prison, 9; put on probation, 2; ignored, 4; nolle-prossed, 1; dismissed, not guilty, 3; not disposed of, 1.

"Not disposed of!" Probably we need some more judges for the District of Columbia.

In 1935, 16 cases of rape were reported in the District of Columbia. Held for grand jury, 11; sent to prison, 4; put on probation, none; ignored, 3; nolle-prossed, 3; dismissed, not guilty, 1; not disposed of, none.

In 1936, 44 cases of rape were reported. Think of it, Mr. President, 44 cases of rape were reported in the District of Columbia in 1936, and only 14 persons charged with rape were held for the grand jury. Six were sent to prison, one was put on probation, two were ignored, one was nolprossed, none were dismissed as not guilty, four were not disposed of. Only 14 out of the 44 were even held for the grand jury.

In 1937 the number of cases of rape reported increased to 52. How many were held by the grand jury out of 52 in this District, under Federal jurisdiction, which it is now sought to have extended over lynching all over the country? Out of the 52 cases reported, only 20 persons were held for the

grand jury. I do not know whether chromos were given to the others, or what was done. I do not know whether they were rewarded for perpetrating the crime, or what happened; but only 20 persons were held for the grand jury in the 52 cases of rape reported. Four of the fifty-two were sent to prison; none were put on probation; 8 were ignored—8 of the 20 that were held for the grand jury. Out of 52 cases of rape, all told, 20 persons were held for the grand jury. Nothing was done with 32 of the 52; but of the 20 that were prosecuted, 14 cases were not disposed of, and 8 of them were entirely ignored.

Mr. President, I ask unanimous consent that this table of figures transmitted to me by Commissioner Hazen may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

	Calendar years			
	1934	1935	1936	1937
MURDER				
Indicted	47	48	63	48
Ignored	16	11	7	16
Suicide	2	3	0	2
Double murder	1	0	0	0
Pending (defendant unknown)	2	0	0	0
Unsound mind (escaped from asylum)	0	1	0	0
Justifiable (coroner's inquest)	0	0	0	1
Criminal court action on above cases:				
Committed to prison	34	25	36	10
Life imprisonment	3	3	1	0
Not guilty	3	10	7	4
Not-prossed	2	5	2	1
Suicide	2	3	0	0
Unsound mind	3	0	2	0
St. Elizabeths	0	1	0	0
Fugitive, still at large	0	0	2	0
Death penalty	9	3	3	0
Not disposed of (pending)	1	2	0	33
Number of murders committed	63	55	63	63
RAPE				
Cases reported	20	16	44	[1] 52
Disposition of cases closed:				
Held for grand jury	20	11	14	20
Sent to prison	9	4	6	4
Probation	2	0	1	0
Ignored	4	3	2	8
Nolle prossed	1	3	1	2
Dismissed, not guilty	3	1	0	0
Not disposed of (pending)	1	0	4	14

[1] 52 cases reported for the entire year, but dispositions of cases only include Jan. 1 to Sept. 30, 1937.

Mr. ELLENDER. Mr. President, I am glad the Senator from Tennessee has brought to the attention of the Senate a record of this crime wave which seems to be prevailing in Washington at this time.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. The Senator speaks of the crime wave as if it were a thing which has just happened. It has been plaguing this city for years. There now seems to be a wave of enforcement, and I am heartily in favor of it. I wish to commend the police for their vigilance and activity in the last few days.

Mr. ELLENDER. I called it a "crime wave" because it was so referred to by the newspapers, I believe. I may be mistaken about that. I had noticed the newspaper references to it this morning, and had intended mentioning it. In connection with that, I desire again to bring to the attention of the Senate a comparative statement as to crime in the city of New Orleans and in the city of Washington, which I have discussed on two other occasions before the Senate.

This statement shows that in 1935, with the population of New Orleans almost the same as that of Washington, with the percentage of Negroes about the same in each city, 28 percent in the case of New Orleans, and 27 percent in the case of Washington. With that small number of Negroes in these two cities, the arrests for crime were almost twice as great in 1935 in the city of Washington as in the city of New Orleans.

As I have pointed out, the number of arrests for crime in the city of New Orleans in 1935 was 1,527. In the city of Washington during the same year there were 2,985 cases.

In the city of New Orleans the colored folks were charged with violating the law 735 times, charged with the crimes of murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, auto theft, whereas in the city of Washington for the same year, with practically the same percentage of Negro population, there were 2,004 cases. I repeat, in the city of New Orleans there were 735 and in the city of Washington 2,004.

Mr. President, these figures show conclusively that the people of the South do understand the Negro problem better than do those of the North, and that if the pending bill should become a law and the Federal Government should be called upon to go South and deal with the crime of lynching, since it has not been able to cope with the situation in Washington, here under the dome of the Capitol, in the shadow of Washington's Monument, how can we expect the authorities of the Federal Government to correct the situation in the South? It will make a more dismal failure in the South than it has made in Washington.

Again, referring to the table for 1936, the total number of people who were charged with murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft aggregated 1,471 in New Orleans, of which 718 were attributable to Negroes and 753 to whites.

Now let us turn to the statistics as to Washington. As I stated a while ago, Washington is being governed under laws made by the Congress, which do not extend any further than the bounds of the District of Columbia. Let us turn to the statistics for 1936 and draw our conclusions. I repeat, in New Orleans the total number of cases was 1,471 against both whites and blacks, 753 against whites, 718 against blacks, in that city, with 28 percent of the entire population Negro. Here in Washington, with the same percentage of Negroes to whites, as I have repeatedly pointed out, with hardly any difference between the two cities, there was a total number of cases in the city of Washington for the year 1936, for the same crimes, of 3,587, compared with 1,471 in the city of New Orleans. Of the 3,587 in Washington, 2,810 of the cases were against colored people, as compared to 777 against whites. In other words, the ratio was 4 to 1. Yet some Senators feel that they desire to send the big arm of the Federal Government into the South to tell us how to prevent lynching. I say that the Federal Government has made a failure of law enforcement in the city of Washington as to Negroes, and I can see it written on the wall that this failure will be even greater in the South than it has been here.

Mr. President, I ask leave to have printed in the RECORD at the end of my remarks the table to which I have been referring.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit A.)

Mr. ELLENDER. Mr. President, when I was interrupted by the Senator from Tennessee I was about to begin to show, by reference to the pages of history, what has happened to certain civilizations dating some 4,000 years before the coming of Christ; and I will start with Egypt. I wish to read to the Senate from a book entitled "Race or Mongrel", of which I read chapter II yesterday.

Mr. DAVIS. Mr. President, who is the author of the book?

Mr. ELLENDER. Alfred P. Schultz is the author. There are many who agree with his viewpoint. I have the statements of many of them here, but I do not wish to impose unnecessary references upon the Senate. I merely desire to draw the attention of the Senate, in as few words as possible, to my contention, and to back it up with facts similar to those which have been and are now confronting our American civilization.

Now I refer to the volume of which I have spoken. As I stated yesterday, chapter II deals with the mongrelization of races as a whole, and states certain conclusions as to what

would result in the event of the amalgamation of the Negro and white races. I stated yesterday that this book deals particularly with certain races, and I shall read another chapter from the same book relating solely to Egypt, and I hope that the Senate will bear with me. I read from chapter VII, page 29:

It is not known to which stock the Egyptians belonged. Sir Gardner Wilkinson and Conte de Gobineau think that they were a branch of the Hindus.

Later on in the course of my argument I expect to read a chapter with reference to the Hindu race, because the Hindu race marked the beginning of civilization in India, and the same purpose will be served by reading the chapter in this book dealing with the Hindu race; and it will be applicable both to the Egyptian division of that race and to the white inhabitants of India. I propose to deal with those two nations principally and mention incidentally, but not in detail, other nations.

Sir Gardner Wilkinson says: "In manners, in language, and in many other respects Egypt was certainly more Asiatic than African; and though there is no appearance of the Hindu and Egyptian religion having been borrowed from one another, yet it is not improbable that those two nations may have proceeded from the same original stock and have migrated southward from their parent country in central Asia."

That is a quotation from Sir Gardner Wilkinson.

Others have maintained that the Egyptians were a Hamitic race. Sir Henry Rawlinson states that the Chaldeans and the Egyptians were of a common origin. It is the opinion of Lepsius that the early Hamites crossed the straits of Bab-el-Mandeb, occupied the upper Nile Valley, and later planted colonies in lower Egypt. Sir Gardner Wilkinson says that civilization advanced northward from Thebaid. The hieroglyphic inscriptions prove that the cities of Upper Egypt were the oldest in the country, that civilization came from the south.

Whether they were of the Hamitic stock or of the Aryan stock we do not know, but we do know that they were a white people.

I propose later to cite other references to show that there is no doubt that the early Egyptian civilization was a white civilization.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. The Senator is no doubt an able ethnologist, and I ask him if he does not agree that the early civilization of Athens, and of Crete, and of Carthage, and all down the line, was that of what is termed the Mediterranean man?

Mr. ELLENDER. The Senator flatters me when he refers to me as an able ethnologist. I wish I were. I will try to answer the Senator's question. There seems to be a little difference of opinion on that question, I will say to the Senator. Some authorities state that there was a considerable amount of immigration of the Mediterranean race into that section, but there is no doubt that the early Egyptian civilization was white. There is no doubt about that. As to which branch of the Caucasian race inhabited Egypt there seems to be some conflict.

The point I desire to make and to establish by historical facts is that the Egyptian civilization at the beginning was white, and progressed along scientific and economic lines and in every other way. However, when the Pharaohs began building the famous pyramids, when the Sphinx was built, it became necessary to obtain slave labor, and the Egyptians did at that time obtain this labor from Ethiopia, from farther south in Africa. As a matter of fact the records show that many slaves came from those sections and at an early date populated the Egyptian country. As time went on the colored people who came from Ethiopia, who were brought, I state to the Senator from North Carolina [Mr. REYNOLDS], from regions farther south in Africa, and who helped to build the pyramids and the Sphinx, amalgamated with the Egyptian race, and within about 12 centuries or more the races had so intermixed that a mulatto ruled as the head of the Egyptian Government. When the Persians conquered Egypt they thought they had acquired a valuable possession, but they were mistaken, for the civilization of Egypt had degenerated by reason of the mongrelizing of the country. Egypt had at its head a half-caste and was in the hands of mongrels widely removed from pure Egyptian types.

Mr. President, such a catastrophe will not happen to our country in my life nor in the life of the Senator from Pennsylvania [Mr. DAVIS], but during my lifetime it is my sincere desire to do all I possibly can to prevent such a condition from ever coming to pass, whereby our civilization shall become degraded to the point of Egypt's by reason of the amalgamation of the Negroes and the whites.

Mr. SCHWARTZ. Mr. President, will the Senator again yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. It is the theory, is it not, of both authors from whose books the Senator has been reading, that that same sort of amalgamation resulted in the fall of each successive civilization of the Mediterranean man as he came west?

Mr. ELLENDER. I would not say that.

Mr. SCHWARTZ. The Mediterranean man was mongrelized at one place, and then he moved on and he was reclaimed, and then he was again mongrelized, and later reclaimed, and then he came to the limit of the land, to the seashore, and where did he go then?

Mr. ELLENDER. I will say to the Senator that I have not made a careful study of the Mediterranean man, but if the Senator is interested, and if the Senate is interested in that subject I promise that the next time I shall speak on this bill I shall gladly go into details on that subject, and for the Senator's benefit and for the benefit of other Senators, trace the history of that race.

The point I desire to make now, I will say to the Senator from Wyoming [Mr. SCHWARTZ] is that the Egyptian race, according to the best historical authority, was originally white.

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. I surmise that the Senator from Louisiana has recently read that very interesting book, the author of which is our colleague, the Senator from Pennsylvania [Mr. DAVIS] the title of which is "Immigration." That book deals very remarkably with the subject of immigration. I observe that the Senator from Louisiana has discussed that matter so carefully and creditably that I feel he probably has familiarized himself very thoroughly with the contents of that most valuable volume to which I have just referred.

Mr. ELLENDER. Did I understand the Senator from North Carolina to say that the Senator from Pennsylvania was the author of a book on immigration?

Mr. REYNOLDS. He is the author of a book on immigration; and of all the books I have read pertaining to that subject, I believe I can say, without attempting flattery, that it is one of the most interesting and one of the most informative and best prepared volumes upon that subject I have ever read. I readily observe that the Senator from Louisiana is thoroughly familiar with matters pertaining to immigration in Egypt, but I am sure he would be provided with somewhat additional information if he could be so fortunate as to lay his hands on the volume I have just mentioned. I will say that I have a copy of that book and shall be glad to let the Senator have it for a short while.

Mr. ELLENDER. I am sorry to confess that I really did not know that the Senator from Pennsylvania [Mr. DAVIS] was an author and that he had written a book on immigration, but I say to him now that I am going to take that book home tonight and read it.

I continue, Mr. President, to read from this volume to which I referred a few moments ago, on page 30:

Whether they were of the Hamitic stock or of the Aryan stock we do not know, but we do know that they were a white people. We do know that very early they had reached a high degree of civilization. The pyramid of Memphis was built (c) 2120 B. C. They made considerable progress in astronomy—

Senators, kindly listen to this—

and their observations and their appliances prove their knowledge of that science. They were great architects. Medicine, surgery, and chemistry were studied. In the manufacture of linen they were never surpassed. Their glass was little inferior to that of the Greeks. Their art was dignified.

I am now referring to the early Egyptian civilization, before it became mongrelized, as I shall proceed to show later, and I propose to prove that when it became mongrelized this civilization that was of Egypt, a fine civilization, went down to decay. I do not want that to happen to America. That is my interest in this matter.

The Government was monarchial, but not despotic. Women could reign. The Egyptians, like the Hindus, had a caste system, although it was not as well developed as that of the Hindus, and not efficient in preventing the intermarriages between the Egyptians and the other inhabitants of Egypt. Intermarriages, however, before the invasion of the Hyksos were rare.

According to the "Recherches anthropologiques en Egypte" of Ernest Chantre, who examined the graves of the different periods, the old Nilotic Egyptians show no trace of Negro blood. The skulls are delicocephalic, with an index of remarkable uniformity (72–73). When the Hyksos came there was a great infusion of Syrian blood, a greater quantity than could be absorbed, and the mummies of this time show the signs of it. The uniformity of the skull index no longer exists, negroid characteristics are found.

The pan-white mongrel no longer holds his blood sacred, he intermarries with the colored races. Nothing disgusts him. Promiscuity becomes common, and as the mongrelization proceeds the faces become broader, the ears bigger, the cheeks protrude, nose and lips become thick.

As the mongrelization advanced the civilization of Egypt became stagnant and gradually decayed. Historians tell us that the present degraded state of the Egyptians is due to the rule of the Turks. Again they tell us that no cause can be assigned for the decay of Egypt, and that it began before 1300 B. C. And again they tell us that the stagnation and the decay of Egypt was caused by the priests. Why not by the cats or by the crocodiles? Why not by the last solar eclipse?

No constitution can be indefinitely upheld that is utterly out of sympathy with the sentiments and abilities of the people. Priests have been powerful elsewhere and civilization progressed. Moreover, the priests of antiquity were themselves the astronomers, investigators, scientists, writers, and artists. True, the Egyptian priests formulated rules, codes, laws, canons of art and of almost everything else. This they probably did because they recognized that the Egyptians were no longer the Egyptians of old. Those of old had been creators. The priests were anxious that the new Egyptians, having no originality, should at least remain good copyists; they overestimated the abilities of the mongrel.

The stability which they intended to give to Egyptian civilization went into stagnation and fell into decay. Soon the mongrel was no longer able to fight his own battles, and Greek mercenaries preserved the independence of Egypt for some time. When Artaxerxes III of Persia marched against Egypt, the only resistance offered was by the Greeks, while the Egyptians fled everywhere; the king, Nekht-nebf, to Ethiopia, 340 B. C.

That is at the time that they were headed by mulattos, who had succeeded the white Pharaohs, who reigned in the country's early history.

The degeneration of the Egyptian religion gives a picture of the degraded state of mind of the Egyptian mongrel. The early religion of the Egyptians was a monotheism. Their writings speak of one god, the creator of heaven and earth. The local divinities were mere personifications of the attributes of God. The papyrus of Ptah-hotep, composed under Dynasty V, speaks of God, showing that the writer had the idea of one god. What did this religion become in time? Julius Africanus tells us that, in the reign of Kaiechos, it was established that the bull and the goat were gods. Later the Egyptians became infatuated and worshipped the cat, the bug, and eventually vegetables.

Juvenal writes (Satura XV): "Who knows not the sort of monsters Egypt in her infatuation worships? One part venerates the crocodile, another trembles before an ibis gorged with serpents. The image of a sacred monkey glitters in gold, where the magic chords sound from Memnon broken in half, and ancient Thebes, with her hundred gates, lies buried in ruins. In one place they venerate sea fish, in another river fish, there a whole town worships a dog—no one Diana. It is an impious act to violate or break with the teeth a leek or an onion. O holy nation! whose gods grow for them in the gardens. Every table abstains from animals that have wool. It is a crime there to kill a kid, but human flesh is lawful food. Were Ulysses to relate this at supper to the amazed Alcinous, he would perhaps excite the ridicule or anger of some as a lying babbler. * * * Does he suppose the heads of the Phaecians so void of brain?"

What deterioration! What degeneration! What perversion! A faith in accord with the vitiated Pan-Hamitic-Semitic-Greek-Egyptian-Negro blood.

The mongrel was worthless, and he has remained so ever since.

That concludes the chapter of the book dealing with mongrels as a whole and specifically applying to the Egyptians.

EXHIBIT A

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes, years 1935 and 1936

	1935			1936		
	Whites	Colored	Total	Whites	Colored	Total
City of New Orleans:						
Murders	22	26	48	23	24	47
Manslaughter	27	10	37	14	5	19
Rape	7	11	18	9	11	20
Robbery	52	29	81	57	40	97
Aggravated assault	107	111	218	108	122	230
Burglary	119	131	250	142	165	307
Larceny	427	399	826	375	339	714
Auto theft	31	18	49	25	12	37
Total	[1] 792	[1] 735	1, 527	[1] 753	[1] 718	1, 471
City of Washington:						
Murders	19	53	72	17	42	59
Manslaughter	29	15	44	6	6	12
Rape	9	13	22	5	9	14
Robbery	163	359	522	212	644	856
Assault	105	313	418	78	296	374
Housebreaking (burglary)	301	916	1, 217	297	1, 465	1, 762
Larceny	209	330	539	149	348	497
Auto theft	146	5	151	13		13
	[2] 981	[2] 2, 004	2, 985	[3] 777	[3] 2, 810	3, 587

[1] About even. [2] Over 2 to 1. [3] Almost 4 to 1.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau; taken from 1930 census]

	Washington	New Orleans
Total population	486, 869	458, 762
Negro population	132, 068	129, 632
Percentage of Negro population to total	27	28

Mr. CONNALLY. Mr. President, will the Senator yield to me for just a moment?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Louisiana yield to the Senator from Texas for that purpose?

Mr. ELLENDER. No; I do not yield for that purpose.

Mr. CONNALLY. I withdraw the request for the moment.

THE TENNESSEE VALLEY AUTHORITY

Mr. BRIDGES. Mr. President——

Mr. ELLENDER. I yield to the Senator from New Hampshire.

Mr. CONNALLY. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield to the Senator from Texas.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hitchcock	O'Mahoney
Andrews	Connally	Holt	Overton
Ashurst	Copeland	Johnson, Calif.	Pepper
Austin	Davis	King	Pittman
Bailey	Dieterich	La Follette	Pope
Bankhead	Donahey	Lewis	Reynolds
Barkley	Ellender	Lodge	Russell
Berry	Frazier	Logan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Shipstead
Bridges	Glass	McGill	Smith
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Tydings
Capper	Hayden	Neely	Vandenberg
Caraway	Herring	Norris	Van Nuys
Chavez	Hill	Nye	Walsh

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

Mr. BRIDGES. Mr. President, I have asked for the floor at this particular time to discuss a very timely subject. I wish to have it distinctly understood that I am not participating in the debate which has been going on upon this floor for some time; but I am about to speak on a subject of vital interest to the country, a subject which is extremely important at this time, a subject of vast moment all over the Nation today.

Today, the President of the United States is holding a conference with two members of the Tennessee Valley Authority. Tomorrow the Governors of the New England States have been invited to come to Washington to meet the President. Recently, charges and countercharges have been made by representatives of utilities, by representatives of the general public, by Members of this body, and by Members of our associate body at the other end of the Capitol, relative to the future policy of T. V. A. in this Nation.

I have chosen as my subject today Has the T. V. A. Betrayed Its Trust? Is the Federal Administration Two-faced? I shall conclusively prove to the Senate, first, that the T. V. A. has betrayed its trust, and, second, that the present Federal administration is two-faced in its attitude toward the huge trusts and monopolies in the Nation today.

HAS THE T. V. A. BETRAYED ITS TRUST—IS THE FEDERAL ADMINISTRATION TWO-FACED?

Since the beginning of the special session industry throughout the United States has slowed up, and there has taken place what the administration chooses to call a "recession in business." Whatever are the various nostrums suggested as the cure for what is rapidly turning into a "depression," and whether or not these cures are being used, it is not my purpose to discuss at this time. Various persons in industry and in the Government have suggested both reasons and cure for this "recession." Business, on the one hand, has claimed among other things that the reason for the "recession" is maladjustment of taxes, Government interference, labor troubles, and the threat of inflation or other upset of our financial system. The spokesmen for the administration, on the other hand, have loudly cried from the forum, into microphones, in opening-day addresses, and at Jackson Day dinners, that one of the major causes of our troubles is monopolies—not all monopolies, perhaps, but just some monopolies.

The avowed intention of the President was to raise wages, lower prices, and, above all, "not to let the people down." Since these worthy objectives have been the subject of wild popular acclaim, it seems to me that the beginning of a new session of Congress, whose intention it is not only to end the things which have caused our depression but to prevent a recurrence of such a state of affairs, is the time to consider what is going on behind the scenes. If we are to approach this problem sensibly; if the wild accusations of Robert Jackson and Harold Ickes are to be given serious thought; if these bad monopolies, these so-called vicious utilities, are the key; then, before anything can be done, the Federal Government, the Congress, and the administration must approach the problem from a logical point of view. The administration cannot blow hot and cold at the same time.

If there has ever been a perfect example of blowing hot and cold at the same time, it is today and yesterday and the day before in the attitude of the national administration toward the depression and toward industry and business. The administration cannot have persons high in authority asking for more and more power to be vested in a centralized government and damning the trusts on the one hand, while on the other hand it takes advantage of the very same trusts and so-called monopolies to foster continuance of some of its own corporations. Therefore, it is my intention to bring before the Senate what is to me a startling revelation, which to the public can mean only that the Federal Government today is a double-headed monster.

Is the Federal Government, with full knowledge of the administration, supporting, aiding, and abetting public-utility monopolies on the one hand, while its spokesmen attempt to bring down the roof of public wrath on the heads of these utilities on the other? From the studies I have made of a certain situation existing in a well-known and highly advertised Federal power project, and from reading of the intention of the President to promote public ownership in fields of public utilities to do away with vicious practices said to exist in the field of private utilities, I have come to the concluson that the Tennessee Valley Authority has betrayed its trust, and that the New Deal administration is actually two-faced in its attitude toward business and in its action toward speeding up national recovery.

When the T. V. A. was established I watched with real interest, for one of the aims of the Authority was to lower the cost of light and power to ordinary citizens and to provide a Government yardstick by which the costs of electricity could be measured. These aims and objectives were worthy. Naturally, in the growth of the Authority, controversies developed between it and the power companies. Such controversies were inevitable under the circumstances. Many of the arguments I viewed at the time as mainly technical. Perhaps the T. V. A. was or was not living up to the original conception of the type of yardstick to be used; but, at any rate, I thought it was true to its trust. I thought it was making electricity available to ordinary citizens—the plain people, the forgotten men about whom we have heard so much. I assumed that it was serving the people and not any special interests. So I assumed, after the first few months of the setting up of the T. V. A.—and so, I believe, did most of the Members of this body—that it would be true to its trust, and I did not investigate very deeply into the activities of the T. V. A. Other problems crowded for consideration. The T. V. A. could, I thought, be trusted to fulfill its function, to throw light into the darkness of the utility jungle.

Last summer, however, when the President of the United States proposed the creation of seven regional authorities somewhat similar to the T. V. A. by a measure better known as the little T. V. A. bill, and then when the administration made a right about-face on the New England flood compacts—which, in my judgment, was a complete betrayal of the signatory States of New England—I took advantage of the recess of Congress to study into the T. V. A. situation. I decided to catch up on its activities, and to look into all of them. I knew it was producing power, and I knew it was selling it, that it was a going concern. But who were its customers, and how was it selling power to its customers? I looked up a few details.

My first look suggested the need for more careful studies. And these I made.

The result was amazing. In brief, it was this: The Authority was selling a great bulk of its power not to the forgotten men but to great corporations, the same type of corporations which the administration was damning. They, and not the plain people, the people of the Tennessee Valley, were securing the benefits of the T. V. A.

Mr. McKELLAR. Mr. President, will the Senator yield at that point?

Mr. BRIDGES. I prefer not to yield until I finish my remarks, if the Senator will pardon me. Then I shall be glad to yield.

I had hoped that the Authority was selling that power to groups of citizens, not to corporations; but I found this was not the case. It was enriching not alone the people of this area but some of the wealthiest stockholders in the country. Its great source of electric energy was, in effect, not alone helping to build up farms along the Tennessee Valley but helping to build swimming pools in Hawaii for the extremely wealthy, and great yachts for wealthy multimillionaires in which to cruise upon the seven seas. The multimillionaires, the great stockholders of the largest corporations in the country, have been the chief beneficiaries of T. V. A.

Even in the case of sale of its power to a privately owned company, I found that the Authority had not insisted upon reduction in rates to ultimate consumers. The Authority was not passing the benefit of its low power rates to the general public. It was not even forcing the other contracting party to state its resale rate to the general public. It had

contented itself with a pious hope expressed by the utility company and reliance on possible future activity by the Arkansas State Utilities Commission.

I found, in brief, that the T. V. A. had arbitrarily sold out and contracted away the investment of taxpayers' money, not to further a social purpose but to benefit a few corporations, and large ones at that; the same type of corporations that the President of the United States and administration spokesmen have been damning and blaming for current conditions in this Nation; and how was this done? It was done through contracts entered into and duly signed by the Board of the Tennessee Valley Authority.

I desire to say in passing that if there is any question about any statement I make in this speech, I welcome the investigation which the Senator from Nebraska [Mr. NORRIS] asked in this body, or which Representative MAY asked in the House of Representatives, or an independent investigation, because the facts will be proved.

The most important of these contracts were made with four large industrial concerns and one public utility company. The contracts to which I refer are:

(1) A contract dated May 15, 1936, between the T. V. A. and the Monsanto Chemical Co.

(2) The contracts with the Aluminum Co. of America, dated July 17, 1936, and July 7, 1937.

Mr. Cummings, the Attorney General of the United States, is asking for a million dollars to "bust" trusts. The United States Government has suits pending against the great Aluminum Trust. It is said to be a great, wicked monopoly, a so-called trust; yet, on the other hand, the United States Government is making private contracts with the Aluminum Co. of America, the significance of which I shall disclose to the Senate further on in my remarks.

(3) A contract with the Electro-Metallurgical Co., a subsidiary of the Union Carbide & Carbon Corporation, dated August 23, 1937;

(4) A contract dated July 21, 1937, with the Victor Chemical Works; and

(5) A contract dated June 16, 1937, with the Arkansas Power & Light Co.

I ask Senators to note that all of these favored industrial corporations are giant concerns. I am not blaming them for that, because I recognize that size is not a determining factor between good and bad. There are some good big corporations and some bad big corporations, and some good and some bad small businesses and individuals. But it is interesting to note that the T. V. A. in its apparently innocent releases regarding these contracts was very casual, and did not exactly stress the size of the industrial customers, or much of anything. Indeed, the releases sent out by the Authority on this subject must have been prepared by a wholly different group of publicity scribes than that which usually answers the beck and call of the Authority.

We are used to hearing from executive agencies of the Government that large aggregations of capital are unfriendly to the interest of the people, but in this case there was no mention of that usual refrain. There was just a factual statement regarding the contracts. There was no comparison of the amount pledged to these industrial corporations with the amount of power provided to municipalities and cooperatives.

The implications in these contracts were left out; the failure of the T. V. A. was neither admitted nor explained. It is a failure for that Government agency so to have overextended its power facilities that in order to dispose of its power it had to pledge to a few large industrial concerns four times as much as the municipal and cooperative load; and it is worse than failure for the T. V. A. to fall so from its high purpose that it ends only by peddling the people's power to a few giant industries.

Under these contracts the T. V. A. pledged to these industrial corporations not less than 91,000 kilowatts of firm power. The T. V. A. has been going now for 4 years, and in the electrical field its purpose was to serve municipalities and cooperatives. Yet at the end of 4 years its load for municipalities and cooperatives is only 23,000 kilowatts of power, while it pledges four times that amount by private contracts with four favored corporations. Do Senators know what 91,000 kilowatts of firm power actually represents? Just multiply 91,000 times 24 times 365, and you get the figure 797,160,000 kilowatt-hours, which is more than enough to light every street light in the United States, run every streetcar, every interurban car, and every electrified railroad a full month.

These contracts cover more than a disposal of firm power. I have not even mentioned the secondary power which is pledged under these contracts, but there is such power to the extent of 120,000 additional kilowatts.

Secondary power, so-called run-of-the-stream power, need be made available only 300 days out of 365. Ordinarily, therefore, secondary power is not something on which a purchaser can count as he can on firm power. But it may well be that the situation is different here. For if the T. V. A. continues to build its facilities, as it has in the past 4 years, far ahead of its municipal and cooperative load, this secondary power may well be available practically all the time.

Therefore, not only has the T. V. A. pledged to four corporations four times as much firm power as it is now providing to the plain people, the municipalities and cooperatives in the area, the forgotten men, but there is the excellent possibility that these four companies may be able to count on getting annually from the T. V. A. 1,750,000,000 kilowatt-hours of energy—no small amount—since this is more energy than is produced by all private and public utilities in any one of 30 States. We have heard much said of the T. V. A. acting as a competitor with private companies, but here we see that as a result of these favorable contracts private utilities are relieved of just the amount of competition in the electrical field they are able to purchase from T. V. A.

What I have said does not exhaust the benefits which these corporations get out of these contracts, for under the contracts they also have the right, on 1 year's notice, to cancel, the cancelation to be effective 5 years from the date of the contract. Therefore, if in the next 5 years these corporations find that they can produce chemicals with fuel-fired furnaces more cheaply than they can with electric furnaces, they can get out from under these contracts without any loss of capital investment. Incidentally, it has been stated that in recent years, technological advancement has increased the efficiency of coal some 400 percent, while hydroelectric power efficiency has remained stationary. The United States Government, and the taxpayers of the United States, through the arbitrary generosity of the T. V. A., are carrying the corporations' investment for them. Yes, the very Government which is daily harping about big, bad business, about chiselers, about Lord Macaulays, about economic royalists, and about one thousand and one other bugaboos which are causes of high prices, low wages, and the existence of the underprivileged third, calmly, quietly, and with no public announcement accepts the investment risk of corporations of the very kind which it throttles on the public platform.

Consistency, thou art a rare jewel! This is one of the rarest instances of inconsistency I have ever been privileged to witness. Naturally men in high places, if they know about what is happening, hesitate to speak of it; but it is time it is understood and that the people know what was going on. Naturally this power was sold at a price; it was not given away. But was it by sale to purchasers such as these large corporations that the friends of the T. V. A. expected it to benefit the communities in that area? I do not think so.

I do not believe there were many Members of the Senate who, when they voted for the establishment of the T. V. A. or for the appropriations to support it, did not honestly think that the T. V. A. was going to benefit the people of the Tennessee Valley alone and not benefit the huge corporations of this country, with wealthy stockholders who own private yachts sailing the Caribbean and other seas. But that is what has happened, and it is time the facts were brought to light.

The entrance of the T. V. A. into the business of selling light and power was justified by the need of applying a Government yardstick to prices of electricity, but the theory behind the yardstick operations had nothing to do with sales to large industrial concerns. It had to do primarily with light and power for residential and farm uses—for private citizens, represented by municipalities and cooperatives.

The theory behind the Government's entering into the light and power business was that for years residential rates charged by the utilities had been too high; that the private citizens had been exploited.

The indignation of those who embraced this theory arose largely from the fact that public utilities were monopolies, holding exclusive franchises in certain areas. Therefore the customer had nowhere else to go should he resent the high rates charged by the utility company serving the area in which he lived. For residential business, in other words, the utilities faced no competition. Therefore it was in this branch of their business that a Government yardstick was deemed essential by the sponsors.

I do not believe the men who sponsored the T. V. A. here and supported the appropriations realized what was going on or realize what has gone on. I feel that they will be just as shocked as I am when the facts are revealed.

Of what use is a yardstick in the industrial side of the business of the utilities? Arguments in its favor do not exist. Utility companies cannot possibly exploit industrial clients. Utility companies have no monopoly in selling power for industrial purposes. They face a competitive situation continually, because industries which are adequately financed can, if they object to the rates offered by a utility company, resort to building their own power plants. There are thousands of such in the United States today. Each one of the three industrial corporations with which the T. V. A. has signed contracts was fully able, if it could not get satisfactory rates from the utility companies, to provide its own energy by building its own power plant. As I have stated, utility companies cannot possibly exploit industrial clients, T. V. A. or no T. V. A. Therefore, if there is to be exploitation, it is to be at the expense of the consumer of small quantities of power, the small storekeeper, the farmer, and the housewife, the ones who need heat and light. They are the people who are exploited; they are the ones for whom the yardstick was supposed to be set up; they are the ones who are forgotten today.

It is not industry which has supported the idea behind the T. V. A. and the yardstick service. They had nothing to gain from that system. Yet they are the gainer under these contracts. Of the hundreds of millions of dollars which the Government is investing in the power facilities of the T. V. A., four industrial corporations and one utility company are the largest beneficiaries. Let me show just how much they benefit. Four great industrial concerns, four giant corporations in this country, and one great utility company, the leading man in which is friendly with the powers that be, are the beneficiaries, not the plain people, not the people for whom the yardstick was intended.

Let us take that great corporation, the Aluminum Co. of America, with which the United States Government is today in a battle. Let us see how it benefits. The Aluminum Co. of America is saving by its contract with T. V. A. perhaps $400,000 a year, plus an additional indefinite sum.

What the chemical companies are saving can be imagined from the fact that, thanks to the T. V. A. contracts, their cost of power will be 31 percent less than they would have to pay in Tacoma; 43 percent less than they would have to pay in such large cities as Buffalo, Cleveland, and Los Angeles; 51 percent less than they would have to pay in Pittsburgh, Charleston, Detroit, and Chicago; and 61 percent less than they would have to pay in Newark, St. Louis, Milwaukee, Philadelphia, and Cincinnati.

I think at this point it might be well to note another bad feature of these contracts. Is not this cheap power an invitation to industry to move from areas such as I mentioned above? This feature was brought out in the hearings before the subcommittee of the Committee on Appropriations on the independent offices appropriation bill for 1939. It was stated by Congressman DIRKSEN that a most important question was whether through the development of cheaper power the Tennessee Valley Authority is inviting industry from other areas so that at some time, when this development is completed, by reason of the necessity of meeting this competition, industry will have to move into the areas served by the T. V. A., and the result will be the closing down of plants in other sections and throwing more men out of employment, necessitating an adjustment in employment as well as location of industries. The result will be the closing down of plants in New England, in the Middle West, and in the South.

Remember, these rates for industrial power in these cities are competitive rates; they represent the cost of power, whether bought from a utility or supplied by the corporation itself.

To get down to figures, take the Aluminum Co. Under its contracts with the T. V. A. it has the right to 876,000,000 kilowatt-hours at the price of $2,174,000; that is, on the basis of a continuing demand—on the basis of a 100-percent load factor. Assume a 90-percent load factor, which reduces the kilowatt-hours and the cost by 10 percent, the cost works out at 2½ mills per kilowatt-hour. In testifying before the House Military Affairs Committee in 1936, the Aluminum Co. stated that the average cost of power at its plants in New York State, Pittsburgh, and Tennessee was 3 mills per kilowatt-hour.

Half a mill is not much, but multiplied by seven-hundred-and-eighty-eight-million-odd it is just about $400,000 a year. But, besides that, the Aluminum Co. is not bound to even that rate. As I have said, if it finds in the next few years that fuel-fired furnaces are cheaper still, it can cancel these contracts. It has risked no capital in electric plants. T. V. A.—a generous Government authority—has carried the investment for it.

Taking these industrial contracts together, they involve—with a 90-percent load factor—1,750,000,000 kilotwatt-hours. The average price for all is about 2½ mills per unit, a saving of at least one-half a mill over what it would cost these companies to buy power from other sources or to generate it themselves. So the companies can save a total amount of not less than $875,000 annually, while the taxpayers of the country carry the investment in the T. V. A.

If you were a company manager and could save your company this amount annually by a power contract, would you not attempt to do so? Certainly you would. Particularly if you represented a corporation, like some involved here, where because of methods of fabrication power cost is such a high percentage of total cost; and particularly when you could get it by talking to two men—the majority of the board of the T. V. A.

These contracts were not open to public bidding All you had to do was to get the assent of two men—a majority of the T. V. A. Board. They spoke for the Nation; they spoke for the taxpayers of the country.

But what of the action of the Authority? Surely there are questions to be asked. Why did it so over expand that it found itself with facilities far greater than its load demands? Why does it propose to double the capacity in kilowatts within the same transmission area? Privately owned electric utilities in Tennessee Valley Authority area have a total of 1,859,238 kilowatts installed capacity. In the very same area the T. V. A. will have 1,878,800 kilowatts rated capacity. What very favorable contracts the private companies may look forward to when that ultimate is realized. Why, when it reached this situation, did it conduct negotiations in secret with a few large corporations? Why were bids not asked from other companies? Why was it all settled in closed rooms?

Mr. President, why did they not ask for public bidding? Why did they not give the public the opportunity to offer bids? Why was it done behind closed doors? Why was such action taken by this organization which was to be a great

human project, a great social advance in the interest of the poor people, the plain people of the country? Those people have been "sold down the river" in favor of some of the great corporations of this Nation, to the benefit of their wealthy stockholders.

A look at the Annual Report of the Acting Comptroller General of the United States for the fiscal year of 1937 may cast some light on this subject. I read from it as follows:

> During the fiscal years 1936 and 1937 exceptions were made and the Authority regularly notified on a total of 7,964 transactions involving $15,542,459.70. Of such number and amount there was released, after proper explanation or recovery, a total of 3,077 exceptions amounting to $4,814,950, leaving 4,887 still pending in the amount of $10,727,509.70. Full details of such exceptions and the reasons therefor will be included in the special report on such audit as required by section 14 (b) of the act.

But what does section 14 (b) of the T. V. A. Act, as amended, show us that adds to the light of our knowledge? It is provided that the Comptroller General shall audit the transactions of the corporation and make a report, but—

> That such report shall not be made until the corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

Can it be the Authority is hiding behind the "reasonable opportunity" afforded it in the act? Can it be that the present legal action of some 18 private utility companies in the process of trial in Chattanooga, Tenn., at the present time makes it too embarrassing for T. V. A. to make its reply to 4,887 exceptions of the Comptroller General amounting to $10,727,509.70? Would such disclosures made to the Comptroller General and thereupon incorporated in his report, contain information which might substantiate claims made by the parties complainant in this present action in the Federal courts?

Going back to the question of bids, why were these particular companies whose names I have mentioned before the chosen few? We have heard of the "chosen few" before, but here we have the chosen few of the utilities and the gerat corporations—corporations which stand in the white light of the radiant smile and sunshine of the present administration. Probably because in concerns such as these the number of workers employed per unit of power is necessarily low—so employment was no great factor. Finally, what of the sales price? Did the T. V. A. prices really cover the cost of the power, not only of the dams but the generating facilities needed to make and deliver it? We are not told. Nobody knows. The action was arbitrary, concealed.

Consider all this secrecy—closed doors, hotel rooms—in the light in which the ordinary, every-day American citizen is forced to divulge his every move, every penny he makes, the sources of each dime that he earns, in his income-tax returns, his social-security returns. Here is certainly consistency for you.

Mr. President, think how these contracts were made. They were made behind closed doors, because those with whom they were made were the chosen few, who were meeting with the majority of this governmental commission. If you are not one of the chosen few, or you do not belong to one of the corporations composing the chosen few, you are scrutinized in every way. Your income tax is examined. You are subjected to the closest scrutiny to which an individual can be subjected.

Mr. McKELLAR. Mr. President, does the Senator still decline to yield?

Mr. BRIDGES. I do.

Mr. McKELLAR. I simply wanted to give the printed contracts in the report of the T. V. A., and surely if there was anything hidden or covered up concerning these contracts, the Authority itself would not have reported them. The Senator is wholly mistaken in his investigation. He must have wasted his time this summer.

Mr. BRIDGES. I shall yield later. I say that facts, as outlined in my statement, call for an investigation, and I hope we shall have a senatorial investigation. From what I have disclosed today and more which is to follow I think we shall have some very interesting disclosures. I do not believe that the members of the T. V. A. and some others will welcome the investigation.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BRIDGES. No, Mr. President; I will not yield until I am through. This was "self-yielding" on the part of the distinguished Senator from Tennessee rather than on my part.

Mr. McKELLAR. When mistakes are made I think the Senator will excuse "self-yielding."

Mr. BRIDGES. Can it be that the T. V. A. is hiding behind closed doors, and that opportunities to bid for these contracts are closed to the public? That is not consistent with the way we do things today in this country. Secrecy in high places is passed off as a necessary adjunct for good business of a Federal project, but when private industry or a private citizen fails to report the details of his personal business then let the light of public disapproval be cast upon him. Undoubtedly he is trying to do something detrimental to government and so, if discovered, he must be fined or jailed. But the Tennessee Valley Authority is not fined and cannot be jailed. But it can be forced to yield full knowledge to the public who support it by their taxes. And that is what should be done.

Meanwhile there is the fact that a few corporations benefited at the expense of the taxpayers, for the taxpayers are assuming the difference between the prices charged and the cost of such power to these companies, whether they bought it elsewhere or produced it themselves.

And what happens to that difference in cost? Is it returned to the taxpayers? It is not. It goes into the pockets of the stockholders of the corporations; into the pockets, for instance, of the Mellon interests that control the Aluminum Co. of America, and into the pockets of the Duke interests, which also, I understand, have a large stake in that company. It is a great and direct gift from the taxpayers of the United States—from the people of New Hampshire, for example—who are laboring to pay their taxes today, some of whom are facing dire want; to the stockholders of certain great corporations under the guise of human advancement and social progress.

Is this the final culmination of the dream for cheap power provided by the Government, or for a Government "yardstick," which would result in a steady lowering in the price of power and light for the citizens? From the facts available it seems that this gift is the only culmination to date, and a pretty sordid one at that.

Before we embark on any great expansion of this type of public corporation, it seems to me that these actions of the original model, the T. V. A., should be subject to investigation by Congress.

Suppose the Treasury Department of the United States Government were to start giving away Government bonds to a few favored corporations; would not there be an immediate call for an investigation? Yet, what is the difference? The savings which these companies can realize as the result of this cheap power, provided at the expense of the taxpayers, is equal to the interest on $29,170,800 of Government bonds; it is equal to an annual refunding of $875,000 worth of taxes. Tax refunds to large corporations heretofore have come under criticism, yet at least in such cases the refunds were made after appeal by the corporations and through legal proceedings before the courts and the Treasury Department.

This gift of earnings to a few wealthy stockholders is the result of no legal process but of private contract, and therefore of the arbitrary action of not more than three men who are unaccountable and irresponsible.

It may be even that the entire Board did not approve of these contracts. Dr. Morgan, the Chairman of the Authority, has recently, in a published article, emphasized the fact that in certain cases he was speaking only for himself and not for the Authority. Perhaps in this case, as in others,

he was simply overruled by a majority of the board. Let me quote from the statement made by Dr. Morgan on December 13, 1937, at the hearings in the House on the independent offices appropriation bill for 1939:

> In previous hearings before the Committee on Appropriations, the members of the Board have given testimony as to the parts of the work with which they were principally familiar. During the past year there has been a reorganization of the Tennessee Valley Authority. Its administration now is directed by a general manager, and, presumably, the members of the Board are concerned only with matters of policy, and the general manager and his assistants will appear and give most of the testimony.
>
> In a meeting of the Board the majority of the Board directed that testimony concerning the facts would be given by the general manager and his assistants. The members of the Board were directed to reply to questions of the committee concerning policy, and they were directed that their replies should reflect the majority opinion of the Board and not the personal opinions of the members where they differed from that majority.

So, Mr. President, it appears that one member of the Board, its chairman, is muzzled; his views are definitely limited. He can explain his attitude to committees of Congress or other public authorities only to a degree. Dissension within the Authority makes the actions of the majority only the more arbitrary, for it makes the number of men responsible even smaller. Here is power exerted in a dark room, if you like.

No Government service should be provided merely to a few. Service provided by Government should be available to all without discrimination. Would it be intelligent if the Post Office Department should make a contract to carry the mail of the Aluminum Co. of America free of charge or should sign a contract to the effect that first-class envelopes sent out by that company would pay a postage rate of 1 cent instead of 3? There is no difference in principle. The only difference is that these contracts, by which favored industries have gained at the expense of the taxpayers, have not been understood by the taxpayers.

The T. V. A. was set up largely in the interests of conservation.

The same purpose was behind the recommendations for the creation of seven Regional Power Authorities.

Surely in the light of the record of these contracts, the meaning of conservation should be more strictly defined. Or is "conservation" of natural resources to be defined as a contribution to the earnings of selected corporations? That is what conservation in this case means to date.

Wall Street at its worst never had a better example of a preferred list of customers benefiting from inside negotiation than is evident here.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. LODGE. I suggest the absence of a quorum.

Mr. MINTON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. BONE in the chair). The Senator will state it.

Mr. MINTON. I make the point of order that no business has been transacted since the last quorum call.

The PRESIDING OFFICER. The Chair holds that no business has been transacted since the last quorum call and, therefore, sustains the point of order.

Mr. AUSTIN. Mr. President, I desire to submit a report from the Judiciary Committee and ask the Senator from New Hampshire to yield to me for that purpose.

Mr. MINTON. I object to the Senator submitting the report at this time.

The PRESIDING OFFICER. Objection is made by the Senator from Indiana.

Mr. BRIDGES. Mr. President, did the Authority act on its own responsibility without President Roosevelt being aware of its action? Knowing his stand on matters favoring special interests, it is hard to believe that he would permit such actions unless he was ignorant of what was going on. But once these situations have been called to his attention, there is surely no other course for him but to assert his previous ignorance and to repudiate the actions of the Authority.

What a contradiction these actions of the Authority make to all the other professed efforts of the administration. The administration claims it is working for shorter hours and higher wages. It is working to hold down the cost of living of the ordinary consumer. It is working to relieve unemployment. It has professed a preference for the small-business man.

Yet the result of these contracts signed by the Tennessee Valley Authority contribute nothing to those efforts.

Even if the T. V. A. did find itself in such a position that it had to sell to large corporations, could it not have used its assets to forward certain social purposes?

What a bargaining weapon the Authority had here. Could not the Authority have said to the Aluminum Co. of America, "Yes; certainly we can offer you a reduction in rates from what you would ordinarily have to pay in other industrial centers. But we represent the United States Government and we give you no concessions unless you also concede something which is of value to the Nation."

The act provides that the benefit of cheap rates shall be passed on to the electrical consumers—to the housewife who uses electric stoves and waffle irons. Did not these provisions imply that it was the consumers who should benefit—if not in cooking rates then in cost, say, of aluminum utensils?

Could not the Authority, then, in conjunction with the President have made terms with these industrial companies which guaranteed higher wages and shorter hours?

Could they not have made provisions in these contracts regarding the prices of the essential goods to be manufactured with this incredibly cheap power? Could they not have made a stipulation that the industry in question would continue to employ, for a period of time at least, not less than a certain number of people?

Could not the Authority, in short, have used its great bargaining powers so that the benefit of the reduction in power cost was passed on to the employees and to the consumers of the Nation as a whole to the plain people, the poor people, the forgotten men of this great country?

But they made no such effort. There are no such stipulations in these contracts. The benefit of the price definitely is passed on merely at the discretion of the Corporation, and is passed on to its stockholders.

Why were no such efforts made? It cannot have been because of any doubt about their constitutionality. At best, such inaction, such lack of cooperation with the aims of the administration, must be characterized as inertia.

The T. V. A. has not only betrayed its trust; it has not only failed to use the bargaining power provided to it from the wealth of the Nation's taxpayers to forward any of its objectives, but its actions have actually retarded those objectives. The result of these contracts is merely to make rich corporations richer at the expense of small ones.

Does this policy help the small company or corporation of New England or of Missouri or of Ohio or any other State or section that is meeting stiff competition today and is just about getting by? Does it help the small-business man, the small company which cannot afford to move its plant on short notice to follow the lure of taxpayers' cheap power? Not at all. To the long line of handicaps which the small concern must overcome in competition with the vast ones the T. V. A. adds one more—cheap power. In so doing its contradiction to the thoughts and policies even of its own friends, even of the administration, is curiously flagrant.

The Union Carbide was itself an intending bidder for Muscle Shoals in 1926. But its intentions were not then received kindly by Democratic Senators. On March 3, 1926, as will be found in the CONGRESSIONAL RECORD, page 4897, the Senator from Tennessee [Mr. MCKELLAR] characterized the Union Carbide Co. as an "enormous monopoly," "one of the largest monopolies in the United States," whose representative had stated that his company was going to bid for the property and expected "to use all the power down there." The Union Carbide did not get Muscle Shoals then. But, thanks to the T. V. A., the Union Carbide now can have the

benefit of Muscle Shoals and more besides without having made or having to make a dollar's investment in power development.

It should have done so. Its competitors have done so.

Is it not fair to characterize the Aluminum Co. of America as a monopoly? Perhaps so, and perhaps not. I use as my authorities for that statement many of the distinguished members of the Democratic Party; that administration's own Attorney General, Mr. Cummings, believes that company to be a monopoly, and has filed suit to prove it, while behind the curtain the T. V. A. steps up to foster that company's growth and competitive ability by favorable contracts for power, far cheaper than it could obtain elsewhere or produce itself.

It must be a grave shock to the distinguished Senator from Nebraska [Mr. NORRIS] to know that he has given his name to a portion of a public-power development which has resulted, to date, chiefly in benefiting the stockholders of enormous monopolies.

I am well aware that the Authority may seek to defend its actions to some extent on the ground that it has created employment. Possibly that is true; but, as I have said before, from the nature of the business of the companies concerned, the number of men employed per unit of power is not very high. Besides this, however, it is more than possible that a continuance of these methods may create, not more employment, but less employment throughout the Nation as a whole.

An industry which takes advantage of cheap power in the T. V. A. area, of course, must employ men; but what of the area which the industry leaves in its search for cheap power? Just at the time when the administration is at last talking of trying the difficult job of relieving unemployment while seeking to balance the Budget as well as dreaming about it one of its own agencies whose costs help unbalance the Budget signs contracts with four great corporations which may well throw men out of work.

We cannot blame companies, now or in the future, if, because of this cheap power, they are led—immediately or as the result of business recession—to concentrate in the T. V. A. area activity which they formerly carried on in other areas; but we can sympathize with the men in other areas who suddenly find themselves without jobs. It is no fault of theirs if they are thrown out of work. The circumstances are entirely beyond their control. An irresponsible agency of the Government offers an asset of the Government at a tremendous reduction from the price a corporation would have to pay elsewhere. The corporation takes advantage of it, and the unemployed men lose. In their despair and distress they may blame anyone, but the real blame rests upon the T. V. A.

We have heard for years of the threat of technological unemployment. Are we now to be faced with a continuing threat of TVAlogical unemployment? It may well be because unemployment in other areas is a logical outcome of this T. V. A. policy.

At least let us know the facts. If this is the policy to be pursued, with these inevitable results, let those of us in the other areas be aware of it. Let the facts be published, and published in such a way that the ordinary man can understand them.

Under the present set-up there is absolutely no control of any actions of the T. V. A.

Private utility companies must have their actions passed on by a State utilities commission, by the Federal Power Commission, and by the Securities and Exchange Commission. Those who are hurt by the actions of a private utility company still have the right to resort to the courts. Other governmental agencies are at least subject in their reports to check by the Comptroller General of the United States; but the Tennessee Valley Authority is the spoiled child of the utility family, and the spoiled child of the administration's alphabet family also.

The audit of the books of T. V. A. is incomplete. The authority of the Comptroller General is curtailed by the T. V. A. Act, as amended, as I have already pointed out. The Authority is enabled to hide behind the subterfuge of what is termed "reasonable opportunity to examine and report." Its actions are not subject to review by any State commission, by the Federal Power Commission, or by the Securities and Exchange Commission; and surely no private citizen who lost his job through the actions of the irresponsible Tennessee Valley Authority would be able to satisfy himself through the courts.

I have said that the implications in these contracts were not revealed. Here, again, the T. V. A. actions run counter to the professed desires of the administration. The Securities and Exchange Commission—the creation of which I for one thoroughly approve—was set up and has been working hard to make corporations give out more information about their activities, and to give it in simple form.

That is a worthy objective, and, to my mind, it should be pushed further. It is essential, of course, that owners of a property should know what the management is doing with their money. But the methods of reporting its activities, certainly those in connection with these contracts, which the T. V. A. has followed, are entirely contrary to the spirit of the Securities Act or the wishes of the S. E. C. Their purport and significance, to my knowledge, have never before been emphasized. They are difficult to understand. They are not couched in simple language.

Surely the T. V. A. cannot continue completely freed both from every restriction that applies to Government agencies and from every regulation that applies to utility corporations.

It is necessary that contracts made by the T. V. A. in the future should be passed upon by the Federal Power Commission, should be published in simple language, and should be subject to review by the Congress. Without such regulation and without such review, the powers of a few men are far, far too great.

Can we look forward to a similar situation when and if the other regional power authorities are created? Will it be more bedeviled still, perhaps, by competition among different boards to see which can sell the Nation's assets cheapest—competition for the gratitude of the larger corporations, the favored few?

There is too much power here—not only the power to give away the assets of the people, but power also to make or break corporations; to employ or unemploy vast numbers of men by the single decision whether or not to sign a contract which would give the beneficiary tremendous and unusual advantage over his competitors.

All this has gone on behind closed doors, this bartering with the Nation's assets, this bartering with the taxpayers' money, so far to a favored few, some of the great and mighty corporations of this Nation.

And there is another danger. I am not accusing the members of the T. V. A. of speculation in the stocks of the companies involved, but certainly here is an insider's chance if ever there was one. I take it for granted that the men now composing the Board of the T. V. A. are above such temptation; but over a long period, and on the average, men in public office will sometimes yield to temptation, sometimes are not strong enough to resist temptation, any more so than men engaged in private industry.

If this principle is continued—this principle of irresponsible decision on such important subjects as the power costs of corporations—the door is left wide open for extraordinary possibilities of speculation, of bribery, of corruption, and so on.

I have discussed the situation with regard to the contracts between the T. V. A. and four large industrial concerns. So far I have referred only to the contract between the T. V. A. and the Arkansas Power & Light Corporation. Why are T. V. A. and the Arkansas Power & Light Co. so closely tied up together? The T. V. A. contract with the Arkansas Power & Light Co. is worth examining. This contract merits special attention in itself. The T. V. A. contracts to deliver to the Arkansas Power & Light Corporation from 15,000 to 35,000 kilowatts. Again this will, for the first few years, be

in effect firm power at partially secondary prices. Besides that, in the event of a break-down on the Arkansas Power & Light system the T. V. A. agrees to stand by for the company's load.

Now, what of resale?

Does this contract specify a rate which the company must charge on resale? It does not. It merely provides that if in the Authority's opinion, the resale rate by the company is too high, the Authority may cancel the contract. On the other hand, if the company disagrees with the Authority's opinion, it may cancel the contract. And note this: If either party cancels the contract because of a dispute regarding rates, the company will not be required to reduce the rates in question for 2 years and 60 days.

For 2 years and 60 days, therefore, the Arkansas Power & Light Corporation, one of the favored few, has a guaranty on rates. Is this an exertion of the kind of bargaining power we had a right to expect from the T. V. A.?

What other company in the T. V. A. area has such a favorable break from the application of the yardstick? What other stockholders of utilities in the area can rely for so long on an unchanging rate structure?

Why the difference in the attitude with regard to various utility corporations in this country?

I am no general supporter of the practices of some of the private utility companies, and that is putting it mildly. I deplore many of the actions of certain utilities. Some are good and some are bad. But I must say that I infinitely prefer the tactics of a corporation which attacks the actions of the T. V. A. openly, before a court of law, to the tactics of a company which, saying nothing openly, moseys around to get private exemptions by a private contract as a special favor.

I should like the T. V. A. to deny that this contract means the Arkansas Power & Light Corporation will for 2 years be freed from the threat of competition of "yardstick rates," but the denial must carry real conviction. It cannot be merely formal, for on the face of it no other meaning is possible, as I see it, in this phraseology.

But apparently other favors were available to the Arkansas Power & Light Corporation. Following up its relations with the Government, I found that another agency, closely identified with the T. V. A., had favored this special group. Just listen to this: The Rural Electrification Administration bought the corporation's general-mortgage bonds—$323,000 of them—and required less than 3-percent interest; and at that time the corporation's bonds were selling on a basis of 5.4 percent.

Presumably this was to provide for building rural lines, but any reduction that was to be made was left up to the Arkansas State Commission. Here, again, no bargaining power was exerted, for it was settled that the rates charged on the rural lines built with this money would be the same as the rates on the company's other lines—another gift from the Government; another saving to stockholders at taxpayers' expense.

Why should this utility company be so preferred? What is behind the preference? Surely the people who support the Authority, the taxpayers of the Nation, have a right to learn the truth. Surely there is here a field for outside regulation of the acts of an irresponsible group of administrators.

I do not know what line of demarcation the administration uses in forming its opinions of corporation managements and wealthy industrialists. I have never been able to ascertain what system it uses for distinguishing the sheep from the goats. But the T. V. A. seems to have its own method of decision. Those who will buy its power at the cheapest price—at any price, so long as it can say that it has disposed of that power—are among the blessed.

I would not have expected that the management of the Arkansas Power & Light Corporation were particular favorites of the administration. Among its stockholders is the Electric Bond & Share Corporation, which has steadily refused to register under the Public Utility Holding Company Act. Mr. Harvey Couch, president of the Arkansas Power & Light Corporation, has been a financier and an industrial manager for some years and has at least been as successful in that complicated business as have many others. He has been on at least one investment banker's "preferred list." What claim he could have to such preference by the T. V. A. I do not know, but he has successfully asserted one.

I have said that the other contracts were not couched in simple terms. This contract, which the Arkansas Power & Light Corporation secured, may have been simply "couched." How many more men of wealth and influence are going to be able to benefit at the taxpayers' expense by simply "couching" contracts with the T. V. A.?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BRIDGES. I will not answer any questions until I have concluded.

I am quite frank to say that my interest in the activities of the T. V. A. is more than general. It is tied up with something with which I have been connected for many months. In 1927 New England suffered a great flood. In that great flood we of New England thought we had seen the worst calamity our section of the country could experience. Nine years later, in March 1936, New England suffered another great calamity. This disaster was so marked, so sweeping, that it made the first flood look minute by comparison. As the result of that flood tens of thousands of people were made homeless. Nearly a hundred million dollars of damage ensued in the four New England States.

It happened that I was Governor of my State at the time, and when that disaster befell us, making thousands homeless, causing suffering among thousands of our citizens, causing the destruction of millions of dollars worth of property, our people, as the New England people always do, set their faces to the front, and adopted a program, which program was twofold. First, we set about repairing the destruction, and relieving the suffering. Then we would have been derelict in our duty as public officials, I would have been derelict as Governor of my State, if we had not joined hands, as a group, in the New England States, and worked in cooperation with the Federal Government; we worked out a program that the flood menace might not threaten us again.

The Federal Government responded graciously. This body, and its associate parliamentary body, passed measures authorizing the Army engineers to make a survey of flood conditions in New England, and the survey was made. The recommendations were given. What is the situation today? The Army engineers, under the direction of the Secretary of War, held conferences with State officials, and State officials met with Federal authorities. Together they worked out a flood-control program for New England. With that flood-control program worked out, every step of the way in conjunction with the Federal Government, four of the States of New England, New Hampshire, Vermont, Massachusetts, and Connecticut, joined in a nonpartisan way, because the Governor of Massachusetts is a Democrat, the Governor of Connecticut is a Democrat, and the Governors of New Hampshire and Vermont are Republicans. So, in a nonpartisan way they made recommendations to their legislatures, and those recommendations were for a ratification of the New England flood-control compact, and a recommendation to the States that the legislatures appropriate money for the States' shares in flood control. The Legislatures of New Hampshire, Vermont, Massachusetts, and Connecticut ratified the compact, and provided their share of the money. They kept faith with the Federal Government.

After the Federal Government had cooperated with the States, and they had gone ahead together in a mutually conceived project, namely, a project for the control of floods in New England, the administration in Washington made a rightabout-face. We do not know today what happened, but——

Mr. MINTON. Mr. President, will the Senator yield so that I can tell him one of the things that happened?

Mr. BRIDGES. No; I will yield when I conclude.

I say to the Senator that if another flood occurs before action is taken, if more people lose their lives in New Eng-

land, if more people are made homeless, if more human suffering and misery result, if more millions of dollars' worth of property are destroyed, the blame will rest upon the administration in Washington, which has failed to keep faith with the New England States, which States have provided their share of the money, which have ratified the compacts, which are ready to join in a project which is interstate in character. But the New England States are not prepared to surrender the control over their power and lands, and the discourse which I have given today relative to the disposition of power by T. V. A. is a good reason why.

I want the power and lands in New England controlled by the States, in which I have a little more confidence than in the T. V. A., which has bartered away power to some of the great corporations of this country, so that a few more multimillionaires may sail the southern seas on palatial yachts. That is what has happened. That is one of the things we are afraid of in New England.

We have only a few great natural resources in New England. We had our forests; we had our deep-sea fishing; we had our lumber. We have our scenery and our climate, and the New Deal cannot take those away from us. But we had another great resource. Every little industry, every village, every city that has prospered in New England, has developed around some waterway, some little stream, some river. On the proud Merrimack, and on the Connecticut, are developed the centers of population and the centers of wealth and the centers of employment in New England.

The Governors of the New England States have been invited by the President of the United States to meet in Washington tomorrow, and I understand that the proposal which will be made will be something new. I do not know what it is to be, but I know what the answer should be. I know that in the present situation New England has kept faith and that the Federal administration, with which we have been dealing, has failed to keep faith with the signatory States of New England.

Mr. President, in considering the New England flood situation, Senators should remember that we in New England have asked for little, and we in New England have received very little. We heard a good deal about the "forgotten man" in the last campaign and the previous campaign. If we paraphrase that and refer to the "forgotten" land, that land is New England.

We still maintain our self-respect, we still keep control over our natural resources, and we propose to retain that control.

I have discussed today the T. V. A. and the T. V. A. program. I have discussed the contracts which have been made with large corporations. I have spoken regarding a private utility company, one of the few, the saintly few. These are the gigantic corporations, huge monopolies, and great trusts from which this administration is defending the poor people with the right hand while with the left hand it is making private deals and private contracts. Consistency, thou art a rare jewel!

Mr. President, considered in the light of the disclosures which I have made, I am wondering what are the motives which underlie the refusal of the Federal Government to continue to participate in the New England flood-control program.

Does the administration anticipate a duplication of its action in the T. V. A.? Does part of the Federal power development depend upon freedom to make contracts with great corporations and monopolies to supply them with power on such a basis as will be to their great advantage and to the disadvantage of the taxpayer? It is a basis for serious thought on behalf of New England and the Nation.

If the President has been merely betrayed in the T. V. A. situation, betrayed by men of his own choosing, he should, for his own sake and the sake of this costly experiment, say so quickly, definitely, and over his own signature. Once these situations have been brought to the attention of the public, he has no alternative but to repudiate once and for all this kind of high-handed bartering away of tax money, and those who are responsible for such actions.

But he should, I believe, also do more. He should take a lesson from this example of the dangers inherent in the delegation of irresponsible powers over great masses of taxpayers' property. He should insist that Government agencies engaged in business should be just as much subject to independent audit and to independent regulation as are privately owned companies.

Unless these actions are taken, unless the activities of the T. V. A. are made subject to review by the Federal Power Commission and the Congress, this great effort to add to the experience of the electrical industry will result in a sad disillusion. The progress of the whole industry will be held up, with all that may mean to the progress of individual lives in this country.

I have fulfilled my duty as I see it by bringing this situation, unknown by the public at large, to its attention. The duty to correct these evils, now that they are pointed out, to bring light to secret places, and to bring arbitrary officials under control, rests with the administration.

As I said before, I impugn the motives of no individual Senator or no group of Senators by reason of their support in the past of the T. V. A. or because they have voted to appropriate money for it. I have disclosed certain facts with reference to it. If there is a question in Senators' minds relative to the facts, I urge upon this body a thorough investigation of T. V. A., and let the truth prevail.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield to the Senator from Massachusetts.

Mr. LODGE. I think the Senator has made a very interesting statement showing a very great deal of careful study. Does the Senator not think that this is sufficiently important, not only so far as the Tennessee Valley Authority is concerned but the Nation as a whole, to justify a thorough investigation at once?

Mr. BRIDGES. I do.

Mr. LODGE. Did I understand the Senator to say that certain corporations had received certain financial advantages running up to $800,000 or $900,000?

Mr. BRIDGES. I did. Some over $800,000.

Mr. LODGE. In this time of financial stringency, when a great many people are walking the streets, should not that money be used more advantageously to assist them?

Mr. BRIDGES. I think so—very clearly so. I think that that passing on of money and favors to the chosen few can only react to the disadvantage of the country as a whole.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BRIDGES. Certainly.

Mr. McKELLAR. I find that in New Hampshire, the State represented in part by the Senator who has just spoken, the power companies would suffer very greatly by the application of the Tennessee Valley Authority yardstick. Is that true or untrue?

Mr. BRIDGES. That is untrue, because I think I have demonstrated here today that the great corporations of my State would benefit if the authorities were to go up there and apply the same principle.

Mr. McKELLAR. The Senator evidently has not looked into matters concerning his own statement. I wish to read some figures into the RECORD.

Mr. BRIDGES. I shall gladly hear them.

Mr. McKELLAR. The total revenues of the power companies from the Senator's own State in 1936 were $9,266,643, under the yardstick that the power companies apply there. If the yardstick of the T. V. A. were applied, there would be a difference in favor of the people of the Senator's State of $4,897,469. That saving would result from the elimination of the combined overcharges, resulting from rate schedules in 1936 for residential, commercial, and industrial service. In still other words, if the T. V. A. yardstick were applied in the Senator's own State, $4,897,469 would be saved to the people of his State, to the consumers of electricity in the home, in the commercial houses, in the factories and industries. Does the Senator feel that that would be beneficial to the people of his State or not beneficial?

Mr. BRIDGES. In answer to the question I will say that if the same yardstick were applied in New Hampshire that is applied to the T. V. A. we would have a few more great corporations gaining more wealth. We would have certain favored utility companies receiving advantages without passing the advantages on to the people of the State. That is what would happen.

Mr. McKELLAR. The Senator is mistaken about the facts. Not only that, but if the same yardstick were applied in New Hampshire that is applied in Tacoma, Wash., for instance, there would be a saving to the people of New Hampshire of $4,940,565. On the other hand if the same yardstick were applied to the people of New Hampshire that is applied right across the line in Ontario, the people of New Hampshire, the State which the Senator represents in part, would save $5,394,965. As I understand the Senator's argument, he wants the power companies to continue to charge the same rates that they are now charging in his own State.

Mr. BRIDGES. The Senator did not understand any such thing.

Mr. McKELLAR. Does the Senator say he does not?

Mr. BRIDGES. Of course I do not. If the Senator wants to ask some questions, why does he not get down to the meat of my speech?

Mr. McKELLAR. The meat of the Senator's speech is that he is here undertaking, if he can, to throw some kind of dirt upon the T. V. A.

Mr. BRIDGES. And I will prove it.

Mr. McKELLAR. The Senator has not proved anything of the kind. If he will come here tomorrow I will show him how utterly mistaken he is, and how uselessly he has spent his vacation, which he says he has spent in this investigation.

Mr. BRIDGES. Let us have an investigation.

Mr. McKELLAR. I wish to make a statement based upon actual knowledge of rates in Tennessee. Before the establishment of the T. V. A. in Tennessee the power companies charged from two and a half to three times as much for power as they charge now, but since the T. V. A. has been established there has been a tremendous reduction. I wish to say another thing. That has not been done behind closed doors. It has not been done by subterfuge. I wish to say that the contracts which the Senator has spoken of have been published in the newspapers in full. They are published in these reports in full. There has been nothing underhanded; there has been nothing dishonest; there has been nothing corrupt about this matter.

The Senator from New Hampshire would not permit me to ask him questions while he was making his speech. If he had permitted me to, I should have called his attention to the great errors which occurred in it. Tomorrow, however, I shall reply and show what the real facts are. I will show what a wonderful thing the Tennessee Valley Authority has been in reducing electric rates to the consumers of electricity in the homes and in the factories of Tennessee and in adjoining territory. It has resulted in one of the most marvelous savings in the world. It seems to me that the Senator should be interested in trying to make a similar saving for the users of electricity in the home and on the farm and in the business houses and in the industries of his own State, rather than to keep the prices of power up.

Mr. BRIDGES. I hope when the Senator answers my speech tomorrow he will explain the benefits to the Aluminum Co. of America, that he will explain the benefits to the Monsanto Chemical Co., the Victor Chemical Co., the Arkansas Power & Light Co., and all these favored few, the enrichment of these great corporations and their stockholders. I hope the Senator will explain all that to me, for I should like to hear about it.

Mr. McKELLAR. I shall not wait until tomorrow to explain about one of them. I will do it right now. Take the Aluminum Co., for instance. The Aluminum Co. has made a contract to buy secondary power, unused power, power not being used at all, and for a splendid price. The T. V. A. has sold to the Aluminum Co. this power that is now going to waste, that could not be used in any other way unless this corporation used it and perhaps other corporations of similar kind used it. It has resulted in a tremendous saving to the Government, and is not against the interests of the public in the slightest degree. I am surprised that the Senator has not made a real study of these facts before undertaking to assault the T. V. A. as he has done today.

Mr. BRIDGES. I never expected to see the distinguished Senator from Tennessee on the floor defending the Aluminum Co. of America.

Mr. McKELLAR. I am not defending the Aluminum Co. of America or any other company. I am defending the Government of the United States and this splendid set-up that is down in my part of the country, where they are doing a great work in reducing the prices of electric current to all the people. It makes no difference whether they are corporations, it makes no difference whether they are farmers, or whether they are merchants, or whether they are manufacturers, or whether they are home owners—that great organization down there has already lowered and will continue to lower the price of electric current to all the people, and that is why I am standing here in the interest of all the people and correcting the misstatements of fact that I believe the Senator from New Hampshire has made this afternoon.

Tomorrow I shall discuss the subject fully. I did not have a chance to reply to the Senator today. The Senator would not yield to questions which would have shown the facts about this matter, but tomorrow I shall examine with care the speech that was made by the Senator, and I will show how tremendously wrong and inaccurate the Senator has been. The Senator is just as wrong about this as he was about the airplane investigations some time ago, when he received only one vote in the entire Senate, as I remember.

Mr. BRIDGES. The distinguished Senator from Tennessee refers to the request for an airplane investigation in connection with which I received only one vote. He is as wrong with reference to that, as he generally is, because it was not an investigation of airplanes. It was an investigation of the United States mails and the interference therewith by the C. I. O. pickets. The Senator is as right on that as he probably will be tomorrow.

Mr. McKELLAR. The Senator was as wrong on that as he possibly could be, for this reason: That the entire Senate voted against him, and he ought to be satisfied when the whole Senate votes against him on any question. I do not think 1 Senator can prevail against 95.

PARLIAMENTARY PROCEDURE

Mr. ELLENDER and Mr. BONE addressed the Chair.

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from New Hampshire yield; and if so, to whom?

Mr. BRIDGES. I shall be glad to yield to the Senator from Louisiana.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Who has the floor?

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BRIDGES] has the floor.

Mr. BRIDGES. I yield to the Senator from Louisiana.

Mr. CLARK. Does the Senator from New Hampshire yield to the Senator from Louisiana for the purpose of asking a question under the rule, or for what purpose?

The PRESIDING OFFICER. That is not a parliamentary inquiry.

Mr. BRIDGES. I asked the Senator from Louisiana for time, and he graciously yielded to me in order that I might discourse on a rather important matter. I have concluded, and I yield the floor back to the Senator from Louisiana.

Mr. CLARK. Mr. President, I am constrained to make the point of order that the Senator from Louisiana has already spoken twice on the same legislative day on the same question.

The PRESIDING OFFICER. In view of the understanding previous occupants of the chair have had with regard to the speech of the Senator from Louisiana, the Chair is

inclined to hold the view that the point of order is not well taken.

Mr. CLARK. May I inquire of the Chair whether the understanding of the Chair was submitted to the Senate as to whether or not the Senator from Louisiana had the right to yield the floor, without losing the floor, and to resume it at will?

The PRESIDING OFFICER. The Chair understands that that question was not submitted to the Senate.

Mr. CLARK. Does the Chair rule, then, that in contravention of the rules of the Senate, any occupant of the chair has the right to make a private undertaking with any Senator which is not submitted to the Senate?

The PRESIDING OFFICER. The Chair does not understand that the Chair can make a private agreement with a Senator, but the Chair understands it to be the custom that when it is announced at the end of each day's session that the Senator from Louisiana is going to resume, he is entitled to the floor the next day and, under that senatorial custom, the Chair holds that the Senator from Louisiana had the right to resume.

Mr. CLARK. But the Senator from Louisiana 2 days ago was occupying the floor and yielded, with the understanding that he lost the floor, for the purpose of a point of no quorum being made. Some time afterwards there were other proceedings, including an effort on the part of the Senate to obtain a quorum. Later the Senator from Kentucky [Mr. BARKLEY], the majority leader, was recognized, and on the next day the Senator from Louisiana was recognized for what was undoubtedly his second speech on this legislative day on this question.

As I understand, the Senator from Louisiana, without any unanimous-consent agreement entitling him to resume the floor, yielded the floor to the Senator from New Hampshire, and thereby undoubtedly lost the floor.

Mr. President, without any reference to the distinguished Senator from Louisiana, who is my good personal friend, but for the purpose of clearing up the procedure to be followed in this debate, I make the point of order, so that the Chair may rule, that by yielding the floor in the course of his second speech on this legislative day on this particular question the Senator from Louisiana completed his second speech on this legislative day, and, therefore, is not entitled to be recognized for a third speech.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Missouri to the fact that there was a gentleman's agreement or a gentleman's understanding, as the Chair reads the RECORD, whereby the Senator from Louisiana yielded to the Senator from Kentucky [Mr. BARKLEY].

Mr. CLARK. At what point was that?

The PRESIDING OFFICER. That was on Saturday, January 15.

Mr. BARKLEY. Mr. President, I am not interested in the controversy except to keep the record straight. That was late in the afternoon, and, as I understand, was preliminary to a recess until Monday, and there was an understanding that on Monday the Senator from Louisiana would be recognized.

Mr. CLARK. And he was recognized.

Mr. BARKLEY. And he was recognized. Of course, as a matter of fact, regardless of gentlemen's agreements or anything else, there can be no question that when a Senator is in the process of speaking on a perfectly legitimate recognition by the Chair, and yields the floor for another Senator to make a speech on another subject, he does not thereby automatically retain the floor. Ordinarily the Presiding Officer will recognize the Senator who yields for that purpose in order that he may continue his speech, but it would, under the interpretation of the rule heretofore made, constitute another speech.

So far as I am concerned, it is perfectly satisfactory to me for the Senator from Louisiana to go ahead until he concludes his remarks, but I do not feel that the Senate rules ought to be so interpreted that a Senator in the process of a speech can himself yield for 2 or 3 hours to enable some other Senator to make a speech and then can automatically resume the floor on the same speech.

The PRESIDING OFFICER. The Chair did not hold anything regarding the yielding of the floor to another Senator for the purpose of making a speech. The Chair did hold——

Mr. McKELLAR. Mr. President, will the Chair allow me to read from page 632 of the CONGRESSIONAL RECORD of yesterday?

The PRESIDING OFFICER. The Chair himself was just about to read that.

Mr. McKELLAR. Very well; I will withdraw my request to read it, of course, and I thank the Chair.

The PRESIDING OFFICER. That was on yesterday.

Mr. McKELLAR. Yes.

The PRESIDING OFFICER. The Senator from Louisiana was speaking and the Senator from Kentucky [Mr. BARKLEY] interrupted. I quote from the RECORD:

> Mr. BARKLEY. Mr. President, I understand the Senator has not quite concluded his address?
>
> Mr. ELLENDER. No, sir; I am not quite through.
>
> Mr. BARKLEY. And that the Senator from Louisiana would prefer not to finish this afternoon?
>
> Mr. ELLENDER. It will be agreeable to me, I may say to the Senator from Kentucky, to proceed tomorrow.

It is the view of the Chair that that constitutes a gentlemen's agreement that the Senator from Louisiana was to proceed today.

Mr. BARKLEY. That has no bearing whatever on the point of order made by the Senator from Missouri.

It is also customary in the course of a speech when the time comes to recess to have an understanding that on the following day the Senator who occupies the floor may be recognized to continue his speech; but if, while in the course of that speech, after being so recognized, he yields to another Senator to make another speech, he does not thereby automatically retain the floor and cannot be held to be automatically retaining the floor, although it is customary for the Presiding Officer to recognize such Senator when he desires to resume at the conclusion of the other speech.

The PRESIDING OFFICER. The Senator from Kentucky raises another and different point, as the Chair understands, from the point raised by the Senator from Missouri. The Chair's understanding is that when the Senator from Louisiana yielded to the Senator from New Hampshire the Senator from Louisiana had completed his first speech and yielded the floor. Now, if the Senator from Louisiana is recognized again, he is starting a second speech.

Mr. CLARK. Mr. President, will the Chair hear me just a moment to state my point of order, which the Chair clearly misunderstood?

On Friday, January 14, the Senator from Louisiana was occupying the floor and yielded the floor for the purpose of having a point of no quorum made, thereby clearly terminating his first speech on this legislative day. I call the attention of the Chair to the fact that it is still the same legislative day as of Friday, January 14, 1938. When a quorum was finally ascertained, I myself being in the chair, the following ensued—and I quote from the RECORD at page 514, Friday, January 14, 1938:

> The PRESIDING OFFICER. On this question the yeas are 36 and the nays are 11. One Senator has answered "present" and one Senator, being present, has announced his pair. A quorum is present, and the motion of the Senator from Tennessee [Mr. McKELLAR] is laid on the table.
>
> EXECUTIVE SESSION
>
> Mr. BARKLEY. Mr. President——
>
> The PRESIDING OFFICER. The Senator from Kentucky.
>
> Mr. ELLENDER. Mr. President——
>
> The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky has the floor, having been recognized by the Chair.
>
> Mr. BARKLEY. I simply wish to inquire whether the Senator from Louisiana wants to go on now or to suspend until tomorrow.
>
> Mr. ELLENDER. I will state to the Senator from Kentucky that I cannot conclude my remarks today.
>
> Mr. BARKLEY. Under those circumstances, I do not desire to hold the Senate in session any longer. I therefore move that the Senate proceed to the consideration of executive business.
>
> The PRESIDING OFFICER. The Chair would like to state that, so far as he is concerned, he should be glad to recognize the Senator from Louisiana, but the Senator from Louisiana, having yielded, he lost the floor, and the Chair recognized the Senator from Kentucky.

Mr. BARKLEY. The Chair is correct about that. I wish to say that I did not want to take advantage of the Senator from Louisiana, but I did not understand that he wanted to proceed further tonight.

The PRESIDING OFFICER. The Chair would have been glad to recognize the Senator from Louisiana.

That is, for a second speech.

Mr. CONNALLY. Mr. President, will the Senator yield right there?

Mr. CLARK. I do not know whether I am entitled to yield in the discussion of the point of order I am trying to present to the Chair.

Mr. CONNALLY. Who was in the chair and made that ruling?

Mr. CLARK. I was in the chair.

Mr. CONNALLY. I thought so. [Laughter.]

Mr. CLARK. I will also state to the Chair that the Vice President on the following day stated that he would be unable to follow my tacit promise to recognize the Senator from Louisiana for a second speech, but would feel constrained, under the notice previously given, to recognize the Senator from Texas [Mr. SHEPPARD]. That clearly, Mr. President, marked the termination of the first speech of the Senator from Louisiana on this legislative day. There is no question as to the right by which the Senator from Louisiana obtained the floor today in pursuance of his second speech on this legislative day; but the point of order I am making is that, having yielded to the Senator from New Hampshire to pursue this filibuster, the Senator from Louisiana lost the floor and is not now entitled to resume the floor, because he has concluded his second speech on this legislative day.

Mr. CONNALLY. Mr. President, I wish to be heard before the Chair rules.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. The Senate has just witnessed a very remarkable parliamentary maneuver. The Senator from Missouri [Mr. CLARK] who is one of the bitterest proponents of this bill, and who stays up nights trying to find out some little parliamentary quirk or quip for use in case he finds somebody discussing something that is really distasteful to him in his heart——

Mr. CLARK. I call the Senator from Texas to order, on the ground that he is not discussing the point of order but is simply indulging in debate on the bill.

Mr. CONNALLY. I shall not say anything further, because I have served my purpose. [Laughter.] I have touched the most sensitive point of the Senator from Missouri.

Mr. CLARK. Mr. President, I again call the Senator from Texas to order.

The PRESIDING OFFICER. The Chair will rule now on the point of order made by the Senator from Missouri.

Mr. CONNALLY. Just a moment, Mr. President. The parliamentary maneuver I was adverting to was that the Senator from Missouri, being that kind of a partisan, gets in the chair and makes a ruling and then gets out on the floor and quotes himself as authority to the Senate. I do not think that kind of a decision is worth very much. It would not be in a justice of the peace court in my State.

Mr. CLARK. Mr. President, may I quote the Vice President of the United States in connection with this matter?

The PRESIDING OFFICER. The Chair will rule on the point of order raised by the Senator from Missouri.

The Chair understands that it is always the custom for the Senate to construe the rules of the Senate liberally unless prior notice is given that they shall not be so construed. The Chair has noticed the quotation read by the Senator from Missouri from page 514 of the RECORD wherein the Presiding Officer at that time recognized the Senator from Kentucky, he having been recognized previously. The Chair is of the opinion, inasmuch as the Senator from Kentucky had been recognized previously at a time when there was not a quorum present, that does not mean that the floor was lost by the Senator from Louisiana. Therefore, the Chair holds that the Senator from Louisiana has finished his first speech.

Mr. CLARK. Mr. President, will the Chair permit me also to call his attention to the language appearing on page 567 of the RECORD, in which the Vice President of the United States declined on the next day to recognize the Senator from Louisiana as having the floor. It is as follows:

The VICE PRESIDENT. When the Senate took a recess yesterday the RECORD shows that the occupant of the chair at that time, the Senator from Missouri [Mr. CLARK], had agreed to recognize the Senator from Louisiana [Mr. ELLENDER], but the Chair finds that 2 or 3 days ago the Senator from Texas [Mr. SHEPPARD] gave notice that today he hoped to secure the attention of the Senate in order that he might deliver his annual oration on "The Crime of '33." [Laughter.] So the Chair thinks he ought to recognize the Senator from Texas.

That was a clear ruling by the Vice President of the United States that the Senator from Louisiana did not have the floor, was not entitled to the floor, and that the Senator from Texas was entitled to prior recognition under notice theretofore given.

Mr. CONNALLY. Mr. President, I wish to suggest to the Chair that what is done here in the Senate, unless there is objection made at the time, is done by unanimous consent. No one objected on that occasion, and it had the effect of a unanimous-consent agreement. So, what transpired with regard to the Senator from Louisiana yielding was with the consent of the Senate, and the consent of the Senate abrogates the rules, which otherwise requires a two-thirds vote.

The PRESIDING OFFICER. The Chair will rule on the second point of order raised by the Senator from Missouri. The Chair has had an opportunity to examine the citation on page 567. In the opinion of the Chair, it goes to prove the fact that the Senator from Louisiana did have the floor, and that the Vice President in recognizing the Senator from Texas was doing so as a matter of courtesy, in accordance with the custom of the Senate, because the Senator from Texas had given notice of the fact that he intended to address the Senate for a special purpose.

Mr. CLARK. If the Chair can put such a construction as that on the RECORD, I am entirely content; but I desire now to give notice that in the future the rule as to Senators yielding the floor will be enforced.

Mr. CONNALLY. Mr. President, if the Senator from Missouri will stay here and make the point when these things happen, we may be able to have the rules elucidated.

Mr. MINTON. Mr. President, I wish to ask the Senator from New Hampshire a question. He would not yield at the time he was making his speech. He made some reference to the New England flood compacts, and I think the Senator said——

Mr. CLARK. Mr. President, I ask who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana [Mr. ELLENDER] has the floor. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. I yield to the Senator from Indiana.

Mr. MINTON. The Senator from New Hampshire [Mr. BRIDGES] said that something had happened to these flood compacts. I desire to ask the Senator if it is not true that what happened was that the flood compacts were drawn after this fashion: The Federal Government was required to pay 75 percent of the cost of the projects, but the title to the dam sites and the land upon which the projects were constructed was retained by the various States. Is not that correct?

Mr. BRIDGES. I do not know.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will state that under the custom of the Senate the Senator having the floor may yield only for a question.

Mr. ELLENDER. I yield for a question only.

Mr. MINTON. A question to whom?

The PRESIDING OFFICER. A question to the Senator having the floor.

Mr. ELLENDER. I yield to the Senator from Indiana for a question.

Mr. MINTON. I cannot ask the Senator a question regarding a matter which he does not know anything about.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, I was very glad to yield to my good friend from New Hampshire [Mr. BRIDGES]. At the time I yielded I was reading from Race or Mongrel, by Alfred P. Schultz, with particular reference to chapter VII, which had to do with the Egyptian race. It will be remembered that the chapter concludes that the amalgamation of the white race, particularly with the Negro race, forms a mongrel that remains stagnant.

In order to further prove my point I shall again quote from other writers on the subject. The writer from whom I am about to quote apparently has made an exhaustive study of the subject, and in his book he has taken a great deal of information from prominent writers on Egyptian history. I now read from page 81 of Cox on White America:

> The best known authority upon Negro history, Sir Harry Johnston, tells us that the Egyptians were a Caucasian people and that their early contact with the Negro imparted to that race all the arts of civilization they possessed up to the coming of the Persians, Greeks, Romans, Arabs, and modern Europeans to the continent of Africa. Breasted—

Who is an eminent historian and now connected, I believe, with the University of Chicago—

> Who is second to no other authority in matters pertaining to early Egypt, recognizes the early date of the beginnings of this admixture with the Negro peoples to the south of Egypt, but dismisses the assumption that the Egyptians were themselves a Negroid people with "the conclusion once maintained by some historians, that the Egyptians were of African Negro origin, is now refuted."
>
> After following the history of Egypt during the period of greatness and through the decay to the time mulattoes were sitting upon the throne of the once illustrious Pharaohs, Breasted recognizes that Negro blood had reached the aristocracy, and concludes that it was this blood which rendered the Negroid dynasty unfit for progress.

Quoting now from Breasted's History of Egypt, at page 28 he states:

> It was, indeed, now patent that the Ethiopians were unfitted for the imperial task now before them. The southern strain with which their blood was tinctured began to appear as the reign of Shabatka drew to a close, about 688 B. C.

I omit a few very interesting pages; and, by the way, let me say that I do not care at this time to inflict on the Senate the reading of this entire book, as fine as it is. I propose to select but a few passages from this authority in further proof of the fact that the Egyptian race at its inception was a white race; that while the Egyptians remained a white race their progress was unhampered. They were advancing. They were making progress at every step. But just as soon as there was an admixture or an amalgamation of the pure Egyptian white race with that of the colored strain decay resulted, until finally the time came when a mulatto by the name of Teharka was at the head of the Egyptian Government. That in the period before that amalgamation with the Negroes there was a constant progressive increase in scientists and men of letters in Egypt; but the moment the white blood became mixed and mongrelized with the Ethiopians, with the Africans, decay followed.

Reading from this authority:

> We have seen that the Egyptians of the creative period were of the white race. It now remains for us to trace in outline their great culture in order to appreciate the heights from which they fell. At the same time, we will keep in mind that the Egyptian civilization decayed. When the Asiatic conquerors (white people—Assyrians and Persians) came, they found a corrupted mass bearing the name Egyptian, ruled by a mulatto Pharaoh.
>
> Drawing, in the main, upon History of Egypt (Breasted) but disclaiming any purpose to identify this authority with any opinion here presented, save inasmuch as data given by him is inseparable from the conclusions we reach, we now will observe the salient outlines of Egyptian culture.
>
> Thirty-four hundred years B. C. the kingdoms of Upper and Lower Egypt were consolidated under the rule of Menes, the first Pharaoh. It was the northern kingdom, the Delta region, farthest removed from the Negro to the south and in close contact with the other white peoples of North Africa and Asia Minor, that at the time of the consolidation was most advanced.

And why were they most advanced? Because they were farther removed from the Ethiopians.

Quoting from James Henry Breasted, the eminent author and professor of history at the University of Chicago, at page 88 of this book, he says:

> That civilization was probably earlier and more advanced than that of the valley above. Already in the forty-third century B. C., the men of the Delta had discovered the year of 365 days, and they introduced a calendar year of this length. * * * It is the civilization of the Delta, therefore, which furnishes us with the earliest fixed date in the history of the world.
>
> This same Menes, who appears in history as the first Pharaoh, "carried his arms southward against northern Nubia, which then extended below the first cataract as far northward as the nome of Edfu, and built a dam above the city of Memphis to divert the waters of the Nile to gain more room for that city. The swamplands of the Delta were being reclaimed as before the consolidation of the two kingdoms, and the rich lands obtained drew to the Delta a rapidly increasing population."
>
> The first Pharaoh is seen to have reigned over a people able to divert the waters of the Nile, reclaim the swamplands of the Delta, and, important for our consideration, to wage a warfare against the Negroid peoples of Nubia. The inhabitants of Nubia were less Negroid at this and earlier periods. Some authorities think that the draining of the Delta swamps led to a rapid movement of the inhabitants northward to that region, leaving behind the more feeble, and that these latter were not able to stem the migration into Nubia of the highly Negroid populations which connected white Egypt with Negro Africa.
>
> That portion of Egyptian history covered by the reign of the Pharaohs is divided into 30 dynasties or family reigns. The greater number of these families were related more or less closely by blood ties. Space prevents detailed reference to the material culture of the unknown period of time referred to as the predynastic age. The first Pharaoh, Menes, came into possession of a kingdom far removed from barbaric conditions. We are not to trace a civilization in its rudiments, but one possessing an already well established background of tradition and attainment.
>
> In addition to those attainments implied in the activities already mentioned, the people under the first Pharaoh are known to have used not only the hieroglyphic, but a cursive hand as well, and thus to have antedated by more than 2,500 years the use of alphabetic signs by any other people.
>
> The second dynasty erected stone temples. Namar, an early king, took 120,000 Libyans captive, and of their herds "1,420,000 small, and 400,000 large cattle." There is evidence that "the kings of this time maintained foreign relations with far remoter people" than the Bedouins of the Sinaitic Peninsula, and that they were in commercial relations with the peoples of the northern Mediterranean in the fourth millennium B. C.
>
> Dynasties three to six, inclusive (2928–2475 B. C.), form that period known as the old kingdom. In religion, government, society, industry, and art the old kingdom is revealed as a well-constituted state, exhibiting rapidly developing culture, physical and spiritual, superior to the culture of the dynasties to follow.
>
> The Egyptians were a religious people who at this remote date devoutly believed in the resurrection of the body after death and in the immortality of the soul. Osiris was their god of the dead, "king of the glorified." Of a just man they said, "As Osiris lives, so shall he live; as Osiris died not, so shall he also not die; as Osiris perished not, so shall he also not perish." They believed that a ferryman would row the departed to the land of the glorified, but that this ferryman would receive only those of whom it was said, "There is no evil which he has done." This is the "earliest record of an ethical test at the close of life, making the life hereafter dependent upon the moral quality of the life lived in this world." It will doubtless surprise the average reader to learn that such exalted religious teachings were held by the Egyptians more than 4,000 years ago.

This was when the mongrel mixture started. By the way, in what I read in chapter VII of the book Race or Mongrel a short time ago this thought is emphasized:

> At a later period their religion became debased; the animal worship, which we usually associate with ancient Egypt as a cult, is a late product, brought forward in the decline of the nation at the close of its history.

That period was the time to which I referred awhile ago, when Egypt was ruled by a mulatto, who had, through inheritance, obtained the throne of Egypt, and, as I stated before, and from the time this mulatto became head of the Egyptian Government, decay set in.

> Turning from the high spiritual conceptions of the ancient Egyptians, we are struck with no less wonder when we behold their social and material culture. Within the home, the wife was in every respect the equal of the husband, and was treated as such.

We thought we were "moderns" when we voted suffrage to the women of America several years ago, but it seems that the Egyptians anticipated us by thousands of years.

Filial affection and obedience to parents were enjoined upon all youths, and a favorite tomb inscription was, "I was one beloved of his father, praised of his mother, whom his brothers and sisters loved."

But it is not in their religious or their social attainments that the early Egyptians were most conspicuous. Their use of metal tools dates back to such early times that some capable authorities assert that the Egyptians initiated the "age of metals." Let us not fail to appreciate the importance of such a step in the history of man. Prior to the invention of metal implements the tools used in the industries and the arts were those made from stone, reed, and bone. Consider the limitations upon the individual and upon the nation imposed by such possessions. It required infinite patience to fashion these tools and to make advantageous use of them. Industrial progress, of necessity, would be slow. But with the use of metals industry would take a rapid course upward, and the people in possession of such culture would become strong in war as well as in the arts of peace. So Egypt's visible greatness descends to us as the result of the early use of metal tools. "They brought from the first cataract granite blocks. They drilled the toughest stone, like diorite, with tubular drills of copper, and the massive lids of the granite sarcophagi were sawn with long copper saws, which, like the drills, were reinforced with sand or emery."

With creative genius awakened, and conscious of their constructive talent the Egyptians sought yet greater triumphs. Their kings, through a not always generous rivalry, wished to build imperishable monuments to their power, and this desire to live in the eyes of posterity gradually found expression in the pyramid tomb. A succeeding Pharaoh, viewing the tombs of his predecessors and profiting by the increase of wealth and architectural knowledge, would demand a yet greater monument to his glory. The existing generation would subscribe to his aspiration, for the pyramids were recognized as national achievements. So the age of the mighty pyramids was ushered in. These are the most conspicuous evidence of Egyptian greatness; and in the ability of the engineers in planning and overseeing, and the organized power of the Pharaohs in bringing them to perfection, we catch a glimpse of the Caucasian civilizers of Egypt which must forever impress us with the height of their power and make it an absorbing study to discover the causation of their decline.

Mr. President, I shall not read the paragraphs which follow because the text is in the nature of more history and examples, merely emphasizing what I have just said, so I will skip to page 98 and read further in an effort to emphasize again the circumstances under which the Ethiopians, the Negroes from a country nearby, came to the aid of the Pharaohs in defending themselves against invaders, and also to help build the pyramids. Listen to this:

The Pharaohs' use of multitudes of Negro troops against the enemies of Egypt had much to do with the final decay of Egyptian civilization. This custom continued for centuries. It became so universal that the Egyptian word for soldier is derived from the name of a powerful Negro tribe long accustomed to furnishing levies for the Egyptian armies. "We know little of the Negro and Negroid tribes who inhabited the cataract region at this time. Immediately south of the Egyptian frontier dwelt the tribes of Wawat, extending well toward the second cataract, above which the entire region of the upper cataracts was known as Kush. * * * In the upper half of the huge 'S' formed by the course of the Nile between the junction of the two Niles and the second cataract, was included the territory of the powerful Mazoi who afterward disappeared as auxiliaries in the Egyptian armies in such numbers that the Egyptian word for soldier ultimately became 'Matoi' a late (Coptic) form of Mazoi. Probably on the west of the Mazoi was the land of Yam and between Yam and Mazoi on the south and Wawat on the north, were distributed several tribes, of whom Irthet and Sethut were the most important. * * * They dwelt in squalid settlements of mud huts along the river or by wells in the valleys running up country from the Nile."

The old kingdom ended with the sixth dynasty (2475 B. C.). Space will not permit an attempt to portray the heights of Egyptian culture during that succeeding period known as the Empire. Let us omit, say, a thousand years of history and search for light upon the Egyptian Negro problem. This omission will bring us to approximately 1500 B. C. The Negro policy of the Empire will be found to be not radically different from that of the white nations now ruling Africa. We do not believe that the modern European has taken a leaf out of Egyptian history and modeled his Negro policy accordingly, but there is a striking similarity in method and intent. "Egyptian temples had now sprung up at every large town, and the Egyptian gods were worshiped therein; the Egyptian arts were learned by Nubian craftsmen, and everywhere the rude barbarism of the upper Nile was receiving the stamp of Egyptian culture. Nevertheless, the native chieftains, under the surveillance of the viceroys, were still permitted to retain their titles and honors, and doubtless continued to enjoy at least a nominal share in the government. * * * The annual landing of the viceroy of Thebes, bringing the yearly tribute of all the Nubian lands, was now a long-established custom."

Now I read from page 101, beginning with the second paragraph:

From prehistoric time the Negro had sifted into the country. Many thousands came as soldiers for the Pharaohs of old, just as some modern rulers of Europe found it less costly to employ Negro mercenaries than white troops. Countless numbers had come as slaves—many included in the yearly tribute of the southern dependencies—others as captives taken in war; while the large levies for the purposes of labor, even if not forcibly retained by Egyptian authorities, would find the Egyptian environment superior to their squalid settlements, and seek to remain.

Certain of the Pharaohs sought to prevent the mongrelization of Egypt by restricting Negro immigration, even to the extent of inflicting the death penalty upon the immigrant.

Just think of that. The Pharaohs, the white rulers of Egypt, realizing what might happen to their civilization, sought to prevent immigration of the Negro race by making it a capital offense for any Negro immigrant to come within their borders.

Mr. President, I am drawing on my imagination now. It may be that the Pharaohs of those days waited too long. They saw what was coming, but it was too late when they acted. The pyramids had been built. Thousands of these blacks had come in as soldiers. Thousands had been imported in order to help build the pyramids. They were there in Egypt, mingling with the Egyptians. They could not be gotten rid of. My warning is, as I said this morning, as I said Monday, as I said Saturday, as I said Friday, that America had better open its eyes before it is too late. This may not affect me; it may not affect any Senator in the hearing of my voice; but I am looking forward to years to come.

I may say in passing that it is stated in the book on Egyptian history from which I have just been reading, that the mulatto who became ruler of Egypt received the throne by inheritance, by direct blood descendance, by intermarriage; and I will say to the Senator from Arizona [Mr. ASHURST] that I conceive that it required a great deal longer period for a person with Negro blood to become ruler in Egypt than it would require in America, where we have a republican form of government, and where the President, the Senators, and Representatives are elected by the people, not for lifetime but for short periods of time. That, to my mind, would make a great difference. Thirteen hundred years elapsed from the time the white Pharaohs were rulers to the time when they were succeeded by mulatto rulers. Here in America we have a republican form of government; and if the colored race amalgamates with the white, if the colored race is able to put on the Federal statute books and on the statute books of the various States of the Union, laws that draw the colored race closer to the social plane of the white man, the complete cycle will not take as long in America as it required in Egypt.

I continue to read from this author:

Certain of the Pharaohs sought to prevent the mongrelization of Egypt by restricting Negro immigration, even to the extent of inflicting the death penalty upon the immigrant. But the Negro was a docile, subservient workman and soldier, and these characteristics created a demand to the influence of which less enlightened Pharaohs succumbed. So they came for centuries; not by force of arms in battle array, but as a subjugated and enslaved people. That the blood of a people who had not produced a civilization should have been instrumental in lowering the status of the Egyptians so that progress ceased is a lamentable event in world history. Negro blood made the proud Egyptian a mongrel. For 3,000 years the same Nile has flowed, the same richly laden soils from its upper reaches annually have inundated the land, but the Negroid Egyptian has known no progress. Thirty centuries have demonstrated that the mulatto of the lower Nile, like the true Negro of its equatorial branches, is below the level of progress. The Caucasian at best progresses but slowly—mixed with the Negro, he progresses not at all.

Mr. President, let me quote the conclusion reached by another eminent Egyptian authority. I refer to Maspero's History of Egypt, volume 7, page 259. In this volume the author proceeds in a very elaborate manner. He covers the period in Egyptian history I have referred to in more detail. This author comes to the following conclusion:

The bulk of the population consisted of settlers of Egyptian extraction and Egyptianized natives; but isolated, as they were, from Egypt proper by the rupture of the political ties which had bound them to the metropolis, they ceased to receive fresh reinforcements from the northern part of the valley as they had formerly done, and

daily became more closely identified with the races of various origin which roamed through the deserts of Libya or Arabia.

Listen to this:

This constant infiltration of free or slavish Bedouin blood and the large number of black women found in the harems of the rich, and even in the huts of the common people, quickly impaired the purity of the race, even among the upper classes of the nation, and the type came to resemble that of the Negro tribes of Equatorial Africa. The language fared no better in the face of this invasion, and the written character soon became as corrupt as the language; words foreign to the Egyptian vocabulary, incorrect expressions, and barbarous errors in syntax were multiplied without stint. The taste for art decayed and technical ability began to deteriorate, the moral and intellectual standard declined, and the mass of the people showed signs of relapsing into barbarism.

Senators, that is the picture which that authority on Egyptian history paints of what became of Egypt, which had a great civilization of which its people were proud, and of which we today are glad to read.

I have quoted from several authors. I am now going to quote from the Bible and show Senators that Isaiah predicted the downfall of the Egyptian Nation, because, I suppose—I am again drawing on my imagination—Isaiah could foresee that a mixture of the white Egyptians with Negroes—the mongrelization of the Aryan race—would spell deterioration and the downfall of Egypt.

Before I read that quotation from the Bible I ask Senators not to follow me but to follow the Great Emancipator of the Negro race, Abraham Lincoln. I am going to take the privilege of again quoting from the book White America.

Senators, listen to this:

Stephen A. Douglas, in his contest with Abraham Lincoln for a seat in the United States Senate (1858), said:

"I am opposed to Negro citizenship in any and every form. I believe that this Government was made by white men for the benefit of white men and their posterity forever."

There is sufficient warning from the lips of a great statesman. Let us see what Abraham Lincoln said in answer to that statement by his then opponent:

The immortal Lincoln answered Douglas with, "I will say then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and the black races—that I am not, nor ever have been, in favor of making voters or jurors of the Negroes nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality.

That, Members of the Senate, is an extract from a speech made by the immortal Lincoln on September 18, 1858, at Charleston, Ill.; and that, in my humble opinion, ought to be a sufficient warning to the white people of America today.

I now desire to go to the Bible, and give just a short quotation to show that Isaiah predicted the very thing that did happen years before it happened, when he foresaw the mixture of the Egyptian whites with the Ethiopian Negroes.

I beg your attention—

In the year that Tartan came unto Ashdod (when Sargon the king of Assyria sent him) and fought against Ashdod, and took it.

At the same time spake the Lord by Isaiah the son of Amoz, saying, "Go and loose the sackcloth from off thy loins, and put off thy shoe from thy foot." And he did so, walking naked and barefoot.

And the Lord said, "Like as my servant Isaiah hath walked naked and barefoot 3 years for a sign and wonder upon Egypt and upon Ethiopia;

"So shall the king of Assyria lead away the Egyptians prisoners, and the Ethiopians captives, young and old, naked and barefoot, even with their buttocks uncovered, to the shame of Egypt.

"And they shall be afraid and ashamed of Ethiopia their expectation, and of Egypt their glory.

"And the inhabitants of this isle shall say in that day, 'Behold, such is our expectation, whither we flee for help to be delivered from the king of Assyria; and how shall we escape?' "

I have just read from the Bible, from the twentieth chapter of Isaiah. Mr. President, I repeat that the fate of Egypt ought to be a warning to us.

Now, Mr. President, I desire to direct my remarks to our leader, the Senator from Kentucky [Mr. BARKLEY]. I cannot possibly conclude my remarks this afternoon, and I understand that at 5 o'clock the Senator desires to move to recess. I am about to start giving a little history of India.

Mr. BARKLEY. Mr. President, I think it is too late to go into India.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. If the Senator from Louisiana now yields to the Senator from Kentucky for the purpose of making a motion, does he lose the floor?

The PRESIDING OFFICER. He loses the floor.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. In view of the notice previously given by the Senator from Missouri [Mr. CLARK], the Chair holds that the only purpose for which the Senator from Louisiana may yield without losing the floor is in response to a question. Does the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, is the procedure under which we have gone along up to this time to be altered?

The PRESIDING OFFICER. There is no change in the procedure. The statement just made by the Chair is in accordance with all the precedents after notice has been given.

Mr. ELLENDER. Mr. President, I yielded to the Senator from Kentucky because I thought the procedure which has prevailed in the past would prevail at this time. I have had the floor now for 4 successive days, and when I yielded to the Senator from Kentucky it was my understanding that the procedure that has prevailed in the past would prevail at this time. However——

Mr. CLARK. Mr. President, I do not understand that the Senator from Louisiana has yielded.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. Since I have the floor, I will continue. It is perfectly agreeable with me to continue the debate if Senators do not desire to recess at this time.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is this a continuation of the first speech of the Senator from Louisiana?

The PRESIDING OFFICER. This is the second speech of the Senator from Louisiana on the amendment of the Senator from Illinois [Mr. LEWIS], as amended.

Mr. ELLENDER. Mr. President, I cannot see that any progress will be made by the position of the Senator from Missouri [Mr. CLARK]. There are quite a number of amendments pending, and I believe I may speak on all of the amendments as often as I can and as long as my capacity will permit. I myself have about half a dozen amendments which I propose to offer. If the Senator from Missouri desires to insist on changing the procedure, of course, he is at liberty to do so.

Mr. BARKLEY. Mr. President——

Mr. CLARK. Mr. President, if the Senator from Louisiana will yield, at the suggestion of the majority leader that probably it is not best to give notice of the enforcement of the rules at the close of a session, I withdraw my parliamentary inquiry and suggestion of objection; but I give notice that some of the Members of the Senate desire that the Senate proceed with the consideration of business, and that beginning tomorrow objection will be made to any departure from the rules of the Senate.

Mr. ELLENDER. That is fair enough, Mr. President.

The PRESIDING OFFICER. Very well. The Senate, then, is now operating under the usual procedure.

Mr. ELLENDER. I understand that I am to have the floor tomorrow. Is that correct?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BARKLEY. Mr. President, in that connection it may be fairly stated that all the rules of debate have been violated during the progress of this discussion. No Senator may yield to another Senator, except for a question, without losing the floor. No Senator may yield for a point of

no quorum without losing the floor. On the basis of that rule, every Senator who has spoken has lost the floor time and again; but the rules have not been observed. They have not been enforced, and we have gone along by unanimous consent.

I do think that the conclusion of a day's proceedings probably is not the best time to insist on the observance of a rule which might have been invoked at any time during the day. For that reason I suggested that the rule be not invoked at this particular time.

(At this point Mr. AUSTIN, by unanimous consent, submitted a report from the Committee on the Judiciary, which appears under its appropriate heading in today's RECORD, p. 680.

RECESS

Mr. BARKLEY. I renew my motion that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 19, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 18, 1938

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, blessed be Thy holy name forever. O Thou in whose infinite wisdom, power, and goodness rests the destiny of men and nations, we beseech Thee that we may live up to the full measure of Christian manhood. Be graciously inclined toward us and endow the Congress with just and willing minds. With faith and confidence in an overruling Providence, may we patiently submit ourselves to all the obligations and vicissitudes of life. Assure us, O Lord, that all things work for good to them that love God. Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, help us to think on these things. We pray in the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. MOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks on the Ludlow resolution under the consent order entered on the day the matter was under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CALL OF THE HOUSE

Mr. RAYBURN. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 7]

Arnold	Costello	Flannery	Lamneck
Atkinson	Crowther	Gambrill, Md.	Lesinski
Barton	Culkin	Garrett	Lewis, Md.
Biermann	Daly	Gasque	McGroarty
Binderup	Deen	Gifford	McLean
Boylan, N. Y.	Dempsey	Hamilton	Mills
Brewster	De Muth	Hartley	Moser, Pa.
Buck	Dies	Jarrett	O'Connell, Mont.
Buckley, N. Y.	Douglas	Keller	O'Connor, Mont.
Caldwell	Drewry, Va.	Kenney	O'Neill, N. J.
Cannon, Mo.	Driver	Kerr	Owen
Cartwright	Eckert	Kinzer	Palmisano
Clark, N. C.	Elliott	Kniffin	Pettengill
Cole, Md.	Englebright	Kocialkowski	Poage
Connery	Flannagan	Lambertson	Powers
Reece, Tenn.	Snell	Thomas, N. J.	Whelchel
Rogers, Okla.	Somers, N. Y.	Tinkham	Zimmerman
Smith, Maine	Swope	Towey	
Smith, Okla.	Taylor, Tenn.	Wene	

The SPEAKER. Three hundred and fifty-six Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Georgia, Mr. WHELCHEL, may have unanimous consent to extend his own remarks in the RECORD on the wage and hour bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, yesterday afternoon, as the Committee was dividing on a very important amendment, we found ourselves without a quorum. If we will keep a quorum in the Committee we should finish the reading of this bill within the hour. Then I think the Members will be called back if there is not a quorum here because there may be some roll calls on amendments. Immediately on the completion of the consideration of this bill the gentleman from North Carolina [Mr. UMSTEAD] will present the appropriation bill for the Navy Department.

I thought I would make this announcement in order that the Members might know the situation.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. MARTIN of Massachusetts. When we consider the Navy Department appropriation bill will the gentleman arrange to have ample time for debate? This is a very important subject and there is great demand to talk on the measure.

Mr. RAYBURN. I have not discussed the matter with the gentleman from North Carolina, but I presume the gentleman from North Carolina and the minority members of the committee have attended to that. It is the intention, if we may, to pass the Navy Department appropriation bill before adjournment on Thursday.

Mr. MARTIN of Massachusetts. Thursday or Friday.

Mr. RAYBURN. The situation is that we ought to get into the Navy bill by 2 or 2:30 p. m. today. Tomorrow is Calendar Wednesday, but there will be only one committee called, which is the only one ready with any business of the three or four committees that might be called, and that is the committee of the gentleman from Tennessee [Mr. MCREYNOLDS]. That committee will take about one-half or three-quarters of an hour and then we can go back into the consideration of the Navy bill, and Thursday we hope we may be able to complete its consideration. If not, we will go along with its consideration on Friday. If the Navy appropriation bill is completed on Thursday the Speaker, as I understand, will recognize the gentleman from Maryland [Mr. KENNEDY] to call up his omnibus claims bill.

[Here the gavel fell.]

TREASURY AND POST OFFICE APPROPRIATION BILL, 1939

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the

state of the Union for the further consideration of the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8947, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday there was pending an amendment offered by the gentleman from Virginia [Mr. BURCH]. After debate upon the amendment a quorum failed to vote upon it, when the point was made by the gentleman from Indiana [Mr. LUDLOW]. Mr. LUDLOW then moved that the Committee rise. Therefore, the pending question is on the amendment offered by the gentleman from Virginia [Mr. BURCH].

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. Can we have the amendment read for the information of the Committee at this time?

The CHAIRMAN. It may be read by unanimous consent.

Mr. O'MALLEY. Mr. Chairman, I ask unanimous consent that the amendment be read.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURCH: Page 66, line 12, after the word "added", insert a period and strike out the remainder down to and including line 16.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 108, noes 40.

So the amendment was agreed to.

The Clerk read as follows:

Rent, light, fuel, and water: For rent, light, fuel, and water, for first-, second-, and third-class post offices, and the cost of advertising for lease proposals for such offices, $11,250,000.

Mr. THOMPSON of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Illinois: Page 67, line 18, strike out "$11,250,000" and insert "$12,375,000."

Mr. THOMPSON of Illinois. Mr. Chairman, the purpose of this amendment is to increase the heat, light, and rent item carried in this bill by 10 percent. I think all of us will agree that with the substantial building program that has been carried on in the last 5 or 6 years, practically all of the rent, or the major portion of it, goes for quarters of third-class offices. I believe that the Congress of the United States, by providing adequate funds, should raise the standard of the buildings that are used in the small communities for postal purposes. It has long been the policy of the Department to rent about the cheapest building that can be found in small cities, and it wants choice locations, on the main street. The Government has been paying in some instances the magnificent sum of $15 a month for such quarters, which also includes heat, light, water, and janitor service. It should be kept in mind that in many cases these properties are owned by widows and old people who are dependent upon a little rent for their livelihood. I believe it would be wise on the part of the Congress to give the Department additional funds in order that the post-office inspectors and other officials of the Department who go out to negotiate these leases could be a little more liberal with these people in the small communities, to the end that better buildings could be secured that are in keeping with the dignity of the Postal Service. I know every Member of this House, outside of those who represent large cities, is ashamed of many of the buildings used for post-office purposes in their districts. I think this Congress, spending as much money as it does for mail service, should at least insist that the post offices in the smaller cities and towns should be in clean, well-ventilated, sanitary, and adequate locations.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. Yes.

Mr. MAY. The gentleman will recall that, just before this Congress met, the President made a statement in which he said he wanted to balance the Budget; he was going to put it squarely up to the Congress to balance the Budget, and if it was not balanced the obligation would be on the Congress and not upon him. I am in very great sympathy with the gentleman's proposal to give the little post offices a chance; but if we do not commence cutting, or rather if we do not cease increasing in this bill, what are we going to do when we get to the relief bill? The gentleman is a member of the Ways and Means Committee. Where will you get the taxes?

Mr. THOMPSON of Illinois. We will meet the relief problem when it comes up. I do not think it should be taken out of the hides of the people in the small communities who own these buildings used for postal purposes. We will take care of the tax question when we get to it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. Yes.

Mr. MASON. Does the gentleman believe we should economize at the expense of the one-third who are ill-housed, ill-clad, and ill-fed; and that is where this money is coming from, is it not?

Mr. THOMPSON of Illinois. I do not believe we should economize in the manner suggested by the gentleman from Illinois.

Mr. MICHENER. Where would the gentleman suggest we begin to economize?

Mr. THOMPSON of Illinois. That is a big problem. Let me reiterate in reply to the gentleman that I do not think it should be taken out of the hide of the folks who rent a little store building in a small city to the great Post Office Department that does a business of seven or eight hundred million dollars a year.

Mr. MICHENER. Does the gentleman think that the President's Budget attempts to take this out of the hide of these people?

Mr. THOMPSON of Illinois. I am talking to my own amendment. I think the item included for this purpose is too low, regardless of whether the Budget says so or not, else I would not offer the amendment. I am offering it with sincerity of purpose and because I want to see the Post Office Department use better buildings.

Mr. MICHENER. Then the gentleman disagrees with the administration merely because he is sincere.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TABER. Mr. Chairman, I think the House ought to pass on this amendment on its merits and not on something else. I shall tell you something about the present situation and then I want you to pass on it. An average of upward of 300 buildings a year are being taken out of the rental class because the federally owned buildings are coming into use; as a result, our rental roll under this paragraph has gradually and steadily decreased.

The actual facts are that the expenditures for this purpose in 1937—that is, the last fiscal year—were $14,152,000, or $1,100,000 less than the bill now carries. The expenditures for the first 4 months of this year, down to October 31, for rental purposes, were $4,816,000. This would leave a margin of $650,000 saving below what we are carrying in the bill. There would be added to that $110,000 for motortrucks. So, this year, there is an estimated saving to the country of upward of $500,000.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. JOHNSON of Texas. As I understand the gentleman's statement it is that we have been appropriating more money than we are spending for this purpose.

Mr. TABER. Absolutely. We are going to save $500,000 according to the committee figures on this item this year, with an appropriation of the same amount. I cannot understand with these 300 new buildings coming in and calling for a smaller rental list how it is possible to need an increased appropriation to take care of rentals the coming fiscal year.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. LAMBERTSON. And because of the recession the Department can rent buildings cheaper than it could before.

Mr. TABER. That is true. I do not want to take advantage of any situation or have a situation where we are not adequately providing for the needs of the Government. That is not necessary, for we have provided a liberal and ample margin. I hope that the committee will not agree to this amendment.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a poor place to raise a sympathy plea. The amendment offered by my friend the gentleman from Illinois, if it means anything at all, would mean the giving of $1,125,000 to a lot of property owners, many of whom are rich, who have this property and want to rent it to the Government. No possible advantage whatever can flow to any employee from this increase; it is a matter of how much rent the Government shall pay. The beneficiaries of the big hand-out provided for in this amendment would be property owners who do not need and who should not receive this gift from the Treasury.

Six hundred and eighty-three leases will expire in 1938. These have run over a period of 10 years and were entered into at a time when property was renting at a high figure. It is absolutely certain that these leases will be renewed at a reduced figure, and we have taken that into consideration in making this allowance. As a matter of fact, these leases are made on competitive bids, and there will be a great many competitors. There is no reason in the world why this increase should be made, and no advantage whatever will flow to any class of postal employees through the granting of this increase proposed by the gentleman from Illinois.

I hope that the amendment will be voted down.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not know whether it is going to be effective or not, but from this time forward, when these appropriations are before the House, I am going to take each opportunity that presents itself to call the attention of this House again and again to the condition of the Government's finances.

As I said yesterday afternoon, some of these days, whether we want to or not, we have got to do what the sane individual would do, what the sane, sound management of a corporation would do if it is to continue to operate; that is, at some time this Government must balance its outgo with its income. [Applause.] It appears since yesterday that any amendment offered to increase these amounts, even though the amounts carried in the bill are all the Budget asked for and all this Committee, after due consideration, thinks is necessary to conduct this Department of the Government, has been adopted. Of all the amendments that have been offered, the one offered by the gentleman from Illinois, it seems to me, is the most unjustified and unjustifiable. We have been building post offices in practically every congressional district in the United States. Is it possible that this is not going to take some rental charge off the Government? And, let me say, I live in a district of small towns; there is nothing that approaches a large city in the district I represent. The most popular tenant in any town is a Federal agency. There will not be a post-office site or building rented in the district I represent but what there will be from three to a dozen offers of buildings that are standing there idle earning absolutely nothing. If we are going to build post offices and Federal buildings in order to take the Government out of the renting business, but still be forced to carry as much or more rental as we had to carry to begin with, then we are doing a thing that is not justified either in economics or in plain common sense.

I feel certain that the amount carried in this item is amply sufficient to take care of the rentals. This being so, why add the $1,250,000 or more to the bill when the Government has no trouble whatever in getting splendid buildings in these towns? The last contracts were made at a time when rents were higher than they are now. Renewals and new leases should be at a lower figure.

I therefore plead with this House, and especially with the Members on this side of the aisle, to remember now, when our Budget is not balanced, when the credit of the Government may be injured, that the responsibility and the blame is going to be on the majority party where it should be. [Applause.]

[Here the gavel fell.]

Mr. LAMBERTSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to the amendment offered by the gentleman from Illinois, but I do not agree with the statement of the majority leader to the effect that this is an unjustifiable increase. I think it is reasonably worthy. There are a lot of vacant buildings in our little towns and third-class cities, plenty of them; but I know that the Post Office Department is adopting the policy of taking the cheaper ones, ones below the standard of decency the Government should maintain, taking such buildings in order to save $2 or $3 a month, particularly if the better building is owned by a Republican, or if the present post-office building is owned by a Republican.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. LUDLOW. Is it not true they are required to take competitive bids?

Mr. LAMBERTSON. No.

Mr. LUDLOW. It certainly is.

Mr. LAMBERTSON. No; that is just on paper. I know they are taking buildings lower than a decent standard for the town at some points because a Democrat owns the building that is not occupied. However, that is not the big thing here. I think there is a sufficient amount here, on the whole.

The question was asked only a little while ago by the gentleman from Michigan [Mr. MICHENER] where shall we begin in balancing the Budget? I want to answer that question, and I want the floor leader to hear my answer to the proposition, Where shall be start to balance the Budget? We ought to start balancing the Budget by not appropriating any more money for things that the President himself has started in the last 3 or 4 years—the things for which he furnished the first money. He wants to start cutting down on vocational education, Federal aid for roads, and things that were here before he came into office, but he is not willing, and you on that side are not willing, to start cutting down on the various proposals he has started within the last 3 years. That is the place to start to balance the Budget. Stop those things he has started.

One of the big arguments against the veto item proposed by the Woodrum amendment was that the President normally and naturally would not eliminate and reduce items for the particular thinge he had started, but would pick out some of the others that were started before he came into power. The thing we have to contend with in this session of Congress in connection with these appropriation bills is continuing items that the Chief Executive initiated under his unearmarked appropriations, the power he insisted on having. That is where we ought to start to balance the Budget.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I congratulate the majority leader on the statement he made a few minutes ago. I have stood up here and criticized him when I thought he was wrong. Now I

praise his statements. If you will follow the majority leader and the statement he made a few minutes ago, this Congress cannot go wrong. It is necessary and essential that we economize in Government spending.

Mr. Chairman, we are in a serious condition. I feel as Members of Congress we have gone beyond the point we should have gone in connection with appropriations. The majority leader has given you the key to the situation, and if you will follow him it will give back to industry the opportunity to go ahead and do business. Confidence will be restored to thrifty people. If industry can be confident it is not going to be taxed to death, to pay for ruthless expenditures and many unwarranted expenditures, eventually manufacturing plants will employ the people that are now unemployed. This will mean prosperity to the American people. I repeat, the majority leader is right, and I am glad he has taken the stand he has. I am going to do everything I can to back him up on his latest assertion. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. THOMPSON].

The amendment was rejected.

The Clerk read as follows:

PUBLIC BUILDINGS, MAINTENANCE AND OPERATION

Operating force: For personal services in connection with the operation of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, operated by the Post Office Department, together with the grounds thereof and the equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, $19,650,000, of which sum not less than $187,737 shall be available for adjustment of the compensation of employees on an annual salary basis who have completed 1 year of satisfactory service prior to July 1, 1938, and who have not, before such date, received an advance in pay: *Provided*, That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

Mr. CREAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, numerous amendments to this bill have been agreed to, some of which have a great deal more merit than others. Perhaps some of them have very little merit at all. I voted for some of them and for others I did not.

One amendment that was agreed to, in my judgment, has a great deal more merit than any of the others and there will probably be a roll call on it. That is the amendment which provides for a slight increase in the appropriation for clerks in the third-class post offices. I had the honor of serving as a member of the Post Office Committee, and every Member of this House who has a third-class post office or post offices in his district is well aware of the fact that there are two sets of postal employees that are the goats so far as pay goes. One set is the old star-route mail carriers and the other is the clerks in the third-class post offices.

A great injustice is being done, for this reason: Here is a third-class post office that lacks only a few dollars of being in the second class. We appropriate $85 a month for two clerks. There is no difference in the hours. There is very little, if any, difference in the kind of work they do. In the adjoining county is a second-class post office and there are two or three clerks who receive $1,800 or $2,000 a year and work on an 8-hour basis. The clerks in the third-class post-office may work from 10 to 14 hours a day. There is too much of an inequality in those two classes of employees.

May I direct attention to another thing. These third-class post offices turn money into the Treasury over and above their upkeep. As soon as one of these third-class post offices passes into the second class division, with this additional help and additional salary, it becomes a liability and costs more to maintain, when, as a matter of fact, as a third-class office it was actually turning money into the Treasury over and above its cost. These offices cannot operate with one man. We give them $85. It takes two men at all times, in addition to the postmaster. The result is that the third-class postmasters work from 14 to 15 hours a day, from 5 in the morning until 7:30 at night.

I want to point out this particular item, on which there will probably be a roll call, as the most meritorious amendment that has been agreed to by the Committee. When we increase the appropriations and add money for additional hire, every department of the Government takes that money and increases the salaries at the top. The increase never reaches the little man. Every department of the Government has been guilty of that to some extent when we have appropriated additional money for more help. It just finds its way into increased salaries for the higher-ups.

For the reasons stated above I voted for the particular amendment to which I have made reference. You have provided money for the second-class postmaster, a high-salaried man with some leisure time. We have the old star-route system which is still in existence. I would improve it, but I do not know just how to remedy the situation, but will aid any improvement offered. The third-class post offices are turning in more money to the Government than it costs to operate them, whereas we pay to the employees of other post offices more than they return to the Government.

[Here the gavel fell.]

The Clerk read as follows:

(c) For the maintenance, upkeep, and repair (exclusive of garage rent, pay of operators, tires, fuel, and lubricants) on any one motor-propelled passenger-carrying vehicle, except busses and ambulances, in excess of one-third of the market price of a new vehicle of the same make and class and in no case in excess of $400.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the House in Committee of the Whole has adopted a number of amendments to this bill increasing the amount in all about $2,500,000 to $3,000,000, although I do not have the exact figure. I only know that the committee which has had this bill under consideration has gone carefully into every single one of these items, and there is absolutely no merit to a single one of the increases. They are nothing but out-and-out raids on the Treasury, and cannot have any other purpose than to unbalance the Budget and further put the Treasury of the United States in the hole.

May I call your attention to three of these items. First, the appropriation for clerks in first- and second-class post-offices. This appropriation has been increased a million dollars, bringing the appropriation to $199,000,000. The most expense possible I can figure out for this current fiscal year is $197,376,000, or $624,000 below the amount carried in the Budget, and below the amount this bill carried when it came from the committee. The indications are a lowering, month by month, of the expenditures of the Government and the Post Office Department for this purpose.

I next call your attention to the appropriation for clerks in third-class post offices, which has been increased $250,000. The actual facts of the situation are that a large number of post offices have gone from third to second class. Every office which goes into second class results in a saving of $1,600, while those that come in from fourth to third class result in an increase of only $240. Therefore, for every one which goes out of third class, six can come in, and we will still have a big margin. This is the situation, and we should not allow this increase. There is absolutely no excuse for it on the evidence before the committee.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I may say I am as strong for economy as the gentleman, but I happen to know something about the conditions in third-class post offices. I know a number of offices in my district where the two clerks are receiving only $42.50 each per month. Does the gentleman believe this is sufficient compensation for the service rendered?

Mr. TABER. It depends on how many hours they have to work.

Mr. ASHBROOK. They work from 10 to 12 hours every day.

Mr. TABER. If they have to work that long, it indicates the postmaster is not working, because if the postmaster works his 8 hours in the offices where the receipts are so low the office is kept in the third class, the two clerks do not need to work any 10 hours a day.

Mr. MITCHELL of Tennessee. What is the average pay of clerks?

Mr. TABER. It will run anywhere from $240 to $1,600.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, very shortly we will report this bill from the Committee of the Whole to the House, and no doubt the subcommittee will ask for a record vote on one or two of the amendments which were adopted yesterday by the Committee of the Whole

I want to clear up an erroneous impression which evidently is troubling the minds of some of the Members, and say that every dollar appropriated for this Department is not a dollar wasted, neither does it add one dollar to the deficit. It means an opportunity for the Post Office Department to earn another dollar of income, for to expand the Service is to increase its revenue. You cannot cut the cost of the Postal Service, even though you may be on the threshold of a depression. One of the outstanding Postmasters General of all time, Mr. Bissell, of Buffalo, N. Y., notified President Cleveland during the depression which affected the country in his administration that it would be a blunder and a mistake to cripple the postal activities, because the Post Office Department is a great agency for the acceleration of business, and during a period such as this business needs the Postal Service.

We did not ask for more than the Budget estimate, neither was the Budget estimate made a long time ago. On January 5, which is not so long ago, the Budget made this report:

THE COMING SURPLUS

The figures of revenues used for the fiscal years 1938 and 1939 are the revised estimates of revenue contained in the 1939 Budget as submitted by the President on January 5 last.

Postal receipts and expenditures, fiscal years 1937, 1938, and 1939

	Actual, 1937	Estimated, 1938	Estimated, 1939
Revenues	$726,201,109.89	[1] $752,500,000	[1] $775,000,000
Gross expenditures	772,815,842.22	786,482,262	789,689,659
Gross deficit	46,614,732.33	33,982,262	14,689,659
Deduct nonpostal expenditures (deductible under act of June 9, 1930), and sums due to net adjustments on account of prior-year obligations and allowance for cost of maintenance of space by the Post Office Department for the benefit of other Government agencies	59,258,471.37	48,000,000	48,000,000
Net surplus	12,643,739.04	14,017,738	33,310,341

[1] Revised revenue estimate.

How are you going to carry on the Service with an impending surplus if you cut appropriations to the bone? Here is verification of this statement: Mr. Donaldson was asked if these Budget estimates were not prepared a long time ago, and on page 36 of the hearings he said:

You say that these estimates were prepared in September. Well, that is true, but the estimates that we prepared in September were pared by the Bureau of the Budget by $20,000,000. So the estimates that you are now considering are not the estimates that were prepared in September.

Mr. SLATTERY. That is true, Mr. Chairman.

Another word about these two amendments which may be the subject of record votes. With regard to the carrier amendment, Mr. Donaldson said:

If there is no reduction in the volume of mail and no decrease in the area served by the carriers, we could not get by on $138,000,000.

This statement was made to the chairman of the subcommittee.

He further testified as follows:

There would be no way in the world that we could operate next year on $138,000,000 (for city carrier service) unless there is some recession in business, either in the volume of mail or something that makes it possible for us to reduce the force or greatly curtail service.

In the same hearings, Mr. LUDLOW asked:

Assuming you are right, and you cannot get by with $138,000,000 without a curtailment, where would you effect that curtailment?

And Mr. Donaldson replied:

We would have to say we will only have one delivery a day in residential sections, which would leave available a number of regular carriers to perform other services and relieve us of that substitute cost. The only thing you could do in City Delivery Service without destroying the service is just to curtail the number of deliveries and the number of collections.

In the hearings we find sufficient justification for the clerk-hire amendment:

Mr. Donaldson (p. 37 of hearings):

For the year 1939 we estimated 1,500 additional clerks, at $1,200 per annum.

Mr. LUDLOW. That was not approved at all?

Mr. DONALDSON. No, sir. * * * That was an item of $1,800,000. Of course, they have not allowed, in the Budget estimates, any additional clerks for 1939 and none for the remainder of 1938.

Mr. Donaldson (p. 73 of hearings):

We originally estimated a cost of $203,000,000 for 1939, with the allowances for additional help, all of which was taken out by the Budget estimates.

Mr. Donaldson (p. 79 of hearings):

* * * We have in the past 3 or 4 years kept the force down to the minimum by working more substitutes than we were really justified in working * * *.

Hearings, page 80:

Mr. LUDLOW. While it appears on the face of the estimates that you are asking $3,000,000 more for 1939 than you have for 1938, the amount is just the same?

Mr. DONALDSON. That is right.

Mr. LUDLOW (hearings, p. 113):

Reverting to your clerical item, how does it happen that you have a deficiency of $3,000,000 in that item?

Mr. DONALDSON. Our original estimate for a deficiency was more than $3,000,000. But due to the efforts that we know this Congress is trying to make to operate with the least possible cost, we have tried to meet every demand made by the Bureau of the Budget.

This information taken from the record, I believe, is ample justification for the amendment for clerical expense which I offered in the Committee of the Whole.

The gentleman from Ohio [Mr. ASHBROOK], who was himself a postmaster, pointed out the meat of the other amendment affecting the clerks in third-class postoffices. Mr. Chairman, in this country in our third-class postoffices we have men and women who are receiving as little as $10 a week, and they are working from 8 to 10 hours a day. There is no justification for any legislation going out of this House which will jeopardize the labor standards of the various communities of the country. We are setting a bad example, one which industry must not emulate or imitate.

Mr. Chairman, the two amendments affecting the clerks and the carriers, as well as the amendment affecting the clerks in third-class postoffices, are justified by the facts and the record.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it is very difficult in dealing with financial matters to answer arguments fully and completely so that those who have not studied the record can understand.

To those who believe in spending, the remarks I am about to make will have no appeal; to those who are trying to do the expedient thing, what I shall say in the 4 or 5 minutes will mean nothing; but if there are any on this floor who are interested in economy and believe as I do that the existence of this Government depends upon getting back to sound business principles, I am sure they will be interested in knowing the situation of this bill at this time.

Your committee charged with the responsibility, as far as it can, of carrying out the will of your Executive, who has said we must balance the Budget and the job is up to Con-

gress, has labored for 6 weeks trying to do the best it can to hold down this ever-increasing spending of money in a wasteful way.

Let us now see what the condition is as to the bill under consideration at this time. With all that we could do, with every possible economy we could make, we come into this full committee with an authorization of $5,000,000 more than the amount carried in the Post Office bill for 1938. With all we could do, in order to meet the expanding needs of the Post Office Department, we still had to give $5,000,000 above the previous bill, but we did manage to cut this measure $3,000,000 under the Budget. We managed to save approximately that amount, and on yesterday on the floor of this House by sentimental appeals, by arguments, every one of which had been discussed in the committee and gone into, as well as arguments on the other side being considered, you added to this bill approximately $2,300,000, and now the total economy that we have effected amounts to about $500,000 out of the entire saving.

I wish it were possible to answer the arguments of the gentleman from New York, who has so much zeal, in detail. There is no question in the world but what every dollar of increase made by this committee increases the deficit of the Federal Government. There are charges you can use for the purpose of making good arguments, but the fact remains that in 1937 the Post Office Department cost the Government $40,000,000 and increased the deficit by that amount, and the coming year the deficit will be increased by $14,000,000, not counting the two or three million dollars added by the committee on yesterday.

Mr. Chairman, I wish I had a chance to discuss the two major increases. We allowed the Budget estimate in one case and in the other case we gave $3,000,000 more than was allowed last year.

There is no question about the fact that no man will be dropped because of these appropriations, no one will suffer an injustice, and I say that the people of America, having a wonderful Postal Service, the appeals made to you that our Postal Service must be made better and that they must have more money is a joke to me. Surely, the people of America can suffer slight discomfort from the Post Office Department in order to keep our Government solvent and keep us from running into dangers that today we do not understand.

I trust you will vote down these amendments when presented. [Applause.]

Mr. MICHENER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I want to call attention to the fact that there are two aspects to the vote on increasing the amount of this bill in accordance with the amendments offered. First, you are voting to increase for the purpose designated in the amendment. The second aspect is you are voting for your Government to borrow the amount of money carried in the amendment and pay interest on it. Your Government is running in the red now, and every time Congress votes to increase the Budget one penny it votes to authorize your Government to issue its bonds and borrow money to that extent. Interest must be paid and principal must be repaid. This must be paid by the taxpayer. These amendments will increase the national debt by more than $2,000,000. Do the postal employees understand that? You do.

There is another thing I want to call to your attention. We all heard the splendid speech of the majority leader here this morning. He appealed to the majority—that is, the overwhelming Democratic membership—to stand by the administration and to vote down these amendments. After his speech I heard someone say that it was too late, that he should have made the speech yesterday when it would have been in season, when the committee was voting on the amendments. This is hardly true. The horse has not gone yet. There is no use locking the barn after the horse is gone, but the vote that counts is coming in a few minutes when the House is going to have an opportunity to go on record as to whether or not it is supporting your majority leader, whether or not it is supporting the administration, whether or not it is supporting and assisting the taxpayer of the country, or whether it is going to carry on this wild orgy of uncontrolled spending. On yesterday I called the attention of the House to reasons why these amendments should be defeated.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Not now, please. We have groups, pressure groups, and is the Congress going to be able to resist them? We all enjoyed the speeches of the gentleman from New York [Mr. MEAD], but I wondered when I heard him whether or not the postal employees of the country are the browbeaten, the slave-driven, the neglected group to which he referred. If this is true, who is to blame? If I wanted to be partisan, I would suggest that the Postmaster General stay in Washington and protect these people and look after them rather than be running about the country making political speeches and functioning as the Democratic national chairman rather than Postmaster General.

Again, I might say that there is not a single amendment offered here to do a thing in the way of increasing wages where there are not many applicants whenever a vacancy occurs. Let us not kill the goose that lays the golden egg. Let us keep the jobs now and increase the pay just as soon as this can be done.

Why, amendments have been offered to increase rents for post-office buildings. Think of it! Every time a vacancy occurs there is a mad scramble by many property owners in the community to secure the lease. Nevertheless, there are Members here who would add $1,000,000 to the national debt in order that some of their constituents might get a little rent for a post-office building. The Government is the best tenant in the world, and property owners are tickled to death to lease to it. Then my good friend from Illinois [Mr. THOMPSON] tells us that this third of the people—the people who own these buildings—in whom he is so interested, who want to rent the buildings, are the ones out of whose pockets comes this economy. That seems to me to be ridiculous.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the pro forma amendment. It may be that when one rises upon the floor of this House in the interest of trying to bring economic order out of chaos he is as one crying in the wilderness, but as a member of the Committee on Appropriations I feel that I have some responsibility, and as an individual I feel that I have a great deal of responsibility. No finer group of men in this body could consider a piece of legislation than the subcommittee that has handled this bill and brought it to the floor of the House, and yet the Committee of the Whole—and I regret to say some of my colleagues on the Committee on Appropriations, for we might as well talk frankly in the bosom of the family—have unhesitatingly, in response to the persuasive eloquence of our irresistible friend from New York [Mr. MEAD] marched right down and increased the bill item after item, doing it under the guise of helping the workingman. I have heard within the last 24 hours two distinguished gentlemen of this House say, "Yes; I am going to increase every appropriation I can and pile up the public debt, and then the time will come when we will have to have the inflation which we ought to have." How much of this increase is prompted by that sort of reasoning? Let me tell you something: I pay tribute to the great army of postal workers in America. We have the finest postal system in the world. These postal workers are a fine band of patriotic men and women, but in that army of nine or ten million men who are pounding the streets, asking for employment, there are also some good men, and during this depression the postal authorities and the postal employees, I am very happy to say, were protected. Never did they have to lie wondering on a sleepless pillow whether that check would come to them on the first of the month, because it came right along. What about the other people?

No one thing that the Congress can do—no one thing that you, who are so much interested in the laboring people can do—that will help give them jobs and make them secure in their wages and help them to meet their obligations will do so much as to balance the Federal Budget and return confidence to business. The wheels of industry would pick up again and the country will move along in economic order. I appeal to this House today, with all the earnestness that I have, to stand by this committee—to stand by the Committee on Appropriations—in its efforts to try to hold down public expenditures. There has been no starving of this great Department. Almost every one of these amendments is an effort to raise the amount above the Budget estimate; and I say to you that unless the Congress is willing to consider this matter seriously, unless you, my colleagues on the majority side, are willing to sacrifice your own personal viewpoint to some extent to try to help the President fulfill the obligation he has made, and the obligation that our party has made—that is, try to balance the Federal Budget—then God help us when a righteously mad electorate come to pass judgment upon us. I appeal to you. Let us stand by this committee when these votes come today, not because we do not like the postal employees. We appreciate them. This committee has been liberal with them. No Member of the House is more interested in the Postal Service than the distinguished gentleman from Indiana [Mr. LUDLOW], chairman of the subcommittee, and his friends on this committee. Do not let us be swept off our feet. I appeal to you to harden your heart against the soft, persuasive, siren eloquence of our beloved friend from New York [Mr. MEAD]. If you want to vote on how much we love JIM MEAD, we will vote with you and make it unanimous. If you want to vote on the question of how much he loves the postal employees, we will also make that unanimous, but let us temper our sentiment with a little bit of logic and good judgment. [Applause.]

Mr. McCORMACK. Mr. Chairman, I think the subcommittee in charge of this bill takes an erroneous position when they feel disturbed at the action of the Committee of the Whole. The increases brought about as a result of what the Committee of the Whole did yesterday amount to a little over $2,000,000, and the utterances of the subcommittee make us think that that is a reflection upon themselves, which is absolutely incorrect. The chairman and the members of the subcommittee have handled this bill with skill in keeping the increases to the amount that has been allotted.

The eloquence of the gentleman from New York [Mr. MEAD] was backed up by facts; he supported his amendments by facts, and the Committee of the Whole adopted his amendments. Contrast that with the eloquence of the gentleman from Virginia who has just spoken, and no one will deny that the gentleman from Virginia is possessed of profound eloquence and that he expresses it in an undeniable manner every time he takes the floor; but he gives us no facts, he does not contradict the facts presented by the gentleman from New York yesterday.

Mr. Chairman, this is a question to be determined upon the facts, upon the merits. If you do not believe that the action of the Committee of the Whole on yesterday should be approved by the House, then when we go back into the House, vote against such amendments as you are opposed to. Why, to listen to the gentleman from Virginia and to my good friend from Kentucky, you would think that the Budget was going to be balanced if we voted down the amendments adopted yesterday; you would think that these amendments would create the only deficit during the next fiscal year. We all know that a deficiency appropriation has been made this year. Why not meet the proposition as we are meeting it now rather than meet it in a deficiency bill? Why not increase the appropriation at this time?

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MEAD. I may say to the gentleman from Massachusetts that even now, at this moment, I am not leaving my President. The President's proposal is contained in the Budget, and this bill is still $1,000,000 below the President's Budget figure; so, both the gentleman from Massachusetts and I are consistently supporting our President, even though our example was not emulated by the distinguished gentleman from Indiana last week. [Laughter.]

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOFFMAN. The gentleman from Massachusetts criticizes some of us for not following the President. How can we follow him when he is not of the same mind for 2 days in succession?

Mr. McCORMACK. The gentleman from Michigan, of course, interjects something entirely unrelated to the utterances I have been making.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. JOHNSON of Minnesota. Mr. Chairman, after hearing the majority leader talk about economy and balancing the Budget, after hearing the eloquent gentleman from Virginia speak on the same subject, and after hearing the gentleman from Indiana, one might be constrained by the power of their oratory to pause and maybe adhere to their belief; but, Mr. Chairman, the next bill to come up in this House will be the Navy Department appropriation bill, and this same Appropriations Committee that wants to be saved today from the profligate spending of $2,500,000 is going to increase the appropriation for battleships $27,000,000 in the next few days.

On this question of economy, let me call attention to the fact that last year you could buy a high-class floating iron mine for $60,000,000, but under the new bill this time you are going to be asked to pay $70,850,000 apiece for two more floating iron mines. That is real economy. In other words, we have a democratic mail system, but when you talk about making an increase of $1,000,000 to provide better mail service it is said you are destroying the fundamentals of the American system. When, however, you leave the role of peacemaker for that of pacemaker in the armaments race they think nothing of voting $553,000,000. Not only that, but you probably will have an administration message in the near future asking for another $200,000,000 for naval appropriations.

I thought perhaps these observations might be of interest in connection with the talk of economy today. [Applause.]

Mr. MAY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have not attempted to debate this appropriation bill, but I am aware of the fact that economy must be effected somewhere, and there has to be a commencing place. Of my colleagues on the other side of the aisle I have nothing to say except that they are going along on the question and trying to economize in a splendid way. I commend them that they are supporting the President in his efforts to balance the Federal Budget.

We have an unbalanced Budget in this country, and if continued it is going to be a tragedy on the doorstep of the Democratic Party and the Democratic majority of the House of Representatives. In the annual message of the President to the first session of the Seventy-fifth Congress he called attention to the serious dangers of an unbalanced Budget and of unsound financing. He said that unsound financing was leading to wreck, ruin, and disaster in many foreign countries. How true that prediction was, can be seen today with the French Republic in financial chaos and that country unable to reorganize its Government because of the decline in the value of the franc. An unbalanced Budget, accompanied by an extravagant and reckless expenditure of public funds, must, if continued, lead to ultimate bankruptcy and economic collapse. In the very depths of the depression in 1933, when multiplied thousands of our banks had closed their doors and industry was completely paralyzed, fear was so widespread that the President in his first inaugural address was

prompted to say "We have nothing to fear but fear itself" and to call the people to the rescue of the Government from a desperate situation, we had only 12,000,000 unemployed people in the country and according to a recent census of the unemployed we now have somewhere from eleven to sixteen million. All this in the face of an expenditure of approximately $20,000,000,000 trying to prime the industrial pump. In all this we have practically driven private employment out of existence. How much longer can we endure it?

That is the road the American Government under the Democratic Party is taking. There is no use in any of us deceiving ourselves about this situation any longer. When we go into the next campaign the business interests of this country will ask, What did you do to help balance the Federal Budget? They will rise in your face and say what the gentleman from New York stated about balancing the Federal Budget and point to the fact this extravagant spending policy is chargeable to the majority party.

Mr. Chairman, in my district there are more post offices for the number of counties perhaps than in any other district in America. There are eight small counties with 361 post offices. At least 300 of them might be benefited by some of these amendments. It is up to me to take a stand either for my country or against it. I would rather go back home and tell my constituents that I want them to have a Government sound, sane, safe, and strong enough to protect their life, liberty, and property rather than a defaulting bankrupt Government, the very thing we are going to. [Applause.]

I am willing to look them in the face and say, "My country first. My country, may she always be right, but my country, right or wrong."

Today the Democratic side of the House of Representatives has the responsibility and the President told us so in the press no longer than 30 days ago. He said, "It is on your hands if you do not balance the Budget." I want it understood that I am sending that back to the President; it is on his hands, so far as I am concerned, because I am going to vote to economize some of the time and help the President save this country from economic collapse and chaos.

I wonder what we would say, with the revenue of this country steadily declining, with war clouds hovering over the earth from one end to the other and with a national debt such as we have, if we were thrust into a war? What kind of a problem would we have financing this great country of ours? It is time for Democrats to exercise judgment and begin to think where we are. [Applause.]

The President has repeatedly demanded that the Congress balance the Budget, and I, for one, propose to back him up in his efforts to do it. [Applause.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

SEC. 4. No part of the money appropriated under this act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate upon vote has failed to confirm the nomination of such person.

Mr. STARNES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. STARNES: Page 73, after line 25, insert a new section, as follows:

"SEC. 5. No part of any appropriation contained in this act or authorized hereby to be expended, shall be used to pay the compensation of any officer or employee of the United States or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States."

Mr. STARNES. Mr. Chairman, this amendment simply provides that in connection with the expenditure of the $1,400,000,000 provided by this bill no one shall be employed or no compensation paid to anyone in the continental United States who is not a citizen thereof.

This tremendous sum of money is being raised by taxing the men and women of the United States. Every penny of taxes in this country is paid by the sweat of the laboring men and women of our country, and at a time when at least eight to ten million people are unemployed in this country, and when we tax the citizenship of the country to provide personnel and employment I feel it is nothing but common sense and sanity that the men and women to be employed as a result of the functions of this Government should be citizens of our Republic. [Applause.]

Let me address myself for just one moment to the remarks made by the genial and able gentleman from Massachusetts a moment ago, a very able Member of this House and one I love and admire very much. I want to point to some facts which are more eloquent than the soft, musical voice of JIM MEAD, of New York, or of the seductive eloquence of the gentleman from Massachusetts. That is, for 7 years this Federal Government of ours has operated under an unbalanced Budget. We are now entering upon the eighth year of the operation of the Federal Government under an unbalanced Budget. The public debt has increased from approximately $20,000,000,000 to $38,000,000,000. No business under the sun can continue to operate year in and year out under an unbalanced Budget without facing the twin sisters of disaster, repudiation and inflation. I say to the gentleman from Massachusetts that the time has come when we must reduce public expenditures. In a bill carrying $1,400,000,000 we are not being niggardly with either the Treasury Department or the Post Office Department when we cut only $7,000,000 under the Budget. I hope and pray that the membership of the House will bring about a balanced Budget and permit this Government of ours to operate on a safe, sane, and sound basis. [Applause.]

Mr. LUDLOW. Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. STARNES] is identical with an amendment incorporated in the independent offices appropriation bill. The members of our subcommittee feel this is a matter of policy which the House should itself decide as to whether the amendment should be incorporated in this bill. We ask for a vote of the Committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STARNES].

The amendment was agreed to.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the Treasury and Post Office Departments appropriation bill, 1939 (H. R. 8947), reports the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LUDLOW. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LUDLOW. Mr. Speaker, I demand a separate vote on six amendments:

First. The Luecke of Michigan amendment, on page 56 of the bill, increasing the appropriation for post-office inspectors $260,000.

Second. The Mead amendment, on page 58, increasing the appropriation for clerks at offices of the first and second class in the sum of $1,000,000.

Third. The Haines amendment, on page 59, increasing the appropriation for clerks in third-class post offices $200,000.

Fourth. The Mead amendment, on page 59, increasing the appropriation for city carriers $1,000,000.

Fifth. The Mead amendment, on page 61, increasing the appropriation for travel allowance of railway clerks $100,000.

Sixth. The Burch amendment, on page 66, relating to furniture for third-class post offices.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. LUECKE of Michigan: On page 56, lines 13 and 14, after the words "divisions and", strike out "595 inspectors, $2,271,500" and insert in lieu thereof the following: "605 inspectors, $2,297,500."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 36, noes 116.

So the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 58, line 18, after the word "substitutes", strike out "$198,000,000" and insert in lieu thereof "$199,000,000."

The SPEAKER. The question is on the amendment.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 99, noes 73.

Mr. LUDLOW. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-one Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 266, nays 97, not voting 67, as follows:

[Roll No. 8]

YEAS—266

Aleshire	Dingell	Honeyman	Maverick
Allen, Del.	Dixon	Hook	Mead
Allen, Ill.	Dondero	Houston	Meeks
Allen, La.	Dorsey	Hull	Merritt
Amlie	Douglas	Hunter	Mills
Anderson, Mo.	Dowell	Imhoff	Mitchell, Ill.
Andresen, Minn.	Drew, Pa.	Izac	Moser, Pa.
Arends	Duncan	Jacobsen	Mosier, Ohio
Ashbrook	Dunn	Jarman	Mott
Barry	Eckert	Jenckes, Ind.	Mouton
Beam	Eicher	Jenkins, Ohio	Murdock, Utah
Beiter	Englebright	Jenks, N. H.	Nelson
Bernard	Evans	Johnson, Minn.	Nichols
Bigelow	Farley	Johnson, Okla.	O'Brien, Ill.
Binderup	Ferguson	Jones	O'Brien, Mich.
Bland	Fernandes	Kee	O'Connell, R. I.
Boileau	Fish	Kelly, Ill.	O'Day
Boren	Fitzgerald	Kelly, N. Y.	O'Leary
Boyer	Fitzpatrick	Kennedy, Md.	O'Malley
Boykin	Flaherty	Kennedy, N. Y.	O'Toole
Bradley	Flannery	Keogh	Oliver
Brewster	Fleger	Kirwan	Pace
Brooks	Forand	Kitchens	Palmisano
Brown	Ford, Calif.	Kniffin	Parsons
Buck	Frey, Pa.	Kocialkowski	Patrick
Buckler, Minn.	Fries, Ill.	Kopplemann	Patterson
Bulwinkle	Gambrill, Md.	Kramer	Patton
Burch	Garrett	Lamneck	Peterson, Fla.
Burdick	Gasque	Lanham	Pfeifer
Carlson	Gearhart	Larrabee	Phillips
Case, S. Dak.	Gehrmann	Lea	Quinn
Casey, Mass.	Gilchrist	Leavy	Rabaut
Celler	Gildea	Lemke	Ramsay
Champion	Gingery	Lesinski	Ramspeck
Chandler	Goldsborough	Long	Rankin
Church	Gray, Ind.	Lucas	Reece, Tenn.
Citron	Gray, Pa.	Luckey, Nebr.	Reed, Ill.
Clark, Idaho	Green	Luecke, Mich.	Reilly
Clason	Greenwood	McAndrews	Richards
Claypool	Griffith	McClellan	Rigney
Coffee, Wash.	Griswold	McCormack	Robinson, Utah
Colden	Gwynne	McGehee	Robsion, Ky.
Collins	Haines	McGranery	Rogers, Mass.
Connery	Halleck	McGrath	Rogers, Okla.
Cox	Hamilton	McKeough	Romjue
Cravens	Hancock, N. C.	McLaughlin	Ryan
Crawford	Harlan	McSweeney	Sacks
Crosby	Harrington	Maas	Sadowski
Crosser	Harter	Magnuson	Sanders
Culkin	Havenner	Mahon, S. C.	Satterfield
Cullen	Healey	Maloney	Sauthoff
Curley	Hendricks	Mapes	Schaefer, Ill.
Delaney	Hennings	Martin, Colo.	Schneider, Wis.
DeMuth	Hildebrandt	Martin, Mass.	Schuetz
DeRouen	Hill	Mason	Schulte
Dickstein	Hobbs	Massingale	Scott
Scrugham	Smith, W. Va.	Teigan	Wearin
Secrest	Snyder, Pa.	Thomas, Tex.	Weaver
Seger	Sparkman	Thompson, Ill.	Welch
Shafer, Mich.	Spence	Thurston	West
Shanley	Stack	Tobey	White, Ohio
Shannon	Steagall	Tolan	Wilcox
Short	Stefan	Transue	Withrow
Sirovich	Sullivan	Treadway	Wolcott
Smith, Conn.	Sweeney	Voorhis	Wood
Smith, Maine	Swope	Wadsworth	
Smith, Wash.	Taylor, Tenn.	Wallgren	

NAYS—97

Allen, Pa.	Doughton	Luce	Simpson
Andrews	Eberharter	Ludlow	Smith, Va.
Bacon	Edmiston	McFarlane	South
Barton	Elliott	McMillan	Starnes
Bates	Engel	McReynolds	Sumners, Tex.
Bell	Faddis	Mahon, Tex.	Taber
Boehne	Fletcher	Mansfield	Tarver
Boland, Pa.	Ford, Miss.	May	Taylor, S. C.
Caldwell	Fuller	Michener	Terry
Cannon, Mo.	Gamble, N. Y.	Mitchell, Tenn.	Thom
Carter	Gregory	Murdock, Ariz.	Thomason, Tex.
Chapman	Guyer	O'Connor, N. Y.	Turner
Cluett	Hancock, N. Y.	O'Neal, Ky.	Umstead
Cochran	Hoffman	Patman	Vincent, B. M.
Coffee, Nebr.	Holmes	Pearson	Vinson, Fred M.
Cole, N. Y.	Hope	Peterson, Ga.	Vinson, Ga.
Colmer	Johnson, Luther A.	Pierce	Warren
Cooley	Johnson, Lyndon	Poage	Wigglesworth
Cooper	Johnson, W. Va.	Polk	Williams
Creal	Kleberg	Randolph	Woodruff
Crowe	Knutson	Rayburn	Woodrum
Crowther	Lambertson	Rees, Kans.	Zimmerman
Cummings	Lambeth	Rich	
Dirksen	Lewis, Colo.	Rockefeller	
Ditter	Lord	Rutherford	

NOT VOTING—67

Arnold	Disney	Kinzer	Sheppard
Atkinson	Dockweiler	Kvale	Smith, Okla.
Barden	Doxey	Lanzetta	Snell
Biermann	Drewry, Va.	Lewis, Md.	Somers, N. Y.
Bloom	Driver	McGroarty	Sutphin
Boylan, N. Y.	Eaton	McLean	Taylor, Colo.
Buckley, N. Y.	Flannagan	Norton	Thomas, N. J.
Byrne	Fulmer	O'Connell, Mont.	Tinkham
Cannon, Wis.	Gavagan	O'Connor, Mont.	Towey
Cartwright	Gifford	O'Neill, N. J.	Walter
Clark, N. C.	Greever	Owen	Wene
Cole, Md.	Hart	Pettengill	Whelchel
Costello	Hartley	Plumley	White, Idaho
Daly	Jarrett	Powers	Whittington
Deen	Keller	Reed, N. Y.	Wolfenden
Dempsey	Kenney	Robertson	Wolverton
Dies	Kerr	Sabath	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Wolverton (for) with Mr. Jarrett (against).
Mr. Powers (for) with Mr. Wolfenden (against).

General pairs:

Mr. Drewry of Virginia with Mr. Snell.
Mr. Taylor of Colorado with Mr. Kinzer.
Mr. Robertson with Mr. Eaton.
Mr. White of Ohio with Mr. Plumley.
Mr. Bloom with Mr. Gifford.
Mr. Daly with Mr. McLean.
Mr. Gavagan with Mr. Reed of New York.
Mr. Dempsey with Mr. Thomas of New Jersey.
Mr. Kerr with Mr. Tinkham.
Mr. Flannagan with Mr. Hartley.
Mr. Dies with Mr. Kvale.
Mrs. Norton with Mr. Owen.
Mr. Towey with Mr. Byrne.
Mr. Clark of North Carolina with Mr. Biermann.
Mr. Disney with Mr. Buckley of New York.
Mr. Sabath with Mr. Hart.
Mr. Kenny with Mr. Doxey.
Mr. O'Connell of Montana with Mr. Walter.
Mr. Whittington with Mr. Greever.
Mr. Pettengill with Mr. Arnold.
Mr. Somers of New York with Mr. O'Connor of Montana.
Mr. Sutphin with Mr. Cole of Maryland.
Mr. Keller with Mr. Lanzetta.
Mr. O'Neill of New Jersey with Mr. Whelchel.
Mr. Atkinson with Mr. Sheppard.
Mr. Driver with Mr. Smith of Oklahoma.
Mr. Fulmer with Mr. Wene.
Mr. Lewis of Maryland with Mr. Dockweiler.
Mr. Deen with Mr. Boylan of New York.
Mr. Cartwright with Mr. Barden.

Mr. ALESHIRE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. HAINES: On page 59, line 3, strike out "$7,250,000" and insert in lieu thereof "$7,450,000."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HAINES and Mr. MEAD) there were—ayes 119, noes 66.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 59, line 18, after the word "Service", strike out "$138,000,000" and insert "$139,000,000."

Mr. MEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEAD. Would it be in order to explain that this is the carrier amendment, which is a companion amendment to the clerical amendment?

The SPEAKER. The Chair may state in reply to the gentleman's inquiry it would not be in order.

The question is on the amendment.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 151, noes 53.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 61, line 5, after the words "postal clerks", strike out "$3,100,000" and insert in lieu thereof "$3,200,000."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. BUCH: Page 66, line 12, after the word "added", insert a period and strike out the remainder down to and including line 16.

Mr. LUDLOW. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUDLOW. My inquiry, Mr. Speaker, is whether this is the amendment that puts the Government in business?

Mr. MEAD. No; this is not, Mr. Speaker. This takes a racketeering outfit out of business.

The SPEAKER. The Chair will state that is not a parliamentary inquiry.

The question is on the amendment.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 149, noes 60.

Mr. LUDLOW. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. TABER. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith, with the following amendment: On page 52, after line 12, insert a new paragraph, as follows:

"No part of the funds appropriated in this act shall be used for the purposes of paying any employee engaged in carrying out any of the provisions of the Silver Purchase Act of 1934, Public, No. 438, Seventy-third Congress, approved June 19, 1934, and none of the funds appropriated in this act shall be used for the paying of any other expenses incidental to carrying out the provisions of said act."

Mr. LUDLOW. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 31, noes 187.

Mr. TABER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 281, noes 4.

So the bill was passed.

On motion of Mr. LUDLOW, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to insert in the CONGRESSIONAL RECORD an editorial appearing in the Houston Chronicle, of Houston, Tex., commending the services of my colleague the Honorable MORGAN SANDERS, of Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURDICK and Mr. MICHENER asked and were given permission to extend their remarks in the RECORD.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address delivered by me.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OF THE CONSTITUTION

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to be allowed to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WADSWORTH. Mr. Speaker, it may be recalled by some of the Members that upon two occasions in the past I have addressed the House on the method or the machinery for ratifying amendments to the Federal Constitution. Also, I have had the privilege of appearing before the subcommittee of the Committee on the Judiciary, headed by the gentleman from New York [Mr. CELLER], to discuss this question.

I ask unanimous consent, Mr. Speaker, to extend my remarks and to include therein an exceedingly interesting opinion delivered by the Court of Appeals of the State of Kentucky on the validity of the ratification of a certain amendment of the Constitution by the legislature of that State after previous legislatures had rejected it.

Mr. MAVERICK. Mr. Speaker, reserving the right to object, and I will not object, the gentleman objected to a speech by Mr. Ickes that I wanted to put in the RECORD. I am very glad for the gentleman to put this in the RECORD, but I hope the gentleman will be as easy on others as we are on him.

Mr. WADSWORTH. Mr. Speaker, I cannot reserve the right to object myself, or I would say something.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

Court of Appeals of Kentucky, October 1, 1937. *James E. Wise and Ray B. Moss, appellants,* v. *Albert Benjamin Chandler, etc., et al., appellees.* Appeal from the Franklin Circuit Court

Opinion of the court by Judge Stites—reversing.

This is an appeal from a judgment of the Franklin Circuit Court dismissing appellants' petition as amended on the ground of its alleged failure to state facts sufficient to constitute a cause of action. The suit was filed for the purpose of enjoining the Governor and other defendants from certifying to the Secretary of State of the United States, the Presiding Officer of the United States Senate, and the Speaker of the House of Representatives copies of a resolution adopted at the special session of the general assembly on January 13, 1937 (Acts, Fourth Special Session 1937, ch. 30) purporting to ratify the so-called child-labor amendment to the Constitution of the United States on behalf of the

State of Kentucky. In addition to the injunctive and general relief prayed, appellants asked for a declaration of rights concerning the validity of the resolution of the general assembly and of the status of the amendment.

The petition was filed in the Franklin Circuit Court about 8 o'clock a. m. on January 15, 1937; bond was executed, and a restraining order was issued immediately against the defendants enjoining each of them from sending copies of the resolution to the Secretary of State, Presiding Officer of the Senate, or Speaker of the House. On the same day, but before he was actually served with a copy of the restraining order or summons in the suit, the Governor forwarded a certified copy of the resolution to the Secretary of State. It is not claimed that he knew of the pendency of this proceeding at the time of such action.

On the following day (January 16, 1937) appellants filed an amended petition in which they set out the action taken by the Governor since the filing of the suit, and they asked for a mandatory injunction to require him to notify the Secretary of State of the pendency of this proceeding and that the notification then in the hands of the post office for delivery to the Secretary of State was void and should be disregarded. No action was taken on this amended petition. Appellees, without questioning the right or capacity of appellants to bring the suit, filed a general demurrer to the petition as amended. The demurrer was sustained, and appellants declined to plead further. Their petition was dismissed, and this appeal followed.

On July 2, 1924, the Sixty-eighth Congress of the United States proposed the so-called child-labor amendment to the several States. We are not here concerned with the merits or demerits of the amendment, but simply with the mechanical process of amending the Federal Constitution under article V of that instrument providing, so far as pertinent to this case:

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, * * * which * * * shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." * * *

During the year following the submission of the amendment, in 1924, it was ratified by one State and rejected by three. In 1925 it was ratified by three additional States and rejected by an additional 32. In 1926 the General Assembly of Kentucky adopted a resolution rejecting the amendment, and its action was certified to the Secretary of State of the United States some 6 or 7 months thereafter. One other State likewise rejected the amendment that year. In 1927 Montana ratified the amendment, although it had previously, in 1925, rejected it, and Maryland had rejected it for the first time. No action at all was taken by any State, either one way or the other, during 1928, 1929, and 1930. In 1931 Colorado, after a previous rejection, ratified it. Again no action was taken in 1932, but in 1933 there was a general revival of interest in the question, and action either ratifying or rejecting it was taken in 23 States. Action was likewise taken in various States in each succeeding year thereafter. If a State which has once acted on an amendment to the Federal Constitution may act again and change its position thereon, then there were 28 ratifications and 20 rejections standing at the date of the commencement of this action.

On December 23, 1936, the Governor of Kentucky issued a proclamation convening the general assembly in extraordinary session for the purpose of considering certain enumerated subjects (Constitution of Kentucky, sec. 80) not including the proposed amendment. On January 8, 1937, the Governor amended his call to include consideration of the amendment, and the general assembly thereupon adopted the resolution purporting to ratify the amendment on behalf of the Commonwealth of Kentucky.

It is urged by appellants:

First. That the power reserved to the States by article V of the Federal Constitution, to pass upon a proposal by Congress for an amendment of that instrument, when once affirmatively exercised, is exhausted and that the Kentucky Legislature, having exhausted that power on March 24, 1926, by the adoption of a concurrent resolution of both houses, affirmatively rejecting the amendment in question, and having caused its action to be certified by the Governor of Kentucky to the Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States, had exhausted the power invoked by the congressional proposal.

Second. That, including the rejection of the Kentucky Legislature on March 24, 1926, the amendment had then been affirmatively rejected by 26 States, in each instance by resolution of both houses of the legislature, that in 21 of those States the resolution has been duly certified to the Secretary of State of the United States and that the affirmative rejection of the amendment by more than one-fourth of the States of the Union constituted a final and irrevocable decision of the referendum to the State legislatures of the congressional proposal.

Third. That, in order to validate a proposed amendment as part of the Federal Constitution, ratification by three-fourths of the States must take place within such a reasonable time after its proposal as would make their action an expression of the approval of the people, sufficiently contemporaneous in that number of States to reflect the popular will in all sections of the country at relatively the same period (*Dillon* v. *Gloss*, 256 U. S. 368, 65 L. Ed. 994); that 12 years and 7 months, which was the time that elapsed between the proposal of the amendment by Congress on June 2, 1924, and the attempted ratification thereof by the Kentucky Legislature on January 13, 1937, was not such a reasonable time; that at that time the congressional proposal, if not conclusively defeated by the adverse action theretofore taken by the States, must, at least, be regarded as abandoned and that consequently said attempted ratification was of no effect.

Fourth. That the session of the Kentucky Legislature at which the resolution of purported ratification was adopted was a special session and action upon the proposed amendment was not one of the subjects mentioned in the Governor's proclamation convening that session.

It seems logically to follow from the provision in article V of the Federal Constitution that the framers of that instrument contemplated that the effect of ratification or rejection by the States would be the same whether taken by the legislatures of the several States or by conventions held therein. "If an amendment to the Federal Constitution should be proposed by Congress, and submitted to State conventions instead of the legislatures, the powers and disabilities of the two classes of bodies in respect to the amendment would, it is conceived, be precisely the same." (Jameson, A Treatise on Constitutional Conventions, 4th ed., sec. 586). In *Hawke* v. *Smith* (253 U. S. 221, 40 S. Ct. 495, 64 L. Ed. 871), a case involving the adoption of the eighteenth amendment, the Court said:

"The proposed change can only become effective by the ratification of the legislatures of three-fourths of the States, or by conventions in a like number of States. The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people."

It was conceded in argument of this case at the bar that the proposal by Congress of an amendment to the Federal Constitution was analogous to the making of an offer for acceptance or rejection under the law of contracts. It is unnecessary to speculate, with Webster, Clay, or Calhoun, as to whether or not the Constitution is itself a fundamental charter of government or a compact between sovereign States. It is sufficient for our purposes to concede that there is an analogy to the principles of contract law in the processes of amending the Federal Constitution.

So far as we have been able to discover, no writer on the subject has undertaken to defend the position that the delegates to a State convention, elected and assembled for the single purpose of acting upon a proposed amendment to the Federal Constitution, could reject the proposed amendment and thereafter, having adjourned sine die, reassemble and adopt a resolution of ratification. Even if it be conceded that a State might reject an amendment and later, while the amendment is still before the people, change its position thereon, certainly this power could not logically be said to exist after an amendment has been rejected by more than one-fourth of the States and these rejections duly certified to the Secretary of State of the United States.

In *Dillon* v. *Gloss* (256 U. S. 368) the Court, in speaking of article V, said:

"We do not find anything in the article which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the States may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefor that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is to be effective when had in three-fourths of the States, there is a fair implication that it must be sufficiently contemporaneous in that number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do. These considerations and the general purpose and spirit of the article lead to the conclusion expressed by Judge Jameson 'that an alteration of the Constitution proposed today has relation to the sentiment and the felt needs of today, and that, if not ratified early while that sentiment may fairly be supposed to exist, it ought to be regarded as waived, and not again to be voted upon, unless a second time proposed by Congress.' That this is the better conclusion becomes even more manifest when that is comprehended in the other view is considered; for, according to it, four amendments proposed long ago—two in 1789, one in 1810, and one in 1861—are still pending and in a situation where their ratification in some of the States many years since by representatives of generations now largely forgotten may be effectively supplemented in enough more States to make three-fourths by representatives of the present or some future generation. To that view few would be able to subscribe, and in our opinion it is quite untenable. We conclude that the fair inference or implication from article V is that the ratification must be within some reasonable time after the proposal."

The functional identity of State legislatures and State conventions is further indicated in the opinion in *Hawke* v. *Smith*, *supra*, where Mr. Justice Day, speaking for the Court, said:

"Ratification by a State of a constitutional amendment is not an act of legislation within the proper sense of the word. It is but the expression of the assent of the State to a proposed amendment."

We can find no logical point of difference in the ultimate result whether Congress chooses the one or the other mode of sounding the sentiment of the people in regard to a proposed amendment.

It is the prevailing, though not unanimous, view of writers on the question that a resolution of ratification of an amendment to the Federal Constitution, whether adopted by the legislature or a convention, is irrevocable. This conclusion seems inescapable as to the action of a convention called for the purpose of acting upon an amendment. When it has acted and adjourned, its power is exhausted. Since the "powers and disabilities" of the two classes of representative assemblies mentioned in article 5 are "precisely the same," when a legislature, sitting not as a lawmaking body, but as such an assembly, has acted upon a proposal for an amendment, it likewise has exhausted its power in this connection.

Logically this view would accord finality to whatever action was taken, whether by convention or through the legislature. A contrary doctrine, however, to the effect that, while an act of ratification is final and irrevocable, an act of rejection is no obstacle to a subsequent ratification, has made its appearance in academic discussions of the subject. The theory was first advanced during the controversy which attended the adoption of the Civil War amendments. Those amendments were proposed during the period of reconstruction, and the question of the standing of the seceded States came under consideration. As early as July 1861 the Congress had formally declared that, upon the part of the Government, the war was being waged "to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired." But when that purpose seemed to have been accomplished through victorious armies, men in positions of power and influence took the singular position that the result of the war for the preservation of the Union was the destruction of the Union, and that consequently the seceding States were to be treated as conquered provinces. The governments which had been set up in the Southern States following the amnesty proclamation by President Lincoln were declared illegal, and the territory was divided into "military districts," each of which was put under the superintendence and control of a major general.

The First and Second Reconstruction Acts were passed in March 1867 over the vetoes of President Johnson. The first of these acts recited that "no legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas," thus setting aside the governments which had been organized under Lincoln's amnesty proclamation. The thirteenth amendment, which was proposed February 1, 1865, had been ratified by many of those governments, to wit: Virginia, Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, and Georgia. The fourteenth amendment, proposed December 4, 1865, was rejected by four of the Southern States in 1866 and by Virginia in 1867, all acting through legislatures which were parts of the governments set up under the amnesty proclamation. Thereafter these governments were declared by Congress to have been illegal, and the adoption of the fourteenth amendment was accomplished by ratification by the "carpetbag" governments of Georgia, North Carolina, and South Carolina in July 1868.

The adoption of the thirteenth amendment was almost a matter of course following the victory of the Union armies. New Jersey at first rejected this amendment, but subsequently ratified it. However, its attempt at ratification occurred subsequent to the time when the amendment had been adopted by three-fourths of the States, and it was not mentioned as one of the ratifying States in the proclamation.

As to the fourteenth amendment, at the time of Mr. Seward's first proclamation of its adoption, dated July 20, 1868, there were 37 States in the Union, and the assent of 28 States was required to make the amendment a part of the Constitution. Twenty-five States ratified and made no attempt to reverse their position. Two States—Ohio and New Jersey—ratified and subsequently undertook to reject the amendment. North Carolina and South Carolina ratified through their military governments after having rejected the amendment through their "amnesty proclamation" governments. There were, therefore, 29 ratifications, or one more than the number required for adoption of the amendment. Secretary Seward, however, in his first proclamation, pointed out not only that New Jersey and Ohio had attempted to withdraw their ratifications but also that in six Southern States (Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama) the resolution of ratification had been adopted "by newly constituted and newly established bodies avowing themselves to be, and acting as the legislatures respectively of" those States. He said that it was "deemed a matter of doubt and uncertainty" whether the later resolutions of Ohio and New Jersey were "not irregular, invalid, and, therefore, ineffectual for withdrawing the consent of the said two States." His proclamation then continued thus:

"And whereas the 23 States first hereinbefore named, whose legislatures have ratified the said proposed amendment, and the 6 States next thereafter, named, as having ratified the said proposed amendment by newly constituted and established legislative bodies, together constitute three-fourths of the whole number of States in the United States;

"Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of Congress approved the 20th of April 1818, hereinbefore cited, do hereby certify that, if the resolutions of the Legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislature of those States which purport to withdraw the consent of said States from such ratification, then the aforesaid amendment has been ratified in the manner hereinbefore mentioned and so has become valid to all intents and purposes as a part of the Constitution of the United States."

This proclamation was made on July 20, 1868. Upon its being submitted to the Congress, that body, on the following day, July 21, 1868, adopted a resolution which, after reciting that the 29 States mentioned above had ratified the amendment, affirmed "that said fourteenth article is hereby declared to be a part of the Constitution of the United States and it shall be duly promulgated as such by the Secretary of State." It happened that on that very day Georgia had withdrawn her former rejection of the amendment and had ratified it and, although this State was not mentioned in the congressional resolution, it was included in Secretary Seward's second proclamation of July 28, 1868. Thus, at the time of the second proclamation, there were ratifications by 30 States, if the congressional method of counting the vote was correct. That method was to resolve all doubts in favor of ratification. States that had ratified and then rejected and States that had rejected and then ratified were all counted as ratifying.

The ratifications of New Jersey and Ohio were not essential to the adoption of the amendment, provided the votes of the two Carolinas and of Georgia could be counted on that side. But even with Georgia in the fold, it was still necessary to have either New Jersey or Ohio or one of the Carolinas. Congress, and Secretary Seward under its instructions, took them all and thus had two more than the required three-fourths.

It was in this tense atmosphere of reconstruction that Judge Jameson wrote his book, and it was from this nonjudicial precedent that he drew the surprising conclusion that consent to an amendment once given, no matter how hastily and inconsiderately, is irrevocable, but that its affirmative rejection, no matter how deliberate or how often repeated, may at any time be overridden. Upon this theory, a proposal for amending the Federal Constitution can never be defeated, since votes of rejection, though affirmative in form and buttressed with statements of the reasons for rejection, are treated as no votes at all, having no more effect than complete inaction on the part of the rejecting State.

The first person to suggest this doctrine was Governor Bramlette, of Kentucky, in his message to the general assembly of March 1, 1865. The assembly had rejected the thirteenth amendment to the Federal Constitution and sent it to the Governor for his approval or disapproval, conceiving that this was necessary, as in the case of legislation. The Governor, although favoring the amendment, declined to return the resolution of rejection with his dissent, on the ground that the action of the legislature was complete without his approval. In his message to that effect he took occasion to express his dissatisfaction with the action taken by the legislature and his opinion that its rejection did not preclude future ratification, saying: "Nothing but ratification forecloses the right of action. When ratified all power is expended. Until ratified the right to ratify remains."

But it was Judge Jameson who gave wide currency to this view in his work on The Constitutional Convention. In the first edition of his book he said that "although the subject (was) not free from difficulties," it was "probable" that Governor Bramlette's view would be accepted as the true construction of article V, adding (sec. 563) that—

"It could hardly have been unintentional that the contingency of rejection of the proposed amendment by one or more States was left unprovided for and it would seem a stretch of power to interpolate into that article a provision that, if rejected by one legislature or by three-fourths or even all State legislatures, such action should be taken to be definitive."

At the time of the publication of the first edition of Judge Jameson's book, the fourteenth amendment had not been proposed by Congress, but, in subsequent editions of his book, he leans heavily upon the action of Congress in accepting the votes of Ohio and New Jersey upon that amendment as described above.

So far as concerns the precedent set by Congress in connection with the adoption of the fourteenth amendment, its view is authority for the proposition that a State which has once ratified an amendment has exhausted its power and cannot thereafter reverse its stand. On the other hand, when it comes to the counting of the votes of Georgia and the two Carolinas, the avowed justification of this was not that those States could ratify despite their previous rejections, but that their previous rejections were void because the then governments of those States were illegal and their legislatures were without authority to act at all.

The only ground put forward by Judge Jameson in the first edition of his book for the theory that a vote of rejection may be disregarded at any time is that, since article V does not mention the rejection of a proposal for amendment, but mentions only ratification, it must be concluded that rejections were not in contemplation and consequently were not authorized. The language of article V is that a proposed amendment shall become part of the Constitution "when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof." Judge Jameson says that it would be "a stretch of power to interpolate into that article a provision that, if rejected by one legislature or by three-fourths or even all State legislatures, such action should be taken to be definitive." Certainly, had the framers of the Constitution entertained so unique a theory they would have adopted language more clearly expressing their intention. It is hardly consonant with common sense to say that an amendment,

once proposed for ratification, could never be rejected. The very purpose of proposing an amendment must be to poll the sentiment of the various States on the question. It would be an anomaly if that sentiment could be expressed effectively in only one way. We can see no reason for attaching less dignity to the expression of the sovereign will of the State in rejecting an amendment than is attached to its action in ratifying such an amendment. It would be a singular thing to say that rejections are allowed, but when they occur they are to be treated as nonexistent. Evidently the Supreme Court of the United States did not accord with this view when it said, in the *National Prohibition cases* (253 U. S. 350, 386):

"The referendum provisions of State constitutions and statutes cannot be applied, consistently with the Constitution of the United States, in the ratification or rejection of amendments to it."

In a speech delivered in the United States Senate on February 22, 1870, regarding the adoption of the fifteenth amendment, Senator Garrett Davis, of Kentucky, in replying to an argument advanced by the Senator from New York, said (CONGRESSIONAL RECORD, 41st Cong., 2d sess., p. 1480):

"The honorable Senator's argument upon the first branch of his proposition I thought powerful and conclusive; but when he contended that this power of a State to act upon a proposed amendment to the Federal Constitution was a power to ratify, and imported no power to reject, I think he was widely from the true principle and widely from logic. How long shall it be before a legislature that has rejected it? How long shall it be an open question? Twenty years? Fifty years? How long? Where is there any principle or provision of the Constitution that would so protract the question before a State convention or State legislature acting upon the subject of a proposed amendment? There is none. There is not a syllable of language from which such a power can be inferred. It does not exist. When the subject is submitted to a State for its action, whether it be by its legislature or its convention, it is for a single action; it is but for one action. The action of acceptance is no more extensive than the action of rejection; it has no more validity or effect. The effect of either mode of action is to exhaust the power of the State over that proposed amendment, and it can never come before that State again in any form whatever unless it comes before it in the form of a new proposition to amend the Constitution."

It is true that Mr. David K. Watson, in his work on the Constitution, volume II, page 1318, argues in support of the position that a rejection of an amendment by a State is not final, but may be followed by ratification. He suggests that there is an analogy between the processes of amending the Constitution and that of making laws, and would apply to the former the familiar rule that one legislature may repeal any act of a former legislature. It seems obvious that such an analogy will not hold. Logically, this view would require that no more finality be accorded a ratification than a rejection. As pointed out by Mr. Justice Day in *Hawke* v. *Smith*, *supra*, action taken by a State legislature under the Federal Constitution is not legislation within the proper sense of that word. This is made very clear in an analogous situation presented to the United States Senate concerning the contest over the election of Senator Faulkner, of West Virginia, in 1887. It may be said in passing that the opinion of the Senate committee in this matter is likewise a complete answer to appellants' fourth contention set out above.

Mr. Daniel B. Lucas was appointed on March 5, 1887, by the Governor of West Virginia to the seat in the Senate left vacant by the expiration of the term of Senator Johnson N. Camden on March 3, 1887. On December 5, 1887, the President pro tempore of the Senate presented the certificate of the appointment to hold the office "until the next meeting of the legislature of said State having authority to fill" the vacancy occasioned by the expiration of Senator Camden's term. On the same day the President pro tempore also laid before the Senate the credentials of Charles A. Faulkner, chosen by the Legislature of West Virginia a Senator for the term beginning March 4, 1887. Mr. Lucas protested against these latter credentials, and Senator Hoar moved that Mr. Faulkner's case be sent to a committee for investigation, and it was so ordered. The report of this committee may be found in Hinds' Precedents of the House of Representatives, volume I, section 632. The report sets out the provision in the Constitution (art. I, secs. 3 and 4) for electing Senators. Section 3 of article I provides that if vacancies occur while the State legislature is not in session, the executive may make temporary appointments until the next meeting of the legislature. The report stresses the point that each House shall be the judge as to whether one has the proper credentials to hold his seat. Congress is given the power by the Constitution to prescribe the time and manner of electing Senators, citing the case of *Ex parte Siebold* (100 U. S. 371).

The Constitution of West Virginia provided that, "The legislature shall assemble at the seat of government biennially, and not oftener, unless convened by the Governor. The first session of the legislature after the adoption of this constitution shall commence on the third Tuesday of November 1872; and the regular biennial session of the legislature shall commence on the second Wednesday of January 1875, and every 2 years thereafter on the same day (art. VI, sec. 7)." Article VII, section 7, is the section that is similar to section 80 of the present Kentucky Constitution. It reads, "The Governor may, on extraordinary occasions, convene, at his own instance, the legislature; but, when so convened, it shall enter upon no business except that stated in the proclamation by which it was called together."

Mr. Faulkner was not elected to the Senate until a special session of the legislature was called by the Governor, soon after the 5th of March 1887. This session was called to consider eight specified objects, none of which was the election of a senator. Having set forth the facts, the report then discusses two questions arising in the case.

First, as to the action of the legislature. Was the body which sat in pursuance of the Governor's call a legislature in the constitutional sense? Mr. Lucas claimed that since it was not called to elect a Senator, if it did elect a Senator then it was not a legislature, for it was violating the constitution of the State. However, the Senate committee did not agree with this argument, for, it pointed out, the body passed upon legislation concerning the eight specified objects, as a legislature, and it could surely pass upon a matter or duty imposed upon it by the Constitution of the United States, which is the supreme authority of the land. It points out that where the State constitution conflicts with the Federal Constitution, the latter must prevail. To the first question, the committee held that the special session of the legislature could elect Mr. Faulkner even though such an election was not one of the purposes for calling same.

The second question was as to the qualifications of Mr. Faulkner. The issue on this point is not pertinent here.

The report, which was evidently written by Senator Hoar, an able constitutional lawyer, says:

"It is claimed by Mr. Lucas that, as this body was not permitted to enter upon any legislative business except such as related to the eight matters set forth in the call, it was not a legislature, but was a body deriving its power from the will of the executive, and so was exerting a certain executive or quasi-executive functions something like that which is exercised by the Senate in giving its assent to the nomination of public officers.

"But it seems to us that this view cannot be supported. In the first place, the body is expressly declared by the constitution of West Virginia itself to be a legislature. In the next place, the function which it exercised in making enactments upon the eight great subjects mentioned in the call of the Governor is clearly a legislative function. * * *

"It is difficult to conceive of any definition of the word 'legislature' which would not include a body capable of passing and actually passing such enactments as these (subjects in call). They can be binding on the people of the Commonwealth only as legislation. They would be subject to be construed and enforced by the courts of that State only in their character as laws.

"But it seems to the committee that the construction of the State constitution upon which the above argument is based is one which will not bear examination. When that constitution provided that the legislature so convened in extraordinary occasions 'should enter upon no business except that stated in the proclamation by which it was called together,' the people must be presumed to have had in mind business to be transacted under authority of the State constitution, and not to have intended to prohibit the performance of duties imposed upon it by the supreme authority of the Constitution of the United States.

"If the argument be sound that a legislative body which is prohibited from entering upon certain classes of business, or which is confined to certain classes of business clearly legislative in their character, is no legislature in the constitutional sense, its logic would require us to declare that the legislature of every State whose bill of rights excludes it from large domains of legislation is no legislative body. If under the same provision of the Constitution of the United States the act of Congress had fixed a day for holding elections for Representatives to Congress and the State constitution or laws should prohibit the assembling of the people for such elections on the day so fixed, it would, we suppose, be held clear that the act of the State would be void and the authority of the act of Congress would prevail.

"We cannot see any difference between such prohibition of a State constitution applicable to the constitutional electors of senators, who are members of the State legislature, and the constitutional electors of representatives, who are a body of electors authorized to vote for members of the most numerous branch of the State legislature.

"We are therefore clearly of the opinion that the election of Mr. Faulkner at the special session of the Legislature of West Virginia was valid."

If further authority is necessary to rebut the theory of Mr. Watson that there is an analogy between the action of the State legislature in performing its functions under the Federal Constitution and ordinary legislation, we find it in the cases cited by appellees for the following proposition quoted from their brief:

"The ratification of a proposed amendment to the Federal Constitution by the State legislature is not legislation and does not require any previous proclamation for consideration and action, if the legislature is in fact in session, whether general or special."

Appellees refer to the following cases supporting this proposition:

Leser v. *Garnett* (1922) (258 U. S. 130, 42 S. Ct. 217).
National Prohibition cases (253 U. S. 350, 386, 40 S. Ct. 486).
State v. *Sevier* (1933) (333 Mo. 662, 66 S. W. (2d) 895).
State v. *Sevier* (certiorari denied) (54 S. Ct. 132).
Pryor v. *Nolan* (68 Colo. 286, 188 P. 729, 731).
Opinions of Justices (118 Me. 544, 107 Atl. 673).

We think the conclusion is inescapable that a State can act but once, either by convention or through its legislature, upon a proposed amendment; and, whether its vote be in the affirmative

or be negative, having acted, it has exhausted its power further to consider the question without a resubmission by Congress. If we should be in error in this conclusion—and, of course, our position on this question must bow to the views of the Supreme Court of the United States when they are expressed thereon—there are nevertheless the additional questions as to whether or not rejection by more than one-fourth of the States at one time did not terminate the "offer" of the amendment by Congress, and whether or not, under the decision of the Supreme Court in *Dillon* v. *Gloss*, *supra*, more than a reasonable time had elapsed between the submission of the amendment and the alleged ratification by Kentucky. Accepting the analogy between the submission of an amendment by Congress and the making of an offer, under the principles of the law of contracts, the conclusion that the amendment was no longer before the States at the time of the purported ratification by Kentucky in 1937 seems inevitable. The proposition is succinctly stated in a letter published in the July 1934 number of the American Bar Association Journal, written by Mr. Frank W. Grinnell, of the Boston bar. He says:

"Since the Constitution requires a vote of three-fourths of the several States to ratify an amendment, it requires only one State more than one-fourth to defeat ratification, and it seems to follow as a matter of common sense and orderly procedure from the decision just referred to (*Dillon* v. *Gloss*) that the rule must work both ways, and that when 13 States (one more than one-fourth of the 48 States) have voted not to ratify an amendment, it is no longer pending, but is defeated until Congress sees fit to resubmit it. Otherwise, a State could change its mind in one direction after a final vote of the necessary number of States, but not in the other direction.

"In the case of the child-control amendment, not only 13 but 26 States voted not to ratify. I submit that it was clearly defeated. If this is not so, States might be subjected to constant agitations over defeated amendments after the citizens considered them defeated and were off their guard.

"When an amendment is submitted by Congress, the process of ratification is really a debate among the several States. If it is true, as I believe it to be, that at this time the child-control amendment is no longer before the States, the action of those States which have attempted to ratify it during 1933 has no legal effect.

* * * * * * *

"If we are to have deliberative government in this country on such important matters as amendments to the Constitution of the United States, is it not essential that we should maintain the rules of orderly procedure similar to those in our legislatures under which after a matter has been definitely defeated by the requisite majority it cannot be considered again unless it is resubmitted in the usual way—in this case by Congress?"

In addition to the fact that the amendment before us was rejected by more than one-fourth of the States—indeed, it appears from the record that 21 of the States in 1926 had not only rejected the amendment but the resolutions thereon were duly certified to the Secretary of State of the United States, and 37 States in all had actually rejected—there is the question, noted in *Dillon* v. *Gloss*, *supra*, from which we have quoted above at length, of whether or not more than a reasonable time has elapsed since the original submission of the amendment. Assuming that the rejection of the amendment by more than one-fourth of the States did not ipso facto terminate the proposal and require a resubmission by Congress if further action was to be taken, it may at the very least be doubted if 12½ years is a reasonable time within which to act. Leaving out of consideration the first 10 amendments to the Constitution (the Bill of Rights), the time required for the adoption of the 11 succeeding amendments was respectively as follows:

Eleventh: 2 years 4 months.
Twelfth: 9 months.
Thirteenth: 10 months.
Fourteenth: 2 years 1 month.
Fifteenth: 1 year 1 month.
Sixteenth: 3 years 6 months.
Seventeenth: 1 year 2 weeks.
Eighteenth: 1 year 1 month.
Nineteenth: 1 year 2 months.
Twentieth: 11 months.
Twenty-first: 9 months 2 weeks.
Average time: 1 year 6 months.

Since the decision in *Dillon* v. *Gloss*, *supra*, two proposals for amending the Constitution (since adopted as the twentieth and twenty-first amendments) each contained a limitation of 7 years. The power of Congress thus to fix a reasonable limitation upon the time within which an amendment should remain before the States having been sustained in *Dillon* v. *Gloss*, and Congress having attached a limitation of 7 years to its submission of both the twentieth and twenty-first amendments, it does not seem improper to conclude that this is the period considered by that body to represent a reasonable time for the States to act. Certainly, 7 years is not too short a time, in view of the history of previous amendments as shown in the table above. Taking the instant amendment itself, action had been taken in forty-two of the forty-eight States by the close of 1927. The fact that but one State (Colorado in 1931) acted between 1927 and 1933 indicates very strongly that general sentiment considered the proposition to be no longer before the people. It seems clear that the "reasonable time" during which the "offer" remained open necessarily expired at some time during the period of apparent abandonment between the end of 1927 and the revival of interest in 1933. Certainly, by any yardstick, more than a reasonable time had elapsed by January 1937.

Concluding, as we must, that the petition in this case has stated a cause of action, we are nevertheless confronted with the proposition urged on behalf of appellees to the effect that, since the Governor's certification to the Secretary of State of the United States is fait accompli, the case is moot to the extent that the Court can grant no effective relief, even though it should proceed to make a declaration of rights under Civil Code, section 639a et seq. Appellants justify the procedure which they have adopted in presenting the question as to the validity of the amendment under the decision of the Supreme Court of the United States in *Leser* v. *Garnett* (258 U. S. 130, 42 S. Ct. 217, 66 L. Ed. 505), to the effect that an official notice to the Secretary of State, duly authenticated, that the legislature of a given State had adopted a resolution of ratification of a proposed amendment to the Federal Constitution, is "conclusive on him" and that his proclamation certifying that he had received such notices from three-fourths of the States and that the amendment in question had therefore become a part of the Federal Constitution is "conclusive upon the courts." Under this decision, the claimed ratification of an amendment cannot be challenged after the proclamation by the Secretary of State of the United States.

Obviously, therefore, if there is to be a judicial determination of the validity of the action taken by any State, it must occur during the interim following the action by such State and the date of proclamation by the Secretary. It is not questioned but that the Governor acted in a purely ministerial capacity in forwarding the certified copy of the resolution of the general assembly, and it has been held that the Secretary of State acts ministerially in proclaiming an amendment under section 205 of the Revised Statutes of the United States (U. S. C. A., title 5, sec. 160). *United States* v. *Colby* (265 Fed. 998, 49 App. D. C. 358) (writ of error dismissed, 257 U. S. 619). The amendment becomes effective upon its ratification by the thirty-sixth State and does not await a proclamation by the Secretary of State to give it vitality. *Dillon* v. *Gloss*, *supra*. It is apparent, therefore, that the action of the Governor in forwarding the resolution of the general assembly to the Secretary of State did not of itself add anything to the action of the general assembly other than to make a record which was prima facie evidence of the action taken by Kentucky. It would be surprising to learn that a Governor might irrevocably commit his State to the adoption or rejection of a constitutional amendment by a mere certification to the Secretary of State. We do no think that such a rule is to be implied from the decision in *Leser* v. *Garnett*, *supra*. Section 205 of the Revised Statutes of the United States (U. S. C. A., title 5, sec. 160) provides:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

Surely, the Secretary of State must determine whether or not the certification by the Governor is "according to the provisions of the Constitution." If, as we conceive, the amendment was no longer before the States at the time of the purported adoption by the General Assembly of Kentucky, then the certification by the Governor was a nullity and could and should be ignored by the Secretary of State.

If the certificate of the Governor showing the purported ratification by the State of Kentucky cannot be impeached, then, by the same token, the certificate of the Governor to the resolution of rejection, passed in 1926, and thereafter duly forwarded to the Secretary of State, is likewise not subject to question, and it would therefore be the duty of the Secretary of State to ignore the second certification. In both *Leser* v. *Garnett*, *supra*, and *United States* v. *Colby*, *supra*, the official notices in the Department of State were apparently regular in form and unchallenged at the time when the proclamation of the Secretary was made. It was held that those notices had created a presumption conclusive upon the Secretary of State that the legislatures of the States from which they came had duly adopted resolutions of ratification. Certainly this presumption would attach to the record of rejection no less than the subsequent record of purported ratification, and it seems clear that a decision by a court having jurisdiction of the question would be binding as to the validity or invalidity of the record concerning a particular State.

In *Müller* v. *Johnson* (92 Ky. 589, 18 S. W. 522), certain voters and taxpayers, suing on behalf of themselves and others similarly interested, brought an action against the public printer and the secretary of state to enjoin the former from printing the State constitution just promulgated by the constitutional convention of 1891 and the latter from "preserving it in the State archives as the constitution of the State, and also asked that it be adjudged not to be such but spurious and invalid." In determining that case the Court said:

"It is urged upon the part of the appellees that the appellants' suit is based upon a speculative idea of injury; and that no such special, particular, and substantial damage is impending to them as to authorize it. Also, that the action does not lie against the appellees because the printing or preservation of the instrument

will not add to or detract from its validity. We waive the consideration of these objections, because, even if entitled to it, the importance of this controversy to the State requires a decision upon the merits."

Appellees have waived any question as to the right of the appellants to maintain this suit (*Board of Park Commissioners* v. *Speed*, 215 Ky. 319, 285 S. W. 212), and, aside from this, "the importance of this controversy to the State requires a decision upon the merits." The fact that the Governor certified the resolution to the secretary of state after this suit was filed did not deprive the courts of the jurisdiction already attached to determine the controversy and to make a declaration of rights under Civil Code, section 639a et seq. (*McHugh* v. *Louisville Bridge Co.*, 23 Ky. Law Reporter, 1546, 65 S. W. 456; *St. L. & S. F. R. Co.* v. *Cross*, 171 Fed. 480, 32 C. J. 77).

In 32 C. J. 24 the text, supported by numerous authorities, says:

"Where defendant has fully completed the act sought to be restrained, after the filing of the bill but before the issuance of any order or decree, the court has power to compel by mandatory injunction the restoration of the former condition of things, and thereby prevent the gaining of an advantage by reason of the wrongful act, providing plaintiff has been guilty of no wrongful acquiescence or delay. Where defendant does an act which the bill seeks to enjoin, he acts at his peril and is subject to the power of the court to compel a restoration of the status, or to grant such other relief as may be proper under the particular circumstances of the case."

Under the circumstances here presented, a mandatory order directing the Governor to notify the secretary of state of the decision of this court would be entirely unnecessary. The court itself, with equal effect, may direct its clerk to certify a copy of its judgment concerning the status of the amendment without the necessity of directing action by a coordinate branch of the State government.

Since the question is before us on demurrer to the petition, and appellees may desire to assert some further defense, the case will have to be returned to the circuit court with directions to overrule the demurrer to the petition and for such further proceedings as are not inconsistent with the views herein expressed.

Judgment reversed.

Whole court sitting.

NAVY DEPARTMENT APPROPRIATION BILL, 1939

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes; and, pending that motion, I ask unanimous consent that general debate may continue for the remainder of the day, the time to be equally divided between myself and the gentleman from Pennsylvania [Mr. DITTER].

Mr. FISH. Mr. Speaker, I reserve the right to object for the purpose of asking a question of the gentleman from North Carolina.

Can the gentleman from North Carolina give assurance that the debate will go on further than today?

Mr. UMSTEAD. I can, and do.

Mr. FISH. Now, can the gentleman inform the House when the President will send in his message about a further increase in the Navy?

Mr. UMSTEAD. I regret I cannot.

Mr. FISH. Does the gentleman know whether that message is ready to be presented to the Congress?

Mr. UMSTEAD. I do not.

Mr. FISH. And the gentleman has no idea when it will be brought up?

Mr. UMSTEAD. I have not.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, the gentleman has given us assurance that debate will run along longer than this afternoon. Will the gentleman tell us what his present intentions are with respect to general debate?

Mr. UMSTEAD. I hope we may conclude general debate tomorrow.

Mr. BOILEAU. Is it the intention to continue on tomorrow with general debate on this bill, or are we going to take up Calendar Wednesday business?

Mr. UMSTEAD. I understand from the majority leader that there is one matter to be brought up tomorrow from the committee which will be called on Calendar Wednesday, which it is expected will take but a very short time.

Mr. BOILEAU. Mr. Speaker, I appreciate the fact that the majority leader undoubtedly has reason to believe the matter can be disposed of rapidly, but if it is a matter that has to be called up on Calendar Wednesday, it is possible that it may be such a matter as will require considerable time. I am hopeful that we can be assured of having at least 8 or 9 hours of general debate upon this bill. I do not desire to object to any request the gentleman from North Carolina has to make, provided we have an assurance that we will have 8 or 9 hours of general debate, and that is important from the standpoint of those of us who desire time. I appreciate the fact that the gentleman from Pennsylvania [Mr. DITTER] cannot promise time unless he knows how long it is to be extended, and he will necessarily be required to shorten the time allotted to Members unless he knows there is to be an extended debate.

Mr. UMSTEAD. Mr. Speaker, if the gentleman cannot get all of the time he wants from the gentleman from Pennsylvania, and if he will be so kind as to confer with me, I shall do all I can to get him whatever time he may need. For 2 years, to my knowledge, no man who has wished to speak on the naval appropriation bill has been refused, on this side of the House, an opportunity to do so.

Mr. BOILEAU. I appreciate that. I know the gentleman has been very fair in that respect, and the gentleman from Pennsylvania [Mr. DITTER] likewise has been fair. I know many Members want to speak on this bill. It is the most important of all of the appropriation bills, I think, in view of the administration's intent to increase the appropriations for war machinery, and with the gentleman's assurance that debate will not be cut off until Members have adequate opportunity to express themselves on this bill, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8993, the naval appropriation bill, with Mr. SMITH of Virginia temporarily in the chair.

The Clerk reported the title of the bill.

Mr. UMSTEAD. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. UMSTEAD. Mr. Chairman, I yield myself 45 minutes. As chairman of the subcommittee of the Committee on Appropriations for the Navy Department, I now submit for the consideration of the House the bill making appropriations for that Department for the fiscal year 1939, and I shall preface my remarks about this bill with substantially the same introductory statement I made on the floor last year in presenting the bill for the current fiscal year.

The Appropriations Committee does not determine the Government's naval policy. This policy is determined by Congress and the administration in power. When Congress has expressed its will through legislation, and when the Government's naval policy has been determined upon pursuant thereto by the administration then in power, it is the task of our committee, as I understand it, to determine when and in what amount sums shall be made available to effectuate that policy, consistent with good business judgment and ordinary common sense. I also consider it the duty of our committee to see to it that no greater sums are recommended than appear to be reasonably necessary under the facts and circumstances existing at the time of the consideration of the estimates effectually to carry out the will of Congress.

We of the committee believe that the amounts recommended in this bill will be sufficient to continue the building program, maintain the necessary personnel of officers and

enlisted men, adequately support the various shore stations and departments, proceed with replacements and expansion under the aviation program, and further, that by economical and proper use of the funds carried in this bill, the Navy will have sufficient money to carry on effectively and efficiently its entire establishment.

It manifestly would be impossible for me to take the time today to discuss with those of you who are interested all of the details incident to the appropriations carried in the bill. I shall, therefore, undertake to call your attention to a few of the most important items now before us for consideration.

The Naval Appropriation Act for 1938, the current fiscal year, carries the sum of $526,543,308. The naval appropriation bill for 1939, which we are now recommending to you, carries $549,195,494, while the Budget estimates for 1939 amount to $564,406,461. I call attention to the fact that the bill before you is $32,652,186 over the 1938, or current, Naval Appropriation Act, and is under the Budget estimates by the sum of $15,210,967, of which amount it is only fair to say to you that $4,071,000 consists of reappropriations, leaving a net decrease under the Budget estimates of $11,139,967.

In connection with the size of this measure, I feel that I should say to you that in 1935 the committee was advised that the annual cost of the Navy, when completely built and rounded out as contemplated by the Vinson-Trammell Act, would be approximately $555,000,000. That figure was increased by $29,000,000 a year ago, because of an omission in the former calculation. During the hearings on the pending measure it developed that it would need to be further increased because of an underestimate of the number of enlisted men that would be needed. Furthermore, since that estimate was prepared leave laws have been enacted, adding several millions more, and it is manifest that shipbuilding costs have assumed proportions never before contemplated. The committee has no more recent prophecy from the Department of what the ultimate figure might be, but it is my opinion that the Navy, when completed along the lines contemplated by the Vinson-Trammell Act, will cost a minimum of $650,000,000 a year, and that sum is exclusive of additions in consequence of whatever increases the Congress hereafter may authorize in the size of the Navy, which, of course, when carried out, will add to the annual maintenance load in proportion to the size of the expansion authorized.

In presenting the various phases of this appropriation bill, I call attention first of all to the report. In this report the committee has endeavored to give you a clear-cut view of what we have endeavored to do in this bill.

NAVAL RESERVE OFFICERS' TRAINING CORPS

The first item of importance which I shall discuss relates to the Naval Reserve Officers' Training Corps. Prior to last August the authorized strength of the Naval Reserve Officers' Training Corps was 1,200. There are six educational institutions in the United States where Naval Reserve Officers' Training Corps units are maintained: Harvard University, Yale, Northwestern, Georgia Tech, the University of Washington, and the University of California. In each of the last two appropriation bills we have been confronted with proposals to expand this activity in an indirect way. We declined to recommend an increase because we took the view that we did not have the authority to do so because of the limitation of 1,200 enrollees. On August 6, however, the last Congress enacted a law providing for a maximum of 2,400 Naval R. O. T. C. students.

Therefore, we were confronted with a request for funds amply to provide for the entire increase of 1,200 or for a total of 2,400 enrollees. Your committee, however, carefully going over the situation, thought the wise thing to do was to permit the Navy Department to establish two additional units instead of five and also to grant authority to add 200 additional enrollees to the units in the six schools now in existence, which will have the effect of providing 600 additional R. O. T. C. enrollees with the establishment of only two additional schools at this time. The committee did not feel that the new legislation contemplated immediate full compliance.

NAVAL RESERVE

Under the heading Naval Reserve, I call attention to the fact that the decrease appearing in that item is largely occasioned by the smaller number of aviation cadets expected to be at Pensacola during the year 1939. The number will be reduced from an average of 406 to an average of 340. That reduction at Pensacola will be offset, however, in large measure by two things. The first is that a larger number of aviation cadets will be on active duty with the fleet, the number increasing from an average of 451 in 1938 to an average of 674 in 1939, and the second matter which takes up most of the reduction is the fact that the Department has found that the training flight hours of its students at Pensacola should be increased from 264 to 288, which, of course, will occasion an increase in the cost of that training.

NAVAL ACADEMY

I come now to the Naval Academy and shall confine my remarks to the matter of appointments. We have continued for a number of years to provide for four appointments to the Naval Academy. There are those who think the number should be increased to five; likewise there are those who believe the number should be reduced to three. Your committee, after a very careful and exhaustive study of the matter, came to the conclusion that the number should remain as it is—four for the present. In this connection, I think it is fair to say, Mr. Chairman, that the present authorized line officer strength of the Navy is 6,531 officers. If you will refer to page 84 of the hearings you will find listed there the number of officers expected to be in the Navy each year for the next several years. You will find that in 1939 there will be in the Navy 6,061 line officers; also, during 1939, which does not appear in the table, there will be 674 aviation cadets on active duty with the fleet.

The statute which fixed the limit of officer strength of the Navy at 6,531 did not take into consideration in fixing that limit the aviation cadets, but the Navy Department recognizes the aviation cadet as an officer of the Navy, and has definitely in its plans allocated the proportion of aviation cadets in the Air Corps to the number of regular line officers which the organization should and must have. If, therefore, you add to the 6,061 line officers in 1939, 674 aviation cadets who will then be in the service, it gives you a total of 6,735 officers for 1939. These figures are exclusive of additional numbers. It is to be noted that the additional numbers, so-called, are not officers who are inefficient or who are not capable, but they have merely been passed over by selection boards largely because of the fact that there were not enough places at the top to put them all. They are still capable of performing useful and satisfactory service in the Navy. There will be in 1939, 763 so-called "additional number" officers which, if added to the total I gave you a few moments ago, makes a grand total of available officer personnel of 7,498 during 1939, which certainly should be sufficient to meet the needs of the Navy we are now building, and also should be sufficient to meet the reasonable requirements of such additions as later may be made to the Navy.

On the question of reducing the number of appointments, your committee did not think that now wise. In the first place, the number of appointments was not increased to four, the present number, until 1935. Prior to that time the number for some time had been three. The first graduating class under the fourth appointment arrangement will not be ready to enter into the Navy until 1939; and, certainly, we feel that until the full force and effect of the fourth appointment outflow is known, we should leave the number of appointments as it is at present. I confess to you Members who are interested in this matter that last year, when I presented this bill, it was my deliberate opinion that this year we could reduce the number of appointments to three. I recall that because I know I made that statement to a

number of gentlemen in the House; but conditions have materially changed since then, and I feel that it would be a mistake at this time to undertake to reduce the appointments below the number presently fixed in the bill.

BUREAU OF ENGINEERING

In the Bureau of Engineering we were faced with several substantial increases comprised largely of three items: One, $782,100 to provide for a greater number of overhauls, which, of course, is responsive to the operating force plan of the Navy; second, the renewal of cables in magazines of certain ships. A third item is the replacement of storage batteries in submarines. There is an item of increase, also, occasioned by the larger number of ships that will be in commission.

The proposition to recommission the *Pyro* again was presented to us. The *Pyro* is an ammunition ship. The United States Navy has only one ammunition ship at the present time in the service, the *Nitro*. Last year we declined to recommend that the *Pyro* be refitted and recommissioned. The present situation, however, is such that if the *Nitro* should meet with accident or should necessarily have to be laid up for any length of time it might result in serious inconvenience to the Naval Establishment. We handle the item in this way: We have provided money in this bill, about $435,000, as I recall, for the equipment and reconditioning of this ship to make it thoroughly ready for immediate service and usefulness, but we have declined to give the Navy the men with which to commission the ship and put it into active service, feeling that if it had to be called into service it would be a matter of only a few hours before the necessary personnel could be transferred to this vessel and make it available for all purposes for which the Navy may need to employ it.

The increase which you notice in our report under the Bureau of Construction and Repair is caused largely by the same or similar factors to which I have already referred—the larger number of ships coming into commission and the greater number of overhauls, the greater necessity for changes and improvements, and for repairing vessels.

BUREAU OF ORDNANCE

Under the Bureau of Ordnance we were confronted with an increase of a substantial amount caused principally by two things:

First, provision for reopening the torpedo station at Alexandria, Va.; and, secondly, the program to replace large-caliber projectiles, started several years ago, which will cost $25,000,000 and toward which $9,600,000 heretofore has been appropriated.

With reference to the torpedo station at Alexandria, I desire to make a statement because there seems to be existing among the membership of the House from certain sections of the country a difference of opinion as to the desirability of reopening the station at Alexandria. Of course, your committee did not have the opportunity nor the means of going over the country inspecting all of the possible places where torpedoes could be made. We had to consider, first, the necessity of providing for additional torpedoes for the Navy, and, secondly, the recommendation of the Navy Department as to how additional torpedoes could be supplied with the greatest amount of speed and the smallest amount of cost.

Navy Department officials stated, and it appears in the hearings, that all of the available locations in the United States under the jurisdiction of the Navy were examined. They give the reasons in the hearings why Alexandria was selected. In the first place, the Government now possesses at Alexandria an adequate building and certain facilities which have a replacement value of approximately $2,000,000. It was constructed during the war for the manufacture of torpedoes and was closed in 1923.

In the second place, the Navy Department takes the position that the factory at Alexandria can be reopened not only for less money but more quickly than at any other place in the United States for the making of torpedoes.

The situation with reference to the need for torpedoes in brief is this: We are told by the naval authorities that with the maximum output from the torpedo station at Newport, and with the maximum output it expects to get from Alexandria, it will not be possible to catch up with normal requirements until 1944 or 1945. You will recognize that during the past few years we have been bringing into the fleet of our Navy destroyers in large numbers, submarines in large numbers, and aircraft which now carry torpedoes as a part of their equipment. These things have tremendously increased the demand for torpedoes.

The torpedo station at Newport, R. I., is running 24 hours a day. It is working three shifts. Its employees have increased to the largest number in the history of the establishment, namely, 3,375 men. It cannot put out any more torpedoes unless and until work is done on the station at Newport to improve its machinery and productivity. Navy Department officials testified that even if that were done it did not believe the output of the present plant could be increased by more than 10 percent of its present production. I submit, therefore, whether you and I believe in all that the Congress has authorized in the way of naval expansion or not, whether you and I believe that we ought to have all these ships or not, certainly we cannot take the position that having spent the money to build the ships and having enlisted the personnel to put on the ships, we will not provide those vessels with the normal amount of equipment necessary to their usefulness in time of emergency.

Navy Department officials stated repeatedly in the hearings that Alexandria is the most logical place now available to increase the manufacture of torpedoes. There is carried in this bill a total of $1,532,153 for this purpose. To those who are interested in Newport, and there are many, I may say we have there a fine establishment, as appears from the evidence before our committee. I think every man on the subcommittee was tremendously impressed by the fine showing the Newport station is making, in spite of the fact they are operating 24 hours a day. In order to impress upon the Congress and the Department that the subcommittee has no idea of permitting the reopening of the Alexandria station to be a forerunner or the beginning of a reduction in the work at Newport, this committee has placed in this bill a provision which will enable the Navy Department, out of its appropriation for armor, armament, and ammunition, to spend $200,000 on the Newport station to begin a program of replacement of machinery and machine tools, which no doubt should have been undertaken long ago, but which probably was not because of possible interference with production. We feel that that course should be an absolute assurance to every man in this House and an indication to the Navy Department that the Committee on Appropriations does not propose to permit production activity at the torpedo station at Newport to be diminished because of the opening of the station at Alexandria.

PAY, SUBSISTENCE, AND TRANSPORTATION, NAVY

I come next to the largest item in the appropriation bill—"Pay, subsistence, and transportation, Navy." I shall not dwell long on the matters embraced by this appropriation. The Navy Department estimated 3 years ago that the number of enlisted men it would require properly to man the treaty-strength navy or, rather, I should say, a navy in accordance with the Vinson-Trammell Act, would be 111,000 men. For the present fiscal year provision was made for 105,000 enlisted men. For the year 1939 the Department is asking for 110,570 men, an additional number of 5,570 men.

This committee, after carefully examining the progress of work sheets pertaining to vessels under construction, which show when each of the vessels now being built is expected to be brought into service, came to the conclusion that 470 of the number of men requested should not be granted, and, therefore, reduced the additional number requested from 5,570 to 5,100, and has allowed for an increase of the latter number of men.

The only other item under this head which I shall mention appears in the language of the bill, which has been changed so as to require a reduction in the number of flag officers who will be eligible to flight pay from three to two.

The recommendation made to our committee was to increase the number by one, making allowance for four. Your committee went in absolutely the opposite direction and decreased the number to two. We feel this action is justified and the statement in the report clearly explains why the committee pursued this course.

NAVAL SUPPLY ACCOUNT FUND

We were confronted with a request to increase the capital of the naval supply account fund by $7,000,000.

The naval supply account fund is the financing account employed by the Navy in the purchase of supplies for the Naval Establishment generally. The supplies are carried in store and when requisitioned are charged to the proper appropriations. The testimony was that they conduct a business which had a turnover last year of approximately $125,000,000. To do this business they had a capital of about $71,000,000. The building program and the increase in aviation have placed some additional load upon the naval supply account fund, but your committee, after careful consideration, has not seen fit to recommend an increase in the capital fund of $7,000,000, but is proposing, instead, that during the fiscal year 1939 an amount equivalent to such funds as otherwise would revert to the Treasury from the sale of worn out, obsolescent, or unusable material in the possession and custody of the Navy shall be available to that fund as additional capital. The amount so turned into the Treasury during the fiscal year of 1936 was approximately $903,000.

FUEL AND TRANSPORTATION

Another large item of expenditure in the Navy is fuel and transportation. You will see on page 14 of the report the number of barrels of oil which has been used by the Navy during the last few years up through and including the year 1937. We based this year's appropriation upon 8,000,000 barrels at an average cost per barrel of 84.4 cents per barrel. The latest estimate we have from the Navy Department, based upon most recent prices, is 97.41 cents per barrel. Therefore, we have made allowance at that rate for 8,000,000 barrels for 1939. The estimate calls for 8,237,420 barrels. The lesser quantity results in a saving of approximately $231,500.

BUREAU OF YARDS AND DOCKS

I shall not dwell upon the maintenance activities of the Bureau of Yards and Docks. They comprise the repair and maintenance of all buildings, plants, and facilities, other than shop machinery and tools, at industrial navy yards and establishments, the operation and upkeep of power plants, and the provision, operation, and maintenance of transportation facilities of all kinds.

Under the head "Public Works" you see first of all three reductions we have made. At the naval station at Balboa the sum of $58,000 was requested for the purpose of constructing officers' quarters. We have not recommended that this amount be included. At the submarine base and at the fleet air base at Coco Solo, such requests as were made for quarters for enlisted personnel your committee recommends be granted, but does not recommend that the requests for funds for quarters for officers be granted at this time. We felt that to engage in all of the program this year probably would be more than we should be justified in recommending to the Congress.

Your committee went over the item affecting the air station at Alameda very carefully. Last year we appropriated $1,000,000 for the purpose of beginning the construction of the air station at Alameda, if and when the grantors and donors of the land complied with the terms of the authorizing statute passed by Congress in the year before last.

The terms of that act were not complied with until in December just passed. Therefore, the entire million dollars we appropriated for use throughout this present fiscal year is now available for use in connection with the development of that project. We believe, therefore, that instead of needing $2,000,000 cash, as requested in the bill, to continue the project through 1939, $1,500,000 is all that probably will be required. Of course, the reduction of $500,000 does not in any way affect or change the authorization carried in the bill of $4,800,000 for getting projects underway.

I come next to the three items the committee has added to the bill under the head of Public Works. The first has to do with the extension of the structural shop at the Boston Navy Yard. You will find a statement about this in the report. The Boston Navy Yard has built and is building a large number of destroyers. The structural shop is 32 years old, 10 years older than any other structural shop in any navy yard in the country, and 13 years older than any except one.

This project is No. 1 on the priority list of the Boston Navy Yard, and has been approved by the Navy Department's shore development board. We believe the evidence before us justified the committee, in the interest of economical operation at the Boston Navy Yard, in placing in this bill a provision for the extension and improvement of the structural shop at that establishment.

At Mare Island we were faced with a condition which the committee thought very bad, relative to the storehouse facilities there. Congress heretofore had authorized an $800,000 storehouse to be built at the Mare Island Navy Yard and there the matter stopped. Some members of our committee had the privilege of visiting Mare Island last year. I did not go, but those who went stated that an acute situation existed as to storage facilities. This evidence, coupled with the hearings and other evidence presented to us caused your committee to insert in this bill an item looking to the improvement of existing conditions, but not to the full amount of $800,000. We propose a limit of $500,000, and provide $250,000 in cash for the year 1939.

The third item placed in the bill has to do with the power plant at Pensacola. The evidence is that the power plant is old, expensive in its maintenance cost, and not performing efficiently or effectively, and that ultimately it would be a saving to the Government if we would take the proper steps now to replace the worn out and obsolescent material.

AVIATION

I now come to a subject in which perhaps more Members are interested than any other phase of the Navy's activities, "Aviation, Navy." I am sure that at first blush, when you examine the report and the bill, you will wonder why of all items in the bill this item was reduced in the Budget estimates. As far as the committee is concerned, this part of the bill is written in exactly the language in which it came to us, and not one item of reduction is made in the appropriation for "Aviation, Navy." The fact the appropriation does appear to have been reduced, I believe, requires an explanation.

First of all, what will our situation be with the money which is carried in this bill? We are providing funds, cash, and contract authorization, to permit the purchase of 319 planes, and, if you will divide the 319 into the amount of $21,258,000, you will find that the average cost of the 319 planes, without regard to type, but simply dividing the total number into the amount that may be obligated, is somewhat in excess of $66,600 per plane. Of course, this does not mean that all planes cost $66,600, neither does it mean that this is the maximum the planes will cost, because some planes cost a great deal more and some cost less.

At the time the Vinson-Trammell Act was passed, the Navy estimated it would be necessary to have 1,910 useful planes to go along with a navy of the size provided for by that act.

On July 1, 1939, there will be on hand and on contract 1,870 planes, which means that on July 1, 1939, we will either have on hand or on order only 40 planes less than the number originally stated as being necessary for a navy of Vinson-Trammell Act proportions.

The number of necessary planes, however, will need to be increased in the opinion of the Bureau of Aeronautics from 1,910 to 2,050.

I have given you a bird's-eye view of the prospective airplane situation as of July 1, 1939. I am sure you will be interested in knowing of the situation at the present time.

We have on hand 1,002 so-called program planes. They are the newest ones, the best ones, the ones purchased under this building program. We have nonprogram planes, but planes which are capable of unrestricted use, 132. We have planes ordered, now on order and undelivered, 652. We have funds now available, as of this date, in the present fiscal year with which to purchase an additional 320 planes, which would make a total of 2,106.

In addition to those, we have 341 so-called nonprogram planes which may be used only in a restricted sense, and I am excluding these from the number of planes actually in the service for the reason they are not available for all types and all kinds of service.

The figures I have just given you are exclusive of the funds carried in this bill for the purchase of 319 additional planes.

After I finish my statement, of course, I shall be pleased to answer any questions that those of you who may be interested in aviation, Navy, or any other matter which I have discussed, may see fit to ask.

MARINE CORPS

Under the Marine Corps we have made provision for 1,000 additional enlisted men and 20 additional officers.

We have made no cut in the Marine Corps except in two instances, one item of $15,000 for vehicles for transporting sound detectors, which we have cut out of the bill, and $100,000 for the building of a dam to construct a water reservoir down at Quantico, for which we could find no authority for making the appropriation and, furthermore, the land was owned by the Interior Department and under control of the National Park Service, and there was no suggestion that it would be turned over to the exclusive control and use of the Navy.

REPLACEMENT, NAVY

The next item is "Replacement, Navy," and on that item I desire to give you some figures.

The United States spent in 1936 under this item, which is responsive to the Vinson-Trammell Act; and permit me to say in the beginning that, with the possible exception of four vessels carried in the present bill, about which there may be some dispute as to whether or not they properly come within the meaning of the Vinson-Trammell Act, all of the vessels for which appropriations have been made since 1933 and all of the ship-construction items in this bill are responsive to the legislation enacted by Congress when it passed the Vinson-Trammell Navy Act.

In 1936 we spent $182,539,516 for new construction; in 1937, $181,564,326; on July 1, 1937, there was a carry-over in this item of appropriation, which is a continuing appropriation, of $99,184,579, and the appropriation for 1938 in new money was $130,000,000, making the total available for expenditure during the fiscal year of 1938, $229,184,579.

The estimated expenditure for 1938, the present fiscal year, is $184,339,308, leaving an estimated carry-over of $44,845,271 available for use in 1939.

There is carried in this bill in cash for 1939, new money, to be added to the $44,845,271, $138,063,150, making the total available for new construction under the "Replacement, Navy," program, in 1939, $182,908,421.

You will find on page 18 a list of the vessels for the commencement of which funds are provided in this bill, both as to their classification and their numbers and the unit price.

Since 1933 it is interesting to note that for new construction Congress has appropriated for 119 vessels, either built or now building, the tremendous sum of $1,443,643,280. The cost of the 22 vessels for which provision is made in this bill, when completed, according to the estimates, will be $318,729,000, making a total cost of the 141 vessels built, building, and provided for in this bill of $1,762,372,000.

This is somewhat of a picture of the building program of this Government so far as its Navy is concerned since 1933.

With reference to the item in this bill for "Replacement, Navy," your committee made two reductions: First, a modification of Budget figures in the sum of $3,100,000, and, secondly, an elimination of an item of $2,536,850 which was put in the bill for the purpose of making changes, additions, and improvements on vessels which, according to the progress of work sheets of the Department, were commissioned and brought into service during the fiscal years of 1936 and 1937. We found upon inquiry that for 27 months after the commissioning of a vessel the Navy Department has undertaken to continue to expend money on that vessel and charge the expenditure to the "Replacement, Navy," fund.

Your committee did not think that procedure wise. We felt that certainly at sometime these ships should be completed; that certainly at sometime, a reasonable time, a ship should be completed and that such alterations as thereafter might have to be made should be charged to maintenance rather than to new construction. Therefore we not only cut out the item of $2,536,850, but wrote into the bill that the Navy Department hereafter should not spend money on vessels longer than 12 months after completion and charge the cost to "Replacement, Navy."

I see the distinguished chairman of the Naval Affairs Committee here, the gentleman from Georgia [Mr. VINSON]. He will agree with me that there is an existing law which says that not in excess of $450,000 shall be expended on any one vessel for improvements or changes without legislative authority, but under the procedure we found to obtain there has been absolutely no limit to the amount that could be expended upon a vessel after its so-called completion, and after it had been commissioned.

The CHAIRMAN. The Chair informs the gentleman that he has used 45 minutes.

Mr. UMSTEAD. Mr. Chairman, I yield myself 15 minutes more. I wish to mention two things, and then I shall be glad to try to answer any questions gentlemen may care to ask. Last year I called the attention of the legislative committee to the matter of travel pay and allowance as regards naval personnel. I do so again without dwelling upon it, because it appears in the hearings as well as in my remarks of last year. I do wish to call the attention of Congress to a matter which alarms me somewhat in looking at it from long range.

I do not pretend to take the position that I am properly and adequately informed about it. It is a matter of legislation and not appropriation, fundamentally, but the question of retired pay for officers and men in the Navy has come to be an item of tremendous importance. It developed from an examination of facts and figures that in 1933, which was the last year before the economy act, the total carried in the appropriation bill for the Navy Department, for the retirement pay of enlisted men and officers was approximately $22,000,000. The amount necessary now to pay the retirement pay of officers and men is approximately $36,000,000, which means that in the period of 6 years that item has increased $14,000,000.

Please do not understand that I am suggesting that the features of retirement pay should be eliminated. I am not. Please do not understand that I am suggesting that it is not perhaps beneficial and may be necessary, but I feel, as chairman of the subcommittee, and as such, having to bring before this Congress a tremendously large appropriation bill, undertaking to carry out your mandate, that it is my duty to call attention to things which as the years pass will roll up a tremendous expenditure in this country. I do not know what the remedy is and I am not suggesting a remedy here. I am taking this opportunity to call it to your attention and to the attention of the chairman of the Naval Affairs Committee.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not at this point. When I have concluded my statement I shall be glad to yield. One other thing. When a man goes to Annapolis he goes there between the ages of 16 and 20. He necessarily has had no opportunity to have any business experience. He passes from the academy, if he stays there and graduates, on into the naval

service. He passes through the various grades, and some day a certain number of those bright young men who went there as midshipmen, through perseverance and ability, will have come to be bureau chiefs, commandants of navy yards, or find themselves in charge of torpedo factories or of gun factories and other agencies of the Navy, where there is required the expenditure of large sums of money.

Yet, in all fairness to those men it should be said that they have never had an opportunity to know the necessity of meeting a pay roll; they have never had the opportunity to engage in a business enterprise. They have had, necessarily, only that amount of business experience that comes through the normal channels of the naval service. I expect, if you consider that, we would have to come to the conclusion that the officers of the Navy do pretty well in handling the business of that establishment. I asked The Assistant Secretary of the Navy, Mr. Edison, if, in view of his business experience, he would make a statement to our committee as to his opinion of the efficiency and economic practices carried on in the Navy Department by its officer personnel.

I was pleased, and I expressed some surprise, to hear him say that during the 9 months he had been connected with the Navy he, too, had been impressed and surprised with the efficiency of its organization, but regardless of all that, I am calling attention to this fact, that somewhere, somehow in our defense establishments it is my deliberate judgment that there ought to be real experienced businessmen who at least can give their experience and ability to the services engaged in national defense, spending large sums of money for that purpose. This is another instance without a remedy. I have none to suggest. I raise the question, however, thoughtfully and seriously, and whether you agree with me or not I think there are plenty of places where a real businessman could save the United States Government hundreds and hundreds and hundreds of thousands of dollars, and I do not mean to confine that statement to the branches of national defense.

I think it is largely true of all departments of our Government. In addition to this the Appropriations Committee is practically helpless to find and locate the places where we could save money such as could be found if we only had the courage to spend a few hundred thousand dollars to procure men with special qualifications and give them the job to do for the Appropriations Committee. We could, in my judgment, save not only in this bill, but also in bills applying to all other Government departments. Understand that I am not singling out the Navy Department. I think it is true as to all of them, and I think that we ought to do something to enable your trustees sitting on subcommittees of the Committee on Appropriations to be able to get some facts other than by fishing excursions and cross-examination with practically nothing on which to base our cross-examination. [Applause.]

Before concluding my remarks, I desire to express my thanks to the members of the subcommittee and also the clerk to the subcommittee, Mr. Pugh. [Applause.] I cannot remember just what I said about him last year. If I could remember it and could think of anything better I would say it; but nothing I could say would be too much praise and too much appreciation for his tireless energy, for his wide and far-reaching information with reference to the task that he has in hand, and for his unfailing loyalty and help to me.

I now desire to try to answer any question you may care to ask.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. JOHNSON of Oklahoma. I am very much impressed with the gentleman's entire statement, and especially impressed with the suggestion he made that retirement pay has mounted from $22,000,000 in 1933 to approximately $36,000,000 at this time.

Mr. UMSTEAD. I yielded to the gentleman for a question. I do not wish to cut him off, but I shall be glad to yield him time for a speech in his own right in general debate. I have not much time left.

Mr. JOHNSON of Oklahoma. I am not making a speech, I want to ask a question about this retirement pay. Does not the gentleman think it would be a wise thing if Congress, instead of retiring those who served in the Navy at the age of 38, in many instances, changed the law and did not permit men to retire under 30 years' service in the Navy?

Mr. UMSTEAD. That involves a legislative question, I may say to the gentleman from Oklahoma. However, it is well worth considering. No doubt it has some merit. I am in no position, of course, to discuss it in detail at this moment.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. COCHRAN. In view of the fact that the amount necessary for retired pay of the officers and enlisted men of the Navy and Marine Corps has increased so much, $12,000,000, from 1933 to 1938, and the Army increased $5,000,000, and the complete retired pay of the officers and men in the Army, Navy, Marine Corps, and Coast Guard for last year was $66,000,000, it is clearly evident that eventually it is going to be around $80,000,000. We provide that the civil-service employees of the United States Government must contribute monthly toward their retirement fund. We require citizens of this country to contribute monthly toward their unemployment fund under the social-security law. Therefore, is it not reasonable that some consideration should be given to the question of whether it would not be advisable to require that the officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard should likewise contribute something toward a retirement fund?

Mr. UMSTEAD. I think that matter is worthy of consideration. I suggest that the gentleman take it up with the chairman of the legislative committee having jurisdiction.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. MARTIN of Colorado. Does the gentleman know what part of the increase in the naval retirement pay is due to the enforced retirement of comparatively young and efficient naval officers through the operation of the selection board, men whose careers are destroyed by that process?

Mr. UMSTEAD. I cannot give the gentleman the figure and I do not believe any man can give the gentleman a definite answer to his question; because, to know the answer it would be necessary to know what would have happened if the selection system had not come into existence, and I do not believe anybody can answer that.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. VINSON of Georgia. Replying to the inquiry of the gentleman from Colorado, I may say that the compensation carried in this bill as retired pay of officers is only about $9,000,000, and about $13,000,000 for enlisted personnel who, after 16 and 20 years' service go into what is known as the Fleet Naval Reserve.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. BOILEAU. As I understand the provisions of the law, new construction is limited to replacements and construction authorized by the Vinson-Trammell Act. Am I correct?

Mr. UMSTEAD. The gentleman is correct.

Mr. BOILEAU. The pending bill carries appropriations for the construction of two additional battleships, and other construction. Can the gentleman state whether or not at the present moment it would be possible to build under the present law either as replacements or under the Vinson-Trammell Act additional battleships to the two provided in this bill?

Mr. UMSTEAD. We have authority under the Vinson-Trammell Act to build four battleships, two in addition to those carried in this bill.

Mr. BOILEAU. So, I believe it is fair to assume, under present circumstances and the problems now confronting us, that the committee being advised by the administration and by the Navy Department, it is the committee's deliberate judgment that no additional battleships over the two authorized herein should be constructed during the coming fiscal year?

Mr. UMSTEAD. No; the gentleman is in error in coming to that conclusion or in drawing that assumption. In these estimates we were not confronted with a request for more than two battleships.

Mr. BOILEAU. As I understand it, so long as you are authorized under existing law to build or appropriate for such battleships as might be needed, I assume it is the duty of the subcommittee and the Committee on Appropriations to be properly advised by the Navy Department and all persons interested. It is then your responsibility to report back to this House your deliberate judgment, regardless of the recommendations of the Budget or anybody else, as to what your committee believes is necessary for the welfare of our Navy and our national defense.

Mr. UMSTEAD. The answer to the gentleman's question is simply this: The Subcommittee on Appropriations considered but two battleships and we provided for those two battleships which were requested in the estimates approved by the Navy Department, approved by the administration, and approved by the Budget. We did not question at all the necessity for any additional battleships, and I am not in a position to discuss that with the gentleman at this time.

Mr. BOILEAU. Mr. Chairman, the gentleman from North Carolina [Mr. UMSTEAD] has spoken for an hour. I ask unanimous consent that he may be permitted to speak for such time in addition to the one hour as he may desire.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. UMSTEAD. Mr. Chairman, I will then yield myself 10 additional minutes.

Mr. BOILEAU. That is the point I was trying to bring out, beause in the gentleman's early observations he said that he considered it to be the duty of his committee to carry out the policy of the Congress and the policy of the administration. I wanted to get what the gentleman had in mind.

Mr. UMSTEAD. I am not yielding to the gentleman for a speech, but I will yield him later such time as he needs to discuss all these matters.

Congress passes a law establishing a Navy of certain proportions. Then under such act passed by the Congress, the administration in power determines its naval policy. Then under that policy it submits estimates to your committee and we consider those estimates. That is what appears in this bill. If the gentleman will notice the report, we considered estimates for two battleships and only two battleships. The question as to what any one of our committee would do if he were confronted with an estimate for two additional battleships is a matter I do not now desire to discuss and I am not in any position to discuss with the gentleman from Wisconsin.

Mr. MAY. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Kentucky.

Mr. MAY. In the hearings before the House Military Affairs Committee we find that the advancement in inventions and new devices is so great that even planes have become obsolete by the time they have been completed. The gentleman has stated that the committee has refused to allow repairs for these vast battleships in an amount of more than $400,000 until a year after completion.

Mr. UMSTEAD. The gentleman misunderstood me.

Mr. MAY. I thought I had, because I would not think there would be any deterioration or necessity for repairs on one of those things for many years.

Mr. UMSTEAD. I think the gentleman misunderstood my proposition. It was not a question of repairs at all.

A battleship, cruiser, destroyer, submarine, or aircraft carrier is completed and commissioned. That is to say, it is put into service, men are put aboard the vessel, and it then takes its place in the fleet. After it has been tried, it may develop they want to put some additional improvements on it or they want to make a structural change in the ship. The Navy Department has been taking the position it could do that for 27 months afterward and charge it to the fund provided for the building cost. We take the position that however necessary and desirable they may be, that cost should not be charged to the building fund, but ought to be charged to the maintenance fund.

Mr. MAY. I think the gentleman is right about that.

Mr. IZAC. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from California.

Mr. IZAC. Is the gentleman in position to say at the present time whether or not it would be advisable in the committee's opinion to have some of these torpedoes manufactured on the west coast where the ships for which they are designed are all in service?

Mr. UMSTEAD. I can answer the gentleman's question by referring him to the evidence before the committee and the conclusion which the Navy Department reached after an examination of various places on the west coast. The gentleman will find all of that in the hearings. I could take time to repeat some of it, but I am sure he will be able to find it in the hearings.

Mr. MASSINGALE. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. I am particularly interested in trying to find out, if I can, the gentleman's opinion on why these battleships have increased in price so much during the past 2 or 3 years. Let me say this in order to show what I am getting at. Less than 2 years ago these ships were priced at something like $50,000,000. Last year they were priced at $60,000,000 and this year they are in excess of $70,000,000. I would like to have the gentleman give what information he has about that situation.

Mr. UMSTEAD. I will do the best I can to answer the question. Two years ago, when request for the two battleships now under construction was first made, it was estimated by the Navy Department, as I recall, that they would cost upward of $51,000,000 apiece.

Approximately 12 months ago we were told that the best estimate they could give us was $60,173,000 each. We are now told that the two being constructed at this time will cost approximately $64,278,000 and that the two requested in this bill will cost $70,850,000 each. Of course, it is fair to say to start with that this Nation has not constructed a battleship since 1923. Naturally, even after the first plans are laid down and after the first estimates are made, such improvements as the Department may be able to figure out, which will add to the efficiency and effectiveness of that vessel, its speed, usability, and other things, will necessarily have to be added. In addition to that the gentleman knows that the Navy Department is surrounded in its ship construction by a tremendous number of laws, regulations, and statutes, such as the leave law, the sick law, the act regulating the procurement of materials and many other things which enter into the ultimate cost of material and of the finished product.

In addition to that, of course, the gentleman knows, beginning with the first of the past calendar year there was a tremendous and rapid rise in the price of all things which went into the construction of a ship of any kind.

Mr. MAGNUSON and Mr. JOHNSON of Oklahoma rose.

Mr. UMSTEAD. I yield first to the gentleman from Washington, then I will yield to the gentleman from Oklahoma.

Mr. MAGNUSON. Will the chairman of the subcommittee tell the committee whether or not the estimate of $70,000,000 on these battleships, as given by the Navy, is based on building the ships in navy yards or on private bids?

Mr. UMSTEAD. I am unable to answer the question the gentleman has asked, because bids are not submitted by private companies until a request for bids is sent out. No private company, I take it, would spend the amount of money necessary to prepare anything approaching an ac-

curate bid on a battleship unless the company knew there was a battleship to be built on which it desired to make a bid.

I may say to the gentleman, however, the Navy now has the experience accumulated in advertising the two battleships now building, in connection with which they received three bids from private companies, I believe, and bids from two or three navy yards. Both of the ships were placed in navy yards, because, according to the Navy Department's determination, the cost was much cheaper than it would have been if the ships had been placed in private yards.

Mr. MAGNUSON. However, there is no statement on whether or not the estimate of $70,000,000 was a combination of the experience with both types of bids, or represented bids from either source.

Mr. UMSTEAD. No. I do not know. I may say to the gentleman I take it that the figure is simply the estimate of the Navy Department.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Oklahoma for a question.

Mr. JOHNSON of Oklahoma. I desire to ask the gentleman a question similar to the one I asked him when he made his very excellent and thorough report to the full Committee on Appropriations. Did the committee give any thought to the idea of constructing a number of fast small cruisers, submarines, and destroyers, and also building up the number of airplane carriers, instead of building these two floating palaces, as I call them?

Mr. UMSTEAD. I can answer the gentleman's question only in this way. The subcommittee on appropriations for the Navy Department is not confronted with the duty of undertaking to determine how many vessels in the various categories a well-balanced navy should have. That is a function of the Navy Department. I do not know, and the gentleman does not know, with all due respect to him, how many cruisers there should be in a navy of the size to be constructed under the Vinson-Trammell Act. To answer the question would require technical and tactical knowledge, which I do not possess, and I doubt exceedingly if the gentleman does.

Mr. JOHNSON of Oklahoma. Is it not a question of whether we are preparing here for national defense, to defend our own coasts, or preparing for a war of aggression, or some other kind of a war with foreign powers? If we want to defend our own coasts, I submit to the gentlemen, we need the cruisers, the airplane carriers, and the types I have mentioned. If we want to prosecute a war in Chinese or Japanese waters, or in some other waters, then we need the big, clumsy, slow, vulnerable battleships.

Mr. UMSTEAD. Of course, the question of what constitutes the best defense for our shores is one about which there is a great deal of controversy. This is neither the time nor the place for me to enter into a discussion of that matter.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I desire to take the opportunity this afternoon to address the House on what I consider to be a very important question that vitally concerns the economic life of the district that I have the honor to represent in this House and to answer some of the statements made in a pamphlet entitled "Fact vs. Fury," which was recently distributed to the Members of Congress and given to the press of the country by the Bata Shoe Co., Inc., a domestic importer of shoes from the much-publicized Bata Shoe Co. of Czechoslovakia; and, further, to address myself to the statements made on the floor of this House last Thursday, in defense of trade treaties, by the gentleman from Ohio [Mr. HARLAN], who attempted to justify the importation of shoes and other commodities as being in the best interest of the people of this country, even though these imports were having a serious effect on some of our large and long-established domestic industries.

I wish to discuss at this moment the question concerning the importation of shoes, because I represent a district which leads in the production of women's shoes in the United States, and particularly that type of shoe which is being affected by these Czechoslovakian imports. So that I may draw a word picture of the situation that exists in some of the communities of my district, may I say that in one large city, with a population of approximately 50,000 people, 75 percent of the industrial workers are engaged in the manufacture of shoes, and particularly women's shoes. In another fairly large city 65 percent of the industrial workers are also engaged in the manufacture of shoes of this type; and so it is in many other communities of my district and adjoining districts in which the shoe industry is the backbone of their industrial life.

We in Massachusetts are especially interested in the shoe industry, because more people are employed in this industry than in any other single industry in that State. In my district alone there are 99 shoe manufacturing concerns listed in which their chief product is women's shoes; further, over 25 percent of all the women's shoes made in this country are produced in Massachusetts, where, statistics also show, more than twice as many women's shoes are made than in any other State in the Union. I am placing particular emphasis on women's shoes at the moment, because it is the women's shoe industry that is being affected by these imports more than any other. Ninety-six percent of all the shoes which are coming into this country from Czechoslovakia are women's shoes and the particular grade of women's shoe that is made in my district.

The gentleman from Ohio in his address last Thursday placed great emphasis on the fact that imports of shoes have dropped from 1929 to the present time. This is because there was no duty in 1929, whereas in 1930 a 20-percent duty was levied, and in 1933, in view of the devastating influence these imports were then having on our women's shoe industry, the Tariff Commission increased the rate from 20 to 30 percent on sewed-sole shoes, thereby bringing about a reduction of imports, up to within the last year or so. Now, what has brought about the present condition with which we are so much concerned, and about which there has been so much in the papers of recent months? It is because Bata, the Czechoslovakian shoe manufacturer, has changed over to another type of women's shoe which comes in under the lower 20 percent tariff rate. This shoe is made by what is known as the cemented-sole process, in which the soles are cemented to the uppers instead of being sewed as they previously were. The strange part of this situation is that the sewed shoes came in under the 30-percent duty, while the cemented ones, which are now flooding our market in ever-increasing volume, come under the 20-percent duty. The manufacturing of women's shoes here also has changed, and the American manufacturers have likewise turned from the sewed to the cemented sole process. Because of the present situation the tariff duty should be substantially increased.

At this point I wish to place in the RECORD the following report published by the Bureau of Foreign and Domestic Commerce, which shows the imports of women's and misses' shoes from 1931 and including the first 11 months of 1937:

United States imports for consumption of women's and misses' shoes

	1931	1932	1933	1934	1935	1936
	Pairs	*Pairs*	*Pairs*	*Pairs*	*Pairs*	*Pairs*
From Czechoslovakia	2,626,112	1,077,117	1,662,665	1,870,725	1,330,401	1,698,946
Total (all countries)	3,137,986	1,216,596	1,784,698	1,929,212	1,381,943	1,784,279

1937 (first 11 months)

From Czechoslovakia (96 percent of total imports)	pairs	2,981,052
Total (all countries)	do	3,106,040

With these figures in mind, I quote the Hide and Leather Journal of October 2, 1937, which states: "25,000,000 pairs of shoes made here come directly in the path of Bata competition", and the statistics I have tabulated show that the

imports of this particular kind of women's and misses' shoes, during the first 11 months of 1937, equal approximately 12 percent of that 25,000,000 total domestic production. The table I have herewith set forth also shows that imports of this type of shoe has nearly doubled in the 11-month period of 1937, as compared with the total recorded for 1936.

If the gentleman from Ohio, or the representative of the Bata Co., who published and distributed this pamphlet, has any doubt about what effect these imports are having on the industries of this country, let me call his attention to a letter which I have at hand from the secretary of the Haverhill (Mass.) Chamber of Commerce, who stresses the fact that there were 28 factories in that city making this particular type of shoe which is being affected by the Bata imports, and of this number 17 have in recent months closed their doors completely and the other 10 are operating on very short time. You can well appreciate what a critical situation this has brought about in that community where, as I previously mentioned, 75 percent of the people are dependent upon the shoe factories for their daily bread.

I have a number of letters in my possession from manufacturers who have found that this is more than a recession through which we are now going. The story they tell, in general, is that a shoe style show was held in Boston in the month of May last year, such as all the wholesalers, jobbers, and retailers customarily attend for the purpose of placing their orders. The Bata Co. advertised a shoe which was proposed to retail at a price less than $2. This was the same shoe that was being made in Czechoslovakia, shipped over to this country, duty and freight paid, and sold here to the wholesaler at $1.17½ a pair. This same kind of shoe cost the American manufacturer $1.30 to produce, allowing no profit for himself.

One letter, written to me last June, states:

> We employ nearly 300 persons in our factory, and it would be a catastrophe if we had to close down at the end of 4 weeks. This will be necessary unless immediate action can be taken on the Bata situation.

That concern was one of those that did close down.

A shoe workers' union, in appealing to me to try to have the influx of Czechoslovakian shoes halted, wrote thus:

> Past experience has taught us that any reduction of tariff would be ruinous to both the shoe manufacturer and the shoe worker. The mere mention of such a reduction (as contemplated in the pending Czechoslovakian trade agreement) sends a shudder of apprehension through the shoe workers, who are struggling to keep off the public relief rolls; and, of course, with a true American spirit, the shoe workers arise to the occasion to protest vigorously against any and all matters that would interfere with their liberty and the American standard of living.

Many, many more similar letters, from both manufacturers and workers, have been received by me, all praying that they be given the protection they deserve.

I am herewith submitting tables in respect to the Bata shoe, which is being sold on the American market at $1.17½ a pair, and showing details covering the cost of the same grade of shoe made by the American manufacturer:

Detailed cost of Bata shoe

Dutiable value	$0.7935
20-percent duty, assessed on the dutiable value	.1587
Transportation and insurance	.0347
General expense, 8 percent of United States selling price of $1.17½	.0940
Allowed profit, 8 percent of United States selling price of $1.17½	.0940
United States selling price	1.1750

Detailed cost of same grade of American shoe

Materials	$0.743
Direct labor	.300
Nonproductive labor	.045
Federal pay-roll tax	.011
Royalty	.025
Dies, lasts, and patterns	.010
Factory variable expense	.036
Fixed factory expense	.040
Additional cost for folded quarter, leather insole, and sheep quarter lining not originally included	.090
Purely factory cost of domestic shoes	1.300

With no transportation, selling expense, office expense, taxes, or profits.

You will note from these tables that the pure factory cost of the American shoe is $1.30, with no charges for transportation, selling expense, office expense, taxes, or profit. With these expenses added, the calculated price of selling this American shoe would be $1.55, which is 37½ cents more per pair, or 31.9 percent more than the United States selling price of Bata's Czechoslovakian shoes. Mind you, these are the wholesale or jobbing prices and not retail prices.

This information was presented to the Committee for Reciprocity Information at the recent hearing here on the pending trade agreement with Czechoslovakia and clearly shows that the American manufacturer is at a great disadvantage in meeting this kind of competition from abroad. The Czechoslovakian shoe price is used by the wholesalers and jobbers as the basis for depressing the prices on domestic-made shoes; or, in other words, the wholesaler states very plainly that because he is able to get a shoe that he may buy at $1.17½ a pair, the American manufacturer must come down, at least to near that level, in order to get him interested at all in the American product. This is impossible, in view of the tables that I have here presented. The Honorable Henry F. Grady, who is Vice Chairman of the Tariff Commission and Chairman of the Committee for Reciprocity Information, was particularly interested in this phase of the question, as shown in his statement at the recent hearing: "It is the question of the incidence of these imports on price structure that we like to hear about"—and on that point is based the complaint of all the American shoe manufacturers who make this grade of shoe and who spoke before the Committee on Reciprocity at that hearing some weeks ago.

The gentleman from Ohio again avers that it is those industries with the highest wages that have the least protection from tariff duties. These, I presume, are the great, heavy American industries, with which manufacturers in no other country can compete. Patent rights have to be taken into consideration, and tonnage is an important item in transportation cost and in a large way accounts for the inability of foreign manufacturers to compete with this line of American products.

On the other hand, he states that it is the low-paid industries that have the greatest tariff protection. The dominant factor in the determination of wage levels in any industry, to my mind, is the character of the competition that exists among the domestic manufacturers. The more competition there is, naturally, the greater is the effort to reduce cost and, invariably, labor is, unfortunately, the one that suffers most in that reduction. The average wage paid to American shoe workers in 1936 was about $19 a week. Surely, no one would say that that was an excessive wage. Then, there is this to consider. The shoe workers in my district who are fortunate enough to be getting any kind of employment under existing circumstances have recently taken a 10-percent slash in wages so that they can be assured of at least part-time work. Not only that, but these workers, and those most recently added to the ranks of the unemployed, must contend with the 29-percent increase in living costs that has developed in the past 5 years.

The consumer is fully protected because in this country there are altogether 955 factories making shoes of all kinds. There is no industry in the country that is more competitive than the shoe industry, so that in this respect the consumer enjoys the benefit of this local competition. I have no sympathy with the establishment of a high-tariff schedule for the purpose of protecting monopolies, however, and neither do I believe that the floodgates of Europe or Asia should be opened to permit their products, made with cheap labor, to come into this country in competition with our industries and our working men and women who are trying to make a living here. This Bata Co. with which we are concerned is the largest shoe manufacturing firm in the world, with factories in 10 different countries and with over 3,000 stores to which he can send his products. The cost of Bata's labor is but one-third to one-half of what it is in this country. The Bata organization operates along the lines of the automobile interests—the automatic conveyor system. It is estimated that when working to capacity,

Bata's plants are capable of producing 250,000 pairs of shoes a day, and it was stated by Mr. Johnson, of the Endicott-Johnson Co., before the Committee for Reciprocity Information, that all of the Bata factories combined are capable of producing upward of 350,000 pairs of footwear per day. That is the kind of organization Bata, and those in sympathy with him, want to "let loose" on our struggling shoe industry.

It must be kept in mind, in discussing this shoe question, that, under a trade agreement, once Bata gets a foothold in this country, and that agreement runs over any considerable period of time, Bata will ruin the men's as well as the women's shoe industry of the United States.

It must also be kept in mind that whatever concessions are made to Czechoslovakia, under the most-favored-nation clause, automatically these concessions become effective with all other countries with which the United States has entered into trade agreements.

Bata is encountering opposition all over the world where he is promoting the sales of his shoes. In England, for instance, the menace of the Bata operations is recognized by the labor leaders, and Bata has met with considerable resistance, not only from other manufacturers in the United Kingdom, but from workers and retailers, as well.

Swiss shoe manufacturers have also resented the entry of Bata into active production in their country, according to the United States Department of Commerce report, and have made concerted effort to combat this competition. They have boycotted those retail stores which sell Bata products, and a list of all local firms handling Bata shoes is published in a trade paper in Switzerland. Bata has sought to overcome this antagonism, but with little success, and the firms handling Bata products still have difficulty in obtaining other locally made shoes. On October 14, 1933, the Swiss shoe manufacturers were successful in having the Federal Council issue a decree which prohibited the establishment of new shoe factories or the extension of those already existing, without special permission from the Government. On December 30, 1935, this decree was extended for 2 years. This measure was passed after several years of intensive effort on the part of local manufacturers, and while the stated purpose was to control the volume of production of individual factories and to limit the output to quotas allotted by the manufacturers' association, the trade felt that this would curtail the local activities of their Czechoslovak competitor. The unfavorable publicity resulting from these conditions has no doubt slowed up the sales of Bata shoes in Switzerland to some extent. Moreover, many stores which might ordinarily have handled Bata footwear have hesitated to do so, fearing that they would ultimately lose the good will either of other manufacturers or of consumers.

France has experienced perhaps the greatest difficulty with the Bata organization, and it is pertinent here to quote the Honorable Earl C. Taylor, assistant French trade commissioner, in Paris on May 6, 1936. This is what Commissioner Taylor reported:

> The commission appointed to examine the requests for licenses to open stores, factories, and workshops in France met recently at the Ministry of Commerce under the presidency of Mr. Lecuyer, representing the Minister of Commerce, and decided to close down 199 Bata shoe stores in France opened between January 1 and March 22, 1936. It was also decided to close down 100 shoe lines in grocery stores. Following this decision, in several towns in eastern and western France, Bata shoe stores have already been closed.

It is clear from this report that Bata must have been a great menace to the shoe industry and the workers of France, when the Minister of Commerce, representing the French Nation, gave orders to close 200 Bata shoe stores and 100 shoe lines that he was carrying "in grocery stores."

We are in the midst of a great industrial depression in which it has been estimated recently ten to twelve million people are unemployed in the United States. There is no part of this country that is suffering more from a depressed condition than the State that I represent in Congress. According to the last report that is available, there are a quarter of a million less people employed in the industries of Massachusetts than were employed 15 years before; and, according to the reports recently issued by the Unemployment Census Director, Mr. Biggers, over 300,000 people who are able to work are now unemployed in Massachusetts. The relief costs in the 39 cities of Massachusetts in 1920 were $1,600,000, which kept constantly increasing until they had totaled $27,249,764 in 1933, and in 1936 the high peak was reached when the combined expenditures by local and Federal relief agencies in these communities made a grand total of over $80,000,000. We are very much alarmed about the present situation.

In recent days not only have I received complaints from the shoe manufacturers and workers, but also from the textile industry and the fiberboard industry because of the rapidly increasing imports affecting them from foreign countries, particularly Japan. I represent also the largest manufacturer of women's hat bodies in the United States. This concern is also greatly troubled over the importation of hat bodies, as they are presently coming in here primarily from Japan. Let me say that this is a field into which the Japanese manufacturers did not enter until 1934, starting on a modest scale and exporting in that year but 13,892 hats to this country. The extent to which they have developed in this field and have invaded our domestic market is shown by the table I herewith submit on imports of wool-felt hat bodies from Japan:

Year:	*Number*
1934	13,892
1935	2,703,514
1936	6,528,212
1937 (estimated)	8,500,000

Japan has already displaced Italy as the leader in the markets of the United States for foreign hat bodies, and nearly 40 percent of the hats consumed in this country come from foreign shores. If imports from Japan in this respect continue at the present rate, with Japanese efficiency developed toward a better grade of products as it goes along, it is not hard to foresee what is going to happen to the hat industry of these United States if something is not done to stop them. This industry represents 65 percent of the entire pay roll of Amesbury, Mass., a large town in my district. That firm is now operating on short time, with very much reduced pay rolls, and its owners are greatly concerned about what the future holds for their industry, which is so vital to the welfare of the community in which it is located.

I mention the wool felt hat industry not because of any connection it has with the proposed agreement with Czechoslovakia but simply to show that insufficient protection is being given that industry under the present tariff schedule. Certainly, with these hat bodies flooding our markets in that fashion from Japan, in which country women workers, for example, receive not more than 20 cents per day, it is time for the Tariff Commission to bestir itself so that we may save this very important industry from being driven out of existence. I plan to take such steps as may be necessary in the hope that the Tariff Commission will act on this problem at an early date.

Time does not permit me at present to go into other subjects, such as the great volume of cotton goods from Japan which has increased from less than a million yards in 1932 to over 100,000,000 yards in 1937. I am interested in all of these industries because they are the main source of employment for the people in the State from which I come, and to that end, as their Representative, I feel that the Government of the United States should give them the protection they need and have a right to expect in this distressing hour. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. May I say that fur hats are on the agenda for the proposed trade agreement with

Czechoslovakia, and they can come in from Czechoslovakia at the present time.

Mr. BATES. The fur hats are on the agenda, but I am referring to wool-felt hats.

Mrs. ROGERS of Massachusetts. The others have come in.

Mr. BATES. Yes.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from Massachusetts.

Mr. CONNERY. May I congratulate my colleague the gentleman from Massachusetts on his fine speech. I may state I am wholeheartedly in agreement with the gentleman. He has been one of the leaders in this fight for a great many years, even prior to the time of his coming to Congress, when as mayor of the city of Salem he led the fight for the shoe industry.

I believe the present tariff on women's shoes is entirely too low. My own home city of Lynn, Mass., has suffered a great deal because of the influx of Czechoslovakian shoes. The tanneries of Peabody, Mass., manufacturing leather, have also suffered. I hope the gentleman will see that everything possible is done toward having the reciprocal trade agreements take care of this condition.

Mr. BATES. That is right. That is one of the reasons for the present conditions in Peabody, too.

[Here the gavel fell.]

Mr. BATES. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein the tables I have prepared.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FERNANDEZ. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, the many problems which confront our country today necessarily give serious concern to every patriotic American. What these problems are is generally known. The question of how they shall be solved has elicited many divergent answers. Under critical scrutiny and analysis some of these answers appear to have been inspired by purely geographical or sectional conditions and considerations, some by the conflicting pronouncements of various American organizations, some by propaganda distinctly un-American, some by views of serious students of government and history who avow no purpose of selfish, personal, or group advantage.

Out of all this contrariety of opinion it devolves upon us as representatives of the people to find the true solutions, the ones of universal application which, without special privilege to any, will make for the welfare of all our people and the adherence to principles and policies upon which a democracy may successfully endure.

To me one thing is very clear: These solutions must be found at home, not abroad, and upon the basis of American ideals and American institutions. To the satisfactory performance of this task the heart as well as the head must be directed, and success will require the unselfish and sympathetic understanding and cooperation of citizens in every walk of life.

It is not my purpose today to speak of these problems specifically—they will come before us in that way as the bills which present them are considered in this Chamber—but rather to talk briefly of a method of approach which may the better enable us and the people to deal with them acceptably.

Before doing so, perhaps I may be pardoned for observing that many perplexing questions which appear to apply only to particular parts of our country and to be more or less local in character may have much of their solution in the proper remedy for a disturbing condition common to every section of our land, the acknowledged recession in business. For example, cotton presents a problem to the people of the South. It is the money crop of southern farmers, but bumper yields and diminishing markets have greatly depressed the price of the staple, and this section has suffered in consequence. With reference to other commodities, agriculture has suffered in a similar way in various parts of our Nation.

Illustrating the idea in mind with cotton, with which product I am naturally more familiar, it is clear that, in addition to increasing in every practical way the foreign demand for it, we must stimulate domestic consumption and discover new uses to meet this need. But the mere finding of such new uses is not the complete answer. The people of all the States must be able to become purchasers of the commodity in the various articles to which it may be devoted. And how may they become such purchasers?

In restoring prosperity is not that question one of vital concern to each of us, whether our respective districts are interested in producing raw materials or manufactured goods? I have alluded to cotton merely by way of example.

Evidently these apparently sectional economic troubles are in fact national and can be corrected only by general and national recovery.

It seems elementary that the ability of people to purchase depends necessarily upon their employment in every field of American endeavor. In this way only may their buying power be assured. Now, what is the natural and normal source of employment? The answer is plain: Business, both large and small. And in every district business is here represented. We may not have cotton or corn or wheat or oil in the realms of our respective constituencies, but we do have business of some kind. In its ramifications it is necessarily our mutual source of economic helpfulness.

The Government cannot afford to employ vast numbers of people indefinitely. We all realize that such a course would dry up the streams of revenue necessary for their compensation. Business is the principal source of national revenue, and I think it true that in the aggregate small business furnishes more of it than so-called big business, and also gives employment to more of our people. In the common problem, therefore, of properly fostering and developing and expanding every sort of legitimate private business which affords employment must be found the way to economic recovery.

Recent utterances of the President have accentuated this fact. The way to a normal condition is through normal operation. If evils exist, let us correct them, but in doing so let us see to it also that the natural channels of employment are not impeded. Therein may be found the basis both of individual and national welfare and prosperity.

In my judgment, ours is the opportunity to encourage and stimulate legitimate business. The administration has pledged itself to that laudable undertaking. We are assured that relatively early in this session legislative attention will be directed to such modification of our tax laws that small business in particular, which has suffered most from its inability to expand and give employment under present undistributed-profits provisions, will have appropriate relief from certain burdensome requirements now imposed. I am neither a prophet nor the seventh son of a seventh son, but when this bill was presented originally I thought I could foresee that it would bring about the very situation which has arisen, and, accordingly, voted against it. It has worked great hardship on small business especially, and thereby prevented expansion and decreased employment. Private investment of idle capital cannot be reasonably expected without some assurance of an opportunity for legitimate profit and the certainty of continued operation on such a basis. Wages can be paid only by people able to pay them; and in the purchasing power such wages supply both agriculture and commerce may find a helpful remedy.

But I stated in the beginning of these remarks my purpose to discuss what I conceive to be a promising approach to the settlement of our difficulties. In these days when we as legislators are confronted with unemployment, business recession, and kindred problems it may be helpful to pause and reflect upon certain fundamental and enduring principles and facts which have been established by the experience and wisdom and approval of the ages for the guidance of men and nations. They have found expression in various religious creeds and in the worthy philosophy of the world's wisest men. Perhaps we have been taking a vacation from these immutable principles which the fathers, ecclesiastical and

governmental, have given us and now have need to get home to them and their steadying and satisfying influence. Perhaps in this way only may we attain that permanent peace and contentment promised by the rightful solution of these problems.

We have long had a very proper impulse to pay tribute to the pioneers who laid the foundation for the great possibilities of our modern civilization. They were men and women of sterling worth and traits. Their problems served as the gymnasium in which to develop their self-reliance and individual strength, and in their mutual tasks they exemplified most strikingly the true neighborly spirit. They appreciated the value of the principles the centuries had taught. They felt their responsibility and that theirs was the duty of solving their problems. They did not delegate them to others. And out of their efforts came growth and development and progress and happiness in the various fields of human endeavor.

I fear we delight more to talk of them than to emulate their examples. We have expended large sums of the people's money in seeking to preserve properly the memory of Washington and Jefferson and Lincoln and other heroes and celebrities who have made our history glorious. And sometimes, as I contemplate the monuments of many kinds with which we have sought to do them just honor, I wonder if we, their followers, should be classified merely as their passive admirers or as their worthy successors. Are we observing those same age-old, immutable principles and policies which made them and their country great?

In this body we serve as representatives of the American people. They have very few direct representatives. Of the approximately 1,000,000 persons now in the employ of the Federal Government in different lines of endeavor, less than 550 are selected by the people themselves. But upon this small group rests the legislative burden, and the manner in which it is understood and met and disposed of determines the welfare of 120,000,000 Americans. Seek elsewhere as we may for much of the error and unrest which prevails in our land, we shall likely find the prime cause and the principal responsibility coming home like roosting chickens to us who make the laws. We determine the system under which the country must operate, and it is a responsibility we cannot shirk or delegate. Perhaps it is time to pause and think in a new way of those pioneers and the principles they preached and practiced, and to realize that the antiques of their stalwart characters and sterling traits are of far greater value than the odd and old pieces of furniture which adorned their homes.

Long ago the Almighty decreed certain unalterable principles to be applied to life and its problems which will endure without modification through time and eternity. Styles and circumstances and conditions change, but these immutable precepts apply with unvarying force to all styles and all circumstances and all conditions. Present conditions are not due to the failure of these eternal principles but, rather, to the failure of us all properly to observe and apply them. It may be that one can violate the laws of man and, in the parlance of the street, get by with it, but one may take no such liberty with the laws of God prescribed for the government of men and nations.

Let us look at our land today and get a picture of the situation in the light of ancient and accepted teachings. It is not a pretty picture. Instead of brotherly love and mutual endeavor and consideration for fellowmen, what do we find? There are many evidences of hatred, of discord, of factions, of selfishness, of greed, of envy, of bickering, even of sectional strife—neighbor arrayed against neighbor, friend against friend, brother against brother. If that can make for progress or happiness, and I say it reverently, then Jehovah was wrong in His precepts. The only way to obviate these evils is to get back to living in the spirit of time-honored religious and governmental truths which practically all Americans profess to believe. And perhaps we should be the first to set the example.

The kind of government any country has is very largely a reflection of the kind of people it has and the motives which actuate them. William Penn once observed that—

> Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them are they ruined, too. Therefore, governments depend upon men rather than men upon governments.

Have we been inculcating that principle? Have we been spreading the wholesome doctrine of self-reliance? In my judgment, when American self-reliance becomes a memory the American Republic will become a memory also.

Today we are threatened with many spurious isms from abroad which seek to do violence to our fundamental principles and to destroy the liberty they bring. Let us not be deceived. The early explorers of America, impelled by greed, held before the eyes of the untutored Indians a few worthless and glittering trinkets which they offered in exchange for the fertile fields of the redskins. Ignorant of the value of what they had and the lack of value of what was proffered, these aborigines traded to their sorrow. Let us not emulate their example. Let us not sacrifice the heritage of the ages in the building of men and nations to the whims of foreign malcontents who today, unfortunately, have representatives in abundance within our own borders. Let us cleave, rather, to those enduring principles the Almighty has given. Perhaps we may well give heed to the suggestion of the Earl of Beaconsfield to be "conservatives to preserve all that is good, and radicals to remove all that is bad."

In these crucial times this double duty is a strenuous one. It calls for soldiers of peace as brave as those who suffered at Valley Forge or battled at Yorktown, soldiers who believe in the things which have made this the world's greatest democracy. But these very difficulties accentuate the opportunity to be worthy successors of the pioneers we honor. No man, no woman, no people ever became strong and great whose resolution was not challenged by obstacles. The pioneers met them and overcame them. Let us do likewise and prove ourselves worthy of the glorious heritage they have left us. [Applause.]

Mr. PLUMLEY. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HOFFMAN].

THE PERSECUTION OF INDUSTRY BY THE ADMINISTRATION, THE N. L. R. B., SENATE CIVIL LIBERTIES COMMITTEE, AND THE C. I. O.—UNJUST ATTACKS ON FORD

Mr. HOFFMAN. Mr. Chairman, on the 11th of January, on the floor of the House, the gentleman from Washington [Mr. COFFEE], referring to Mr. Ford, said—RECORD, p. 333:

> But he appears to have little fondness for that earliest of American treasures—the belief that all men are equal before the law.

The gentleman later continued—RECORD, p. 333:

> In the brief time at my disposal I can only summarize the story of Mr. Ford's lawbreaking career.

Holding no brief for Henry Ford, nor for the Ford Motor Co., it is, however, my privilege to call the gentleman's attention—and he has been notified of my purpose—and the attention of the House to the unfairness as well as to the absurdity of these two statements.

Let me repeat the gentleman's statement. He said:

> In the brief time at my disposal I can only summarize the story of Mr. Ford's lawbreaking career.

Is Henry Ford public enemy No. 1? Is he a gangster? Is he a man who has robbed a series of banks, despoiled the widows and the orphans? What single instance can the gentleman cite that Henry Ford ever personally violated any law—Federal, State, or city ordinance? Yet here on this floor he is charged as having a "lawbreaking career."

EDSEL FORD ASKED TO THE WHITE HOUSE

Undoubtedly the gentleman had reference to Henry Ford as the responsible head of the Ford Motor Co. rather than Henry Ford as an individual. But, even if this be true, it should be remembered that the legal head of the Ford Motor Co., its president, Edsel Ford, this week by invitation at the White House meets the President.

As Edsel and his father undoubtedly stand together, if the gentleman be correct in his characterization, he should warn the President before Friday that he has invited to the Executive Mansion the close associate of a man with a "lawbreaking career."

HENRY FORD AS A MAN

The achievements of Henry Ford in the industrial world are known to all. His modest manner of living is matter of common knowledge. For him no palatial yachts sailing the high seas; no cruises to southern waters, either at his own or Government expense, to engage in sport or to escape the chilling blasts of the Michigan winters.

For him no cellars filled with rare wines; no entertainment staged by beauteous maidens; no social functions graced by knee pants or gowns that can be held in the hollow of one's hand; no parties on New Year's Eve or at other times to which come the 400, the Nation's 60 families, or any of those others who consider themselves above the common herd.

FORD ROBBED NO ONE

Henry Ford robbed no one in accumulating his great wealth. He took from no man anything which that man had before.

He was the first to establish a minimum wage of $5 per day and the argument that he treats labor unfairly would seem to be indisputably refuted by the list of men waiting to be employed at Ford's.

The life of Henry Ford has been an open book. Because of his coming, of his genius, his executive ability, his industry, and his thrift—and thrift is care and wisdom in the use of one's resources—you and I and many of those who snap and snarl at his heels are riding in automobiles, instead of upon bicycles or walking in the dust of the street.

Because of the cheap automobile of which he is the father, we have highways stretching from coast to coast and from northern border to southern Gulf. Because of Henry Ford, the toil of many a farmer has been lightened and hundreds of thousands of workers and their wives and children enjoy recreation at river, lake, seaside, or in the mountains, which otherwise would be beyond their reach.

It is doubtful if, in all the world, there lives a man of so wide activities, of such great wealth, who is so modest, so unassuming, so law-abiding, with so little of egotism, with so much of kindliness.

And yet, having passed the three-score-and-ten mark, he is the target of a multitude of those who have, in comparison, accomplished nothing; who are so unfair, so lacking in charity, so vindictive, that they will not even visit the home plant at Dearborn and learn for themselves before giving utterance to their slanderous abuse.

FORD'S PLACE IN HISTORY

When history is written, the encyclopedias of the future are published and the names of his traducers have been forgotten, and the records of the N. L. R. B.'s and of the S. C. L. C.'s libelous statements have crumbled to dust and scattered by the winds of heaven, the name of Henry Ford will still be known.

When the name of that one who today poses as the great benefactor of the common man has been dimmed—yes, almost lost—in the mists of time and he is known to history as the President of many moods, of many poses, of many promises, and the appalling record of his inconsistencies has been written, the name of Ford will stand forth, clear, distinct, and undimmed, upon one of the monuments which mark the progress of man from the beginning of time to eternity's end.

The gentleman from Washington, continuing his remarks, said—RECORD, p. 334:

> But in spite of his bravado and his brilliant legal strategists, Mr. Ford was afraid to trust his case to an American court of law. On the 9th day of the 10-day period for compliance the Ford Motor Co. took its case to the newspapers in an attempt to avoid court action.

Let me pause here and gently with kindly words, but nevertheless accurately and nonetheless emphatically, call the gentleman's attention to the fact that his statement is entirely erroneous; that it does not state the fact.

FORD'S FIGHT THROUGH THE COURTS

As the gentleman said, Mr. Ford announced that he would take his case into court. He did take his case into court, and his case is now pending in the court. There is, therefore, no ground for the charge that he is afraid to trust his case to an American court of law, or that he is engaged in an attempt to avoid court action.

FORD'S APPEAL TO THE PEOPLE

In addition to the court action—and apparently this is the thing of which the gentleman complains—Ford did issue a statement through the newspapers to the public, and the substance of that statement was that he would let his record and his actions, as known to the public, speak in his defense.

THEIR VERDICT

And let me predict that, whatever may be the verdict of any court or any courts, in the end, when the people of this country judge Henry Ford, they will find, and by their verdict they will declare, that his record as a patriotic citizen, as a man, as one who has contributed to the welfare of his fellow men, is second to that of no man of this or any other generation.

One of the things which the Members of this House should not forget is the fact that, while the National Labor Relations Board found against the Ford Motor Co., an appeal has been taken and judgment might well be withheld until the final decision.

Some of the occurrences which took place at the Dearborn plant on the 26th day of May 1937 have been before the Michigan courts. The Ford Motor Co. and several of its employees were charged with an assault upon one William Meriweather, with intent to do great bodily harm less than the crime of murder.

A hearing was had before a common pleas magistrate, where those prosecuting submitted all their evidence to the court, with the result that the Ford Motor Co. and those charged in that complaint were held for trial before a court of record in Wayne County.

Upon the case being brought on for trial, a motion to quash because of lack of evidence was made and, after a full hearing, the charge was dismissed and, on appeal to the Supreme Court of the State of Michigan, that court refused to review the decision.

FORD'S EMPLOYEES NOW ON TRIAL IN BAILIWICK OF MAYOR AND CHIEF OF POLICE CONVICTED OF PROMOTING VICE

Not content, however, with this decision of the trial court and of the supreme court, other cases charging minor offenses growing out of this same occurrence have been brought in another jurisdiction. These later complaints have been filed in the city of Hamtramck, whose mayor and chief of police were charged, tried, convicted, and served time for conspiring to permit and allow the keeping, maintaining, and operating of houses of ill fame in the city of Hamtramck.

Notwithstanding his conviction and his service, the mayor became a candidate for reelection and he was reelected and is now mayor of the city, and it is to this jurisdiction that the prosecution of Ford and Ford workers has been taken.

QUESTION NOW BEFORE THE COUNTRY: CAN EMPLOYMENT ONLY BE OBTAINED THROUGH SIGNING OF C. I. O. CARD?

The question at issue now before this country is not whether Ford industry shall be unionized, but is whether those men who desire to work in Ford plants, or in other plants—yes, whether those who desire and have the opportunity to work—shall be forced to sign a C. I. O. card before they may don their working clothes.

Yes, that is the issue. Shall a working man in this land of ours be deprived of his work because he will not sign on the dotted line and pay tribute to a union sanctioned and promoted by the Federal Government?

SHALL EFFICIENCY OF WORKER BE DESTROYED?

Shall the employer be compelled by the Government to retain inefficient, insubordinate workers, merely because they

hold a C. I. O. card? Already experience has demonstrated that the worker who knows that he cannot be discharged because of his union affiliation slows down production and, as inefficiency in production means higher cost and loss of business, it means lower aggregate pay rolls and workers, discovering this, will place the blame where it belongs—upon the union, the inefficient worker, and the agitator.

No words, no ranting, no accusations can becloud the issue.

PRESIDENT RESPONSIBLE FOR N. L. R. B., S. C. L. C., C. I. O., LEWIS, COMMUNISTS

The President of the United States is the responsible head of the Federal Government and he cannot escape responsibility for the operation of the Wagner law, the actions of the National Labor Relations Board, the activities of the Senate Civil Liberties Committee, of Mme. Perkins, of John L. Lewis, the C. I. O., and the Communists which shelter themselves in its feathers, without admitting incompetency or an unbelievable lack of knowledge of what has been transpiring.

ADMINISTRATION JOINS HANDS WITH COMMUNISTS TO FIGHT FORD—DESTROY CIVIL RIGHTS

Frankensteen, lately appointed to the State welfare commission by Michigan's absentee Governor, it was who said of Ford on April 8, 1937:

Henry will either recognize the union or he won't build automobiles.

Lewis it was who, on the same day, according to the Associated Press dispatch, made the statement:

Henry Ford will change his mind or he won't build cars.

Both before and since those statements were made, the Senate Civil Liberties Committee and the N. L. R. B. have been working hand in glove with Lewis and his organization to translate these threats into action, to bring Ford to his knees, to compel him to sign on the dotted line.

What a spectacle! Your Government and mine joining hands with the Communists in control of the C. I. O., fighting to force this man, who gives employment at an average of more than $7 a day to thousands of men, to acknowledge the rule, submit to the demands of the C. I. O., which most people realize would wreck the industry.

Civil rights? What has become of the civil right of Ford to hire men and pay wages? What has become of the civil rights of the thousands who want to work unmolested?

FORD FIGHTS THE WORKERS' BATTLE

Henry Ford is fighting today the battle of the independent worker; the battle of the employer throughout the Nation. He is making the fight for you and for me. He is beset in front by the C. I. O. and from the rear by the agencies of the Government, which should protect him.

The C. I. O. used the name of the President and of the Senate Civil Liberties Committee in its organizing campaigns. The President let this use of his name go without rebuke; hence, he stands sponsor for that organization.

The C. I. O. was conceived in an effort to destroy the American Federation of Labor, and, with the aid of the President's silence, the assistance of Governor Earle, of Pennsylvania, and Governor Murphy, of Michigan, and the Federal agencies just referred to, it was well on its way to accomplish that purpose when it overreached itself through the sit-down strikes, its violence, and its lawlessness.

WAR AT HOME IF N. L. R. B. CONTINUES ITS PERSECUTIONS

It is all well enough to talk about avoiding war in foreign lands, and all praise to the administration which can keep us out of war with foreign peoples; but what can be said of the administration which grows indignant over the sinking of a ship or two, the loss and destruction of a few million dollars' worth of property 6,000 miles from home, when here in our own States, in our own cities, in our own home towns, the armed invader walks unmolested, destroys hundreds of thousands of dollars worth of property, causes the death of more than one citizen of the State, drives workers by the hundreds of thousands from their jobs, smashes in the doors and the windows of homes, while the administration takes a vacation, goes fishing?

TREATMENT OF AMERICAN CITIZENS ABROAD AROUSES INDIGNATION—WORSE TREATMENT AT HOME GETS SYMPATHY OF ADMINISTRATION

Why this great indignation over what happened in China, 6,000 miles away, while in the cities of Michigan, of Ohio, of Pennsylvania, men to earn their daily bread are forced to sign a C. I. O. card?

American citizens 6,000 miles away are driven from their business places, from their homes, and great is the indignation, and justly so. And there are rumors of war and there is talk of war and preparation for war, while within our own house members of our own family are assaulted, beaten, and deprived of their rights and the Commander of the Army and Navy does nothing to protect them, nor does he call upon the Governor of the State to extend the protection guaranteed by the law of the land.

No criticism is made of the determination of the administration to demand protection for Americans in foreign lands, of the demand that respect shall be shown to the American flag; but it might be well for the President to remember that there are things other than charity which begin at home, and among these is the right of the American to be secure in his employment, his home, his liberty of action, of all of which he has been deprived by the failure of this administration to exercise the authority it possesses, by the acts of the N. L. R. B.

Whatever may have been the purpose of the Wagner Act originally, as interpreted it has been demonstrated to be productive of strife and disorder.

It is not my purpose here today to recite a list of its misdeeds, but to point, if I may, to the result which will inevitably follow its present course.

UNION DEMANDS IN CALIFORNIA

Glib-tongued, smiling, and curly-haired boys of the N. L. R. B. and members of the Senate Civil Liberties Committee themselves may learn when it is too late that the small-business man, the farmers, the workers of America are just as familiar and handy with baseball bat, pitchfork, neck yoke, corn cutter, and ax handle as are the United Mine Workers and the U. A. W. A. with pieces of lead pipe.

We all know what happened in Michigan. We know what has happened in other places in this land of ours. Let me quote from a letter from a farm organization of California, received yesterday. The unions there demand—

All turkeys sold in the San Francisco market must bear a union label.

All wool men must employ union sheep shearers; otherwise lamb and mutton will not be sold by local butchers.

Employees in the dairy products plants declared they will not handle milk unless the dairy employs union milkers.

And if the farmers use a mechanical milker, what then?

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BOILEAU. I presume the mechanical milkers will probably have to be made by union labor?

Mr. HOFFMAN. I suppose so; and what about the cow? [Laughter.]

I can answer that myself, because the next statement is:

All hay must be hauled from the farm to the dairy by union teamsters.

Undoubtedly these demands will be backed by the C. I. O. organizations and, if the N. L. R. B. follows its usual course, woe unto all who refuse to meet those demands.

What will the farmers and the small townspeople say and do when confronted with that sort of a situation? Answer the question for yourself.

The townsmen cannot buy a chicken or a turkey or a piece of mutton or of veal through his local shop, unless the feed which produced it has been hauled by a union teamster. Give it another thought.

N. L. R. B. RULINGS ACCEPTED AS CHALLENGE TO BATTLE IN RHODE ISLAND

From California go back to Rhode Island, where Local 16, Associated Workers of Printing and Finishing and Allied Industries at Westerly represents 502 workers out of a total of 753; where the local has a bargaining contract with the Bradford Dyeing Association.

Nevertheless, N. L. R. B., holding that the Associated Workers is a company union, has ordered the employer to recognize the C. I. O. What do you suppose is in the minds of the 502 who are ordered by the Board to submit to the 251? And how long do you think orders of this kind can be enforced?

Note the statement of the local union's committee:

The employees are satisfied with the representatives whom they have chosen, and they want no dictation from the C. I. O. They will not have C. I. O. forced on them.

Now, get this statement, and about its sincerity harbor no delusions. Let me quote:

"If the decision of the Labor Board is put into force, strife will surely follow," predicted the executive committee of the local union.

FORD ORGANIZATION PROTECTING C. I. O. AGITATORS

Drop over into Michigan where the N. L. R. B. has ordered the Ford Co., employing at Dearborn some 80,000 workers, to take back 29 members; where the C. I. O., among these thousands of employees, has but a handful of members.

Picture the situation for yourselves. Here are thousands of men employed at Dearborn. Many of them have worked there for years. They have never been forced to join any union. They have never been required to pay initiation fees, membership fees, special assessments, or dues of any kind to any outside organizer.

In comes the C. I. O., and they are informed that they must become members of that organization and must meet its demands for fees and dues. They are satisfied with their jobs; they know of no reason why someone from outside the State should fix for them the wages which they should receive, the hours which they should work, or the privileges which they should enjoy. But because of this handful, this comparatively few in number, who demand that the bargaining power for all shall be lodged and vested in the U. A. W. A., there is strife, and there is violence.

On their way from the plant, as they leave the gates, pamphlets which they do not want are forced upon them; attempts are made to block their progress and to compel them to accept literature for which they have no desire. If this continues from day to day, what will be the temper of the workers? What will be the state of mind of these men, who, knowing the loss of work which took place when there were strikes at other places, can see the same thing descending upon them, not because they are asking for it, but because it is forced upon them?

The N. L. R. B. can order the Ford Motor Co. to take back the 29 workers who were discharged. The Ford Co. welcomes them back. How will the other workers receive them?

What do you suppose would have happened to Frankensteen, to Reuther, and to the rest of those who went out on May 26, and still later on another day, to force their attentions and their propaganda upon the Ford workers, had not the Ford organization made every effort to restrain its employees from acts of violence?

CONGRESS MAY BE DISSOLVED

What would you, sitting here in the House, do, should an organization from one of the departments come in and attempt to tell you the hours you should work, the salary or the allowance which you would receive? You would throw them out. Perhaps you should today; perhaps tomorrow; it may be possible next year; but, if you let this thing run on, by 1941 someone will send you a proclamation dissolving the Congress and tell you to go home and, if you have permitted the executive branch to steal your power, to usurp your functions, to make Congress the laughing stock of the country, it will deserve no better fate than permanent dissolution.

CONGRESSMEN SHOULD FIGHT FOR THEIR PAY CHECKS

For the sake of the father who conceived you, the mother who bore you, if you will not fight for the liberties of the people of your district, at least stand up and do battle for your own job, for your own pay check, for your own honor.

DEMOCRATS WILL BE LIQUIDATED

It was well enough in the early days of the New Deal to see public funds diverted to buy votes to defeat Republican Congressmen and Republican Governors. But the time has come—it is now here—when Democrats who have not thrown away their judgment, who have not kissed the foot of the great leader, should be aware of the fact that they are next in the line marching toward political execution.

Oh, yes; and the smiling New Dealers who think they are riding high should recall what happened to some of the big boys in Russia.

POLITICAL EXECUTION OF OPPONENTS BY NEW DEALERS

You should not forget that the way of a dictator is always the same. First, he "purges" those who oppose him politically, those in the opposite party. Then, he swings to the more independent members of his own party and off come their heads; if in foreign lands, their physical heads; here, their political heads.

And at last, to render himself secure, even the henchmen of the dictator are disposed of, one by one, or changed so rapidly that none can attain prominence or power.

So live on, if you will, in a foolish security, but know that yours heads too, await the ax unless you show some signs of independence, some evidence of listening to the voice of conscience, some desire and determination to perform your duty as Congressmen.

CIVIL STRIFE

Members of the N. L. R. B. should remember that while they can make orders, promulgate rulings, those orders are of no value except as they are put into effect. Here the N. L. R. B. will be confronted with a practical difficulty.

It can order a majority to accept the will of a minority. It can decree that honest, straight-thinking, liberty-loving American workers must yield their will and submit to the terms of, and pay tribute to, the Communist organizers of the C. I. O. It may order the motor industry, the steel industry, or any other industry to reinstate these discharged agitators. But to keep those agitators on the pay roll, slowing up production—in some places endangering the lives and the limbs of their fellow workers—will, in the end, bring resentment which will express itself against those who have brought about the trouble, and the result will be civil strife.

From all over this land of ours for months past have come rumblings of trouble, of impending conflict, and unless this Board and the Senate Civil Liberties Committee cease their un-American—their unjust—activities, they will shortly find that the lawlessness, the violence which their actions encourage, which their teachings promulgate, will be met in the same spirit and in the same manner that our ancestors met another liberty-destroying foe at Lexington and Bunker Hill.

THE WAGNER ACT MUST BE AMENDED

There is one comparatively simple, practical program which this Congress can adopt, put into effect, and cause to be impartially enforced, which will forthwith, from the day of its enactment, do much to dispel fear, restore confidence, and aid in the return of prosperity.

It is so universally acknowledged to be necessary, its ultimate adoption is so certain, the principles underlying it so just, that the failure of Congress to act is proof of our loss of independence, acknowledgment of our submission to minority dictation, evidence of our indolence—perhaps, more properly speaking, proof of our lack of initiative, of our lack of willingness to do the things we know should be done and sufficient reason for the growing contempt with which many regard us.

I refer to the drastic amendment of the Wagner law in such a manner that the civil liberties of the independent worker and the employer will be safeguarded and protected as zealously and to the same degree that aid is given to the C. I. O. unionist.

There are not 50 Members of the Congress who will not privately admit that this law has stirred up strife and that it must be amended. Yet the leadership of the House has so far denied relief to those, the independent worker and the employer, upon whose efforts the return of prosperity depends.

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

WHITHER ARE WE DRIFTING?

Mr. SAUTHOFF. Mr. Chairman [reading]—

Taken as further evidence of the increasing Anglo-American bond of friendship, the Navy Department yesterday announced three American light cruisers would represent this country at the formal opening of the new Singapore naval docks February 14.

I am quoting from an article written by Franklyn Waltman in the Washington Post of Friday, January 14. It is a well-written article and goes on to say that these three cruisers left San Diego, Calif., on January 3 to visit Sydney, Australia, during its Sesquicentennial Celebration beginning January 26, after which they will proceed to Singapore.

Singapore, the article continues, is one of the strongest and best fortified ports in the world. It has the largest docks in the world. In the past few years more than $60,000,000 have been spent on fortification equipment at Singapore. It is most carefully guarded from spies, and aliens have been arrested at different times for being too close to its fortifications, and yet the officers and men of the three American cruisers will be privileged to view a naval base that few naval personnel other than British have seen. In fact the announcement of the visit of our cruisers was such a surprise that naval officials at Singapore commented on the fact that the ceremonies were a "purely empire affair," and that no invitations had been issued to any foreign powers. Then why the visit of our cruisers to Australia and to Singapore, and why the special privileges accorded to us? Perhaps the conference at the White House to which Mr. Waltman refers in his article may be the answer, for it is known that Admiral William D. Leahy, Chief of Naval Operations, conferred with Secretary of State Cordell Hull and Under-Secretary of State Sumner Welles, and that all of them had a session with President Roosevelt. Yesterday's Washington Post had another article on the front page stating that hereafter the United States naval authorities would not furnish any more information as to the naval strength of our country, and periodical reports on ships under construction, as well as ships in active service, would not be published and that the League of Nations would not be furnished with the data that has been sent in the past. However, and this is significant, the Governments of Great Britain and France would still be furnished this information. Why this discrimination in favor of France and Great Britain? Is it a farfetched conjecture to say, in the light of the surrounding circumstances, that we are being jockeyed into a naval alliance with Great Britain in Chinese waters? If so, our people should know it; and, if it is not so, then what are we doing there? To me the only way that it is possible to analyze our present circumstances and come to some satisfactory conclusion as to the meaning of all this, is to review international affairs since the close of the World War.

VERSAILLES TREATY

Under the treaties resulting from the World War, Japan had no complaint for she shared in the despoiling of Germany. Italy felt herself aggrieved because a large section of Italian opinion was convinced that Italy had not been given a fair share of the spoils of war, and Mussolini came to power by promising to redress the alleged injustice. Germany was deprived of all of her colonies and, in addition, large sections of her continental territory. She also was made to surrender railroad rolling stock, sheep, cattle, horses, and to make certain annual payments. The infant German Republic, trying to get on its feet, handicapped and harassed by these exactions, struggled desperately under the leadership of a man nearly 80 years of age, but in the end succumbed to the promises of Adolf Hitler. Hitler's ascendancy to power in Germany is directly due to the failure of the so-called democracies to stand by this infant German Republic and put it on its feet, and so as an outgrowth of the treaties of the World War we find an unholy alliance consisting of Germany, Italy, and Japan, all eager to seize additional territory with saber rattlings and tom tom beatings, bullying their way into a place in the sun. Their territorial threat is directed largely against England, France, and Russia, and France and England are once more maneuvering with every possible diplomatic trick and threat to draw the United States into the picture. Once more we hear the cry—the United States must join with France and Great Britain for the preservation of democracy. Once more we hear the cry—the United States must maintain the freedom of the seas. Have we forgotten that those were the identical arguments that were made in 1915, 1916, and 1917 to draw us into the World War?

In appraising our situation and that of the other nations of the earth, I can find but one experience which may serve as a parallel and a guide to us, and that is our experience in the World War. It may be remembered by many of you present that our President and our public men stated again and again that our entrance into the World War was not for territorial aggrandizement, nor did we covet the lands of anyone on earth. That was true. We kept the faith and when the World War was over we asked for nothing whatever except for the privilege of establishing a naval base on the island of Yap, an insignificant, unimportant island lying midway between the Hawaiian Islands and the Philippine Islands. We wanted that naval base to protect our position in the Philippines. Japan promptly objected and neither Great Britain nor France would back us up in our request, and as a result that one, small, insignificant Island of Yap was denied us. That was the first of a series of disappointments which our country experienced at the hands of Great Britain and France. How can we trust them? A review of the record shows them to have been guilty of treachery and deceit not once, but many times, and if we are to be guided in the future by the lessons of the past, then there is no reason on earth why we should continue to trust them.

May I remind the Members of this House that while the great cry was being raised in this land by means of British propaganda which Lloyd George says was the best $100,000,000 that Great Britain invested in the war, and while our movies, our pulpits, and our public press were filled with the slogan, "Make the world safe for democracy," secret agreements had already been arrived at among the allied nations for a division of the spoils when the war should be victoriously concluded. Did these nations tell us that they had met in secret and agreed upon a division of the swag? Of course not. I am glad that our people were actuated by higher motives without one single solitary thought of gain. I am glad that we went into that fight with our hands clean, our consciences clear, and that we kept that faith until the very end, but I despise and hold in utter contempt these nations adopting a sanctimonious attitude of "holier-than-thou" while at the same time they harbored secret agreements to carry away the booty.

If my memory serves me right, there was also a time just previous to the World War when Great Britain, France, and Germany did some treaty making about Morocco. These three countries entered into a treaty which protected all the interests of the citizens of those nations which signed the treaty. In conformity with these treaty rights, German citizens, as well as French and English citizens, acquired property rights as individual purchasers in the rich mineral fields of Morocco. Then France and England executed a secret treaty by the terms of which German enterprise was to be driven out of Morocco, and France and England were to divide the swag. France and England double-crossed Germany on that occasion, and for her share in it England secured from France a relinquishment to all her claims in Egypt. This double-cross is one of the most outrageous in the diplomatic relations of civilized times, but I am not shedding any tears over the Kaiser as I firmly believe he would have entered into a like agreement had one or the other approached him secretly for that purpose. And how about Morocco? What right did these three pirate nations have to divide the lands and the treasures of a foreign people, against their wishes? This double-cross was one of the causes leading to the World War, and I cite it only to show

that no faith can be placed in the promises of any of these European nations.

I might also remind you Members of Congress of the war debts which are yet left unpaid. These debts amounted to close on $11,000,000,000 and we cannot even collect the interest, to say nothing of any of the principal. I have always held the belief that the man who would not pay his honest debts could not be trusted. Of course, I know that sometimes even honest men, through accident or sickness or some other cause over which they have no control, are rendered penniless, but in that event the honest man tells his creditors of his misfortune and the law gives him a method for lightening his burden. But these nations that will not even pay us our honest interest, are squandering billions upon billions every year for ever greater armies and navies.

Not long ago the Washington papers made a great fuss of the fact that Great Britain had defaulted on her payment but that she had rendered a token payment, as though that were a very noteworthy and praiseworthy thing to do. Well, if token payments are so highly honored, why would it not be perfectly proper for those of our people having farm loans or H. O. L. C. loans, and who find themselves in financial difficulties, to make token payments to our Government? Such token payments would be an evidence of their sincerity and good will, and would signify that they acknowledged the debt but were unable to pay. If token payments are good enough from foreigners, why should they not be good enough from our own people? The truth of the matter is that, with the exception of little Finland, which has honorably met every single obligation, none of these nations ever expect or intend to pay us a single penny, either on interest or principal. They are welshing on their debts, once more demonstrating that they are the masters of the double cross.

You will recall that about 5 years ago Japan, without justification, invaded Manchuria. Our then Secretary of State, the Honorable Henry Stimson, wrote a vigorous letter of protest to the Japanese Imperial Government. He expected, and I believe he had a right to expect, that England and France would stand back of him in his protest; but the truth of the matter is that England refused to back up our Secretary of State, and as a result we were sharply rebuked by Japan and, in effect, told to mind our own business. England did not want to give offense to Japan because of her vast trade in the Orient, so she double-crossed us, but now she is paying the penalty.

I also recall that there was a naval conference in Washington for the purpose of reaching an international agreement for the reduction of armaments, and that as a result of that conference we scrapped some of our fleet, while England welshed on her agreement on a technicality; and for winning that great naval victory over us Mr. Balfour was made an earl by his Government. Once more we were double-crossed.

May I also remind you that during the past few months there was a conference at Brussels for the purpose of considering what action to take in regard to Japan's invasion of China, and Great Britain magnanimously permitted us to pen the rebuke and, figuratively, slapped us on the back and said, "Go ahead, Uncle Sam, I will hold your coat." Why should we take the lead in view of the fact that Great Britain's interests in China are 600 percent greater than ours? All our investments, all the business that we transact in China for one whole year, is equal to only one day's cost of our forces during the World War.

The total investments in China are divided as follows: Great Britain, 36.7 percent; Japan, 35.1 percent; Russia, 8.4 percent; United States, 6.1 percent; and France, 5.9 percent. (The Japanese and Russian totals were changed by the sale since 1931, by the latter to the former, of the Chinese Eastern Railway in Manchuria. This investment amounted to $210,500,000.)

The principal foreign direct investments in China, in millions of United States dollars, were divided geographically as follows:

[In millions of United States dollars]

	Great Britain	Japan	Russia	United States of America	Total
Shanghai	737.4	215.0	.....	97.5	1,049.9
Manchuria	.....	550.2	261.8	.....	812.0
Rest of China (including Hong Kong)	226.0	108.9	11.4	52.7	399.0
Total	963.4	874.1	253.2	150.2	2,260.9

The industrial break-down of the totals are as follows (in millions of United States dollars):

	Great Britain	Japan	Russia	United States of America	Total
Railway and shipping	134.9	204.3	210.5	10.8	560.5
Public utilities	48.2	15.6	.....	35.2	99.0
Mining	19.3	87.5	2.1	.1	109.0
Manufacturing	173.4	165.6	12.8	20.5	372.3
Banking	115.6	73.8	.....	25.3	214.7
Real estate	202.3	73.0	32.5	8.5	316.3
Import-export	240.8	183.0	12.2	47.7	483.7
Miscellaneous	28.9	71.3	3.1	2.1	105.4
Total	963.4	874.1	273.2	150.2	2,260.9

So it is very apparent by reviewing the record—a record which is replete with treachery and deceit, with trickery and intrigue, with hypocrisy and cant—that no confidence or trust can be placed in any of these foreign countries.

UNION OF DEMOCRACIES

We are also urged that again we must make the world safe for democracy, just as we were urged to do so in 1917. Again must the democratic nations join hand in hand to preserve freedom and liberty throughout the earth. Well, let us examine that argument and see what it amounts to.

What is a democracy? The dictionary tells us that a democracy is government directly by the people collectively. Rousseau wrote in his Social Compact:

> All men are created free and equal and are endowed with liberties which they surrender only to their own advantage.

Thomas Jefferson copied that thought and embodied it in our Declaration of Independence in the words:

> We hold these truths to be self-evident, that all men are created free and equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

My conception of a democracy coincides with the above; it cannot include countries that hold people against their wishes or countries that subjected others by force. Therefore, I must regard such countries as the Scandinavian countries, Holland, and Switzerland as the democratic countries. I cannot include Great Britain, France, and Russia because they do not meet the test. True democracy must rest on the censent of the governed, and I have not forgotten the ruthless invasion of the Transvaal Republic by the British, nor the Moroccan spoliation by the French. Let not these marauders assume a holier-than-thou attitude toward Japan and Italy, for by their example they taught Italy and Japan to do what they did to Ethiopia and Manchuria and China. Let him who seeks equity do equity unto others. Let him who seeks justice seek justice with clean hands. I am suspicious of the sincerity of conversion of those who seek it only when they are in trouble, but whose hands drip with the blood of their victims.

WHAT DOES A NAVAL ALLIANCE MEAN?

What would be our obligation in case of a naval alliance with Great Britain? What burdens would it place upon us and what could we hope for and expect in return? These questions naturally come to our minds in a consideration of this subject. A naval alliance with Great Britain would necessarily mean the safeguarding of British territory. It would mean that our Navy would have to go to the four corners of the world to help Great Britain hold her vast empire. Most people do not realize the far-flung territories

that Great Britain holds and controls. The following is a list of the present British colonial empire:

East Africa: Kenya; Uganda; Tanganyika (mandated territory); Nyasaland; Northern Rhodesia; Zanzibar; Somaliland.

West Africa: Nigeria, including mandated territory of Cameroons; Gold Coast, including mandated territory of Togoland; Sierra Leone; Gambia; St. Helena and Ascension.

Mediterranean: Gibraltar; Malta; Cyprus; Palestine, including Transjordan (mandated territories).

Middle and Far East: Ceylon; Straits Settlements; Federated Malay States; States of Johore, Kedah, Kelantan, Perlis, Trengganu; State of North Borneo; Brunei; Sarawak; Hong Hong; Mauritius; Seychelles; Aden.

Pacific: Fiji; Gilbert and Ellice Islands Colony; British Solomon Islands Protectorate; Tonga.

West Indies and various: Bahamas; Barbados; Bermuda; British Guiana; British Honduras; Jamaica—Cayman Islands, Turks and Caicos Islands; Leeward Islands—Antigua; Dominica; Montserrat; St. Kitts-Nevis; Virgin Islands; Trinidad and Tobago; Windward Islands—Grenada, St. Lucia, St. Vincent; Falkland Islands and dependencies.

This list does not include Canada, Australia, New Zealand, Union of South Africa, India, and Egypt, all of which are colonies of the British Empire.

To guard these vast possessions in every quarter of the globe would mean a huge navy with ships on every sea. It would mean many times the present number of officers and men. It would mean a doubling or tripling of the present expenses, which already run to over $600,000,000 a year. And what would the United States receive in return? Nothing. We have no possessions to protect. The Philippine Islands are already acquiring their independence under law. We can build our lines of defense on a triangle running from Alaska to the Hawaiian Islands and then to the Panama Canal. Such a line of defense, we are told on competent authority, would be impregnable. No attack could reach our shores because foreign foes would have to travel 6,000 miles across the Pacific. The disadvantages of such an attempt are apparent. From the air it would be a practical impossibility. The only Representative in Congress who holds the Congressional Medal of Honor for valor in the World War is Mr. IZAC. Mr. IZAC graduated from the Naval Academy at Annapolis and served as a naval officer in the World War. He therefore knows something about this subject. In the very able speech that he made on January 10 in favor of the Ludlow amendment he pointed out that it would require at least 100 20-knot transports, escorted by a larger fleet than our own, to bring to our shores an invading force of sufficient size to be dangerous. No world power possesses 100 such transports nor anywhere near that number.

Maj. Gen. Johnson Hagood, Chief of Staff, line of communications, A. E. F., late commanding general, Third Army and Eighth Corps Area, has written a book entitled "We Can Defend America." The purpose of General Hagood's book is to show:

First. That America is not seventeenth among the military powers of the earth but first, and that it can be made safe from invasion by any military power or by any combination of powers that could reasonably be brought against it.

Second. That this immunity from invasion can be accomplished within the price range of the taxpayer by an expenditure not greater than the average cost of the Army during the 10 years preceding the depression, which is about one-third of the present cost.

Third. That this can be done without running contrary to the genius or traditions of the American people, without setting up any form of universal training or service, and without doing anything that will arouse the fear or antagonism of our neighbors.

General Hagood says, among other things:

> We must of necessity reach a clear decision as to whether our system of national defense is to be organized for the purpose of repelling invasion, or whether we are going to defend ourselves in future by the time-honored practice of hitting the other fellow first. * * *
>
> Considered from a defensive standpoint, America is the strongest military nation on earth—that is, it is the easiest nation to prepare for defensive warfare. It would not take much to make it invulnerable against any nation or any combination of nations that could possibly be brought against it. * * *

What I have said to you today and what these men have said and written are some of the things that I felt ought to have been discussed a week ago when the Ludlow amendment to the Constitution providing for a referendum on war was up for consideration. Why were we prevented from discussing this vital question? Was it because the administration feared that we would point out the weaknesses in our present foreign policy and belittle the efforts of the administration? Was it because some of us were ready and willing to charge that Norman Davis was a diplomatic traveling salesman, carrying messages between London and Washington, bearing promises and understandings which cannot be brought into the light of day? As I have always believed that free and open discussion can only lead to good, and what discussion could be more important to the people of this Nation than the question of war? Then why did it become so important for the President, for the Secretary of State, for the Speaker of the House, and for the Democratic floor leader of the House, to take the floor and plead for the defeat not only of this measure but even its discussion?

WHAT IS NEXT?

The question that all of us must face is, What is next? Are we to pursue a policy similar to that of 1915, 1916, and 1917, which slowly but surely dragged us into the World War, or are we to pursue a policy that the treacheries and deceits, the trickeries and intrigues, the double-dealings and double-crossings of the European nations shall not influence; that our policy is one of peace; that we ask nothing, seek nothing, and want nothing from any foreign country but pleasant and peaceful relations; that we are ready and willing to deal honestly with any and all of them; that we take no part in their conspiracies and conniving; that we will not permit one single boy to be sent abroad to fight someone else's war; that it is our intention and our purpose to keep our boys home and mind our own business. [Applause.]

Mr. PLUMLEY. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, there are a great many people in the Congress and millions outside of Congress who cannot understand why there should just now be another depression. The fact is there should be none and there would be none if those in control of the affairs of this Government either understood the situation or were willing to listen to those who do.

The lesson taught by the action of the Federal Reserve System in 1920 has been entirely forgotten by those who complain now of the depression. On May 18, 1920, was started that force which brought on the so-called Hoover depression of 1929. To say that the depression started in 1929 is to enlarge upon the effect and not the cause. May 18, 1920, is the date of our troubles financially and what happened in 1929 was merely the effect of the depression of 1920 taking effect among the businessmen of the East. By 1922 the farmers of the Nation had already, as a class, found themselves hopelessly involved, and by reason of their decreased purchasing power, business, in turn, felt the shock in 1929.

What actually happened on May 18, 1920, was the raising of the discount rates by the Federal Reserve Board here in Washington; that called for a withdrawal of credit and when credit was contracted, business slowed down and finally stopped. Those who were working found no work to do. Country banks called for payment of their paper; farmers were forced to sell and when they began this wholesale liquidation at any cost, farm prices tumbled and land values took the most devastating tumble in the history of the Nation. The farmers lost over $48,000,000,000 in the shrinkage of land values alone and that they have never recovered, and never will now that interest has gotten in its work during the years of the first depression. Especially is it true today; they have no hope of paying their debts

since the action of this same banking system has brought on another depression, which if not stopped now, threatens to be as ruthless on property and labor values as the one started in 1920.

Let us examine the facts. Was there any reason why liquidation should have been called for in 1920? We were at peace with the world. Farmers had responded to the calls of the Government to expand their business during the war. They were told that bread, and not guns, would win the war, and that was about the only truthful thing told them to encourage them to go deeper in debt to "win the war." The farmers expanded their business; bought more land and more equipment actually at the invitation of the same banking system that later was to forget the favor and bankrupt the producers of food.

Under all rules of fair play, justice, and equity, these farmers should have been given an opportunity in peacetimes to repay their debts under a plan of finance that would not have disturbed the usual selling operations. No such orgie of selling should have been demanded or even permitted. Under these facts, and they are the facts, a forced liquidation was not justified, and it was a highway robbery to inaugurate it. Everyone in the Nation now knows the trail of disaster and ruin that followed in the wake of the action of the Federal Reserve System.

Since that day the Federal Reserve System has not been improved in a way that makes it more responsive to the demands of the people, but, on the contrary, it has been strengthened to assist the private banking fraternity. The Government has no interest now in the System. The Government owns no stock in the institution. It is a privately owned banking institution, and the only one in the Union to which the Government of the United States furnishes free office rent and postage stamps.

No one can read this order raising the reserve requirements in light of what has happened since without coming to the unanswerable conclusion that the withdrawal of credit by such unreasonable reserves, had the effect of stopping business activities. It must necessarily result in throwing millions out of work, for, without finance, no business can keep going.

We have permitted our money system to get in such shape that the money of the Nation is not cash; it is mostly credit money or bank deposits. With a circulation of something like $19,000,000,000, only $6,561,321,333 was actual money, and the $12,500,000,000 was bank deposits. Another significant fact is that out of the $6,561,321,333 in circulation, this money was largely issued by private banking interests as shown by the table below.

Federal Reserve notes	$4,231,863,467
Federal Reserve Bank notes	33,840,470
National Bank notes	243,470,261
Total private issue	4,509,174,198

It will thus be seen that two-thirds of the actual money in circulation was money circulated by private issue, and only one-third, or $2,052,147,072 was put into circulation by the United States Government.

Entirely forgetting what resulted from the curtailment of credit in 1920, the same system, for no reason whatever, brought on this present depression. I charge them with it, and now I propose to prove it. The charge is that the Federal Reserve System inaugurated financial forces months ago that have resulted in the present financial depression.

I present, first, the orders made by the Board of Governors of the Federal Reserve System on August 15, 1936:

Pursuant to the provisions of section 19 of the Federal Reserve Act and section 2 (a) of its regulation D, the Board of Governors of the Federal Reserve System hereby increases by 50 percent the percentages of time deposits and net demand deposits set forth in paragraphs (a), (b), and (c) of section 19 of the Federal Reserve Act and section 2 (a) of regulation D which each member bank is required to maintain on deposit with the Federal Reserve bank of its district.

This was followed by the following regulation dated January 30, 1937, which reads:

Effective at the opening of business on March 1, 1937, the requirements as to reserves to be maintained by each member bank will be 75 percent above the requirements prescribed by section 19 of the Federal Reserve Act and, effective at the opening of business on May 1, 1937, the requirements as to reserves to be maintained by each member bank will be 100 percent above the requirements prescribed by section 19 of the Federal Reserve Act.

While the Board of Governors of the Federal Reserve System are appointed by the President, yet, after appointment, the Board is as free to exercise its functions as the Supreme Court of the United States. In all details the System is a private banking institution operating for its own profit with the free use of Government currency and credit. The entire financial structure of the country is in the control of this System and Congress itself has unconstitutionally delegated to them this power. Thus, the people of the United States are financially at the mercy of this unconstitutional organization.

Read and remember the two orders cited above. Those orders were:

First. Made by the Board of Governors.

Second. Those orders curtailed credit by the demanding of higher reserves.

Third. Demanding this increase of reserves limited the credit money available for business.

Fourth. Failure of credit money stopped business.

Fifth. When business stopped, those employed found themselves in the ranks of the unemployed.

Those orders and those orders alone precipitated an unnecessary, and what may prove to be a devastating depression. We can remain in session and pass farm bill after farm bill, labor bill after labor bill, yet the people will remain depressed and unemployment will continue until there is some medium of exchange forthcoming with which to do the Nation's business. When two-thirds of our money is issued at the demand of this System, and the System collects interest on its securities offered for collateral, and also on the money it received free from the Government, and can loan this money out on credit time after time until $1 will draw as much interest as $25 we can see why in this country we cannot produce enough net to pay the annual interest charge.

Until we abolish this Federal Reserve System and use the Nation's money and credit for all the people, stripped of this interest charge, or private loot, our depression will continue. The immediate thing to do if we really want to stop this depression is to vacate the power which this Congress has unconstitutionally granted this System, and take the private control of the money of the Nation away from them. Why should 130,000,000 people have to dance to the tune of this financial oligarchy? Why should the people suffer for a medium of exchange and millions go hungry and in rags?

We can build houses under a Federal housing plan until doomsday, but if we deny the people a just medium of exchange, the result will finally be that the Government will take these same new houses away from the owners. We would be acting more in accord with common sense if we righted financial conditions so that those who now live in houses will not be foreclosed and dispossessed. We do the contrary; we let the foreclosures proceed and the ejectments multiply and respond by building more houses under a financial system that in its own makeup must necessarily take all in the end. We are temporizing with a question that is vital to the existence of this democracy. The longer we delay the less able we shall be to make the correction. Do we wish to drive the people of this country to acts of desperation? Do we mean to sit here protecting a financial octopus that eats all our annual earnings in interests? We should meet this responsibility now and vacate the orders of the Board of Governors of the Federal Reserve System—do it before Saturday of this week, and after having done that, wind up the affairs of this banking system for private profits and substitute in the place of it a bank of the United States to be run for the benefit of all the people. Issue what currency is necessary for the business demands of the Nation; call in the billions of outstanding bonds, pay them in currency, and stop this private-interest loot that will do more

to destroy this great democracy than all the nations on earth combined can do.

We can appropriate billions for the Army and Navy, and burden the people with more debt and interest in order to be ready to defend ourselves. Let me here announce that this country will never be destroyed by any force from without, but there is grave danger that unless we act now in freeing the American people from the clutches of this interest giant that it will be destroyed from within.

Instead of building more useless battleships, we can make this Government responsive to the welfare of all the people and establish in the heart of all the will to defend this country. Those who are hungry, ragged, and without homes would have no zeal in their hearts to defend a Government that is responsible for their condition; give the people a chance, give them an opportunity to live in a home of their own and possess it to defend and this country can face the world. Yes; but the war-minded people say we are not prepared, the enemy might land in this country. What of it? Let them land. England landed twice and both times was glad to get out. We were then fighting for our homes and we said let them come. Give us all homes in this country today and I say again let the enemy land. We will land on them about as soon as they land here.

The real defense of America we do not encourage, but we make an exhibition of our patriotism in idle glamour and show. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Chairman, at the opening of the debate on the naval appropriations bill this afternoon my good friend, the distinguished chairman of the committee, made the statement that there were several Members here who seemed to be a little ill at ease, or who seemed to feel embarrassed because of the Navy Department's plan to reopen the torpedo station at Alexandria. I confess, Mr. Chairman, that I am one of those who feel embarrassed, and I feel a little scared because I see in that action a plan to siphon away part of the work from a torpedo station that exists in my district and which has been functioning since 1869.

The chairman told us, and also the Navy Department told us, that the opening and operation of the plant at Alexandria will in no way affect Newport. We are told that Newport will continue to be the center of torpedo research, design, and production. The committee was told by Admiral Furlong, Chief of the Bureau of Ordnance, as appears on page 350 of the hearings, that Alexandria is being reopened to meet this temporary demand for torpedoes, leaving the inference that when the temporary demand has been satisfied we will go back to normal, closing Alexandria and leaving Newport the center of torpedo research, design, and production. A little further in the hearings, however, in response to a question put to Admiral Furlong by Chairman UMSTEAD, the admiral replied, and I quote now from his testimony as appears on page 351 of the hearings:

> With Newport and Alexandria both working to capacity and not another destroyer or submarine laid down after 1939, our present requirements for new vessels will not be met until 1944. At that time Newport would go back to its normal employment of 1,000 men in 1 day's shift, as existed between 1924 and 1933; and Alexandria would drop from 1,000 men to 600 men.

This indicates that Alexandria is to be opened and continue open and functioning for the Lord knows how long.

Bear in mind, if you please, that Alexandria today is closed. It is planned to hire and employ 1,000 men. When the demand decreases it is proposed to curtail production by reducing the force from 1,000 to 600 men; in other words, a reduction of 40 percent will be made in the Alexandria force; but it will continue with an increase over the present time of at least 600 percent.

Newport today is operating 24 hours a day, three shifts, and employs 3,375 men. It is proposed to curtail production there when the demand diminishes to the extent of one shift, eliminating 66 percent there. If you want to figure it on the basis of men employed, it is proposed to cut from 3,375 men down to 1,000 men; in other words, where Alexandria will gain 600 percent in employment, Newport will be cut 70 percent.

It has also been said that the question of cost was involved, and I have gone into that to a considerable extent. This bill carries an appropriation of slightly more than $1,532,000 for the reopening of Alexandria as the initial appropriation; that is, this appropriation bill for the year ending June 30, 1939; but tucked away in the hearings is the statement by Admiral Furlong—and it is in the committee's report also—that next year the Department will seek an appropriation of $1,229,000, or a grand total for Alexandria of $2,761,153.

The Navy Department needs torpedoes. I am, however, one of those men who believes in a strong national defense; I am one of those who is willing to spend our last dollar if necessary to increase our national defense; but I am also one of those who believes in economy and in good return for every dollar invested.

I maintain if the Navy Department is sincere, if the Navy Department actually needs torpedoes, as I believe it does, it would have been better policy back in 1934 when there was knowledge in the Department that additional torpedoes would be needed, to have started then to erect new buildings and install new machinery at Newport. For a total cost of $2,000,000 new buildings and machinery could have been installed there and while the Department tells us it is going to spend a million dollars for new machinery at Alexandria which would increase the production of torpedoes 40 percent, it tells us that by installing $500,000 worth of machinery at Newport it would only increase production 10 percent. I cannot make those two figures tally at all. Forty-percent increase in production for a million dollars and only 10-percent increase in production for $500,000 does not make sense.

Moreover, Newport has the men who have practically been brought up with the industry, and whether you know it or not the manufacture of torpedoes requires the highest skilled mechanics obtainable. Precision is the watchword. Precision is the guiding point. If you were to organize a new force at Alexandria as will be necessary under the provisions of this bill, it will mean additional overhead by way of increased personnel, light, heat, and power. This additional overhead could be eliminated if the work were done at Newport because we already have there a very large industry. We have there the proper type of men and a large enough number of them that if an additional thousand men were placed in Newport it would mean only one new man for probably every three or four men there. It would result in closer supervision and eliminate waste, because there would not be so many pieces spoiled in the manufacturing process.

Mr. Chairman, I want to refer to another item, and this would almost offset the difference in cost if the Navy Department is able to prove there is any difference in cost. I refer to the testing of torpedoes. We have a test range within 3 miles of the torpedo station at Newport, while at Alexandria it will be necessary to take the torpedoes down the bay 60 miles in order to test them. If you have ever been down the Potomac River, you know it is a narrow, winding channel. It is impossible to test torpedoes unless you go down past the mouth of the river. Figure out for yourselves the difference between 3 miles and 60 miles, a difference of 57 miles so far as cost is concerned. This is bound to cost additional money.

Another point to bear in mind is the fact that the mechanics at Newport receive slightly more than $1.03 an hour while at Alexandria the Department will have to pay in excess of $1.05 an hour. You may say 2 cents and a fraction is a small difference, but multiply that by a thousand men working 8 hours a day and you would have nearly $200 a day added on to the expense for the manufacture of torpedoes at that station.

Another argument the Navy Department has advanced on this proposition is the fact that they do not like to have all of their eggs in one basket. In other words, they do not like to concentrate their activities.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. FORAND. Mr. Chairman, they talk about concentration. I want to talk about the concentration which exists on the Potomac River at the present time. You have here a series of activities that I think are just as great as at Newport, if not greater. You have the Arlington time signal or radio signal station. You have the naval air base, the Army air field, as well as the gun factory here in Washington. Now you are going to add to that a torpedo station.

I call your attention also to the fact that the enemy came to Washington at one time by way of the Potomac River, and they may do it again. We maintain that where Goat Island is located near Newport, in Narragansett Bay, we have better defenses and could take care of the enemy much easier than down here. For this reason I say the argument relative to concentration does not hold.

Moreover, if they really want to keep the stations apart, I say it is wrong to open a station within 450 miles of the Newport station. If they absolutely need another station it ought to be located on the west coast, and not locate another station on the Atlantic seaboard.

Mr. UMSTEAD. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts [Mr. CASEY].

Mr. CASEY of Massachusetts. Mr. Chairman, the question of opening a torpedo station at Alexandria has been a particularly difficult one for me. The State of Massachusetts, of course, borders Rhode Island, and from the State of Massachusetts workers go daily to the torpedo station at Newport. So that from a selfish standpoint I am most interested in Newport and in seeing to it that Newport does not suffer any loss by reason of the opening of the station at Alexandria. The gentleman from Rhode Island [Mr. FORAND] has worked hard and indefatigably in behalf of the station at Newport. I cannot commend him too highly for his efforts. He has argued so well the cause at Newport that the committee saw fit, as a result of his argument, to make an allowance of $200,000 for heavy equipment and tools at Newport in addition to the $100,000 which had been provided by the bill prior to this time. To my mind that is a very sound answer to the fear expressed by the gentleman from Rhode Island that the opening of a station at Alexandria would siphon away work from Newport. If I thought that Newport would suffer in any way, I would not vote in favor of opening a new station at Alexandria.

My concern with the opening of a station at Alexandria has been to a large extent influenced by my personal interest in Newport, but I have been assured by the highest sources that the opening of a station at Alexandria will not affect the work at Newport in any way, shape, or manner.

Now, let us look at the situation. At the end of the World War Alexandria and Newport were both manufacturing torpedoes. Alexandria was closed down and Newport was allowed to continue, which shows, to my mind, that the naval authorities believed the best place in the country to manufacture torpedoes was at Newport.

Today Newport is the only place in the country where torpedoes are being manufactured. There is some logic to the argument you should not have all your eggs in one basket. I now address myself to torpedoes, and torpedoes alone. There is a possibility that in the event of war, or even without war, if we had merely the one station at Newport producing torpedoes, we might have the station destroyed or seriously crippled, not only by some outward force, such as a nation attacking from the ocean, but also by reason of sabotage. This fear would be cut in half if we had two places producing torpedoes.

I understand that Alexandria will be merely a place to provide additional torpedoes during the present dire need for them. Newport is operating 24 hours a day. The Navy Department states we do not have enough torpedoes and are not getting enough from Newport at the present output. It is estimated that even with Alexandria producing and Newport working three shifts a day we will not have enough torpedoes to meet the normal demand until 1944. Therefore, Newport has nothing to fear from the standpoint of going at full capacity until at least 1944.

You all know, and I do not believe it is divulging a secret to say, that the President is going to ask this Congress for a larger Navy, for additional ships. If this is so, we will need additional torpedoes. Bear in mind the demand for torpedoes under the Vinson-Trammell Act, without additional supplies for any new ships, will keep Newport going at full capacity until 1944. When the President asks for an addition to the Navy, we will, of course, have a necessity for a continued increase in the production of torpedoes. So in the normal course of events there need be no fear at Newport with respect to any siphoning away of production of torpedoes for a great many years, even after 1944.

Look at this matter from the standpoint of national defense, which transcends any sectional interest I might have. The President states there is an immediate emergency which demands more torpedoes than Newport can produce at the present time. This is of the utmost importance, and is the paramount reason for my being in favor of opening Alexandria. I may say, however, there has been expressed to me from the highest source, and from members of my committee, a promise that Newport will not be permitted to suffer by reason of opening Alexandria. If Newport is reduced to a personnel of a thousand in normal times and Alexandria to 600, we would have the same situation we had here at the close of the World War, when Alexandria was closed down. I do not believe this situation will ever come to pass, because if the situation should ever confront us where we have 1,000 men at Newport and 600 men at Alexandria, the committee probably would say it is not the right kind of economy to keep a factory going in Alexandria employing 600 men, when such a factory cannot produce more than a fraction of a torpedo a day. The committee would act as it did after the World War and make Newport the sole producer of torpedoes, because Newport, from the standpoint of overhead and experience, would be the logical place to provide the normal demand for torpedoes. I am satisfied there would be a repetition of the history of torpedo production after the World War, and Newport would not suffer in any shape or manner by the opening of Alexandria.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. The gentleman was concerned at the time this matter was under consideration by the subcommittee with reference to the effect of the opening of Alexandria on the torpedo situation at Newport.

Mr. CASEY of Massachusetts. I was greatly concerned.

Mr. UMSTEAD. The attitude of the subcommittee in regard to the torpedo situation at Newport was evidenced by including in this bill a provision to apply $200,000 during 1939 for replacement of machinery and tools at the Newport station, in addition to the sum of $100,000 appearing under another appropriation item in the bill for small tools at the Newport station.

Mr. CASEY of Massachusetts. The gentleman is correct. This addition of $200,000 is concrete evidence of the interest of the Government in keeping Newport going.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, in the first place, I should like to express my own deep appreciation of the clear and able manner in which the chairman of the subcommittee [Mr. UMSTEAD] explained the bill to us earlier in the afternoon.

FOR NATIONAL DEFENSE—A NECESSARY SACRIFICE OF RESOURCES AND MONEY

I should like to speak for just a couple of minutes about the bill which is before us. It is never easy for a thoughtful person to vote for the appropriation of large sums of money for implements of destruction. In the kind of a world in which we find ourselves living today, however, one is driven to recognize the absolute necessity of an adequate

provision for national defense. It is my earnest hope that we in America, because we have a better opportunity to do it, will keep our feet on the ground about this matter, and not go beyond the real needs of national defense. I wish we had dependable information as to what those needs are.

I believe, further, we need to recognize and keep at the forefront of our minds the fact that the spending of money for national defense purposes and for armament is a necessary national sacrifice for the sake of this national defense, and not a means of solving the problem of unemployment. Expense for armament is dead expense. Such employment as it creates is of the most transitory kind. Indeed, one is bound to wonder as he looks about the world today just about how far the expenditures for armament in some nations of the world can be continued without causing serious consequences to civilization as we know it today. My own deep conviction is we must look for a solution of this problem to the peoples within the other nations of the world. We cannot ultimately expect to destroy forms of government which we do not like or military dictatorships of one kind or another by force of arms, but we can expect such institutions to crumble by the weight of their own inadequacy to meet the needs of their peoples, if we can demonstrate in this Nation that democracy is a dynamic force capable of solving problems and offering to its people not only freedom, but likewise a basic, lasting security such as no other form of government can give.

DEMOCRACY CAN ONLY TRIUMPH BY ITS OWN SUCCESS IN SOLVING ECONOMIC PROBLEMS

It seems to me to be upon our success in this effort that the future of democracy must ultimately depend. I say all these things with profound consciousness that we find ourselves in a position today where it is necessary that we must maintain our national defense as a necessary sacrifice of money and natural resources on the part of the people of this country to the existence in the world of certain deplorable conditions.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield there?

Mr. VOORHIS. Yes.

Mr. SHANLEY. My thought is that the gentleman believes that this value of democracy will be suggested to other nations by our example rather than indicated to them by an appeal to them through their rulers.

Mr. VOORHIS. I think it is almost beyond the realm of possibility to expect the rulers of some nations of the world today to be taught any lessons in democracy or to teach them directly to their peoples.

Mr. SHANLEY. But we have in the past attempted to do that.

Mr. VOORHIS. Yes.

Mr. SHANLEY. I think that is one of the evils of the World War.

Mr. VOORHIS. I agree with the gentleman and I believe, furthermore, America should be extremely careful not to attempt to take the position that we can change forms of government within other nations or that we should try to do so.

Mr. SHANLEY. I agree with the gentleman there.

Mr. VOORHIS. Except by the power of example as it touches the peoples of other countries.

UNEMPLOYMENT

In the balance of the time allotted to me, it is my desire to discuss certain things in connection with the problem of unemployment which seems to me to be central with regard to the things I have been saying about democracy. The future of democracy depends, as I see it, on how well we deal with the problem of unemployment.

It is my earnest conviction, much as I hate to say it, that unemployment under present-day conditions is a chronic situation. I believe it is one of the most destructive experiences that people can pass through, and the things it does to people are not their fault but the fault of economic maladjustment, which, in large measure, it is our primary job to correct.

A BALANCE BETWEEN PRODUCTION, BUYING POWER, AND INVESTMENT

One method of attempting to meet the problem of unemployment was employed by our Government beginning with the coming into power of President Roosevelt in 1933. In essence, this method was composed of two parts: The first, the creation of new purchasing power and its distribution among the poorest people of this Nation by various methods, such as loans and grants to distressed farmers, payment of wages to the unemployed, and so on; and in the second place, a deliberate reduction of rates of interest by the extension of cheap credit through Government lending. Both of these efforts rested upon the foundation of the purchase of private credit by the Government through the sale of bonds.

The mayor of New York is quoted in the newspapers this morning as having said that balancing the Budget does not bring recovery, but that recovery will bring a balanced Budget. I believe this to be substantially and fundamentally true.

WHY A LOW INTEREST RATE

John Maynard Keynes, perhaps the foremost British economist today, has explained the matter of a low rate of interest by pointing out that employment today depends upon two factors: In the first place, the consuming power of the people, and, in the second place, investment in new plants and new industries. He holds that the extent of this investment will depend in large measure upon the rate of interest, and that if that rate of interest is too high investors will choose, rather than to make investments in productive enterprises, to buy debts instead, because there is less risk; and that in nations like the United States and Great Britain, for example, where there is such an abundance of capital in existence, unless a low rate of interest is maintained consistently, there will always be a failure of private capital to invest, and you cannot solve this problem of unemployment. What I have to say, therefore, concerns a means of compensating for the failure of our economic system to distribute buying power in decent proportion to production and a means of continuously maintaining a low rate of interest.

I believe the proof of the pudding, after all, is in the eating. I believe we can show that rigid Government retrenchment, an attempt to balance the Budget downward under the Hoover administration, tended to deepen the depression and to make matters worse. On the other hand, the creation and distribution of new buying power almost brought recovery under the Roosevelt administration in 1937 and might, indeed, have done so completely had we not lost our nerve in the spring of last year and failed to carry through with that program until we had increased national wealth production to the point where we would have balanced the Budget upward instead of attempting to balance it at the expense of the poor of the Nation in a way which cut the ground from under the recovery that then existed. [Applause.]

GOVERNMENT POSSESSES A CREDIT BASE OF ITS OWN AND SHOULD NOT BUY PRIVATE CREDIT

May I repeat that such effort as the Government made along these lines was bottomed upon the purchase of private credit by the Government through the sale of bonds? This process is postulated upon the proposition that the reservoir of credit in a nation is wholly a private reservoir of credit, and that a social or governmental reservoir of credit does not exist. It seems to me this is fundamentally a mistaken conception. What I mean is this: Insofar as banks or financial institutions possess actual money or real assets, they have of course a time-credit base. The same can be said of savings accounts entrusted to banks as investments. But we assume that the private banking system has a prerogative to create credit far beyond all assets possessed by that system, and equal to about 5 times its reserves and 95 percent of all the money we use in this Nation consists of bank credit created by the banking system through an expansion on the basis of fractional reserves carried against demand deposits. This is where we get into trouble. At the same time the Government is, by our present methods, assumed to possess no credit reservoir of its own in spite of the fact that it possesses in the neighborhood of $12,000,000,000 of gold and the

taxing power of the Nation. It is not the lending of money by the banking system that I am objecting to. It is that the bulk of America's medium of exchange comes into existence through the exercise of pure privilege by our banking system—the privilege of literally creating credit by deposit entries—and that Government deliberately refrains from exercising this same privilege, although it has a more stable credit base than the banking system has and could with perfect economic justification either make secured loans or issue money against that base, without the sale of bonds.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. VOORHIS. The third reason I believe that Government possesses a base for credit is because it represents the people of the Nation and should be charged with protecting their general interest in the net annual increase in our national power to produce wealth which comes about through growth of population, through increased values, through the development of new methods of producing wealth. The whole American people thus increase the volume of their business and the sum total of their wealth, and this in turn necessitates an increased volume of the circulating medium. For without an increased supply of money, prices are certain to fall and deflation to set in due to the very factor of increased productive capacity which ought to result in increased general prosperity.

The monetary factor is by no means the only one But it is an important one, and the alternative to a controlled increase in the amount of money to correspond to increased productive capacity is to take out of use more and more productive capacity until finally the economic system and the Budget will both be balanced at zero.

The problem is to find out how to do this without continuously running on an unbalanced Budget. I believe the key to accomplishing this lies principally in our understanding fundamentally the nature of money and credit.

OUR UNSTABLE AND UNCONTROLLABLE SUPPLY OF MONEY

Now this increase in national productive capacity which we may expect to take place from year to year seems to me to be a social increment and not a private one, so that I believe the Government does now possess a reservoir of credit far greater than any that can be conceived to be possessed by the private banking structure. However, in spite of this fact, we have deliberately refrained from drawing upon that social reservoir of credit, and have instead purchased from the private creators of credit such funds as we believe were necessary to expand purchasing power, and to cause such recovery as we have obtained in this country. Under these circumstances and because we have operated in this manner, as it turns out that we normally depend in America for our supply of money upon two factors, first, the willingness of business under certain circumstances to borrow, and, second, the willingness of banks to lend. That comes about because, as I said before, 95 percent of our money is bank credit, and that only is expanded and put into circulation when deposits are created through making loans. And the only way in which Government has so far undertaken to correct this situation and to make up for the failure of private credit to properly expand has been by itself going into debt to the banks, buying deposits from them with its bonds and then spending these deposits.

There is today no adequate power in America to control the expansion and contraction of bank credit. Our banks are not even all in one system. Some are in the Federal Reserve System and some are outside of the Federal Reserve System.

The gentleman from Texas [Mr. PATMAN] submitted facts and figures the other day to show us the degree of monopoly control existing in the banking system. On account of this factor it turned out that when—twice within 18 months—the Federal Reserve Board raised reserve requirements, in order to tighten its control over our credit structure; it hit the small banks severely, because they did not have sufficient in the way of reserves to meet those requirements, but left the Board still powerless to deal with some of the large New York City banks which still possess abundant excess reserves. The only way in which a situation of this kind can be cured and in which the Federal Reserve Board or any other body can be given adequate control over this synthetic money of ours (bank credit) would be by empowering the Board to require banks to carry behind their demand deposits—but not behind their savings deposits—dollar for dollar reserves. That is a big question that I cannot go into fully this afternoon, but with such a system in effect we would have an adequate control over the expansion and contraction of credit, which under present circumstances the Federal Reserve Board cannot possibly have.

During the past few months the Board has stated in numerous places that there is plenty of money in the banks to sustain and expand recovery. When they say money they mean of course deposits and reserves.

The fact is the Board is utterly powerless to cause that money in the form of potential bank credit to be actually brought into existence and used. They can bring about a situation where contraction becomes inevitable by raising reserve requirements by the sale of bonds or in other ways, and they can create a situation where expansion is possible. But they have not got the one essential power to make that expansion actually take place, and that one essential power is one that any sovereign nation must exert, and our failure to use which is one of the fundamental reasons we have not been able to balance the Budget. The power I refer to is the power to bring into existence year by year not an uncontrolled amount of money, but the amount of money which corresponds to the net growth in the volume of business and wealth of the Nation; that is, that increment in necessary circulating medium which the social development of a Nation renders necessary to be brought into existence. I would substitute the controlled expansion of money by a governmental monetary authority for the uncontrolled and uncontrollable inflation and deflation of bank credit or check-book money.

THE TROUBLE WITH THE BUDGET

In other words, our Budget up to this time has been called upon to perform two functions, not only to pay the current expenses of the Government, but to attempt to make up for the failure of general industry and the business structure of the Nation to distribute sufficient buying power to the people of the Nation to make possible an expanding economy which our system has to be if it is to survive. In the light of these facts, the difficulties about our national debt can readily be understood. For when you must use increase in national debt in order to make possible the purchase of food, clothing, and shelter by 10,000,000 people and the welfare not alone of this group but of all people in the country, indeed you have a difficult time to balance the Budget.

The thing I am talking about is no matter of class legislation. I have tried not to blame any individuals for the situation. But we have had demonstrated over and over again the fact that our Nation—all its businessmen, all its farmers, all its wage earners, all its people of every sort—cannot depend for an orderly stable supply of money, for a dollar of steady value, or for continued expanding prosperity upon the lending of bank credit to borrowers at the top of the economic scale. Those very borrowers, before they borrow, will want to know about the buying power of the people at the bottom of the economic scale—about whether or not they can and will buy goods.

And so, for the sake of general national well-being it is clear, to me at least, that we must have first a monetary authority as an integral part of our governmental machinery; second, a congressional instruction to that monetary authority to establish a fair and just price level—say, that of 1926—and then to maintain it; third, the Government ownership of the 12 Federal Reserve banks; and fourth, the substitution through the dollar-for-dollar reserve system of controlled expansion of money by Government in place of our present unworkable bank-check money system. And in accomplishing this national objective it will be neces-

sary for our monetary authority—the Federal Reserve Board or whatever body it is to be—to bring about the desired stability and controlled expansion by putting money into circulation at the bottom of the economic scale, through payment of old-age pensions or allowances to endowed mothers, for money seeps up easily. I trickles down very inadequately as we have seen to our sorrow.

NOT INFLATION

Inflation takes place when the volume of money increases faster than the volume of goods. What I am advocating is the opposite of this. I want to get rid of inflation. I also want to get rid of deflation. I want the volume of money to increase in exact correspondence to the increase in the Nation's business and to the increase in the volume of goods. These are difficult and historic times. Let us have faith in America and her democracy. Let us not rest one hour until we have met this problem. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 8993, and had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. BINDERUP asked and was given permission to extend his own remarks in the RECORD.

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I made to the National Association of Hothouse Vegetable Growers in New York City.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a letter I received in reference to a resolution I introduced (H. Res. 390) regarding monopolies and price fixing in basic materials necessary for construction of homes and buildings.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DALY, for 3 additional days, on account of illness.

To Mr. DREWRY (at the request of Mr. BURCH), indefinitely, on account of death in family.

To Mr. MCLEAN (at the request of Mr. EATON), for attending inaugural of Governor Moore, of New Jersey.

To Mr. HARTLEY (at the request of Mr. EATON), for today, for attending inaugural of Governor Moore.

To Mr. JARRETT, indefinitely, on account of illness.

To Mr. POWERS (at the request of Mr. EATON), for today, for attending inaugural of Governor Moore.

To Mr. THOMAS of New Jersey (at the request of Mr. EATON), for today, for attending inaugural of Governor Moore.

To Mr. WOLVERTON (at the request of Mr. EATON), for today, for attending inaugural of Governor Moore.

SEA WALL, GALVESTON HARBOR, TEX.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8524) authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, can the gentleman from Texas tell us why there is any urgency which requires the consideration of the bill at this time?

Mr. MANSFIELD. Yes. The rivers and harbors bill of 1935 included this item as a Senate amendment. It called for 13 groins to protect the sea wall. The cost was fixed at $234,000, but owing to changed conditions of labor and material in carrying out the work, the money is exhausted and but 10 of the groins have been completed.

Mr. MARTIN of Massachusetts. The work has already been started?

Mr. MANSFIELD. Ten of the thirteen groins will be completed within 2 weeks. They have been at work on it more than a year. The money will be exhausted; it is not sufficient to build the other three groins.

Mr. MARTIN of Massachusetts. And I presume they have the machinery there ready to continue the work.

Mr. MANSFIELD. The machinery is there. If the bill is not passed so that the work can continue the machinery will be removed, and several thousand dollars' additional cost will be incurred.

Mr. MARTIN of Massachusetts. So it will be economy to continue the construction until the work is completed?

Mr. MANSFIELD. It will mean a saving of several thousand dollars to the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to complete the project, adopted in the River and Harbor Act approved August 30, 1935, for the construction of groins to protect the sea wall at Galveston Harbor, Tex., in accordance with the plans submitted in House Document No. 400, Seventy-third Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER. The Chair lays before the House the following appointment to the Board of Visitors to the United States Military Academy:

JANUARY 18, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Hon. CHARLES I. FADDIS, of Pennsylvania, having this day resigned as a member of the Board of Visitors to the United States Military Academy, whom I appointed on January 15, 1938, pursuant to the act of May 17, 1928 (U. S. C., title 10, sec. 1052a), I have appointed the Honorable MATTHEW J. MERRITT, New York, to fill the vacancy caused by this resignation.

Sincerely yours,

A. J. MAY, *Chairman.*

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2550. An act to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes; and

S. 2940. An act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

ADJOURNMENT

Mr. UMSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 19, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, January 19, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will be the first witness.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, January 19, 1938, at 10:30 a. m., to hold hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Wednesday, January 19, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, January 19, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1000. A communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $300,000, required to enable the Interstate Commerce Commission to carry out the provisions of the Motor Carrier Act during the fiscal year ending June 30, 1938 (H. Doc. No. 481); to the Committee on Appropriations and ordered to be printed.

1001. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated January 7, 1938, submitting a report, together with accompanying papers and illustrations, on studies and investigations of beach-erosion problems at Willoughby Spit, Va., made by the Beach Erosion Board in cooperation with the city of Norfolk, Va., as authorized by the River and Harbor Act approved July 3, 1930, and the act of Congress approved June 26, 1936 (H. Doc. No. 482); to the Committee on Rivers and Harbors and ordered to be printed, with 11 illustrations.

1002. A letter from the Acting Secretary of Agriculture transmitting, pursuant to a provision included in Public Resolution No. 26, approved April 27, 1937, and Public Resolution No. 55, approved July 17, 1937, both of which provided funds to enable the Department of Agriculture to cooperate with States to control incipient and emergency outbreaks of insects, pests, and plant diseases, a report covering the period from April 27 to December 15, 1937, inclusive, of the activities conducted by the Department of Agriculture with these funds; to the Committee on Agriculture.

1003. A letter from the Acting Secretary of the Interior transmitting the report of the acting superintendent of St. Elizabeths Hospital, dated September 21, 1937, submitting a statement showing in detail the expenditures for maintaining the hospital during the fiscal year ended June 30, 1937; to the Committee on Expenditures in the Executive Departments.

1004. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill limiting the duties of the chief clerk and chief inspector of the Health Department of the District of Columbia"; to the Committee on the District of Columbia.

1005. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931"; to the Committee on the District of Columbia.

1006. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to prohibit the admission without charge of nonresident pupils into the public schools of the District of Columbia"; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MANSFIELD: Committee on Rivers and Harbors. H. R. 8524. A bill authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex.; without amendment (Rept. No. 1703). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on Irrigation and Reclamation. H. R. 7764. A bill to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado; with amendment (Rept. No. 1704). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8694) for the relief of Mrs. J. H. Greene, Anna Harvey, and Mrs. S. E. Elmore; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7887) granting a pension to Roxie Francis Coffey and Barbara Coffey, minor children of John Coffey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of West Virginia: A bill (H. R. 9014) to authorize the conveyance to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, of the house and site at lock No. 6, Kanawha River, South Charleston, W. Va.; to the Committee on Military Affairs.

By Mr. JOHNSON of Minnesota: A bill (H. R. 9015) to appropriate funds to pay salaries of the personnel of the Railroad Retirement Board up to June 30, 1938; to the Committee on Appropriations.

By Mr. SMITH of Virginia: A bill (H. R. 9016) to establish a commercial airport in the vicinity of the National Capital; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9017) authorizing the Secretary of War to convey certain properties to the county of Arlington, State of Virginia, in order to connect Lee Boulevard with the Arlington Memorial Bridge, and for other purposes; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 9018) to authorize a preliminary examination and survey of Sonoma Creek, and the watershed thereof, in the State of California, for flood control, for run-off and water-flow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. DELANEY (by request): A bill (H. R. 9019) to provide for the adjustment of the status of planners and estimators and progressmen of the field service of the Navy Department; to the Committee on the Civil Service.

By Mr. WOLCOTT: A bill (H. R. 9020) to extend the time for completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 9021) to provide for preliminary examination and survey of an extension of the San

Pedro breakwater with a view to the national defense needs and the protection of navigation; to the Committee on Rivers and Harbors.

By Mr. DUNN: A bill (H. R. 9022) to authorize the Bureau of Investigation to investigate and assist in the prosecution of cases involving the killing or assaulting of officers of the United States Government; to the Committee on the Judiciary.

By Mr. DEMUTH: A bill (H. R. 9023) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mrs. JENCKES of Indiana: A bill (H. R. 9024) to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DELANEY: A bill (H. R. 9025) to amend the provisions of an act entitled "United States marshals of the Department of Justice, an act of power to appoint additional deputy marshals thereto in place of bailiffs in cities of first class only"; to the Committee on the Judiciary.

By Mr. WITHROW: Joint resolution (H. J. Res. 568) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, and the policies of dealers in selling motor vehicles, at retail, as these policies affect the public interest; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9026) for the relief of warrant officers of the Army Mine Planter Service; to the Committee on Military Affairs.

By Mr. BOEHNE: A bill (H. R. 9027) granting an increase of pension to Alfred McClellan; to the Committee on Pensions.

By Mr. BOYLAN of New York: A bill (H. R. 9028) for the relief of Thomas J. Lee; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 9029) granting an increase of pension to Mary S. Strosnider; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9030) granting a pension to Anthony Tomasello; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 9031) granting a pension to Mary A. Manring; to the Committee on Pensions.

By Mr. McCORMACK: A bill (H. R. 9032) for the relief of James Francis O'Dea; to the Committee on Naval Affairs.

By Mr. MITCHELL of Tennessee: A bill (H. R. 9033) for the relief of Lewis Hall; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 9034) for the relief of Katherin Patterson; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 9035) for the relief of William F. Catching; to the Committee on Military Affairs.

By Mr. SCHAEFER of Illinois: A bill (H. R. 9036) granting a pension to Mary J. Wooldridge; to the Committee on Invalid Pensions.

By Mr. SHAFER of Michigan: A bill (H. R. 9037) granting a pension to Robert Berg; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 9038) for the relief of John O. Brown; to the Committee on Military Affairs.

By Mr. TREADWAY: Resolution (H. Res. 405) granting additional compensation for Leslie M. Rapp; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3819. By Mr. COFFEE of Washington: Resolution of Cooks and Waiters Union, No. 61; Laundry Workers, Cleaners and Dyers Local, No. 42; Teamsters and Chauffeurs Local, No. 313; Operating Engineers Local Union, No. 606, of Tacoma, Wash.; and the Fruit Cannery Workers Local, No. 20251, of Puyallup and Sumner, Wash., demanding that the United States Government insist on all foreign lumber coming into the United States being plainly marked with the country of origin and that any such lumber not so marked be denied entry; to the Committee on Ways and Means.

3820. Also, resolution of Bakery Salesmen and Drivers Local Union, No. 567; International Union Operating Engineers Local, No. 612; Tacoma Mailers Union, No. 54; Bakers Union, No. 126; Carpet and Linoleum Mechanics Local, No. 138; Painters Local Union, No. 64; all of Tacoma, Wash., demanding that the United States Government insist on all foreign lumber coming into the United States being plainly marked with the country of its origin and that any such lumber not so marked be denied entry; to the Committee on Interstate and Foreign Commerce.

3821. By Mr. COLDEN: Resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles and vicinity, and endorsed by Meat Cutters' Local, No. 551, of San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on Labor.

3822. Also, resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles and vicinity, and endorsed by International Union of Engineers, No. 235, of San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on Labor.

3823. Also, resolution adopted by the Council of the City of Los Angeles, Calif., opposing modifications of the present allocations to the Federal highway program; to the Committee on Appropriations.

3824. By Mr. FORD of California: Resolution of the Council of the City of Los Angeles, that so long as the Federal Government continues to levy a gasoline tax, the revenues therefrom should be devoted to the Federal highway-aid program, and that there should be no modification of present allocations, at least until the beginning of a new budget period for the Department of Public Works of the State of California; to the Committee on Ways and Means.

3825. Also, resolution of the Board of Supervisors of Orange County, Calif., opposing the intended transfer of the Panama Pacific and Grace Lines operating fast express passenger ships between New York and California ports from this intercoastal run to South American routes; to the Committee on Interstate and Foreign Commerce.

3826. By Mr. KRAMER: Resolution of the Echo Park of the American Legion, Los Angeles, relative to passage of House Resolution 375, etc.; to the Committee on World War Veterans' Legislation.

3827. Also, resolution of the California Real Estate Association, relative to classifying operating real-estate companies, etc.; to the Committee on Banking and Currency.

3828. Also, resolution of the Council of the City of Los Angeles, relative to Federal highway aid, etc.; to the Committee on Appropriations.

3829. By Mr. LAMNECK: resolution adopted by John C. Getreu, president, Columbus Federation of Labor, urging Congress to encourage private initiative in the construction industry; to establish a sound and stable public fiscal policy; to modify interfering and hampering legislation and executive action which is emanating from various bureaus and boards and curtail the activities of same; to free the construction industry from those hampering and retarding imposed taxes which retard instead of stimulate construction; and to arrest any contemplated tax legislation which would act derogatory to the immediate stimulation of all major construction activities and to immediately examine any existing taxes which hamper the construction industry as a whole, looking in the direction of their modification or repeal; to the Committee on Ways and Means.

3830. By Mr. McCORMACK: Petition of Mrs. Harold W. Sullivan, chairman, committee on legal status of women, Boston League of Women Voters, Boston, Mass., opposing the equal-rights amendment on the ground that the amendment

would not accomplish what is hoped for and would result in legal chaos through its effect upon a large number of State laws and believing that the removal of legal discriminations against women where they still exist can be accomplished better through legislative action in specific subjects by the State or National legislative bodies; to the Committee on the Judiciary.

3831. By Mr. MAGNUSON: Petition of residents of Seattle, Wash., favoring House bill 4; to the Committee on Ways and Means.

3832. By Mr. SADOWSKI: Petition of the Supporting Government Home Borrowers Association, adopted by Renters and Consumers League of Greater Detroit, Mich.; to the Committee on Banking and Currency.

3833. By the SPEAKER: Petition of the United Lumber and Timber Workers, Local No. 316, Flat Creek, Ala., supporting the repeal of the Woodrum amendment now pending before Congress relating to Works Progress Administration funds; to the Committee on Appropriations.

SENATE

WEDNESDAY, JANUARY 19, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, January 18, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8524. An act authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex.; and

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2550. An act to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes; and

S. 2940. An act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

CONDITIONS AFFECTING NATIONAL PARK SERVICE, INTERIOR DEPARTMENT

Mr. PITTMAN. Mr. President, there has been an examination going on before the Committee on Public Lands and Surveys with regard to the qualifications of Mr. Ebert K. Burlew, the nominee for First Assistant Secretary of the Interior. In the very nature of things, it is difficult to have a full attendance of the committee at the present time. There are certain matters that I am now placing in the RECORD for the benefit of members of the committee who have not been able to keep up with the hearings by reason of other official duties which they may consider more important. In that investigation there has been an astounding revelation with regard to the laxity and inefficiency, if not criminal carelessness, in the Finance and Auditing Division of the National Park Service of the Department of the Interior.

A few days ago there was a brief statement in the press that one Reno E. Stitely, a pay clerk in the National Park Service here in Washington, had pleaded guilty to the embezzlement, through forgery and false vouchers, of approximately $84,000 of relief funds allotted to the Park Service. A few days prior to that time the name of Mr. Burlew had been sent to the Senate as the nominee for the position of First Assistant Secretary of the Interior. That nomination has been referred to the Committee on Public Lands and Surveys of the Senate.

It was so extraordinary that a pay clerk, over a period of 4 years, through false vouchers, the collecting of Government checks, and forging the names of payees who did not exist, could embezzle the large sum of over $84,000 that it seemed to reflect upon a bureau of the Interior Department.

As a matter of fact, the Secretary of the Department is primarily responsible for the efficiency in each of the bureaus of his Department, and also for the honesty and integrity of the personnel. Therefore, it might not seem to concern the nominee under consideration, Mr. Burlew. However, the testimony before the committee by Secretary Ickes and Mr. Burlew himself discloses the fact that the Secretary did rely on Mr. Burlew, and had a right to rely on him, to keep him advised with regard to the various bureaus of the Department.

That conclusion may not be concurred in by other members of the committee. However, the testimony of Mr. Ickes discloses the fact that not only does he advise with Mr. Burlew, who is his administrative assistant, but permits him to sign most of his letters or all of them, if he so desires, and has had passed by the House a bill, which is pending before the Senate committee, authorizing Mr. Burlew to sign every kind and character of document which the Secretary may be authorized to sign. When I questioned the Secretary with regard to this extraordinary power, he stated that he had absolute confidence in Mr. Burlew.

Mr. Burlew is not only the administrative assistant who carries out the orders of the Secretary and with whom the Secretary advises, but he is the budget officer. He is the personnel officer over whose desk pass all appointments in the Department of the Interior or in the Public Works Administration.

Mr. President, I am not going to debate this question at the present time because the hearings are not completed, but I have in my hand a report made at the order of Secretary Ickes by the investigating officers of his own Department, and submitted to him. Apparently it was made to him somewhere along in July 1937. It has been submitted in evidence under sworn testimony. I merely desire to read a few statements from the report and then I ask that the entire report be printed in the RECORD at the conclusion of my remarks as a part of my remarks.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD.

(The report appears in the RECORD at the conclusion of Mr. PITTMAN's remarks, p. 747.)

Mr. PITTMAN. This report was made by Mr. R. C. McCarthy and Mr. Cecil G. Miles, special agents for the Department of the Interior. I quote from the report:

> This investigation is based on the alleged activities of Reno E. Stitely, chief of the voucher unit, National Park Service, Department of the Interior, in connection with the preparation, falsification, and submission of pay-roll vouchers and the conversion to his own use of United States Government checks issued thereon amounting to $84,880.03.
>
> This investigation discloses that:
>
> 1. Certifying officers approved vouchers signed by persons whose signatures were not known to said certifying officers.
>
> 2. Certifying officers were not furnished pay-roll data, such as memorandums of employment or time slips. This information was retained in the office of the approving officer after he had signed voucher.
>
> 3. Voucher was presumed to be authentic when it was initialed by Reno E. Stitely.
>
> 4. Clerks engaged in the preparation of pay-roll vouchers were authorized to secure checks from the Treasury Department for delivery to persons named therein.
>
> 5. No effective reconciliation of E. C. W. funds paid by the War Department for the Department of the Interior could be made from 1933 to July 1936. War Department officials state that their

accounting system could have been arranged to provide almost any information had the Department of the Interior requested it.

6. No reconciliation of accounts payable for the Washington office (National Park Service) has been made since 1933.

7. Approving officers failed to examine monthly statements of costs and expenditures, examination of which would have detected unauthorized vouchers which had been posted.

Special agent:

CECIL G. MILES.

Special agent:

R. C. MCCARTHY.

Approved:

CHARLES HURLEY.

Confidential—not for public inspection.
U. S. Government Printing Office 16-4946.

I will read just a few more lines from the report on page 2:

Investigation further disclosed that for the past few years Stitely purchased a new automobile each year and sometimes more frequently. The last automobile which he purchased was a Packard 120 convertible sedan. Stitely spent money very lavishly. As the records at the Ambassador Hotel, Washington, D. C., show, on occasion he spent more than $100 for a wedding anniversary party and $275 for a 4-day drinking party in February 1936, when he had reported to the National Park Service that he was ill.

Stitely, upon learning that photostats of the missing vouchers had been requested by the National Park Service, began at once to liquidate his bank and brokerage accounts and remained away from the office, claiming illness. He was arrested on April 27, 1937, and is under bond of $10,000 awaiting action by the Federal grand jury.

Interrogation of the officials and clerks employed in the National Park Service evinced the same information to the effect that, despite Stitely's lavish spending, no suspicion of him was ever considered; that they believed he had made large profits from speculations in the stock market, or that he had inherited a large amount of money.

Investigation further disclosed that Stitely had falsified a total of 134 pay-roll vouchers, comprising 1,116 checks, totaling $84,880.03, shown as follows:

I will not read the figures.

It will be noted that the greatest number of falsifications related to the Emergency Conservation Works funds and covered a period of nearly 4 years.

Mr. LEWIS. May I interrupt the Senator from Nevada?

Mr. PITTMAN. If the Senator will wait until I finish the reading, which will take me only a little while longer, then I will yield.

Mr. LEWIS. When the Senator has concluded, I desire to make an interrogation, if he will permit me.

Mr. PITTMAN. I continue quoting from the report:

COMMENTS

The principal reason these defalcations were permitted to continue for such a long period of time (nearly 5 years) can be attributed to the following:

1. Failure to reconcile accounts payable.

2. Failure of approving officers to examine the monthly statements of costs and expenditures for any improper charges made against their funds.

There were at least two methods which would have disclosed any irregularities, namely:

(a) A reconciliation with the general ledger, which could have been effected by adding to the unencumbered balance the unliquidated encumbrances and unpaid vouchers (accounts payable).

(b) Ascertain that all vouchers were posted to the allotment ledgers.

If the above methods had been followed, there remained but one possibility to pass an illegal voucher, namely, negligence on the part of the approving officer to examine the monthly statement of costs and expenditures.

CONCLUSION

The submission of numerous fictitious vouchers by Stitely would have been fruitless unless he secured possession of the checks.

It is inconceivable that the National Park Service would authorize any person connected with the voucher unit engaged in the preparation of pay-roll vouchers to receive checks from the disbursing officers for delivery to the persons named on said pay-roll vouchers.

The records in the Washington office of the National Park Service have not been audited in several years. Neither has a proper audit of E. C. W. funds been made, either in the Washington office of the National Park Service or its numerous field stations.

It would require at this time at least six auditors the better part of a year's time to make a proper check of E. C. W. funds paid for the Department of the Interior.

Unless this check is made, it will be impossible to ascertain the number of persons who have taken advantage of the opportunity to unjustly enrich themselves.

SUGGESTIONS

It is suggested that—

1. The system of authorizing persons engaged in the preparation of vouchers to receive checks from the Treasury Department for delivery to persons named on said vouchers be abolished.

2. Request be made to the chief disbursing officer, Mr. G. F. Allen, to submit separate accounts current covering the following:

(a) Transactions of the National Park Service Washington office accounts.

(b) Transactions of the National Park Service field office accounts.

3. The accounts section, National Park Service, be required to prepare and submit monthly a statement of control covering all transactions relative to the accounts maintained in the Washington office.

I have already asked permission to have printed in the RECORD the entire report, and permission has been granted.

The VICE PRESIDENT. The Senator has permission.

The report in full is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR, DIVISION OF INVESTIGATIONS, WASHINGTON

(Region—Division—District)

Date of report: August 5, 1937.

Serial number; previous correspondence; nature of report (favorable or adverse); name of special agent (Interior, Oil Enforcement, or P. W. A.): I. D. 1310-A. D. I. 0547-A.

Origin: Oral instructions from the Director, Division of Investigations, April 12, 1937.

Period of investigation: April 12, 1937, to July 27, 1937.

Robert C. McCarthy and Cecil G. Miles, special agents, Department of the Interior.

Brief: Analysis of the accounting procedure used in the Accounts Section, National Park Service, to determine and to ascertain whether there was negligence in the administration thereof

This investigation is based on the alleged activities of Reno E. Stitely, chief of the voucher unit, National Park Service, Department of the Interior, in connection with the preparation, falsification and submission of pay-roll vouchers and the conversion to his own use of United States Government checks issued thereon amounting to $84,880.03.

This investigation discloses that:

1. Certifying officers approved vouchers signed by persons whose signatures were not known to said certifying officers.

2. Certifying officers were not furnished pay-roll data, such as memorandums of employment or time slips. This information was retained in the office of the approving officer after he had signed voucher.

3. Voucher was presumed to be authentic when it was initialed by Reno E. Stitely.

4. Clerks engaged in the preparation of pay-roll vouchers were authorized to secure checks from the Treasury Department for delivery to persons named therein.

5. No effective reconciliation of E. C. W. funds paid by the War Department for the Department of the Interior could be made from 1933 to July 1936. War Department officials state that their accounting system could have been arranged to provide almost any information had the Department of the Interior requested it.

6. No reconciliation of accounts payable for the Washington office (National Park Service) has been made since 1933.

7. Approving officers failed to examine monthly statements of costs and expenditures, examination of which would have detected unauthorized vouchers which had been posted.

CECIL G. MILES,
Special Agent.

RCM: LK.
R. C. MCCARTHY,
Special Agent.

Approved:

CHARLES HURLEY.

Confidential—not for public inspection.

Date, ———. Referred to ——— for appropriate action. Please advise Division of Investigations of action taken.

DIRECTOR OF INVESTIGATIONS.

United States Government Printing Office, 16-4946.

LIST OF EXHIBITS

Exhibit A: Memorandum of Perry D. Edwards, Acting Chief of the Accounts Section, National Park Service, dated May 13, 1937.

Exhibit B: Memorandum of F. W. Watson, Chief of the Audit Division, Accounts Section, National Park Service, dated May 20, 1937.

Exhibit B-1: Memorandum of F. W. Watson, Chief of the Audit Division, Accounts Section, National Park Service, dated May 28, 1937.

BASIS FOR INVESTIGATION

This investigation was predicated on information furnished the Director of the Division of Investigations on April 12, 1937, relative to certain pay-roll vouchers which did not appear to be authentic.

The original and supplemental criminal reports covering the investigation have been submitted (I. D. 1310).

This investigation is made for the purpose of analyzing the accounting procedure used in the accounts section of the National Park Service and to determine the sufficiency of the accounting system employed relative to the prevention of irregularities and frauds against the Government.

HISTORY OF THE CASE

On or about April 1, 1937, a representative from the chief disbursing office of the Treasury Department informed the accounts section that the balance remaining in the appropriation "14-41-44-0699 (4-OW 671.1 old number) working fund, Interior, National Park Service (emergency relief, surplus relief, National Industrial Recovery)" was nearly exhausted, there being less than $300 unexpended; whereas the allotment ledger for this appropriation showed an unexpended balance of about $7,000.

In reconciling the differences, it was found that five pay-roll vouchers totaling $6,855.60 had been passed for payment during the period April to August 1936, and had not been posted to the allotment ledgers. Copies of these vouchers could not be located. Accordingly, a request was sent by the National Park Service to the General Accounting Office for photostats.

Information had reached the Director of the Division of Investigations in connection with this matter, and a request was forwarded to the General Accounting Office for photostats of the missing vouchers and checks applicable thereto.

Under date of April 19, 1937, the photostats were received, which disclosed that 54 checks bore the second endorsement of Reno E. Stitely, Chief of the Voucher Unit, Accounting Section, National Park Service, and had been cashed at the Washington Loan & Trust Co., West End Branch, Washington, D. C.

Investigation of the accounts at the Washington Loan & Trust Co. disclosed that Reno E. Stitely had made numerous large deposits to several savings and checking accounts which he had opened at that bank; that in one or two accounts, as many as six Government checks had been deposited at regular intervals of 2 weeks over a period of several months.

Investigation further disclosed that Reno E. Stitely had deposited in various accounts, over which he exercised control, and in various banks and building associations from 1932 to May 1937, $75,364.37, less $4,370, representing deposits to his accounts indicating bank loans, or a net total of $70,994.37. From 1933 to 1937, Stitely purchased stocks through the Washington Loan & Trust Co. and stocks and commodities through the E. A. Pierce Co. amounting to $258,342.51. Stitely also purchased a new dwelling in May 1935, at a cost of $12,000, paying down the sum of $500, and executed notes totaling $5,000, due as follows: $1,000 payable June 1, 1935; $1,000 payable July 1, 1935; $2,000 payable January 1, 1936; $1,000 payable July 31, 1936.

The remaining $6,500 was represented by a first trust. The $5,500 payments by Stitely were made over a period of 13 months, which was nearly two and one-half times his salary of $2,300 as chief of the voucher unit, Accounts Section, National Park Service.

Investigation further disclosed that for the past few years Stitely purchased a new automobile each year, and sometimes more frequently. The last automobile which he purchased was a Packard 120 convertible sedan. Stitely spent money very lavishly; as the records at the Ambassador Hotel, Washington, D. C., show, on occasion he spent more than $100 for a wedding anniversary party and $275 for a 4-day drinking party in February 1936 when he had reported to the National Park Service that he was ill.

Stitely, upon learning that photostats of the missing vouchers had been requested by the National Park Service, began at once to liquidate his bank and brokerage accounts and remained away from the office, claiming illness. He was arrested on April 27, 1937, and is under bond of $10,000 awaiting action by the Federal grand jury.

Interrogation of the officials and clerks employed in the National Park Service evinced the same information to the effect that, despite Stitely's lavish spending, no suspicion of him was ever considered; that they believed he had made large profits from speculations in the stock market, or that he had inherited a large amount of money.

Investigation further disclosed that Stitely had falsified a total of 134 pay-roll vouchers, comprising 1,116 checks, totalling $84,880.03, shown as follows:

Appropriation symbol	Period	Number of pay-roll vouchers	Number of checks	Amount
42/3400 National Park Service, 1932-33 (4-420 Great Smoky Mountains National Park).	Sept. 19, 1932-Feb. 28, 1933.	6	19	$1,013.01
42/3400 National Park Service, 1932-33 (4-440 Colonial Monument and 4-439, George Washington's Birthplace National Monument).	Oct. 1, 1932-Mar. 31, 1935.	2	3	144.00
4X436 Roads and trails, National Parks, Gatlinburg, Tenn.	Nov. 16, 1932-Jan. 31, 1933.	4	17	1,015.98
4X436 Roads and trails, National Park Service, Washington, D. C.	Feb. 20-June 30, 1933.	12	74	5,182.20
F D 570 P1-0110 A8815N Emergency Conservation funds.	July 1, 1933-Mar. 31, 1937.	91	799	57,512.64
4-03/7640.14 N. I. R., Interior, national parks, 1933-37 (F. P. 672).	Mar. 16-Apr. 15, 1936.	3	12	$1,274.00
14-44-4629 N. I. R., Interior, national parks, roads and trails, act June 16, 1933.	July 1-Aug. 15, 1936.	2	26	2,467.50
14-1130 Roads and trails, national parks, emergency construction.	Oct. 16, 1936-Mar. 15, 1937.	9	112	9,415.10
40W671.1 Working fund, Interior, National Park Service (emergency relief, surplus relief, N. I. R.).	Apr. 17-Aug. 15, 1936.	5	54	6,855.60
Total		134	1,116	84,880.03

EMERGENCY CONSERVATION FUNDS

It will be noted that the greatest number of falsifications related to the Emergency Conservation Works funds and covered a period of nearly 4 years.

The finance officer for the War Department (Washington district) required a letter from officials in charge of preparing and submitting pay-roll vouchers authorizing any individuals to receive checks for delivery in person to those named on any pay roll or voucher which bore the signature of said official as certifying officer. The authorization was to remain in effect until canceled by said certifying officer.

Stitely submitted a letter bearing the traced signature of J. R. Lassiter, superintendent of Shenandoah National Park, to the finance officer, United States Army, Washington, D. C., who was one of the finance officers disbursing E. C. W. funds for the National Park Service. After submitting two pay rolls in July 1933 purporting to be for appointed personnel, Stitely submitted a different set of names beginning with August 15, 1933, also purporting to be for appointed personnel. He continued with these same names every 2 weeks (with the exception of one period, September 1 to September 15, 1933) until March 31, 1937.

Agents interviewed Lt. Col. E. C. Morton, finance officer, United States Army, for the Washington field office, and Mr. Spencer Burroughs, chief clerk under Lieutenant Colonel Morton. Lieutenant Colonel Morton stated that since the authorization submitted by Stitely appeared to be authentic he felt obliged to pay these vouchers and to deliver the checks to him so long as they appeared to be certified by the proper certifying officer, J. R. Lassiter.

Mr. Burroughs informed agents that, although the six camps at Shenandoah National Park sent their pay rolls through the usual channels for payment, he was not suspicious of Stitely when the latter told him that a representative from Shenandoah National Park was coming to Washington every pay day on official business and would take the checks back with him.

Mr. Burroughs further stated that Stitely brought along the original and two copies of said pay-roll vouchers; that upon delivery of said checks the original was sent to the General Accounting Office, one copy retained for the War Department files, and one copy given back to Stitely for the National Park Service files. Superintendent Lassiter stated that since the fall of 1934 the War Department required him to submit the addresses of all persons on the E. C. W. pay rolls; that since that time all checks were mailed directly to these employees.

The fact that none of these vouchers were ever posted to the E. C. W. allotment ledgers, either at the Washington office, National Park Service, or at Shenandoah National Park, indicates that Stitely never turned these vouchers over to the bookkeeping unit.

Stitely appeared to have no difficulty in cashing the checks or depositing same to any one of the numerous banking accounts which he had at the Washington Loan & Trust Co.

At this point it may be appropriate to present a picture of the accounting procedure agreed upon in 1933 between the Army Finance Office and the other departments of the Government handling E. C. W. work. Mr. E. E. Tillett, who was then chief accountant for the National Park Service (now field supervisor, E. C. W., for Territory of Hawaii), represented the Department of the Interior. An agreement was reached whereby the Army Finance Office would allocate the E. C. W. vouchers submitted by the Department of the Interior into the following groups, namely, State Parks, National Parks, General Land Office, Reclamation Service.

Later a further allocation was made of E. C. W. vouchers pertaining to the Virgin Islands, the Territory of Hawaii, and Hawaii National Park. The symbol F D 570 was designated for National Parks and F D 580 for State parks. The Accounts Section, National Park Service, found this allocation practically valueless for the reason that the War Department did not show the field station issuing the vouchers.

After 3 years had elapsed, the National Park Service requested the Chief of Finance, War Department, to furnish information showing payments for each field station. Accordingly, beginning with July 1936, the Chief of Finance submitted monthly statements showing payments made by subprocurement authorities.

Example: Acadia National Park was assigned No. 5501P; Crater Lake National Park, 5502P, etc., to 5599; State parks began with

5601–5699; Territory of Hawaii from 5700–5799; Hawaii National Park from 5800–5899; Virgin Islands from 5900–5999; Isle Royale from 6000–6099; Reclamation Service from 6100–6199.

This tabulation showed a procurement code symbol (purpose number) voucher number, date paid, amount paid, and other pertinent information.

Mr. George R. Taylor, Assistant Chief, Office of the Chief of Finance, United States Army, informed agents that his office could have arranged their system in 1933 to provide for this allocation had the National Park Service made such request. Since July 1936 up to the date of this investigation the tabulations furnished by the Office of the Chief of Finance, United States Army, had not been audited by the National Park Service, Washington office, nor by the Field Audit Division, National Park Service. The latter division has several auditors assigned to checking the field stations. However, the vouchers paid by the finance officers of the United States Army were never verified with the National Park Service field station allotment ledgers.

Stitely wasted no time in taking advantage of the situation, for he began drawing on the E. C. W. funds in July 1933 just as soon as they were available. He could feel reasonably certain to escape detection just so long as the above-mentioned reconciliation was not effected.

VOUCHERS OTHER THAN E. C. W.

The same principle applied to vouchers other than E. C. W., except that Stitely had to secure an authentic certification of a duly authorized certifying officer before he could pass these spurious vouchers for payment. The certifying officer did not obtain signature cards from the approving officers, as he relied on Stitely to determine the correctness and authenticity of the vouchers; consequently, no difficulty was encountered in securing the certification of any voucher, provided it bore the initials of Reno E. Stitely.

Prior to 1934, when the National Park Service was disbursing its own funds, the disbursing officer, R. L. Lassly, acting chief disbursing clerk, relied on the approval of R. M. Holmes, Chief Clerk, National Park Service, before paying a voucher. Mr. Holmes, in a great many instances, did not know the signature of the person signing the voucher but relied on its authenticity and correctness because it was initialed by Reno E. Stitely.

In the files which Mr. Oliver G. Taylor submitted to agents there was found a copy of a pay roll for the period June 1 to June 30, 1933, appropriation 4X436, roads and trails, national parks, bearing the name of Patrick W. Ickes, employed as a senior laborer. The amount paid Ickes was $17. The pay roll which was passed through for payment had the same name and amount on the first line. However, seven names were added thereto. The paid voucher amounted to $724, less economy deductions of $108.60, or a net total of $615.40. The latter amount was posted to the allotment ledgers and a monthly statement furnished Mr. Taylor. Had this monthly statement of costs and expenditures been checked by Mr. Taylor the error would have been located. The same sort of error could have been found as early as November 1932, when a copy of pay roll voucher on file in Mr. Taylor's office for the period October 1 to October 15, 1932, showed the amount of $47.67, whereas the voucher paid amounted to $99.

With respect to the June 1933 voucher, referred to above, Mr. Taylor stated in a memorandum, which is incorporated in the supplemental criminal report (exhibit 3) that the signature thereon appears to be his genuine signature; that he never signed any pay roll carrying any of the names appearing on it except that of Patrick W. Ickes.

Since Mr. Taylor does not claim that his name was forged to this voucher, and since the amount of the paid voucher does not agree with the "copy" in his files, it appears reasonable to presume that Mr. Taylor signed the original voucher before the amounts were inserted thereon.

ACCOUNTING PROCEDURE—WASHINGTON OFFICE

Submitted herewith is a memorandum (exhibit A, not printed in record) from Mr. Perry D. Edwards, Acting Chief of the Accounting Section, National Park Service, dated May 13, 1937, which describes the accounting system in use in the Accounts Section of the National Park Service, Washington office. On page 2, paragraph 2 of this memorandum the statement is made that the accounts payable have not been reconciled since June 1933, and the field allotment ledgers have not been audited for 4 or 5 months. Furthermore, the control accounts have not been posted since December 1936, nor has a statement of balances been prepared since December 1936.

The procedure for "checking out" is set forth in detail by Mr. F. W. Watson, Chief, Audit Division, Accounts Section, National Park Service, in memorandums dated May 20 and May 28, 1937, exhibits B and B–1, respectively (not printed in record).

Both Mr. Watson and Mr. Edwards believe that after the paid schedules of disbursements were returned by the chief disbursing officer and were checked against the daily summaries of disbursements Stitely withdrew the vouchers and the paid schedules before they could be checked against the allotment ledgers to ascertain if properly posted. Both of these officials admit that the work has been far in arrears for the past several years. The checking out does not appear to have been done systematically. If the clerks had caught up with the current work they would have spent a little time on the work in arrears. It is the opinion of agents that the clerks assigned to this work did not make a complete audit, otherwise some of these spurious vouchers would have been detected.

COMMENTS

The principal reason these defalcations were permitted to continue for such a long period of time (nearly 5 years) can be attributed to the following:

1. Failure to reconcile accounts payable.
2. Failure of approving officers to examine the monthly statements of costs and expenditures for any improper charges made against their funds.

There were at least two methods which would have disclosed any irregularities, namely:

(a) A reconciliation with the general ledger, which could have been effected by adding to the unencumbered balance the unliquidated encumbrances and unpaid vouchers (accounts payable).

(b) Ascertain that all vouchers were posted to the allotment ledgers.

If the above methods had been followed, there remained but one possibility to pass an illegal voucher, namely—negligence on the part of the approving officer to examine the monthly statement of costs and expenditures.

HANDWRITING

Dr. Wilmer Souder, handwriting expert for the National Bureau of Standards, has examined 566 Treasury checks bearing Stitely's endorsement and is convinced that 388 of these checks bear the endorsement of the payees in the handwriting of Reno E. Stitely; that 166 other checks have been forged, probably by Stitely, and the remaining 12 cannot be proved definitely to have been forged by Stitely.

Dr. Souder has also examined 97 pay-roll vouchers, of which he states 5 were forged by Stitely. The remaining 92 vouchers bear traced signatures of various approving officers. However, all checks were cashed by Stitely.

CONCLUSION

The submission of numerous fictitious vouchers by Stitely would have been fruitless unless he secured possession of the checks.

It is inconceivable that the National Park Service would authorize any person connected with the voucher unit engaged in the preparation of pay-roll vouchers to receive checks from the disbursing officers for delivery to the persons named on said pay-roll vouchers.

The records in the Washington office of the National Park Service have not been audited in several years. Neither has a proper audit of E. C. W. funds been made, either in the Washington office of the National Park Service or its numerous field stations.

It would require at this time at least six auditors the better part of a year's time to make a proper check of E. C. W. funds paid for the Department of the Interior.

Unless this check is made it will be impossible to ascertain the number of persons who have taken advantage of the opportunity to unjustly enrich themselves.

SUGGESTIONS

It is suggested that—

1. The system of authorizing persons engaged in the preparation of vouchers to receive checks from the Treasury Department for delivery to persons named on said vouchers be abolished.
2. Request be made to the chief disbursing officer, Mr. G. F. Allen, to submit separate accounts current covering the following:
(a) Transactions of the National Park Service, Washington office accounts.
(b) Transactions of the National Park Service field office accounts.
3. The Accounts Section, National Park Service, be required to prepare and submit monthly a statement of control covering all transactions relative to the accounts maintained in the Washington office.

Mr. McKELLAR, Mr. LEWIS, and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nevada yield; and if so, to whom?

Mr. PITTMAN. I yield first to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I do not know anything about the matter to which the Senator has been referring, but in this connection I wish to ask him about another matter. It seems that this man Stitely has been convicted, has he not?

Mr. PITTMAN. He has pleaded guilty.

Mr. McKELLAR. He has pleaded guilty; and the remarkable thing is that after he has pleaded guilty to the embezzlement or procurement by corrupt methods of a very large sum of public funds—$85,000, I believe, or in that neighborhood—his punishment is being held up by the court awaiting a report from a probation officer. Is that usual and customary in such cases?

Mr. PITTMAN. The committee was informed that that is the practice in this district.

Mr. McKELLAR. Then it is a practice which ought to be attended to by Congress, and it ought to be prohibited

by law, because when a man pleads guilty to embezzlement, certainly in an amount like that, and forgery of names and accounts, surely there ought not to be any question of probation for him.

Mr. LEWIS. Mr. President——

Mr. PITTMAN. I yield to the Senator from Illinois.

Mr. LEWIS. I ask the Senator from Nevada whether the Secretary of the Interior, Mr. Ickes, has supervision of the subject referred to in this report, and whether the Secretary has been informed and has been before the committee with regard to the matter in question. If so, I ask what he has to say upon this subject; or has he been queried as to why this embezzlement occurred and the responsibility for it?

Mr. PITTMAN. The Senator asks several somewhat involved questions at once.

Mr. LEWIS. Yes; because of my interest in the Secretary of the Interior, who is from my State, and my anxiety that his record be held clean, if it is clean.

Mr. PITTMAN. Mr. Ickes has jurisdiction over the Park Service. The Secretary of the Interior was the first witness before the committee. He was asked no questions concerning this matter, I believe. He was interrogated first with regard to the qualifications of Mr. Burlew and why he desired his confirmation as Assistant Secretary of the Interior.

Mr. Burlew, however, was interrogated with regard to this matter. Apparently he knew very little about it, and he seemed to think it was rather the fault of the War Department. The representatives of the War Department have been before the committee, and have testified that the only function placed upon them was to disburse the money on approved vouchers of various bureaus of the Department. That is where the matter now stands.

Mr. GEORGE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Georgia.

Mr. GEORGE. I ask the Senator from Nevada whether the Comptroller General has any responsibility with respect to pay-roll vouchers of this kind?

Mr. PITTMAN. So far as the testimony before the committee at the present time shows, he has not.

Mr. GEORGE. They do not pass through his office after the disbursement has been made to the National Park Service?

Mr. PITTMAN. No.

Mr. GEORGE. The transaction is purely interdepartmental then?

Mr. PITTMAN. Yes.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I observe the absence of a quorum, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Pepper
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Austin	Davis	La Follette	Radcliffe
Bailey	Donahey	Lewis	Reynolds
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gibson	McAdoo	Shipstead
Borah	Gillette	McCarran	Smathers
Bridges	Glass	McGill	Smith
Brown, Mich.	Guffey	McKellar	Stelwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Neely	Truman
Byrnes	Herring	Norris	Tydings
Capper	Hill	Nye	Vandenberg
Caraway	Hitchcock	O'Mahoney	Van Nuys
Chavez	Holt	Overton	Walsh

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from New York [Mr. WAGNER] are absent because of colds.

The Senator from Illinois [Mr. DIETERICH], the Senator from Montana [Mr. MURRAY], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Virginia [Mr. BYRD] is absent, attending the inauguration of the Governor of Virginia.

The Senator from Arkansas [Mr. MILLER] is absent, attending a meeting of the project committee of the Rivers and Harbors Congress.

I ask that this announcement be entered for the day.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

INDIAN CREDIT OPERATIONS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, reporting relative to the status as of June 30, 1937, and December 31, 1937, of credit operations under authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and the Oklahoma General Welfare Act of June 26, 1936 (49 Stat. 1967), which, with the accompanying papers, was referred to the Committee on Indian Affairs.

CANCELATION OF REIMBURSABLE CHARGES AGAINST INDIANS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting for the approval of Congress, in accordance with the requirement of law, cancelations and adjustments of reimbursable charges of the Government existing as debts against certain individual Indians or tribes of Indians, as recommended by the Commissioner of Indian Affairs, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by Federal Surplus Commodities Corporation, Local No. 29, of the United Federal Workers of America, favoring the prompt enactment of House bill 8428, to provide for the hearing and disposition of employee appeals from discriminatory treatment by superiors in the Federal service, which was referred to the Committee on Civil Service.

He also laid before the Senate resolutions adopted by Federal Surplus Commodities Corporation, Local No. 29 and Local No. 57, of Detroit, Mich., both of the United Federal Workers of America, favoring the enactment of House bill 8431, establishing a 5-day workweek in the Federal service, and for other purposes, which were referred to the Committee on Civil Service.

He also laid before the Senate a letter in the nature of a petition from the United Wholesale and Warehouse Employees of New York, N. Y., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from the Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Detroit, Mich., protesting against any curtailment in the appropriation for the National Labor Relations Board, which was ordered to lie on the table.

Mr. WALSH presented a resolution adopted by Conseil No. 258, L'Union Saint-Jean-Baptiste d'Amérique, Adams, Mass., protesting against pending or proposed foreign trade agreements as they may affect the shoe and textile industries of New England, which was referred to the Committee on Finance.

Mr. COPELAND presented petitions of sundry citizens of New York City and vicinity, praying for the enactment of legislation to increase the compensation of laborers in the custodial service, which were referred to the Committee on Civil Service.

He also presented the petition of members of the Woman's Home Missionary Society of the Methodist Episcopal Church of Mechanicville, N. Y., praying for the enactment of the so-called Neely-Pettengill bill pertaining to the block book-

ing of motion-picture films, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of New York City and vicinity, praying for the adoption of the so-called Ludlow amendment to the Constitution providing referenda on war, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Miller Grange, No. 442, Patrons of Husbandry, of Truxton, N. Y., protesting against the enactment of the bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a general auditing office and a department of welfare, and for other purposes, which was ordered to lie on the table.

Mr. GEORGE presented the following resolution of the House of Representatives of the State of Georgia, which was ordered to lie on the table:

Whereas there is now pending before the Congress of the United States what is known as the antilynching bill, same being little calculated to confer benefit upon any part of this country and same being an unwarranted and unnecessary affront to the Southern States and being a brazen attempt to politically capitalize upon bigoted prejudice: Now, therefore, be it

Resolved by the House of Representatives of the State of Georgia, That it commends the action of the southern Senators in the United States Congress for their brave and tenacious fight against this unjust measure and hopes for them success in the continuance of their fight.

ADDITIONAL COPIES OF PART 3, SENATE REPORT NO. 46—VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR

Mr. HAYDEN. From the Committee on Printing, I report back favorably, without amendment, a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 223) submitted by Mr. LA FOLLETTE on the 18th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 5,000 additional copies of Senate Report No. 46, part 3, current Congress, on violations of free speech and rights of labor, of which 1,000 copies shall be for the use of the Senate document room and 4,000 copies for the use of the Senate Subcommittee on Education and Labor conducting the investigation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3274) for the relief of Jack Mattson; to the Committee on Claims.

By Mr. JOHNSON of Colorado:

A bill (S. 3275) for the relief of the personal representative of James L. McDonnell; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 3276) to amend the Merchant Marine Act of 1936, and for other purposes; to the Committee on Commerce.

A bill (S. 3277) to authorize alterations and repairs to certain naval vessels, and for other purposes; and

A bill (S. 3278) to provide for the reimbursement of Donald W. Supernois, fireman first class, United States Navy, for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood, in February 1937; to the Committee on Naval Affairs.

A bill (S. 3279) to designate United States Highway No. 6 as the "Grand Army of the Republic Highway"; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 3280) placing provisional officers of the World War in the same status with emergency officers of the World War and extending to them the same benefits and privileges as are now or may hereafter be provided by law, orders, and regulations for said emergency officers, and for other purposes; to the Committee on Military Affairs.

A bill (S. 3281) to amend Public Law No. 467, Seventy-third Congress (Federal Credit Union Act), approved June 26, 1934; to the Committee on Banking and Currency.

By Mr. BILBO:

A bill (S. 3282) to amend the law with respect to robbery in the District of Columbia to provide that such crime may be punished as a capital offense; to the Committee on the District of Columbia.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 8524. An act authorizing the completion of the existing project for the protection of the sea wall at Galveston, Tex.; to the Committee on Commerce.

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes; to the Committee on Appropriations.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. McKELLAR submitted an amendment intended to be proposed by him to the amendment of Mr. LEWIS, as modified, to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted an amendment proposing to appropriate $25,000 for the restoration and preservation of the home of Dr. John McLoughlin, chief factor of the Hudson's Bay Co. and father of the Oregon country, at Oregon City, Oreg., as a historic American building in accordance with law, intended to be proposed by him to the Interior Department Appropriation bill, 1939, which was referred to the Committee on Appropriations and ordered to be printed.

PRODUCTIVE EXPANSION OF INDUSTRY—ADDRESS BY SENATOR DAVIS

[Mr. McNARY asked and obtained leave to have printed in the RECORD an address delivered by Senator DAVIS at the twenty-fifth annual convention of the Pennsylvania Threshermen's Protective Association at Harrisburg, Pa., on January 18, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday, the RECORD shows that the Senator from Louisiana [Mr. ELLENDER] was to be recognized today under a sort of gentlemen's agreement. With the permission of the Senator from Louisiana, the Chair would like to make a statement concerning what the Chair understands to be the parliatary situation as it applies to the pending piece of legislation.

The rules of the Senate specifically provide, and for more than 100 years have provided, that a Senator may make only two speeches on any one question "on the same day." That brings up the question, What is a day? There is nothing in the printed rules of the Senate defining a "day"; but on a number of occasions the Senate has acquiesced in the ruling of the Presiding Officer that where recesses instead of adjournments are taken, the word "day" means the legislative day, regardless of the number of calendar days that may be embraced in it.

In other words, we are still in one legislative day on this bill. Therefore no Senator may speak more than twice on this legislative day on the particular question pending, which is the amendment of the Senator from Illinois [Mr. LEWIS] as modified.

What constitutes a speech? The Senate has changed its rulings on that subject a number of times. Up until 3 years ago, when the late Senator from Louisiana, Mr. Long, was addressing the Senate, when a Senator asked unanimous consent to insert matter in the RECORD, as the Senator from Nevada [Mr. PITTMAN] did a moment ago, that was not regarded as a second speech; it continued to be part of the first speech. Technically speaking, however, the Senate

ruled with reference to the late Senator from Louisiana, Mr. Long, that when he yielded for the purpose of a quorum, or for a unanimous-consent agreement for any purpose, even asking unanimous consent himself to address the Senate or to insert matter in the RECORD, that constituted another speech.

If the Senate desires to adhere to that ruling, that is its affair. If the present occupant of the chair is in the chair when the question arises, he is going to submit the question to the Senate, because the Senate never has officially, by record vote or otherwise, expressed itself upon the subject. The Chair thinks the Senate is the proper body to determine just how it wishes to limit its debate. It seems that the Senate has, in effect, two sets of rules—one for the ordinary transaction of business, the other when the Senate desires to restrain the transaction of business, by a minority or otherwise.

So that Senators may understand the matter in the future, the Chair is going to apply the rules and the precedents of the Senate in a technical manner. That is to say, when the Senator from Louisiana yields, except for a question, he loses the floor. It constitutes one speech. It does not make any difference what he yields for, with the exception of a question, because if a Senator asks unanimous consent for one purpose it is just as important as it is for another purpose.

May the Chair be permitted to illustrate? If the Senator from New York [Mr. WAGNER] were here at the moment and should ask unanimous consent that the pending bill, with the amendment of the Senator from Illinois [Mr. LEWIS], be considered as engrossed, read a third time, and passed, and a motion to reconsider laid on the table, and the Senate agreed to it, that would be business, would it not?

If a Senator makes a request for unanimous consent to insert matter in the RECORD as a part of his remarks, or for a roll call, the consent of the Senate must be obtained, and, in the opinion of the Chair, one consent, technically speaking, is just as important as another consent.

The Chair holds that when a Senator is addressing the Senate and yields for the granting of unanimous consent it constitutes business.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. CONNALLY. A parliamentary inquiry.

Mr. ELLENDER. I yield.

The VICE PRESIDENT. Just a moment. The Senator from Texas has risen to propound a parliamentary inquiry.

Mr. CONNALLY. Mr. President, does the rule which provides that a Senator shall not speak more than twice on the same day on any question mean that he may speak twice on any amendment, or any bill, or any motion, or any other question which properly comes before the Senate?

The VICE PRESIDENT. The Senator states the parliamentary situation correctly.

Mr. McKELLAR. Mr. President, I rise to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. Under the ruling of the Chair, what would be the effect of a speech on a subject entirely different from the question pending? For instance, yesterday the Senator from New Hampshire [Mr. BRIDGES] made a speech on the T. V. A., and if I were to secure the floor for the purpose of making a reply to that speech, would I be in order?

The VICE PRESIDENT. The Senator from Tennessee would be in order. He can speak on any subject whatever, but he can speak only twice on the particular question pending before the Senate, which is the amendment, as modified, of the Senator from Illinois. No matter what subject the Senator discusses, his remarks will be counted against him as one speech.

Mr. McKELLAR. I thank the Chair.

Mr. WALSH. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH. Will the ruling of the Chair prevent Senators from filing petitions and introducing bills at the clerk's desk?

The VICE PRESIDENT. No; it does not apply to such business in any sense of the word. When the Senate meets and a Senator rises and introduces a bill, that does not constitute a speech on the pending question.

Mr. WALSH. If I desire to introduce some bills and ask the consent of the Senator from Louisiana for that privilege, will he lose the floor if he yields?

The VICE PRESIDENT. The Senator understands that petitions, memorials, and private bills can be introduced by being presented at the desk; but if a Senator desires to introduce a public measure, he will have to get unanimous consent of the Senate, which would constitute business.

Mr. WALSH. And that would take the Senator from the floor?

The VICE PRESIDENT. That would take the Senator from the floor. The Chair may remind Senators that the power of recognition is in the Chair. If a Senator asks unanimous consent, the Chair can recognize another Senator if he happens to be standing, but it is the custom of the present occupant of the chair, and of all others who preside in the Senate, to continue to recognize the Senator who has the floor; but the power of recognition resides in the Chair when a Senator who has the floor yields the floor, technically or otherwise.

Mr. McNARY. Mr. President, I rise to make a parliamentary observation. In my opinion, the Vice President has lucidly and definitely stated the rule, and he has my hearty concurrence.

Mr. BORAH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BORAH. Assuming that a Senator has the floor and is addressing the Senate, and is interrupted by a Senator for a question; is such an interruption permitted under the rule?

The VICE PRESIDENT. It is. Under the precedents a Senator may yield for a question, but if a Senator permits himself to be interrupted and yields to a Senator for other purposes than a question, then it may be held that he has spoken once, and he may lose the floor. The Senator from Louisiana has the floor.

Mr. ELLENDER. Mr. President, when the Senate took a recess yesterday I had concluded reading from early Egyptian history and had shown that as long as the Egyptian nation was under the control and under the influence of white rulers, civilization progressed, but that just as soon as there was a mixture of that pure white race with the colored race, a mongrelized race followed, and, as a consequence, decay.

I want my position understood on this subject, especially by the vast number of Negroes who now live in this country, our wards, as I consider them. The remarks I have heretofore made and the remarks I intend to make are not to be taken by those Negroes to mean that I do not respect their principles. I do. I would be the last man on earth to do anything to hurt the Negro race. I am merely bringing out these points to show that if America is to advance, if our civilization is to progress, I do not want the inventive genius which seems to permeate the people of our Nation to be in any wise hampered. I want our country to continue to go forward, to retain her prestige and supremacy as a world power, not only for the benefit of the white race but for the benefit and good of the colored race as well, because, as I have argued in the past and have been able to show, let me say to the Senator from Washington [Mr. SCHWELLENBACH], whenever the white race in other countries has remained at the head of the government, progress has been maintained, and on the other hand, when the mongrel became the ruler, he suffered, and his civilization decayed.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator whether progress to which he refers has been any faster progress than that we are making with the speech of the Senator from Louisiana. [Laughter.]

Mr. ELLENDER. In answer to the Senator from Washington, I am egoist enough to believe—and I state this confidently—that I have not yet started what I would term a filibuster on the pending bill, if that is what is in his mind. When we refer to filibustering on a question, I deem it to mean that any kind of a book on any subject foreign to what is before the Senate is discussed just to consume time. I consider that should I pursue that course, that will mean filibustering. The fact is that, although I have apparently been long-winded on this subject, the points I have developed up to the present, in my humble opinion, required the time I have devoted to them in order to make my position clear. The Senator will recall that in the early part of my speech I stated I felt the bill we were considering did not have much to do with the prevention of lynching—that the question involved presented a social problem. There are at this time on the calendar of the House of Representatives bills which would have a tendency to give a little more social equality to the Negro, I may say, than he now has. If such bills are passed, I claim that just as surely as I am standing here there will be trouble. There is pending in the House of Representatives a bill to repeal the so-called southern Jim Crow law through Federal legislation. The Senator knows what that law is. It provides that in the South colored people and white people can ride in the same conveyances, but the operator of a carrier must provide separate compartments for the Negroes and the whites.

If the House of Representatives shall consider the bill to repeal the Jim Crow law, these cliques of colored people I described yesterday, located in Harlem, in Chicago, and in other places in the United States, will become a little more brazen in their demands and will say to the House of Representatives and to the Senate, "Boys, you have succeeded very well in having the antilynching bill passed. Now there is a bill before the House of Representatives to repeal the Jim Crow law, and we expect you boys to get together and 'deliver'; and if you do not, we may not vote for you the next time you come up for election."

I do not infer that any Member of the Senate is making such promises, but that is what is in the minds of their Negro constituents who are advocating such measures. And I believe that the same strategy prompted the action of the legislators in the States of the Union where the statutes to which I referred yesterday and the day before and the day before were adopted.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield so that I may ask another question?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. When the Senator starts to discuss the Jim Crow law, will he not keep in mind that we passed a 70-car bill last spring, and the Senator will not have to talk quite as long as if that bill had not been passed. [Laughter.]

Mr. ELLENDER. That measure related primarily to freight trains. We have never heard of 70-car passenger trains. [Laughter.] That measure to which the Senator refers relates to freight. I did not expect in the course of this debate to touch upon that subject.

I repeat that I hold no bitterness against the Negro race. On the contrary, I sympathize with them. I do not believe there is a man in the Senate who has greater compassion for them. I yield to none when it comes to the question of a sympathetic understanding for the colored race and its problems. At some future time—not during the present speech—I propose to show the Senate what the South has done for the Negro race, and particularly what Louisiana, my native State, has done for it. We have not drawn the color line there when it comes to providing hospitalization, when it comes to furnishing Federal work, as we are doing now, or furnishing relief for the economic situation in which the colored man finds himself. When we in Louisiana abolished the tax from the home owner we did not exclude the colored man. On the contrary, we were glad to extend that privilege to him.

I have in my pocket a picture as evidence to show the respect and the admiration the South as a whole has for the law-abiding Negro. I received a post card this morning, sent from a town in Natchitoches Parish, La. On that post card appears the picture of a monument to an old-time Negro, who stands on a granite pedestal with hat in hand, respectfully bowing his head, and on that pedestal is inscribed a tribute by the southern people to the colored race:

Erected by the city of Natchitoches, La., in grateful recognition of the arduous and faithful service of the good darkies of Louisiana.

Mr. President, we in the South have no feeling of hatred against the Negro. We are sympathetic toward him. We understand his problems. We work with him. But what we try to do, what we have always done, and what I hope we always shall do, is to have the colored man keep his place when it comes to the social side of our associations. We do not feel that the Negroes as a race should commingle socially with the white people or marry white people, so that from that union shall come a mongrel race, as happened in Egypt, as happened in India, as has resulted in Haiti, and is happening in Harlem in the city of New York.

I shall read to the Senate some very interesting things about that very matter. It will be found from a study of history dealing with that question that when the Negro gains what he goes after by reason of sheer numbers, the first institution that goes down to destruction, as it were, that is trampled upon, that is ridiculed, is religion. In considering the early history of Egypt it will be found that the early inhabitants of Egypt believed in the immortality of the soul.

In a measure they believed in a good many principles of religion which we now believe in. But just as soon as the Negro domination occurred, the people went back to idolatry. They went back to barbaric beliefs of religion. They considered goats to be their gods. They worshiped other animals and even revered onions and other vegetables as their gods. They reverted back to dark Africa for their idols.

I am able to show through facts that the same condition resulted with respect to the Hindus. I can prove that the same situation has occurred in Haiti. I am going to show that in the United States, in Harlem, the great Father Divine, a Negro, is thought to be "God" by his followers. That shows the extent of fanaticism to which the Negro race will go if let alone. There is no place in this country of ours where they are permitted to go so far, unrestricted, other than Harlem, which is more thickly populated with Negroes than with whites. In that particular locality it seems that they are permitted to do what they please.

In the course of the debate I am going to read some of the principles advocated by Father Divine; and Lord pity Mississippi, for instance, where the Negro population is 50 percent of the total population, if Father Divine were to come down into that State, take charge of the ignorant blacks, and put his religion through. I am going to read, later on in the debate, how the present mayor of New York, Mr. LaGuardia, came to Harlem and prayed with Father Divine and his Negro congregation. There are certain very interesting occurrences that I propose to present to the Senate later on in order to prove my point and to further show that we must deal with this Negro question not from the viewpoint of politics but from a higher viewpoint. It goes beyond that. I repeat, it even goes beyond the Constitution.

I shall now read from the pages of history insofar as it affects the Hindu race and its downfall; and I am going to try to demonstrate again, as I think I have previously demonstrated with reference to the Egyptian civilization, how it tottered, how it turned to ashes, how that great civilization crumbled down to nothing, so that when the Persians conquered Egypt, instead of conquering a country having a civilization that would be such as to repay them for their conquest as spoils of war, they found nothing there. Victory meant more burdens for the Persians. The proud civilization of Egypt was no more.

Let me go back to the pages of history of India. What I read may be dry, but it is authentic. I shall refer to the book entitled "Race or Mongrel," by Schultz, the book from which I read yesterday with reference to the Egyptians.

Mr. LEWIS. Mr. President, what is the date of the treatise, may I ask?

Mr. ELLENDER. The first impression of the book was July 1908.

I read chapter X:

CHAPTER X

THE HINDUS

The Hindus were one of the Aryan races. That is, they belonged to the people that called themselves "Aryans" (the noble, the honorable). When they came to India, they found there a mass of yellow-black-white mongrels, and recognized that the absorption of this mass was impossible. They also recognized that crossing with these people would destroy the Hindus quickly.

Senators, that is far back, over 4,000 years ago, when those people thought as later did Jefferson, Lincoln, Clay, Webster, Grant, and as many other statesmen of more recent years have thought.

The Hindus were fanatical Aryans, and among the yellow-black-white mongrels, they developed an intense exclusiveness. They described the old inhabitants of the country as Dasyus, Rakshasas, fiendish creatures, and monsters. When allied to them, they speak of their allies as monkeys and of their king as the king of monkeys.

In the Veda we find these sentiments:

"Indra hurl thy shaft against the Dasyu, and increase the might and glory of the Arya."

"Distinguish Indra the Arya and those who are Dasyu."

"Indra having killed the Dasyu, protected the Aryan color."

"I do not give over the Aryan name to the Dasyu."

"Indra, increase the Aryan power."

"Indra, the companion of the Arya."

"Indra uncovered the light for the Arya. The Dasyus was left on the left hand."

"I gave the earth to the Arya and rain to the liberal mortals."

"The gods spread all over the earth the Aryan laws."

Arya was considered a name of honor. Darius calls himself Ariya and Ariya kitra, an Aryan and of Aryan descent. The same element enters into many Persian names, Ariaramnes, Ariobazanes, Atrabages, Artaxerxes.

The Hindus recognized that, unless they took vigorous precautions, the Aryans would soon be lost in the mongrel herd. To protect themselves they invented the caste system, one of the greatest inventions of the human mind.

It is of historic record why today in India we find so many castes. In its early history the castes were established in order to preserve the purity of the whites; and although the caste system still prevails, it is not now composed of white persons, because among the castes mongrelization crept in.

The Aryans were the three upper castes, viz, the Brahmans, Cshatriyas, and Vaisyas. The classes they called varna, which meant color, and has since come to mean caste. The priests, who, among primitive people, are the observers, scientists, artists, and poets, constituted themselves the first caste, the caste of the Brahmans. They were of the purest Aryan blood. The Aryans of warlike tendencies were constituted as the Cshatriya caste, and the rest of the Hindus were constituted as the Vaisya caste, the householders, the merchants, and the cultivators of the soil.

The importance of the Vaisya caste was recognized by the Hindus. The Manava-Dharma-Sastra says: "The means of subsistence peculiar to Vaisya are merchandise, attending on cattle and agriculture; but with a view to the next life; * * * with vigilant care should the king exert himself in compelling merchants and mechanics to perform their respective duties; for when such men swerve from their duty, they throw this world into confusion."

The rights of each caste were rendered hereditary and inalienable. The king himself could not abrogate the rights of caste. Outside of these three castes there were no Aryans, no twice-born men. The natives were constituted as a fourth caste, the Sudra. Their monopoly was the laborious and humble work, and their condition was better than that of the helots or serfs elsewhere; for it was strictly enjoined upon the three upper castes to treat the Sudra well. The Hindus considered it just that intelligence should rule, and that muscle should work. Their assumption, which underlies the caste system, that intelligence and the better qualities were characteristics of the Aryan and not of the Sudra, their history of 5,000 years verified.

The Hindus were never more than a small minority of the people of India; and of the people of India, the Hindus alone produced art, science, literature, civilization.

There again, Senators, this historian states—and I am going to produce more evidence to the same effect; it is here on my desk—that in India, as in Egypt, art, science, literature, and civilization progressed as long as the race maintained its purity; but just as soon as the nation was mongrelized it became degraded; its civilization deteriorated, as was the case in Egypt, and as I propose to show, is the case in Haiti.

I continue reading:

As the Vaisyas were not as pure Aryans as the Cshatriyas and the Cshatriyas not as pure as the Brahmans it was ordained that the different castes should not intermarry. Manava-Dharma-Sastra says: "In all classes they, and they only, who are born in a direct line of wives equal in class and virgins at the time of marriage are to be considered as the same class with their fathers. * * * A woman of the servile classes is not mentioned, even in the recital of any ancient story as the wife of a Brahman or of a Cshatriya, though in the greatest difficulty to find a suitable match."

The intermarriage of the members of one caste with members of another caste was strictly prohibited.

As I have pointed out, here in America there are 18 States which permit marriages between Negroes and whites; all other States prevent such marriages. Peoples who lived away back 4,000 years before Christ were trying to prevent the same condition that I am trying to prevent here by my humble efforts, because they felt that to give the inferior civilization social equality would mean the degredation of their nation and the decay of their civilization; and they were right—

The Madana-Ratna-Pradipa says: "The marriage of twice-born men with damsels not of the same class * * * these parts of ancient law were abrogated by wise legislators.

"From a Cshatriya with a wife of the Sudra class springs a creature called Ugra, with a nature partly warlike and partly servile, ferocious in his manners, cruel in his acts. * * * Him who was born of a sinful mother and consequently in a low class, but is not openly known, who, though worthless in truth, bears the semblance of a worthy man, let people discover by his acts. Want of virtuous dignity, harshness of speech, cruelty, and habitual neglect of prescribed duties betray in this world the son of a criminal mother."

There were in India savage tribes unable to perform the duties of the Sudra class. These miserable tribes the Hindus called Mlekha. They were also gained over to the Brahmanical system. The Brahmans went as hermits into the settlements of the Mlekha, and preached their system of metempsychosis, and were cut down. Other Brahmans came to take their places. They again were killed. Still others came; and the cheerfulness with which these men went to suffering and death struck terror into the souls of the natives, who began to question, "Who are these men?"

And this answer was returned, "We are the most exalted of men; kings bow down before us. We have reached this station not without desert; and in the next life we shall become one with Brahma, the god of gods, a unit in the divine essence. In previous lives we were as miserable as you are. Believe us, be virtuous and dutiful, and you will become exalted. The virtuous Mlekha is reborn as a Sudra, the virtuous Sudra as a Vaisya, the virtuous Vaisya as a Cshatriya, the virtuous Cshatriya as a Brahman, and the virtuous Brahman as one with the divinity. On the other hand, the Brahman who neglects his duties will be punished in hell and be reborn as a Sudra, a Mlekha, or lower even in the scale of life." The Hindus had no eternal hell. As the son of a Sudra may thus attain the rank of a Brahman, and as the son of a Brahman may sink to the level with the Sudras, even so much it be with him who springs from a Cshatriya; even so with him who was born of a Vaisya (v. Manava-Dharma-Sastra).

The conviction of the Brahmans convinced the Mlekha, and they were ready to become the lowest order of the Brahmanical system.

There were Hindus in India who disregarded the caste system, and a half-breed population began to spring up. The Hindus, intent on keeping their race pure, sought to remedy the evil. It was not always possible to strike at the parents, and so they struck at the offspring. They declared the half-breed population Chandalas. They were considered the most contemptible of the base born; their touch was polluting, a pollution of which the Cshatriya could purify himself by cutting the Chandala down. The brook that they had taken water from was cursed. Their places of refuge were to be destroyed. They were refused admission into villages and cities. That was the law. Its enforcement was prevented by the gentleness of the Hindu character. The Chandala was despised, but he lived; lived in villages that the Hindu had the right to burn down. The contempt in which the Chandala was held had this good effect: it prevented the mongrelization of the Hindus for several thousand years. History attests that the Chandala fully deserved the contempt which the Hindus entertained for him.

About 500 B. C. Gautama Sacyamuni taught Buddhism. Brahmanism demanded active virtues; Buddhism was content with passive, cloistered virtues. Brahmanism demanded self-sacrifice and work—

Remember, Senators, that was the first religion of the Hindus, and, as I pointed out a while ago, decay began in these nations first with respect to their religion. That is what suffered first. From Brahmanism they fell as low, so

far as religion is concerned, as did the Egyptians. I repeat that a change in religion is the first sign of weakness, as I have pointed out in reading the Egyptian history and as is made plain now by Hindu history—

Buddhism was satisfied with the admission of sin, and established the confession. The sinner confessed to the priest that he was a scoundrel, and he promptly became a saint. Brahmanism taught purification by faith and virtue and final union with God (eternal life). Buddhism taught the confession and eternal death. Virtue in the Brahmanical sense meant the performance of duty, faith, self-abnegation, work. Contemplation and confession satisfied the Buddhists. It was but natural that this religion of ease soon found many followers; being the religion of a yellow, it appealed to the race instincts of the yellows.

Nothing demonstrates the superiority of the whites over the yellows better than the fact that for a thousand years Buddhism existed in India, without being able to change the Brahmanical order in the least. About A. D. 500 Buddhism considered itself strong enough to supplant Brahmanism. The result was war, which finally ended in the complete expulsion of Buddhism from India. This success the Brahmanical order achieved, notwithstanding the fact that it was continuously at war with foreign enemies.

After the time of the Sultan of Ghasna, the Brahmanical society did not have a moment's peace. After Mahmud's Persians, came the Turks, the Mongols, the Afghanists, the Persians of Nadir Shah, the Portuguese, the French, and the English. None of them was able to break the Brahmanical system.

Buddhism had this baneful effect upon India—that by disregarding the caste system the Buddhists increased the Chandala class enormously. The time came when there was no family without mongrel members; the meaning of varna was forgotten.

As I illustrated with reference to the Egyptians, their downfall came because of mongrelization. There resulted a change of religion, and when that came about decay ensued. In the case of the Hindus the identical followed. The change in religion indicated that mongrelization had taken hold, and with the mongrelization of the older Aryan people the former civilization of the white people of India was doomed.

It came to mean work, occupation; and the mongrel was no longer held in contempt, but the workman. The caste system, that wonderful invention which for millenniums enabled the Hindus to remain true to themselves, to produce art, science, a great religion, civilization, has become a curse and a folly. Why should there be a caste system where all are Chandalas? The white-yellow-black mongrel is worthless. As far as the progress of civilization, the progress of man is concerned, 300,000,000 rats might as well be fed as 300,000,000 mongrels. The caste system has no power to demongrelize blood.

In the last centuries Brahmanism has degenerated rapidly, and it is now fast crumbling to pieces; not because the English are in India, but because the impetus which the Hindus, before they became extinct, gave to it is expending itself. In a like manner the Roman system outlived the death of the last Roman by several centuries. The English rule India today; and that foreigners, Aryans, should rule the degenerate offspring of the Hindus is not only just but in accordance with the Hindu scriptures: "Indra is the companion of the Arya and increases the Aryan power; Indra gives the earth to the Arya and spreads all over the earth the Aryan laws." The literature of the Hindus is the only one in India deserving of the name. Sanscrit is the only language of poetry, drama, law, philosophy.

All of this, Senators, came from the early Hindu settlers in India, as I shall show more clearly and more specifically by reading from another author:

The deterioration of the Hindus can be traced through the centuries in their art, their science, their literature, and their religion.

Many surgical operations, which we consider triumphs of modern surgery, were invented by the Hindus. They were skilled in performing amputations, lithotomy, abdominal and uterine operations; they operated for hernia, fistula, piles; they set broken bones and had specialists in rhinoplasty or operations for restoring lost ears and noses, operations which modern surgeons have borrowed from them.

Just stop and think of that, Senators! All of this scientific development was brought about in India when the Aryans were at the head of India—were in charge of its government; and, as this author states, the modern scientists in America probably have borrowed some of the means and methods of those ancients in prescribing for the sick and the injured.

Today the medical and surgical knowledge of the mongrel calling himself Hindu is nil.

Why? For the same reason that prevailed in Egypt. Here was a country which, like Egypt, had become versed in science, in surgery, in art, and which progressed; but, as shown by the author of the book from which I have been reading, the moment that country became mongrelized and the caste system wiped out, the moment the colored race was permitted to intermarry, to permeate and become a part of the blood of the old Indian civilization, decay set in, and the medical and surgical knowledge of India became and now is nil. There was no more progress.

The Hindus invented the so-called Arabic notation of numbers, and algebra; today they have no mathematical science deserving of the name.

Just stop and think of that. They started the Arabic system of numerals, but today we here in America and the white inhabitants of other countries, picking up where the Hindu left off, have progressed and developed the system to a fine point; whereas the nation, the people that are responsible for it, could not progress because of the mongrelization of their white race with the Negro.

The later epics of the Hindus are of an artificial character. The ancient epics are great works, which abound in passages of high poetic beauty. Plays written later than the eleventh century belong to the period of decline. One of them, the Anargha-Raghava, a drama full of obscurities and of commonplace sentiments, enjoys a higher reputation with the mongrels of the present age than the masterpieces of Kalidasa. Many of these later dramas are incomplete in their dialog.

The absurdities of modern Brahmanism are known. The great Brahmans of the Sarasvati would regard it as defiled by association with the Dasyu.

The study of the literature of the Hindus taught us that the vicious practices which prevail in India are late innovations; that is, inventions of the post-Hindu mongrels. Thus the rite of sutteo (cremation of the widow) sprang up as a local habit, and on becoming more prevalent received the sanction of the Brahmanical mongrels. The English stamped out the atrocious custom, and the depraved instinct of the mongrels invented the "cold suttee." The Hindu scriptures do not authorize the cremation of the widow, but bid her return to her home and resume her duties. The cow has always been held in India in high esteem. She was not, however, the "saint cow" that she now is. Today the eating of a beefsteak in India is a cardinal sin, while in Hindu times beef was an ordinary article of food.

Again, stop and think! I reiterate: The degradation of a nation apparently starts with the degradation of its religion following mongrelization. In the early history of India there was a religion that in some of its phases was somewhat similar to some of the religions that today exist in the civilized world. In early history the Hindus did not worship animals. The eating of pork, the eating of beef, was not contrary to their religion. Later on, however, when cattle and other animals became sacred gods to which these mongrels prayed, it was considered sinful to eat them; and that, emphatically, shows again, Senators, that wherever there is a decline in the civilization of a race it starts in religion. That happened in India, just as it did in Egypt.

Following the pages I have just read are very beautiful extracts from some of the poets who wrote in those early days; and, by the way, a good deal of this literature came to light less than 100 years ago through the Sanskrit language, as I shall show by another author.

With the permission of the Senate, Mr. President, I ask that, beginning where I left off on page 56, to and including page 61 of this book, be printed in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

The position of women in India today is degraded. The Mahabharata tells us of the esteem in which women were held in Mahabharata times:

"A wife is half the man, his truest friend,
A loving wife is a perpetual spring
Of virtue, pleasure, wealth; a faithful wife
Is his best aid in seeking heavenly bliss;
A sweetly speaking wife is a companion
In solitude; a father in advice;
A mother in all seasons of distress;
A rest in passing through life's wilderness."

In order to clearly demonstrate the heights from which the Hindus have fallen it will be best to quote from their ancient writings; and it will be noticed that many of the Brahmanical sentiments are identical with Christian sentiments as we find them in the Gospels, an identity due to the fact that both are religions

by Aryans for **Aryans**. The ancient Hindus had a simple theistic creed, now innumerable gods crowd the pantheon, appealing to the instincts of the mongrels. The post-Hindu is ripe for Buddhism, for Christianity, the vegetable pantheon of the Egyptians, or any other creed that may be preached him. The mongrel, being destitute of character, can accept and adopt anything. I quote from the Bhagavad-Gita:

"Many are my births that are passed, many are thine too, Arjuna; I know them all, but thou knowest them not." (Cf. John viii:14.)

"For the establishment of righteousness am I from time to time born." (Cf. John xvii:37; John iii:3.)

"I am dearer to the wise than all possessions, and he is dear to me."

"The unbeliever, the ignorant, and he of a doubting mind perish utterly." (Cf. Mark xvi:16.)

"In him are all beings, by him this universe was spread out." (Cf. Acts xvii:28.)

"Deluded men despise me when I have taken human form." (Cf. John i:10.)

"In all the Vedas I am to be known." (Cf. John v:39.)

Read chapter XI, called "The Vision" (Krishna and Arjuna).

In Panini the Hindus have produced the greatest grammarian that ever lived, whose grammar is the great standard of Sanscrit. It is one of the most remarkable literary works that the world has ever seen, and no other country produced a grammatical system at all comparable to it, either for originality of plan or for analytical subtlety. Panini's grammar was criticized by the celebrated Katyayana. His great rival was Patanjali.

We know from the Rig-veda that the movements of the moon and its use as the time measurer were studied by the Hindus as early as 500 B. C. Aryabata knew the causes of solar and lunar eclipses, and noticed the motion of the solstitial and equinoctial points. He taught that the earth is a sphere and revolves on its own axis. To the Hindus is due the invention of algebra and its application to astronomy and geometry. They were acquainted with the properties of the magnet.

From Yajnavalkya's law book I quote:

"Some expect the whole result from destiny or from the inherent nature of things; some expect it from the lapse of time; and some from man's own effort. Other persons, of wiser judgment, expect it from a combination of all these."

"When a Brahman is a thief he must be marked with a hot iron and banished from the country."

"Whoever falsifies scales and edicts, measures or coin, or does business with them so falsified, should be made to pay the highest fine."

"Anyone who adulterates medicine, or oil, or salt, or perfume, or corn, or sugar, or other commodities, should be made to pay 16 panas."

"The highest fine should be imposed on those who, knowing the rise or fall in prices, combine to make a price of their own to the detriment of workmen and artisans."

Of the ancient Hindu epics, Monier Williams says: "Notwithstanding the wilderness of exaggeration and hyperbole through which the reader of the Indian epics has occasionally to wander, there are in the whole range of the world's literature few more charming poems than the Ramayana. The classical purity, clearness, and simplicity of its style, the exquisite touches of true poetic feeling with which it abounds, its graphic descriptions of heroic incidents and nature's grandest scenes, the deep acquaintance it displays with the conflicting workings and most refined emotions of the human heart all entitle it to rank among the most beautiful compositions that have appeared at any time or in any country. It is like a spacious and delightful garden, here and there allowed to run wild but teeming with fruits and flowers, watered by perennial streams, and even its most tangled thickets intersected with delightful pathways."

The following sentiments are found in the Ramayana and in the Mahabharata:

"Even to foes who visit us as guests
Due hospitality should be displayed;
The tree screens with its leaves the man who fells it.

"This is the sum of all true righteousness:
Treat others as thou wouldst thyself be treated.
Do nothing to thy neighbor which hereafter
Thou wouldst not have thy neighbor do to thee.
In causing pleasure or in giving pain,
In doing good or injury to others,
In granting or refusing a request,
A man obtains a proper rule of action
By looking on his neighbor as himself.

"No being perishes before his time,
Though by a hundred arrows pierced; but when
His destined moment comes, though barely pricked
By a sharp point of grass, he surely dies.

"He by whose hands the swans were painted white,
And parrots green, and peacocks many hued,
Will make provisions for thy maintenance.

"Strive not too anxiously for a subsistence;
Thy maker will provide thee sustenance.
No sooner is a human being born,
Than milk for his support streams from the breast."

—*Hitopadesa, Monier Williams.*

Of Hindu dramatists, Kalidasa and Bhavabhuti are superior to most of the western poets. Kalidasa's "Sakuntala" drew unqualified praise from Göthe, in the following words:

"Wouldst thou the young year's blossoms and the fruit of its decline,
And all by which the soul is charmed, enraptured, feasted, fed?
Wouldst thou the earth and heaven itself in one sole name combine?
I name thee, Sakuntala, and all at once is said."

—*Monier Williams.*

The Hindus were a great race. Their death was a loss to the world, a loss that it is impossible to overestimate. Men who call themselves Hindus still exist, Sanscrit derivatives are still spoken, the Hindu spirit, however, is dead; the noble blood has been lost in the Indian quagmire, in the yellow-black-white swamp.

It would seem that nothing in this world could bring about the deterioration and degradation of as great a race as the Hindu race; but bastardization, mongrelization, continued throughout many centuries, has done it.

The history of the Hindus, like that of the Jews, proves that race is more important than home, country, flag, and everything else put together.

Great was the Hindu; worthless is the mongrel.

Read Indian Wisdom, by Monier Williams; The Inequality of the Human Races, by A. Conte de Gobineau; Volkstum und Weltmacht in der Geschichte, by Albrecht Wirth.

NOTE.—The translations are from Monier Williams, Indian Wisdom.

Mr. ELLENDER. Mr. President, I have been reading from Schultz, who, as I stated, is an authority on the mongrel.

Mr. POPE. Mr. President, will the Senator yield before he leaves that point?

Mr. ELLENDER. I yield for a question; yes, sir.

Mr. POPE. I observe that the Senator has considered India and Egypt. Of course, nearly all the great nations of ancient times have fallen. I refer to Greek, Rome, Persia, and other nations. Does the Senator consider that the matter he has discussed was the most important thing leading to the fall of the ancient nations?

Mr. ELLENDER. The nations that I have mentioned; yes, certainly. There were other nations, such as Greece, whose fall was due to other things. When Hannibal conquered the world, it was brute force that accomplished it. In those localities there was another branch of the white race, the Mediterraneans, mentioned yesterday by the Senator from Wyoming [Mr. SCHWARTZ], who occupied and developed, as it were, southern Europe. In other words, they were more influential in the development of southern Europe than the others I have named. The decay I have spoken about, with reference to Egypt and with reference to India, has been caused, in my opinion, solely by the mongrelization of the race. It may have been affected in later years by war, and it was later affected by war, because when the Persians and the Assyrians fought with the Egyptians, what happened? At the time of the attack, Egypt had become mongrelized.

There were a few Greeks there who had settled among the Egyptians. The members of the mongrelized nation fled, surrendered, and the Greeks were the only ones who offered resistance to the Persians when attacked. These mongrels had no courage, had no pride of country, but fled as would a tribe in the wilds of Africa.

Mr. POPE. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. POPE. Does the Senator think the fall of Greece and the fall of Rome were due to any sort of race amalgamation?

Mr. ELLENDER. No, sir; I do not believe so. It is my recollection that the fall of those countries was due to being overpowered by the people of other countries, and not to mongrelization. Greece is still there, though, of course, Greece is not progressing as a whole to the same extent as it did in days of old. She has remained to a certain extent stagnant. I was not able to give the reasons for that to the Senator from Wyoming [Mr. SCHWARTZ], because, as I remember, he made the point that the Mediterraneans may have occupied Egypt, the point being that the Mediterraneans, a branch of the white race occupied the greater portion of southern Europe. Whether or not the Mediterranean race, that part of the white race which settled in

southern Europe, was at one time a mongrel race, I do not know, but I am going to look it up.

I doubt, however, that it was a mongrel race. Some ethnologists believe that although a race may at one time be mongrelized to a minor extent, its mongrelization can be wiped out in the course of time by a preponderance of pure blood. In other words, ethnologists believe, and I think historians agree, that if there is but little mongrelization in a country that in the course of years the mongrel blood can be wiped out through absorption by the pure blood of the others. As to whether or not the Mediterraneans who occupied southern Europe were ever at any time considered a mongrelized race I do not know; but basing my statement on the facts brought out in histories I have read, I know that the Aryan race, the Nordics, are pure; and it was the Nordic race, known as the Aryans, pure whites, that occupied northern Europe and came to Egypt and also to India.

Mr. President, I desire to quote further now from an author from whom I quoted yesterday, who apparently has made a very careful study of the subject. He has studied it from every standpoint, and in the extracts I shall read he has incorporated certain passages from other sources of Indian history. It is very interesting to note that the same thing that has occurred in Egypt has occurred in India to the same extent and along the same lines, and I hope that the few Senators who are present and all the Members of the House of Representatives and all the pages who are present will listen to me, and, of course, I hope the ladies and gentlemen in the galleries will pay attention to what I say. I know they are all very much interested in Indian history, and I trust they will listen very carefully.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. LEWIS. I wish to announce to the able Senator from Louisiana that the fact that there are few Senators on the floor, as he has stated, does not indicate a lack of appreciation on their part of the Senator's remarks, but their absence is due to the fact that they are engaged in committees which call them to other official duties.

Mr. ELLENDER. I did not mean to cast any reflection on the Senators who are not present. I know they are all busy and very much occupied, and I have nothing to say in that regard. Of course, personally I do not blame them much for not being here, but I should certainly enjoy their company if they could be present and listen to historical and undeniable facts with reference to this question.

I shall now read from White America, by Cox, the same authority from whom I read yesterday. I read at page 130:

> The briefest survey of the Aryan conquest of India will suffice to show that the white Aryan came into contact with a decayed civilization which was in its last stages as a result of the previous Caucasian conquerors of India having interbred with the aborigines. The breed which produced the earlier culture had become submerged in the black mass about them, and the new-coming Aryan found that the "melting pot" had prepared India for an easy conquest. The Aryans, by reason of race and culture, came as aristocrats. Their numbers were but small when compared with the colored multitudes about them. They came slowly from their homeland in the northwest where, in spite of later mixtures with blacks and yellows, we yet find Afghans and Persians who are fundamentally Aryan.
>
> While all the darker strains of India may not be traced to the influence of the blood of the Asiatic branch of the Negro race, which at an early time was widely distributed on the Asiatic mainland and which now has many representatives in the islands south of the continent, yet the blood of the Negro is evident in certain of the races of India.
>
> Speaking of the race types of India, Madison Grant says: "The Aryanized Afghan and Hindu of northern India speak languages derived from old Sanskrit and are closely related to the Mediterranean race. Aside from common dolichocephaly; these peoples are entirely distinct from the Dravidians of south India, whose speech is agglutinative and who show strong evidence of profound mixture with the ancient Negrito substratum of southern Asia. Everywhere throughout the Asiatic portion of its range the Mediterranean race overlies an even more ancient negroid race. These negroids still have representatives among the pre-Dravidians of India, the Veddahs of Ceylon, the Sakai of the Malay Peninsula, and the natives of the Andaman Islands."
>
> The all but complete disappearance of the blood of the white civilizers of India is well expressed by the same authority, who says: "The Hindu today speaks a very ancient form of the Aryan language, but there remains not one recognizable trace of the white conquerors who poured in through the passage of the northwest. The boast of the modern Indian that he is of the same race as his English ruler is entirely without basis in fact, and the little swarthy native lives among the monuments of a departed grandeur, professing the religion and speaking the tongue of his long-forgotten Nordic conquerors without the slightest claim to blood kinship. The dim and uncertain traces of Nordic blood in northern India only serve to emphasize the utter swamping of the white man in the burning South."
>
> Not only were the eastern Aryans, before amalgamation with other races, true representatives of the race type that has dominated civilization, but also it is from this branch of the race that we have received important arts and sciences, and to their ancient literature we are indebted for much that we know concerning the religious beliefs of our kindred, their social organization, their laws, and race ideals.
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> The ancient literature of the Aryan is embodied in the Rig-Veda and the Epics. The Vedic times cover approximately the six hundred years intervening between 2000 B. C. and 1400 B. C. These writings afford us a fair conception of Aryan society and reveal a vigorous, white, conquering people, well organized, respecting their women, already in possession of ancient laws, glorying in agriculture, passionately religious, imposing their faith and culture upon the surrounding colored populations to whom they refer in terms of contempt. Themselves they designate as a people of "fair complexion" and term those whom they have subdued "colored," and ridicule them, calling them monkeys, just as the Aryans 4,000 years later have gone into Africa, Asia, Oceania, and the Americas, have boasted of their white complexion and vigorous mentality, and have accredited the dark races of these lands with close relatedness to chimpanzee and gorilla.
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> Let us look backward over a span of 40 centuries and get a glimpse of these white invaders of northern India. Their records tell us that they were of fair complexion, with straight, well-bridged noses. The latter feature, as well as the complexion, marked them as a separate people and so impressed social ideals that, even to the present day, a man's social position varies in inverse ratio to the width of his nose; "that is to say, the nasal index, as it is called, is a safe guide to the amount of Aryan, as distinguished from the aboriginal blood in his veins." The tall, fair, high-nosed invader came as a conqueror, looked upon the mongrel and black multitudes as inferiors, and treated them as such. Of this treatment, however, we shall learn later.
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> Emerging from the hill country of Afghanistan and the slopes of the Hindu Kush, the Aryans (Nordics) took possession of that extremely desirable portion of India known as the Punjab. A glance at the map will show that the Punjab is a well-watered northern province and that it comprises but a small proportion of the present Indian empire. From the Punjab these blond Caucasians extended their sway, imposing themselves by force and the influence of superior culture upon the mix-breeds who infested the country in countless numbers then as they do now. We may better understand the ease with which this was done by the first Aryan invaders of India by reflecting upon the ease with which foreign control has been imposed by the last Aryan invaders of India, the English. The task of the first Aryan invaders should have been even less difficult; for their invasion was by land from an adjoining territory while the English have dominated India from afar, their line of communications consisting of a long and tortuous sea route. Both the first and last invasions were wrought by the hard-drinking, hard-fighting military caste of Aryans; and both invasions maintained by prestige of race and culture rather than by constant appeal to arms.
>
> When occupying the Punjab the Aryans did not expel the mix-breed white-yellow-black populations whom they conquered. (As yet the Aryans were not in contact with the blacks in the south of India.) Throughout the history of their conquests the Aryans have not expelled a subjugated people whom they could profitably enslave. Modern Aryans in North America did expel the red man, but they imported the black.

I am sure the Senator from North Carolina [Mr. REYNOLDS], who is doing me the honor to follow what I am reading, will agree with me that when the black man first came to this country he came here as a worker. The American Indian was already here. He was of lazy temperament and depended for his food upon that which grew wild throughout the land and that which he could gather with the least effort. He did not try to elevate himself prior to the time the white man came to America, nor after, except through the aid of the whites. As a matter of fact the American Indian depended entirely on what he found growing wild in this country for his food. He might have planted a little corn, but there was no real sign of progress on the part of the American Indian, and he was never employed by the first white settlers here because he was not of the type that would work. Hence as agriculture developed, it became necessary to bring slaves into this country. That is why the slave

traffic developed. From my knowledge of early American history I am sure that if it were not for the importation of the Negroes the South would not have developed agriculturally as fast as it did. We had no labor-saving inventions at that time such as we have today. In those days we had to depend on muscle and brawn in order to cultivate and make the crop. It required a great amount of labor. I am sure the Senator from North Carolina will agree with me in that statement.

Before I leave the American Indian I do not mean that he was devoid of any civilization. Some recent discoveries were made showing that there was quite a progressive Indian civilization before Columbus landed. I may be wrong in that statement, but that is my recollection.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. REYNOLDS. I might add, in view of the fact that the Senator is speaking of the early settlers of this country, the original ones, the Indians, that he will find a book entitled "The Northwest Passage" an extremely interesting volume, which describes the adventures of Major Rogers in his search for the Northwest Passage. In that book the Indians of that particular portion of the United States are described very vividly and most interestingly.

Of course, in North Carolina, as the Senator knows, and in the country from which our colleague the Senator from New Jersey [Mr. SMATHERS] comes, we have the Cherokee Indians, and, as a matter of fact, the Cherokee Indians are considered among the very best tribes of Indians of America.

In the Western States are to be found the Pawnee Indians, and the Sioux Indians, and different Indian tribes. I was wondering if the Senator from Louisiana had ever visited western North Carolina, where the Cherokee Indians are to be found?

Mr. ELLENDER. I will say to the Senator that I have visited it quite frequently.

Mr. REYNOLDS. I hope the Senator will find it possible to return to North Carolina, because since his last visit there we have established the Great Smoky Mountains National Park, which is only a stone's throw from the city in which I live, which city is Asheville, N. C., the little gem city of the mountains.

Mr. ELLENDER. I have visited your Gem City, Senator, and as an American I am very proud of it.

I shall continue reading from this author:

> We may better understand the ease with which this was done by the first Aryan invaders of India, by reflecting upon the ease with which foreign control has been imposed by the last Aryan invaders of India, the English.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REYNOLDS. I see the Senator is reading some very interesting chapters with regard to the development of India. Does the Senator know how the English happened to be able to conquer that vast territory of India, from the Malay States north to the great frontier of Afghanistan? Does the Senator recall—this is in the form of a question—that when first the English went into the Orient they made a trade with one of the tribes to aid them in defeating the people of another province, and after that defeat was brought about they made a trade with those whom they had just defeated to fight with other tribes against whom they had previously fought, and then when those tribes were defeated they would make similar trades with them, and so on through the entire conquest of India? I am told that that is the manner in which the British were able to conquer all of India.

Mr. ELLENDER. In answer to the question of the Senator from North Carolina, I may state that I do now remember reading that part of the history of India, but that particular phase of it had escaped my recollection, and I am glad that the Senator has made the contribution he has at this time.

I continue to read:

> The task of the first Aryan invaders should have been even less difficult; for their invasion was by land from an adjoining territory, while the English have dominated India from afar, their line of communications consisting of a long and tortuous sea route. Both the first and last invasions were wrought by the hard-drinking, hard-fighting military caste of Aryans, and both invasions maintained by prestige of race and culture rather than by constant appeal to arms.
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> When occupying the Punjab, the Aryans did not expel the mix-breed white-yellow-black populations whom they conquered (as yet the Aryans were not in contact with the blacks in the south of India). Throughout the history of their conquests, the Aryans have not expelled a subjugated people whom they could profitably enslave. Modern Aryans in North America did expel the red man, but they imported the black. The former would not work, the latter could be made to work.

The very thing that I discussed a minute ago prevailed in India as it did in this country; the importation of the black was necessary because the black could be made to work, and the natives were too lazy to work.

> If we, from the vantage point of centuries, pass critical judgment upon the color policies of the Indian Aryans, we may ask ourselves in what did they fail and to what mistake is their final undoing attributable? We know that their failure must be attributed to their reliance upon caste, rather than expulsion, in dealing with their colored subjects. They sought to keep themselves white by imposing laws against race admixture and supporting such laws by the ideal of race purity and by religion. But long continued race contact, throughout human history, is written large in one word—amalgamation.

"Amalgamation!" That is what we in America must prevent. I hope that we can do what Jefferson said was impossible to do—keep the races separate. As I pointed out yesterday, Jefferson—back in 1806, I think, in the early days of our American history—said he could foresee that in the future it would be impossible for the white race and the colored race to live separately in the same country; that one would have to prevail over the other, and he was afraid that the Negro might prevail, and then our civilization would become degraded.

Another thing feared by Jefferson and feared by others of our American statesmen at that time, and even by our modern statesmen, was the amalgamation of the two races; and amalgamation was the very thing that the early Indian people feared way back 3,000 years before Christ. Those people of that period viewed the question in the same light as I am viewing it now. I am simply giving facts. As I said a while ago, I do not know whether this discussion is interesting to Senators or not. I hope that it is. I hope they will pay attention to what I am saying; because I am just as sincere and as confident as I am of anything that what I have just said will come to pass in this country if we do not take steps to prevent it. I am not going to live to see it, but just as sure as I am being heard by the Senator from North Carolina [Mr. REYNOLDS], who sits within 3 feet from here, if there is an amalgamation of the races, decay of our civilization will surely follow; and amalgamation cannot be stopped, in my mind, if we permit the colored people to keep on encroaching on the whites socially. Political power will bring it about. The Negro may some day become so strong politically that he will be able to command respect for his vote, and he may come to the Senate. Perhaps not next year; perhaps not in the next 50 years; but some day he may come here and probably sit in the seat in which the Senator from Tennessee [Mr. BERRY] is now sitting and which seat was once occupied by the immortal Webster, or in the seat in which the Senator from North Carolina [Mr. REYNOLDS] is now sitting, or maybe he will sit in the seat once occupied by the illustrious President of the Southern Confederacy, Jeff Davis.

It is not necessary to stretch our imagination to surmise what is going to happen should that ever occur. Then watch the social legislation that will be passed! Just as sure as the sun is overhead, the amalgamation of the white race in this country with the colored race is going to bring to America what it brought to Egypt, what it brought to India, what it brought to Haiti, and what in a small measure it is bringing to Harlem in New York, as I am going to show by the doings of Father Divine, a Negro.

Mr. REYNOLDS. The Senator, of course, appreciates the fact that there are exceptions?

Mr. ELLENDER. Oh, I appreciate that, Senator.

Mr. REYNOLDS. I wondered if the Senator was aware of the fact that a great portion of the slaves that were taken to South America were Chinese slaves, as a matter of fact. Whereas we in America experienced the importation of thousands upon thousands of slaves from various and sundry parts of Africa, the people of South America experienced an importation of thousands upon thousands of Chinese slaves.

Mr. ELLENDER. Of the Mongolian race?

Mr. REYNOLDS. Of the Mongolian race. In connection with exceptions, of course, we all have from time to time on the floor of the Senate mentioned exceptions in the colored race. It might be interesting for the Senator to recall the life history of the Emperor of Haiti, whose name, I think, was Christophe.

Mr. ELLENDER. Christophe; I have his history here and I propose to discuss it later on today.

Mr. REYNOLDS. Has the Senator visited Haiti? If not, I hope the Senator at some time will take advantage of the opportunity to visit Christophe citadel, which is right on top of the mountain overlooking the point of Haiti.

Mr. ELLENDER. I have not visited Haiti. But Christophe, the Emperor of Haiti, whom the Senator has just mentioned, was the son of a Negro slave, and there was no Chinese blood in his veins.

Mr. REYNOLDS. None whatever. He built there at the foot of the mountain San Souci Palace, in which he lived, did he not?

Mr. ELLENDER. I am coming to that; I have it all here.

Mr. REYNOLDS. And when he completed that citadel and fortress it is said that he caused the murder of the engineers who had charge of its construction, so that they would not be able to reveal anything about it or its history, did he not?

Mr. ELLENDER. I have that complete history.

Mr. REYNOLDS. It is very interesting, the Senator will agree, I am sure?

Mr. ELLENDER. I may say, while we are on the subject, that I am going to invite not only the Senators and Members of the House but I am going to invite the pages of the Senate, the clerks, the official reporters, the members of the press, the colored people who may be in the galleries, the white people—everybody—to read at the first opportunity—they can read it at the Congressional Library, if they do not have it—Black Majesty—a book on Haiti, showing what Negro domination has done to Haiti.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator will state it.

Mr. VANDENBERG. The Vice President made a statement this morning regarding what constitutes a legitimate interruption under the rules and what kind of an interruption would terminate a Senator's right to the floor. I am not seeking to take the Senator from Louisiana from the floor, but I am curious to know whether the inquiries submitted by the Senator from North Carolina do not fall under the inhibition announced this morning by the Vice President.

Mr. ELLENDER. I desire to state that, as I understand, Mr. President, the Senator from North Carolina asked a question as to whether I was familiar with Christophe. That was the question asked me, and I proceeded to answer it.

Mr. VANDENBERG. I should like to hear what the Chair has to say on the subject.

The PRESIDING OFFICER. The Senator having the floor is entitled to yield only for a question. The Senator from North Carolina [Mr. REYNOLDS] having framed his statement in the form of a question, it falls within the rule.

Mr. VANDENBERG. I did not hear the Senator's question when I entered; he was on the tail end of a dissertation.

Mr. REYNOLDS. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. Yes, I will yield for a question, but be sure to make it a question. [Laughter.]

Mr. REYNOLDS. Will the Senator also discuss the life history of Trujillo, president of the Dominican Republic? The Dominican Republican, as the Senator will recall—and I make this statement in the form of a question—occupies a part and portion of the same island upon which we find the Republic of Haiti?

Mr. ELLENDER. I will yield to the Senator for a question, and am happy to yield to him, but I am very anxious that anything the Senator desires to ask me be put in the form of a question, because I should not like to lose the opportunity of continuing this discussion. I do not know whether or not it is interesting to the Senator from North Carolina or to other Members of the Senate, but to me it is deeply interesting. It may not be interesting to some others, I presume, for the reason that it is a little bit dry unless one appreciates the full meaning of it as it is developed, point by point. Of course, Senators who come in and then leave the Chamber from time to time—and I do not blame them for that—and listen for just a little while, may not find it interesting.

I made the point a little while ago that amalgamation of the white race with the colored race was, in my opinion, the cause of the downfall and decadence of the civilization of India, and also was the cause of the decadence of Egypt, and before the Senator from Michigan came in I pointed out that the question of amalgamation bothered Thomas Jefferson, bothered Lincoln, and bothered Grant. They were afraid of it.

What I am trying to do at present is to bring the facts home, so that the American people today—not tomorrow but now—may see, in white and black, what happened to other civilizations of the past, and understand that other civilizations of the past thought along the same line as our own Jefferson thought 125 years ago, and our own Lincoln and our own Stephen A. Douglas thought more than 75 years ago. Those American statesmen feared amalgamation and its inevitable consequences, as did the statesmen of India and Egypt in the days before Christ. As I pointed out yesterday, the Egyptians were so afraid of amalgamation with the Negroes that they made it a capital offense for them to come into their country. India also desired to go that far in order to preserve her civilization.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield for a question. If it is not a question, stop him, Mr. Presiding Officer. [Laughter.]

Mr. REYNOLDS. Speaking of Egypt, did the Senator know that when the Egyptians let down their immigration bars, from that moment the strength of the Egyptians began to fail, and as a nation, great at that time, it began to decline?

Mr. ELLENDER. That is correct. The trouble is the immigration bars were not in effect as early as they should have been.

Mr. President, I will recur to the question that was asked me a while ago by the able Senator from North Carolina [Mr. REYNOLDS]. The Senator asked me a question with reference to the immigration of Chinese into South America and the effect of such immigration.

Mr. REYNOLDS. Mr. President, will the Senator yield in that connection?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield for a question.

Mr. REYNOLDS. I will ask a question. Did the able Senator from Louisiana know that one of the greatest slave markets the world has ever known was at Truxillo, Peru—a Chinese slave market?

Mr. ELLENDER. I have read about it, and that brings up the point I wish to mention in answer to the Senator's question that he propounded to me a while ago. The difference between the slaves of the Mongolian race who were brought to South America and those Negro slaves that were distributed throughout the world is that the Mongolian slaves

showed a higher type of mentality than did the Negroes. The Mongolian race, as I am sure the Senator will agree, was further advanced in civilization than was the Negro race. Of course, deterioration set in when the Mongolians mixed with the whites, but it required a longer span of time before the mongrelization took effect so as to deteriorate the civilization. We must not forget that that is one of the essential differences between the mongrelization by the purely African type of Negro as compared to the mongrelization growing out of the enslavement of members of the Mongolian race. Authorities, however, are agreed to the effect that the mongrelization of races, even with the Chinese or the Japanese with the whites, will in course of time mean deterioration and decay of civilization wherever and whenever it occurs. Have I answered the question of the Senator from North Carolina?

Mr. REYNOLDS. Yes; and I thank the Senator very much.

Mr. ELLENDER. I continue reading:

The story of civilization is, in the main, the story of the Aryan race and its culture. The history of the Aryan peoples shows that where they have seemingly been most cruel in their dealings with other races, their civilization has been most permanent. Of the Nordic tribes who, between the fourth and the sixth centuries of our era, overran south Europe, those that became isolated and finally lost by amalgamation with their subjects rapidly declined as cultural factors; while those who replaced conquered peoples have led in civilization. Franks, Lombards, and Saxons retained race and cultural capacity. The Aryan conquerors of South America, to a great extent, have amalgamated with colored subjects. The settlers of North America segregated the colored race they found in possession of the land and have established a form of caste to prevent blood admixture with the colored race which they inducted into their midst. Caste will not perpetuate the civilization of the whites who dwell with colored races, but it will prolong it.

The Aryans of India relied upon caste. They knew that they owed their capacity in the civilized arts to their breed, and to their breed they owed their prestige among colored races. How to preserve breed and, at the same time, utilize inferior peoples to do their labor was the problem confronting the Aryans. The answer to the problem was "caste, enforced by law and religion."

The priests were the scientists and philosophers, and they devised a system of social control designed to meet the requirements of the native problem. This extraordinary scheme has been classed among the greatest expressions of human ingenuity. Caste, as originally instituted, divided the population into four divisions—warriors, priests, agriculturalists, and merchants and laborers. The first was composed of those of the purest Aryan descent, while the last was made up mainly of the subjugated mixed breeds with whom the Aryan was in immediate contact. The heart of caste was not vocation, as at present, but endogamy (marriage within the caste). There were large groups of the subjugated population whom the Aryans did not honor with caste. These were referred to collectively as outcasts, recognized as barely human.

Mr. President, I ask that the remainder of page 137, which is very interesting, and all of page 138, up to and including the words "was authorized to kill" on page 139, may be inserted in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

We see, then, a white people dwelling among a colored, who greatly outnumber them, and attempting to remain white by the institution of laws forbidding interracial marriage. "Our first glimpse of India discloses two races struggling for the soil, the Dravidians, a dark-skinned race of aborigines, and the Aryans, a fair-skinned people, descending from the northwest passages." Keane, in his Ethnology, says: "As a rule, the Anglo-Saxon and British Aryan, who are by far the most numerous and widespread out of Europe, do not amalgamate with the aborigines." This author is comparing the Saxon Aryan with Spanish, French, and Portuguese "Aryans," who readily mix with colored races. But Saxon resistance to intermixture is relative only. The Saxon mixes with other races in every land where there is race contact. This mixing is slow, but the end will be the same. The same authority, on another page, himself affirms that the end of all race contact is amalgamation of races.

The Anglo-Saxon of the United States, like his early kinsmen in India, will retain comparative purity for many generations. Like his ancient relative, he invokes law to prevent interbreeding of white and black. But the present-day white man is not as well fortified against miscegenation as the ancient white man of India, who supplemented legal prohibition of marriage with nonwhites by his religious teaching and by caste, which was perfect in ideal and enforceable by law. In the United States legal prohibition of interracial marriage has not been written in the statutes of all the States; and, too, we have a religion which, instead of opposing interbreeding with the inferior races within our midst, is interpreted by large numbers of whites in such manner as to minimize or abolish the color line.

But the peril to the color line in India, as in the United States, was not legal interbreeding of races. There as here it was the illegitimate mixbreed who threatened the purity of the white race.

There has ever been a deplorable freedom between the white and nonwhite races, which has resulted in an increasing number of mixbreeds. In India caste prevented interracial marriage but was incapable of preventing illegitimate unions. The Aryans, intent upon retaining race purity, yet unable to restrain men of their race from unions with colored women, and in most instances unable to discover the guilty white, turned with a terrible wrath upon the helpless mixbreed. The half-castes were not permitted to reside within the limits of the city; were reviled by all, both black and white; and, finally, the Aryan laws provided that under certain conditions the soldiers might slay them without mercy. It is evident that such extreme measures would not be permanently enforced, most of all by men of the Aryan race, whose history is generally marked by tolerance to races and creeds. In spite of legal restrictions the mixbreeds increased. Caste prolonged race purity but did not preserve it. The modern Aryan in India is just such a mixture as the ancient Aryan was authorized to kill.

Mr. ELLENDER. Mr. President, I continue reading from that point:

Of the "220,000,000" so-called Aryans of India, it is not likely that one-tenth of 1 percent are whites of the Aryan race. "Even the haughty Rajputs, formerly of the Kshatria (military) caste, have long lost their racial purity and are now largely intermingled with Bhils and other primitive non-Aryans" (Keane). "Men who call themselves Hindus still exist, Sanskrit derivatives are still spoken, but the Hindu spirit, however, is dead; the noble blood has been lost in the Indian quagmire, in the yellow-black-white swamp."

Races dwelling in common territory will eventually amalgamate; and by observing the present, we are conscious that a slow amalgamation of white with nonwhite is occurring even in Saxon circles, and we know that amalgamation has already proved the end of hope in many Latin possessions. With the present in mind, we are able to understand the problems confronting ancient India and realize the Aryan's hopeless task in seeking to institute laws and customs that would perpetuate his breed and the civilization which proceeded from his breed, and which perished with it. The history of race contact will establish that the Aryans undertook an impossible task. They brought religion, law, and caste to their aid, the most carefully devised agencies the world has known. But the human intellect has never proved equal to the task of regulating sex relations.

In Indian history, as in Egyptian, we find that the further back we go the greater the culture. This is explainable on the basis of breed. These civilizations were founded by Caucasian peoples, who eventually were replaced by, or became mixed with, their colored subjects. That their cultures had a Caucasian origin is a matter beyond doubt.

Just as I have explained to the Senate, not only from these extracts but also from two other authorities from which I read today and yesterday.

To make clear the causation of their decay, we may bring to bear numerous analagous instances from both ancient and modern history. We have the Greek and Roman cultures and those of Central and Northern Latin America, which were implanted by a breed and declined with the breed which implanted them. There was gradual submergence of the creative breeds into the noncreative, which, in all instances, were more numerous.

Let us look to the high state from which the Aryans of India fell, and we may appreciate the loss to civilization. It was only about a century ago that the western world began to realize the riches of the Sanskrit literature and the ancient glory of the Hindus. When the ancient treasures of the whites of India were translated, Europeans were struck with amazement to learn that their own language was that of the civilizers of India and that the civilizers of India were a white people with a culture so deep and varied and of such ancient origin as to suggest that India was the home of the Aryan peoples and that western arts and creeds had been derived from Asia. We know now that the Aryans of India, like those of modern America and Australia, were conquering invaders, and that, like those of America and Australia, they carried their culture with them and imposed it upon colored races.

In other words, Senators, the same thing to which I referred yesterday and the day before happened to the enslaved inhabitants of those countries, to the same extent that it happened to the enslaved Negroes of North America. I made the point, and history shows, that slavery was a terrible drawback to this country, that it was wrong, painfully wrong, for us ever to have had it; but so far as the Negro race is concerned, I will say to the Senator from Alabama [Mr. HILL], they benefited by it, because they were brought from dark Africa to the light of our American civilization.

Not only did that occur in America, as I have just stated, but it likewise occurred in India and in Egypt. The only civilization ever known to those people who came from dark Africa was the civilization they got when they came within the borders of Egypt, India, America, and other civilized places to which they were taken as slaves. The author from whom I am reading, as I say, is another authority who stands back of that statement, and shows, insofar as India is concerned, that the enslavement of the Negro from Ethiopia who same to India, although he came in bondage, resulted in his own betterment, while it resulted in the degradation of the country to which he came.

Listen to this:

Hindu history reveals that it was the early invaders, not their mongrel offspring, who displayed affinity in ideals, race, and culture to the Europeans of the days preceding steam and electricity. However alien the Saxon student may feel when poring over Egyptian and Assyrian records, he has consciousness of kinship with these tall, high-nosed, aggressive warriors, priests, and people, who emerge from obscurity upon the banks of the Indus, spread gradually to domination of the great Indian peninsula, carry their culture at a later date to Ceylon and Cambodia, and, after centuries of effort to retain race purity, gradually subside into the mongrel mass.

The Aryans opposed the colored peoples whom they conquered, not only on the ground of race, but on the basis of religion as well.

Why? Because the religion that prevailed in the country whence these slaves came was a religion based on idolatry, the worship of onions, the belief that goats are gods, that elephants are gods, that cattle are gods, as I pointed out in other parts of this discussion. It was when these religions were transplanted, when they supplanted the religion which formerly prevailed in the civilized country, that the degradation of the civilization of that country began. That is when the decline first became noticeable; and that is why I quoted yesterday from the Bible, from the twentieth chapter of Isaiah, in which the prophet Isaiah predicted the downfall of Egypt because no doubt of the mongrelization of the white Egyptian people with the colored race.

The colored "were abhorrent to the Aryans on account of their blacker blood and their unorthodox religion." Knowledge of the religion to which the Aryans objected will give justification for their opposition. Along with barbaric superstitions—

By the way, I want to digress here for a minute. This author says, "Along with their barbaric superstitions." The actions of these colored people, with their barbaric superstitions, are what gave rise, as I said, to the conditions that have been described. The time when it became noticeable in Egypt and among the Hindus that their civilization was going to pieces was when these mongrelized people began to change the dominant religion of the country; and I am sure I can bring this statement home to Senators, not only from Egyptian history, not only from Indian history, not only from Haitian history, but from Harlem history, from the actions of Father Divine.

Will you believe me when I tell you that the volumes I now exhibit to the Senate, the volumes which I hold in my hand, four in number, and also a great number of magazine articles, were all written about this Negro, "Father Divine," who, it appears, is the kingpin of Harlem so far as religion is concerned? I want to read parts of them to the Senate. I do not know whether I shall have time to do so today or tomorrow; but I am going to read to the Senate from these books and articles, and I am going to show the people of America and the Senators who are present and everybody within the hearing of my voice how Father Divine, and all his followers in Harlem and throughout the country, thought he was divine, thought he was God, and yet after all he was only the son of a Negro slave from Georgia, as I am going to show.

I want to demonstrate to the people of America that what I am reading here, the warning I am trying to give, is timely and applicable today right here in America. God pity the South, God pity the State of Mississippi and its fine people, where there are as many blacks as whites, if this thing ever spreads to that part of the country! I should hate to see Father Divine take possession of the Negro population of Mississippi and make them rise to religious frenzy and fanaticism as he has been able to do in Harlem. When I say Harlem, I mean Harlem in New York, here in dear America.

I desire to read to the Senate some passages from these volumes to show how some of the politicians of New York, including the present mayor of New York, solicited the support and the vote of Father Divine because he could deliver a great many votes of the members of his cult. Whether or not he succeeded, I do not know. I say, that whenever such solicitations were made promises may not have been exacted by Father Divine, but the politicians back of him, who were his "angels," doubtless said, "Divine, it's all right for youse to support Mr. So-and-So and Mr. So-and-So for de mayor or for de legislature, but be sure that when So-and-So is elected to de legislature in New York, wese goin' to get social equality with the white folks."

Social equality with the whites! That, Senators, is what I fear may come to pass in this country. I repeat what I have heretofore said. Let me read it again from my notes, so that it will sink in:

Political equality leads to social equality, and social equality will eventually spell the decay and downfall of the American civilization.

Think of that proposition! Discuss it with your friends. Study the books I have referred to and I am certain you will become convinced.

I continue reading:

Along with barbaric superstitions, the Dravidians practiced a cult of gross obscenity and followed these religious observances with debauchery of unrestricted passion. Also, the Dravidians recognized only the mother as head of the family, their practices being such as to render this custom the only satisfactory way to determine kinship. Now, the Dravidians were the mongrel remains of the previous civilization that had perished in India, and represented a far more capable type of humanity than the blacks about them and to the south. The Aryans found the best of India steeped in inexpressible obscenity, and of this, as well as of the colored blood, they felt abhorrence.

To the religion of India the Aryans opposed their own, and with much success so long as they remained white. The religion of the Indian Aryan had much in common with that of our European ancestors prior to the introduction of Christianity; and if we look to their religion we find that the Aryans of 30 centuries ago held high ideals, many of which it would be difficult to improve. They believed fervently in immortality, though the immortality was to be obtained by works rather than by faith. They believed firmly in the incarnation of God walking as man upon earth, that such incarnation had been accomplished, and they looked forward to the return to earth of this same Redeemer incarnate.

The ancient laws of India (Institutes of Manu) represent an attempt to codify Hindu law just as the Code of Justinian represents the codification of the laws of certain Western Aryans. There is much in agreement between them, and the latter were probably well known to the Roman jurists. In these laws and throughout the Vedic hymns there is not a trace "of the many deplorable beliefs, traditions and customs, which in later years have debased the religious and social life of India; nor is there idolatry in the ancient religion such as characterizes the present, nor caste, nor enforced widowhood; neither is there any trace of, nor the faintest shred of authority for, either suttee or child marriage."

The early Hindu prayed to the god "who comprehended all things," "Take me to the immortal and imperishable abode where light dwells eternal." "They still felt the impulse of wonder" and looked into immeasurable space "full of blazing and self-luminous worlds." (Steele.) The Institutes of Manu teach that of "all duties, the principal is to acquire a true knowledge of one supreme god; that it is the most exalted of all sciences because it insures immorality."

Thus at the very opening of recorded Aryan history, say 4,000 years ago, we find the men of our race in possession of the most exalted religious concepts—the theory of one all-powerful god; of god become incarnate for man's sake; of a miraculous birth of this incarnate god; and an expectation of the reincarnation of this same god. They prayed, fasted, and watched for his reappearing.

At the time of Jesus, Palestine had been under Aryan or semi-Aryan influence for more than a thousand years. Nor was this influence entirely from without; for a part of the inhabitants were Aryan, or partly Aryan, in blood. Although the centuries have brought great ethnic changes in this part of western Asia, there long remained ethnic traces of the early Nordic blood, which was supplemented in copious measure by Greek conquests.

I now omit some of the text, because it is merely more history. I begin reading again with the first paragraph on page 146:

Compare the exalted religious ideals of the early Aryans—

By the way, those are the religious ideas to which I have just referred, and I am sure Senators will be in entire agreement with me when I say that some of those very religious ideas now form, in many respects, the basis of the religious principles of the present generation of the white race.

I repeat:

Compare the exalted religious ideals of the early Aryans who conquered India with the repulsive cults of their mix-breed descendants, and what devout Christian will not feel a shudder of the soul when he contemplates the immeasurable and seemingly unbridgeable chasm between the "fair" people who entered India 40 centuries ago and their innumerable mongrel posterity?

Let us quote well-recognized authority which shall serve to heighten our estimate of the culture of the conquerors of the Punjab. "The Aryan tribes of the Veda are acquainted with most of the metals. They have blacksmiths, coppersmiths, and goldsmiths among them, besides carpenters, barbers, and other artisans. They fight from chariots and freely use the horse, though not yet the elephant, in war. They have settled down as husbandmen, till the fields with the plow, and live in villages and towns. They have learned to build 'ships' (river boats) * * * unlike the modern Hindu, the Aryans of the Veda ate beef * * * thus the stout Aryans spread eastward through northern India, pushed on from behind by late arrivals of their own stock, and driving before them, or reducing to bondage, the earlier black-skinned races."

The black-skinned peoples with whom the whites came into contact were so numerous that miscegenation between the Aryan warriors and colored women soon produced a mix-breed element which threatened the purity of the white race. Knowing that race characteristics have not changed during the past 40 centuries, and possibly not materially in a hundred centuries, can we not see that in early India there would be among the whites an element who wished to expel the colored from the districts successively taken, in order to create an environment whereby the Aryan race and culture would be assured permanency? And is it not likely that this element was overruled by others who opposed harsh measures in dealing with the colored, and by another and more powerful element of property owners who profited by labor of the colored and were ready always to resort to force to keep them in serfdom?

I will omit the reading of the next two paragraphs and begin reading with the first full paragraph on page 149, because this paragraph deals principally with the religious aspects, and it is demonstrated, as I have shown in the case of Egypt, and as is being shown here with reference to the Indian history, that degradation of the race became apparent when there was a change in religion.

Religion, that mighty agency in mongrelizing the Caucausian, with its caste-eliminating, race-equalizing tenets, has been seized upon in all lands by the supernormal whites in their efforts to abolish the color line. The "melting pot" in India was not full until there arose a religion attempting to offset the Hindu religion which gave its sanction to caste to preserve the Caucasian. Hinduism taught the colored that caste was founded upon the will of God. Its purpose was to keep the races apart. When the illegitimate mix-breeds in India 25 centuries ago had increased until they were more numerous than the whites, there arose Gautama Buddha, an aristocratic mix-breed with yellow blood predominating, who stripped Hinduism (Brahmanism) of caste and sought a religious reformation that would level the races of India.

We find here an account of the rise of Buddhism, a change of religion from that which existed in India prior to the mongrelization of that great country. The mongrelization started, as I have pointed out, along the same lines, and following the same course that was followed in Egypt and that is being followed in the United States today in Harlem. The only difference between the two is that instead of requiring 12 or 15 centuries to get a mulatto at the head of the government, as was the case with Teharka in Egypt, there might arise and be swept into power in this country, where we have a republican form of government, a great Father Divine, as we have seen in New York, and it may not take more than one century or two centuries for this to come about.

I would not like to see a man with the apparent sacredness, the "divinity" of the great Father Divine, go to Georgia or to Louisiana and there put on a show like that put on in Harlem in New York City when LaGuardia was elected to the mayoralty of the great city of New York.

In just a few minutes I should like to read a passage from the magazine Forum with reference to Mayor LaGuardia to show to what a fever heat this Negro, this so-called divine man, works upon his followers in Harlem.

Historians tell us that those who were at the head of the government in Egypt and in India, that class of people who at one time made Egypt and India prosperous, warned the white people of those nations against this very thing, just as Jefferson and Lincoln and Douglas and Grant have been warning the American white people.

Listen to this article in the magazine Forum. Of course, I am just sandwiching in this article from the Forum for the present, because I expect to deal with Father Divine a little later and show what a great man he is to the Negroes, and show the Senate how he controlled Harlem through his cult and how he was very strong in other sections of the country.

The title of this article is "Heaven Is in Harlem and a Rolls-Royce the 'Sweet Chariot' of a Little Black God," by Sutherland Denlinger.

I read a quotation preceding the article:

There are thousands of people who call me God—

That is Father Divine talking—

Millions of them. There are millions of them who call me the devil, but I produce God and shake the earth with it.

Father Divine, telling it to a judge.

Remember that is Father Divine, who is head of the cult in Harlem, speaking—Harlem, one of the most thickly populated Negro centers in the world, I believe. I may be wrong in that statement, and if anyone knows to the contrary let me hear from them. I am told—I do not of my own knowledge know—that the politicans of New York let the colored people in Harlem have their own way, in a measure. There is no effort made to stop them from doing these things I am going to read about, such as a man pretending to be God, who so works up the people that they turn their pockets wrong side out and give up all their earthly goods, because Father Divine says, "That is the only way to heaven; give me all you have." I read:

On the evening of November 5, 1933, it had pleased the black god to descend from that "main branch" of "heaven," which is at 20 West One Hundred and Fifteenth Street, Manhattan, and appear, a short, stout, dignified figure, with the wistful eyes of a setter dog, before some 5,000 true believers gathered at the Rockland Palace, Harlem dance hall, to sing his praises. He sat on the stage surrounded by his angels—

Remember, that is Father Divine—

Faithful Mary and Satisfied Love—

Satisfied Love was one of his "angels"—

Wonderful Joy—

Another "angel"—

Sweet Sleep—

Another "angel"—

Good Dreams—

Another "angel"—

and Bouquet—

Another "angel"—

and all the rest of them—and his thick lips parted in a wide smile beneath his scraggly mustache as he watched the voters stowing away his free chicken dinner in the balcony and the folks shouting "He's father! Its wonderful!" on the main floor.

Father Divine heard the chanting—

And that chanting came from the audience, the 5,000 people—

"He's God; he's God; he's God; he's God; he's God."

That is what Father Divine heard as he was being acclaimed by his angels and his children.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I will yield for a question, and I want the Presiding Officer to decide whether it is a question or not. [Laughter.]

The PRESIDING OFFICER. Does the Senator from Louisiana yield for a question?

Mr. ELLENDER. Yes; I yield for a question only. If it is not a question, I will not yield.

Mr. DAVIS. I should like to know what book the Senator is reading from.

Mr. ELLENDER. I am reading from a periodical, not a book. The periodical is Forum. I am reading from one of

the issues of Forum Magazine, a well-known magazine. If the Senator will bear with me, I shall gladly give the Senator the date of it. It is the Forum of April 1936.

He is God.

All those exclamations "He's God!" that I repeated appear in this article. Those were the cries that came from the multitude of sinners, perhaps, who were before Father Divine. They chanted "He's God; he's God!" to the tune of Marching Through Georgia.

Senators, think of it! Father Divine recalled his boyhood in Georgia, I presume, and so his followers sang, "He's God, he's God, he's God" to the tune of Marching Through Georgia.

And he heard the rhythmic thumping of the big bass drum and the hypnotic blare of trombones and he witnessed fervid enthusiasm of this comparatively small segment of his 2,000,000 followers, and he obviously found it good. He beamed. His almost bald pate, bedewed with perspiration, and at first neither he nor his eager disciples noticed the swarthy, stocky white man with the aggressive chin and the look of a sullen Napoleon who had just then entered the hall. In a way, the presence of this newcomer might have been interpreted as a triumph for the dusky god, for Fiorello H. LaGuardia, standing now in a side aisle, a bewildered look upon his cragged features, was a reformed candidate for mayor of the city of New York, and there had been a time in the development of the deity not too far distant, when the activities of white unbelievers had been directed almost solely toward placing Father in a dungeon cell. But be that as it may, Mr. LaGuardia was able to spend some moments in uninterrupted contemplation of the scene before he was recognized and escorted, past the chicken eaters on the balcony, to a seat upon the tightly packed stage.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. DAVIS. For what purpose has the distinguished Senator from Louisiana given us that religious information? I have been absent from the Chamber. That is why I asked the question.

Mr. ELLENDER. I am sorry that because of pressing business, I presume, the Senator from Pennsylvania was not present when I gave my reason for reading this article at this time. For the Senator's information I will say that I pointed out a while ago how in Egypt and in India the early civilization had religious beliefs almost comparable in many instances to ours of today, but as the black races mixed in with the early white inhabitants of Egypt and of India a mongrel race followed, and when the mongrel race began to become populous and to take charge of the country, those countries, particularly with respect to religion, went back to barbarism, went back to the worship of animals, vegetables, and other objects as their gods, the same as in dark Africa.

My purpose in calling this Harlem situation to the attention of the Senate at the present time is to show that in Harlem, in the city of New York, the most thickly populated Negro section of the country, the Negroes are free to follow almost any religious belief they desire, that some of them have already returned to barbaric conditions insofar as religion is concerned. Imagine a people in America seriously believing that the son of a slave is God! I am trying to show that the same tendency that prevailed in Egypt and in India with relation to religion is present today in this country, in Harlem, where the Negroes go unmolested, as it were, and are permitted to carry on their religion as they desire.

Mr. DAVIS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield for a question.

Mr. DAVIS. Will the Senator give me the name of the author of that particular article?

Mr. ELLENDER. I gave it a while ago but will repeat it. The author is Sutherland Denlinger.

Let me read further. I was at the point where Father Divine probably thought that he had a new convert. Of course, I do not believe that LaGuardia came in there for that purpose, but probably Father Divine thought so, anyway, and it made him feel good.

The shouts were heard, "Father, I love you; I love you, I do." The band played it loud and hot, and the brown mass in the great auditorium swayed and sang, "Father, I surrender; Father, I surrender all to you."

This big crowd of 5,000 colored voters were shouting that to Father Divine, who happened to be in the center of the stage at the time.

Father Divine rose suddenly from his seat not far from the man who is now chief executive of the world's greatest city and broke into a well-executed buck and wing. When he subsided, mopping his brow, a colored speaker enlarged upon the dancer's divinity. "Peace, Father!" roared the hall, "it's wonderful!"

Mr. LaGuardia sat patiently. Eventually, amid frenzied applause, god himself took the microphone, to deliver in an odd, squeaky voice a message which (like many purporting to come from on high) was notable more for its ear-filling phrases than for intelligibility. Father took his time, a stenographer took notes, the 5,000 sobbed and cheered. And, when at long last he was through, and it was Mr. LaGuardia's turn, that worthy arose to make probably the strangest speech of his political career.

"Peace, Father Divine," cried the little Latin with the truculent chin, stretching out his arms in a gesture of benediction, "peace be with you all."

This is LaGuardia speaking—

It was the right note. "Peace!" shouted the eager congregation. "Peace, it's wonderful."

"I say," continued Mr. LaGuardia, "I say, Father Divine, no matter what you want, I will support you." [Cheers.]

Cheers followed in the assembly.

I am going to clean up this city, and I came here tonight to ask Father Divine's help and counsel. • • •

That is Mayor LaGuardia talking. Did he believe Father Divine to be divine? Of course not. What he wanted was Father Divine's support and vote. In that connection, I have been contending to the Senate that there are in other sections of the country, centered in the large cities, little groups of Negroes who were able, because of their political strength, to trade their votes in consideration of getting passed by certain States legislation demanding equal social rights with the whites. And here we have LaGuardia, the candidate for the mayoralty of the city of New York, coming to the son of a Negro slave asking for his help. What does he offer him in return for his support?—

Father Divine, no matter what you want, I will support you!

I continue reading from the article:

Strong words—but they were no more successful in winning a political endorsement from the good father than the honeyed syllables which fell a short time later from the lips of Tammany Candidate John Patrick O'Brien, a heavily jowled charmer who once endeared himself to an audience of Greeks by explaining that he quite understood Hellenic culture, having "translated Horace." No; as father, interrupted on election eve while greeting a contingent of the faithful from the Pacific coast, put it, "It's the principle, not the person." And so neither candidate got his support.

This attempt by rival political chieftains to obtain the blessings of father, impressive enough though it was, constitutes only one of many indications that the little black lord of Harlem heaven has become a force to be recognized.

I merely cite this occurrence in Harlem incidentally, in connection with the history of India to which I have referred, and also the Egyptian history, to show that practically the same condition exists in America today, or in certain sections of it, as existed in other eras of early civilizations.

I continue reading from the bottom of page 149 of White America, by Cox:

Religion, that mighty agency in mongrelizing the Caucasian, with its caste-eliminating, race-equalizing tenets, has been seized upon in all lands by the supernormal whites in their efforts to abolish the color line. The "melting pot" in India was not full until there arose a religion attempting to offset the Hindu religion which gave its sanction to caste to preserve the Caucasian. Hinduism taught the colored that caste was founded upon the will of God. Its purpose was to keep the races apart. When the illegitimate mix-breeds in India 25 centuries ago had increased until they were more numerous than the whites, there arose Gautama Buddha, an aristocratic mix-breed with yellow blood predominating, who stripped Hinduism (Brahmanism) of caste and sought a religious reformation that would level the races of India. India was ripe, the colored world was ripe and anxious for such a theory. The success of Buddhism knew no bounds. It was popular. Why not? The teachings of its founder gave to the mongrel a position in human society that evolution had denied him in nature. It bridged an impassable chasm with an assumption.

We leave India, having seen that every social agency of the Aryan devised to preserve race and civilization had failed; and that every social agency observable in the modern Aryan's color

problems was used in India to promote amalgamation, and succeeded. The Aryan conquerors of India utilized every remedial measure but one—they did not attempt geographical separation of races.

That very thing was offered as a solution to our problem by some of our eminent American statesmen. As I stated yesterday, I would be the last person on earth to do anything at this time in order to drive away from our midst the Negroes, by sending them to Liberia, as some profess they desire to do. So far as I am concerned, I do not care to take such steps. What I am interested in is to try to cause the two races to live separately. The time may come when the Negroes will be more numerous than are the whites, but I hope that that time will never come, because, if it does come, as I stated yesterday, we are going to have worse than lynching; we are going to have racial warfare between the whites and the Negroes, and I hope that that will never come about.

What I am praying is that the various States of the Union will stop giving the Negro social equality with the whites, and that the Congress will not give the Negro social equality with the whites, because, if it does—mark what I am telling you, Mr. President—the same warning was given to India, the same warning was given to Egypt, but the warnings went unheeded and their civilizations have perished.

I have about completed, not my speech, but my remarks on the history of India. I contend that the same thing that occurred in India occurred also in Egypt. The first inhabitants of those countries prospered; they were civilized; they progressed in the arts; they progressed in science; they progressed in every way, but just as soon as mongrelization set in, their religion was the first thing to change, and when that happened, then the race went down to decay; they were conquered, and today all we can say about the Egyptians and the Indians is that, despite whatever art and science may still remain, there has been no progress since the mongrelization set in. I repeat, Members of the Senate, what I fear is amalgamation of the white race with the Negro race, which would cause our proud American civilization to sink down to the same depths to which the civilizations of Egypt and of India have deteriorated.

Now, Senators, I am going to bring the question of mongrelization a little nearer home.

Mr. President, the histories to which I have referred dealt with the ancients—people who lived and prospered, I will say to the Senator from Illinois [Mr. LEWIS], before the coming of Christ. I am now going to bring the matter nearer home. I am going to bring it before the Senate as it affected the civilization of the first landing place of Columbus, the island formerly known as Hispaniola, Santo Domingo, which, as the Senator from Texas [Mr. CONNALLY] knows, was discovered in 1492.

I have been speaking of the past, of civilizations that prospered and progressed in arts and sciences and medicine and in every other form prior to the coming of Christ. It is now my desire to bring the matter nearer home, and to show the Senate what has happened in the New World—in Haiti.

I am going to start by reading a brief history of Haiti, and then go just a little more into detail of that history. My purpose in giving this brief outline of the history of Haiti, is simply to give you the facts, so that you may have them in your minds, and then have you follow me through a few more detailed pages of Haitian history, to show that the civilization of that island, which at one time was dominated by whites and which at one time was prosperous, decayed, and revolutions set in, because of the inability of the Negro ruler or rulers who succeeded the whites in control, to govern their subjects.

I am sure that every reader in this audience, or a good many of them—perhaps some of them are not quite old enough; I do not know—has read of our occupation of Haiti, which was only in 1911 and 1912, because of the fact that the people of that island were unable to govern themselves, since they were in the hands of a people predominantly Negro. The Senator from North Carolina [Mr. REYNOLDS] a while ago pointed out the case of Christophe, the famous emperor of that island; and I invited the Senate and everybody in this audience to read the history of Christophe. It is not long. It is very interesting, and it will bring the point home much better than I can do. Listen to this history, just a few little historical knicknacks that I gathered from Webster's New International Dictionary:

HAITI—HISTORICAL OUTLINE

The Republic of Haiti occupies the western third of the West Indian island sometimes called by the Spanish name Santo Domingo, but more often by its native name of Haiti. The island was discovered by Columbus in 1492 and named Hispaniola, or Little Spain; colonization began in 1496, and Haiti developed more rapidly than the other Spanish-American possessions. The desire to exploit the rich soil and gold mines led the Spaniards to establish slavery, and the population rapidly declined. Negro slaves were substituted and became the most numerous element in the population.

Keep that in mind. The Negro slaves became the most numerous element at that time. I ask you to keep that in mind and note what that most numerous element did with the Government of Haiti when control of the country was turned over to them:

In the early part of the seventeenth century pirates took possession of a large part of the territory of Haiti, which was ceded to France in 1607 by the Treaty of Ryswick (Rijswijk). As the settlements expanded and became populous they grew rebellious. When the French Revolution broke out the Negroes and mulattoes were 10 times as numerous as the whites. Conflicts arose between Negroes and mulattoes, and then came a terrible insurrection. In 1793 the allied British and Spaniards sent a force to Haiti. As a counter measure the French Convention issued in the same year a decree of emancipation for all slaves.

In Haiti, as in this country, there was an emancipation of the Negro slaves. France, which at the time I have just read dominated Haiti, was at war with the British. The British and the Spaniards desired to get possession of Haiti; but what did France do? France gave the Haitian people—who, as I have shown, were largely Negroes; there were more Negroes than whites, almost 10 to 1—their freedom, emancipated them, gave them the right to rule that little island. I shall not have time to read the entire history; but Black Majesty, by Vandercook, is a book which I hope everyone in this audience will read. It shows what took place in the Western Hemisphere, right near our doors, since the discovery of America by Columbus. It shows that when the colored race predominated this little island they were unable to govern themselves.

I repeat, that is what I fear here in America. What I intend to show is that if there is no separation of the races, and if the Negroes become in the majority, either as mongrels or not, a decay of our American civilization will inevitably set in.

In 1795 the Spanish colony on the island passed to France. Toussaint L'Ouverture then appeared as leader of the blacks, expelled the British forces, and made himself dictator of the government, which professed nominal submission to France; but in 1801 he demanded independence.

Remember, there was a little island that belonged to France. There was a little island subject to attack. In order to help it, the Government of France said to the people of the island, "All right; we will give you your freedom." Listen to what they did when they obtained their freedom and got control of the government of the island:

In 1802 a French army under Leclerc overthrew the Negroes and captured Toussaint and sent him to France, where he died in captivity. His successor, Dessalines, defeated the French and expelled them in 1803, thus blocking Napoleon's plans for taking over Louisiana.

Dessalines declared himself emperor. When he was assassinated in 1806, Christophe, a full-blooded Negro, succeeded him with the center of his power in the northwest.

That is the ruler to whom the Senator from North Carolina [Mr. REYNOLDS] referred a while ago.

Petion, another leader, started a temporary republic in the southwest. Boyer succeeded Petion and was able to organize the people of both sections of the island into the Republic of Haiti, but after ruling for 20 years he was overthrown.

In 1844 the eastern and Spanish-speaking districts, comprising about two-thirds of the island, separated from the western part and set up the Dominican Republic. In the western portion, or

Haiti proper, anarchy prevailed. Two years later a republican constitution was proclaimed under President Riche. This did not bring peace or establish order, and the history of Haiti continued to be one of civil war, revolt, and anarchy, during which obligations were incurred to the United States and European powers for damages to their citizens.

In 1911 a joint note was submitted by the United States, Great Britain, France, Germany, and Italy insisting on prompt settlement of claims.

Those were some of the civilized governments which were dealing with this Republic which was under Negro domination; and I shall read to you after a while of the things that some of the emperors and leaders of that Republic did in order to defeat the obligations they had entered into with civilized nations. It was necessary to appoint a commission of the various nations that had dealt with Haiti to force Haiti, which was ruled by Negroes, to meet its just obligations.

I read further:

This precipitated a revolution—

That is, the interference of England, the United States, and other countries—

This precipitated a revolution, which continued intermittently until 1914, when a British cruiser arrived to enforce the overdue claims awarded by arbitration. The Government at Washington thought it time to take action. American marines landed and controlled Cap-Haitien for nearly a month. In July 1915 a reign of terror was inaugurated by President Guillaume Sam, and Rear Admiral Caperton landed marines at Port-au-Prince; since that time the United States forces have controlled the country.

In 1916 a treaty was signed between Haiti and the United States which provides for the establishment of a receivership over Haitian customs under American control. This administration includes not only the distribution of funds for the payment of foreign debts but the expenditure of the balance for domestic purposes. Thus, through the supervision of the finances of Haiti, the United States controls the operations of the Government and has established a protectorate.

Mr. President, this shows what occurred within a stone's throw of this country, in our own hemisphere, since the discovery of America by Columbus. It shows without question of a doubt that the colored people have never been and never will perfect themselves to the extent of giving civilization to a people. I repeat, such a measure as the pending bill is not proposed for the purpose of preventing lynching, but merely to enable the colored people to nudge in a little closer to social equality with the whites. That is what the enactment of the pending bill will lead to, and I repeat, what I said yesterday, that if we pass the pending bill the next thing we will be asked to pass upon will be the repealing of the Jim Crow law throughout the Nation—down in Louisiana and in Georgia and in other Southern States, where we keep the two races separated.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Will the Senator in the course of his remarks, if he has not already done so, advert to the experience of the colored man in Liberia and his supposed efforts there to establish a government and a civilization of his own?

Mr. ELLENDER. I would rather not do so at this time.

Mr. CONNALLY. I do not wish to urge the Senator to do it at this time if he does not care to.

Mr. ELLENDER. I would rather not go into that detail, because it is my understanding that another Senator will develop that very point at some future time.

Mr. CONNALLY. Some time this month, or next month? [Laughter.]

Mr. ELLENDER. I do not know; perhaps next July. It might be reached by that time. [Laughter.] At any rate, I would rather the Senator would not bring that particular point up at this time, because I made the statement awhile ago, to which I want to adhere, that I do not believe I would support any effort to drive the Negro from this country.

I may change my mind as time goes on, but at present I am going to try to do for the Negro what Thomas Jefferson said it was impossible to do. Thomas Jefferson said that he did not see how the Negroes and the whites could live under the same flag without an amalgamation of the two races occurring; that they could not live separately. In the South we understand the Negro problem, and we have been able to prevent the Negroes from being on a social equality with the white folks. The Negro in the South, as the Senator from Texas knows, is polite by instinct. He gets that from generations back. But after the Negroes come to the North and rub elbows with the white folks, when they return to the South they get into trouble. They try to associate with the whites down there and, of course, we then resent it.

I shall now read some extracts from a few authors who have made a detailed study of the history of Haiti after it became independent, after the French said to the Haitians, "You folks are slaves down there now; we are afraid that England may take charge of you, and, therefore, we are going to emancipate you." Of course, after the slaves outnumbered the whites in Haiti 10 to 1, they took charge of the Government, and ran it under some of these emperors, some of these kings, who were Negroes, and who tried to rule these people. I want to show exactly how they managed it, how they ruled for themselves, not for the people; not to help the subjects whom they ruled.

France desired to establish in that country a republican form of government, but the people at the head of these military castes were those who desired power, who had become more powerful because of the fact that they were at the head of the army, and who declared themselves emperors; and let us see what happened.

I may not be able to reach that point immediately, but I shall refer to the subject as I read passages from this famous book. I repeat, by the way, I hope every Senator will read Black Majesty and see what happened to Haiti under the rule of this black emperor.

I shall now give a concise history of Christophe, who was at one time one of the leaders, the agitators, in Haiti and who became powerful, and because of the force he gained by virtue of the military control he acquired, he got to be emperor. Let us see how he acted. I shall give just a little history.

Henri Christophe, King of Haiti, was born in Granada, West Indies, in 1767, and died October 8, 1820. I will show later how he died. He was an African slave who received his freedom as a reward for faithful service. On the outbreak of the Negro insurrection in 1801 he became one of the leaders, and attracted by his energy and ability Toussaint L'Ouverture confered upon him a divisional military command.

It will be recalled that this man, Toussaint L'Ouverture, declared himself emperor after the emancipation of the Negro, and after he came to the head of the Government he kicked the French out, and when the French overcame him they brought him back to France and put him in jail, where he died.

After the disposition of Toussaint, Christophe served under his successor and waged a war of intense ferocity against the French, who in 1803 were compelled to evacuate the island. In 1811 Christophe obtained undisputed possession of a portion of the island and was proclaimed Henry I, King of Haiti. His reign was despotic and bloody.

Before I read excerpts from this book, Black Majesty, I desire to read a little more in detail the early history of Haiti from another author. The book to which I just referred deals almost exclusively with Christophe, and it gives a picture of his life, what the conditions in Haiti were at the time he became emperor, and how he ruled with pomp and splendor; how he established the famous castle of Sans Souci up on a mountain, and how some of his followers became jealous of his aggrandizement, his climbing so fast. The book shows that within the very walls of the temple he built he reposed after an ignoble death. He was succeeded by another colored militarist who brought Haiti deeper and deeper into the mire, until it was necessary, as I pointed out a while ago, for the civilized countries of the world to take charge of the Haitian Government. Even today we have to send an American citizen to Haiti to supervise the collection

of customs, so that the American Government can be repaid the obligations that were contracted by the Haitian Government with us.

This all conclusively shows that the colored race cannot rule itself, and I hope that Senators will let that fact sink in, and save the day before it is too late; that they will take advantage of the prophecies that were made in Egypt and in India by people who lived in the ancient days, and who foretold what would happen if there were a mongrelization of the white race with the Negro race.

Mr. President, as I stated a while ago, I now desire to read in a little more detail from Haitian history. Before I go into detail in regard to the case of Christophe, I desire to point out to the Senate what happened in Haiti following its independence.

History shows that the Negro race was not entirely to blame for the revolt that took place in Haiti before its independence. Back in 1492, when Columbus discovered the island of Hispaniola, now known as Haiti, the Spaniards wanted gold. They were not interested in colonizing Haiti. They did not desire to civilize the people that were found on that island. What they went there for was gold. They did not go there to develop agriculture. They went there for gold. And, of course, it will be found in the pages of Haitian history that much cruelty was shown the natives by the Spaniards in their mad search for the precious metal.

Mr. O'MAHONEY. Mr. President, I desire to submit a request for unanimous-consent agreement.

Mr. ELLENDER. I yield for a question only. If it is not a question I do not yield.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. ELLENDER. I decline to yield. I do not wish to lose the floor.

Mr. O'MAHONEY. I desire to propound a question.

Mr. ELLENDER. If it is a question I will agree to yield, but if it is not a question I decline. [Laughter.]

Mr. O'MAHONEY. I desire to inquire whether it would be possible for me to get unanimous consent to make a few remarks, about a minute or two in length, with respect to what I consider to be an unwarranted reflection——

Mr. ELLENDER. I do not know whether it will be possible.

Mr. O'MAHONEY. Mr. President, I think the Chair will decide.

Mr. ELLENDER. I do not know whether it will be possible for the Senator to get that consent.

Mr. O'MAHONEY. The Chair will answer that question.

Mr. ELLENDER. I do not know whether the Chair can. I think it ought to be left to the Senate itself. I do not care to yield the floor at this time. If the Senator desires to introduce something at a later time, if he will stay here until about 2 o'clock tomorrow morning, he might be able to introduce it, because I think I might be able to stay until 2 a. m., if the Senate will listen to me. [Laughter.]

Mr. O'MAHONEY. I have no doubt the Senator can.

Mr. ELLENDER. I refuse to yield, Mr. President, except for a question.

The PRESIDING OFFICER. Will the Senator state his parliamentary inquiry?

Mr. O'MAHONEY. May I submit this parliamentary inquiry without taking the Senator from Louisiana off the floor?

Mr. ELLENDER. I do not wish to lose the floor. I may say to the Senator from Wyoming that I am not attempting to be discourteous to him, but under a recent ruling I would lose the floor for anything but a question.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. May I make a parliamentary inquiry without taking the Senator from Louisiana off the floor?

The PRESIDING OFFICER. Yes.

Mr. ELLENDER. What is that?

Mr. O'MAHONEY. The Chair says it is perfectly possible. Then, Mr. President, I desire to know whether I may at this time ask unanimous consent to make a brief statement with respect to what I consider an unintended and unwarranted reflection upon Mr. E. K. Burlew, of the Interior Department, made upon the floor this morning by the senior Senator from Nevada [Mr. PITTMAN], without taking the Senator from Louisiana off the floor.

The PRESIDING OFFICER. That is not a parliamentary inquiry; but the Chair will state that if the Senator from Louisiana permits the Senator from Wyoming to make such a motion he will be taken off the floor. He will lose the floor if such a question is acted upon.

Mr. ELLENDER. Mr. President, I now desire to enlighten the Senate, if I may, with respect to early Haitian history. As I was saying a while ago, as long as the white people dominated the civilization of Haiti, matters went pretty well in Haiti. At one time, out of a total population of 600,000, there were something like 40,000 whites, 60,000 mulattoes, and 500,000 slaves, and that was about the relative population, when revolt took place and freedom was given to the Haitians by France. France did not consent to that independence because it wanted to, but France was then under the impression that the British or the Spaniards were going to attempt to take Haiti, and France thought that she would simply give the people of Haiti their freedom to preserve their good will and her own power.

France evidently thought that Haiti might be able to govern itself and offer its own defense against the British and the Spaniards.

The early history of Haiti, before the independence of that island, shows that as long as the black slaves were dominated by the whites, as long as it was in evidence that the whites were superior, so long as they had charge of matters in that country, the slaves remained content and worked for the benefit of all. There was no trouble then. But the moment that emancipation was given to them, the moment that the French Government gave to those people what Abraham Lincoln gave to the Negroes of this country, in that moment the 500,000 colored slaves revolted and took charge of the Government.

I now desire to read to the Senate what developed after independence was given to them, to show how it worked, to prove how despotic the rulers of that island became, and how they returned to African barbarism. That, Senators, is what I fear is going to take place in America if we permit the Negro to become stronger than the whites and attempt to take chargé of this Government.

I am not speaking for the generation of the Senator from Washington [Mr. BONE] nor the generations of Kentucky for 100 years to come, but I am speaking for the future generations of America, and I say that if the Negro is given what the present bill proposes to give him, and what other similar bills now pending will give him, the Negro is going to come here and sit among us, and then behold. He is going to do to this country what he did in Egypt, what he did in India, and what was done in Haiti.

Let me go back to the Haitian history. The title of the book from which I am about to read is Hayti or the Black Republic, by Sir Spenser St. John, K. C. M. G.

I suppose that is an English title. I read from chapter III:

> "Que deviendra notre pays quand il sera livré à la vanité et à l'ignorance," exclaimed Bauvais, one of the leaders of the mulatto party. I am afraid this sketch of the history of Haiti since the war of independence will show what are the results to a country when governed by vanity and ignorance.
>
> Having driven out the French by deeds of unquestioned valor and energy, and with a cruelty which the infamous conduct of Rochambeau could palliate, if not justify, the Haitians determined to throw off all allegiance to France and establish an independent government.
>
> At Gonaives, on the 1st of January 1804, General Dessalines assembled all his military chiefs——

Dessalines, as I stated a while ago, was a Negro who gained quite a reputation as a lover of his race in that island and became strong, so much so that after the French yoke was broken he became emperor—

> Dessalines assembled all his military chiefs around him and had read to them the Act of Independence, which terminated with the words, "forever to renounce France, and to die rather than live under her dominion."

In a proclamation, Dessalines was careful to declare that it was not their mission to disturb the tranquillity of neighboring islands, but in unmistakable language he called upon them to put to death every Frenchman who remained in the island.

That is what this emperor desired to do with the Frenchmen, the benefactors of his people, who gave them independence, who emancipated them. He put them out or killed them.

This was followed by a declaration signed by the chief generals choosing Dessalines as Governor-General of Haiti for life, with power to name his successor, and to make peace or war. He was thus vested with arbitrary power, and proceeded to exercise it.

His first act was the one on which his fame rests, and which endears his memory to the Haitians. He in fact decreed that all the French who were convicted or suspected of having connived the acts of the expelled army, with the exception of certain classes, as priests and doctors, should be massacred.

That is what that brute did to his benefactors. This applied not only to those suspected of guilt but to all their wives and children.

Fearing that some of his generals, from interest or sympathy, might not fully carry out his decree, he made a personal tournée through the different departments—

I suppose "tournée" means a tour.

and pitilessly massacred every French man, woman, or child that fell his prey.

One can imagine the saturnalia of these liberated slaves enjoying the luxury of shedding the blood of those in whose presence they had formerly trembled, and that without danger of reprisal. What resistance could these helpless men, women, and children offer to their savage executioners? Even now one cannot read unmoved the record of those days of horror.

These horrors remind me, Senators, of the condition that existed in my own State soon after the Civil War, during the reconstruction period when Federal Negro soldiers were sent down into the city of New Orleans to take charge of the affairs of that city. History shows that those Negro soldiers, in the presence of each other and in the presence of the mothers, seized young girls and debauched them. That is why the South rose en masse and would not tolerate Negro domination; that is what caused the trouble, the bitterness, and the hatred down South during reconstruction days, when the strong arm of the Federal Government reached into the South and said to us, "You white folks down there cannot govern yourselves; we will let the Negro be in politics and govern the Southern States."

I do not want to bare those wounds; they are now closed; the scars have been almost effaced. Let us take care not to do anything that will reopen them. Let not the strong arm of the Federal Government extend into Louisiana, Georgia, Mississippi, Alabama, and other Southern States, and infer, "You cannot govern yourselves; the Federal Government must go down and show you and teach you how you are to handle the Negro problem." We are doing a good job, Senators, and we propose to do the job ourselves, in our own way, as we have been doing it in the past.

I continue the reading:

Dessalines, like most of those who surrounded him, was in every way corrupt; he is said to have spared no man in his anger or woman in his lust. He was avaricious, but at the same time he permitted his friends to share in the public income by every illicit means. His government was indeed so corrupt that even the native historians allow that the administration was distinguished "for plunder, theft, cheating, and smuggling."

Imagine the head of a government being guilty of such crimes.

Dessalines, when he appointed an employee, used to say—

Listen to this, if you can understand it:

Plumez la poule, mais prenez garde qu'elle ne crie.

That happens to be French. I am not much of a French scholar but I will translate it. I will reread it in the language in which it appears:

Plumez la poule, mais prenez garde qu'elle ne crie.

The English translation is, "Pluck the chicken, but mind you that it does not squawk."

That was his doctrine: "Take all you can; go to the home of any citizen and plunder all his belongings, but do not make any noise about it. Steal from them; I will keep my ears closed." That was the doctrine preached by the head of that nation's government, who happened to be a colored man. I will not entertain the spectacle of such a condition in this country. Of course, as I have said many times, it will never come in my lifetime; it will never come in the lifetime of my children's children's children; but I am prophesying for future generations. I hope that America will realize the seriousness of the situation before it becomes too late.

The tyranny exercised by Dessalines and his generals on all classes made even the former slaves feel that they had changed for the worse. There were no courts to mitigate the cruelty of the hard taskmasters, who, on the slightest pretext, would order a man or woman to be beaten to death.

This, Mr. President, was in Haiti, within a stone's throw of our country. I am reading the history of what occurred not 4,000 years before Christ but just a little more than a century ago. That condition prevailed in our own Western Hemisphere because of the fact that the rulers of that island were of the colored race who had superseded the whites who were not predominant. So long as the whites predominated there was order.

I am just wondering what would have happened to the South if the Negroes there had simply been turned loose and the great Federal Government here in Washington had attempted to keep order by the same method that prevailed during reconstruction days. I ponder what would have happened to the American Nation under similar circumstances. Just as surely as I am talking to you, with more colored in some States down there than white, and in many States almost as many, if the South had been dominated by the Negroes, that in itself would have sooner or later caused this Government to have sunk to the depths of India, of Egypt, of Haiti, and other countries in like conditions. It is fortunate that the white South revolted in reconstruction days and took charge of its government, for white supremacy prevailed. It is fortunate not only for the South but for the North; in fact, for this fair country of ours as a whole.

In the month of August 1804 news arrived that Bonaparte had raised himself to the imperial throne of France. Dessalines determined not to be outdone, and immediately had himself crowned emperor. His generals were eager that a nobility should be created; but he answered, "I am the only noble in Haiti." As the eastern portion of the island was still occupied by the French, he determined to drive them out; but he was unable to take the city of Santo Domingo, and retired again to the west.

In June 1805 he published a constitution, which was framed without consulting his generals, and created discontent among them. A conspiracy was organized, arising in the south, followed a visit from Dessalines, where he had given full scope to his brutality; and the insurgents marched forward and seized Port-au-Prince. When the emperor heard of this movement, he hastened to the capital, but fell into an ambuscade, and was shot at Port Rouge, about half a mile from the city.

The only good quality that Dessalines possessed was a sort of brute courage; in all else he was but an African savage, distinguished even among his countrymen for his superior ferocity and perfidy.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. This morning the Senator stated that when he started reading a book that would mean filibustering had started. Is that correct now?

Mr. ELLENDER. No. I am going to repeat what I said this morning. So far as I am personally concerned—and I mean this sincerely—this filibuster has not started, because I am not now filibustering. Although I have been on this floor 5 days, I am not filibustering. I am still trying to prove my case as I see this question. I have developed a line of thought which I have been trying to follow through, and that line of thought is to show that conditions which have existed in other countries may affect this country in course of time should equality of races be allowed.

I will say further that I may filibuster on this bill; I may get off the subject; but so far as I am personally concerned I am going to talk here until the breath is out of my body before the pending bill passes the Senate.

Furthermore, I am not going to stand before the Senate and prevent the passage of any legislation desired by the President. I am willing to have the pending bill set aside for that purpose, so far as I am personally concerned; I do not want this bill in any manner to prevent the passage of any other legislation. If the leaders on the other side of the question desire, so far as I am concerned—I am talking now only for ALLEN ELLENDER, the junior Senator from Louisiana; I am not speaking for the other Senators—I repeat I am willing at any time to have the pending bill set aside so as to allow any other legislation to come in and be considered, and then come back and debate this bill, if we must; but I will say to the proponents of this bill that I will stay here until Christmas after next before it shall pass the Senate.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question only.

Mr. TYDINGS. Is the Senator reading from Black Majesty?

Mr. ELLENDER. No, sir.

Mr. TYDINGS. What is the book from which he is reading? Is it a history of Haiti?

Mr. ELLENDER. It is a history of Haiti by a famous Englishman. Black Majesty is more in the nature of a novel.

Mr. TYDINGS. Who is the author of the book from which the Senator is reading?

Mr. ELLENDER. The author is Sir Spenser St. John, K. C. M. G., which means, I presume, that he is a great writer.

Mr. LODGE. It means "Knight Commander of the Order of St. Michael and St. George."

MR. ELLENDER. I thank the Senator from Massachusetts for his contribution. Continuing reading from this volume:

He was incapable as an administrator and treated the public revenue as his own private income. He had concubines in every city, who were entitled to draw on the treasury to meet their extravagance; in fact, the native historians are in truth utterly ashamed of the conduct and civil administration of their national hero.

The death of Dessalines proved the signal of a long civil war. A national assembly met at Port-au-Prince, voted a constitution prepared by General Petion, by which the power of the chief of the state was reduced to a minimum, and then elected Christophe.

Christophe is the emperor to whom I referred a while ago, and about whom the book on my desk is written; it is very interesting, and I repeat that I hope the Senator from Washington [Mr. SCHWELLENBACH] will read the book, not for his enlightenment, but just for pastime.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. The Senator intends to read that book, too; does he?

Mr. ELLENDER. I have read it a dozen times.

Mr. SCHWELLENBACH. I mean, here, so that we may listen to it.

Mr. ELLENDER. I may read it at some time in the future. I do not know yet, but I may; perhaps not at this sitting, but a little later on—in July or August, when the weather is warm. [Laughter.]

He in some respects was another Dessalines, and resented this effort to restrain his authority. He marched on the capital of the west with 12,000 men, but after various combats failed to capture the city; then retired to Cap Haitien, and there had a constitution voted which proclaimed him President of Haiti.

The senate again met in Port-au-Prince in 1806 to elect a President, and their choice fell on Petion, who, of all the influential men in the west and south, certainly appeared the most deserving. He had scarcely been installed, when his generals began to conspire against him, and the war with Christophe absorbed most of the resources of the country. No event, however, of any great importance occurred till the year 1810, when Rigaud, having escaped from France, arrived in Haiti, and was received with much enthusiasm. Petion apparently shared this feeling for his old chief, and imprudently gave him the command of the southern department. Rigaud was too vain to remain under the authority of Petion, his former subordinate, and therefore separated the south from the west. The President would not attempt to prevent this by war, and accepted the situation, so that the island was divided into five states—Christophe in the north, the old Spanish colony in the east, Petion in the west, Rigaud in the south, and Goman, a petty African chief, in the extreme west of the southern department.

Christophe in 1811 proclaimed himself king and created a nobility.

Rigaud died, and soon after the south rejoined the west, which was menaced by a new invasion from the north. In 1812 Christophe's army advanced to besiege Port-au-Prince; but finding their attacks frustrated, the soldiers, weary of the war, began to desert to Petion, and had not the King hastened to raise the siege, it is probable his army would have gone over to the enemy.

King Henry I, as he was called, appears then to have abandoned himself to his savage temper, and his cruelties might be compared to those of Dessalines, and prepared the way for that union of the whole island which followed. Petion, though rather an incapable ruler, was not cruel, and attached the people to his government.

In 1814, the fall of Napoleon brought about peace in Europe, and the French Government hastened to send agents to Haiti to claim submission to the mother country. Petion refused, whilst offering an indemnity to the colonists; but Christophe, having secured the secret instructions of the French agent, did not hesitate to execute them. These proceedings of the French made the rival chiefs forget their own dissensions and prepare to receive another French expedition. Orders were given that on its appearance off the coast every town and village should be burnt down, and that the inhabitants should retire to the mountains. The old planters were urging their Government to destroy all the inhabitants of Haiti and repeople it from Africa; but a discovery of their projects produced so great an effect in England, that public opinion forced the Congress of Vienna to declare that the slave-trade was forever abolished.

In 1816 Petion named a commission to revise the constitution; the principal alterations were to elect a President for life and to add to the Senate a Chamber of Deputies. Petion, however, did not long enjoy his new dignity; he died in 1818, at the early age of 48, it is said of fever, but the opinion is still prevalent in Haiti that he died of weariness of life, brought on by the loss of all his illusions and the constant public and private annoyances to which he was subject. During his illness he is said to have refused all restoratives, and even to have rejected food. Petion, though not a great man, sincerely loved his country, and devoted his energies to govern it well; but he was feeble in his measures, and from love of popularity allowed every kind of abuse to flourish in the financial administration. M. Robin, however, says truly that he was "the most popular and humane chief that Haiti ever possessed."

Boyer, through the energetic intervention of the military, was unanimously chosen by the Senate President of the Republic, and commenced his long career as chief of the state in March 1818. Though he committed many faults, he appears to have been the most energetic and honest of the series of Haitian rulers. His first care was to establish order in the finances; and if his only errors were not to have erected a statue to his predecessor or founded a hospital for beggars, with which M. Robin appears to reproach him, his friends may still be permitted to admire him. Fortune, or rather his energy, everywhere favored him. In 1819 he put down the long-neglected insurrection of Goman in the far west, and then prepared to move against King Henry, whose savage rule had alienated the affection even of his own guards. Struck down by apoplexy, the chief of the northern department was deserted by all, and sought refuge from anticipated indignities in suicide.

The north was almost unanimously determined to rejoin the rest of the Republic, and Boyer marched on Cap Haitien, to be received there with enthusiasm as the first president of United Haiti.

Christophe was no doubt a very remarkable man, with indomitable energy, who saw the necessity of developing his country, but whose despotic nature cared not for the means, so that the end was attained.

Christophe, as I have stated, was the ruler, and was formerly a Negro slave. He was all right, so some historians say, but for his despotic nature, and he cared not for the means employed, so that the end was attained.

In spite of many admitted atrocities, however, there is no doubt he acquired a marked ascendency over the minds of the people, which even to this day is not completely lost. Discussions still continue as to the rival systems of Petion and Christophe, but if, to secure the greatest happiness to the greatest number be the object of government, the laisser-aller system of the former was more suited to Haytian nature than the severity of the latter. As far as material prosperity was concerned, there was no comparison between the two departments, though the productiveness of the north was founded on the liberal application of the stick. On many of the large estates, a certain number of lashes was served out every morning as regularly as the rations.

Boyer's fortune continued. In 1822 Santo Domingo separated from Spain and placed herself under the command of the President of Hayti, who was welcomed in the Dominican capital with every demonstration of joy.

Mr. President and Members of the Senate, there is quite a bit more of this history of Haiti, which deals particularly with the country after it became independent. It is not my desire at this time to read the rest of this history, nor shall I ask, because of its length, that it be included with my remarks—I do not want to burden the RECORD—but, seriously, I invite the attention of Senators to the book, and urge them to read it, and be convinced of what I am trying to lay before them: That the colored race, if permitted to take charge of affairs, is not equal to the occasion. Let us attempt, as I have said on several occasions, to deal fairly with the members of that race, as we have done in the South; sympathetically and kindly, and above all, understandingly.

There may be in the South, as there may be in the North, a number of white men with black hearts; I mean by that, cruel men who may have done wrong to the Negroes, just as the early Spaniards did wrong to the inhabitants of Haiti when they took possession of that island, in their attempt to secure its gold and other riches. I want to say, however, that the good people of the South, the thinking people, the people as a whole, are very sympathetic with the Negro. We have been considerate of the Negro all of our lives. As a matter of fact, we consider the Negroes our wards. They are a great economic asset to us down South. We treat them kindly; and when I say that, I mean the larger portion of the white race do. I believe, and in fact I know, that the Negro of the South loves the white people of the South; he always has, and in most cases he is obedient to the whites' wishes.

Read the history of the Civil War, and you will find that notwithstanding the fact that many of the slaves obtained their freedom, they still remained with their former masters. I can give you a personal experience. My grandfather, the late Thomas Ellender, owned slaves. A kinder man never lived. Because of his sympathetic understanding and just treatment to his Negra slaves, I want to say, that they never left his farm. It was only 2 years ago that one of those slaves died on my father's plantation.

This Negro's name was Henry Simmons. He came to our plantation as a slave, he remained there, he raised his family there, he died there, and today on that very place is his son, Rodney. I love Rodney Simmons. He is a colored man, but I love him. We have been kind to him and he to us.

I will never forget "Aunt Clara." We call the old colored people "Uncle So-and-So" or "Aunt So-and-So." "Aunt Clara," the wife of "Uncle Henry," was kind to me, and I will never forget her. I loved her. In the morning I would sneak away from my home, when I was but 4 or 5 years old, and sometimes my mother would not know where I was. "Aunt Clara" lived in a cabin in the servants' quarters and I would go over to "Aunt Clara's" and get from her some of the big biscuits she used to make, and which I liked. I liked "Aunt Clara" a lot.

The colored man of the South has the respect of the white men. He has never tried to rub elbows with him. The only time the colored man ever becomes obnoxious to the whites is when he goes up in the North and meets with some of the white folks, who instill discontent in his mind, and, lacking in good judgment, he is influenced. It is because the northern whites permit them to rub elbows that they develop impertinence.

When the colored man comes back home and tries the same conduct, we do not stand for it down there and he soon realizes it. We feel kindly toward the colored people of the South, we like them, we are sympathetic with their troubles, and many of them have I myself fed and cared for, paid their doctor bills, and acted as their attorney when they needed one; helped them out in every way possible, and I have never refused them assistance. That is the true feeling of Southerners for the colored people in the South and I am confident that the same sympathetic feeling does not prevail between the Negroes of the North and the white people of the North, a statement I make without fear of contradiction, because, notwithstanding the fact, as I have pointed out in the last 3 or 4 days, that the Constitution of the United States guarantees to the Negro race equal rights under the thirteenth and fourteenth amendments, some legislatures have seen fit to pass the statutes I have read drawing the color line closer and closer, because they have been forced to follow such procedure.

Why was that? It was because when the Negro first attempted to rub elbows with the whites up here they were repulsed, and that is why these little groups of Negroes, when they became a little powerful, when they were given the ballot, had these statutes enacted into the law to enforce their demands upon the white people. I can just imagine someone in these little cliques saying, "This restaurant man on Fifth Avenue says I can't go in his hotel to eat. I am going to show him. I'll get our society together, and we'll get a law passed, so he won't dare refuse me again."

It was because some of these Negroes were refused burial in the same cemeteries with the whites and were prevented from going into the same hotels and dining in the same restaurants, as the northern people certainly must have refused them, that the statutes were passed. Otherwise they never would have been put on the statute books.

Nothing like these statutes is found in the South, because I do not believe the Negroes have ever tried to go into the various restaurants there, and if they did, they soon realized that they had a new lesson to learn. The South will never surrender its white supremacy.

Mr. President, I have covered the Haitian history only in a limited way, and, as I have just said, I hope that Senators will read the rest of the chapter from which I have been reading. It is not only interesting, but it brings the point home to us. It makes it clear that what happened in India and what happened in Egypt and what happened in Haiti may happen in this country, if certain conditions are not checked.

I have spoken of Christophe, and I shall read just a few passages from the book I hold in my hand, and I entertain the hope that Senators will read the whole of the book, because it contains very interesting reading matter, and it makes the point clearer than I would ever be able to make it, and leads inescapably to the conclusion of which I have spoken.

The long southern peninsula of Haiti, a narrow procession of steep, unfertile mountains, divided by a hundred precipices from natural intercourse with the rest of the country, had always been a center of rebellion. The old affranchi class was strongest there. In that region the prosperous mulatto planters had never accepted the blacks as their political or social equals. They scorned ignorant, fiery Dessalines and hated him for one of the few laws he had dictated—that all subjects of his empire should be known as "blacks."

This outlawed more than a hundred words that had come into use to describe various shades of color and mixtures of blood. It had all been worked out with elaborate care. A man who could prove his veins bore 228 parts white blood to 94 parts Negro felt himself the social superior of another who was known to be afflicted with 84 parts Negro blood to only 112 parts white. And Jean Jacques, the clown of the minuet, had laughed at their little dignities! It was a thing not to be forgiven even an emperor and a conqueror. The very governors and generals he had appointed, who had risen to power under his protection and owed their authority to the luster of his name, began to rise against him. The mulattoes in all parts of the empire joined with them. Murmurs of restlessness and gusts of laughter grew to active civil war.

The southern peninsula fell to the rebels. Word came to Emperor Jean Jacques, but he angrily dismissed the messengers. More of their tedious papers.

They were marching on Port-au-Prince. The capital was doomed to fall at any hour, they told him. Emperor Jean Jacques could not understand. They brought him news of a rebellion, but no mention of battles, of charges, repulses, and death. Was no one resisting, or had all the world gone mad? Suddenly Jean Jacques began to roar with the raging fury that had defeated France. The sneaking yellow men had betrayed him. He'd make all right and orderly with a few swift saber strokes. He had but to ride proudly in his finest uniform before his people and they would remember who was master.

He mounted his horse, gathered his personal staff about him, and started for Port-au-Prince.

I have read this particular passage merely to show that even among the Negro race itself there was Christophe, who was trying to rule, and, as this little history from which I read shows, he tried to govern wisely. He was not educated, but he attempted to rule to the best of his ability.

I think history will bear out that statement. He entrusted certain details to the judgment of his generals, to the consideration of people with whom he dealt. Instead of trying to help him to make of Haiti a proud country in which to live, to make it prosperous, to make it progress, they failed miserably. The savage instinct from Africa, the lust, was stronger in them than the idea of trying to advance; and let me read what fate befell the man who had fed them, who was their emperor.

It may be that Christophe was unwise in trying to establish upon a mountain, a citadel of such elaborateness, a fortress of such stupendous grandeur, that it threatened to impoverish his subjects. It may be that his subjects had the right to revolt because of all the money that was being spent by the emperor for his obsession and for the convenience of his white wife in the citadel. He might have gone too far, and that may be the reason why some of these leaders in Haiti turned against him and caused his death in his own castle, as I will read from the last few pages of this book. Although an effort was being made to establish in Haiti a republican form of government for the good of the people living in that island, yet notwithstanding the fact that here was one of their leaders who was probably abler than anyone else in the island to put that proposition over, he could not find among his followers men he could trust. Can we imagine such a thing happening in this country? I ask the question.

I now read from chapter 16, page 190:

Among the underservants at Sans Souci was an old black man, born in Africa, who professed to be a witch doctor. He had first come to Milot in chains to be tried by the king for the offense of practicing his trade without proper regard for the kingdom's laws "governing the medical profession." But Christophe had acquitted him and he had stayed on at the palace.

At daybreak this man was brought to the king's bed chamber. For 2 hours the witch doctor, aided by a valet, massaged Henry's body with a mixture of red pepper and raw rum, a liniment held in great esteem in the old slave days. At 9 o'clock they dressed him in his most splendid blue-and-white-and-gold uniform, and at 10 his four bodyguards propped him in a thronelike chair and carried him down the stairs and out onto the main terrace at the palace's western end.

Below, filling the narrow valley of Milot and stretching away into the humid distance, were the assembled regiments of the Army of Haiti, their rich and vivid uniforms glinting brightly in the morning sun. Certain companies were missing, but it was a lack no one spoke of.

Every eye was turned toward the palace. Half the Army saw the king's chair being carried to its place on the terrace. Five thousand blacks could hear Christophe's booming, roaring voice break the silence:

"Bring me my horse," he called.

It was the first sound he had uttered that day.

The white horse, fully caparisoned, was waiting behind a wall. In a complete and breathless quiet a groom led it across the terrace toward Henry's throne.

At sight of it a vast shouting smashed the silence. With a single voice the Army cheered, "Vive le Roi! Vive l'homme Christophe!"

That is French. "Vive le Roi" means "long live the king." "Vive l'homme Christophe" means "long live the man Christophe."

Down the valley thousands of hats were flung into the air. The hoarse, gigantic shouting beat against the mountains and rolled back in thundering echoes. Drummers in ranks pounded wildly, fiercely, on their drums.

The horse came to a stand 10 feet from the throne. The four bodyguards turned toward the King. He shook his head and swept them away with his arm. He twitched off the robe that covered his lap.

Dr. Stewart, standing in the crowd, pulled at his clean-shaven chin and stared.

Christophe looked straight before him. He breathed deep. The cheering suddenly ceased while the echoes faded down the valley. Christophe stood erect. In five powerful, headlong strides he reached the white horse. One hand went to its mane, the other to the saddle. He bent a little to leap up. But while the court and army looked on, King Christophe slowly, slowly, like an empty bag, slumped down till he lay under the horse's feet with his arms outstretched and his face against the earth. The strength so miraculously summoned for the instant had gone out of him.

Rain had fallen during the night. When Stewart, the Queen, little Vastey, and Dupuy picked him up, his uniform was smeared with mud. Dry sobs were shaking him.

When they set him back in the throne the soldiers below cheered again, but this time the sound was scattered and half-hearted. The Queen bit her lips. The gaping courtiers nearby noted with astonishment that sour, silent Dr. Stewart, was smiling with a queer proud smile and that tears ran unashamed down his furrowed cheeks.

The King gave an order. A page ran down the stairs to where the first company of soldiers stood by the singing fountain that fell over the bright blue wall.

The parade began.

As each platoon passed the throne where Christophe sat the men broke into spontaneous cheers: "Vive le Roi! Vice l'homme Christophe!"

A little beyond him a clerk sat at a table and gave each man as he passed a gift from the King of four gourdes of money.

Then, because they had reached the far end of the west terrace, the line of marching men turned around a high garden wall that hid Christophe from their sight.

The review lasted several hours. Christophe sat upright and kept his right hand rigidly in salute. But when a third of the procession had passed him, two sorts of cheering sounded faintly in the valley.

As the soldiers passed before him they called, "Vive l'homme Christophe"; as they passed around the corner of the wall out of sight of him, they broke ranks, and, all unconscious of the contrast, shouted, "A bas le Roi! Vive l'independance!"

"Down with the king. Give us independence."

Each company had been touched by the revolution. Duke Richard and the generals associated with him had given word that there was to be no more work, that the Kingdom would become part of the republic, and that all men at last were to be gloriously free. "The tyranny is ended," was the cry.

They had come to the review drawn by a lingering dread and a lingering love for their King. But the master had crumpled into the mud, and though, when his eyes were on them, they cheered and stayed in stiff parade, once out of his sight they were quit of him.

At last the tail of the procession, still meek but not cheering, passed and Christophe turned his head to find that the nobles, the generals, the servants, the gentlemen, and ladies in waiting who had stood behind his throne in the morning, had quietly slipped away. Except for a few who stood close to him he was alone.

Remember, I am reading now about King Christophe, and my purpose in doing so is to show how frequently revolutions took place in such countries. The people were incapable of ruling, and the moment one of their own race tried to govern, as this man tried, revolution started, jealousies grew up, and, of course, a new government was created. The conditions on that island were such as to make its people live in fear at all times. There was no real government.

The valet and the witch doctor; elderly, wise Prevost, Count of Limonade and Secretary of State; Dupuy; Baron Vastey; three old, erect black generals; the Scotch physician; the fat Prince Royal Victor-Henry; the young Negro Princesses, Athenaire and Amethiste; and Marie-Louise, his beloved, gentle, simple Queen, were there beside him. A stone's throw away was the Palace of Sans Souci—queerly named—its doorways empty and its leaded windows swinging wide. Evidently the last of its servants and sentries had gone away.

The King lifted his hands helplessly to them and they carried him through the echoing, silent palace up to his balcony.

They brought him his battered brass telescope. He sent one of the generals down the royal road to find out the progress of the rebellion and bring the report back.

Athenaire and Amethiste, his daughters, one 20 and the other 22, sat on the ground and laid their cheeks against his knees. He sent the others away.

He saw the solitary general, who somewhere had found a rich, brocaded banner, ride proudly down the wide road toward Cap Henry. The old man went as if a great army followed close behind him. Two hours later, in the twilight he came back. A rebel sniper had shot off his cocked hat and he had lost his banner. He was still alone.

Christophe sent his daughters away and asked for Dr. Stewart. The sun sank below the far-away rim of the sea and the night rose swiftly up the hills. Soon the valley of Milot was dark and murmurous. The sunlight touched the mountain peaks and then was gone.

The Scotch doctor sat on a stiff chair beside the King. They had been friends so long, talk was superfluous.

Once Henry whispered: "Toussaint, the Tiger and I • • • We dreamed so much and we have done so little."

Again, with a certain rich pride in his tone, he said: "To be great, Duncan, is to be lonely. To be magnificent is to have men hate you."

The sky was red with the reflection of flames. The King's chateaux in the Plaine du Nord were on fire. Through the brass telescope one could see little dancing shadows pass before the pyres of flames. Now and then an isolated shot, a sound of distant cheering, and a brief mad rumble on a tom-tom drum came up to them. Christophe cleared his throat.

"Duncan, they will be here soon now. You must go. There are still horses in the stables, I think. Take whatever you can find that's worth anything, then go by back trails to the Cap. You will be safe with the English consul. Good-bye."

"Henry," said Dr. Stewart, "don't be a God-damned fool."

He stood up. "I am going to send Marie-Louise and the children to you, but I will be over the hall if you want me."

They shook hands.

The Queen and the King's three children came to him. He then sent for Vastey and Dupuy. He said good-bye to them all; gave, in something of his old tone of command, orders that the two men were to take his family at once to Cap Henry and put them under the protection of English friends there. He gave Marie-Louise the papers that entitled her to the fortune Sir Home Popham had deposited in the Bank of England for her. Then he kissed them and sent them away.

When they had gone he called his valet and asked him to bring a bowl of water.

While the man stood by he slowly washed his hands and dried them on a damask napkin. Then he sent the man away.

But the servant stayed outside the door of the King's bedchamber and watched through the keyhole.

He saw Christophe, after a long, quiet minute, throw himself off his chair and with clutching fingers drag himself across the room to a closet. He saw him reach up and turn the knob, saw him pull down a snow-white satin gown, roll himself into it, and then, like some stricken animal, drag himself horribly across the floor to his bed and lift himself onto it.

From where he lay Christophe could look down the valley. It was not empty now. It was filled with a shouting, running mob of men carrying torches.

The King took something from a little cabinet by his bedside. While the trembling valet still peered hypnotized through the keyhole watching him, he fell back and lay still. A tall clock in the corridor ticked regularly.

Running feet sounded on the stairways. The first of the looting rebels were already in the palace.

A great crash of broken glass was heard.

"They are breaking even the mirrors that have imaged me," said the King aloud, and his voice was broken.

He clenched his right fist and raised his left hand, which held a pistol to his temple.

A shot reverberated, followed by sudden quiet. The King was dead. He had put a golden bullet, molded long ago, through his brain.

Mr. President, the reading of this little passage simply shows the extent of the barbaric savagery that was in the hearts of those people around Christophe, the king who fed them, and who tried to take care of them.

Mr. CONNALLY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield to the Senator for a question.

Mr. CONNALLY. Since the hour of 5 o'clock has arrived, I inquire whether the Senator has concluded his remarks, or whether he would prefer to go on tomorrow; and if unanimous consent could be secured for that purpose, whether that would be agreeable to the Senator.

Mr. ELLENDER. Mr. President, let me say that I am very serious and in earnest about the question I am now discussing. Yesterday and today I have tried, to the best of my ability, to show what happened in foreign countries long before the birth of Christ. For the past hour I have been trying to bring the matter a little nearer home—as it affects Haiti, and to show what happened in Haiti when Haiti had a colored ruler. I have now reached the point where I expect, if I may be permitted—it will not take me long—to bring this matter home to America; to show that the same practices with reference to religion that prevailed in Egypt and in India are being carried on right here in this country, and that under such an influence the Negro is prone to revert to barbaric acts.

Mr. President, personally I can go on a little longer. I may be able to get through this afternoon or this evening; but if I am permitted to resume and conclude my remarks tomorrow, it will not take me long, as I have said, and I should like to complete them tomorrow so as to have my entire speech in consecutive order. I therefore ask unanimous consent that I be permitted to continue my remarks tomorrow.

Mr. BARKLEY. Mr. President, reserving the right to object, I desire to make an inquiry of the Senator. He said it would not take him long to conclude his remarks. Will he state about how long he expects to speak?

Mr. ELLENDER. I will say to the Senator from Kentucky that I am quite confident that I can conclude what I want to say in about 2 hours, or two hours and a half; not much longer. If unanimous consent to that effect can be obtained, provided I do not lose the floor, I will yield now for a recess.

Mr. BARKLEY. Mr. President, I wish to make a statement in connection with my reservation of an objection.

It is useless to try to enforce the rules against more than two speeches by the same Senator on a single legislative day, if at the end of each day unanimous consent is to be given that the speaker who has not concluded at that time shall go on the next day, because under the rule he loses the floor. While the Chair might recognize him the next day if it were his second speech, the Chair could not recognize him the next day if it were his third speech, which would be the case now with the Senator from Louisiana.

I am not going to object to the Senator's request, but I desire to serve notice that my action is not to be regarded as a precedent. I am not thereby bound to consent hereafter to any other Senator being recognized by unanimous consent in violation of the rules, which, of course, can always be abrogated by unanimous consent and anything permitted. We might as well understand, however, that we are in the middle of a filibuster; and if any effort is to be made to bring this matter to a conclusion, those who are indulging in the filibuster need not expect those of us who have to sit here from day to day, and by our presence give ear to all that is said pertaining to this bill, to waive the rules which might in some imaginary case be expected to begin to commence to start to bring this debate to a conclusion.

With that understanding, I shall not object at this time.

The VICE PRESIDENT. Without objection, the Senator from Louisiana will be permitted to conclude his remarks tomorrow.

LOCAL OPTION TERRITORY IN 1937

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a statement entitled "Local Option Territory in 1937," which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a letter from R. E. Folk, of Nashville, Tenn., relative to the pending bill, which appears in the Appendix.]

PUNISHMENT OF ROBBERY IN THE DISTRICT

Mr. BARKLEY obtained the floor.

Mr. BILBO. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BARKLEY I yield to the Senator.

Mr. BILBO. Today I introduced a bill affecting the laws of the District of Columbia, in the hope that the enactment of the bill would put a stop to the wave of crime which seems to have besieged the Nation's Capital.

I observe in the afternoon newspapers a report from the police department. Three hold-ups, in which colored bandits collected loot to the amount of $243, together with 11 housebreakings, 9 thefts from parked automobiles, 3 purse snatchings, 2 pocket pickings, and 4 bicycle thefts were reported to the police during the 24 hours ending at 8 o'clock a. m. today. Maj. Ernest Brown, superintendent of police, said these reports did not indicate an unusual amount of crime in the city.

If that statement is true, I think the bill which I have introduced, if enacted, will help Major Brown and the police force of this city to give us some semblance of law and order in the District of Columbia. I ask at this time unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 3282) to amend the law with respect to robbery in the District of Columbia, to provide that such crime may be punished as a capital offense, is as follows:

Be it enacted, etc., That section 810 of the act entitled "An act to establish a code of laws for the District of Columbia," approved March 3, 1901, as amended, is amended to read as follows:

"SEC. 810. Whoever shall feloniously take or attempt to take anything of value from the person or the immediate actual possession of another against his will by force, by violence to his

person, or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon, shall be guilty of robbery, and upon conviction thereof shall be punished by death if the penalty is so fixed by the jury, and if the jury fails to fix the penalty at death, shall be imprisoned for any term of not less than 10 years which may be fixed by the court."

SEC. 2. Section 811 of such act of March 3, 1901, as amended, is hereby repealed.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. Let the Chair make a statement. A number of Senators are not here, but the Chair, nevertheless, ought to make the statement.

Technically, the Senate has under consideration the amendment offered to the antilynching bill by the Senator from Illinois [Mr. LEWIS], as modified. Any Senator who obtains the floor, technically speaking, is addressing himself to that particular amendment. His remarks on it constitute one speech. The Chair does not think he ought to hold that that is the case when Senators present other matters, but thinks, in order so to hold, that the remarks should be directed to the particular amendment which is pending, or to the bill.

To illustrate, the Senator from Mississippi [Mr. BILBO] has just had the floor to submit a certain matter. Nevertheless, he has had the floor, and the Senate has under consideration the particular amendment stated by the Chair. The Chair thinks he ought to make this statement, so that when some Senator makes the technical objection that another Senator has had the floor for the second time, the Chair will not so hold under conditions such as he has just related.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. Have I had the floor?

The VICE PRESIDENT. The Senator from Tennessee has had the floor several times.

Mr. McKELLAR. On this bill?

The VICE PRESIDENT. The Chair thought the Senator asked whether he had technically had the floor more than once.

Mr. McKELLAR. Oh, no.

The VICE PRESIDENT. So far as the Chair knows, and as the Chair is advised by the clerk at the desk, the Senator from Tennessee has had the floor one time.

Mr. McKELLAR. I thank the Chair.

The VICE PRESIDENT. Although the Senator has addressed the Chair and transacted some business on other occasions.

Mr. McKELLAR. Yes, sir; I realize that, but I thank the Vice President.

Mr. BARKLEY. Mr. President, I desire to make a parliamentary inquiry so that Senators may be guided in the future.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Yesterday the Senator from Louisiana yielded the floor and thereby completed his first speech, and the Senator from New Hampshire took the floor and made a speech on the T. V. A. for an hour or two. Technically he was speaking, not on the bill now pending, but on the amendment, and that counts as one speech by him on the amendment, does it not?

The VICE PRESIDENT. Undoubtedly. The Chair was referring to parliamentary matters such as the one to which the Senator from Mississippi has called attention.

Mr. BARKLEY. The rule announced by the Vice President should not apply when we are about to conclude a day's session.

The VICE PRESIDENT. Not at all. It seems to the Chair that the address of the Senator from New Hampshire should be counted as one speech on the pending amendment. That would be the interpretation of the present occupant of the chair.

Mr. McKELLAR. Mr. President, I desire to state the reason for my parliamentary inquiry. Yesterday the Senator from New Hampshire spoke on the T. V. A., and today I have been preparing a speech in reply. That is why I asked whether I could make another speech on the pending amendment, because as soon as I can get the floor, although I do not desire to proceed ahead of the Senator from Mississippi [Mr. BILBO], I propose to reply to the speech made yesterday by the Senator from New Hampshire.

Mr. BILBO. Mr. President, before the motion for a recess is made, I wish again to express the hope that I will be recognized to follow the Senator from Louisiana to speak on the pending so-called antilynching bill.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 20, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 19, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we pray Thee that we may strike hands in unquenchable faith in our Master; may we lift up our hearts to register our allegiance to Him. Inspire us with that love which overleaps analysis and asks no other rule of conduct that all may feel but cannot explain. We pray that it may strengthen and chasten us to dwell together in the bonds of brotherhood; thus may the Lord God be magnified in us. We praise Thee for the abiding promise: The righteous shall be in everlasting remembrance and the memory of the just shall be blessed. May we be persuaded that neither death nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God which is in Christ Jesus our Lord. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 18, 1938.

The Honorable WILLIAM B. BANKHEAD,
Speaker of the House of Representatives.

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers for me which he would be authorized to sign by virtue of this designation and of clause 4, rule III, of the House.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

THE LATE PEDRO GUEVARA

Mr. PAREDES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from the Philippine Islands?

There was no objection.

Mr. PAREDES. Mr. Speaker, it is with the most profound sorrow that I announce to the House the death of a former Member, the Honorable Pedro Guevara, for 13 years the Resident Commissioner to the United States for the Philippine Islands.

Since his early childhood Mr. Guevara dedicated all of his energies to the service of the Philippines, his country. When still a young man he served during the revolution in the Philippine Islands against Spain, and later on, when peace was established, Mr. Guevara held different elective positions, first as municipal councilor of his native town, then

twice as a member of the Philippine Assembly, and twice afterward as a member of the Philippine Senate. He finally was elected Resident Commissioner to the United States from the Philippine Islands, in which latter capacity he served continuously for 13 years and faithfully voiced the wishes of the Filipino people. He represented our cause well and with ability defended the rights of the Filipino people against reactionary legislation. His career in this Congress culminated with the approval of the first independence law, popularly known as the Hare-Hawes-Cutting Act, and the present independence law, the Tydings-McDuffie Act.

Mr. Guevara was a fighter, but, at the same time, many of you who knew him will remember his friendly and kind disposition and his genial character. He died as he lived—a fighter. He died while fighting for a cause that was entrusted to him as a lawyer during an argument that he was delivering before the highest court in the Philippines. The heart failure that took him to his death struck him for the first time while arguing a case for the Filipino people before the House Committee on Insular Affairs.

His death will, I know, be mourned by those who knew him. With his death, Mr. Speaker, my country sustains a distinct and irreparable loss.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, the House has heard with deep sorrow of the passing of our late associate and friend, Pedro Guevara, who served with distinction in this body for over 12 years as the representative of the Philippine people. In all that time his work here was characterized by fidelity and ability.

We regret more than we can say his passing, and in his death the Philippine people have lost a faithful and loyal representative who served them well and wisely.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I was asked many times during the afternoon yesterday why I had been away so long, and I believe I ought to say something with reference to it.

The fact is, I was called away by the very serious illness of my wife 3 days before the end of the special session. I have been with her from that time until day before yesterday when she arrived back here with me and is now in the hospital. It is needless to say that she is somewhat better. She was able to make the trip without difficulty and is better this morning.

May I also call attention to the fact that during the 7 years I have served here this is the first time I have been away for more than 1 day, and only three times have I been away for that length of time. I am glad to be back here to do my duty.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

FLOWAGE EASEMENT ON CERTAIN CEDED CHIPPEWA INDIAN LANDS (MINNNESOTA)

Mr. McREYNOLDS (when the Committee on Foreign Affairs was called). Mr. Speaker, I call up the bill H. R. 8432, to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes, and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. FISH. Mr. Speaker, reserving the right to object, I have no objection to considering this bill in the Committee of the Whole. The gentleman did not make his request to bring up two bills under similar conditions?

Mr. McREYNOLDS. The other bill, I may say to the gentleman from New York, that I thought was on the calendar has already been passed.

Mr. FISH. I am very sorry.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, is this the only bill the gentleman intends to call up today?

Mr. McREYNOLDS. I have only one other bill that will not take very much time.

Mr. BOILEAU. Will any other committee call up a bill today?

Mr. McREYNOLDS. I do not think so.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands bordering on Lake of the Woods, Warroad River, and Rainy River, Minn., ceded and relinquished to the United States by the Chippewa Indians pursuant to the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and still owned by the United States, shall be subject to a flowage easement up to elevation 1,064 sea-level datum, as required by the treaty of February 24, 1925 (44 Stat. L. 2108), between the United States and Great Britain and the act of May 22, 1926 (44 Stat. L. 617), carrying the treaty into effect, as amended by the act of April 18, 1928 (45 Stat. L. 431), which authorized and directed the Secretary of War to acquire by purchase or condemnation flowage easements upon all lands in the United States, bordering on Lake of the Woods, Warroad River, and Rainy River. All rights and equities of the Indians in and to the lands affected by said easement are hereby extinguished. In order to compensate the Indians for their rights and equities in said lands, the Secretary of War is hereby authorized to cause the sum of $11,740.75, less any amount that may be found to have been previously paid by the United States and for which it has not been fully reimbursed to be transferred out of any balance of appropriations heretofore made for protective works and measures, Lake of the Woods and Rainy River, to the credit of the Chippewa Indians in the State of Minnesota as part of the fund created by section 7 of the said act of January 14, 1889 (25 Stat. L. 642).

SEC. 2. That Executive Orders Nos. 4867 and 5025, dated April 28, 1928, and January 14, 1929, respectively, withdrawing certain ceded lands from homestead entry for the purpose of facilitating acquisition of the flowage easement aforesaid, are hereby revoked: *Provided*, That such of the lands lying wholly or partly below elevation 1,064 sea-level datum shall forever be and remain subject to the right of the United States to overflow same or any part thereof, and that all patents issued for the said lands shall expressly reserve to the United States the right to overflow and flood said lands up to elevation 1,064. No moneys received from the sale or other disposition of any lands for which the Indians receive payment under section 1 hereof shall be placed to the credit of the Indians.

Mr. McREYNOLDS (interrupting the reading of the bill). Mr. Speaker, I ask unanimous consent that further reading of the bill may be dispensed with.

Mr. KNUTSON. Reserving the right to object, Mr. Speaker, I notice the Representative from the district wherein these lands are located is absent from the floor at the moment.

Mr. McREYNOLDS. I may say to the gentleman I will explain the bill, so the gentleman can have no objection to it.

Mr. KNUTSON. I withhold the objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I may say to the gentleman this bill merely provides for payment to the Chippewa Indians for some lands that were ceded by them to the United States Government along the Warroad and Rainy Rivers. When homesteads were granted the Government was to pay the Chippewa Indians $1.25 an acre for this land. The gentleman is familiar with the treaty entered into between the United States and Canada to raise the Lake of the Woods 1,064 feet. In doing this, the lake will overflow a great deal of this land. An Executive order of the President has been issued taking this land out of entry. About 3,000 acres are left, for which the Indians would not be paid. The money is already available, and this bill is merely for the purpose of paying the Chippewa Indians the $1.25 per acre for the land taken out of homestead on account of this agreement.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Are these the Chippewas of Minnesota or the Red Lake Band of Chippewas?

Mr. McREYNOLDS. The report states:

The lands withdrawn from entry were ceded to the United States by the Chippewa Indians pursuant to the act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889.

This bill is simply doing justice to the Indians.

Mr. KNUTSON. I believe it is a very meritorious measure.

Mr. McREYNOLDS. I thank the gentleman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSTITUTION OF THE UNITED STATES

Mr. McREYNOLDS. Mr. Speaker, I call up the resolution (H. J. Res. 530) authorizing the President to invite foreign countries to participate in the ceremonies to commemorate the one hundred and fiftieth anniversary of the national ratification of the Constitution of the United States in Philadelphia, Pa., June 17–21, 1938.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution, as follows:

Whereas there is to be held in Philadelphia, Pa., on June 17 to 21, 1938, ceremonies to commemorate the one hundred and fiftieth anniversary of the ratification of the Constitution of the United States, under the auspices of the Pennsylvania Constitution Commemoration Committee and the United States Constitution Sesquicentennial Commission, designed to depict and exhibit the progress and accomplishment of the United States during 150 years of constitutional government which, because of its influence on world affairs during this period, makes desirable the participation of foreign governments with the intent that it will encourage cordial relations among the nations of the world; and

Whereas, because of the location and purpose, scope, and aims of the anniversary ceremonies, they are deserving of the support and encouragement of the Government of the United States of America: Therefore be it

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries and nations to such anniversary ceremonies with a request that they participate therein.

Mr. McREYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DORSEY], the author of this resolution, for the purpose of explaining it.

Mr. DORSEY. Mr. Speaker, from June 17–21, 1938, the State of Pennsylvania intends to celebrate the one hundred and fiftieth anniversary of the formation and ratification of the Constitution with a week's celebration in the city of Philadelphia, the cradle of liberty. The purpose of this resolution is to give the President authorization to invite foreign nations to participate in this celebration, in order to promote and encourage cordial relations among the nations of the world. When the 13 struggling colonies won freedom, the world was wondering what they were going to do with it. In 1787 this question was answered definitely in Independence Hall, Philadelphia, just as they had proclaimed political separation on that spot 11 years before. Down through the years that instrument of government has guided the destinies of the Nation. It has seen us through peace and war and through prosperity and adversity. With its checks and balances, although sometimes we have put too much stress on the checks and have forgotten the balances, it has protected the liberties of our people. Justice Story said that if our Government fails it will probably be the last experiment in self-government by the people. I would remind the people of the Nation, and particularly the rising generation, of the importance of the Constitution as a protector of their liberties and of democracy itself. Periodically, through the celebration of its formation, their attention should be drawn to its provisions, to the struggles of the founding fathers in their efforts to establish a foundation upon which a government of, for, and by the people might operate in the interest of the people.

In 1887 the centennial of the Constitution was celebrated in the city of Philadelphia, at which time foreign nations were invited and did participate. The celebration this year is for the same purpose. This resolution merely authorizes the President to invite representatives of the nations to participate in the one hundred and fiftieth anniversary of the formation of the Constitution, and no funds are asked.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DORSEY. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. The gentleman states no appropriation is attached to this resolution?

Mr. DORSEY. None whatsoever.

Mr. MARTIN of Massachusetts. Is the gentleman coming in later with a request for funds?

Mr. DORSEY. Not at all. The State of Pennsylvania has appropriated $200,000 for the celebration.

Mr. MARTIN of Massachusetts. From that fund will come the money which will be spent in entertaining these foreign representatives?

Mr. DORSEY. The invitation is merely sent to them. There will be no expense whatever involved.

Mr. MARTIN of Massachusetts. If a number of foreign representatives are invited to come to Philadelphia, of course, you must expect to entertain them. Who is going to pay for that?

Mr. DORSEY. The entertainment expense will be borne by the State of Pennsylvania and under the direction of the Pennsylvania Constitution Commemoration Committee.

Mr. MARTIN of Massachusetts. No exhibition of any kind is connected with this?

Mr. DORSEY. None whatsoever.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. DORSEY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Has this matter been submitted to the Director General of the United States Constitution Sesquicentennial Commission, and has it his approval?

Mr. DORSEY. This has been discussed with him and has his approval.

Mr. McREYNOLDS. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I am pleased to support this resolution with the understanding it will not be followed by any request for appropriations from the Congress to provide for the travel expense and the entertainment of the representatives of the foreign nations who may accept.

Mr. McREYNOLDS. If the gentleman will yield, I may state I am entirely in accord with the gentleman on that feature. No money is to be appropriated in connection with this matter.

Mr. FISH. I have often heard gentlemen take the floor of the House to sponsor legislation and assure Congress there would be no call in the future for appropriations, but somehow or other appropriations were called for. I am sure now, in view of the statement of the sponsor and of the chairman of the Committee on Foreign Affairs, there will be no appropriation.

However, if there were appropriations, I would still be for this resolution because I can see that it might serve very useful purposes in the world and be highly educational. For example, if the Governments of Germany, Italy, and Soviet Russia should accept—and we hope they will, and send representatives to Philadelphia to help commemorate the formation of our constitutional form of government—they might take back home some of our ideas of constitutional government, and we might set an example to the rest of the world and help convert some of the governments that have forgotten there is such a thing as constitutional government. But I have taken this time to call the attention of the sponsor of the legislation to the fact it is very important, if you are to have a celebration commemorating the formation of the Constitution, that it should be an accurate one based on actual records.

The gentleman from New York [Mr. BLOOM] for example, has spoken at length throughout the country and has stated that someone, whose name I do not recall at the moment, had penned the Constitution. It is my understanding from

reading history that Gouverneur Morris, of the State of New York, was the penman of the Constitution. He was on the small committee on style that framed the Constitution and himself penned the original copy. It may be there is some unknown clerk who has been discovered recently by Mr. BLOOM who may have engrossed it, and he should be known as the engrosser of the Constitution, but not as the penman of it. Thousands upon thousands of these speeches of Mr. BLOOM have been sent throughout the Nation taking away from Gouverneur Morris, one of the ablest men of his time and an outstanding patriot and citizen of the State of New York, the actual penman of the Constitution, that great honor, and has given the honor to some unknown clerk who was merely the engrosser of the Constitution and had nothing to do with either the writing or the penmanship in connection with that great document under which our country is still governed.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. MASON. Does not the gentleman think, in connection with the invitations that are to be sent out to the governments of Italy, Germany and the others, we should include in the invitation the specific statement "that this is the City of Brotherly Love that we are inviting you to visit, and we hope that designation will have some effect upon your attitude in accepting the invitation"?

Mr. FISH. Knowing something about the city of Philadelphia, I am sure they will never overlook that great heritage and will take every advantage of it. In connection with the celebration of the one hundred and fiftieth anniversary of the Constitution at Philadelphia we are likewise having a celebration in New York City the following year to commemorate, not the writing of the Constitution but the formation of our constitutional form of government, the actual putting into effect of the Federal Constitution in New York City in April 1789, by the inauguration of George Washington as our first President.

I cannot see how this will conflict with the interests of the New York World's Fair which is aimed to commemorate the formation of our constitutional form of government, but I do think that if you invite these foreign representatives over here it may serve a useful purpose at this time. The Communists, the Socialists, and the radicals will tell you that the Constitution is a scrap of paper, that it represent wealth, special privilege, Wall Street, and reaction. We who are here in Congress know that the Constitution is the greatest charter of human liberty ever devised by the mind of man. It represents our rights and liberties as a free, sovereign people. It is a barrier against the autocracies and dictatorships of the Old World, and, above all, as Al Smith has said, it is the civil bible of America. It represents the rights and liberties of the minorities, racial and religious, and no matter what happens, Republicans and Democrats alike, we propose to maintain these rights and liberties as free, sovereign Americans under our constitutional and republican form of government.

It makes no difference whether these Old World nations go to the right or to the left, into autocracies or dictatorships, fascism or communism, we believe all the more in these free institutions of ours under our constitutional form of government, and regardless of partisanship we propose to preserve these rights and liberties for ourselves and for generations of free, unborn American citizens. [Applause.]

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. KELLER. I thought the Constitution was for the purpose of asserting and guaranteeing the rights of the great majority of the American people, quite as well as the minority.

Mr. FISH. The gentleman will note that it likewise guarantees the rights of the minorities, and that is exactly what I said. I will also call the attention of the gentleman to the fact that it provides for checks and balances and for three separate and independent branches of government, equal and independent, the executive, the judicial, and the legislative. [Applause.] I think it is well to call the attention of gentlemen on the Democratic side to these facts at this time.

Mr. KELLER. Then put them in their right order, the legislative, executive, and judicial.

Mr. FISH. No; I agree that the Constitution states the legislative first, but with the help of Members of Congress on your side you have almost abolished or greatly restricted the legislative and it should go at the bottom of the list at the present time.

Mr. KELLER. That is what the gentleman says.

Mr. FISH. That is precisely what I say but I had no hand in it. Mr. Speaker, I yield back the balance of my time. [Applause.]

Mr. McREYNOLDS. Mr. Speaker, there seems to be no opposition to this joint resolution and I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McREYNOLDS. Mr. Speaker, that is all the Committee on Foreign Affairs has today.

Mr. RAYBURN. Mr. Speaker, in view of the fact that the next two committees—the Military Affairs Committee and the Naval Committee—have nothing they desire to call up today under the rule, I ask unanimous consent that further proceedings under Calendar Wednesday be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON IMMIGRATION—PERMISSION TO SIT DURING SESSION OF THE HOUSE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization be permitted to sit during the session of the House this afternoon.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address delivered by the Honorable Joseph P. Kennedy, Chairman of the United States Maritime Commission, with reference to the merchant marine and Pacific coast.

The SPEAKER. Is there objection?

There was no objection.

NAVY DEPARTMENT APPROPRIATION BILL, 1939

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes. Pending that motion I ask unanimous consent that general debate upon the bill proceed for the remainder of today and until 1:30 o'clock p. m. tomorrow, at which time the reading for amendment shall begin.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. PATMAN. Mr. Speaker, I reserve the right to object. I asked permission of the chairman of the Subcommittee on Appropriations in charge of the time on the Democratic side to speak for about 20 minutes today, and I would like to have that time. I hope the gentleman can assure me that the time will be taken care of this afternoon.

Mr. UMSTEAD. Mr. Speaker, the gentleman from Texas called only this morning. He did not mention his desire for time yesterday. I stated to the gentleman from Texas I would assure him that he would have some time, but that I could not promise him 20 minutes, that it would depend on whether all those who requested time used all of their time. I shall be glad to arrange for 20 minutes for the gentleman, if it is possible, and if not for the entire 20 minutes, for such time as I may be able to give.

Mr. PATMAN. Mr. Speaker, further reserving the right to object, under the old rule we could get permission in advance to speak sometime during the day. Under the new rule we must wait until all of the legislative business of the day is transacted before we may speak, and that is usually late in the afternoon, which is not a very satisfactory time. I asked permission, it is true, only this morning, but I was under the impression that another person, a colleague, had asked permission for me before today. I was here the other day to listen to my colleague from Texas, Mr. MARTIN DIES, speak. He was on the list, about first, one day. He sat here all of that day, while members of the committee would come in, and they would be put ahead of the gentleman from Texas. He did not get to speak that day. The next day I was told he was placed first on the list, and the next day members of committees would come along, and they would be put ahead of Mr. DIES, and all of that day he sat here and did not get to speak. The next day he did not get to speak. If the committee is going to permit members of the committee to take up all of the time and the chairman of the committee——

Mr. UMSTEAD. Mr. Speaker, will the gentleman from Texas yield to me?

Mr. PATMAN. Yes.

Mr. UMSTEAD. Does the gentleman mean to leave the impression in the House that the gentleman from Texas [Mr. DIES] has been unable to get as much time as he wanted to speak to the House?

Mr. PATMAN. I am quoting his particular case, because I was interested in what Mr. DIES was going to say. I object to that policy of the committee putting other members of the committee ahead of those of us who ask for time. Of course, it is all right where they are members of the particular subcommittee.

Mr. UMSTEAD. Mr. Speaker, I assure the gentleman that he will have an opportunity to speak before debate is closed.

Mr. PATMAN. With that understanding, I withdraw my reservation of objection.

Mr. UMSTEAD. I cannot promise the gentleman 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Navy Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8993, with Mr. THOMASON of Texas in the chair.

The Clerk reported the title of the bill.

Mr. UMSTEAD. Mr. Chairman, may I inquire as to the time that has been used by each side?

The CHAIRMAN. The gentleman from North Carolina has consumed 2 hours and 4 minutes and the gentleman from Pennsylvania [Mr. DITTER] 1 hour.

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MAVERICK].

TWO BATTLESHIPS, $150,000,000—ALSO SAILORS, UPKEEP, MORE MONEY

Mr. MAVERICK. Mr. Chairman, when I make a speech on this floor I am ordinarily very positive, and at least I think I know what I am talking about, whether I do or not. This naval bill, however, has me worried; I do not know what to do. My mind is not made up.

This bill that we have before us today provides for two battleships. Three years ago the price of a battleship was something like $50,000,000. Then we found that a battleship was priced at $60,000,000, and now we find that the cost of a battleship is something like $70,000,000.

When we provide for two battleships in round figures we first provide something like 140 to 150 million dollars, and then we have to have sailors and have to provide for the upkeep of those two battleships.

BATTLESHIPS OFFENSIVE—BRITANNIA RULES THE WAVES

I understand battleships are used principally for offensive purposes, not for defensive purposes. It is well known all over the world that the purpose of battleships is offensive, not defensive. I am told that England has so many battleships, that Japan has so many battleships—and that, therefore, we ought to have so many battleships. I do not know whether that is a fair comparison at all in reference to our country, because we are not supposed to be a Nation which has any international ambitions or hope of aggrandizement. Moreover, we have practically all our Nation on one continent.

England is a maritime power. Her life is dependent on her Navy. Britannia rules the waves, and when she stops, no more Britannia. Our life is not dependent on our Navy, and we are supposed to be a defensive power. We do not want to rule the waves; we want to rule ourselves on American soil.

Concerning the two battleships. How many planes could we build for the cost of these two battleships if we are really a defensive power? Planes can be built anywhere from $2,000 to $50,000; and with $140,000,000, or $150,000,000, whatever it is, we could build the greatest air fleet in the world. It would be bigger than that of England and of Russia combined. As far as I am concerned, if a committee would bring on this floor an appropriation for a large air fleet and plenty of airplanes I would be much happier voting for it than I would be voting for two battleships. I believe from conversations I have heard in this House that it is the opinion of the House that we need airships much more than we do battleships.

BIG NAVY, ORIENT—DO ADMIRALS MAKE FOREIGN POLICY?

Mr. Chairman, I am entirely without technical information in reference to battleships. I do not know whether we need two battleships or not. Maybe I am going to vote for these two battleships; maybe I am going to vote for this bigger Navy; I do not know, but certainly we should understand more about these battleships before we go any further.

It seems to me that we are getting ourselves in a position of building up a big Navy in order to protect our interests in the Orient and in places in which we have no particular business.

It seems to me that is what we are doing. It seems to me that the admirals of the Navy are the ones who are directing our foreign policy instead of the State Department and the Congress of the United States.

All I wanted to do was to get these observations in the RECORD. I am very doubtful that we are doing exactly right by building more battleships, because they are offensive weapons that are used to go to far-distant places. Insofar as being of any value for defensive purposes, they are clumsy and are probably not worth 50 airplanes.

Mr. TOBEY. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. TOBEY. I agree with the gentleman from Texas and feel that it would be the part of wisdom to apply a substantial part of the money allocated to battleships to the construction of additional aircraft for defense.

I am not in sympathy with the recent statement of Admiral Leahy that we should build ship for ship with the other leading nations of the world.

There is a mad, insane race for armaments going on in the world today, which is inconsistent with world peace and stable governments.

Mr. MAVERICK. One Member said to me, and maybe he is right, that from the viewpoint of what other governments are doing, we are not going beyond them; but that is just like buying an automobile because the Joneses bought one.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. GEARHART. The gentleman has said that the battleship is just an offensive instrument.

Mr. MAVERICK. I said it is "principally" used as an offensive instrument.

Mr. GEARHART. Does not the gentleman, as a person experienced in warfare, having served in the unfortunate catastrophe of the World War, know that the best defensive methods very often require the use of offensive tactics?

Mr. MAVERICK. Yes, that is true; I agree with that, but we have a good Navy now; we have a good Army, and we have a good Marine Corps. The National Guard and Reserve Corps are at the highest efficiency in the Nation's history. Our position from a military and a naval viewpoint is 10 times superior to anything it was previous to the World War; we are in a much better position. We have an Army and a Navy of which we can be proud.

Let us not hurry about this thing; let us not go too fast. I doubt very seriously when this Presidential message comes in—I have not read it yet—that I am going to vote for any greater increase than is carried in this bill. Of course, I will have to wait and see.

Mr. LUECKE of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. LUECKE of Michigan. Can the gentleman tell us what part these big ships played in the last war?

Mr. MAVERICK. I do not know that they played any part, as far as I am concerned, except some of them convoyed us over there to a foreign war. I think we need fewer battleships but more airplanes, a better mechanized and more modern Army, and, of course, a fast-moving Navy with many little ships instead of a few big, clumsy ones. However, I am not informed from a technical viewpoint.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. UMSTEAD. The gentleman understands, I hope, that the two battleships provided in this bill are battleships to be used as replacements of ships that are overage.

Mr. MAVERICK. How old are they?

Mr. UMSTEAD. They will be more than 26 years old before any of these ships now being laid down are completed.

Mr. MAVERICK. I am glad to hear the gentleman give me that information. I did not know that before.

Mr. UMSTEAD. The gentleman understands, of course, that we have 15 capital ships. At the present time the life of a battleship is considered as 26 years. The two we are building and the two here authorized are to replace overage battleships already a part of our Navy.

Mr. MAVERICK. I thank the gentleman.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. BOILEAU. When the amendment stage is reached, if I can get recognition, I propose to offer an amendment to strike out the appropriation for battleships.

If the amendment is agreed to, at the proper time I propose to offer another amendment to appropriate an equal amount for bombing and other planes. Will the gentleman support those amendments?

Mr. MAVERICK. I do not know whether I will or not. I might support an amendment which would cut out one battleship and take the other $70,000,000 and use it for airplanes. I just do not know.

Mr. STARNES. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Alabama.

Mr. STARNES. The gentleman has raised a very interesting point. May I say to him some of the big planes cost as much as $293,000 each? He understands, of course, that while 2,500 planes could be built probably for the cost of two battleships, yet the cost of maintenance would be far more; and the average life of the airplane would probably be 4 years instead of 20 or 25 years.

Mr. MAVERICK. You could build a fleet of small pursuit and bombing planes for, we will say, $70,000,000—one battleship—and have $70,000,000—the other battleship—in addition to maintain them. That, of course, is an off-hand statement, for I realize what the gentleman says is true. But we will have to admit that battleships come expensive—a terrific burden for the people to bear, and of doubtful value, at least comparatively speaking.

As I said in the beginning, I am not well informed from a technical basis. We need much more technical information, and I think before we proceed very far, we should get this technical information.

EXTENSION OF REMARKS—THE NECESSITY FOR BATTLESHIPS DISCUSSED

Mr. Chairman, with permission to extend my remarks, and to include further information concerning the matter of battleships, I am going to include some testimony from the hearings of the subcommittee.

The testimony is as follows:

Mr. UMSTEAD. Admiral, before leaving the subject of battleships, I should like to have you make any additional statement you may desire to make for the record in connection with the necessity, as the Department sees it, for two additional battleships at this time.

Admiral LEAHY. The necessity for two additional battleships at this time is that two of our battleships now in commission are reaching an age when it will be uneconomical from the point of view of efficiency to continue them in service. These battleships should be replaced when they reach an age that makes them inefficient compared with the battleships of other naval powers; we have now arrived at that condition, and it will be necessary, in order that the United States Fleet may have an efficiency comparable to that of other navies, that we engage in an orderly replacement of our average battleships.

Mr. UMSTEAD. Admiral, is there anywhere in the tables prepared for the record a comparison of the age of the battleships of other nations and ours?

Admiral LEAHY. That is included in the tables of this statement, Mr. Chairman.

Mr. UMSTEAD. I believe that 26 years is the age now set up for battleships.

Admiral LEAHY. Twenty-six years is the age for battleships set up in the 1936 London Treaty.

Mr. UMSTEAD. And that still prevails with reference to that particular item, so far as we are concerned?

Admiral LEAHY. We are following that provision of the 1936 treaty; but it is necessary to understand that there is no treaty limitation and that we are not required to build only replacement battleships. We can, under the treaty, build new ones in any number that suits us.

Mr. UMSTEAD. But in our program we are adhering to the terms of the original treaty?

Admiral LEAHY. In our program for this year we are adhering to the terms of the original treaty limitations.

Mr. UMSTEAD. Of course, the entire Vinson-Trammell Act was based upon a program of adherence to the London-Washington Treaty.

Admiral LEAHY. That is correct, sir.

Mr. UMSTEAD. Admiral, the fact that a ship is 26 years old does not necessarily mean that it is no longer useful, does it?

Admiral LEAHY. It does not. A ship 26 years of age should be of very real use in the Navy, but if other naval powers build later ships that are more efficient, it is then necessary in order to maintain our relative naval standing that we also replace our ships as they become over age.

Mr. SCRUGHAM. Mr. Chairman, may I ask a question?

Mr. UMSTEAD. Yes.

Mr. SCRUGHAM. Admiral, this seems to be a point of some considerable importance. It costs, for example, $7,000,000 to modernize a battleship. Assuming that is the figure merely for the purpose of illustration, would it not be better to build one or two battleships, leaving the old battleships in the condition they are, from the point of view of strategy and policy of the Navy?

Admiral LEAHY. That is the present policy of the Navy Department, Governor Scrugham, to economize on the expenditures for improvement of the old battleships with the purpose of obtaining replacements when they become so old as to be not sufficiently efficient.

Mr. SCRUGHAM. That point has not been sufficiently stressed, but I think it has quite a bearing on these appropriations that we are called upon to make.

I ask that the above testimony in the next to last question asked by Mr. UMSTEAD be particularly noted. In it he asks if a 26-year-old ship necessarily means that it is no longer useful, and Admiral Leahy answers in the negative. The point made by the Admiral is not that a 26-year-old ship is of no further use, but that other nations are building ships and so we must build more ships in order to maintain "our relative standing."

This seems to me to be the whole crux of the question. If we needed 50 battleships I would vote for them; but if we do not need even two, and they are obsolete and unnecessary,

or not as effective as airplanes, then we should not have them.

WEIGH-IN PRIZE FIGHTERS, OR LITTLE BOYS BEHIND HIGH-BOARD FENCE

This question is, of course, not merely the matter of whether we need more battleships. It is also a question which involves domestic and, particularly, foreign affairs. Naval affairs in the hands of admirals who have big ideas are liable to become foreign affairs, and that will be a seriously detrimental thing.

The idea of getting more ships to have as much as others, seems a good deal like weighing-in prize fighters. It may be, if we keep a lot of little American boys behind our high-board fence and not send out any heavy prize fighters, that we will not get in any fights.

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. WOOD.]

Mr. WOOD. Mr. Chairman, I desire to address myself to a supposed news item that appeared in the Merry-Go-Round column of the Washington Herald on last Sunday. This article purports to give an account of an interview that someone had with me and it also purports to have found out that there had been a secret meeting among what they termed the "Young Turks" of the House. It also makes the statement that I made certain references to the officials of the American Federation of Labor.

The whole item is a deliberate falsehood out of whole cloth and does not represent any truthful occurrence that has happened. I want to read the article to you. It is headed "Revolt of Young Turks of the House:"

> The "Young Turks" of the House—the bloc of about 60 left-wing Democrats, Republicans, and Progressives who comprise the New Deal spearhead in the lower chamber—have decided to disregard completely the A. F. of L. in the new drive for wage-hour legislation.
>
> Ordinarily they are the Federation's staunchest supporters. But at a secret caucus recently they turned thumbs down and heaved some verbal brickbats in its direction.
>
> GARDNER WITHROW, La Follette Progressive, started the argument by contending that they had to convert the A. F. of L. if the administration's wage-hour bill was to be put through the House. ALBERT THOMAS, Texas member of the Labor Committee, agreed with him. This touched off a storm of dissent.
>
> "I have been a member of the A. F. of L. for 40 years," said REUBEN T. WOOD, who besides representing the Sixth Missouri District, has been president of the State Federation of Labor for 25 years, "and I want to say that Bill Green and the other so-called big shots of the Federation are not speaking for the rank and file when they oppose this legislation.
>
> "There is no use wasting time going to see Green and his crowd. They are not talking for labor on this issue. Don't waste your energy and breath."
>
> "Mr. WOOD is absolutely correct," interposed Pennsylvania's scrappy ROBERT G. ALLEN. "Why bother trying to get that outfit on your side? We changed the bill to meet their demands."

Mr. Chairman, in the first place, I have not been a member of the American Federation of Labor for 40 years; and in the next place, I never have engaged in nor been a party to any secret caucus or conference on the wage-hour legislation except a number of conferences I held with officials of the American Federation of Labor, including Mr. Green himself and the members of the Labor Committee. I never have in my life used the vernacular of the underworld in referring to a man as a "big shot." I do not know where Pearson and Allen got this misinformation, but it seems as though the Merry-Go-Round has been going so fast that their informers have gotten dizzy and have imagined things, or probably had to manufacture some news to keep the Merry-Go-Round from falling down.

We all know there are certain vultures that infest the Halls of this Congress for no other purpose than to get something that seems to be information, which they supply to these syndicated writers for profit. It seems as though the Merry-Go-Round operated by Pearson and Allen has degenerated into an institution of not only intrigue but of harrowing rumor to create dissension among Members of this House and the American labor movement.

May I say that I have known William Green for the past 25 years, and I never met a more upright, honest, conscientious, or fearless man in my life than William Green. I have also been acquainted with John L. Lewis, of the C. I. O., and I can say the same of both men.

If it had not been for the insidious propaganda that has been heralded throughout the Nation by 80 percent of the metropolitan press by attributing inflaming statements by the one group against the other, I am sure the C. I. O. and the American Federation of Labor would have patched up their differences a long time ago. It seems to have been the stock in trade of the press to publish such things that would create dissension and bitterness between these two great elements of organized labor.

Mr. Chairman, I resent this article and challenge Pearson and Allen to give me the source of their misinformation or to substantiate one single assertion in their scurrilous news item. Of course, we all know that these syndicate writers write because they make money out of it; but I do not want the inference to be left by anyone that I am in any wise at variance with William Green or any of the officials of the American Federation of Labor. I know them. I am and I have been president of the Missouri State Federation of Labor for 25 years. That organization has followed out the policies of the American Federation of Labor in all those years. I resent any newspaper writer, whether he be a syndicate writer or one of these vultures that hang around the lobbies of this House, giving anything other than real, true information. I am not referring to the boys in the press gallery who make an honest effort to give to the world the real news with reference to the happenings of the Congress.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. WOOD. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. May I say to the gentleman I concur with the statement which he has made. My name appeared with his in that article. I never made the statement attributed to me. I thank the gentleman. And I may say further I was not in any meeting with the gentleman.

Mr. WOOD. Mr. Chairman, I think Mr. Pearson and Mr. Allen should be called upon to divulge the sourc of their information. I call upon them to retract this scurrilous article which purports to give the truth of what might have happened in some mysterious caucus or conference of the so-called "Young Turks" of this House. My record in the American labor movement and as a Member of Congress is an open book. I do not and never have engaged in any secret caucus or conference of any kind for the purpose of maligning the character of any man in public life. I believe William Green has done a fine job as president of the American Federation of Labor. If we, as Members of Congress, and if the press and the people of this Nation would allow both wings of the labor movement to carry on their own business I am sure within the very near future this split which has occurred in the labor movement would be soon remedied. This is not a matter of principle, it is a matter of policy. We all know the disagreement which has happened has been brought on by mass production, and by the growth of the technological age.

I hope GARDNER WITHROW, Progressive, of Wisconsin, will tell the House whether he made the statement he is purported to have made in this so-called secret conference.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I must take exception to one statement made by the chairman of the subcommittee yesterday with reference to the duty of the Subcommittee on Appropriations for the Navy. In my opinion, the Committee on Appropriations has a very definite part to play in fixing the naval policy of the country. While, of course, legislation is the basis upon which our naval needs are provided for originally, if we are not willing to pay the bill, or if we curtail the expenditures which are asked for by the establishment, we can have something to do in fixing the policy. We can fix the policy just as much as the father in the home who has to pro-

vide the purse for the family can fix the policy of the family. Of course, I know there are some fathers in some homes who are either reluctant or fearful to assume that responsibility.

As for myself and as a member of the Committee on Appropriations, I believe not only a duty but a responsibility is placed upon those who are members of the Committee on Appropriations to determine, and to determine very definitely, what the national-defense program of the country is to be. I am unalterably opposed to letting a legislative committee have its own way or permitting the Department to determine without limitation what the naval policy of the Nation is to be.

Mr. Chairman, no more important appropriation bill than the one we are now considering will come before the Congress. It is of vital importance to every man, woman, and child in America. It affects not only our domestic welfare, but it may have far-reaching results on our relations with the other nations of the world. It goes to the heart of our national defense. It involves the expenditure at this time of large sums, entailing a commensurate demand upon the resources of our people. At the same time it necessitates assuming the obligation to provide in the future for the projects and operations which are being inaugurated and expanded under this bill. I submit, Mr. Chairman, it should have our conscientious consideration, our careful analysis, and our deliberative judgment.

Those who oppose the bill should have ample opportunity to express their opinion and register their objections. Much is at stake here. Neither partisanship nor passion should influence our decision. Neither should the fervor of fanaticism be permitted to carry us to impractical conclusions. Certainly politics has no place here. We may entertain honest differences of opinion on the question of our needs in naval strength and how these needs may be met most advantageously and economically. But, I hope that an overwhelming majority of the House by its support of this measure will declare to the world, what I believe to be the voice of America, that our Navy is ready for any emergency which may threaten our peace or our independence. As for myself, I believe that we need a Navy second to none as the first arm of our national defense, and as the surest safeguard of our peace as a Nation.

The chairman of the committee has given you a detailed statement of the items carried in the bill, together with the justifications, which must be considered in reaching an honest conclusion. A repetition of these statements and justifications is neither necessary nor desirable. His presentation has been adequate and persuasive. I shall confine myself, therefore, to a presentation of the general subject of our national policies as they relate themselves to and are a part of the problems presented by the consideration of the present bill.

We face a troubled world today. A gloomy picture presents itself as we survey world conditions. War and the fear of war beset us on all sides. Old controversies that we thought had been buried long since have been resurrected, and new discords have arisen as a result of the acute economic and political conditions which confront many of the nations. Again the desire of dictators to continue their domination over their own helpless and submissive people has prompted the invasion of defenseless or inadequately prepared nations for the purpose of self-aggrandizement and self-glorification. Many nations of the world have become an armed camp again with new devices of destruction pressed into service and additional complements of men conscripted daily to man and manage these machines of death. We shudder as we contemplate the prospect. Hatred and suspicion have fastened their leprous clutches upon men charged with the responsibility of guiding the affairs of nations. The unclean and noxious infection has spread like a deadly contagion into the hearts of millions of men who are bound by an inexorable rule of obedience to their leaders, but who still cherish the hope that they may be permitted to follow their peaceful pursuits.

Old methods of intrigue, deception, and complicity, which it was hoped could cast no longer any aspersions on the motives of men engaged in diplomatic relations, have reasserted themselves, thus destroying completely the beneficial effects of candor and frankness in international conversations.

This is a big step backward. It is a retreat which will take years to overcome. I submit, Mr. Chairman, intrigue, deception, complicity, these sinister influences never have contributed nor will they ever contribute one thing to mutual understandings and amicable agreements. They lead inevitably to misunderstandings, animosities, hatreds, war. The outlook, Mr. Chairman, is indeed gloomy. Nay, it is worse—it is foreboding and fearful.

In this welter of confusion and conflict, what is our duty to our own people and what is the responsibility of our Nation, if any, to the nations of the world? To me the answer to the first question is not difficult. I believe it is our solemn duty to provide for our own people such an adequate national defense that all fear of possible aggression will be dispelled from their minds and that they will be secure in their persons and property. This, I believe is the primary function of government. If it is not discharged, a government has no claim to loyalty nor support from its people. No one dare deny that the first obligation placed upon the Federal Government by the Constitution is to provide for the national defense. To this obligation, I am pledged unreservedly.

The second question, namely, the responsibility which is ours as a Nation is a more serious problem. Have we any duty to perform in this field? Can we be unmindful of the disturbed conditions prevailing throughout the world today and depend upon our isolation or upon legislation to insure us against possible involvement?

During the years following the World War, America brought a real contribution to the cause of world peace. Our people have supported consistently and enthusiastically the sincere and genuine efforts which this Nation has made to advance the cause of peace among the nations of the world. They approved not only a limitation but also a reduction of armaments and advocated every measure, consistent with our own safety, which might advance in a practical way the amicable adjustment of differences between conflicting interests. I am convinced, Mr. Chairman, that the attitude of our people on this matter remains constant. We cherish peace. We abhor war. As a nation we have not surrendered our hopes for peace.

It should be remembered, however, that peace is not a permanent possession, the continuity of which can be assured either by supplication, wishful thinking, or idealistic dreams. Peace is a very practical thing, and its continued possession presents a very practical problem. Peace depends upon restraining many of the natural tendencies of men and nations—the tendency to be assertive, to be acquisitive, to be combative, to be ambitious, to be authoritative. Unrestrained, these tendencies lead to discord, strife, and conflict; and only in the measure by which they are held in check or subordinated to nobler aims can peace prevail among the peoples and the nations of the world. I believe, Mr. Chairman, that an adequate national-defense program on the part of this Nation may serve as an effective check on some nations, at least. I believe, if we want peace, we must strive for it by commanding respect at home and abroad.

The maintenance of peace is as rigorous in its demands as the successful prosecution of war. Catch phrases, silly slogans, or even legislative enactment will not guarantee peace; nor can one nation by the loftiness of its ideals and the nobleness of its purposes compel others to continue at peace; and so long as others refuse to pursue a course which we exemplified by practical performance, we must adapt our program for our own needs and safety. We must be prepared to defend the peace which we so earnestly and devoutly desire. To do otherwise would be worse than folly. It would suggest an attempt at national suicide. This is not the spirit of America. With as much fervor and enthusiasm as it committed itself genuinely and unreservedly to disarmament conferences and put into practice the doctrines of peace which

it preached, our people, aware of the dangerous portents of world affairs, insist today upon an adequate national defense which will protect them from any eventuality and place them beyond the acquisitive ambitions of any aggressor. Any other course would encourage the contempt, the scorn, and the possible attack of those nations which seek to plunge the world into another conflict.

The needs of the Navy can be divided into two general categories, men and materials. I repeat today what I have said on other occasions, that men mean more than materials; that a contented, fearless, and ambitious personnel is of more importance than the type or size of the units of the fleet; and that the development of a personnel of this character is our first duty. Any factor, whether it be a legislative enactment or an administrative policy, which has a demoralizing effect upon the morale of the men should receive the prompt attention of the Congress and be corrected forthwith. The present selection system is such a factor. It is the system by which highly trained officers with extended experience and with not even the suspicion of a blemish on their records, are branded in the prime of life as unfit for service and involuntarily dismissed. It is the system by which every younger officer in the Navy is made the potential victim of the personal pique and spleen of his superiors, or else assume the distasteful and obnoxious role of a patronizing "yes man." It is the system which functions upon only one base and that is favoritism, and which has but one excuse for its existence, and that is favoritism. It is the fetish which is fondled by favorites and worshipped by the fortunates. It gnaws away at the very vitals of the morale of the men, sapping their initiative, their independence, their forthrightness, their ambition, and robbing them of the valiant virtues upon which the best and the finest traditions of the Navy are founded. This slaughter of our own men must be stopped! Why build ships and at the same time kill off the men who are to command these ships? The first duty of the Department is to advocate a change in this indefensible system of selection in which its acknowledges there is need for correction. Thus far it has done nothing, and I predict it will do nothing as long as the Congress permits it to continue on its present course.

New construction is provided for under this bill and it is understood generally that additional construction will be requested by the President. The naval strength which we are building and which must be maintained hereafter should never indicate to other nations that we assume an aggressor attitude. It must be maintained only as the first arm of our national defense. Of necessity it must be proportionate to the type and size and effectiveness of other nations whose altruistic aims have not been assertive and whose peaceful purposes have not been demonstrated clearly and convincingly. Our needs are relative. What other nations do to disturb the peace we must do to maintain our peace and insure our safety.

Nevertheless there presses upon us in the Congress certain questions with the insistence of millions of voices of citizens—it might be truthfully said of all citizens—and those questions should be answered.

There are many citizens who believe that peace for the United States is to be achieved only by isolating ourselves from the dangerous and conflict-breeding affairs of all foreign nations. Those citizens are again divided into two groups, those who believe that an amply adequate national defense will deter any other nations from aggressions against us and those who believe that a race of armaments in which the United States is participating will inevitably lead to a war in which we will be involved.

Another large group of our citizens believe that it is no longer possible for us to isolate ourselves from the dangers and the disputes of a highly integrated world, and that the best assurance of peace is to be found in alliances with certain foreign nations for the purpose of restraining, by whatever necessary concert of action, those aggressor nations which seem bent upon disturbing the peace of the world and the despoilation of weaker nations.

Our citizens are a unit in two deeply based desires. One is that they do not want to be helpless in the face of possible aggressions against us, and the other is that they do not want this Nation involved in any foreign conflict if there is any possible way to avoid it.

These considerations involve four broad questions in this matter now before us. The country awaits an answer.

First. Is the proposed increase in our Navy for the purpose of national defense?

Second. Is that naval increase for the purpose of cooperating with other nations in "quarantining" aggressor nations?

Third. Is this naval increase a reemployment project?

Fourth. Is it a combination of two or of the three purposes just mentioned?

The President has not made clear to the Congress or to the country just what he meant in his Chicago speech advocating "quarantining" of the aggressor nations. He has not made clear to the Congress or to the country how far he means to go in such a policy, or when he intends to move, in concert with other nations, in that plan—if plan there is. What is our foreign policy? To what extent are we going to cooperate with other nations in any forcible or in any threat of forcible restraint of the "aggressor nations"? To what extent are we going to enter the League of Nations by the back door and undertake with other nations to police the world with armed force?

These are the logical, natural, and fair questions which occupy the minds and the apprehensions of the people.

These are the questions which concern us in the Congress, because after all we are still the branch of the Government which must decide whether or not we shall engage in war.

These are questions to which it seems there should be some answer to be given us and to be given the millions of people whose very lives and welfare depend upon the answers.

If this naval expansion is a reemployment project, then it becomes a question of proper and earnest investigation and debate as to whether it is the best sort of reemployment project that can be engaged in at this time.

Would it, as a reemployment project, spread purchasing power to the consumer classes, the wage earners, in as great a quantity and as rapidly as some other public projects?

Would some other reemployment project be more feasible from the standpoint of future maintenance?

Again the question recurs, Where are we going?

If this proposed naval expansion is a combination of national-defense needs and reemployment needs, to what extent does it represent the one and how much of it represents the other? The country should know. The people are entitled to know.

The answer to these questions, it would seem to reasonable men, should be given to the taxpayers—to the fathers and mothers of America whose sons and daughters inevitably will be involved in those answers—regardless of what they are.

To answer these questions should cause no embarrassment to the President and to our State Department, if they have gone no farther in alliances with and commitments to foreign nations than we have thus far been led to believe they have.

Again, as a nation, we raise our voice to the throne of Heaven that a blessing may rest upon us as a people in our endeavor for peace. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The gentleman from Pennsylvania in his very able address propounded a question as to what was the objective in increasing the Navy. Does not the gentleman answer this question in his own language when he states he advocates a navy second to none?

Mr. DITTER. No; I believe not. I believe that since the President has seen fit to call the distinguished gentleman from Georgia and others of his party into conference, there may be more than has been given to the rest of us in the way

of information regarding what the program of the administration is. All I can presently base my assumption on is the limited information as to the policy of the administration, if there is a foreign policy, which has been given to us during the course of the hearings on this bill. The witnesses who appeared before the committee knew nothing, or at least were not willing to divulge any information on the foreign policy and naval policy related thereto of this administration. I know of no member of the minority who was called into the conference with the President when this extended naval construction program was presented, and I know of no member of the majority who seems to know and is free to tell the country what our foreign policy is or the real purpose of this extended naval construction program.

Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I have such admiration for the sincerity and ability of the gentleman who is in charge of the subcommittee on naval appropriations that I am generally inclined to follow his leadership without bothering about the details of the bill or trying to find fault here or there with some of the small items which may have crept into the bill. There is no abler, more industrious, or more sincere Member of the House than the gentleman from North Carolina [Mr. UMSTEAD]. [Applause.] I do not mind saying this in the House or even in his district, where I expect to speak on February 12. I am willing in this instance, with not too much research, to follow the gentleman on this bill and vote for it as a part of our national-defense program, proposed not this year but a number of years ago. I do not recall whether it is a 3-, 4-, or 5-year plan, but it is a part of a previous plan for adequate national defense, and is intended to keep us up as near as possible to the 5–5–3 ratio which expired in 1936.

I preface my remarks with this statement on national defense because for the first time in the 18 years I have been a Member of the House I do not believe I shall be able to follow another program which may come in here this week from the President, asking for additional hundreds of millions of dollars to further increase our Navy. I know when the gentleman from North Carolina gave consideration in his committee to this bill he believed all the money carried herein is necessary for adequate national defense, or he would not have brought in the bill. If he believed more was necessary, he would have asked for more and, vice versa, if he believed less necessary, he would have cut it down. I am ready to follow him on this particular naval building program, but I demand of the Republicans and of the Democrats alike that if the President comes in with another bill, asking for $200,000,000 more, that we turn the searchlight of pitiless publicity on it and try to find out the reasons and motives behind it, and why it is necessary to go into this mad competition of building superdreadnaughts at $70,000,000 apiece.

Where is the leadership in this world? Where is the statesmanship? Is it all bankrupt? Why are we forced to vote for these hundreds of millions of dollars for more and bigger ships with an unbalanced Budget, with 11,000,000 unemployed, and in the midst of a depression? Millions of people in this country will want to know where they are going to get relief and necessities of life and who is going to feed them? How long can this madness, this naval rivalry, continue without an explosion? Have we no leadership or statesmanship in America? Have we gone mad like the rest and has reason disappeared from the face of the earth so that people and nations must drift helplessly into universal ruin and disaster? Is war and preparedness for war the solution of our problems? Every thinking American knows that war is mass suicide and that even the victor loses. I have voted consistently for adequate national defense, but I do not propose to vote a dollar for aggression or purposes of offense. Where is the leadership for peace? This naval rivalry is the road to war all over the world. What are we doing? We are following the warlike leadership of fascism and nazi-ism and of the great military and naval powers into a naval race.

And now, if you will permit me, I want to be partisan a minute, just to be natural. Who is responsible? Who is to blame for the situation with which the Congress is confronted when we are forced to vote upon this program of $500,000,000 or more, and then probably at the end of the week, be called upon for $200,000,000 in addition, but the President of the United States—and I say this advisedly—not intimating he does not believe in peace or that he is an advocate of war, but I believe I am fair when I say that the responsibility rests upon the President for this naval program, for this naval rivalry and competition with England and Japan.

Back in 1921 and 1922, under the leadership of Secretary of State Charles E. Hughes, we called a conference of the great naval powers here in Washington. We got them around the table and finally we agreed with Japan and England upon a so-called 5–5–3 ratio. For the first time in history Great Britain, who had ruled the waves for hundreds of years, agreed to equality with the United States and Japan and accepted the three ratios; then that treaty was agreed to. In spite of what the supermilitarists, the "jingoes," and the armament propagandists said about Mr. Hughes—that he had sacrificed the Navy and betrayed America—I say to you that limitation-of-armament agreement was the greatest step for peace and good will the world has seen in our day and generation. Overnight all thought of war and talk of war between this country and Japan and Great Britain and other countries disappeared. The "jingoists" were forced to stop talking because there was a definite agreement to reduce the navies to 18 ships for Great Britain, 18 for ourselves, and 10 for Japan. This was under a Republican administration back in 1922. Every nation kept this treaty and every part of the treaty, and we saved $250,000,000 a year on our naval building program, and in the 16 years it was in effect we saved $4,000,000,000 of the taxpayers' money. This may not seem much to this administration, but that is only the intrinsic part of it. I am concerned with the problem of peace. It produced peaceful relations between Japan and ourselves and Great Britain, but now this has all been scrapped, and we are again embarked in a dangerous and costly naval race with Japan and Great Britain.

In 1930 under a Republican administration we extended the 5–5–3 ratio to small ships under 10,000 tons, to light cruisers, to submarines, to destroyers, and so on, but in 1936, at the end of that year, when this naval limitation agreement expired, nothing replaced it. Now, after 5 years of this administration, which was elected more or less on a program of peace, we are launched on a naval competition program, spending hundreds of millions of dollars for destructive purposes because this administration failed to come to any agreement with Great Britain and Japan to extend the Washington treaty and let it expire after 15 years of trial, in which it had proved its worth in terms of peace and good will and saved the taxpayers $4,000,000,000.

These are the facts, and they are undeniable. This is why I say the blame and the responsibility for the situation we are in is on this administration, and this administration alone. Why did they fall down? Because they went into the conference to renew this treaty with their hands tied behind them. They let the admirals and the big Navy men represent us at these conferences. I commended the President and the Secretary of State only a few weeks ago for the peaceful settlement growing out of the *Panay* incident; but what I regret more than anything else is that this administration has permitted and deliberately injected partisanship into the conduct of our foreign affairs.

For the first time since the foundation of our Republic the committees and commissions that go to deal with foreign countries on the question of peace or disarmament have been entirely made up of members from one party, and the minority party has not had a single representative. When we put through the treaty of Washington in 1922 the leading members of the Democratic Party were on the commission. I believe that Senator Robinson and Senator Underwood and others represented the Democratic Party at that peace conference.

Our traditional American policy of keeping partisan politics out of the consideration of international issues involving the peace of our country has not only been ignored but deliberately scrapped by President Roosevelt. He has in his autocratic and high-handed manner started a most unfortunate precedent that will come home to plague both parties, but, far more important, the interests of our country.

But in none of the peace conferences or those on armament has there been any representation of the Republican Party under this administration. It is often difficult for us to speak on the issue, because there is no one to advise us. We cannot get the facts. We do not know what went on behind the scenes, we do not know where to go unless we go to prejudiced sources. The fact is that now, due to the failure to renew these peace agreements on naval armament, we are launched into a competition with Japan and Great Britain, and everybody in the country, regardless of party, knows that naval competition is the road to war. It produces hatred, suspicion, and hostility and eventuates in war. That is the program that we are launched on, against our will. We are helpless in the House. I shall vote for this bill providing $500,000,000 for our Navy, because I believe, with the chairman, that we should keep at least 30 percent ahead of Japan, and as I see it that is exactly what this bill does. But I shall need a lot more information before I shall vote for any more millions to give us the biggest navy in the world. Either our Navy is for defense or it is for aggression, and I want to find out which it is. I want to vote for an adequate Navy for defense and not for aggression and offense.

For example, I shall give the House some figures that are almost inconceivable. It will be hard for gentlemen to believe them. Back in 1916 when this country was just as rich as it is today, and possibly richer, because we did not have a national debt of forty billions, we had a debt of only one billion, our total appropriations for the year, including national defense, the running expenses of the Government and everything else, amounted to $678,000,000.

That was just a year before we went into the World War. Our total appropriations amounted to $678,000,000 and that included an appropriation for the Navy of $149,000,000. And here we are today voting for over $500,000,000 for the Navy alone, and with the Army appropriations it will be over a billion dollars, and the President has not yet submitted his estimates for the additional Navy that he proposes. I assume that the appropriations for national defense this year for the most peaceful and peace-loving nation in the world will be double the entire Federal expenditures in 1916. This country, as far as I know, is absolutely immune from attack from any foreign foe, and I challenge in his time any Member of Congress, any general in the Army, any admiral in the Navy, to show wherein any nation in the world would even dare to attempt to land soldiers in the United States. Nevertheless we are voting today and later on for an Army and Navy at a cost of probably over $1,200,000,000. That is twice the total appropriation for everything in 1916. How long can we continue spending such vast sums on preparedness for war? Instead of voting for these large sums for destructive purposes, there ought to be an international conference to limit naval armament, and it ought to be called immediately by President Roosevelt. I want the gentleman from North Carolina [Mr. UMSTEAD] to cooperate with me, and I think he will, and urge the President, or at least express the will of Congress to the President that we are behind him and insist that he call a naval conference with Great Britain, Japan, and us, and in addition, if necessary, Italy and France, to limit naval armaments.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SHANLEY. Does the gentleman think Japan would go into any conference unless we gave her parity?

Mr. FISH. I am very glad the gentleman asked that question and I shall answer the gentleman in a moment. First, I am led to believe from statements made within the last year by the man who is now the Prime Minister of Great Britain, Mr. Chamberlain, that he would welcome such a conference, and why not? The head of the Japanese Navy Department made a similar statement. In answer to the specific question, when we went into the conference that failed, these admirals of ours, as I understand it, and our big Navy men, would not make any effective concessions to Japan. They insisted on the 5–5–3 or 3½ ratio. I say to the gentleman from Connecticut, and I have given it a good deal of though, I am willing to make it 5–5–4 for Japan, and if we would make it on that basis, we would have reached an agreement with Japan overnight, and stopped spending these billions of dollars for unnecessary naval construction when we need that money for purposes of peace in our own country. Does not the gentleman know that Japan needs money more than we do? Does he not know that we are still the richest Nation in the world? It is much harder for Japan to build than it is for us and naturally they would like to reach such an agreement. We could have that agreement under this administration, but you first have to make the offer. The President must call the conference; it is not too late to save us from entering into this naval competition with the rest of the world.

Mr. SHANLEY. As I remember the 1936 conference, Admiral Nogano, acting for Japan, dogmatically insisted on a parity basis, and that is the reason they bolted the conference.

Mr. FISH. Mr. Chairman, the gentleman from Connecticut, I think, knows international affairs probably as well as anybody in the House. He is a great student of it and of international law. Naturally, when you go into a conference you ask more than you expect, and the Japanese naturally started in with a demand for equality, but, from what I can understand and hear, they would be more than willing to go back to their country and say, "We have refused to agree to a 5–5–3 ratio, but we are bringing home to you a 5–5–4 ratio," and Japan would be more than satisfied, because it is more difficult for them, with their limited income, to pay these millions and hundreds of millions of dollars in competition with us.

Mr. SHANLEY. The unfortunate answer to that is they failed to reduce.

Mr. FISH. That is not the fact at all.

Mr. SHANLEY. I think the gentleman will find that it is.

Mr. FISH. No, no; I am not ready to concede that. Whether you are right or whether I am right, we cannot convince ourselves. We should have a conference right away, right now. Can the gentleman see any objection to it? I know the gentleman is for peace, and I know he is a great student of international conferences.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. THOMAS of New Jersey. Has the gentleman from New York any real faith or confidence in these international agreements?

Mr. FISH. I have absolute faith in agreements of that kind, such as the limitation of naval armaments, because they were absolutely lived up to by the five countries concerned. All the signatory countries lived up to them. I would not place too much confidence in some other kind of agreements, such, for instance, as one that affects the immediate defense of a country, or one binding Japan to get out of Manchuria.

Mr. THOMAS of New Jersey. Is it not true that the agreement that was lived up to before existed during a time when there was more peace in the world than there is today?

Mr. FISH. No.

Mr. THOMAS of New Jersey. Does the gentleman think that any agreement made by the various countries he has named could be lived up to in the next few years?

Mr. FISH. It has been lived up to. The gentleman was not in Congress at that time. At that time we were launched on a stupendous naval program which was as big as the one we are now proposing. All the nations of the world were in the same situation, and Great Britain and Japan knew that we meant business. In view of the fact that we succeeded in stopping it then, we can do it today just as easily, because we

have had that experience; and I submit there is absolutely nothing in the world to stop it except the willingness of our President to lead the way and call such a conference. The only way to do it is to try it out. Is there any sound reason why we should not try it out? Is the gentleman or any other member of the Republican Party satisfied with voting these hundreds of millions for the Navy, when we might go into a conference and reduce them by half? I am not satisfied with even 18 battleships; I would like to see us go into a conference and reduce them to 10 for Great Britain and ourselves and 6 or 7 for Japan. Then we would have the same relative national defense.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. McCORMACK. A little while ago the gentleman said that the total appropriations for the year 1916 were six hundred and some-odd millions of dollars.

Mr. FISH. I did.

Mr. McCORMACK. I just had occasion to inquire and I learned that the total appropriations for the fiscal year 1916 were $1,114,490,704.09.

Mr. FISH. The gentleman has probably got the wrong fiscal year.

Mr. McCORMACK. No; it is the fiscal year 1916. I just got these figures from the Appropriations Committee.

Mr. FISH. All right; we will not argue about it. The gentleman has the war year, the appropriations for the next fiscal year.

Mr. McCORMACK. The appropriations for the year before, the 1915 fiscal year, were $1,122,491,919.12.

Mr. FISH. I took my figures out of the World Almanac today. There can be no question about them, because not only were the figures for the year before practically the same, but, furthermore, back in 1908 was the first billion-dollar Congress. That is, Congress spent $1,000,000,000 in 2 years; $500,000,000 a year.

Mr. McCORMACK. If these figures are right, then the gentleman is about 50 percent wrong.

Mr. FISH. No; I am not wrong at all. The gentleman has a right to his figures. My figures were taken from the World Almanac.

Mr. McCORMACK. Would not the gentleman take in preference the figures of our own Committee on Appropriations, the figures of the official record of our own committee in preference to the figures given in the World Almanac?

Mr. FISH. The year we went into the World War the appropriations jumped very materially. The gentleman is probably talking about the fiscal year we went into the World War. The actual Federal income for 1916 was only $782,000,000 and we spent much less.

Mr. McCORMACK. Fiscal year, or calendar year, we appropriate for a 12 months' period. We appropriate for the fiscal year.

Mr. FISH. But we appropriate for the coming fiscal year. The gentleman probably took the wrong fiscal year.

Mr. McCORMACK. No. The year starts on July 1 and ends the following June 30.

Mr. FISH. I am not willing to admit that the World Almanac is inaccurate as far as expenditures for 1916 are concerned. All the gentleman has to do is to locate those figures.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. HEALEY. Was there any limitation of time on the naval treaty between the three powers—England, Japan, and the United States?

Mr. FISH. Yes; 15 years.

Mr. HEALEY. The gentleman says this treaty was kept for 15 years?

Mr. FISH. It was kept so far as battleships were concerned. It applied only to those war vessels over 10,000 tons. It expired at the end of 1936.

Mr. VINSON of Georgia. The whole treaty expired in 1936.

Mr. FISH. Yes; but the treaty was amended in 1930 to include cruisers and warships under 10,000 tons. That was the London Treaty of 1930, and that has likewise expired. So we have nothing today; and my complaint is that this naval pace is unnecessary and will eventuate in war.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The gentleman is in error, because we do have a treaty with England with reference to certain categories, that Japan regused to sign, in reference to the size of battleships, limiting them to 35,000 tons. Japan today, so the press says, is laying down a 45,000-ton battleship.

Mr. FISH. The gentleman from Georgia says that Japan is laying down a 45,000-ton battleship, probably with 18-inch guns.

Mr. VINSON of Georgia. So the press says.

Mr. FISH. That may be so and may not be. It might also include 18-inch guns. That is what we are getting into. If Japan does that, we have to follow her example.

Mr. VINSON of Georgia. Is that not just as reliable as the World Almanac?

Mr. FISH. No. If the gentleman told me that was an A. P. report, I would say I believed him. However, this is probably what will happen: In a year or so Japan will build a battleship of 45,000 tons, with 18-inch guns; then we will have to follow suit, and instead of building battleships costing $70,000,000 they will cost over $100,000,000 a piece.

I tried out a test today on several intelligent people who came into my office. I asked them, "How much do you think a battleship costs these days?" I asked two of them that question. One said $20,000,000 and the other said $25,000,000. That is what the people back home think. But actually in this bill we are providing for two battleships at $70,000,000 a piece. Now, the gentleman from Georgia [Mr. VINSON], who is an expert on naval affairs, and one of the able Members of this House, intimates that we will probably have to pay more because Japan possibly will build bigger battleships. That is what we want to prevent. I want to bring about a conference to prevent that very thing, to stop this competition with Japan and Great Britain, and, if possible, to reduce the number of battleships and the size of battleships, and we would have exactly the same national defense. We could probably save two or three hundred million dollars a year, as we did in 1922, promote peaceful relations, and have adequate national defense.

Mr. KITCHENS. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Arkansas.

Mr. KITCHENS. I understood the gentleman to say if we could have a new conference he would be willing to go so far as to make the ratio 5–5–4?

Mr. FISH. That is right.

Mr. KITCHENS. If it was necessary to bring about a peaceful situation, would the gentleman be willing to go as far as 5–5–5, thereby equalize the situation with these other nations and avoid these distinctions?

Mr. FISH. I will answer the gentleman, and I may shock other Members of the House in doing so. I would be perfectly willing to go that far. I would be perfectly willing to have Japan have a navy equal to ours because I believe when I vote for our Navy it is for the purpose of defense, and if we have a Navy equal to Japan we will never have any trouble with Japan due to the fact no Navy can come 10,000 miles across the sea to attack us if we have a Navy as large as hers. However, I believe that Japan would be satisfied with a 5–5–4 ratio.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield to the gentleman 5 additional minutes.

Mr. DONDERO. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. DONDERO. Does the gentleman know of anything in world affairs today which would make it either difficult or impossible to hold a conference such as he suggests be called in order to see whether his object would be attained?

Mr. FISH. I know of absolutely nothing to hinder it. I believe it would be welcomed by the American people and that Great Britain and Japan would jump at the chance to have a new conference. They have more at stake than we have. I propose to offer such an amendment to the pending bill. It may not be germane. I would be glad to have the gentleman who is head of the subcommittee on naval affairs appropriations offer it in my place. The amendment reads that the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference at Washington or elsewhere for the purpose of entering into agreements for the limitation of naval armaments.

Mr. UMSTEAD. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. I take it the gentleman from New York has forgotten that last year when this bill was under consideration I offered such an amendment. The amendment was not ruled out on a point of order but was defeated in committee.

Mr. FISH. It was defeated by a very few votes. The gentleman will remember I first spoke about it on the floor of the House. I urged him to offer the amendment, which was defeated by a few votes. I regret I was not here at the time to vote for the amendment, but if he will bring it up again I will be here and not only will work for the amendment but will vote for it, because I think it is the best thing that can be done at the present time.

Mr. STEFAN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Nebraska.

Mr. STEFAN. In the 5–5–3 agreement between Great Britain and the United States, how many actual ships did Great Britain destroy, and how many actual ships did we destroy?

Mr. FISH. I imagine that we destroyed more partly built ships or older ships than Great Britain or Japan.

Mr. STEFAN. Did Great Britain destroy any ships?

Mr. FISH. I believe so. I have confidence in Secretary Hughes, and the results prove he was right. There were all kinds of propaganda that we sank ships and nobody else sank any, and for years Mr. Hughes was berated as betraying the country; but the results proved a benefit to our country, to our taxpayers, and to peace. I wish to God we might have the same kind of conference and would sink some more ships, perhaps half of our Navy, if the rest will sink half of theirs.

Mr. STEFAN. If the gentleman carried out his plan, we would be up against the proposition of destroying more ships. Then why appropriate more money for new ships?

Mr. FISH. I am perfectly willing to appropriate money and let these nations know that we are going ahead to build more ships unless they enter into this conference with us.

Mr. STEFAN. But that would result again in the United States destroying actual ships costing millions of dollars and, on the other hand, Great Britain would destroy nothing but paper and blueprints.

Mr. FISH. The gentleman knows that it will take several years to build the ships provided for in this bill, but let me tell the gentleman, as a result of our sinking our ships we saved $250,000,000 a year for 15 years. You have to provide for every battleship you build. It will cost several million dollars a year to maintain each one. You cannot help saving money, whether we sink ships or whether we do not.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Is it not true also that because we saved so much money at that time we have to spend so much more today to rebuild our Navy?

Mr. FISH. No; not at all. If the gentleman means we are richer than any other nation and can spend a billion dollars to their $100,000,000, the gentleman is correct, if that is the attitude of the gentleman. That is the attitude of a great many people who have navy yards in their districts, and it is the attitude of the supermilitarists. We could reduce our Navy in half if the other big-navy nations would do the same and have ample national defense.

What is the policy of this country? Is this Navy for defense or is it for aggression? I have not heard any Democrat or anyone else say what the policy of the United States is. What is our policy?

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. What is the opinion of the gentleman from New York? Will not the gentleman give the committee the benefit of his opinion, instead of inquiring of us? What is the gentleman's opinion on whether the Navy is for offensive or defensive purposes?

Mr. FISH. I am a complete outsider. The gentleman is the chairman of the Committee on Naval Affairs, which draws up the policies and the naval program. Congress, not the President, has the constitutional duty to maintain and provide a Navy. It is the duty of the gentleman and the gentleman's committee to say what the policy is, and nobody has explained the naval policy of the United States. As a member of the Committee on Foreign Affairs, I would like to know what the naval policy is in connection with international issues.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Would it not seem the administration would take Congress into its confidence and tell us why it is asking for these tremendous sums of money?

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. VINSON of Georgia. The gentleman says he is an outsider. I may say to the gentleman there was no need for him to make such a statement, because the House is of that opinion, judging from his remarks.

Mr. FISH. The gentleman, as a big-navy man, speaks for himself but not for the House. The gentleman has failed to present to the Congress any policy at all. All the President asks for is appropriations, and we want to know, and insist on knowing, what the naval policy of the administration is. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Chairman, the purpose of my rising is not so much to clarify the confusing argument of the gentleman from New York [Mr. FISH] but to say the appropriation carried in this bill is the result of a definite and fixed policy resulting from the Washington and the London Conferences and the London Conference of 1936. The gentleman is somewhat confused. I said to him in all charity there was no need for him to state he was an "outsider on matters of this kind," because his argument was so inaccurate anyone who is familiar with the subject was aware of the fact he was an outsider.

No administration in the history of this country has ever done more to limit naval armaments than the present administration. A delegation headed by distinguished citizens and naval experts went to London and did everything humanly possible to bring about a satisfactory treaty with reference to the limitation of armaments. As far as I am concerned, and I know as far as the average Member of this House is concerned, we would welcome the day when naval armaments, not only in America but throughout the whole civilized world, would be materially reduced. As far as I am concerned, there is no desire that this Government participate in a naval race. For 15 long years we refused to build, hoping disarmament by example might be contagious throughout the world. What was the result? The other countries signatory to the treaties promptly commenced to build up their navies, until they placed the United States at a great disadvantage in its defense.

Now, Mr. Chairman, I desire to commend the gentleman from North Carolina on the able manner in which he has presented the naval appropriation bill to this House.

I have not, during my years of service in this House, heard as fine a presentation of a naval appropriation bill as was made by the distinguished gentleman from North Carolina [Mr. UMSTEAD], the chairman of the subcommittee.

This Congress and the people of the United States are to be congratulated on having the needs for this branch of our national defense forces in the hands of such an able statesman.

I also wholeheartedly concur in the fine tribute paid by the gentlemen from North Carolina to his able clerk, Mr. Pugh.

On yesterday the distinguished chairman of the subcommittee referred to with much apprehension the year-by-year increased appropriation that is carried to pay officers and enlisted men that are upon the retired lists.

He called the attention of the committee to the fact that in 1933 the appropriation was $22,000,000 and that for the fiscal year 1939 it is $36,000,000, being an increase of $14,000,000 in 6 years.

Now I grant that at first blush such an increase might cause some apprehension and alarm. But let us examine how the retired pay is made up and the reason why enlisted men and officers are placed upon the retired list and determine if a different course is justified.

By the act of August 29, 1916, Congress passed a law permitting enlisted men who had served for a period of 16 years to be transferred to the Fleet Naval Reserve.

Let me say that is the largest item of retired pay in the bill. It amounts to $15,507,347. That is for the 16- and 20-year men. On this list there are 18,189 men.

Under the law men who had served for 16 years were eligible to transfer to the Fleet Naval Reserve.

The act of 1916 was repealed by the act of February 28, 1925, which provided that no enlisted man could transfer to the Fleet Naval Reserve after July 1, 1925, until he had at least 20 years in the Navy.

Now, what was the motive and what prompted Congress to enact the acts of 1916 and 1925; that is, to transfer enlisted men to the Fleet Naval Reserve after serving 16 and 20 years?

First. The reason behind the enactment of this legislation was the difficulty of retaining men in the Regular Service for more than one or two enlistments.

Second. To provide trained personnel in the Reserve immediately available for a greatly expanded Navy in time of emergency.

Third. The Fleet Naval Reserve forms a reserve of trained men immediately available to the Navy in time of mobilization, and hence the Navy is able to operate in peacetime with allowances for the ships somewhat less than the number necessary to man them for wartime service. Should this Fleet Naval Reserve be abolished, it would be necessary to increase the allowances of all ships in the Regular Navy to provide the number of enlisted men who would be called upon as nucleus crews to man vessels taken over by the Navy in time of emergency and for gun crews of merchant vessels on such occasions.

If Congress should repeal the act of February 28, 1925, providing for the transfer of enlisted men to the Fleet Naval Reserve, the very first thing it would be necessary to do would be to increase the complements of the ships, and that would cost a great deal more than it is costing today.

It would mean that you would have to enlist men and keep them on the ships, for you would have no Reserve to draw from in case of national emergency, and it would be far more expensive than to have a reserve as now provided for by transferring men to the Fleet Naval Reserve.

In addition thereto, you would have to increase your training stations to care for a constant turn-over of enlisted personnel.

There would be no inducement for an enlisted man to reenlist, and after his termination of one enlistment he would go out and new recruits would have to be trained to take their place.

As a result today of the act of 1925, from 70 to 80 percent of the personnel reenlists, and every time a man reenlists it not only reduces the cost of the training establishment but it also increases the efficiency of the Navy.

Now, what happened during the World War? We did not have a large Naval Reserve. We had no nucleus to draw from, so the result was that the trained personnel had to be taken from the battleships and put upon auxiliary cruisers and merchant ships to man the guns placed thereon, and this resulted in a reduction of the efficiency of the battle fleet and for the time being the battleships were forced to be placed in the York River while new crews were being trained thereon.

It is absolutely essential that there be a pool of experienced men trained in the fleet under the immediate control of the Navy Department and that are also available for mobilization purposes.

With the complexity of modern installation, the necessity for trained men aboard ship is greater than ever before.

A man-of-war man cannot be made overnight nor fully trained for the more responsible duties in one enlistment.

Reenlisted men are the backbone of the fleet. I repeat it is essential for the efficiency of the Navy that there be reenlistments, and a transfer to the Fleet Naval Reserve with certain pay after a service of 20 years offers an inducement to the enlisted man to continue to reenlist.

There can be no doubt that the present system of retirement is in the interest of efficiency and economy. It would be false economy to do away with this method of retirement. It would cost far more and would jeopardize the efficiency of the Navy to let men go out at the expiration of one enlistment.

The item in the appropriation bill, "Pay and allowances of transfer and assignment of men to the Fleet Naval Reserve", which amounts to $15,507,347, goes to the enlisted men who have served from 16 to 20 years in the Navy. I repeat they constitute a naval reserve which in case of national emergency the Navy can draw from. There are 18,189 men in this group. The law requires them to be ever ready for service at the call of the Navy.

The next item in the bill for retired men is for the pay of enlisted men on the retired list which amounts to $8,599,950. Now this goes to men who have served for 30 continuous years in the Navy. They are approximately 50 or 52 years of age when they go on the retired list.

The best days of their life have been given to their country both in time of peace and in war.

Bear in mind that they are not officers. They are enlisted men who have served with honorable records for 30 years.

They too are eligible, if physically qualified, for call back to duty in the event of national emergency. These enlisted men, cannot after serving 30 years in the Navy go out in civil life at their age and commence life anew.

It is nothing but right and proper that the Government should compensate them in some manner for their long, faithful service.

The benefits of retirement are taken into consideration in all legislation in fixing their pay on active duty.

I submit that no economy can be brought about by eliminating this item, for in turn it would force higher active pay.

The next item is for officers on the retired list, amounting to $9,414,000.

On this list there are 2,510 commissioned officers and 642 warrant officers, making a total of 3,152 commissioned and warrant officers on the retired list of the United States Navy.

Officers are placed upon the retired list in accordance with various laws enacted by Congress. Five hundred and seventy-one officers on the retired list are there as a result of the selection law. Eight hundred and eighty-nine officers are on the retired list as a result of voluntary retirement after having served 30 or 40 years in the Navy. One thousand five hundred and seventy-four are placed on the retired list on account of their physical conditions. One hundred and fourteen officers are placed on the retired list who have reached the statutory age of 64 years.

To recapituate, there are 7,432 30-year enlisted men on the retired list; 18,189 16- and 20-year men on the retired list; and 3,152 commissioned and warrant officers on the list, or a total of 28,773.

Of this number only 571, or less than 2 percent, are on the retired list as a result of the selection law.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. COCHRAN. Is it mandatory for the enlisted man to leave the Navy after he has served 30 years?

Mr. VINSON of Georgia. I would say yes.

Mr. COCHRAN. And they enlist men in the Navy at the age of 18?

Mr. VINSON of Georgia. Yes.

Mr. COCHRAN. Therefore, a man who goes in the Navy at 18 and remains in the Navy for 30 years is 48 years of age when he has served 30 years.

Does the gentleman contend that a man physically and mentally sound at the age of 48 who desires to remain in the Navy should be required to go on the retired list?

Mr. VINSON of Georgia. I may have been inaccurate when I said that it is mandatory for him to get out. It may not be mandatory, but his usefulness is somewhat impaired, because he is 51 or 52 years of age, and he has served as an enlisted man for some 30 years. He goes out, but he is subject to the call of his Government in case of a national emergency.

Mr. COCHRAN. I would like to know whether or not the usefulness of the gentleman himself was impaired when he reached the age of 48?

Mr. VINSON of Georgia. But I would say that as a sailor I would not be as useful at 48 as I would be at 25.

Mr. COCHRAN. And as a Congressman?

Mr. VINSON of Georgia. Oh, he is more useful, because he has absorbed a great deal from experience and also from age.

Mr. COCHRAN. I think it is the same with the enlisted man as it is with the Congressman.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. CULKIN. A Congressman's status is purely mental, I assume.

Mr. VINSON of Georgia. Certainly.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Certainly.

Mr. JOHNSON of Oklahoma. Does the gentleman feel that it is good policy to permit anyone to retire from the Navy at 38 or even at 48 and then be permitted to go out and compete in industry and in many instances be given a preference over the average civilian?

Mr. VINSON of Georgia. If a man has not military usefulness, it is false economy for the Government to keep him in the military service, and there is no justification for it.

Mr. JOHNSON of Oklahoma. The gentleman well knows there are thousands of enlisted men who enlist at 18 years of age, with the consent of their parents, and then at the age of 38 they are permitted to retire.

Mr. VINSON of Georgia. That is correct.

Mr. JOHNSON of Oklahoma. And receive retired pay while competing in industry with other people.

Mr. VINSON of Georgia. He receives retired pay.

Mr. JOHNSON of Oklahoma. Does the gentleman approve of that policy?

Mr. VINSON of Georgia. Yes; for two reasons. It is in the interest of economy to do it, because you have to have a pool, a reserve, to draw from in case of national emergency, and if you do not offer them some inducement to reenlist they would leave the service, and it would cost more to train new men, and your Navy would not be as efficient.

Mr. Chairman, there are only 571 on the retired list as a result of this much-criticized selection law, or less than 2 percent of the retired list in the Navy is due to that law. So I say to the gentleman from Pennsylvania or to any others who seek to point out the great injustice of this selection law, that as far as figures show it is being administered fairly, and is an equitable law as far as obtaining efficiency in the Navy Service is concerned.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. SMITH of Connecticut. What is the percentage of retired officers who are retired because of the selection law?

Mr. VINSON of Georgia. No officer can be retired by the Selection Board until he has served at least 14 years in the Navy, and he goes out then with an annual pay of $1,008, and an officer who is retired after serving 14 years has had an opportunity eight different times to have been selected by the Selection Board.

Mr. SMITH of Connecticut. What I want to know for my own information is the approximate percentage of the officers on the retired list who are retired as a result of the selection system.

Mr. VINSON of Georgia. About 20 percent, because they have 2,510 officers on the retirement list and 517 are the result of the selection law.

Mr. SCOTT. And it is true, however, that we do retire some officers that are considered capable to fill the positions because there are no positions above them for them to go into.

Mr. VINSON of Georgia. Yes. I am very glad my colleague from California called attention to that. The officer strength of the Navy is regulated by law. It is based on an authorized enlisted strength of 137,000 men.

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I started this discussion in reference to retired pay of officers and men in the Naval and Military Services. The Budget estimates for the present year provide $65,909,818 for retired pay for the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

The suggestion I advanced was that in view of the fact we require the civil-service employees to contribute monthly toward a retirement fund, and the workers in industry to contribute to an unemployment fund under the Social Security Act, is it not reasonable to assume that it might be fair to the taxpayers of this country were we to require those in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey to contribute a little toward a retirement fund? For instance, a major general in the Army retires. His base pay is $8,000. He gets $6,000 for the rest of his life, yet he has never contributed a nickel toward the retirement fund.

The gentleman from Georgia has been here 24 years. I have been here, not as a Member of Congress but as a Member and a secretary for more than 24 years. When we go out of Congress we will not get one one-hundredth of 1 percent of our salary as retirement pay. I cannot speak for myself, but I know that the gentleman from Georgia has been a very valuable Member of Congress; and outside of the clerk of the committee, Mr. John Pugh, of whom he speaks so well, I think the gentleman from Georgia and the gentleman from North Carolina, the chairman of this subcommittee [Mr. UMSTEAD], know more about the Navy of the United States than any man in the country.

The cost of retirement is continually increasing. In 1933 retirement in the Navy cost the Government $22,416,592. In 1939, 6 years afterward, we are asked to appropriate $36,827,562, or in round numbers a $14,400,000 increase. If it continues at this rate, within 10 years the cost of retirement for the services I have mentioned will be up around $100,000,000.

Let nobody tell you that they do not kick this thing around to a certain extent. Men in the Navy 20 years, fully capable of carrying on, are retired. A noncommissioned officer retires at $137 a month. Within a week or 2 weeks' time after retirement he has another job in public life. I know the case of a man in the Marine Corps who retired after 20 years. Within 2 weeks' time he was work-

ing in another Government agency getting $150 a month on top of his retired pay. I admit he was a very valuable man. We all remember the case of a very distinguished officer of the Army who retired recently at the age of 56, in perfect physical condition, who gets $6,000 a year retired pay. Do you think he is going to loaf? Oh, no. Nine out of ten who are not retired for physical disability go to work.

I have suggested, and I suggest again, that it is a matter for the legislative committees in control to consider the advisability of setting up a retirement fund on the basis of contribution by those in the services I have mentioned who are going to benefit. They should be required to contribute something toward that fund as the civil-service employees of the Government and the citizens in private life are required to contribute toward their benefit funds.

Mr. Chairman, the gentleman from Georgia [Mr. VINSON], who, as I previously stated, is one of the best-informed men in the country on our Naval Establishment, naturally knows that it is only in time of war that this country required our citizens to enter the military or naval service. In times of peace the enlistment is voluntary. As to the officers the great majority are graduates of West Point and Annapolis. We all know that for every appointment we have to the Military and Naval Academies we have at least a dozen candidates. You likewise know we are besieged by Army and Navy officers to nominate their sons for appointments to the academies. Now, if the Army, Navy, and Marine Corps required a great sacrifice for one to make it their lifetime profession, do you think for a moment those who have been in the service would want their sons to become officers? It costs the Government about $12,000 to train and educate a cadet at West Point or a midshipman at Annapolis. They receive an education that millions of our young men would be glad to have. Then, when they complete their course, and graduate, they are immediately commissioned, go on the pay roll, and have a lifetime job. When the young man graduates from the private college, he does not go on any pay roll but must look for a job or build up a private practice if he is in the professional class. He pays his own way through college. We should not picture service in the Army and Navy as a hardship, because it is not.

Below will be found some figures taken from the Budget of the cost of the retirement system in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey:

	1937	1938	1939
NAVY			
Officers	$5,800,410	$9,000,000	$9,414,000
Enlisted men	4,419,910	7,600,000	8,599,950
Nurses	47,641	243,249	271,976
Men transferred to Reserve	10,451,041	15,260,000	15,507,347
Officers, Marine Corps	749,786	1,425,009	1,706,000
Enlisted marines	620,208	841,000	841,000
Marines transferred to Reserve	281,696	443,280	487,289
Total	22,416,592	34,842,529	36,827,562
ARMY			
Officers Warrant officers	9,447,323	12,999,525	13,123,676
Nurses Men	12,252,603	13,521,730	13,725,080
Total	21,699,926	26,521,255	26,848,756
Coast Guard			2,000,000
Public Health			200,000
Coast and Geodetic Survey			33,500
Grand total for 1939			65,909,818

You will note the increase from year to year by comparing the 1938 figures for the Army and Navy with the 1939 figures.

Not only should the legislative committees look into this matter, but I also feel that men physically and mentally qualified, regardless of whether they are officers or enlisted men, should be permitted to remain in the Army and Navy after 30 years' service if they so desire. It must be remembered they start their careers at an early age, and many of them have 30 years' service before they reach the half-century mark. The Government should never say that when a man reaches the age of 50, if he is physically and mentally sound that his usefulness, so far as the Army or Navy is concerned, is at an end.

Take a man in the Medical Corps—an enlisted man—who has served 25 or 30 years, he has the practical experience of a doctor. In the Navy a chief pharmacist mate is the doctor on board a destroyer and some other Navy vessels. He treats the men and prescribes for them, as does the medical officer, and it is only when this man is unable to diagnose the case that he sends a message to the medical officer on board some other vessel in the fleet or when the man becomes seriously ill. Why, during the World War chief pharmacist mates acted as medical officers of companies of marines serving at the front. If you do not think that statement is true, check up on it. To put a man out of the service with such training when he has served 30 years should not be permitted, provided the man desires to stay and passes the necessary examination.

The Army or Navy has no better friend in Congress than I have been. My record confirms that statement. Many men in both services have told me there was no sound reason why they should not be required to contribute toward a retirement fund.

Mr. DITTER. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER of Michigan. Mr. Chairman, no greater contradiction and inconsistency has developed in 5 years of the New Deal administration—filled as it is with contradictions—than President Roosevelt's assault on the press of America.

While he constantly insists that he wants to protect and encourage the small community industries, he now assaults, in his campaign against the newspapers and periodicals of America the most widespread, representative, thoroughly American community industries in the entire economic structure of the Nation.

While he constantly insists that his policy is to protect the rights of a free press, he is now assailing that free press.

While he constantly insists that he desires to protect the free expression of every hue and shade of opinion and criticism, he is now assailing in the most dangerous way the very organs of that free opinion and criticism.

Committed as he insistently asserts he is to the policy of lowering the cost of those things the farmers have to buy, he is now moving to increase the cost of one of the most vital necessities of American farmers—the cultural, religious, and class magazines and the general press.

Time and again Mr. Roosevelt has declared he is committed to the policy of carrying to the common people—the submerged one-third, if you please—the information and comment on vital subjects of government, of economics, of sociology, of culture—of all those matters which are of the most importance to them—yet he has now turned his back on all of that and is assailing the very avenues of information and comment which carry to the common people the facts of our national life and of world developments, of culture; and he is endeavoring to increase to them—the poor people—the cost of securing that information and comment.

The unvarying theme of Mr. Roosevelt's appeals to the masses is that he wants to secure for the underprivileged, the poorer classes, "a more abundant life." Well, Mr. Chairman, one of the greatest elements of a more abundant life is current literature. It is the religious, the cultural, the informative, and the analytical press of America. Yet, Mr. Roosevelt now moves to increase the cost, to those submerged and poorer classes, of procuring the benefits and the pleasures of the religious, the cultural, the informative, and the analytical literature which means so much to them. It is not the wealthy or the financially more fortunate classes who will feel the blow of an increased cost of newspapers and periodicals. It is those poorer classes to whom a new demand for pennies means more in their economic stresses than quarters or dollars mean to their more fortunate fellow citizens.

How, I ask you, Mr. Chairman, how can this attitude of the President and his authoritative spokesman, Secretary of the Interior Harold Ickes, be justified in the light of the iterated and reiterated promises of these men that they have at heart the interests of small industries and the common people?

President Roosevelt has taken the position that the press of this country should be denied the mail rates now accorded it and which have been the settled rates for scores of years. In that position he follows the philosophy of Mr. Ickes, who denounces the press as a "subsidized press" and who denounces the newspaper commentators as "kept commentators." In denouncing the press as he has, and in applying that offensive term of "kept commentators" to the writers of economic, social, and political comment and opinion, the Secretary of the Interior in his ungracious manner and his violent and unwarranted invective, has made the public assertion that these independent writers and commentators are harlots of their profession, ready for a price to prostitute their talents and their places in the literary world to the service of "aristocratic anarchists" and "economic royalists." That, Mr. Chairman, is a grave indictment. Little wonder it is that when he was called upon to name names and to cite instances the Secretary of the Interior took refuge behind weak and evasive statements that he had no special persons in mind and that he had not meant to accuse any specific newspaper or individual writer. It is time, Mr. Chairman, that these loose, violent, ill-conceived, and irresponsible accusations and epithets cease to flow from the lips of governmental officials who are supposed by reason of their high places and their duties to the whole people to be above such venomous and wanton invective when their plans are criticized or their acts are held up to public scrutiny through the columns of the public press.

What function, I ask you, has the press of America if it is not to keep the people informed of the acts of their public servants? What function has the press of America if it is not to comment freely on the policies and the methods of the reigning administration?

What function has the press of America, I ask you, Mr. Chairman, if it is not to keep the people informed, to interpret, clarify, and dissect the policies and acts of the public officials for the benefit of the citizens who have no other unrestricted avenue of information and analysis?

That Mr. Ickes should indulge in such tirades, and that he should take such an illogical position is not surprising. He has distinguished himself since he has been in public office by his ill temper, his ill-advised declarations, and his violent invective against any and all who oppose him or who incur his wrath. And, in passing, it might be observed that if Mr. Ickes, with his staff of sleuths and gumshoe men, had been half as assiduous in rooting out crookedness and misappropriation of Government funds and abuses of official positions and powers in his own Department under his own nose as he has been in seeking evidence upon which to attack a free press and independent commentators, the Government would have been saved a very large sum of money and the people would have been spared a lot of official venom which has been spewed over the air waves by the gentleman who is in charge of the Interior Department.

But, Mr. Chairman, how are we to account for President Roosevelt's joining his Secretary of the Interior in this assault on the American press?

The President must be aware, Mr. Chairman, of the fact that if the newspapers and periodicals of this country are forced to pay higher mail rates, that cost is not going to fall heaviest on the larger newspapers and magazines. It is going to fall with the most deadly effect on the small newspapers, the secular press, and the class publications.

The President certainly must be aware, as are we, that this increased cost will not and cannot be absorbed by the small newspapers and magazines, but must and will be passed on to the subscribers.

Mr. Roosevelt must be aware, as are we, that it is not the wealthy and the upper middle classes who will feel this new blow to their pocketbooks, but it will be felt most and quickest by the poor, the submerged, the one-third who are ill-clad, ill-fed, and ill-housed, about whom Mr. Roosevelt has so eloquently spoken time and again.

If Mr. Roosevelt's assault on the press of America is successful, what class of publications are going to feel the most deadening effects of this blow, Mr. Chairman?

In order to get at this question of what and whom the President and Secretary Ickes are striking at, let us examine briefly some of the facts and figures about journalism in this country.

It so happens that I have had some experience in the newspaper business in connection with the rural press of America, and I know something of what this assault by the President means to the small newspapers of the United States.

This burden, if the mail rates are raised on the newspapers and magazines, will fall with most deadly effect on the weekly newspapers of the country. Next it will affect most adversely the religious and social press of America. Next it will hit the small daily newspapers the greatest blow, and, finally, it will touch but lightly the great daily press and the larger magazines and trade publications.

Consider the figures, Mr. Chairman:

Newspapers and periodicals in the United States
(Ayers Newspaper Directory for 1937)

Newspapers:	
Daily	2,272
Daily (foreign)	167
Triweekly	45
Semiweekly	401
Weekly	11,592
Fortnightly	3
Semimonthly	15
Monthly	7
Miscellaneous	1
Total	13,743
Periodicals:	
Daily	131
Daily (foreign)	11
Sunday edition	17
Triweekly	15
Semiweekly	65
Weekly	1,251
Fortnightly	173
Semimonthly	253
Monthly	3,512
Bimonthly	203
Quarterly	530
Miscellaneous	187
Total	6,320
Michigan:	
Newspapers (daily and weekly)	451
Periodicals	122

As will be seen by these newspaper statistics taken from a standard newspaper directory for 1937, the great majority of newspapers which would be affected by a change in postal rates are weekly newspapers. The great majority of the periodicals which would be affected are the monthly publications.

It will be seen from this table which I desire to insert at this point in my remarks that a total of 13,743 newspapers and a total of 6,320 periodicals would be affected by a change in the postal rates. In my own State of Michigan 451 newspapers and 122 periodicals would be thus affected.

Now, what do these figures mean?

They mean that the small weekly newspapers and the largely nonprofit secular press will be forced to raise their subscription rates. It means that the farmers, the people in the small towns and the urban districts, will be the ones who will have to bear the burden of this assault upon the press of America by the President and his Interior Secretary.

It means that the cost of reading, the cost of information, the cost of comment on public questions will be greatly increased to the poorer classes, to the farmers, who are now able to enjoy their publications at a fair and economical cost. Those are the ones who will be penalized by Mr. Roosevelt's assault on the American press. Those are the citizens at whose pocketbooks he is striking. Those are the citizens whose sources of information and comment he is attacking.

Postal officials have themselves been quoted on the floor of this Chamber within the last few days by the able gentleman from Michigan [Mr. ENGEL] as authorities for the statement that the bulk of the newspapers carried by mail were some 15,000 rural publications delivered free within the counties.

Showing that it costs only $660,000 a year to give the farmer his newspapers under this preferential treatment, the gentleman from Michigan proved to us by carefully prepared and authentic computations taken from the reports of the Post Office Department itself that in 4 years the loss of revenue through franking the inconceivable masses of the New Deal bureaucratic propaganda which flood the country has been $120,694,678. He showed further that if the costs of the paper and the printing of this governmental bureaucratic propaganda are added that the bill paid by the American taxpayer in the last 4 years has been $220,803,425, or many, many times the alleged subsidy cost of providing the farmers of America with their newspapers and periodicals, and not the least of the bureau propaganda has emanated from the Interior Department. Mr. Roosevelt must be aware of these facts. He has access to these figures. He has at his command the experts to analyze them and to determine these facts.

Now, Mr. Chairman, let us examine another phase of this assault by President Roosevelt and his authorized spokesman on the press of America.

Mr. Roosevelt, in his statements to the Nation concerning what he termed a "subsidy" enjoyed by the press, stated that the annual amount of the subsidy was $89,148,000. His clear intent was to lead the people to believe that the taxpayers were having to bear an annual charge of that amount which went into the pockets of the publishers, and that if the subsidy were denied the publications that the sum of $89,148,000, or a very substantial portion of it, would be saved to the taxpayers.

Mr. Roosevelt's statement was wholly erroneous and unfair, and the only conclusion is that he has been grossly deceived by his advisers, something which is in itself inexcusable under any concept of safe and sound government.

The American Newspaper Publishers' Association, on January 8, called attention to these pertinent facts; I quote:

> The question as to whether daily newspapers receive a subsidy from the Government in the nature of less-than-cost postal rates was settled in favor of the newspapers in 1925 by a joint committee of Congress, which investigated rates for all classes of mail users.
>
> At that time the official representatives of the Post Office Department, appearing before the committee, testified that if every newspaper was removed from the mails there would be no appreciable saving to the Government because the postal establishment would have to be maintained for the public's benefit whether it handled newspapers or not. The hearings in 1925 demonstrated that charges of private agencies were far less than those of the Post Office Department for the same service. * * *
>
> Today more than 90 percent of the newspapers handled by the mails are for rural route delivery. The removal of these papers would not decrease the number of rural routes, but would decrease postal revenues and take from the residents of many rural routes vital sources of information.

These facts apply not only to the daily newspapers; they apply with greater force to the weekly newspapers, the religious, cultural, educational, and class magazines and periodicals.

Mr. Roosevelt certainly knew these facts when he made his unfair statements. At least he has at his command the assistants who could have ascertained the facts, and the only conclusion to be reached is, as I have said, that he has been grossly misled and deceived by his advisers in this matter.

Now, Mr. Chairman, let us see if we can find the reason behind this assault against the press of America.

There has not been a President nor an administration in the history of this Nation that has received more favorable treatment, more consideration, and more support than President Roosevelt and his administration. There has not been the slightest suppression by the press of any facts—nor of any statements, many of which were not facts—released by the present administration.

It is true that many of the administration policies and acts have been criticized by the press—and when and if the day ever comes that the press does not or dares not criticize administration policies and acts, that day free government will have disappeared from the face of the North American Continent and we will be living under the same kind of totalitarian government that today curses the peoples of Germany, Italy, Russia, and other dictator-ridden countries.

The greatest safeguard of our constitutional Republic, the greatest safeguard of the liberties of our people—religious, political, economic, and social—rests in a free and fearless press.

So, then, Mr. Chairman, what motive, what purpose lies behind this assault on the free press of America?

There has slowly evolved and taken shape before our eyes a definite plan which was conceived by the New Deal advisers when, if not before, Mr. Roosevelt took office.

Early in his administration an attempt was made to execute that plan in such measures as the A. A. A., the N. R. A., and similar laws, all looking to rigid centralization of government in the Federal executive department, with rigid regulation and regimentation of all lines of industry, agriculture, and labor by an all-powerful political bureaucracy.

It has now become clear that an important—a vital—part of that system was to accomplish the annihilation of any group, class, or agency which might oppose it by inciting a misinformed and excited public opinion to such hatred of it that any such group, class, or agency would be rendered impotent and would be silenced by the force of this misdirected public opinion.

It is now clear that there has never been any deviation from that plan up to this hour. There has never been the slightest tolerance for adverse comment, constructive criticism, or honest differences of opinion. From President Roosevelt down to the most minor bureaucrat the attitude under the New Deal has been that any individual, any group, or any agency that opposed the New Deal policies or criticized the New Deal policies or disagreed with the New Deal policies did so from the basest motives of greed, selfishness, treachery to the Nation, and hatred of all human decencies. No matter who supported or who agreed with the President and his New Deal policies, nor how long they agreed with and supported those policies, just let them but one time disagree and criticize one policy and they were forthwith damned by the New Dealers and vituperated publicly as traitors, as enemies of the people, who had sold out their principles and their influence to the "money changers" and the "economic royalists" for a price.

First, Mr. Roosevelt incited the hatred of the people against the "money changers." Then when many businessmen opposed some of the New Deal policies of regimentation they were labeled "economic royalists" and the public wrath was raised against them. Then when a new campaign of hatred was needed by the New Dealers they discovered the "princes of privilege." The public wrath was turned against them.

When a fearless and independent Federal judiciary stood in the way of unconstitutional acts whipped through a supine Congress, the guns of venom and hatred were turned on "the nine old men." The justices were held up to public abuse and scorn as senile, doddering, old reactionaries who had set themselves up as a sort of supergovernment.

Then when the legal fraternity came to the defense of the courts the vials of wrath and abuse were opened against the lawyers as "legalists."

When the most ardent supporters of Mr. Roosevelt and the New Deal, the most liberal of the Members of this Congress, fearing for the independence of the judiciary and the very foundations of the Constitution, found themselves conscience bound to oppose the President's court-packing plan, they were pilloried by the President and his New Deal spokesmen as traitors to their country, their party, and their principles. Not one single word came from the administration camp

even conceding that these men were honest and sincere in their convictions.

When the Court bill was beaten, the New Dealers turned their batteries of hate against the "Tories" and the "Macaulayites."

And, finally, when the boasts of the President and his spokesmen that prosperity had returned, and that recovery was accomplished because "we planned it that way" were refuted by the present depression, a new campaign of hatred had to be inaugurated in an attempt to shift responsibility from the shoulders of the administration onto the back of some group or class. It was then from the lips of the President and of his Assistant Attorney General, Robert H. Jackson, that we began to hear accusations against the "monopolists," and the new class of public enemies styled "aristocratic anarchists." At the same time, all of the venom of which Interior Secretary Harold Ickes is so capable was turned against the "subsidized" press and the "kept" commentators. Immediately Mr. Roosevelt took up the refrain of hate against the press, and so today we witness the unfolding of a campaign of reprisal against the press precisely as we have witnessed campaigns of reprisal against all these other groups and agencies which have dared to disagree with Mr. Roosevelt.

When the demand that he name names and cite instances to support his abusive accusations against a "subsidized press" and "kept commentators" grew so voluminous that he had to take notice, Mr. Ickes retreated behind the weak and discreditable assertion that he had not meant any specific newspapers or any particular writers. By that act he left all newspapers and all commentators wide open to the public suspicion of belonging to the very category Mr. Ickes had vituperated.

President Roosevelt, in the same position, when public demand grew that he name names and cite specific acts as proof of his assertions that "monopolists" and "aristocratic anarchists" had deliberately planned and precipitated the present depression in order to discredit New Deal policies, took refuge behind a refusal to name names or to cite specific acts and said that he was referring to a "generic group, not particularly individuals." So now our latest public enemies, our latest traitors to the Nation, are the press, the commentators, and those specterlike and evil-intentioned "generics" who flit, in ghostly elusiveness, through the shadows of the economic structure of the Nation working ruin to the welfare of the people out of the sheer glee of a satanic sadism. Piffle!

The entire system of trying to destroy any individual, any group, class, or agency which opposes the New Deal march toward an authoritarian form of government is behind this attempt to wreak reprisal against the press.

Whether it is intended by Mr. Roosevelt to be so or not, the inescapable effects of this campaign to increase the cost to the subscribers of all publications and printed avenues of information is calculated to turn hundreds of thousands to the radio for their only information and comment on vital public questions as they abandon their newspaper and periodical subscriptions.

No method exists under the Constitution for controlling or limiting a free press. The framers of the Constitution wisely saw to that. The radio is rapidly growing in importance and influence as an agency of communication. The agency for controlling that medium of information and comment does exist. It is the Federal Communications Commission, which is under the domination of the President and his New Dealers. The tenor, the quantity, and the kind of information and comment that go out over the radio can be controlled and regulated. I think the inference is plain.

Now, Mr. Chairman, this is the record. It has been made by Mr. Roosevelt and his New Deal advisers themselves. It is a public record that cannot be denied. And I do not hesitate to say that the most dangerous assault we have yet witnessed against constitutional government, against the liberties of the people, against tolerance, free speech, and free press, not excepting the court-packing plan, is to be found in this assault against the free press of America.

It behooves every newspaper and every other publication in this country to mass their strength to meet this new and dangerous onslaught against the Constitution and against free government, free press, and free speech.

It behooves every liberty-loving American who desires to see the Stars and Stripes remain the symbol of religious, political, and social tolerance to be alert and to refuse to be lured into this campaign to suppress free press and free speech in America.

The historic fact which since the World War has been demonstrated in several European countries is that suppression of free press and free speech leads straight to dictatorship, just as dictatorship must of necessity suppress and abolish free press and free speech. That fact should cause every liberty-loving American citizen to reject in scorn and indignation this proposal that the press of America be punished and muzzled and finally destroyed because it has dared to fulfill its true function of fearlessly reporting, analyzing, and opposing governmental, economic, or social policies which would, if carried out, transform our free Republic into the government of a Stalin, a Hitler, or a Mussolini. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Wisconsin [Mr. BOILEAU].

Mr. UMSTEAD. Mr. Chairman, I also yield 10 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, for a long time I have taken the position that this country would be better off if instead of having two separate Departments for the War and Navy we had only one Department of National Defense. To this end I have introduced in the last two or three Congresses a bill which in the present Congress is known as H. R. 1488. This bill has for one of its purposes the consolidation of the Army and Navy into one Department of National Defense under a Secretary of National Defense, with three Undersecretaries, one for the Navy, one for the land force, and one for the air force. One of the things that will be accomplished by such a bill would be to have an appropriation bill come to this House at one time embodying all the phases of national defense.

In my judgment it is unfortunate that we have an appropriation bill for the Navy and an appropriation bill for the Army brought up separately. If we were to have appropriations for both arms of the national defense before the House in one appropriation bill we would get a little better picture of what our military establishments really are. I believe we would then be able to accomplish something along the line of eliminating from the so-called national defense those activities and agencies within the Army and Navy that are designed and primarily useful only for foreign aggressive warfare.

Mr. Chairman, the bill I refer to, H. R. 1488, provides further that this new Department of National Defense shall be reorganized so that there will be eliminated such activities and agencies that are designed and primarily useful only for foreign and aggressive wars. We should organize our defense policy and our defense establishment for defense only.

If this principle of defense only is accepted, so far as I am concerned I am willing to go down the line with any group of American citizens who are willing and anxious that we have an adequate national defense. Unfortunately at the present time the term "adequate national defense" means something in addition to defense. It means preparation for aggressive or foreign warfare. I am willing to eliminate all appropriations except those which are designed to take care of defense only.

Mr. PIERCE. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Oregon.

Mr. PIERCE. Does defense include Alaska, the Hawaiian Islands, and the islands in the Caribbean Sea?

Mr. BOILEAU. Absolutely. I refer to the defense of the continental United States and its possessions and Territories. I am of the opinion we should prepare against invasion of those Territories and possessions, but I submit to the gentleman from Oregon if we want to defend those islands and

possessions and the continental United States, we should accept the statement made by Admiral Bristol in 1932 when he was Chief of Operations of the United States Navy. He stated at that time that the Navy is not intended primarily for the purpose of defending our coasts and our harbors. He said for this purpose we have land fortifications, submarines, mines, and the air corps. I submit to the gentleman from Oregon we should use those agencies for the defense of the continental United States. We should use those agencies for the defense of our possessions and our Territories.

May I say further to the gentleman from Oregon that in my judgment much of the activity of the Navy Department at the present time is designed to prepare us for a foreign war of aggression rather than a war of defense.

Mr. RANDOLPH. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Is it not a fact that the money to be spent upon our naval program for defense should be in the nature of the construction of aircraft carriers instead of the construction of heavy battleships?

Mr. BOILEAU. I agree with the gentleman absolutely. When we come to the point in the bill which carries the appropriation for these two battleships, I propose to offer an amendment to strike out that appropriation because I believe a battleship is an instrument of aggressive warfare and not for defensive warfare. If the House accepts my amendment then at the proper time I shall offer another amendment to take that amount which is included in this bill for the two battleships and use it for the purpose of constructing and equipping additional airplanes for the defense of this country.

Mr. STEFAN. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Nebraska.

Mr. STEFAN. Will the gentleman agree with me a lot of the waste and inefficiency, and a lot of the trouble in the Army and Navy, would be eliminated if we could put the Army and Navy under one head and combine them for the purposes of efficiency?

Mr. BOILEAU. I think that would be a tremendous benefit to the country, and, as I stated a moment ago, I have introduced a bill along that line.

Mr. RANDOLPH. I have no desire to continue this line of questioning, because I agree with the gentleman.

Mr. BOILEAU. I appreciate the gentleman's statement.

Mr. RANDOLPH. But I hope he will present this matter of continued aircraft improvement in place of battleships in a manner that this committee and the House will join with him in seeing that this is done, for I believe we should support him in his efforts.

Mr. BOILEAU. I appreciate the gentleman's kind offer of assistance, and I know his assistance will go a long way toward bringing about this desired result.

To my mind, it does not make any sense to spend $70,000,000 for a battleship when this same amount of money will build a thousand first-class bombing airplanes. In all seriousness, does a single Member of the House believe that from the standpoint of defending this country we would not be better off if we eliminate these two battleships and in their stead provide for the construction of approximately 2,000 bombing planes? This makes sense. I appreciate the fact a bombing plane does not have the life of 26 years which is the life of a battleship.

Mr. RANDOLPH. It does not take so long to build them, either.

Mr. BOILEAU. I thank the gentleman. However, if you take this $140,000,000 which you originally put into the construction of two battleships and add to it the cost of maintaining the battleships during their lives of approximately 26 years, you will have a much larger amount than $140,000,000. Take the amount you would thus arrive at and figure out the number of bombing planes you could build over a period of years. If we could eliminate these two battleships and thereby save the cost of construction and of maintaining and operating them for 26 years, I am satisfied the total amount of money saved would be enough to provide for and operate a permanent squadron of hundreds, yes, perhaps a thousand, airplanes over a period of 26 years, and then some, and all during that time you would have an effective defense.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Practically 5 years would be consumed in the construction of one battleship. If we are thinking about defense now, and the proper preparation by this country against invasion, we should think in terms of next year and the following year, not 5 years hence, when this $70,000,000 battleship will be completed.

Mr. BOILEAU. The gentleman is correct. As the gentleman suggests, let us think about defense and defense only. Do not let some of these patriotic organizations fool you by their talk of what constitutes an adequate national defense. When the American Legion and the Veterans of Foreign Wars are about to hold their national encampments—and I have been advised of this by what I consider reliable authority, although I have not seen the letters myself—their national-defense committees write down here to the Navy Department and to the War Department for their recommendations as to what they want for the Navy and the Army. Then when the national encampment is in session these national-defense committees of both organizations, and I belong to both of them, report the identical programs submitted by the Navy and the Army as their recommendations for national defense. Then the American Legion and the Veterans of Foreign Wars national encampments swallow the recommendations of these committees, and you and I are told that such recommendations are the result of the deliberate judgment of the rank and file of the ex-service men of the country. This is ridiculous. It is unfortunate these two great patriotic ex-service men's organizations should be so misled.

I believe in defense as much as any other man in this body. I would not enlist in the United States Army for the purpose of fighting a foreign or aggressive war, but I would go as far as any other man in this body or in this country to support my country in the event of invasion or attack.

I do not believe these battleships are necessary. A thing that worries me a great deal is the fact that we have before us here today a naval appropriations bill which does not express the viewpoint of anybody. The distinguished gentleman from North Carolina, the chairman of the subcommittee, a man of outstanding ability, than whom no finer or more intelligent man now serves or has ever served in this body, in discussing this bill, made a statement to the effect that it carries out the policy of the administration and the policy of Congress. In saying it carries out the expressed policy of Congress, does the gentleman mean this bill carries all the appropriations authorized by existing law? No; he does not mean that, because he said we could go even further than this bill provides, under existing authorizations, in the construction of battleships. There is some question whether or not this bill does not go further than the law allows at the present time with reference to submarines and cruisers, so it is not the policy of Congress. At least, if the gentleman accepts the dictates of Congress in that respect, he should go all the way and adhere strictly to the mandates of Congress and provide for the full authorization.

Is it the administration's policy? He said it was, but can you call this the administration's policy when you and I and every one of us here today know that in a day or two the President of the United States, after we get this bill out of the way, will come in with a special message—some other suggestion—with reference to the Navy? Therefore, this is not the administration's policy, because everybody knows the President is going to come in here in a couple of days with a new policy.

Therefore, we must conclude, even though the gentleman from North Carolina does not say this represents the deliberate judgment of the Committee on Appropriations, that this is, after all, the handiwork and represents the better judgment of the Committee on Appropriations.

Mr. FERNANDEZ. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Louisiana.

Mr. FERNANDEZ. The gentleman will admit the Committee on Appropriations, in bringing this bill to the floor of the House, has carried out the President's message of last November?

Mr. BOILEAU. Oh, we are going to have another message in January, in just a couple of days. The gentleman knows it, and I know it. The protest I am making here is addressed to the President of the United States as well as the Committee on Appropriations, and it is that we should not be passing appropriations for a Navy program for 1939 until we have the whole picture before us. It is an insult to the Congress for the President of the United States deliberately to withhold his recommendations until after we have acted on this bill.

It seems to me the Committee on Appropriations is not dealing fairly with the House in bringing an appropriation bill in here, knowing all the time that in a few days we are going to have some other kind of naval program proposed. The Members who are going to vote for or against this program should know what is going to be finally proposed.

I started out my remarks by criticizing the fact we do not have the whole national-defense program before us at one time. We have the program broken up as between the Navy Department and the War Department, and now we are even breaking up the naval appropriations.

We bring in one naval appropriation bill, and although none of us know what the President is going to recommend it is generally understood he is going to have some message before this Congress in a few days that will affect naval appropriations or at least authorize further naval construction. He might ask for more battleships; I do not know. Maybe he will only ask for rowboats, but I am inclined to think that instead of asking for rowboats he will probably ask for some pretty heavy construction. He may also ask for more airplanes. He may have the same viewpoint that many of us have here with reference to aircraft, but do you not think he ought to tell us what he has in mind before we pass this appropriation bill?

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. RANDOLPH. I am certainly in agreement with the gentleman from the standpoint of bringing before the Congress of the United States a national-defense program not broken up into Navy Department and War Department appropriation bills. Should we not, and quickly, try to create sentiment in this Congress to bring about a Department of National Defense instead of having a Secretary of War and a Secretary of the Navy in the Cabinet of the United States?

Mr. BOILEAU. I thank the gentleman. I do not know whether the gentleman was here when I stated that I have introduced a bill that proposes that very thing, and I believe it is a bill that merits the consideration of the membership of this House. I do not say that because I drew up the bill. The basis of the bill was one drawn up by the legislative counsel for Mr. Byrns, a former Speaker of the House, when he was either majority leader or chairman of the Committee on Appropriations.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. WOODRUM. The gentleman has referred to the fact that the Committee on Appropriations is breaking up the defense program into the Navy and War Departments. Of course, the gentleman should not lose sight of the fact that the Committee on Appropriations has brought to the Congress appropriations based upon existing authorizations as submitted by the Budget, and that is the matter that is before the Congress now and the one that Congress will pass upon. It seems to me the very reverse of what the gentleman from Wisconsin has stated is true, and the more logical way to proceed would be to pass upon present authorizations and then the Congress can determine in a legitimate and orderly way whether or not it wishes to enlarge these organizations because, as the gentleman knows, of course, the Committee on Appropriations cannot say that we want 10 more battleships or so many more airplanes.

Mr. BOILEAU. They can provide for two more battleships.

Mr. WOODRUM. They are doing that in this bill.

Mr. BOILEAU. Two in addition to those provided for in the bill.

Mr. WOODRUM. We should pass upon these appropriations, and then it will be for the Congress to say whether or not it wishes to enlarge the program. It seems to me that this is logical consideration of the matter which the gentleman is asking.

Mr. BOILEAU. No; I would say to the gentleman that if we are going to have logical consideration of naval requirements, it all ought to be done at one time. What the President may recommend may not need additional authorization. I do not know. He could ask for two more battleships than those appropriated for in this bill. There would not be any additional legislation necessary in that respect except the appropriation bill, but I submit that the Appropriations Committee, knowing that the President has something very important to say to us in a day or two and is just waiting for us to get this matter out of the way, should delay consideration of this appropriation bill until his message is received and we know what he has to say. If we could see the whole picture there might be a few more Members of the House that would go along with those of us who are now saying, "My God, we are going in the wrong direction—we are heading for war!" and there might be enough sentiment of this sort in the House to kill the appropriation for the two useless battleships provided for in this bill.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. VINSON of Georgia. Then the sum and substance of the gentleman's argument is that the legislative committee and the Appropriations Committee should bring in the bill and the bill should be made up by the legislative committee?

Mr. BOILEAU. I think the President of the United States ought to have confidence enough in the Democratic Members of the House to put his cards on the table and that he ought to trust you. I am not a member of your party, but I am willing to trust you; at least, I am willing to trust you so long as I have the right to express my views and have the right to protest against what I might consider ill-advised legislation, but the President, certainly, ought to have confidence enough in the group here composed of you gentlemen on the Naval Appropriations Committee and on the Naval Affairs Committee to trust you. You are not the enemies of a big navy. You have not so demonstrated because you have been pretty willing to grab any kind of recommendation the Navy Department sends you. He does not have to feed it to you in two swallows because you have demonstrated a capacity to swallow it all in one gulp.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman from Wisconsin 3 additional minutes.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. LUCAS. I think we are all interested in anything the President of the United States has to say upon any important matter.

Mr. BOILEAU. Absolutely.

Mr. LUCAS. I am wondering whether or not the gentleman can tell the House the source of his information as to what the President may or may not say.

Mr. BOILEAU. Oh, I think I make it clear. I have no knowledge, and I presume no one of us has any knowledge

as to what he is going to say, but the gentleman knows, certainly, that the newspapers have been predicting for several days that the President is going to have a message here that is going to relate to the Navy. Does the gentleman agree to that statement that is generally recognized to be a fact?

Mr. LUCAS. Does not the gentleman think before he makes that sort of a veiled attack upon what the President may or may not say he should have reliable information before he does that?

Mr. BOILEAU. I am not making an attack upon the President or upon anybody. I am criticizing both the President and the Committee on Appropriations for bringing in a bill here affecting the Navy, when these members of the Committee on Appropriations and the gentleman from Illinois [Mr. LUCAS], the gentleman from Georgia [Mr. VINSON] and myself and every one of us have every reason to believe that within a day or two there is going to be a special message here with reference to the Navy. What is going to be in that message I do not know. I do not claim to know, and I have no knowledge what the President will state in his message. It is predicted that he will send us such a message and, of course, he would have denied the newspaper reports if they were not true.

Mr. LUCAS. I think the gentleman from Wisconsin and the gentleman from Illinois agree that we do not believe everything we see in the newspapers and until the President authorizes or informs someone in authority as to what he is going to say—then I submit that no one should make such an earnest speech upon speculation or conjecture.

Mr. BOILEAU. The gentleman will see that such a message will be sent here within a few days.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. VINSON of Georgia. Does not the gentleman know that the Committee on Appropriations cannot deal with anything that may be sent here with reference to any addition to the fleet until it becomes a law?

Mr. BOILEAU. Does the gentleman know what is going to be in the message?

Mr. VINSON of Georgia. No; but I am dealing with what is already in the law.

Mr. BOILEAU. And I will answer the question by saying that I know, and the gentleman who is chairman of the Naval Affairs Committee knows, that under existing law and authorization the President could tomorrow come in and say he advocates the addition of two battleships to those already provided in this bill, and the gentleman's committee would not have to consider it at all.

Mr. VINSON of Georgia. Because Congress has already authorized them and provided for them.

Mr. BOILEAU. That is it exactly.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. VOORHIS. I would like to go back to the gentleman's bill, H. R. 1488, and the principle involved in it. It appears to me that such an organization of our national-defense forces is reasonable, that it would be efficient and might tend to make those forces better knit, and as the gentleman himself has suggested, point them in the direction more definitely of defense. The question I want to ask is this: What argument, as far as the gentleman knows, can be used against a reasonable proposal of that kind?

Mr. BOILEAU. I have not heard any gentleman argue against it yet. I say to the gentleman that he can take the program provided for in that bill and talk it over with any man or woman in the United States, and he will find that practically all agree with its provisions, except that you must not go to an Army or a Navy man and talk with him. He would not dare talk. The intelligence and the brains of the Navy and the War Departments are not available to the people. Army and Navy officers are tongue-tied, because they must first receive authority from somebody above them in rank before they can state their mind. The gentleman and I cannot get information from them unless we can get them over in the corner, and then they will say, "Oh, don't use my name." It is a disgrace to democracy. If they say anything which suggests reform in the service, they say, "Yes, I think this situation is bad, but don't use my name."

This censorship is curtailing the rights of American citizens. Intelligent officers cannot help to expose bad conditions in the service. They cannot tell you anything. The only officers you can get to talk about these conditions are those who have already retired, and after retirement some of them will tell you some of the things that have been and are going on in the War and Navy Departments.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the constant increase in appropriations for national defense should be a matter of deepest concern to this House and to the people. Back in 1923, the first year that the Budget plan for making appropriations was in effect, we appropriated $298,000,000 for the Navy, and that was further increased in 1930 to $362,000,000, while the present bill carries over $550,000,000. I think that we should be told against whom we are arming. So far as I am personally concerned, I am absolutely and completely in the dark as to the need for these tremendous appropriations, which we are told will later on be followed by a request for an additional substantial sum.

I am for an adequate Navy, and I feel every Member of this House is for an adequate Navy. I recall a very bitter fight back in 1922, when it looked as though the small-Navy crowd were going to put their program through, a proposal which, as I recall, would have drastically reduced the personnel of all branches of the service. The battle lasted 3 or 4 days. At that time I stood with the so-called big-Navy crowd. I believe in a sufficient Navy, because the Navy is our first line of defense; but I am wondering, in the light of past experience, whether Congress is justified in appropriating $140,000,000 for two battleships at this time. You know $140,000,000 will build a lot of airplanes. I think Italy, with her superior air force, demonstrated conclusively when she backed Great Britain and France up against the wall 2 years ago, because of her superior air force, that the naval powers are afraid of aircraft. It follows, in view of what happened over in the Mediterranean at that time, that all nations fear those countries that are well equipped in the air.

Let us turn to the Battle of Jutland. I do not pose as a naval expert, like my good friend from Georgia——

Mr. VINSON of Georgia. I do not pose as one.

Mr. KNUTSON. Or my friend from California, but if my memory serves me correctly, the Battle of Jutland demonstrated that the German pocket cruisers were more effective and caused more destruction in that battle than did the big superdreadnaughts of the British Navy.

I happened to have read an article several years ago to the effect that the advantage of the Battle of Jutland rested with the German fleet, more especially in view of the great disparity in tonnage strength between the two fleets.

It is generally conceded, I think, that we have supremacy in the air at the present time. I have noticed that each time an appropriation bill comes up for the Army or the Navy we are told of some mysterious power that is threatening our national security. This has been going on as long as I can remember and, I assume, long, long before that. Now, $140,000,000, especially in view of the condition of the National Treasury at this time, is a very considerable item. This sum of money would, for instance, build 2,800 scouting or observation planes, according to the table published on page 490 of the committee hearings. This sum would build 5,600 miles of concrete highway at a cost of $25,000 per mile; and it may be interesting to note that it would build 1,400 community hospitals where the underprivileged could receive free treatment.

I think—it may be that the committees have this information, but, if so, there is nothing to indicate it—that the Congress should be taken into the confidence of the executive

department and that we should be told if any danger threatens our country. There is not a man here who would vote against providing for ample national security. There are no pacifists in this House, but we do not want to vote needless sums for this or any other purpose.

I do not understand why the President does not call a disarmament conference of all the leading nations—Great Britain, France, Italy, Germany, Russia—and such others as he may decide to call. We are in this mad race 100 percent. We talk about Germany, Italy, France, and Great Britain spending such vast sums. Great Britain is going to spend $7,500,000,000 in the next 5 years for preparedness. Why would it not be much better for the President to call these countries together to see if we could not arrive at some agreement about minimum expenditures for war? I feel that the time is ripe for such a conference. There has been no effort made to do that; but each time the legislative branch of these various governments meet they vote additional huge sums for defense purposes, and the spending of this money is really not going to bring anyone save the munitions makers any return in the long run. [Applause.]

Last March I introduced a concurrent resolution asking the President to call an international disarmament conference with a view to stopping this mad armament race that is rapidly sapping the lifeblood of civilization. Why has he not done so? The people of the world are sick of war, and they want the crushing load of preparedness lifted from their shoulders. Here is a good place to make a beginning in that direction, and I shall do what I can to lighten the load by voting to eliminate the item for two new superbattleships, and, failing in that, I shall vote against the passage of the bill. It is all very well to talk about reduction in armaments; but here we have a case where action speaks louder than words, and I invite the House membership to join me in the the fight to keep America out of the next war.

Mr. PLUMLEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, under permission to extend my remarks, I would like to call attention to the following matter, since it has particular interest to the employees and employers in many industries in my State of Vermont and the New England area.

Sometime ago I sent letters to many of the manufacturing establishments, chambers of commerce, industry associations, and the like in my State of Vermont calling their particular attention to the recent announcement by the State Department of impending trade agreement negotiations to be presently entered into between the United States and the United Kingdom, and the United Kingdom on the part of Newfoundland and the British Colonial Empire.

I did this after a careful reading of this State Department announcement in which there was set forth a long list of products "which will come under consideration for the possible granting of concessions by the Government of the United States"—or, in other words, "on which the present tariffs may be further reduced."

I found therein many, many products manufactured in Vermont and the nearby New England area. It was my thought that the manufacturing establishments involved, for their own sake and that of the people they employ, should have it forcibly brought to their attention so that adequate representations may be made to the Committee for Reciprocity Information prior to the announced closing date for applications on February 19, less than a month hence.

Included among those to whom I sent communications are the following:

James P. Dewey, president of Associated Industries of Vermont, and of the A. G. Dewey Co., woolen manufacturers of Quechee; Gay Bros., woolen manufacturers of Cavendish; James P. Taylor, secretary of the Vermont Chamber of Commerce, Burlington; R. C. Taft, manager, American Fork & Hoe Co., of Wallingford; Jewel Brook Woolen Co., of Ludlow; Johnson Woolen Mills, of Johnson; Harris, Emery Woolen Co., of Quechee; Bridgewater Woolen Co., of Bridgewater; Black Bear Woolen Co., of Proctorsville; American Woolen Co., of Winooski; Lion Brand Shirt & Collar Corporation, of Fair Haven; Fort Dummer Mills, of Brattleboro; Newton Thompson Manufacturing Co., of Brandon; Bullard Lumber Co., of North Hyde Park; Queen City Cotton Co., of Burlington; the Aiken Nurseries, of Putney; the Pilgrim Plywood Co., of Waterbury; Roy Bros., of Barnet; and others.

On January 13 I addressed the following letter to the president of the Vermont Chamber of Commerce:

JANUARY 12, 1938.

PRESIDENT, VERMONT STATE CHAMBER OF COMMERCE,
Montpelier, Vt.

(Attention of James P. Taylor, secretary.)

FRIEND: I have been looking over the copy of the State Department's news release relating to the announcement of the trade-agreement negotiations with the Government of the United Kingdom and with that Government on behalf of Newfoundland and the British Colonial Empire.

Therein, listed among those products on which the United States "will consider granting concessions" are many products currently manufactured in Vermont, I find. Among the many products set forth I might mention the following:

Flavoring extracts; hay forks; scoops; shovels, spades, and drainage tools; textile machinery; forks, hoes, rakes, and agricultural hand tools; veneers of wood; furniture, wholly or partly finished; cuttings, seedlings, and grafted or budded plants or evergreen ornamental trees, shrubs, or vines, and all other nursery or greenhouse stock, not specially provided for; cotton manufactures; woolen woven fabrics; felts, belts, blankets, jackets, and other machine clothing; blankets and similar articles (including carriage and automobile robes and steamer rugs) made of blanketing, as units or in the piece; field hockey sticks and guards, polo mallets, table-tennis bats, croquet mallets, golf clubs and tees, soccer guards; and others.

I have written to several of those I believe might be interested in (and adversely affected by) a downward revision of the present tariff on their goods, but I have not covered the field, I am sure. It would appear to me to be wise for those whose products are so listed to submit briefs setting forth their views as to the reasons why their products should not be among those used by the Government in this "trading" and that the tariffs be allowed to stand as they are at present. Were the tariffs to be substantially lowered, there would be a consequent increase in unemployment due to the increased competition that would come from the imported goods, adversely affecting our local manufacturers and their products.

We have seen the detrimental effects of some of the trade agreements that have been negotiated heretofore, and it would appear to be prudent for those whose products might be affected to submit briefs.

I notice that the closing date for submission of briefs has been set at February 19, 1938, and this same date is the closing date for application to be heard. Public hearings open March 14, 1938. The written statements filed must either be typewritten or printed and must be submitted in six copies, of which one shall be sworn to. All information and views must be in writing, and all applications for supplemental oral presentation of views should be submitted to the chairman of the above-mentioned committee prior to the date indicated.

My thought in writing to you at this length is that this matter, of primary importance to many small business organizations in Vermont, might be, inadvertently, overlooked until too late for proper filing.

I am sure you know that if there is any way in which I can supply further information along this line, or any other, to you or to any of those who may be affected, that all you have to do is to call on me.

With best wishes for the new year, I am,

Sincerely yours,

CHARLES A. PLUMLEY,
Member of Congress from Vermont.

On January 17 I made the following statement concerning the matter:

The proposed trade-agreement negotiations presently to be entered into by the United States and the United Kingdom should be given close attention and viewed with considerable concern by many, if not most, of the New England industries and those employed by them.

With the listing of those articles "which will come under consideration for the possible granting of concessions," we find a virtual manual of products manufactured in our small New England villages and towns. Should downward revision of the tariffs on the products mentioned be the result of these negotiations, the consequent chaos caused to the employment status of thousands of employees in the New England area alone will be startling.

If the tariffs on woolen products listed should be lowered substantially, to cite but one of many examples, I fear that this may be the coup de grace, and we will find hundreds of our small industries upon which the welfare of countless small New England communities have depended forced to close up shop. This industry has been in the doldrums for 2 or 3 months, due to a variety of causes, among which might be mentioned the taxes levied by the Government, including the malignant, pernicious undivided surplus tax saddled on them by a Government subject to vacillating direction, and the iniquities of a few offenders causing restrictive measures to be placed on all business, with a consequent destruction of all business confidence.

This industry now sees that it may have the present tariff on goods it manufactures substantially reduced, thus to let in a flood of foreign-made goods in direct competition with theirs—products manufactured by considerably lower-paid labor accustomed to a much lower standard of living, subject to much longer working hours throughout the British Colonial Empire. Yet, our woolen people, employers and employees, are not asking for nor advocating higher tariffs on woolens; they do strenuously insist, I am sure, that enough tariff be kept on their products to insure continuance of the present American standard of living and the continuance of their businesses.

The northern New England veneer and plywood and wood novelty people are as deeply concerned as are the woolen people; so, too, are the employers and employees of manufacturing establishments engaged in the production of the following products: Textile machinery; cotton manufactures; furniture; forks, hoes, rakes, scoops, shovels, spades, drainage tools, and agricultural hand tools; embroidery, knitting, braiding, and insulating machines; wrapping and packing machinery; cordage machinery; lithographically printed materials; drawing, hanging, filtering, and stencil papers; bound and unbound books of all kinds; various leather articles, shoes—particularly those made by the welt process; fishing materials; electric brushes; table and kitchen articles; optical glass; saddlery and harness hardware; and so on ad infinitum.

I have called this matter, which I envision as being of serious importance, to the particular attention of many Vermont industries involved and find that my concern is well-founded, as evidenced by replies had to my recent communications to them. I wish to emphasize that those who wish to file briefs should do so before the closing date of February 19.

[Applause.]

It should be borne in mind that the concessions, that is, lowering of the existing tariffs, are not decided upon until after the interested parties have been given the opportunity to present their views to the committee mentioned above. It is so that these views may be made, and prior to the closing date, that those engaged in the industries listed in the foregoing should find this matter of importance.

Therefore, Mr. Chairman, I am asking all interested parties to scrutinize carefully the State Department's release on the impending trade-agreement negotiations with the United Kingdom.

And I ask, Is your product there? Is it on the list? Let the Committee for Reciprocity Information know what effect the lowering of the tariff on your product will have on you as an employee; on you as an employer; on you as a member of your industry.

Do so before February 19 next.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 2 minutes.

Mr. PLUMLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, a few memories come trooping from the mists of the past as I add my contribution to the annual naval appropriation bill. You gentlemen will remember when the 1938 naval appropriation bill was before this body, I suggested an amendment under which no part of the appropriation made therein would be available for the pay of any officer or enlisted man who was on duty in China after January 1, 1938. That bill was considered in April or May of 1937. Some of the press characterized the proposal as absurd. Yet, in the light of the present, there are many who probably wish that that amendment had been adopted.

However, the boys are still there. In Peiping are 528 marines. In Tientsin are 814 members of the Army. In Shanghai are 2,555 marines. In addition, the Navy still has 129 officers, 1,671 enlisted men, and 13 vessels from the Asiatic Fleet in those troublous waters.

Much has happened since that amendment was offered. Much may happen before a single dollar of the present pending naval appropriation bill is expended. The future is spangled with uncertainties.

Mr. Chairman, we talk a good deal about our Navy. I think the term is slightly inaccurate because, as a matter of fact, we have three Navies. We have one Navy coming, one Navy going, and one Navy in existence. We have one Navy on keels. We have one Navy being decommissioned every year. We have one Navy that is being maintained every year. The $550,000,000 provided in the pending appropriation bill is an appropriation for three navies. Make no mistake about that. There are sundry millions for those ships that are to be built. There is a certain amount of money for decommissioning the vessels that are over age. Then there is the maintenance of all these incidents to the existing Navy. Those are all represented by the $550,000,000 provided in the pending bill.

It is an astronomical sum. There is no fooling about that. You cannot fool the American people on this matter and as I think of it, of course, I kind of fish around trying to get my feet on solid ground by believing that somehow, somewhere, someplace I can identify in this bill and in all the enabling legislation and authorizations a naval policy that at least to me as a patriotic citizen would be satisfactory.

The first thing one ought to do is to go back and make a few comparisons. Let us go back 50 years to 1887. That is a rather memorable year. A great Democrat, Grover Cleveland, was President of the United States for his first term. It is a memorable year because it is the year in which the Interstate Commerce Commission was born, which Commission observed its golden jubilee anniversary last year. In that year the appropriations for the Navy were how much? Have you any idea? Approximately $13,000,000. Thirteen million dollars 50 years ago. A mere drop in the bucket. Compare that with $550,000,000 50 years later in 1937. The very comparison in itself ought to stimulate some thinking and wonder perhaps, first, as to whether we are on the right track and, second, whether the people who are spending our money for armament should have expert business advice on the subject.

When I say this is a continuing Navy and this is a continuing pattern, all you need to do is to examine the treaty under which these ships are laid down. Capital ships are over age when they are 26 years old. Ships in the lighter weight classes become over age at from 12 to 16 years. Aircraft carriers are over age when they reach 20 years, and submarines are over age when they reach 13.

So automatically when the vessels in our Navy reach these ages they are tagged with the over-age sign. Prior to that time we start to lay keels and begin the construction of the third Navy that is coming on, so to speak, so it will be ready when the over-age Navy is ready for decommission.

Mr. Chairman, as long as the armament race continues, and as long as this mad, competitive race for naval supremacy continues, you are going to have this never-ending pattern, you are going to have this continuing expense. The very unequivocal language of the treaty is the best assurance that is going to happen, not only in 1937 but in 1947, 1957, and 1967, and the years hence, and so long as the provisions of the treaty or like provisions exist and operate, so far as the United States of America is concerned.

Mr. SCOTT. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from California.

Mr. SCOTT. Has the Congress of the United States ever said what an adequate Navy is?

Mr. DIRKSEN. Let me get to that directly.

That is your pattern. There are your three navies. There is the tremendous expense. There is the tremendous increase from $13,000,000 in 1887 to $550,000,000 in 1937.

There is something else. This was a hint that was dropped when the bill was pending before the full committee, and it became impressive to me. It came from my good friend from North Carolina, who is chairman of this subcommittee, a man, in my judgment, of resplendent ability and one of the outstanding Members of this body. I think he was on good ground when he mentioned the fact that we dip into every congressional district and pick young men between the ages of 17 and 21 who have had an academic education in high school, put them through an examination, send them to the Naval Academy. After 4 years of effort there, without a lick of business experience, without ever having made a single dollar for the most part, they are discharged into the Navy, and after a few years they attain higher rank. Some of them are then placed in positions of responsibility, in

which positions they spend hundreds of millions of dollars of the taxpayers' money.

Let us reflect on that a moment. Four years in the academy after the superintendent or the principal of a high school hands one that very valued "sheepskin," as it used to be referred to. Four years at the academy, then in as an ensign, junior lieutenant, senior lieutenant, and on through the grades. They are then placed in some position where they start spending the money of the taxpayers without any real business background. When you put this tremendous expenditure together with that background of experience on the part of the personnel that spends the money it makes you wonder whether or not there is some device whereby the taxpayers can be assured that they will get their money's worth and that we might have the same adequate Navy without this tremendous expenditure.

Mr. MAY. Will the gentleman yield?

Mr. DIRKSEN. Permit me to go along.

Mr. Chairman, I have always been impressed with the remark that Premier Gladstone once made to a noted Englishman. This Englishman said to him, "Mr. Gladstone, why do you not let this country live like a gentleman?" "Oh," he said, "my dear sir, to let the country live like a gentleman would cost five times what it should cost."

That is a remark which is pregnant with significance; and, as I think of it, I wonder whether the philosophy involved there might not be articulated with respect to the expenditures for the Navy. I wonder if we could not reach out somewhere and get men of extraordinary talent and business ability, setting them up perhaps as a kind of advisory or supervisory council, in the hope that they may tell us just why it is going to cost $70,000,000 to build a capital ship this year or next year when it only cost $53,000,000 a few years ago. It may be the Walsh-Healey bill; it may be the appreciation in the cost of material and labor. It may be one of a conglomeration of factors—I do not know—but it does appeal to me as just an ordinary citizen that the jump from $53,000,000 to $70,000,000 for a single battleship is an outrageous appreciation in the cost; and we must be mindful of the fact it is the taxpayers of this country who are going to pay the bill.

It might be that a civilian advisory council, armed with adequate authority, would serve a most useful purpose in this respect.

This suggestion is in nowise intended as a reflection upon the integrity of a single officer or enlisted man in the Navy. The record is sufficiently persuasive that the integrity of the Navy is of the highest order. My suggestion concerns itself only with business judgment, sagacity, and the ability to procure a dollar's worth of value for every dollar of outlay on an arm of the Government that now and henceforth will be costing well over a half billion dollars each year.

Mr. BOILEAU. I believe the gentleman is in error in jumping from fifty-three million to seventy million in 3 years.

Mr. DIRKSEN. I did not say "3 years"; I said "over a few years."

Mr. BOILEAU. May I point out that last year we had here a bill, in the discussion of which it was said the cost of a battleship was only $50,000,000. By the time the bill came back from the Senate the amount was $60,000,000. We no more than get into this session than the amount becomes $70,000,000. It is silly.

Mr. DIRKSEN. I believe this is a matter which ought to engage the best judgment and the interest of Congress, for if we could have the same adequate defense, as they say, and yet save $100,000,000, certainly we could afford to spend a million dollars for the best personnel this country offers in the hope they would checkmate and put the brakes, if and when necessary, on those who wear the uniforms and too often see only in terms of tonnage and dollars and personnel and all the things which are incident to the uniformed service.

I now yield to the gentleman from Kentucky.

Mr. MAY. I am sure the gentleman has made a fine point in that he believes in putting into the administration of the Navy some business experience, and in that way probably save a lot of money; but on the question of the comparison of the amount spent for the Navy in 1887, 50 years ago, $13,000,000, with the $550,000,000 now sought to be appropriated, can the gentleman give us any information regarding the population we had at that time, which was 20 years before the Spanish-American War, and our lack of outlying possessions then?

Mr. DIRKSEN. Let us look at it in this manner: You cannot carry out a strict theory of ratio, for instance, when you are looking at these problems, because if you did we would have to recede materially on this appropriation. This amount represents 40 times what we expended in 1887. Is there anybody who will stand in his place and say the population in 1937 is 40 times what it was in 1887? Will you say the wealth of the country is 40 times what it was in 1887? Will you say the hazard is 40 times what it was in 1887? I appreciate there must be increases as the country grows, but this is not the essential or fundamental point I make. The thing about which I am concerned is whether or not, when we spend $550,000,000 out of the public till, we are getting $550,000,000 worth of value. [Applause.] If we are not getting it, then we ought to do something about it.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Briefly.

Mr. FADDIS. I very much agree with the statement of the gentleman in that respect, as well as with the statement of the chairman of the subcommittee yesterday. I have observed the same thing in connection with Army construction, in that we do not get our money's worth out of it. There should be some means of determining and assuring the taxpayers they are getting their money's worth out of the money spent for this purpose.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield very briefly.

Mr. ANDRESEN of Minnesota. Do not we have a Secretary of War who is a civilian, and also an Assistant Secretary of War and several other men who are supposed to have some business knowledge?

Mr. DIRKSEN. When the gentleman used the word "supposed," of course, he placed his own construction on the matter.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Missouri.

Mr. SHORT. Does not the gentleman believe the increase in the cost of these battleships is perhaps due in large measure to the labor troubles we have been experiencing, as has been explained somewhat by the Secretary of the Navy, Mr. Swanson?

Mr. DIRKSEN. I may say to the gentleman I do not know.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Certainly the labor troubles would not have anything to do with the estimates, because it is only the estimates that have changed. Labor troubles do not bother the estimates.

Mr. DIRKSEN. The gentleman from Wisconsin is correct.

Mr. SHORT. Certainly the estimate will be determined largely by the conditions which prevail at the time.

Mr. BOILEAU. What the gentleman means is whether or not prices are increased.

Mr. DIRKSEN. Now comes this very happy and ubiquitous phrase, "adequate national defense," one of the phrases which covers a multitude of sins. No doubt all of you when you were candidates for office received questionnaires from patriotic organizations, and on them there was this question, "What is your attitude on the matter of preparedness and defense?" In the little blank which is provided you say, "I believe in and will support a program for adequate national defense." Very satisfactory; it answers all questions, glosses over every refined question, and satisfies those who have propounded the questions.

This phrase has intrigued me a great deal—"adequate national defense." Before we get to the adjective let us look at "national defense." What does it mean? Do you know?

Do I know? I confess I am not sure I know. I rather fancy there may not be a Member of this House or another body, in the light of the way this phrase has been bandied about, who can quite tell you what adequate national defense is or means and what the implications of the term are.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. Does it mean the kind of defense which is going to provide the complements of war and personnel and all those military accoutrements, men, munitions, and ordnance, which are going to defend this country and its Territories? Is this what it means? I may say in the light of the things which are happening in the Orient at the present time, the deployment of some of our warships and some of our marines, the members of our Military Establishment, and the members of our Naval Establishment over in China, if it means national defense, if it means the defense of this Nation here and now and its Territories, that might certainly give a new slant on the kind of vessels we want to build and the size of the Navy, because when you talk of national defense there are other factors which come into the picture. First of all, there is the factor of isolation between two broad oceans. Talk until the vaults of heaven ring, but you cannot minimize the fact we are sitting here between two broad oceans, which has great bearing on defense. It has a tremendous bearing and interest upon our Aerial Establishment. When I soldiered in the old country during the World War I was in four countries during the same day. I was in Belgium, Germany, Luxemburg, and France, as I recall, all in the same day. You can see the need for these winged messengers of death that can go over the boundary lines of those countries, and that is altogether a different strategic situation and condition from what obtains in this country, with the Atlantic Ocean on one side and the Pacific Ocean on the other.

Then you cannot forget the mathematical factor when they talk about invading this country. The *Leviathan* used to carry 9,500 people. If you are going to send an invading force of 500,000, and you need not think of anything less than that, how many ships will you need? You will need 50 or 60 ships of that character, and what will you need in the way of convoys and what kind of auxiliary and supply vessels will you need—hundreds of them. There is not a navy in the world, if it were multiplied by five, that could undertake a task of that kind, in invading this Nation.

So, when you look at the mathematical factor we are not so bad off in this matter of national defense; but if national defense means we are going to poke around in the corners of the world, then, of course, it is a different matter.

In this respect I have wondered often about the statements of the President. I think first of all of his remark to the press on the 6th of September when he said—

> Our nationals must leave China, and if they stay there they remain at their peril.

We evacuated 4,000 of the 10,500, and I understand from a memorandum of the State Department we still have about 6,500 over there. Is it a part of national defense that we should go over there and be ready for any eventuality in China? Frankly, I do not know, and I do not believe you do either, with all deference to your judgment and your vision in the matter.

Secondly, does it mean we are going to maintain bases like the Philippines and are we going to defend them at all hazards?

Well, we have spent $50,000,000 on Pearl Harbor, and if you will read the very meager report in the hearings here, we can only moor a very small proportion of our fleet in Pearl Harbor. I think the members of the committee would probably bear out that statement; at least, I get that from a reading of the report, and if I am not correct I will stand corrected by my compatriot on the Appropriations Committee.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman, with pleasure.

Mr. DITTER. With regard to the gentleman's assertion, I feel confident he does not want to make a misstatement to the House.

Mr. DIRKSEN. No, indeed.

Mr. DITTER. And may I say to the gentleman that I believe the present facilities and those still under contemplation at Pearl Harbor will provide a safe harbor for the battleship fleet.

Mr. DIRKSEN. For the battleship fleet. We are doing work now on Pearl Harbor, and we are appropriating money in this bill for Pearl Harbor, and the contention I want to make is that we have got to go on spending money to maintain a distant base out there, and when it has been maintained it is always a question of whether you can supply an aerial armada if you should transport it out there for a flight in the Orient somewhere, or the capital ships or the other components of the Navy. So it becomes a continuing job, and the question that presents itself to me is, Is that a part of national defense?

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MURDOCK of Arizona. Our great first President, George Washington, advised his country to be in a defensive posture at all times. Has the gentleman any notion as to what he meant by "defensive posture" as bearing on this matter? If I may be permitted to say it, when I link this advice of President Washington with his other sage advice to his countrymen to avoid foreign entanglements, I feel that Washington did not sanction our preparation to fight the whole world in distant parts of the globe.

Mr. DIRKSEN. I will say to my good friend that when I think of defense I cannot escape the definition I heard given by one of the military authorities of this country when he was speaking of the war and said, "War is a form of political action." You will have a hard time improving on that definition, and if we are going to set up establishments that are going to be ready for that, it means the articulation of political action in the far corners of the world, and if so—well, I just shudder to think what the ultimate burden upon the taxpayers of this country is going to be for that kind of an establishment.

Let me make this other point. Does national defense also include the purport of the President's speech at Chicago that was referred to by my friend from Pennsylvania, when the President said that lawless nations ought to be quarantined? Does national defense mean to go out and thrust against the nations in all the corners of the earth, and if it does, I submit to everybody here that we might just as well discard this term "national defense" first as last and quit hoodwinking the American people and the Members of the Congress. Let us find a phrase which adequately expresses the policy upon which we may be enbarking.

In September the President warned our nationals out of China. In October he made the speech at Chicago in which he suggested the "quarantining of lawless nations." In December came the *Panay* incident with its dangerous implications. These utterances raise some extremely important questions.

Will the warning to our nationals be reiterated? That is for the President to say. So long as they are there, what are the prospects for critical complications that may provoke the war hysteria? That is a wholly unpredictable situation that is in the lap of the gods. But it is full of significance for our people.

Then comes the broader question of naval policy as we continue to discuss national defense, particularly in the light of the oft-repeated statement that we are soon to have a message from the President suggesting an enlargement of our Naval Establishment.

What with our isolation, our vast resources, and the fact that no foreign nation has a base upon this continent from

which it could replenish the needs of an air fleet, a navy, or an army, one cannot escape the implication that if there is to be a substantial increase in the number of combatant ships in our Navy, that we are pointing in the direction of a foreign policy and a naval policy that goes quite beyond the requirements of national defense. It brings to mind the answer once made by the celebrated German general, Von Moltke, when asked whether he could land an army in Great Britain. He said, "Certainly, but how shall we get them back." The implication was that it would require an enormous fleet of combatant vessels, supply ships, auxiliary vessels, and others to negotiate the landing and returning of an invading force. Are we building up to that requirement? I do not profess to know, but it is singular indeed if we substantially augment our Navy only for national defense in the accepted sense of the word.

The participation of our ships in the British maneuvers at Singapore or Australia would indicate that we are gradually choosing to join with Great Britain as an exponent of democracy in showing our teeth as a part of the quarantine movement, and undertaking the role of world policeman. Can such a role be properly included in the generic term "adequate national defense" and if not, is it not high time that we found a suitable term to express the naval policy of our country that will truly apprise our people of what the adm.' .istration intends to do.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman and Members of the Committee, I had not planned to say anything on the pending bill today. However, having asked a number of questions of the able and distinguished chairman when the Navy bill was reported to the full Committee on Appropriations, as well as on the floor of the House since this bill was reported here, I desire to make some brief observations.

Let me again say, as I have stated in the committee and on this floor, that I am a firm believer in reasonable and adequate national defense. I have made that plain many times, but so there may be no misunderstanding, I desire to reiterate it once more today. I am not one of those who would wish to sink the Navy or to impair its usefulness. Moreover, it is my deliberate conviction that the United States should have a strong and efficient Navy in order to defend our borders against any and all foreign foes, actual or imaginary.

I do not pose as being an expert on naval matters or national defense, although I have given the matter considerable study, having served several years on the Military Affairs Committee of this House.

There are two items in the pending bill that I desire in the brief time that is mine to discuss. I hope that I may be permitted to continue without interruption until I have at least touched the two items that I have in mind and about which I have asked some questions.

Much has been said this afternoon on retirement pay to officers and enlisted men. The chairman gave some astounding figures as to the mounting costs of retiring naval officers and men. It was brought out by the chairman that many enlisted men are now actually permitted to retire at the age of 38, which in my judgment is inexcusable from any standpoint. It is my deliberate judgment that no governmental employee, whether in the United States Navy, United States Army, Marine Corps, or any other branch of Government, should be permitted to retire at the age of 38. Thousands of young men enlist in the United States Navy at the age of 18, with their parents' consent, and many others, as a matter of fact, have enlisted at 15 and 16 years of age, although they, of course, said they were 18. That means, under the present system, young men 35 to 38 years of age are actually retired with retirement pay to go out into the world with civilians and in many instances are given preference over civilians because of their service in the United States Navy.

This is not the first time I have mentioned this appalling situation before the committee and on the floor of this House. I submit in all candor that enlisted men of the Navy should be required to make a reasonable contribution to any retirement fund. Something must be done to meet this rapidly increasing, if not staggering, amount that soon will become necessary to retire all the officers and men who wish to retire after only 20 years of service.

We have the sorry spectacle of naval officers retiring at 45, 46, and 50 years of age after a minor injury to a foot or ankle on the theory they are no longer able for service for which this Government has spent a lot of money to train them. Frankly, I feel that any boy who desires to enter the Naval or Military Academy should be willing to make the Navy or Army his life's work. I have repeatedly told applicants to these great institutions that I would not recommend the appointment of any young man whose only desire was to get a "free ride" of 4 years' training at the expense of the Government. Therefore, I cannot bring myself to feel that it is good business judgment and sound national defense to permit the retirement of either an officer or an enlisted man at the "ripe old age" of 38 years.

The gentleman from Georgia [Mr. VINSON], in a very able argument a few minutes ago, from his standpoint, admitted at first blush this retirement situation looks bad. I agree with him thoroughly that it does look bad on first blush, but I want to say to you further that on second blush the situation looks considerably worse.

For several years I have opposed this so-called selective method of retirement after only 20 years of actual service, and I give notice now that I shall continue my opposition until something constructive is done about it.

The other item in this bill that I cannot bring myself—with the information I have at hand—to agree with this committee is with reference to the two proposed $70,000,000 floating palaces. Of course, I agree that this item is much desired by the average naval officer, but I feel it is an extravagant expenditure of the taxpayers' money and certainly not in keeping with my idea of national defense. I am unwilling, Mr. Chairman, in this, as well as in other items in this bill, to accept without question the so-called naval authorities. The chairman of this subcommittee made it very plain in his opening statement yesterday that the average naval officer has not had the opportunity to have any actual business experience. Yet it seems that this committee is depending very heavily, so far as policy is concerned, on naval officers and retired officers. If I recall correctly, the chairman of the subcommittee admitted very frankly that he did not know whether these two mammoth $70,000,000 battleships are more urgently needed than some other ships, like destroyers, fast cruisers, and bombers, but that his committee relied on what he called "our naval authorities."

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. UMSTEAD. What is the gentleman's question? Does the gentleman say he did not get an answer?

Mr. JOHNSON of Oklahoma. I merely suggested the distinguished gentleman and his committee may have depended too heavily on the judgment of naval authorities.

Mr. UMSTEAD. On what?

Mr. JOHNSON of Oklahoma. On the construction of the two floating palaces, of $70,000,000 each, carried in this bill.

Mr. UMSTEAD. I would like to answer the gentleman's question. That is the first time that he has asked it on the floor. I answered it in the committee.

Mr. JOHNSON of Oklahoma. That is correct. The gentleman admitted that he took the word of the so-called naval authorities.

Mr. UMSTEAD. Well——

Mr. JOHNSON of Oklahoma. Just a moment. I have no word of criticism. I have endeavored to make that plain. But for my part I feel this committee should be a policy-making committee and that this Congress should make the policy as to whether or not we want these $70,000,000 battle-

ships, or whether we are to blindly take the advice of the so-called authorities, some of whom are retired naval officers.

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from North Carolina?

Mr. JOHNSON of Oklahoma. I will yield to him if he will give me more time.

Mr. UMSTEAD. I thought the gentleman was seeking information. Evidently he does not have any about this subject. If he is asking a question I shall answer it.

Mr. JOHNSON of Oklahoma. I do not claim to have all of the information or to be an expert.

Mr. UMSTEAD. Neither do I.

Mr. JOHNSON of Oklahoma. I did ask the gentleman for information in the committee and have endeavored to be courteous.

Mr. UMSTEAD. I am seeking to be courteous. The gentleman has asked a question and refuses to give me an opportunity to answer it.

Mr. JOHNSON of Oklahoma. I will let the gentleman answer it in his own time, as my time is very brief.

Mr. UMSTEAD. Very well.

Mr. JOHNSON of Oklahoma. I have asked the question a number of times as to whether or not this committee, this Congress, is going to be a policy-making committee or whether we will let some retired naval officers, some self-appointed authorities, tell this Congress whether we want to spend $140,000,000 for these floating palaces, or whether this Congress would not consider it a more practical policy to construct 1,000 or more bombers or construct airplane carriers similar to the one I visited and went entirely through recently near the mouth of the Chesapeake Bay.

For my part, I propose to exercise my own judgment. I am perfectly willing that all Members of this body exercise his own judgment with reference to this perplexing question of what constitutes real national defense.

Mr. VINSON of Georgia and Mr. UMSTEAD rose.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. When we vote this bill we fix the policy. The gentleman has the privilege of casting his vote to fix the policy. It is merely suggested in the bill as a recommendation. We fix the policy; the Navy Department has nothing whatever to do with the policy.

Mr. JOHNSON of Oklahoma. Oh, but we were told that the committee took the judgment of the naval authorities, that the committee did not know whether we needed battleships, but that it simply took as law and gospel the word of these great naval authorities.

Mr. VINSON of Georgia. That is good authority.

Mr. JOHNSON of Oklahoma. It may be. But I reserve the right to exercise my own judgment in advocating the strengthening of the Air Service rather than spending $140,000,000 for only two battleships.

Mr. VINSON of Georgia. That is the object of this debate.

Mr. JOHNSON of Oklahoma. That is correct, and we may have more to say about it in the future.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Oklahoma. Yes; if the gentleman will give me a little more time.

Mr. UMSTEAD. Mr. Chairman, I yield 1 additional minute to the gentleman from Oklahoma. That will be plenty of time for the gentleman to answer my question.

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from North Carolina?

Mr. JOHNSON of Oklahoma. Yes; I yield with pleasure to the distinguished gentleman from North Carolina.

Mr. UMSTEAD. Has the gentleman ever been on and through a battleship?

Mr. JOHNSON of Oklahoma. I made it very plain at the outset that I do not pose as an authority. I was on a battleship more than once during the World War.

Mr. UMSTEAD. Did not the gentleman tell me less than 20 minutes ago that he had never been through a battleship?

Mr. JOHNSON of Oklahoma. Yes, and that is correct. I have never inspected a great battleship, although I did go all through one of our latest airplane carriers that takes more than 100 planes. But it is true that I have never gone through a battleship.

Mr. UMSTEAD. How does the gentleman know it is a palace if he has never been through one?

Mr. JOHNSON of Oklahoma. May I suggest that I do not see the importance of the gentleman's question or what that has to do with the question at issue. Having crossed the Atlantic only a few times I am not posing as an authority. But I again state that I have been in and on battleships here and abroad and have talked with real authorities as to their actual value as a matter of national defense.

Mr. UMSTEAD. The gentleman walked across one?

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. RANDOLPH. I think it is wholesome for this Committee and this Congress to have the gentleman from Oklahoma stand in the well, whether he be a technical expert or not, and say to this Congress and to the United States that which we are increasingly becoming aware of, that the scene of warfare has shifted and today it is in the air.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 1 additional minute to the gentleman from Oklahoma.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. VINSON of Georgia. I am very much interested in the gentleman's remarks in reference to the retirement of men 38 years of age. I hope the gentleman will offer some suggestion as to what should be done with reference to men who have served 20 years going on the retired list.

Mr. JOHNSON of Oklahoma. I shall be glad to do so. The gentleman awhile ago said the reason for it was to induce men to join the Navy. According to the gentleman's theory if a sufficient number of young men do not join the Navy now as fast as he thinks they should, then the retirement age might be lowered to 28 instead of 38, or reduce the requirement to 10 years' service. If the gentleman will read the RECORD he will see that I have stated many times that I did not believe that anyone ought to be permitted to retire from the Navy, the Army, or any other governmental service with retired pay under 30 years of service or under 60 years of age. [Applause.]

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I am sure it is not necessary for me to tell the House that I have never built a battleship, that I have never operated a battleship, or that I have never sunk a battleship; I, certainly, am not an expert. I do not, however, want my folks at home to be misled by my position on this; and I simply want to say that through sheer dead reckoning I come to the conclusion that whatever we appropriate in this bill for the purpose of building capital ships will be for the purpose not only of protecting the three Americas—North, Central, and South America—but also to protect those interests which we term the British Empire, which circle the globe.

I am very sincere in this because I have all the evidence I want that the United States is moving as rapidly toward war as a country peacefully minded possibly could move. If I vote for this bill I certainly expect I am voting for capital ships to carry on warfare in foreign waters. I want my people at home to know I feel that way about the situation.

Two or three questions were raised awhile ago by the gentleman from Wisconsin and the gentleman from Illinois with reference to the increased cost of battleships, which questions were very interesting to me. The only way I know to measure that is to come down to a little simple boiler, for instance, or the increase in the cost of building a boiler, a threshing machine, or an automobile. Those costs I know something about. For your information, let us take 1923 as

an average of 100. The hourly wages in October and November 1937 ran something like this: Agricultural implements, 144 percent of the 1923 wage; automobiles, 147 percent; electrical manufacturing, 137 percent; iron and steel, 139 percent; lumber and mill work, 141 percent; printing and news magazines, 135 percent; foundry work, 126 percent.

When you get into an analysis of the cost of manufacturing you will not be surprised to see why the cost of building a capital ship has jumped from around $52,000,000 to approximately $70,000,000. If you will permit me to make another observation, I think before the present keels you are about to lay down are completed, you will find that the battleship will not cost one penny less than $85,000,000. How is that for an estimate by a nonexpert? Do not fool yourselves about these increased costs in industry because the program we have in operation at the present time, a program which is gathering speed as it moves along, must greatly and materially increase the cost over and above what we are paying today. Go out and talk to the industries in your district. Get them to show you their cost sheets, their time studies, and all that goes along with it and you will not be surprised at these increased costs of fifteen or twenty million dollars on a big battleship. How many men do they carry?

Mr. VINSON of Georgia. About 1,500.

Mr. CRAWFORD. They carry 1,500 men on a battleship. What is that? It is a good-sized town.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The percentage of cost just given to the Committee is interesting. What does the gentleman think has produced that additional cost other than the various laws that the Congress has passed?

Mr. CRAWFORD. There is not another single factor that has contributed as much to the increased cost as has the legislative acts of this Congress right here. I am very, very positive about that. Of course, the chairman of the Naval Affairs Committee may disagree with me.

Mr. VINSON of Georgia. I agree with the gentleman. In other words, such laws as the Walsh-Healey Act necessarily increase the cost of all Government building operations.

Mr. CRAWFORD. They must.

Mr. Chairman, I want to refer to another thing. Let us take a report of the subcommittee of the Ways and Means Committee on the tax bill which is about to be sent to us. On page 69 of that report you will find an outline in the form of a recommendation that will come to us within a few days which will add tremendously to the cost of operating the industries of this country. This is in a tax bill, if you please. The recommendation brings in a new factor we have not dealt with before. They call it a consent-dividend credit. You may wonder what that has to do with battleships, but it has this much to do with it: The defense of our country depends, of course, partially on an efficient Navy. The building and maintenance of an edequate Navy, in turn, depends, first, upon our economic system, resting upon private enterprise; and, secondly, that private enterprise operating on a profitable basis, giving a net income which can be taxed in order to bring revenue to the Government with which to build the Navy.

For a few minutes I desire to discuss the report of the subcommittee of the Ways and Means Committee.

Mr. Chairman, let us assume this gentleman here is the head of a corporation, and you are his stockholder. This report provides if his corporation desires to escape the burden of the undistributed-earnings tax, he shall go out and secure from each of the stockholders an affidavit under oath to the effect that when you make your personal tax return you will include in the tax return the amount of your pro rata share as represented by your certificates of stock which his corporation has earned and not sent to you in the form of a declared dividend. In other words, they call it a consent-dividend credit. Then after he has received one of those affidavits from 100 percent of his stockholders, whether you have 5 stockholders or 5,000 stockholders, to the effect they will carry out that intent in their tax return, he may file that, and his corporation will escape the burden of an undistributed-earnings tax.

What is that going to do to increase the cost of doing business, which will certainly be reflected in the cost of the machinery, steel, woodwork, and every other kind of a gadget or trinket that human ingenuity can design to make a battleship more effective? I took this matter up with the Treasury Department, and I asked them this question: Suppose corporation A fails to get one affidavit out of six or seven hundred stockholders? In that case the whole thing collapses. Just imagine a factor of that kind being injected into the proposal. That is one of the modifications in the undistributed-earnings tax which will be presented to us.

There is one other thing I want to touch on before my time expires. Every day in going about my work I keep asking myself the question: What in the world is the matter with the men on the production line in the factory?

What has caused this tremendous upset in American labor? I believe about 99 percent of the ills of this country today can be traced directly to the troubled mind of the man at the bench, in the shop, on the production line, out in the garage, or wherever you may find him. What is the cause of it? What has terribly upset this man? We called the so-called big fellows of business down here, and what have they said about what is going on in the mind of the man who works at the bench? I wish to the God of Heaven we could get the worker himself down here to talk to our committee instead of the captains of big industry. If it is the man who performs the labor who is giving the trouble, then let us get him down here and find out what he has to say about the matter.

I certainly do not desire to condemn this man, because if I were out on the production line I would be wondering about some of the profound changes which are taking place in American industry. You think of large units today. When you bring great masses of machinery and building material together in the form of a completed plan with standard machines installed you immediately have a demand for what they call scientific management. If this scientific management is put to work along with the machinery, you begin to turn out at the other end of the factory what is known as mass production, which is a combination of capital, men, machinery, buildings, scientific management, and so forth. As you move into these big aggregations of men and capital, the worker loses contact with the boss. He gets no chance to give full expression to his life, as you have a chance to give full expression to your life in the Halls of Congress, down at the hotel, out with your friends, out in public gatherings, or wherever you may be. He also finds that special-purpose machines are being adopted in place of general-purpose machines, and this cuts down his ability to spread out his own creative forces and give expression to his life. He finds the job is less educational as the machines are introduced. The worker also finds he is gradually becoming an agent of the planner, the scientific manager.

This is one reason I rebel so much against the idea of a central staff sitting in Washington planning American agriculture and planning American industry for the privates who will be engaged out there on the farms and in the factories, because the Government planning we are doing in a way duplicates and robs the people of the very thing of which big industry in this country today unintentionally robs the individual worker.

The supervising job is becoming more and more exacting. This causes the management to bring in college graduates as supervisors and discard the man who has been in the factory for 10 or 15 years, thinking he was working up to a job of responsibility. Young college men are brought in, and it naturally makes the regular worker feel there is no chance for advancement in spite of all the years he has spent in preparing for the operation of the business. In turn, the worker believes this trend is leading to the formation of a very definite labor class; in other words, it is crowding him out of the class which you term the nonlabor class. Then he is becoming more and more dependent upon management for his income and his job.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from California.

Mr. VOORHIS. I am much interested in what the gentleman is saying. Does it not follow there is an increasing amount of insecurity for the individual worker under such circumstances?

Mr. CRAWFORD. I do not believe there is any question about it.

Mr. VOORHIS. Is not one of the facts the gentleman has shown that the development of our economic order as it goes forward means a greater and greater insecurity for the individual?

Mr. CRAWFORD. Certainly it does.

Mr. VOORHIS. Then is it not necessary that government, as the agent of the people, generally should take certain steps to protect those individuals under such circumstances?

Mr. CRAWFORD. That is a matter I am coming to.

What are some of the things the worker has lost as this trend has developed? I make these remarks as one who has spent 20 years prior to coming here in so-called big industry in this country. I love it. If I am anything in the world, I am what you would call a productionist. I love the idea of production and I loathe anything which interferes with it.

The worker has lost his direct and intimate contact with the manager of the business. The situation makes the worker the master of one or a few machines and deprives him of the chance to be a versatile craftsman, and this narrows the market for his services in case of a great economic shake-up and certainly makes him feel more insecure.

The worker is placed more or less at the mercy of subordinates in management, which makes it more difficult for him to appeal to the chief for correction of the difficulties which exist, and makes it more possible for the subordinate to inject into the administration of the labor personnel policies the management of the company does not want injected into it at all.

The worker's chance for promotion is narrowed by the same forces which reduce his skill. Further, he becomes more dependent upon management for increased wages and promotion to greater responsibility, while at the same time he becomes less likely to contact management personally. He finds jobs are vanishing in the wake of a powerful force which deprives him of his position, and at the same time raises the standards of living of his fellows, and this all tends to lead to a feeling of insecurity.

These devastating forces are moving toward him and forcing him to cling tenaciously to that which he holds in his hands today. When you go to him and say, "My friend, can you not realize there are great expanding markets and in due course the standard of living of all the people on earth will become higher and higher and higher?" he realizes at the same moment it does not pay his December 1937 grocery bill or rent cost, and this is the thing about which he is concerned today.

It seems to me the labor leadership must solve this problem working in conjunction with government and assisting in every way it can. If the individual heads of American enterprises—and when I use the word "enterprises" I mean those enterprises which are established and operated for the purpose of making a profit—can fully comprehend their responsibility in this picture, I believe there is hope some good may come out of all this. Unless the heads of industry accept that responsibility and proceed to work it out themselves, I am afraid of the future. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 7 minutes to the gentleman from Nebraska [Mr. BINDERUP].

Mr. BINDERUP. Mr. Chairman, continuing my remarks from page 240, Appendix of the CONGRESSIONAL RECORD, referring to H. R. 8585, former number H. R. 7627, a bill for monetary control by the Government, in the various appropriation bills this Congress will be asked to pass upon in this session, nothing is as unfair and unjust, as ridiculous and absurd, as corrupt and demoralizing, nor a greater reflection on the intelligence of Congress than are the items included as interest on the public debt.

According to President Roosevelt's Budget statement, this item lacks only a few dollars, comparatively speaking, of being a billion dollars. In fact, when including cost of administration, commissions, renewals, and other items of expense, it amounts to over a billion dollars.

Is not it strange that we are startled and alarmed over one item in the appropriation bill we are considering on the floor today, namely, the building of two battleships at about $60,000,000 apiece? How strange that we should be alarmed and startled over so small a matter, comparatively, when we are paying the bankers of the Nation for the unreasonable, unnecessary, and foolish privilege of creating the Nation's money, with a fountain pen, no less than $1,000,000,000 a year in interest, or enough to build 17 such battleships each year. Strange that we should be startled over so small a matter when we have paid the bankers in this unreasonable privilege of creating the Nation's money with a fountain pen, since the year 1933—and that is only 5 years ago—no less than $12,000,000,000, which, with the yearly interest added, would have built no less than 200 battleships like the 2 that are contemplated in this bill before the House today.

But all this, unfortunately for the people, is water gone over the mill. It is people's money wasted, foolishly and criminally, and I challenge the world to deny it. The only return it can possibly give to the people is in the profit of experience, and unless we profit by this it is 100 percent wasted.

I have placed in the lobby to the Hall of the House of Representatives five charts pertaining to monetary control and providing the plan to eliminate this crime in the future against the American people, a plan to take away from the bankers their fountain pen and to restore to the people their constitutional right that Congress, and Congress only, shall coin all money and regulate the value thereof. In other words, create the people's medium of exchange.

I am grateful for this extraordinary privilege to place these charts in the lobby, as I recognize these charts are extremely large—25 feet in length and 8 feet high. Today is the last day these charts will appear in the lobby, and I invite your careful consideration, and hope you will allow me 1 hour on the floor of the House within the next 10 days with these charts to explain this plan. I hope for more than that. I hope that you will honor me by being in the House at that time, that you will give me your attention that I may explain this plan definitely. I want to answer every inquiry relative to the money question. I want to challenge every effort to discredit any principles included in this plan. I want this plan safe and sound where it protects the creditor just as well as the debtor, and prevents inflation just as well as deflation. I know there can be no criticism from the Republican side of the House because they have declared themselves so emphatically in their platform of 1932, in which they embodied every principle of this plan by saying:

> We will return to the Congress the authority lodged with it by the Constitution of the United States that provides Congress shall coin all money and regulate the value thereof.

I know objection cannot possibly come from the Democratic side for the reason that for the last 35 years they have been promising the people just exactly such a plan as is incorporated in the bill I introduced in Congress, H. R. 8585, and the Democrats said—the last time was in 1936 in their platform—that was the last time they had an opportunity to make a declaration:

> We approve the objective of a permanent sound currency, so stabilized as to prevent the former wide fluctuations in value which injured in turn the producers, debtors, and property owners on the one hand, and wage earners and creditors on the other, a currency which will permit full utilization of the country's resources.

I know there can be no objection from the Progressive Party, because they declared themselves in their platform in 1936 as follows:

> Credit and money should be controlled by the people through Government-owned central banks which will make the monopoly of credit and money in private hands impossible.

And there is the Farmer-Labor platform, perfectly loyal to every principle, for they also said in 1936:

> Congress shall exercise the exclusive and constitutional power to coin money and regulate the value thereof.

I know our good President Roosevelt will welcome a bill embodying the principles of H. R. 8585, because he said those immortal words in his famous message to the London Monetary Conference:

> Let me be frank in saying that the United States seeks the kind of a dollar which a generation hence will have the same purchasing power and debt-paying power as the dollar value we hope to attain in the near future. That objective means more to the good of other nations than a fixed ratio for a month or two in terms of the pound or the franc.

The plan incorporated in H. R. 8585, a bill for monetary control, is not original with the author, for it was the plan of Thomas Jefferson and John Adams, of Andrew Jackson, Abraham Lincoln, James G. Blaine, William Jennings Bryan, and Woodrow Wilson, and of every student of the monetary question on the face of the earth who has ever offered a solution to the unfair and unreasonable situation of poverty in the midst of plenty, a remedy for the maldistribution of the great natural resources God Almighty gave that all might enjoy. I say all of these have agreed on the principles contained in the bill for monetary control that I hope to have the privilege of explaining definitely from the bottom and up to this assembly in the near future. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Chairman, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. PATMAN].

MONETARY POLICIES

Mr. PATMAN. Mr. Chairman, it is my belief that the Government should try a change in monetary policies in order to get us out of the present recession. Practically everything else has been tried and proven to be unsuccessful.

MONEY AS A VEHICLE JUST AS NECESSARY AS BOXCARS

The way I view it if we had only one-half enough boxcars to transport the production to the consumers there would be a disequilibrium that would cause the consumers to have to do without on account of the insufficient number of boxcars. Money as a circulating medium is just as necessary as boxcars. After you get the production to within reach of the consumers, if they do not have and cannot obtain a circulating medium which will enable them to acquire this production, they are just as bad off, for all practical purposes, as if the production had not been conveyed to within their reach.

So it is my view the Government should immediately consider monetary means of bringing this country out of this recession. There are two or three ways this can be done.

A 100-PERCENT INCREASE RESERVE REQUIREMENT A MISTAKE

I believe Mr. Marriner S. Eccles is a conscientious, honest, sincere person wanting to do what he believes is right in the interest of this Government and in the interest of the country, but I believe, whether he intended it or not, he caused this recession when he and the Board of Governors of the Federal Reserve Board increased by 100 percent the reserve requirements of the banks. This was just the same as plowing under or placing in the vaults and locking up, so no one could use it, billions of dollars of money that would have been available to the American people. This was the first thing that was done.

STERILIZATION OF GOLD POLICY ALSO A MISTAKE

The next thing was the sterilizing of gold. Here we are with more than $12,000,000,000 of gold, $2 in gold for every dollar we have in circulation, a 200-percent gold reserve. England stayed on the gold standard for 100 years with only a 10-percent gold reserve. No country has ever contended, no economist has ever contended that any nation should have more than 40 percent of gold reserve. Not only have we more than 100 percent, but as gold has been brought into this country we have sterilized it. We have borrowed credit from the banks to place this gold out of circulation, sterilizing it, placing it into disuse. It is inactive, it is idle, it is unused. This was the second thing that was done that has been hurtful and damaging to the credit system of this country. I believe that gold should have money issued upon it, at least 100 cents on the dollar, and this money placed in the channels of trade and distribution.

If we furnish this money to people who already have plenty of purchasing power, it will not cause any extra purchases to be made, but if the money can be placed into hands where it will be used to buy the comforts and necessities of life, it will go into the proper channels, and with its velocity this country will be greatly aided and assisted. One way this can be done is through the W. P. A. There are other ways it can be done.

MISTAKES SHOULD BE CORRECTED

So I believe that two things can be done now. One is to change the reserve requirements of the banks and the other is to desterilize that gold. In other words, correct the two obvious mistakes that were made.

I know the argument is made, and the question asked, If you desterilize gold and we are called upon by other countries for the gold, what are we going to do? The answer is simple. We have a gold stabilization fund of $2,000,000,000 now. We have plenty of gold and will have during your lifetime and mine to satisfy any demand of any foreign country for gold. So that is not a serious objection and it should not be considered.

PARITY PRICES TO FARMERS

Another way this money could be placed in circulation would be to grant the farmers parity prices for their products. They have been promised a fair price.

They were promised that in 1932; they were promised it in 1936. The party in power making those promises has not carried them out. I know that sincere efforts were made by the administration to carry them out, but those efforts were unsuccessful. You know and I know that the farm bill that is pending in conference is going to be a disappointment.

EIGHT CENTS AN HOUR LABOR ON FARMS

We know that it will mean about 8-cent cotton and other farm commodities in proportion for this year, and 8-cent cotton for next year. That means 8-cent labor, 8 cents an hour. It takes an hour's labor to produce a pound of cotton. So here we are doing nothing for one-third of our population that represents enough of the American market to cause a panic if they cannot buy, and that represents enough of the market to cause prosperity if they are able to buy the simple comforts and necessaries of life that they should have. So we should provide parity prices for farmers. It is right that they get parity prices, and I insist that this promise that was made to the people be carried out. It is in the interest of the people in the cities that these promises be carried out. If the farmers are able to buy, they can purchase what is made and offered to them for sale by other classes and groups in all sections of the Nation and in all States and the principal cities. If they do not, and their buying power stops, then the population of the cities suffers along with them.

PURCHASING POWER AMONG MASSES

I consider the major problem is monetary. I also consider industrialists are absolutely helpless to revive conditions unless you first revive the purchasing power among the masses of the people. What can they do to bring business back unless the consumers are able to buy? First you have to move the goods, and in order to move the goods you have to have purchasing power out among the masses.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. VOORHIS. Does not the gentleman believe that it likewise follows that in order to get an expansion of capital goods you must first have a demand for consumer goods in order that the producers of consumer goods will have sufficient confidence so that they will invest in capital?

Mr. PATMAN. I thank the gentleman for his contribution.

LOCAL BUSINESS INSTEAD OF ABSENTEE OWNERSHIP

The major problem is monetary. Another problem is parity prices to the farmer, to furnish one-third of our population the buying power that they are entitled to. The next is local ownership of business, the kind of business that people in every community can conduct and operate themselves. I remember, and other gentlemen will remember, when there was distress in a community, a small town, there was a sufficient number of people in that community to afford employment and to grant relief when necessary to take care of the local situation. But along came absentee ownership, and absentee ownership comes in competition with local business, and absentee ownership soon destroys that great cushion of the local community to take care of its own problems by destroying that local community cushion, and a relief roll has become necessary, absolutely necessary, and there is no cushion there any more. So one of the major problems is to take issue against absentee ownership of a business that can be operated by local people. Local people cannot operate every business. They cannot operate the railroads or possibly the telephone lines, and there are many lines of business that local people cannot operate, but there are lines of business like retail distribution, where there are enough people in every community who are able and anxious and willing to carry on that business, and I believe it is our duty to give them that aid and encouragement by protecting them, the weak, the local businessman, against the strong, who are the absentee owners.

GOVERNMENT OWNERSHIP OF THE 12 FEDERAL RESERVE BANKS

For the monetary bill I am insisting on H. R. 7230. Other bills are pending which will be considered, and possibly all at the same time. I am in favor of all views being considered. Mr. BINDERUP has views of his own, and so does the gentleman from California [Mr. VOORHIS] and others. I want the Banking and Currency Committee to consider all our views and let us report out some kind of a bill that will make an attack on the concentration of credit and money as mentioned by the President of the United States in his message to the Congress and in his speeches and statements to the newspapers.

HEARING BEFORE COMMITTEE SOUGHT

This is the only proposal, according to my view, that is pending in Congress that makes any step in the direction of carrying out what the President said he would like to see carried out. There are 160 Members of this House sponsoring that bill, H. R. 7230. They are the Democrats, and five of them are members of the Committee on Banking and Currency. In addition to them, all of the Progressives are supporting it and a large number of Republicans are supporting it. Many Democrats who are not cosponsors are supporting it, and we have been unable to even get a hearing before the Banking and Currency Committee. We are insisting upon it, and we expect to continue to insist upon it until we get that hearing. [Applause.]

BILL AGAINST ABSENTEE OWNERSHIP

For the bill on absentee ownership, a large group of Members of the House is working now on a measure intended to prevent a few people or a few corporations from obtaining a monopoly on retail distribution. It is going to be approached from an angle from which it can be successfully approached. If we can pass that bill, that means that local ownership will be encouraged and absentee ownership will be retarded. I believe that the bill will be ready in another week. I know of 100 Members of the House right now who are ready to place their names on such a bill.

PARITY PRICES FOR FARMERS INSISTED UPON

We are all working to the end that by giving the farmer a fair price for his products, that is, at least parity prices, we will raise the purchasing power of one-third of our population and grant to them what can be and will be a fair annual living wage.

None of the farmers receive a fair annual wage; a large percentage of the people engaged in industry do enjoy a fair annual wage today—not all of them; some of them do not. I am in favor of raising the wages of the submerged groups and I will vote for a wage and hour bill if you will at the same time carry out that other provision of our platform which says parity prices or cost-of-production prices for the farmers of this country. How can you expect a Member from a rural district to vote for 40 cents an hour as the lowest wage in industry without any assurance that his farm constituency will receive more than 8 cents an hour for their labor?

All of these things are working in the direction that we should go, the direction of fair annual living wage for the American people, which I am in favor of for both industrial and agricultural workers.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Texas in order that he may answer the gentleman from Michigan.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. CRAWFORD. I wish to ask the gentleman two or three questions. Is the gentleman willing to state to the House that in his opinion the real leaders around here do somewhat believe that this monetary system is going to have to be dealt with quite shortly?

Mr. PATMAN. I find some of them feel that way. I do not know how the President feels about it, I do not know how his close advisers feel about it, but it is my belief that many of the people who are occupying the key positions in this administration believe that it is essential, absolutely necessary. The President's messages and statements indicate he is going to the mat with the money group, who oppose any change in our monetary policy. I believe he will. I predict now that he will drive the money changers from the temple and do it just as courageously and effectively as he has carried out other major proposals. The President is with the people. He is fighting the special-privilege groups and fighting for the masses. I feel confident that he will come to the conclusion that our major problem at this time is monetary and absolutely necessary for recovery.

Mr. CRAWFORD. I was getting that same impression from remarks I have heard. Like the gentleman from Texas, I have been wondering why hearings did not begin on some of these bills.

Mr. PATMAN. Let me say there that when we have another hearing—and the gentleman is a member of the Committee on Banking and Currency—that I, as one member of the committee, will insist, and I hope the gentleman will join me, in calling not only Mr. Eccles from the Federal Reserve Board but we should call every member of the Board. Let us see what the other members think about this problem; let us call these people in the key positions before that committee.

Mr. CRAWFORD. I am very anxious to have that done. Let me ask one further question with reference to the different methods or steps that could be taken. The gentleman mentioned releasing money through relief, the desterilization of gold, and changing the reserve requirements. These two last things, the changing of the reserve requirements and the desterilization of gold, do not involve any taxation or relieve the expenditures in any way.

Mr. PATMAN. No extra taxes, no bonds, no extra expense. I think Mr. Eccles was mistaken when he thought inflation was approaching this country and caused the reserve requirements to be raised. I could not see any signs of inflation, and I believe he admitted that he could not name a single sign existing; yet they went ahead and doubled the reserve requirement on the banks of this Nation; that had

the result of plowing under, or destroying, billions of dollars of the circulating medium.

Mr. CRAWFORD. Does the gentleman feel that there was a single sign on the horizon at the time which indicated speculation or an excess of the price index, especially when we take into consideration the agreement that was made with Great Britain and France in September of 1936 wherein we agreed to go along on certain propositions with reference to maintaining a high price index?

Mr. PATMAN. I see no danger of inflation at all.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. PIERCE].

COLUMBIA RIVER DEVELOPMENT

Mr. PIERCE. Mr. Chairman, the outstanding material achievement of the Roosevelt administration is the construction of two colossal, multipurpose dams at Bonneville and Grand Coulee on the Columbia River. The Grand Coulee Dam in Washington is a joint irrigation and power structure. The Bonneville Dam, near Portland, Oreg., will afford navigation and power facilities. These two dams will revolutionize the industrial and economic conditions of the Northwest—Oregon, Washington, and Idaho. They will usher in a new westward movement, such as we had before our national frontiers vanished at the water's edge of the Pacific Ocean. Their completion will mark a new era for the entire Nation in opening opportunities for the land-hungry of the cities and for the drought-stricken farmers. Both these groups look to our Pacific Northwest for their new day of land ownership on self-sustaining irrigated farms. The entire Nation will also benefit from the operation of the "yardstick" by which electric light and power rates will be measured. Electric consumers look to the West for this important contribution.

THE RIVER

The Columbia River is the second largest in the United States. It is more than 2,000 miles long, from its source amid the eternal glaciers of the snow-capped Rockies to ocean level. This mighty river, with its watershed and adjacent areas, has over 50 percent of all the undeveloped hydroelectric power in the United States. It affords the greatest opportunity for electric power development anywhere in the world. Its falling waters are well named "white coal," and they afford rich compensation for the lack of abundant deposits of coal, oil, and gas not yet found in commercial quantities in the Northwest. The waters of the Columbia, when chained and harnessed for the production of hydroelectric energy, will be more valuable than all the anthracite beds of Pennsylvania, the bituminous coal beds of Illinois, or the oil and gas fields of Texas. This immense quantity of power and energy will not be depleted with time, but will endure so long as water flows, far outlasting the diminishing natural resources of other sections of the country. The Northwest has 40 percent of all the commercial standing timber of the United States. This is also being made a permanent asset through the sustained yield plan of cutting, now being developed through the wisdom of this administration. Our wheat fields, our fisheries, our fruit orchards, yield in abundance. This fertile Columbia Basin is a land of temperate climate, ideally fitted for the habitation of civilized man, for those who love home and the land.

IRRIGATION FARMING

The stupendous Grand Coulee Dam is primarily an irrigation project. It will make it possible to pump water over a million and a quarter acres, constituting the greatest single irrigation project in all the land. Cheap electricity for pumping water onto now barren lands will come not only from Grand Coulee, but also from other power plants in the Columbia Basin, which will make available thousands of acres of rich land, freed from dependence upon the uncertainties of rainfall. It is clearly within the facts to state that this development will afford at least 100,000 new homes, on irrigated lands, where farming may be conducted under ideal conditions. These projects will affect directly the lives of a million or more people, and indirectly react helpfully upon the entire Nation. In this land economic refugees will find new homes where they may raise the things they eat and produce abundantly for commerce. The new westward movement has already begun and with it has come a revival of the pioneer spirit. Those who have seen the irrigated tracts of the Yakima Valley in Washington, or of the Klamath and Malheur countries of Oregon, are convinced of the value and desirability of irrigation farming. Here is our opportunity to place the landless man on the manless land.

NAVIGATION AND TRANSPORTATION

The Columbia and Snake Rivers form a natural transportation route by water through the very center of the Northwest. The foresight of the President has made possible not only irrigation and power development but also water transportation which will carry inland-empire products to the ports of the world. There is a great program ahead for the Columbia River region, including the Snake River. The next dam will undoubtedly be constructed at Umatilla Rapids, making slack water to the mouth of the Snake River, and providing water navigation for the transportation of products from adjacent lands irrigated by the Grand Coulee projects. Gates of the highest single locks of the world swung open a few days ago for the first passage of a river boat through the Bonneville ship locks, given us by the President. Soon ocean-going vessels will follow the lead of the river craft, and penetrate to the inland seaport of The Dalles, 200 miles from the ocean. Eventually there will be navigable water on the Columbia and Snake Rivers for 600 miles. Thus, water transportation, supplemented by trucks moving over the remarkably fine highway systems of the Northwest, will help to regulate and keep within bounds the rates of the railroads, which have exacted such a heavy toll from our producers.

REPAYMENTS TO THE FEDERAL GOVERNMENT

The electricity generated at Bonneville and Grand Coulee is a byproduct of these multipurpose dams. Navigation will bear its reasonable portion of the cost of Bonneville, and sale of electric power there generated will repay to the Federal Government that portion of the cost of the dam which may be fairly charged to the hydroelectric power system. The farmers who use the Grand Coulee water for irrigation will repay a reasonable portion of the expense of the creation of that monumental structure. Our President has often said that the power development on the Columbia River was intended for the widest possible use at the lowest rates which would repay the Government for its investment.

THE YARDSTICK

The President has on many occasions expressed his belief that the power developments on the Columbia River would afford a yardstick by which the people of the Nation could measure their electric costs and judge for themselves whether they were being overcharged for electric power. The Government projects will be carefully conducted and studied for the purpose of deciding definitely what should be the cost of hydrogeneration and of the transmission of such current, the two factors which, added to local distribution costs, make the total cost of delivering electricity to the consumer. To illustrate the yardstick principle I may state that, measured by the prices paid by the people who use the publicly owned power plant at Tacoma, Wash., users of electricity in Oregon are paying more than seven and a half million dollars annually—$7,785,496—in excess of what they would pay for electric energy if they were charged at the Tacoma rates. The Tacoma yardstick also reveals that the people of the State of Washington pay annually twelve and a half millions—$12,530,290—more than they would pay if all their people might have the Tacoma rates. Idaho is paying each year over three and a quarter millions—$3,290,993—too much, measured by the Tacoma yardstick. The millions of dollars which could be saved annually by reduction of electric rates of the Northwest to the Tacoma standard would buy out and pay for every local distributing system in that area within the next 10 years. The Tacoma yardstick and

the yardstick afforded by Ontario, Canada, measure our national electric excess charges at a colossal amount, which would pay the national debt in 21 years.

DEBT REDEMPTION

The only raw material which enters into the manufacture of hydroelectricity is falling water. Lower electric rates do not cost the producer more, and they greatly increase the long hour consumption of the product. There is little labor entering into generating costs, and the transmission lines are of long-time construction. The greater spread of use brings greater profits and lower consumer costs. These profits are, in publicly owned plants, used to redeem debts, so that rates may be further reduced when initial costs have been entirely paid. This debt-redemption feature is another lesson we have learned, added to the "yardstick," to justify in the fullest sense these great national undertakings in the power field. The privately owned utilities pile debt on debt, and by their policy of debt refunding cripple posterity and keep rates at exorbitantly high levels. The Nation needs the electric "yardstick," and it needs the lesson of debt-redeeming utilities.

PUBLIC OWNERSHIP

It is an axiom as old as time that business which does not admit of competition should be owned and controlled by the public. A private monopoly is as indefensible today as it was in the days of Plato, of Jefferson, or of Bryan. Electrical distribution is a natural monopoly because it does not admit of competition, if public welfare is considered. Furthermore, it uses natural resources and public facilities like roads and streets, which are public and not private assets. No municipality can afford to have competing systems providing the necessities upon which people are dependent, such as water, light, and power. No city in a civilized country can exist without an abundance of these requisites, which should be furnished at the lowest possible price. No argument can justify the conduct of such a business by a private individual, company, or corporation. For necessities of life, people should not be left to the mercies of profit-seeking corporations, neither should absentee speculators be allowed to gamble with such projects. So successful have been the publicly owned utilities that some cities have come to rely upon them for the income necessary to maintain other activities of municipal government. Certainly it should not be expected that the water and light systems should assume this burden. When the income from them has paid off the initial investment the rates should be reduced to the minimum. Fortunate indeed are the citizens who may use without stint an abundant supply of electric current.

REGULATION A FAILURE

For some years our public life has been dominated by those who have advocated private ownership of electric utilities, supposed to be controlled by public regulation through State agencies. My observation has convinced me that State public utility commissions, whether elective or appointive, have proven ineffectual. Powerful Wall Street groups have secured financial control of local operating companies, and through their great accumulations of profits, never applied to debt redemption, have got a stranglehold on legislative and regulative bodies. The worst evil which has developed from private ownership of utilities has been their use for speculative purposes, resulting in the control of these essentials by holding companies existing solely for the exploitation of the people and frequently resulting in ruining the operating companies. The regulators have submitted to regulation until they have become simply adjuncts of the private utilities. The only effective regulation in any business is competition, and this is impossible when the business should be conducted as a natural monopoly without duplicating systems.

Admitting the failure of attempted regulation of these great corporations, we may gain some control over rates charged by the private electric power companies through the "yardstick" method. It is my judgment that the ultimate solution is public ownership. The people must own not only generating plants and transmission lines but also the local distribution systems. National or State Governments should build and operate the generating plants located on the waterways which they control. They should carry the current on public transmission lines to the municipalities or communities, which should own their own distribution systems.

ACQUISITION OF PRIVATE SYSTEMS

Our Pacific Northwest States of Washington, Idaho, and Oregon, which will use the electric current from the Columbia River dams, will undoubtedly pass laws making it possible for the people to acquire existing electric distributing systems by paying their present owners reasonable prices, based on "prudent investment." Cities should at once take the necessary steps under existing laws to ascertain the values of privately owned municipal distributing systems. Private utilities should not expect to be paid for franchises which were, in most instances, given them by the very people who are now proposing to purchase the plants. Inclusion of severance charges should not be allowed as an excuse for enormous excess payments, neither should the public be expected to pay for its own "good will." Actual values of poles, transformers, wires, and equipment should be arrived at by honest, disinterested engineers who know these values. No advocate of public ownership desires to confiscate private property, even if it were legally possible, as it is not. The owners and investors should have a fair return for actual investment prudently handled. Few cities tolerate private water systems, and in the coming years they will require the private utilities to retire from the field of generating, transmitting, and distributing electric light and power. There will be a particularly strong sentiment for public ownership in the Pacific Northwest, because of the abundant hydroelectric sites, and the construction of these great dams on the Columbia River. We have allowed private utilities to collect millions of dollars from our most valuable natural resource, the falling waters of our rivers, while we have been learning the lesson of public ownership of all our natural resources.

If the resistance to orderly progress becomes so bitter that the private utility interests place unfair obstructions in the path of public ownership, municipalities must be given authority, by statute law or constitutional amendment, if necessary, to take over the distributing plants at actual value. The cities must then be allowed to pay for these electric utilities with serial bonds, running through a term of years, drawing a reasonable rate of interest and liquidated by the earnings from the plants.

INDUSTRIAL DEVELOPMENT IN THE NORTHWEST

What an era of development has been opened by these two great dams upon this mighty Columbia River! The ultimate energy capacity of the two structures is only about one-sixth of that available on the streams of the Northwest. The most potent influences in establishing industries in New England, after the Revolutionary War, were rivers like the Merrimac, from which our ancestors obtained power by use of their crude water wheels. The coal beds were the main reason for the establishment of industries in western Pennsylvania. The greatest influence in bringing industry and prosperity to the Pacific Northwest will be the cheap electric power from developments on the Columbia River and the streams of its watershed. This opportunity for new industries at and near tidewater, excels that offered in any other region. Think what the situation will be when the Government has been repaid for its power investment in dams and transmission lines, and the debts have been lifted from the distributing systems. What will then be the factors which will enter into the cost of electric energy in the Pacific Northwest? Chiefly falling water, with electric rates so astonishingly low that it will make this section an ideal place for home, for farm, and for industry. In another generation marvelous changes will come over this favored region, which will then have amortized the costs of these noteworthy improvements which will furnish light, power, and heat. When President Roosevelt allotted the necessary millions to start the dams on the Columbia River at Grand Coulee and at Bonneville, he initiated a new era for the Pacific Northwest.

Surely this generation will not commit the unpardonable crime of allowing the holding companies of Wall Street to

steal the hydroelectric power generated on our rivers. We of the Northwest will protect our natural heritage and we will acquire and maintain full ownership and control for ourselves and our descendants.

Mr. DITTER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PIERCE. I thank the gentleman.

Mr. DITTER. Will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Pennsylvania.

Mr. DITTER. I want to compliment the gentleman for the very splendid speech he has made in defense of his own position. As he referred to the matter of coal in Pennsylvania, I wonder if he is familiar with the statement just made by Governor Earle with reference to Pennsylvania coal?

Mr. PIERCE. I am not familiar with it.

Mr. DITTER. And if the gentleman would give us the benefit of his opinion on what the Governor thinks of our coal proposition.

Mr. PIERCE. I am not familiar with his statement.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I desire to make a few remarks concerning the appropriation bill now pending before the Committee. I did not hear all of the discussion that took place in reference to the matter this afternoon, but I was very much impressed with the remarks made by the gentleman from Illinois [Mr. DIRKSEN], and several others who followed him.

I have gone among my people, as has practically every other Member of this House, and I have told them I am in favor of adequate national defense. However, I have as great difficulty defining adequate defense as some of you. I recall that our first President, the Father of his Country, said that we should maintain a defensive posture. I have been trying to figure out what he meant by "defensive posture." I am not one to follow altogether a deductive system of reasoning, but when we have a great authority, such as the Father of his Country, I am willing to give a good deal of weight to his advice. I remember also that Thomas Jefferson stated that we should avoid entangling alliances. Washington said practically the same thing. That is our American doctrine.

Let us couple those two things together. As a national policy we ought to maintain a defensive posture and at the same time avoid entangling alliances. As I unite those two ideas, I get the impression that we should emphasize home protection and not the building of a navy that will reach into all parts of the world so that we might be able to whip any nation or a combination of nations wherever found. For this reason, Mr. Chairman, in considering this naval appropriation bill I prefer to minimize the construction of these floating fortresses and emphasize some other portions of our national defense.

Mr. PATMAN. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Texas.

Mr. PATMAN. I am very much in sympathy with what the gentleman is saying, and at this time I would prefer to vote for an aerial force instead of battleships. But I would like to know who will offer the amendment and who is going to make the fight?

Mr. MURDOCK of Arizona. I prefer the same thing exactly, to strengthen our air force, and also antiaircraft guns. Perhaps we had better get our heads together.

Mr. PATMAN. I hear a lot of sentiment in the cloak room, but I do not find anyone who is proposing an amendment along that line.

Mr. MURDOCK of Arizona. It may be a case of belling the cat.

Mr. FADDIS. If the gentleman has any such idea in his mind, he wants to look over the record of the Battle of Jutland and also look over the operations in Spain with regard to how much confidence he can put in an air force.

Mr. PATMAN. What about the navy over in Spain?

Mr. FADDIS. The same thing would apply.

Mr. MURDOCK of Arizona. Mr. Chairman, may I say one more thing in this connection. I do not believe we can have an adequate national defense unless we get down to the grass roots of things. I appeared before the Military Affairs Committee of the House several months ago when the Faddis bill was under consideration wherein it was proposed we lay in a stock of strategic war materials, getting these materials from foreign nations. The suggestion was made at first that we take them in payment of the war debt. I could not reconcile several things in that regard.

In the first place, if we get manganese and tungsten, we get it from nations that owe us no war debt, or we may get it from Russia that never intends to pay any war debt. As a part of true national preparedness we ought not be caught as we were in the World War without a sufficient stock of strategic materials to provide for our artillery.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MURDOCK of Arizona. Mr. Chairman, it seems to me essentially basic that we develop these strategic war materials within the confines of our own country. It may be necessary as a temporary proposition to get them wherever we can get them quickly, but where such a thing as manganese or tungsten is so vitally important to our military defense and equally vitally important to our industrial life, it stands to reason that we as a nation ought not to be dependent upon foreign sources for such strategic war materials and that we must develop these materials within our own limits.

I think we might do well therefore to discard or dispense with some auxiliary ship, at least a $5,000,000 item or more, so that we may get these strategic war materials quickly, and when we develop them fully we should see that our own industrial machine is supplied through the home production of these things which are basically important to our Navy and to our Army.

Mr. Chairman, as a matter of national defense I prefer to emphasize military preparedness over and above naval preparedness, and I think that means home safety as well, so that if I am caught voting against any phase of this naval appropriation bill, I may also be found emphasizing military preparation to take the place of it.

Mr. UMSTEAD. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. I take it the gentleman knows that the naval appropriation bill for the current year carried three and a half million dollars for the purpose of purchasing strategic and critical minerals to which the gentleman referred a few minutes ago.

Mr. MURDOCK of Arizona. Yes.

Mr. UMSTEAD. I also take it that the gentleman knows that $3,000,000 is carried in the bill we are now considering for the same purpose.

Mr. MURDOCK of Arizona. I notice that; but I wish it had been the sum provided in the House bill last year which was $5,000,000. This was pared down to three and a half million dollars elsewhere. I think that sum is even too small.

Mr. UMSTEAD. Then the gentleman would undertake to say that some of the items in the bill which he considers to be too large should be used for purposes the gentleman thinks would be more useful?

Mr. MURDOCK of Arizona. The gentleman is correct.

Mr. UMSTEAD. The gentleman is not opposing the appropriation bill as we have it, then; he is merely opposing the arrangement of the items and the purposes for which the money is to be spent?

Mr. MURDOCK of Arizona. I would minimize the spending of money on battleships and use it on the Air Service or in some other more defensive way, including the furnishing of strategic materials and such like means of readiness.

However, I may say, in general, I favor strengthening the military arm of defense over the naval arm of defense. It is a question of emphasis.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Chairman, I rise at this time to discuss the exportation of helium gas to Germany. If the members of the Committee will bear with me, I request I be not asked to yield until I conclude my remarks. Then, if time remains and I am asked to yield time to questions, I will gladly do so.

I hold in my hand an article dated November 23 from the Washington Post, which tells us that in the next war, and, in fact, in the present, motorized blimps will replace the stationary so-called sausage observation balloons of the last war. The ordinary commercial dirigible of the so-called German type, with which we have become familiar, takes about 7,000,000 cubic feet of gas to fill it. The helium necessary to float one of these dirigibles would fill about 80 war balloons of this latest type of maneuverable war balloons, which are equipped with motors and apparatus to make them readily maneuverable.

I further call your attention to this clipping from the New York Times of January 9:

GERMANY PLACES A BAN ON ROOSEVELT SPEECHES

LUCERNE, SWITZERLAND, January 8.—A Lucerne publishing firm, Vita Nova Cerlag, announced today that its collection of speeches and official statements by President Roosevelt and former Premier Stanley Baldwin, translated into German, had been formally forbidden in Germany.

The German Government, according to the publishers, declared this volume was "unerwuenscht" (undesirable), a word commonly used in many German towns to describe their attitude toward Jews.

It is believed here that this is the first time any western European government has barred official statements by the head of another state with which it maintains diplomatic relations.

You probably saw the current news items wherein it was reported that an official protest had been lodged against Mr. Dodd, former United States Ambassador to Germany, speaking his opinions freely in this country, where, thank God, we still have free speech about certain events, men, and conditions in Germany. May I read this clipping, I believe, from the New York Times which appeared in that newspaper—I think it was the New York Times, unfortunately it is unmarked as to its source—sometime in the last 30 to 90 days. You are Members of the Congress of the United States. Let me quote from this article and tell you what has happened to what I may call fellow colleagues of ours in Germany:

SOCIALIST EMIGRES DERIDE NAZI WRATH—COMPARE WHOLESALE MURDER OF DEPUTIES IN GERMANY WITH CZECH INCIDENT

Apropos of the uproar in the Nazi press over the alleged clubbing by the police of a couple of Henlein (pro-Nazi) members of the Czechoslovak Chamber of Deputies during a disturbance at Teplitz-Schoenau a few weeks ago, the executive committee of the Social Democratic Party of Germany, now living in exile in Prague, issued the following statement:

"Just think of the number of members of the German Reichstag who have suffered a much worse fate. Since the seizure of power by Adolph Hitler, the following deputies have been murdered: Eggerstedt, Ferkel, Gerdes, Goetz, Henk, Husemann, Jacobs, Kasten, Langhorst, Landgraf, Maeder, Dr. Marum, Putz, Reith, Dr. Sachs, Scheer, Schulz, Schuetz, Stelling, Steinfurth, and Stentzer.

"In none of these cases was the murderer ever brought to justice.

"Among the numerous deputies held in jail without legal procedure, some of whom were grossly abused, we name—"

And here follows a list of a score or so of names.

In the New York Times with a Washington date line of December 6 appears the following:

An allotment of 17,900,000 cubic feet of helium has been granted by the Munitions Control Board to agents of the German Zeppelin Co., presumably for operation of the sister ship of the *Hindenburg* on a trans-Atlantic route.

The allotment is for the year beginning November 1, 1937, and was granted on November 23 to the American Zeppelin Transport, Inc., of New York, as agent for the German concern. No licenses have yet been applied for or issued under the allotment.

Similarly, in the Washington Evening Star of January 10, under a Houston, Tex., date line, appears the following:

The German steamer *Dessau* has arrived to load the first shipment of helium gas to be transported from the United States.

The steamer will take a portion of the 17,900,000 cubic feet of helium ordered for the *LZ–30*, sister ship of the ill-fated *Hindenburg*. The *LZ–30* will be launched in about 5 months.

Aboard the *Dessau* are 468 steel bottles to be used as containers for the gas. The 2,350,000 cubic feet of gas to be placed aboard the vessel will virtually exhaust the supply in the Amarillo, Tex., plant.

I sent a wire to the President protesting against the shipment of helium out of our country, and the telegram was relayed to the Secretary of State, Mr. Hull.

May I read some excerpts from Mr. Hull's letter to me on that score, dated January 13, 1938?

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman from Connecticut 2 additional minutes.

Mr. DITTER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. PHILLIPS. I am sorry I shall not have time to complete the whole story. I will have to skip over the letter which Mr. Hull wrote me and simply read excerpts from his letter—

On the joint recommendation of all members of the National Munitions Control Board and the Secretary of the Interior, the allotment of 17,900,000 cubic feet of helium gas—

And then he goes on to say that amount has been allotted just the way the newspaper articles to which I have referred have told us.

Then Mr. Hull's letter states that—

All requests for allotments of helium gas must be made under oath telling the purposes for which the gas is to be used.

Mr. Chairman, I submit that when a nation has broken its treaties, signed, sealed, and delivered supposedly in international good faith, when that same nation, or its representatives, come to us submitting a proposition under oath, I raise the question whether that proposition can be believed any better than the word of that nation which has been violated in connection with the broken international treaties.

Then Mr. Hull's letter further tells us that the Control Board, to which I have referred, is composed of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and that all of these gentlemen must pass on such requests for helium and that such licenses are subject to revocation, I am pleased to say, without notice.

Then he goes on to state further:

The allotments mentioned above contemplate exports of helium gas which will extend over a period of 1 year.

And then he tells me that the gas not only is to inflate this dirigible initially but is to be enough to take the place of gas which may be lost due, I suppose, to evaporation or valving or the different things that take place in the mechanical operation of the dirigible which may cause it to lose gas.

I point this out because the gas allotment is not only enough initially for the dirigible or enough to fill, as I have pointed out, some 80 war machines of the type I have referred to, but a lot more gas which can fill additional war balloons as well.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I will yield if the gentleman will permit me to finish this one statement.

I may say, in closing, I think it is outrageous that the United States Government is giving to the nation of Germany one single cubic inch of helium gas. What has come over us in this country anyway? Are we so stupid in our international relations that we must surrender everything we have to foreign governments that break their word? What has come over us that our officials have so lost sight of their duty to the American people that they yield this God-given gift of helium to a foreign government which has shown itself to be one that breaks its international agreements, that murders members of its House of Deputies, colleagues of ours we might say, and yet give them this gas that can be converted into war-making machinery? I hope these licenses for allotments of helium gas will be revoked.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. Yes.

Mr. FADDIS. I might inform the gentleman there was a bill passed in the House of Representatives last year granting this permission.

Mr. PHILLIPS. And I was here fighting against it, foreseeing just what I am speaking about now.

Mr. FADDIS. I was, too.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. DITTER. Does the gentleman suggest that the deletion of the Roosevelt speeches was due to the efforts of the economic royalists?

Mr. PHILLIPS. What does the gentleman think?

Mr. DITTER. I thought the gentleman might be able to answer.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Chairman, we now have under consideration the naval appropriation bill for 1939. This bill calls for $549,195,494—the largest peacetime appropriation in the history of our country.

Every year we hear the same old cry that the Navy needs more and more money to give the United States adequate national defense. I am a firm believer in adequate national defense and will go just as far as any Member of this House to see that we get it. I am not a pacifist, because a pacifist believes that war under any circumstances is unthinkable. My belief is that we should be ready to repel any invasion of our country or any of its territorial possessions. The homes of our citizens must be protected. There is a great difference between a war of defense and a war of offense. There is an equally great difference between the development of a Navy for defense and for offense. I do not believe that we should discard the good-neighbor policy. The day we take the leadership in the world-wide armament race, the "good neighbor" buys a gun. If, as the naval experts have repeatedly testified in support of a bigger and better Navy, we need more naval armament for purely defense purposes, then we should secure those additional defenses and do so at once. However, if we are building a Navy to send our sailors and marines all over the face of the globe to protect American dollars with American bullets, then we should not build a bigger Navy. The overseas investments of a few of our people have been made with one purpose in view—to make profits. They have been made because conditions in those countries, in the minds of the investors, make possible the securing of greater profits there than could be secured at home. The investors, with full knowledge of the fact, have placed their money outside the protection of our own laws and outside the legal jurisdiction of our own Government. There is nothing to criticize in that practice as long as the investors realize that their money is outside the jurisdiction and protection of our Government. It is the usual business theory that "the greater the profit the greater the risk of the investor." When investors in foreign countries demand the armed protection of our Government for their investments they reverse the accepted business theory and it becomes "the greater the profits the greater the risk to those who have no share in the profits." Taxation for national defense is one thing, but taxation for the defense of investments and profits of a few of our people is class discrimination of the rankest kind.

Year after year we have appropriated money for national defense, yet we have never defined what we mean by that term. The 1932 Democratic platform contained these words:

> National defense. A Navy and an Army adequate for national defense based on a survey of all facts affecting the existing establishments, that the people in time of peace may not be burdened by an expenditure fast approaching $1,000,000,000 annually.

That plank in the 1932 platform has apparently been overlooked. We will never know what our adequate national defense goal is until the question is fully discussed by the Congress. We will never have a definite goal toward which we can work until our defense policy is definitely established.

The appropriation of $549,195,494 for the Navy as provided in this bill will not give us adequate national defense. The appropriation of another $200,000,000 in a later bill will not give us adequate national defense. The appropriation of still further hundreds of millions for our merchant marine will not give us adequate national defense, nor will the continued diversion of relief and recovery appropriations for the Navy give us adequate national defense. No matter how much we appropriate, we cannot reach a goal that is continually moved ahead by our naval experts and which will continually be moved ahead until some definite policy of defense is established.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. LUCKEY of Nebraska. Yes.

Mr. SHORT. I dislike to interrupt the remarks of my friend from Nebraska, because he is making an interesting address, and I have a great deal of sympathy with the views that he is expressing. I believe all Members of Congress as well as the entire American people deplore the necessity for continuously increased appropriations for national defense, but in view of the fact that all of the other nations of the world, the leading powers, are arming to the death with greater armaments and spending more money than they did at the outbreak of the World War, does not the gentleman believe it is the policy of wisdom on our part to maintain a Navy adequate to meet any foe?

Mr. LUCKEY of Nebraska. I am going to touch on some phases of that, but I am now appealing from the standpoint of economy.

Mr. SHORT. Still trust in God but keep your powder dry.

Mr. LUCKEY of Nebraska. Mr. Chairman, each year when the naval experts tell us we need to appropriate more money for the Navy we face a difficult decision. We want to protect our country, but we do not want to waste the resources of our people. I am quite frank to confess that it is difficult to secure expert testimony on the question from all points of view. The experts furnished us are those from the Navy Department. They all tell the same story, and there is plenty of reason why they should. Any expert in our Navy who fails to tell the same story or who ventures to criticize existing conditions is removed from the ranks of the experts by the Department's relieving him of his command. Look over the record and see if you can find any of those experts who criticized the waste and useless expenditures of the Navy still on the rolls as experts.

Since 1920 we have spent $10,332,700,000 for national defense. Most of that expenditure has been on our Navy. Our Army has dropped from its rank of seventh in the world to seventeenth. Our Navy, while practically equal in tonnage to that of Great Britain, is, according to our departmental experts, largely obsolete and nowhere in comparison with the British Navy. You cannot blame the present condition of our Navy upon the fact that it is the highest paid in the world or upon the fact that clothing and subsistence for it is more expensive than for any other navy of the world. While those higher costs are true, they represent only a small part of the annual appropriations.

Ten years ago Rear Admiral Magruder commented that this country "was spending $300,000,000 a year on its Navy and getting $200,000,000 worth of navy for it." Rear Admiral Magruder was relieved of his command, but the conditions that existed in 1927 continue to exist today. In this bill we will appropriate $549,000,000, and we will get perhaps $400,000,000 worth of navy out of it. The same thing will apply to later appropriations. Let us see just what has happened to the money we have appropriated in the past.

On October 25, 1933, we had a splendid example of the efficiency of our war vessels. On that date a British freighter, the *Silverpalm*, collided with the armored cruiser *Omaha*. The *Omaha* was not an old boat, but a practically new one. The *Omaha* was standing still when the *Silverpalm*, traveling at a rate of 10 miles per hour, rammed into the *Omaha* about midship. The *Silverpalm* buried her nose right into the *Omaha*, making a hole 40 feet wide. The armor plate, bulkheads, and other protective devices failed

to keep the freighter from doing that amount of damage. That one illustration shows the efficiency of our Navy Department in providing protective armor plating. There were 10 light cruisers built around 1924 of the *Richmond* class. The experts tell us that those light cruisers are built so low to the water that two broadside 6-inch guns and two 6-inch guns in the after gun house cannot be fired in a rough sea.

About 1933 we built nine light cruisers—the *Omaha, Milwaukee, Richmond, Trenton, Raleigh, Concord, Memphis, Cincinnati,* and *Marblehead*—without bothering to test their construction design. The ships were completed, only to find that sufficient space had not been allowed to house the crew. A superstructure had to be built. I have already commented upon the efficiency of the armor plate on those vessels. A few years ago we built eight heavy cruisers and had an opportunity to test them. Despite that fact, the *Quincy* was launched in 1936 and sent off for a shake-down cruise. Every port welcomed the *Quincy* for repairs. The speed trials burned out her turbines. We should be able to learn from experience, but that does not always seem to follow.

I am not going on and on pointing out ways in which our money is dissipated, but I do want to point out just one more instance. Following the enactment of the Walsh-Healey Act, the steel makers refused to provide steel armor if they had to provide it under the terms of the Walsh-Healey Act. While the differences were settled, it did cause a lot of people to wonder why the Government did not do something about making its own armor steel. Twenty-one years ago the Government spent $25,000,000 at Charleston, W. Va., to build a plant to make armor plate. Not one single scrap of armor plate ever came out of that plant, and in 1930 the Government finally ordered its abandonment.

If we are going to continue these ever-larger appropriations for the Navy, let us establish a national-defense policy. Let us determine just what we need, and then we can see that we get a full dollar's worth of national defense for every dollar that we spend. Then we can guarantee the taxpayers that we will have a Navy big enough for our first line of defense, secure seacoast fortification, an air corps able to repel attack from the air, and an army strong enough to keep even the most powerful invader away from our homes.

In the Seventy-fourth Congress two joint resolutions were introduced to provide for the establishment of a national-defense policy. The Senate joint resolution was introduced by Senator Benson, now Governor of Minnesota, and the House joint resolution was introduced by me. In this Congress I again introduced the joint resolution on March 1, 1937; that resolution—House Joint Resolution 254—is before the Committee on Military Affairs.

In an effort to strengthen our national defense, to eliminate the duplication of useless and overlapping bureaus in the defense forces, and to put our national-defense forces upon an economical and coordinated basis, I introduced H. R. 5785, to provide for the establishment of a Department of National Defense. In this country we continue to have an anachronistic system in control of our defense forces. The War Department and the Navy Department continue their rivalry. The Air Corps is divided into three parts—Army, Navy, and Marine. Each Department maintains separate boards and bureaus whose duties are identical and whose cost is enormous. Under a single Department of National Defense the procurement would be under one head and the duplication of technical and engineering staffs would be entirely wiped out. The division in command would be a thing of the past.

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 8993, the Navy appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. STARNES, for the remainder of the week, on account of important business.

To Mr. MITCHELL of Illinois, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, this afternoon I obtained consent to extend my remarks in the RECORD on this bill and in those remarks I ask unanimous consent to include a table of the number of newspapers of all kinds in the United States.

The SPEAKER. Is there objection?

There was no objection.

Mr. UMSTEAD. Mr. Speaker, I ask unanimous consent that all those who have spoken or who may hereafter speak on this bill may have 5 legislative days after its conclusion within which to revise and extend their remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. UMSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until tomorrow Thursday, January 20, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, January 20, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will be the first witness.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, January 20, 1938, at 10:30 a. m., to hold hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Thursday January 20, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10: 30 a. m., on Thursday, January 20, 1938, for the public consideration of H. R. 8562 and H. R. 8569.

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of Subcommittee No. 2 of the Committee on Military Affairs in room 1310, New House Office Building, at 10:30 a. m., Thursday, January 20, 1938, for the consideration of H. R. 6246, to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a

pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, January 25, 1938, at 10 a. m.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9007) granting a pension to Harry M. Snow, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 9039) to abolish the First and Second Export-Import Banks; to the Committee on Banking and Currency.

By Mr. HILL: A bill (H. R. 9040) to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437), as amended, and for other purposes; to the Committee on the Public Lands.

By Mr. LANHAM (by request): A bill (H. R. 9041) to regulate commerce by making unlawful the false and deceptive marking of goods or services, to provide for the registration of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on Patents.

By Mr. LARRABEE: A bill (H. R. 9042) to amend section 2 of the act to incorporate The Howard University; to the Committee on Education.

By Mr. McLAUGHLIN: A bill (H. R. 9043) to amend an act to provide for the retirement of Justices of the Supreme Court; to the Committee on the Judiciary.

By Mr. BARTON: A bill (H. R. 9044) to repeal the Silver Purchase Act of 1934; to the Committee on Ways and Means.

By Mr. LAMNECK: A bill (H. R. 9045) to change the effective date of the amendment made by the act of June 23, 1937, to Veterans' Regulation 1 (a), part II, paragraph 1 (a); to the Committee on Pensions.

By Mr. TOWEY: A bill (H. R. 9046) to amend section 112 of the Revenue Act of 1936, as amended, relating to recognition of gain or loss in case of certain sales; to the Committee on Ways and Means.

By Mr. BULWINKLE: A bill (H. R. 9047) to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. IZAC: A bill (H. R. 9048) authorizing negotiations and providing for the construction, maintenance, and operation of an interoceanic canal over Nicaraguan territory, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CRAWFORD: A bill (H. R. 9049) to amend section 112 of the Revenue Act of 1936, as amended, relating to recognition of gain or loss in case of certain sales; to the Committee on Ways and Means.

By Mr. ASHBROOK (by request): A bill (H. R. 9050) to amend section 3340 of the Revised Statutes, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. QUINN: A bill (H. R. 9057) to confer jurisdiction upon the Court of Claims to hear, consider, and determine the claims of Westinghouse Electric & Manufacturing Co., Inc.; to the Committee on Claims.

By Mr. SCRUGHAM: A bill (H. R. 9058) to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437), as amended, and for other purposes; to the Committee on the Public Lands.

By Mr. BIGELOW: Joint resolution (H. J. Res. 569) proposing an amendment to the Constitution of the United States to prohibit enforced military service on foreign soil; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorials of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States to consider their resolution with reference to taxes on food products made of cottonseed oil and peanut oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9051) for the relief of O. T. Travis; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 9052) for the relief of Suzanne Ridley; to the Committee on Claims.

Also, a bill (H. R. 9053) granting the Distinguished Service Cross to Raymond P. Finnegan; to the Committee on Military Affairs.

By Mr. GASQUE: A bill (H. R. 9054) granting a pension to Isabelle Johnston; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 9055) granting an increase of pension to Annie Trader; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 9056) granting a pension to Carl H. Smith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3834. By Mr. COFFEE of Washington: Resolution of Local 38–97, International Longshoremen's Association; Chemical Worker's Union, No. 20149; Tacoma Sign Writers Local 403; Meat Cutters Local, Cascade Lodge, No. 297, of I. A. of M.; Pierce County Employees Local, No. 120; Office Workers Union Local, No. 20360; Garage Employees Union, Local 461; Gas Station Employees Union, No. 20235; Stereotypers and Electrotypers Union, No. 91, all of Tacoma, Wash., demanding that the United States Government insist on all foreign lumber coming into the United States being plainly marked with the country of its origin and that any such lumber not so marked be denied entry; to the Committee on Interstate and Foreign Commerce.

3835. By Mr. COLDEN: Resolution adopted by Teamsters Joint Council, No. 42, of Los Angeles and vicinity, and endorsed by Retail Clerks, No. 905, San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on the Judiciary.

3836. Also, resolution adopted by the Veterans' Democratic Association, Seventeenth Congressional District, Gardena, Calif., asking for correction of discriminations against disabled enlisted men of the Army and Navy in the payment of retirement benefits, and asking that they be placed on a parity with disabled officers and warrant officers who receive 75 percent of their current pay without regard to length of active service prior to such disability; to the Committee on Military Affairs.

3837. By Mr. CURLEY: Petition of Private Gabriel Cohn Post 95, Jewish War Veterans of the United States, urging speedy enactment of House bill 6704, to prevent profiteering in time of war, to equalize the burden of war, provide for national defense, and promote peace; to the Committee on Military Affairs.

3838. Also, petition of the Federal Commodities Surplus Corporation Local, United Federal Workers of America, urging passage of the 5-day week for Federal employees; to the Committee on the Civil Service.

3839. Also, petition of the United States Immigration and Naturalization Local 53, U. F. W. of A, endorsing House bill 8431, the Federal Workweek Act (H. R. 8428), the Federal Workers Appeals Act; to the Committee on the Civil Service.

3840. By Mr. DELANEY: Petition of the Puerto Rico Post, No. 1105, American Legion, Brooklyn, N. Y., requesting support of petition No. 3729, which urges that the rights of citizenship be conferred on natives of the Philippine Islands now residing in the United States; to the Committee on the Judiciary.

3841. By Mr. DEMUTH: Resolution of the Pennsylvania State Planning Board, urging upon Congress the creation of a permanent national planning board and suggesting that the establishment of planning and conservation regions and agencies, as provided by the Norris, Mansfield, and similar bills, be deferred pending study by, and report of recommendation from, said proposed national planning board; to the Committee on Rivers and Harbors.

3842. By Mr. PFEIFER: Petition of the Chamber of Commerce of the State of New York, New York City, opposing any interruption of the pneumatic-tube mail service in the city of New York; to the Committee on the Post Office and Post Roads.

SENATE

THURSDAY, JANUARY 20, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, January 19, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8432. An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes; and

H. J. Res. 530. Joint resolution authorizing the President to invite foreign countries to participate in the ceremonies to commemorate the one hundred and fiftieth anniversary of the national ratification of the Constitution of the United States in Philadelphia, Pa., June 17 to 21, 1938.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and, in order to assure the presence of one, I ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Gillette	Logan
Andrews	Byrd	Glass	Lonergan
Ashurst	Byrnes	Guffey	Lundeen
Austin	Capper	Harrison	McAdoo
Bailey	Caraway	Hatch	McCarran
Bankhead	Chavez	Hayden	McGill
Barkley	Clark	Herring	McKellar
Berry	Connally	Hill	McNary
Bilbo	Copeland	Hitchcock	Maloney
Bone	Davis	Holt	Minton
Borah	Donahey	Johnson, Calif.	Neely
Bridges	Duffy	Johnson, Colo.	Norris
Brown, Mich.	Ellender	King	O'Mahoney
Brown, N. H.	Frazier	La Follette	Overton
Bulkley	George	Lewis	Pepper
Bulow	Gibson	Lodge	Pittman
Pope	Sheppard	Thomas, Okla.	Vandenberg
Reynolds	Shipstead	Thomas, Utah	Van Nuys
Russell	Smathers	Townsend	Walsh
Schwartz	Smith	Truman	
Schwellenbach	Steiwer	Tydings	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from New York [Mr. WAGNER] are absent because of colds.

The Senator from Illinois [Mr. DIETERICH] and the Senators from Montana [Mr. MURRAY and Mr. WHEELER], and the Senator from Maryland [Mr. RADCLIFFE] are detained on important public business.

The Senator from Arkansas [Mr. MILLER] is absent, attending a meeting of the project committee of the Rivers and Harbors Congress.

I ask that this announcement be entered of record for the day.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] is unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the secretary of the Mississippi Senate embodying a resolution adopted by the Legislature of the State of Mississippi, which was ordered to lie on the table and to be printed in the RECORD, as follows:

JACKSON, MISS., *January 20, 1938.*

Hon. JOHN NANCE GARNER,
Vice President of the United States,
President of the Senate, Washington, D. C.:

The following joint resolution unanimously passed both houses of the Mississippi State Legislature and was today approved by Governor Hugh L. White:

"Senate Joint Resolution 1

"Declaring the attitude of the Legislature of the State of Mississippi on the so-called antilynch bill now pending in the Senate of these United States.

"Whereas there is now being debated in the Senate of the United States a bill generally known as the antilynching bill; and

"Whereas this bill, if enacted into law, would be an invasion of the sovereign rights of the individual States of these United States; and

"Whereas this said antilynching bill, if enacted into law, would penalize innocent parties; and

"Whereas the enactment of this bill by the Congress of the United States would be an insult to the citizenship of the entire South; and

"Whereas the relations between the races in Mississippi are more amicable at this time than at any time since the Civil War, and the passage of this said bill would greatly endanger this status; and

"Whereas this bill is a vicious attack upon the democratic form of government and upon the theory of States' rights and is contrary to the purposes of the framers of the Constitution and the founders of our Federal Government: Now, therefore, be it

"*Resolved*, That the Legislature of the State of Mississippi views with grave concern this attempt to foist this political legislation upon the Southern States, and urges the Senate of the United States to uphold the theory of States' rights upon which our Federal Government was founded, and submits that the passage of the said bill would be a violation of the Constitution of the United States and an insult to the Southern States and the citizens thereof; that Hon. PAT HARRISON and Hon. THEO. G. BILBO, Senators from Mississippi, and the Honorable WILLIAM E. BORAH be commended for their actions in opposing the passage of said bill; and that the contents of this resolution be immediately telegraphed to the Presiding Officer of the United States Senate. Enrolled resolution being forwarded by mail."

MISSISSIPPI STATE SENATE,
By RAIFORD WATSON, *Secretary.*

The VICE PRESIDENT also laid before the Senate telegrams in the nature of petitions from members of the Committee Pro Spanish Democracy, and the Communist Party, Eighteenth Assembly District, New York City, N. Y., praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which were ordered to lie on the table.

Mr. BYRNES presented the following concurrent resolution of the legislature of the State of South Carolina, which was ordered to lie on the table:

Concurrent resolution thanking Senator WILLIAM E. BORAH, of Idaho, for his valiant, able, and patriotic fight against the passage of the so-called antilynching bill now pending in the United States Senate

Whereas the so-called antilynching bill now pending in the United States Senate and the Senators from the South are making a serious and unavoidable fight against its passage because it reflects on the South and its efforts for the enforcement of all laws and its ability to handle a difficult question under the conditions; and

Whereas the bill is unfair, unreasonable, and grossly sectional because it would impose big fines on law-enforcement officers in the South when they are powerless to prevent bands of men from taking persons charged with the most heinous of all crimes—that of rape—a crime that the lowest order of beasts, save man, never commits, from their custody for immediate and speedy execution, while it leaves unmentioned and untouched thugs and gangsters who, well dressed, parade in high-powered automobiles along the streets of the greatest city in the world and shoot down unsuspecting men and women for the money and jewelry they may find on their dead bodies; and

Whereas that eloquent and forceful Senator, WILLIAM E. BORAH, from that far western State of Idaho, a lifelong Republican in politics, did on last Friday, January 7, 1938, come to the aid of the southern Democratic Senators in delivering a most remarkable address against that bill, defending the South and decrying the sectionalism of such a bill and discussing the entire question in such an able and comprehensive manner, showing that such a law would even harm the progress and advancement of the Negro race and its relations to the white race in the South, and pleading with the Senate not to meddle or interfere with the South in the handling of this most difficult question: Therefore be it

Resolved by the house of representatives (the senate concurring), That we, members of the General Assembly of the State of South Carolina as representatives of all of our people of all races, striving at all times to advance and improve the welfare of all of our people, do most sincerely and earnestly thank Senator WILLIAM E. BORAH for his broad, patriotic stand on this matter, and respectfully and prayerfully commend the good reason, judgment, and common sense set forth in his address in the United States on Friday, January 7, 1938, and ask the other Senators to join him and those Senators who share in his views and the Senators from the South in their effort to set aside this unfair, unreasonable, and dangerous bill to make way for the more pressing legislation that awaits their attention.

Resolved further, That copies of this resolution be sent to Senator WILLIAM E. BORAH and to the Senators from South Carolina, ELLISON D. SMITH and JAMES F. BYRNES.

Mr. LODGE presented a petition of sundry citizens of Springfield, Mass., and vicinity, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function relative to coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a resolution adopted by the Industrial Union Council of Kansas City, Mo., favoring the enactment of the bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917 relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Buhler, Kans., praying for the enactment of the bill (S. 2911) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government, which were referred to the Committee on Military Affairs.

REPORT OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3220) to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla., reported it without amendment and submitted a report (No. 1307) thereon.

PRINTING SUPPLEMENT TO COMPILATION ENTITLED "TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS, AND AGREEMENTS"

Mr. HAYDEN. From the Committee on Printing, I report back favorably, without amendment, a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 220) submitted by Mr. PITTMAN on the 10th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there shall be compiled and printed as a Senate document a supplement to the compilation entitled "Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States and Other Powers," which shall be revised up to and including December 31, 1937, and that 500 additional copies be printed and bound for the use of the Committee on Foreign Relations of the Senate.

EXECUTIVE REPORT OF COMMITTEE ON FINANCE

As in executive session,

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Rufus W. Fontenot, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy, which was ordered to be placed on the Executive Calendar.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on January 19, 1938, that committee presented to the President of the United States the following enrolled bills:

S. 2550. An act to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes; and

S. 2940. An act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 3283) to authorize the Secretary of the Interior to place certain records of Indian tribes with State historical societies, under rules and regulations to be prescribed by him; to the Committee on Indian Affairs.

By Mr. BERRY:

A bill (S. 3284) for the relief of the heirs of Theodore Wedekind; to the Committee on Claims.

By Mr. MINTON:

A bill (S. 3285) granting a pension to Pearl Littell Blocher (with accompanying papers); to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 3286) to authorize the addition of certain lands to the Wenatchee National Forest; to the Committee on Agriculture and Forestry.

By Mr. POPE:

A bill (S. 3287) to authorize the exchange of lands adjacent to national forests in Adams and Valley Counties, Idaho; to the Committee on Agriculture and Forestry.

By Mr. PEPPER:

A bill (S. 3288) to supplement the act approved March 2, 1887, by aiding and promoting research in the engineering experiment stations of the colleges established and designated in the several States under the provisions of the act approved July 2, 1862, and the acts supplemental thereto; to the Committee on Education and Labor.

By Mr. JOHNSON of California:

A bill (S. 3289) for the relief of Sarah Lee Dorsey; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 3290) to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3291) for the relief of Cecil M. Autrey; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 3292) to afford an opportunity of selection and promotion to certain officers of the United States Naval Academy class of 1909; to the Committee on Naval Affairs.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Foreign Relations:

H. R. 8432. An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes; and

H. J. Res. 530. Joint resolution authorizing the President to invite foreign countries to participate in the ceremonies to commemorate the one hundred and fiftieth anniversary of the national ratification of the Constitution of the United States in Philadelphia, Pa., June 17–21, 1938.

NELLIE S. WICK

Mr. TYDINGS submitted the following resolution (S. Res. 224), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Nellie S. Wick, widow of James R. Wick, late an official reporter of debates of the Senate, a sum equal to 1 year's compensation at the rate he was receiving at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER, Mr. BYRNES and Mr. BAILEY addressed the Chair.

The VICE PRESIDENT. The Senate agreed to an order yesterday afternoon, just before taking a recess, which directed the Chair to recognize the Senator from Louisiana [Mr. ELLENDER] today for the purpose of concluding his speech. Therefore, the Chair recognizes the Senator from Louisiana. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. I yield for a question only.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield for a question only.

Mr. BYRNES. I desire to ask the Senator from Louisiana whether he approves of a concurrent resolution adopted by the General Assembly of South Carolina, thanking the Honorable WILLIAM E. BORAH, of Idaho, for his valuable, able, and patriotic fight against the passage of the so-called anti-lynching bill now pending in the United States Senate?

Mr. ELLENDER. Mr. President, I am not familiar with the concurrent resolution, and I should not like to comment on it at present, not having read it.

Mr. BYRNES. I should like to submit the concurrent resolution to the Senator from Louisiana, thinking that he may read it during the day.

Mr. ELLENDER. I thank the Senator from South Carolina. I will gladly read the resolution at the very first opportunity. Mr. President, for the past 2 or 3 days I have been outlining to the Senate, as best I could, the historical background of the mongrelization of races in Egypt and in India, all of which occurred prior to the birth of Christ. Yesterday I spent most of the day in speaking on the same question, but dealing with its aspects just a little nearer home, the island of Haiti, and within the past two or three centuries; in fact, since the discovery of America by Columbus.

I believe I have shown to the Senate, by historical facts which cannot be contradicted, that wherever and whenever the white race becomes mongrelized it is headed for decay, and that when decay sets in, it is usually first noticeable in the religious beliefs of the people.

I proceeded to show that in the two ancient countries of India and Egypt there once existed a proud civilization, and so long as that civilization remained in the hands of the Aryans, or the white race, civilization, science, art, and agriculture progressed; but just as soon as the blood of the colored race was permitted to permeate and become mixed with the blood of the whites, a mongrelization of the races began, and the first thing apparent was a change in religion, followed by a decay of that civilization, and a return sooner or later to barbaric lunacy.

Senators, I mean to bring the problem close home to you. I mean to demonstrate to the Senate and to the American people that the same lunatic barbaric activity is within the confines of our great country; and one of the places where it thrives most at this time happens to be in Harlem, in New York, the city from which, I will say to the Senator from Mississippi [Mr. HARRISON], one of the proponents of this measure hails. I refer to the junior Senator from New York [Mr. WAGNER].

Of course, I do not mean to cast any reflection on the able junior Senator from New York. I merely desire, I will say to the Senator from Pennsylvania [Mr. DAVIS], further to bring home to the Senate the fact that these small Negro minorities which permeate and which are located throughout this country in the North and in various cities of our Nation——

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question only.

Mr. DAVIS. Does the Senator believe that the distinguished junior Senator from New York [Mr. WAGNER] would cooperate with any minority that is not acting in the interest of all the people?

Mr. ELLENDER. I do not know that the Senator would do that. I will ask the Senator to draw on his own imagination. I am merely calling attention to conditions which exist in Harlem, in New York City.

Mr. DAVIS. Mr. President, will the Senator yield further?

Mr. ELLENDER. For a question.

Mr. DAVIS. The Senator from Louisiana cooperates with the people of his State in order to come back to the Senate.

Mr. ELLENDER. I certainly do to the best of my ability.

Mr. DAVIS. He does not do anything that would be detrimental to his people.

Mr. ELLENDER. No. It so happens, Senator, that my cooperation is with the white people of my State. I do not know of anything I can do in the Senate for the white people that will not benefit the colored people. I refer to general legislation, of course, and not to any legislation that would place the Negro on the same plane as the whites. I stand for white supremacy at all times. We have in Louisiana what we call a white primary. I belong to the Democratic Party of the South, and I was elected by a handsome majority as the Democratic nominee as a result of an election that was held in the white primary. Later on, in the general election, where everyone can vote, I was also elected by a handsome majority.

Mr. VANDENBERG. Mr. President, will the Senator yield and give me one further bit of information? May I ask him a question for the purpose of eliciting it?

Mr. ELLENDER. I yield for a question.

Mr. VANDENBERG. Will the Senator indicate the difference in the total vote between the white primary and the general election?

Mr. ELLENDER. I cannot say as to that, Mr. President, but I know it was much less in the general election, because usually in the State of Louisiana, and I think in many other Southern States, the primary decides the question. In the general election, of course, everybody is entitled to vote, but the result is a foregone conclusion and so only a small percentage of voters turn out for it.

Mr. President, it is not my purpose at this time to go into details with reference to the mongrelization of the countries in the Western Hemisphere that lie south of us. That, of course, is a little nearer home than is Haiti; but I shall devote just a few minutes to tell of occurrences in certain countries of South America which in a measure paint a vivid picture as to why the United States of America prospered while those countries, with almost the identical climatic conditions, with the same natural resources in many instances, with towering forests, great oil fields, and big deposits of all kinds of minerals, have not prospered to the extent that the United States has prospered.

It is not my purpose at this time to go into details to show the mongrelization of Brazil, the mongrelization of Chile, the mongrelization of Argentine, of Colombia, and of other countries of South America, except to say that when those countries were discovered, not long after our own country was discovered, the settlers who occupied those territories did not follow the same method of life that was followed by settlers in this country. It is a well-known fact that the early settlers of this Nation came in large numbers and brought their wives along, or white wives were later supplied for them; whereas in the South American countries, instead of the settlers bringing in white women as their wives from across the ocean, whence they came, they found it probably more convenient to associate with the natives of the new continent; and as a result of that, from the beginning, there started a mongrelized population in those countries.

I do not mean to charge that the great country of Brazil is today composed entirely of a mongrelized people; but I do assert that the lack of progress in Brazil was in a large measure due to the fact that the white settlers who came to that country in the early days associated and cohabited and raised families with the people who were already in that country, and with slaves of the colored race who were imported there from other continents, who were of mixed breed, who were of the Mongolian race or of the Negro race; and, strange to say, in the great country of Brazil more progress is shown in the southern portion of it because of the fact that in the southern part of Brazil, I will say to the Senator from Tennessee [Mr. BERRY], the larger amount of the population came from Germany and Sweden. They were Nordics, and remained to themselves. They are there now, and to a certain extent there is in that section of Brazil more progress and greater development than elsewhere in the country, agriculturally and in every other way; and I may say that the same condition prevails in some parts of Chile and some parts of Argentina.

Mr. President, I should like to go into more of the details of this situation as it affects South America, because I feel confident that I could show the results of amalgamation of the races to the same extent as I think I exhibited to the Senate in the case of Egypt and in the case of India and also in the case of Haiti. But I agreed on yesterday to try to conclude my remarks today, although I may say that on this very important and very interesting subject I believe I could talk the rest of the week and part of next week. [Laughter.] But I promised to conclude today, and I shall try to do so. I shall therefore now attempt to bring to the attention of the Senate the social problem confronting us, and that I say is confronting us today as reflected in the proposed bill and similar bills that are now pending in the lower House of Congress.

I repeat, Mr. President, a statement I have made before. I like to quote this because it forms the basis, as it were, of my entire argument: "Political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization." I feel that I have brought the significance of this home to you, Senators.

Before I go to a discussion of the conditions in Harlem I might state to the Senate that I have on my desk a very interesting speech, consisting of 78 pages. It is an address by Hon. A. Caperton Braxton, a distinguished lawyer of the Virginia Bar; as a matter of fact, president of the Virginia Bar Association in 1903, I believe. In my opinion, it would be very appropriate to study and read this speech, entitled "The Fifteenth Amendment—An Account of Its Enactment." It will be found from a reading of the speech that the white people of the United States never believed in giving to the colored people political equality. I ask, Why was that? I shall again have to call upon my imagination, but I am just as convinced as I am of anything I have said on the floor of the Senate since I started this speech that the American people did not want the Negro to vote because, I sincerely believe, they saw the handwriting on the wall—they saw that the moment that privilege was extended to the colored people of Indiana, to the colored people of Missouri, to the colored people of New York, they would ask for the social equality for which they are now striving, and to which the pending bill and other bills are leading.

I shall read just a few short passages from this speech, in the first pages of it, merely to support the statement I have just made. Mr. Braxton stated:

> The origin of Negro suffrage, as a practical thing in the United States, was the act of January 8, 1867, establishing it in the District of Columbia. Whatever, in the light of thirty-odd years' experimentation, may now be thought of its justice, wisdom, or beneficence, the fact is that until the political exigencies of the reconstruction arose, unrestricted manhood suffrage for Negroes was neither accepted nor seriously considered by the people or leading men of any State or party. The wisdom and justice of unrestricted Negro enfranchisement is claimed by some to be axiomatic; but, nevertheless, there is not a single instance of its advocacy by even a substantial minority of the white population in any community where Negroes were sufficiently numerous to make the measure more than a naked theory.
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> Of the 34 States forming the Union on January 1, 1861, the constitutions of 30 of them excluded Negroes from the franchise. Even in the four States of Vermont, New Hampshire, Massachusetts, and New York, where Negroes were nominally granted suffrage, they practically cast no vote, either because scarcely any of that race resided there or else because they were excluded by educational or property qualifications. Of men over 20 years of age in 1860, there were in New Hampshire 91,954 whites and 149 Negroes; in Vermont, 87,462 whites and 194 Negroes; in Massachusetts, 339,085 whites and 2,512 Negroes; and in New York, 1,027,305 whites and 12,989 Negroes. But as each voter in Massachusetts was required to prepay his taxes and be able to read and write, and each Negro voter in New York was subject to a property qualification of $250, not applicable to the whites, the result was that in the entire United States in 1860 there were only about 2,500 Negro voters, not one of whom resided outside of New York or New England.
>
> Even in New England, suffrage had never been expressly conferred upon Negroes, but grew, merely by implication and construction, out of the broad language of their old constitutions. These constitutions (like those of several other States) were adopted at times when the idea of conferring suffrage upon Negroes, as a race, had never yet entered the mind of man, and when free Negroes were so scarce that they were no more contemplated by constitutional draftsmen than were Chinese or South Sea Islanders.
>
> Later on the equally comprehensive suffrage laws of New Jersey, North Carolina, and Tennessee, where the population of free Negroes had become no longer negligible, were promptly reworded so as to admit only white men; but, in New England, the members of that race continued so few that it was not thought worth while to amend a constitution either to exclude or to admit them. Thus the Constitutions of Maine and Rhode Island remained as much unchanged after it was found that their language excluded Negroes, as did those of Vermont, New Hampshire, and Massachusetts after it transpired that their language admitted them to suffrage. In the Constitution of New Yark alone, of all the States up to 1868, was the Negro expressly allowed to vote; but even there he was discriminated against by a heavy property qualification, not applicable to the whites, which excluded about 90 percent of the Negro voters.
>
> Ignoring the enforced acquiescence of the Southern States during the reconstruction period, impartial Negro suffrage, when made an issue before the people, has never obtained a majority vote in a single State of the Union, save in Iowa and Minnesota, during the fall of 1868; and, at the breaking out of the Civil War in 1861, it is believed that neither under the National nor any State Government was there a single office, civil or military, filled by a Negro in the United States.
>
> This aversion of the American people to Negro suffrage and office holding, was almost as great as their hostility to Negro slavery. From early Colonial times a large portion, if not a majority, of the white people of this country have been opposed, at least in theory, to Negro slavery. A majority of the States always prohibited it, and the remainder were deterred from abolishing it only because of practical difficulties. But, up to the Reconstruction Act of March 2, 1867—

The famous Reconstruction Acts, which really opened the way for the adoption of the fifteenth amendment were ushered in. At that time the good old South held the bal-

ance of power, and the Federal Government, through its strong arm, sent soldiers into the South, took charge of our governments, and the fifteenth amendment giving the Negroes the right to vote, was adopted.

Senators, if only the fifteenth amendment, giving suffrage to the Negroes had not been adopted we would be much better off today.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Does the Senator from Louisiana yield to the Senator from New Jersey?

Mr. ELLENDER. I yield to the Senator from New Jersey for a question.

Mr. SMATHERS. Does the Senator from Louisiana approve a resolution adopted yesterday by the House of Representatives of the New Jersey Legislature urging the Senator from New Jersey to vote for the antilynching bill?

Mr. ELLENDER. If I received a resolution of that nature from the Legislature of Louisiana I would send it back to them with my compliments, and, believe me, I would write something they would not enjoy reading. [Laughter.]

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Maryland for a question.

Mr. TYDINGS. Who is representing New Jersey in the Senate of the United States—the legislature or the Senator from New Jersey?

Mr. ELLENDER. Of course, the Senator from New Jersey, Senator SMATHERS, is representing the State of New Jersey here, and I hope he will use his good judgment and his good, common, horse sense in voting on this issue and not be guided by a few peanut politicians in his State. I know that the good white people of his State feel about this matter as the good people of the South do. Of course, I am not accusing anybody of politics on this bill, but the question is being asked, and I want to be frank in answering it. I hope that every Senator within the hearing of my voice will study this problem, will forget politics in considering it. That is what I want the Senate to do—forget politics in connection with this question. Do not look just for today or tomorrow or next week but look to the welfare of the future generations of our American civilization. Forget yourselves. Do not be selfish. Be brave and courageous.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Jersey?

Mr. ELLENDER. I yield for a question.

Mr. SMATHERS. May I have my question answered?

Mr. ELLENDER. If I have not answered it to the satisfaction of the Senator from New Jersey——

Mr. SMATHERS. I asked the Senator if he approved of a resolution.

Mr. ELLENDER. I did not read it.

Mr. SMATHERS. That calls for an answer—"yes" or "no."

Mr. ELLENDER. I did not read it. I do not know what it contains. If the Senator will present it to me I shall be glad to read it, to study it, and give the Senator my frank, unbiased, and unprejudiced opinion later on in the debate. That is a bargain I will make with the Senator from New Jersey. I may state to the Senator, however, that if the resolution to which he refers endorses the pending bill I would resent and scorn it.

I continue reading:

But, up to the Reconstruction Act of March 2, 1867, the people of no single State—

Listen to this, Senators. I repeat that by reason of the fact that the South just before the war held the balance of power the fifteenth amendment, granting the Negroes the right to vote, could not be put over, and I predict now that the fifteenth amendment is the one that is going to cause trouble, not for my generation, not for the generation of my children, or my children's children, but for future generations, and I am today giving to the people of America the same arguments, the same warnings as were given the ancient white civilizations of Egypt and of India—"Take heed before it becomes too late."

As I said yesterday, it is my sincere desire to try to make it possible for the white people to live in this country with the Negro. What I am against is an amalgamation of the Negro race with the white race, because, just as sure as the sun shines, if we have an amalgamation of races we are going to have decay, the same as came about in ancient civilizations, and results similar to those which took place in Haiti will be experienced by us, and we shall have similar results to those now being experienced in many of the South American countries.

Senators, I feel that the South was punished enough when the Federal Government saw fit to send Negro soldiers down there, who paraded in New Orleans, to the disgust of the white people of that city, in order to keep in power a mulatto governor. I do not want that to happen in my State again, and I do not want it to happen in this country if I can help it, "and I don't mean maybe." [Laughter.]

I continue reading:

But, up to the Reconstruction Act of March 2, 1867, the people of no single State had ever voted for impartial Negro suffrage, nor had any party (including the Abolitionists themselves)—

Those, Mr. President, who were against slavery, those who fought to free the slaves—

ever declared for it in a national platform. On the contrary, although in the decade immediately preceding 1867 no less than 27 of the 37 States then in the Union had amended their constitutions, * * * yet, in no single instance was the franchise extended to Negroes, but, in every case where political equality for Negroes had been suggested, it had been voted down by decisive majorities. It must, therefore, never be supposed that the sentiment against Negro slavery was, by any means, a sentiment in favor of Negro suffrage.

Even in some of the strongest antislavery States so decided was the sentiment against Negro suffrage that no greater reproach nor more damaging charge could be brought against a public man than that he favored political equality for Negroes.

Political equality. Not social equality but political equality. Those people foresaw what would happen—and I am not stretching my imagination in saying this—as did the people of ancient Egypt and India—as Jefferson foresaw, and as Lincoln foresaw, and as Douglas foresaw. I shall read again from the Lincoln-Douglas debates, and I propose to show that both of those great statesmen would not under any conditions bow down to any such demand. Most statesmen saw the handwriting on the wall. They were not politicians, they were statesmen. Men of conviction, men who loved their country. Patriots. We read about them and we are proud of what they said and what they stood for. We may not agree with all they wrote but we admire them for their honesty and sincerity of purpose.

Senators, listen to this:

As far back as 1836 Abraham Lincoln was on record as opposed to Negro suffrage.

I call to the attention of the Senator from Colorado [Mr. JOHNSON] that Abraham Lincoln, the Great Emancipator, the man who set the Negro free, did not believe in slavery and neither did he believe in Negro suffrage; he sought to preserve the Union, but he did not believe in political or social equality for the Negro.

I continue reading:

And in his memorable series of debates with Stephen A. Douglas in 1858, in order that his strong antislavery views might not expose him to the charge of favoring the heresy of Negro suffrage, he repeatedly emphasized his condemnation of it. In his first "pitched battle," as he called it, with Judge Douglas at Ottawa, Ohio, he said—

Listen to this. This fell from the lips of the man who gave the Negroes their freedom, who fought to preserve the Union, and who had a heart of gold and whose sympathies were for the Negro:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two which, in my judgment, will probably forbid their ever living together upon the footing of perfect equality; and, inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which

I belong having the superior position. I have never said anything to the contrary; but I hold that, notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence—the right to life, liberty, and pursuit of happiness. I hold that he is as much entitled to these as a white man."

Of course, we in the South firmly believe in that principle. As I pointed out yesterday, we believe it and we practice it in the State of Louisiana and throughout the South. Never to my knowledge has there been an effort made by the State legislature, or by any officer administering the State laws, to in any way not give to the colored man his property rights to the same extent as is provided for the white man. Further than that we give the Negroes good schools and hospitalization to the same extent that we give to the white people. I said, "to the same extent." It may be that they have smaller schoolhouses, more cheaply built, but because of economic conditions the South has not been able to build any better. It is not because the South did not want to do so, but the South, because of economic conditions, had not been able to advance in the matter of education in the early days as much as it has done later, as the Senator from Tennessee [Mr. BERRY] knows.

As I pointed out yesterday, the State of Louisiana in 1937 spent almost as much money for the education of the Negro of the State of Louisiana as the State spent in 1908 for both whites and Negroes. That is what we are trying to do for the colored people, and we want to continue to do that, I will say to the Senator from Colorado [Mr. JOHNSON]. We want to try to do what Jefferson said was impossible. As I have said here on two or three occasions, Jefferson took the position that the two races could not live in the Nation separately; that sooner or later there was bound to be an amalgamation. We are trying to make them live separately in the South, to keep them to themselves. We are fighting against amalgamation.

I continue to read:

Again, and upon a subsequent occasion, referring to the same subject in a public speech, he said:

"I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and the black races."

That is Lincoln talking, the man who emancipated the Negroes.

"I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office or intermarry with the white people—

That is Lincoln, the great emancipator of the Negro race, speaking—

"and I will say, in addition, that there is a physical difference between the white and black races which I believe will ever forbid the two races living together on terms of social and political equality."

Notwithstanding these repeated denials, it seems that the editor of an Ohio paper, in September 1859, charged that Mr. Lincoln was really "in favor of Negro suffrage." But in a speech shortly afterward at Columbus, Ohio, Mr. Lincoln indignantly denied the charges; he quoted from his former speeches on the subject; and, in conclusion, said:

"I did not say that I was in favor of Negro suffrage; but * * * twice—once substantially and once expressly—I declared against it. * * * I presume the editor of that paper is an honest and truth-loving man, and that he will be greatly obliged to me for furnishing him thus early, an opportunity to correct the misrepresentation he has made before it has run so long that malicious people can call him a liar."

That was Abe Lincoln speaking.

These repeated declarations of Mr. Lincoln against Negro suffrage were not only made in public speeches but were published at the time in the newspapers far and wide; and, in the light of those views, of which he had never then indicated the slightest modification, he was nominated and elected President by the Republican Party the next year. It was even claimed by the Republicans at that time that advocates of Negro suffrage practically did not exist; and that the alleged favoring of it by their party was a baseless charge—a kind of bugaboo gotten up by the Democrats to scare off Republican voters. In fact, Mr. Lincoln declared in one of his speeches about that period, that he had never seen anyone who was in favor of political equality for Negroes.

Such was the sentiment of the country when the Civil War broke out in 1861; and, with the possible exception of New Hampshire, Vermont, and Massachusetts, there can be no doubt that the advocates of impartial Negro suffrage could not then have mustered a corporal's guard in a single State of the Union.

In the course, however, of the next decade, covering the period of the war and the reconstruction, events transpired and conditions arose which made Negro suffrage possible of accomplishment. The principal agencies which contributed to this result were: First, gratitude to the Negro soldiers who had served in the Federal Armies—to "save the Union," as it was said; second, apprehension lest the so-called rebel element regain control of the Federal Government; and, third, the desire to perpetuate the Republican Party in power. Thus we have, as the inspiration for Negro suffrage, gratitude, apprehension, and politics—

With the accent on politics.

Three agencies, but the greatest of the three was politics.

In connection with the statement I have just read, Mr. President, I desire to file and have incorporated in the RECORD with my remarks an article by Mark Sullivan appearing in the New York Herald Tribune of January 20, 1938, entitled "Negro Vote Called Real Prize at Stake in Antilynch Battle—Mark Sullivan Says Northern Democrats Must Pass Bill or Break Promise to Racial Group; South, No Party to Bargain, Mutinies."

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

The article referred to is as follows:

[From the New York Herald Tribune of January 20, 1938]

NEGRO VOTE CALLED REAL PRIZE AT STAKE IN ANTILYNCH BATTLE—MARK SULLIVAN SAYS NORTHERN DEMOCRATS MUST PASS BILL OR BREAK PROMISE TO RACIAL GROUP; SOUTH, NO PARTY TO BARGAIN, MUTINIES

(By Mark Sullivan)

WASHINGTON, January 19.—For 2 weeks the Senate has been occupied with the antilynching bill—to the exclusion of important legislation immediately pressing. The public must wonder why the time and emphasis on the antilynching measure.

The question is the more puzzling when the state of mind of the Senate is understood. Common judgment says that if the bill comes to a roll call, perhaps 60 out of the 96 Senators will vote for it. But common judgment says also that all but a handful of the Senator would prefer that the bill be dropped. Why, then, is the measure kept before the Senate?

For the answer I borrow the words of one who knows the answer well. It is Dr. Stanley High. Dr. High, during the Presidential campaign last year, was—I quote the announcement of Dr. High's publisher—"one of President Roosevelt's closest advisers." He was a wheel horse in the campaign. He was head of the Good Neighbor League, which was affiliated with the Democratic National Committee. Because of the altruistic implications of the phrase "Good neighbor league" and because of certain humanitarian associations of Dr. High, he and his organization were a valuable regiment in the Democratic army. After the campaign, and from his familiarity with it, Dr. High wrote a book, Roosevelt—And Then? From this book the following sentences are detached. In the condensing, punctuation and a few words have been changed or omitted, but without altering the meaning. The extract explains what has been going on in the Senate:

NEGRO RALLY HERE RECALLED

"The most remarkable gathering in the Presidential campaign of 1936 was a Negro mass meeting staged in mid-October in Madison Square Garden in New York City. The expenses of the meeting were largely met by the Democratic National Committee. * * * In 60 other cities similar mass meetings were simultaneously held. A half hour of the high spot of the Madison Square meeting was broadcast over a coast-to-coast radio network—with all southern stations carefully omitted from the hook-up. * * * A few weeks later most of the northern Negroes deserted their traditional allegiance to the Republican Party and voted Democratic. * * *

"For the time being the Democrats believe that in a good many Northern States they have swallowed up a large proportion of hitherto Republican Negroes. The Negro leaders are at the point now where they propose to make up their own minds on political and economic questions. They are becoming aware of their electoral importance. If they seek to deliver the vote it will be because—in terms of benefits for their people—they have got a price for it. The antilynching law was supported in the Senate by New York's ROBERT F. WAGNER and in the House by JOSEPH A. GAVAGAN, Democratic Representative, whose district includes most of Harlem. It was an effort to repay—in legislative coin—the debt of the Democrats of the North to the Negro voters who deserted the Republicans in the last election. * * * The Negroes, in any close election, represent the balance of power in Pennsylvania, New [illegible], Ohio, Michigan, and Illinois. The electoral votes of those [illegible] is 157 (out of a total of 531)."

Hence [illegible], is the situation. The Democrats in the last campaign won from the Republicans the vote of Negroes in northern cities. The vote thus acquired was extremely valuable. Now, partly to pay their 1936 debt to the Negroes—but even more to hold the Negroes in future elections—the Democrats want to pass the antilynching measure and take other steps appealing to the Negroes.

SOUTH TOOK NO PART IN IT

But not all the Democratic leaders. Observe in the quotation from Dr. High, that, when the Democrats broadcast the Negro meeting in Madison Square Garden on the radio, "all southern stations were carefully omitted from the hook-up." The northern Democratic leaders prudently arranged that their left hand should not know what their right hand was doing.

But that prudent strategy now brings embarrassment. The Democratic Party is in the position of a man who has given a mortgage on his farm—but finds that his wife is unwilling to sign the deed. The wife says she was not a party to the contract and does not propose to be bound by it. The southern Democratic Senators resist payment of the debt to the Negroes; they resist enactment of the antilynching measure.

It is the northern Democratic leaders who are trying to pay the debt for past gratitude—and for hope of favors to come. Not all the northern Democrats. Those who really want to enact the bill are mainly a few from the Northern States in which the Negro vote is large, and who, therefore, have a direct personal interest. Some northern Democratic leaders from States having few Negro voters support the measure only tepidly, and only as a contribution to party policy in the North as a whole. Some northern Democratic Senators see the grave constitutional objections to the measure. They see also the political liabilities which are an offset to the political advantages. They see the resentment of southern Democrats, the party cleavage. They see also that much of the public everywhere may resent the cultivation of group pressure—the passage of a measure constitutionally and otherwise dubious merely for the purpose of appealing to a very small fraction of the total electorate.

As for the Republican Senators, one of them, Mr. BORAH, has pointed out the constitutional and other objections to the measure. But most of the Republican Senators recall that in the past, when the Republican Party had the Negro vote, that party introduced and supported antilynching measures.

Mr. ELLENDER. I continue reading:

In tracing the progress of Negro suffrage in the United States, from the beginning of the Civil War up to the adoption of the fifteenth amendment, little notice will be taken of the acts of the Confederate States. That the white people of those States were always unanimous in their opposition to Negro suffrage and that their final submission to it was in invitum are facts too well known to bear contradiction, or even rehearsal. The Union States alone being free from the close of the war till the proclamation of the amendment, their acts only are worth considering as expressive of public sentiment during that period.

Mr. President, it is not my purpose to keep on reading this very interesting speech, and because of its length I am not going to ask for its incorporation in the RECORD, for I do not wish to burden the RECORD; but I ask the Senators who are interested in this question to read this speech, this volume entitled "The Fifteenth Amendment—An Account of Its Enactment," by A. Capperton Braxton, and think about it. Let it sink in.

Now, Mr. President, I am just about ready to bring home to you and to other Senators, to those people in the audience, and to the American people the question of religion as it affects the Negro people and to show how easily they are persuaded into voodooism and into various other forms of religion of such character that they seem to me to come from the wilds of Africa.

I am not saying this, Senators, with the idea in view of discrediting the Negro people, but my statement is based on historical facts. The quicker the Negro people of this Nation can be made to realize that the white man is their superior and that they must work with the white man in order to further advance themselves, I say, the better off will the Negro people be.

I repeat what I said on the floor of the Senate during the course of this debate on two or three occasions, that if the Negro societies scattered throughout the Nation, if the American Federation of Labor, if the church societies throughout the country who are backing this bill, would only get down to earth, study the problem, and spend the money that is being spent for false propaganda, in an effort to really eradicate lynching through education they would get somewhere; but I say that the effort to advance the Negro socially, by this form of legislation and by other forms of legislation will get them nowhere, and they might as well realize it now.

Let us take a little excursion in Harlem in New York. I presume everybody knows a little about Harlem, where it is located, and who comes from Harlem and who goes to Harlem. I am sure that there are few people in this audience who have not heard of Father Divine, the famous "god" from Harlem. I wish to say to the Senate that this "god" is treated as a real god by certain American citizens. Imagine that! I sent to the Library of Congress yesterday or the day before and obtained only four volumes written about this "god," but I am told that there are a few more. Can you imagine, Mr. President, civilized American people, white and black, but principally black, by the thousands, seriously believing in Father Divine as God, and in his angels Magdalen and Mary and Bouquet, as I shall show after a while to be a fact.

I propose further to show to the Senate that in some parts of America, principally in Harlem—because in Harlem, as I stated yesterday, there is the thickest Negro population in the country, somehow or other they are permitted to practice almost any kind of voodooism they desire, any kind of cult or religion. I believe that in most of the Southern States they do not dare practice such cults or voodooism, because we do not permit it there, nor do we permit them to practice other forms of barbaric fanaticism. We in the South do not fool with such things, but in Harlem it seems that they thrive on it.

Let me go back to Harlem and read a few paragraphs from a little volume entitled "The Incredible Messiah—The Deification of Father Divine," by Robert Allerton Parker. Father Divine, I will say to the Senator from Kentucky [Mr. BARKLEY], happens to be the son of a Negro slave from Georgia.

Mr. BARKLEY. He cannot help that.

Mr. ELLENDER. Of course, I appreciate he cannot help it.

I will read about two paragraphs from chapter 2 of this volume by Mr. Parker to verify to a certain extent the picture of Harlem I have been attempting to paint.

Harlem intellectuals scoffed at the god from Sayville. Cynics saw in the little messiah just another gum-beater, which is Harlemese for one who talks incessantly and accomplishes nothing. To these he was but one more addition to the vast throng of prophets, fortune tellers, voodoo men, chiromancers, magicians, psychoanalysts, soothsayers, rug cutters—

Whatever that means—

cassandras, evangelists, pseudo-Mohammedan marabouts, miracle workers—all the hawksters of hope who infest Harlem's noisome side streets and set up fly-by-night tabernacles in dilipidated and mildewed parlors, in chapels, or in deserted vegetable stalls. In Harlem there seemed to be followers for them all, because every type of black man in the world had been lured there by the world-wide publicity given to its highly exaggerated advantages: black Jews—

By the way, I did not know there were black Jews—

from Abyssinia, natives of the Cameroon, half-breeds from the Antilles, refugees from chain-gangs.

That is the kind that go to see what is doing in Harlem.

But though the intellectuals scoffed, there were thousands upon thousands in whose souls the atavistic hopes of a deliverer slept; thousands who still wanted a new leader to lead them to the promised land—

Imagine that in America—

thousands who turned their minds stubbornly away from the teaching of the white man, who reverted to faith in voodoo, magic, miracles. Beneath Harlem's surface cynicism, its disillusion, lay bottomless reservoirs of faith, credulity of gullibility, as you will.

Harlem was Babel—a Babel in distress. Though the most incessant motor traffic of the metropolis passed through its avenues, white men knew little or nothing of its elements or its spirit; ignored the daily miracle of the many who lived by their wits alone; knew nothing of the amazing variety of languages that were spoken there—a dozen different African dialects, Arabic, Spanish, Greek, Portuguese, Russian—added to its own indigenous Harlemese, an argot never acquired and rarely understood by "ofays" (Harlemese for "whites").

Few white men had ever heard of the Commandment Keepers, that sect of black Jews who worshipped in a synagogue in West One Hundred and Twenty-eighth Street, and who, during the feast of Succoth, attracted attention by rituals in their windows and on the roof tops. Theirs was only one of the swarm of cults and mysticisms, theologies and theosophies, with their interminable colloquies concerning the nature of God and His relation to man. To Harlem, God was not a pale and bloodless concept kept alive in academic test tubes, but a living, dynamic power, just as He had been in Athens, or Rome, or Alexandria.

That, Senators, paints a little picture of what is being practiced today in America, in Harlem, by these colored

people who congregate there. Because of the fact that there is in Harlem that congregation of Negroes, who go unmolested by the police when it comes to the practice of so-called religion, voodooism, I say that they will eventually, as has happened in Egypt, India, and other countries, return to barbaric lunacy; and I do not want that kind of people to head the Government in this country, nor to sit in these seats in the Senate, if I can help it. Picture this seat formerly occupied by Clay being desecrated by Father Divine or any of his angels.

Now, let me give you a little history of this "Father Divine" before I go further.

This bit of history happened to appear in Time, the weekly magazine. It is not very long, but it will give you an idea of Father Divine, the god of the people of Harlem, a sect down there that really believes, according to the books from which I am going to read, that Divine—the son of a slave, I will say to Governor Murphy, of Michigan, who happens to be in the Senate Chamber at present—is God himself. That type of religious fanaticism is being practiced in America; and, as I said yesterday, I do not want Father Divine or any of these cults to go into the State of Mississippi, where the Negroes predominate, or into Louisiana, where about 40 percent of our population are Negroes, and work our colored people into a frenzy by voodooism and other means, and cause them to revert to a religion making gods out of onions and goats and everything else. I do not want that to happen. [Laughter.]

Now, let me go back and read from Time, a weekly magazine published in this country, which is very widely read. I read from the issue of August 31, 1936. The title of the article is "Religion." Imagine! This article in the magazine is entitled "Religion"—a new sect coming in; a sect that is being written about by one of our leading magazines, so as to bring it to the attention of the Senator from Pennsylvania [Mr. DAVIS] and the Senator from Massachusetts [Mr. LODGE] and the rest of the American people. Listen to Father Divine's history—"God", not Father Divine; "God"!—

At 3 o'clock one morning last week in Manhattan, Negroes of all sizes, shapes, and shades began gathering at an uptown pier on the Hudson River. Unmolested by police, the blackamoors shouted, stomped, sang, strummed. By 6 o'clock there were 2,000 of them. Then up rolled a big, blue Rolls-Royce, out of which popped a little brown man clad in gray suit, panama hat, white shirt, and honey-colored tie, in which gleamed a $5 gold piece. "Here comes the body," bellowed followers of Rev. Maj. J. ("Father") Divine. The little man boarded one of two excursion boats moored at the pier. "We got the body," shouted Negroes hanging over her rails. Then Father Divine boarded the other boat, whose passengers cried, "Now we got the body." At a quiet signal from Harlem's benign cult leader the two boats churned out, headed up the Hudson.

Seven hours later the excursion arrived at Kingston, N. Y., where Father Divine has lately acquired a "promised land"—some 1,000 acres of farm land, worth $160,000.

Think of that in America! I will say to my colleague [Mr. OVERTON], a promised land, bought by Father Divine for the members of his cult; trying to imitate the Bible. That cult is now willing to pray to its god, Father Divine, who happens to be the son of a Negro slave from Georgia. After a while I predict that they will perhaps be praying to an elephant, or to a flock of goats.

Plan is to settle the promised land with divine disciples who do not mind field work. While Kingstonites gaped, the divine excursionists debarked, formed a parade in which one of Father Divine's touring cars, with a stuffed white dove on the radiator cap, was preceded by mounted Negroes in berets and riding togs, followed by female "angels" in green and white satin, wearing banners blazoned "Father Divine is God."

Think of that in America—these "angels" of Father Divine, wearing banners inscribed "Father Divine is God"; letting the world know about it, I will say to the Senator from Idaho [Mr. POPE]. Think of that in America! If that is not a return to barbaric lunacy, I am willing to quit talking right now. [Laughter.]

Pennons and banners carried by marchers showed that Father Divine has a political department, a research department—

Think of "god" having a political department and a research department. Think of it! [Laughter.]

By which "The Eyes of the Lord Runneth To and Fro Throughout the Whole Earth." Swinging music for all this was furnished by a band which included not only the usual brasses and wood winds but also violins, harmonicas, accordions, ukuleles, guitars, banjos, and a portable xylophone.

I thought they were going to leave out the banjos. The instrument is liked by the colored. [Laughter.]

Watching the Kingston parade, an American Legionnaire named Harry Whitney stiffened in patriotic anger when he beheld the announcement, "Peace, Father Divine is God," stitched on a United States flag.

I do not blame him. Think of that! "Father Divine is God," stitched on a United States flag.

He summoned police, who stopped the bearer, a white woman called Fair Angel, directed her to take the flag back to the boat. Later, on the premises of the "promised land" where Father Divine was watching a few of his followers swim in a pool whose outhouses were marked "For Sisters and Brothers," the police asked for the flag, got only the little cultist's soft reply: "I am bringing peace to everyone, even if they don't want it."

Out next day was the first full-length biography of Father Divine, god in a Rolls-Royce, by John Hoshor, 37, a white Manhattanite, one-time stockbroker, now a free-lance adman and investment counsel. Impressed by Father Divine as a self-advertiser, Biographer Hoshor claims to have spent 6 months in and out of a Divine "heaven" in Harlem, pretending to be a convert and, he says, almost becoming one.

Adman Hoshor guesses that Father Divine disburses $1,500,000 a year on his dominion—

Heaven knows where he takes it from—some say from collections, some say from a retired millionaire, and others, from Russia—

a collection of boarding houses, coal yards, laundries, restaurants, garages operated by the busy little cultist and tenanted and staffed by fanatical blacks who have surrendered their economic as well as spiritual affairs to Father Divine. Author Hoshor estimates Divine's following at 2,000,000, although other observers set it as low as 20,000. Father Divine himself claims 30,000,000.

Although Divine disciples now like to believe that their "god" was not born but was "combusted"—

However that could come about—pray tell me. I thought combustion took place in gas engines only [laughter]—

one day in 1900, at the corner of Manhattan's Seventh Avenue and One Hundred and Thirty-fourth Street, and, although the father in 1932 told a court in Mineola, Long Island, that he had been born in Providence, R. I., 52 years before as Maj. Morgan J. Devine, it is now well known that he was born George Baker, in Savannah, Ga., 58 years ago.

That is Mr. George Baker, a Negro from Georgia, who has been able to collect millions of dollars, Heaven knows how; but I propose to show in a few minutes that he is so closely connected with communism that all of this money may be coming from Russia. As I shall show after a while, somebody is giving it to him, nobody knows definitely. It may be that some big, rich philanthropists are trying to feed a lot of poor people through Father Divine; I do not know; but that money comes from somewhere, and I am going, after a while, to read the platform of Father Divine and show how closely allied he is to communism. I am certain the money does not come from heaven. That man, the "god" of Harlem, the "god" of 30,000,000 subjects in the United States—so he claims—is being publicized, photographed, and written about all over the country, and taken seriously by many—too many!

Biographer Hoshor reveals that the father's religious life began when he was a hedge cutter 30 years ago in Baltimore after he had abandoned a wife and four children.

This is "god"—a fine fellow! A deserter of wife and children—

From a black preacher called "Father Jehovia," George Baker got the nucleus of his theology: the idea that God is in everyone. Taking the name of "The Messenger," Baker went to Brooklyn, soon became associated with another of Father Jehovia's followers who called himself "The Reverend St. Bishop, The Vine" and let each of his colleagues consider himself not only the repository of a god, but a god in fact. When the Reverend St. Bishop, The Vine was arrested, tried, and jailed for a sex offense, Baker once more changed his name, this time to Major Devine. (The improved spelling was a subsequent idea.) With a dozen followers, one of

them named Penninah who was to become known as Mother Divine, the onetime George Baker moved to Sayville, L. I., where he founded his first "heaven," a cooperative boarding house where everybody worked except Father Divine. He took care of the wages.

He took care of the wages, this book says. All were paid to him, and, as I said yesterday, I would not be surprised to find that a lot of those poor Negroes who believe that Father Divine is God turned their pockets wrong side out and gave all they had to him. That is where he might get much of his money, although, as I said a while ago, there is some reference in one of these books, although I do not know how authentic it is, to the effect that Father Divine probably gets his money from Russia, from communism.

By thrifty management and accepting all the property of those who joined him as "angels," Father Divine was able to serve big and tasty banquets in his Sayville "heaven," attract visitors from Harlem. So many Negroes were journeying thither on Sundays that white neighbors became alarmed and enraged. In 1932 Father Divine, who had come to believe that only he was God, was tried for conducting a public nuisance. He was convicted, sentenced to a year in jail and a $500 fine. Three days later the trial judge died of a heart attack. Said Father Divine: "I hated to do it."

[Laughter.]

Imagine that! Here was a judge who found Father Divine guilty of a criminal offense and sentenced him to jail, and just because, 3 days later, the breath of life was taken from the poor judge who had sentenced him, Father Divine says, "I hated to do it." I venture to say that upon the death of that judge and the subsequent statement of Father Divine he got quite a number of converts. What does the Senator from Pennsylvania [Mr. DAVIS] think about that? [Laughter.]

Today Father Divine has 60 heavens in the District of Columbia, 24 States, and 4 countries.

Sixty heavens; and I venture to say that all the angels of every one of those 60 heavens are backing the pending bill, and perhaps there are listening to me now some who belong to those heavens, and are here praying that this pending bill and similar bills designed to give the Negroes social equality shall be enacted, so that Father Divine can have more latitude, and can go to Louisiana and Georgia and Alabama, by the aid of the Federal Government, and there show us how to manage and handle the Negro problem. Father Divine had better spend his money, time, and efforts in attempting to get the Negroes of the South to help themselves and to help us in preventing the heinous crime of lynching as the result of rape, which all of us in the South detest as much as do the people of the North and those sponsoring this bill.

Today Father Divine has 60 heavens in the District of Columbia, 24 States, 4 countries.

Think of that—60 heavens in the District of Columbia, 24 States in the Union, and 4 countries.

The biggest collection, in Harlem, costs $30,000 a year to operate. Besides his Rolls-Royce, he owns an airplane, manned by three dusky flying angels.

[Laughter.]

That is a very appropriate name for the airplane operators, "dusky flying angels." [Laughter.]

Though the man whom his followers believe to be God gets around to as many heavens as possible, he is to be seen most often in Harlem, sermonizing at length on such topics as The Supermental Relaxativeness of Mankind.

Divine has organized a "Righteous Government Movement."

"A Religious Government Movement," and after a while I shall read to the Senate a platform which has been inserted in the RECORD—I did not check this up, and I now ask the clerk to check it for me and send to my desk if he finds it, the platform which the junior Senator from New York [Mr. WAGNER] had printed in the CONGRESSIONAL RECORD here at Washington. That is my information, though I may be wrong about it; but I will ask the clerk to check it up for me.

Divine has organized a "righteous government movement," with a political platform demanding that doctors guarantee cures. "Peace" be substituted for "hello" as a telephone salutation—

Think of that, I suggest to the Senator from Tennessee [Mr. BERRY]; when he goes to the telephone and asks for his wife, and she responds, instead of saying "Hello," he must say "Peace." [Laughter.]

Mr. DAVIS. Say what?

Mr. ELLENDER. He shall say "Peace." I ask the Senator from Pennsylvania [Mr. DAVIS] and the Senator from Massachusetts [Mr. LODGE] to think of that. [Laughter.]

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. In just a moment. Before one can get a doctor to come to the house to treat him, as I will show a little later, the doctor must guarantee to make one well, and let him beware if his patient dies. Again, I call the attention of the Senator from Georgia [Mr. RUSSELL] to the fact that if he happens to telephone long distance to his folks back in Georgia, instead of saying "Hello" to them, he must say "Peace." [Laughter.]

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield first for a question to the Senator from Florida.

Mr. PEPPER. Did Father Divine prescribe that the salutation "Peace" be limited to domestic conversations only, or used generally?

Mr. ELLENDER. He apparently makes no distinction, but applies it to all, and I would advise reflection on the part of Senators who are in favor of legislation of the kind now pending, and who are willing to abide by the teachings of Father Divine, and who are willing, as Mayor LaGuardia did yesterday, as I read from one of the magazines, to bow down to "his highness"—although not because he believed that he was God, but because Father Divine could deliver votes. That may be the reason why so many people are anxious to please these little congregations in Harlem, in Chicago, in Indianapolis, and in other cities of this Nation; there may be many heavens out there, and there may be many angels in those heavens who are pleading that Father Divine will please help them to elect "So-and-So" and "So-and-So" to office so that "So-and-So" and "So-and-So" can give them social equality with the white folks.

I now yield to the Senator from Georgia.

Mr. RUSSELL. Is this the same Father Divine the Senator from Louisiana referred to yesterday as a former constituent of mine, to whom the mayor of New York pledged his support before four or five thousand people in Harlem, and said he would help him get anything he wanted?

Mr. ELLENDER. He is the same "god." [Laughter.]

Mr. RUSSELL. We may therefore assume that the mayor of New York is willing to substitute the word "peace" for "hello" in telephone conversations.

Mr. ELLENDER. I have no doubt about it, and probably he would gladly agree to it so as to further strengthen himself in future elections.

I repeat what I read last:

Divine has organized a "righteous government movement," with a political platform demanding that doctors guarantee cures, "peace" be substituted for "hello" as a telephone salutation, life insurance be abolished.

I have not had the time, but I would like to have the time and opportunity to find out why it is this "god" is desirous of abolishing life insurance. I am unable to stretch my imagination to find a reason. However, I may say that I promise the Senate that before this fight is over I will look this matter up and try to enlighten Senators as to why Father Divine is preaching the abolition of life insurance.

Listen to this:

Father Divine habitually ends his letters: "This leaves me well, healthy, joyful, peaceful, lively, loving, successful, prosperous and happy in spirit, body, and mind and in every organ, muscle, sinew, vein, and bone, and even in every atom, fiber, and cell of my bodily form."

[Laughter.]

That is the way he ends all the letters he writes. After a while I shall read, I may say to the Senator from Delaware

[Mr. TOWNSEND], a letter Father Divine sent to the President of the United States, in which he incorporated the same ending, and the President of the United States was invited to come to one of these jubilations in order to "git religion." [Laughter.]

Now, I leave this little article, which appeared in Time, from which I have been reading, and shall read a little passage—I state to the Senator from Michigan [Mr. VANDENBERG], written by Faithful Mary. [Laughter.] Faithful Mary, I may state to the Senator from Delaware [Mr. TOWNSEND], happens to be one of the angels of one of those heavens in Harlem. Father Divine's "No. 1" angel. [Laughter.] This is so ridiculous that I cannot help laughing myself, but it illustrates what America is headed for if we permit an amalgamation of the Negro race with the white race.

As far as I am concerned, I would vote today to repeal the fifteenth amendment, granting suffrage to the Negro, before it is too late. I do not want any Negro Senators to sit in the Senate, and I do not want any Negro Governors to sit in the Governor's chair of any State. That is what I mean. I do not want to be misunderstood. I say it charitably, with due respect, with the sympathy that I have and always have had for the Negro people.

The Negro people need the white people more than the white people need the Negro people. History shows that whenever a Negro people has seen the light of civilization it was a light inspired by the white people. The Negroes knew no civilization before they came to Egypt. They came uncivilized from dark Africa. When they came to India they knew no civilization. They knew nothing beside the barbarism under which they had lived in dark Africa.

The Negroes came to this country, to America, in bondage. They came here as slaves, and they did not know the light of civilization until they reached the shores of America. I say that the American people have been a blessing to the Negroes. The Negroes have prospered here, they have progressed. But the Lord pity them, and the Lord pity us, if there is an amalgamation of the Negroes with the whites.

I say again to Senators and to the American people, to those who hear me, to the colored people: Political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization. Not only will the white people suffer then, but I say that the Negroes themselves will suffer likewise.

In Haiti the Negroes were not able to manage their own affairs and have their own government. They lack the intelligence.

Many persons will say, What has that to do with the pending bill? The danger is not written in the pending bill, I will say to the Senator from Massachusetts [Mr. LODGE]. It will not be seen in the bill in so many lines thereof. But, as I said yesterday, and as I said the day before, and the day before, as I have been saying for 5 or 6 days, if the colored man is given a foot by way of political equality, he is going to demand a yard, and if he is given a yard, he will demand a rod, and if he is given a rod, he will demand 5 miles. [Laughter.] That is what I am afraid of. And I am warning America now, before it is too late to change its course, to be on the watch and to heed the advice which is now given, and which was given by the leaders of the white race in Egypt and the leaders of the white race in India when they told the then dominant race to beware of amalgamation.

They warned them to keep the colored people out. Bringing a Negro slave into Egypt was made a capital offense. Why? Because they felt that if the Negroes were permitted to come and to amalgamate with the white race their civilization would decay. I do not want that to happen here in America, because I love America too dearly.

Let me now read a little booklet entitled "God, He's Just a Natural Man," written by Sweet Angel Faithful Mary, one of the occupants of one of these heavens in Harlem, and let us see what that "sweet angel" has to say about her "god." [Laughter.]

I do not know that any Members of the Senate have ever seen a picture of this "god," Father Divine. I show here a picture of him speaking through the "mike." Senators, look at him, "the Divine god," a Negro man who is receiving any amount of publicity because he has posed as God. Many people in America believe that he is a god. They believe in all the "angels" that are surrounding him, who collect the money and bring home the bacon. They actually believe all that. Here in America we have a condition that is startling, and one that will gain momentum if we continue to in any way grant social equality to the colored man. Just as sure as I am speaking to the Senate, they are going to come here tomorrow and the next day and the week after, urging further privileges if this legislation is enacted. I can then hear the "angel" saying, "Boy, we sho did make a good job of that. We did pass the anti-lynching bill. The new thing we's gwine to work for now is to defeat the Jim Crow law in the South." That law, as you know, forces segregation of Negroes from whites in public conveyances.

The passage of this bill will draw the Negro closer to the social plane of the white man.

Senators, we made a valiant fight for that separation in the South, and I ask Senators in all earnestness not to disturb us but to let us handle the matter as we have in the past. Lynching has been on the decline. The Negroes are our wards. We have treated them sympathetically. We know their characteristics, and all we urge is that this problem be left to the States to handle. This problem is entirely an internal one. As I have previously said during this debate on the floor, so far as I am concerned, I shall gladly support a bill giving to the Federal Government the right and jurisdiction over such crimes of lynching as originate in one State and are accomplished in another. [A slight pause. Some one was talking to Senator ELLENDER in a low tone of voice.]

I was talking about the problem down South.

We have been doing all in our power to solve this problem. When I say "we" I mean the good people of the South. We have a few vagabonds among the white people in the South, the same as are to be found in the North. There are a few cutthroats in the North among the whites. All sorts of people are to be found in this world. But I say that the good people of the South are as much, if not more, against lynching than are the people of the North. This crime is one that is mostly intrastate. That is, the crime is one that takes place mostly within a State, and there is hardly a Southern State which does not have a law on its statute books prohibiting lynching and making it a criminal offense, and that all those who participate in or who promote the lynching are liable to punishment by hanging. We as sovereign States are willing to carry out such a law. We have been making a good job of handling this situation. Lynchings have decreased from over 300 some years back to as few as 8 last year.

There is not a crime in this country which has so declined as lynching. If Senators from the North, from the East, and from the West will let us in the South alone, I can assure them that that heinous crime is going to become a thing of the past. There is not a southern governor who is not attempting and trying by every means he knows to prevent lynching. There is not a sheriff in any of the parishes of my State or the counties of the other Southern States who is not trying to do the same thing. If let alone, we are going to succeed. If the Federal Government, however, is permitted to go down there and handle this matter, it will make as dismal a failure of it as it has done in Washington in handling crimes by Negroes. If the Federal Government is permitted to do that, the Southern States will simply step aside and say, "All right, Uncle Sam, you want to do the job? You go ahead and do it. We will let George do it." Enactment of the bill will not prevent lynchings, but on the contrary, it will increase them.

Let me go back and read about Father Divine again. I know Senators are interested in Father Divine. Of course, I do not mean to accuse anyone of belonging to his cult. However, I would not be surprised if it were found that there are some within sound of my voice today who believe that this Negro from Georgia, the son of a slave, is God, and that Faithful Mary, the author of this little green book, is an

"angel," and that Bouquet, another faithful, is an "angel." If I thought I could get results, I would ask those of my audience in the gallery who so believe to hold up their hands. But I am not going to embarrass them right now. [Laughter.]

The title of this little book is "God—He Is Just a Natural Man." The title of this particular article is "'Divine' in Politics." Remember, the article is not headed "Divine Politics," but it is headed "'Divine' in Politics." [Laughter.]

Let us see what Faithful Mary has to say about Divine in politics and what, as an angel, as a close bodyguard to him, she may have overheard him say. Being an angel, sitting on the throne with him and next to him, she ought to know all about him. [Laughter.] Now let us see what this faithful soul, this faithful angel, has to tell us about her "god":

It is Divine's aim to become a political factor. Many of his lawyers have allied themselves to him with that thought in their minds.

I wonder why "god" Divine should get the lawyers with him?

They, as well as Divine, realize the potential power at the polls of his thousands of followers.

Lawyers seem to be good politicians. [Laughter.]

In the past many candidates seeking to be elected have appeared in the "kingdom" of Divine and spoken to his followers in an attempt to win their votes. Any candidate is privileged to come and speak in the "kingdom."

This is faithful Mary speaking—

Mayor Fiorella LaGuardia, of New York City, former Mayor John O'Brien, and congressional and senatorial candidates have spoken before Divine's followers.

Faithful Mary says:

Former Mayor John O'Brien and congressional and senatorial candidates have spoken before Divine's followers.

As I said a while ago, one of the authors of this bill, Senator ROBERT WAGNER, happens to be from New York. I do not know how long he has been in the Senate, but I presume that Angel Mary would not misrepresent things, and apparently congressional and senatorial candidates have spoken before Divine's followers.

"Divine" has never pledged himself to any particular party or candidate but has always stated that he leaves it to his followers to be guided by their higher intuitions.

Imagine "god" entrusting a thing like politics to his followers. He might be giving to his followers more power than he claims for himself. Think of it!

However, there was a rumor that he supported LaGuardia.

Just a rumor.

He did not come out and support LaGuardia before election. Though after election when LaGuardia won, he claimed that it was his power which elected him to office.

Of course he wanted to get close to LaGuardia.

He is clever enough not to put himself on the spot by picking a candidate.

He was afraid he might pick the loser as some other politicians do. [Laughter.]

He has sold his followers on the idea that he will control the Presidency in the year of 1940.

Remember this is Sister Mary, one of the angels of one of Divine's heavens in Harlem.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. Not now. She is mighty close to "god" Divine; I suppose she rubs elbows with her "god." And here is Angel Mary warning the people of this country, telling the American people—listen:

He has sold his followers on the idea that he will control the Presidency in the year of 1940.

By the eternal, if Father Divine can control 30,000,000 people in this country, I will say to the Senator from Texas [Mr. CONNALLY] that he might be able to control the election in 1940. Watch out!

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. If Father Divine can control the Senate in 1938, is there not some basis for his pretensions that he might control the Presidency in 1940?

Mr. ELLENDER. I leave the Senator to drawn on his own imagination. [Laughter.]

Mr. CONNALLY. I said "if." I did not say he was going to do it. I said "if" he could do it.

Mr. ELLENDER. Certainly; there is no doubt about that.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Let me ask the Senator if it were permissible under the rules for the Senator to yield in order that a quorum might be called and be present, so that all Senators who are supposed to be for this bill might hear the Senator from Louisiana, would he or not be agreeable to that suggestion?

Mr. ELLENDER. I do not care to yield for that purpose.

Mr. CONNALLY. I understand; but, if it were permissible, would not the Senator be willing?

Mr. ELLENDER. I cannot yield except for a question, but some Senators have shown little interest in the past. I suppose Senators are attending to other official business. I would rather not yield for a quorum call.

Mr. CONNALLY. I did not ask the Senator to yield. I said "if it were permissible for the Senator to yield."

Mr. ELLENDER. I would yield if it were permissible, but under the rules, if I should yield for a quorum call in order that Senators might come into the Chamber and hear what Sister Mary, one of the angels of Divine, has to say, I might not later be permitted to tell them about it. Besides I am not tired.

Let us see what else is said by this angel who knows what she is talking about, for she is very close to Divine:

He believes that he can do what Townsend and Coughlin failed to do. He has stated to me that he will then have enough money to spend a million dollars a day during the height of the campaign.

I wonder where he will get that amount of money?

He says that money will buy anything.

Mr. President, did you ever hear of such a perverted mind for a "god"? Here is a "god" who is at the head of 30,000,000 people who says that money will buy anything—a "god" speaking.

He himself will not run but will back white converts of his in the Democratic and Republican primaries. There are men in public office now willing to have the backing of "Divine"—

I presume there are—

and will be under his dictates.

Is that true? Listen to what Angel Mary says. I will repeat it.

There are men—

Listen well to this, Senators—

in public office now who are willing to have the backing of "Divine" and will be under his dictates. This—

Says Angel Mary—

This "Divine" has told me—

There is no question about its authenticity. Angel Mary was told by her "god" what I have just read, so there cannot be any doubt about it, because I presume an angel would not lie. [Laughter.]

I continue the reading:

His followers created a lot of attention when they attempted to register for voting under their kingdom names, such as—

Listen to this mockery—

Sweet Charity, Loviness, Sweet Rebecca, etc. The board of elections attempted to stop them but eventually by the court's order they were allowed to vote under these names.

Imagine that! They were allowed to vote under the "angelic" names which were conferred upon them by "god"—Sister Magdalen, Sister Bouquet, Sister Rebecca. The authorities permitted these "angels," under those names, to

come and vote for a person who was running for public office.

This was a wonderful publicity stunt for "Divine," for the eyes of the politicians were turned upon him.

In January 1936 the righteous government convention of Father Divine's peace mission was held at the St. Nicholas Palace in New York. Various political parties were invited to send their representatives. The hall was packed with thousands of followers from all parts of the country. The March of Time was there filming this spectacular demonstration.

Just imagine, Senators, this "god" drew so much attention by his practices that he was not only publicized in most of the newspapers of the country, in many of the magazines, as I have shown, in several books that were written about him, but also in the movies. And here is another book from which I am going to read after a while, entitled "God in a Rolls-Royce." Think of "god" riding in a Rolls-Royce down Fifth Avenue and through the streets of Harlem, with a stuffed dove of peace on his radiator, surrounded by his "angels," and having one; I imagine, driving his car.

Various political parties were invited to send their representatives. The hall was packed with thousands of followers from all parts of the country. The March of Time was there filming this spectacular demonstration. When the camera was focused upon the audience, Divine asked the people to pull out their white handkerchiefs and wave them while singing to the music which was being played. Each person generally had two white handkerchiefs to wave. This was psychology on the part of Divine to exaggerate his numerical strength for the benefit—

Of what? Of followers? No—

of politicians.

That is what Sister Mary says. In other words, here was "god" with 30,000,000 subjects trying to fool the politicians. Think of it! [Laughter.]

"Divine" was in all his power that night. Democrats, Republicans, Socialists, and Communist representatives were there. All of these speakers were pouring out the philosophy of their parties and at the same time paying homage to "Divine", who sat there in his chair upon the platform, smiling at his triumphal entrance into politics.

The Communist Party has flirted with Divine, making advances to him, but to no avail, as he refuses to come out openly for communism—

This is Sister Mary speaking—

though he has gone so far as to have his followers turn out and parade with the Communists.

But yet he is not for them, so "Angel Mary" says.

Mr. BONE. Mr. President, will the Senator yield for a question.

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Louisiana yield to the Senator from Washington?

Mr. ELLENDER. I yield for a question; yes, sir.

Mr. BONE. I wonder if the Senator has seen the current issue of the Washington News, containing an article by a prominent Washington, D. C., writer, Max Stern, who quotes from southern newspapers, including two newspapers from the Senator's State—the New Orleans Tribune and the New Orleans Item—and also a quotation from the Gallup poll, showing the percentage of southern voters favoring the Federal antilynching bill.

Mr. ELLENDER. I have not, Mr. President.

Mr. BONE. May I give this newspaper to the Senator?

Mr. ELLENDER. I shall be glad to have the Senator hand it to me now; and at the conclusion of my remarks, if I am able meanwhile to look at the article and comment on it, I shall be glad to do so. If I cannot do it today, I shall be glad to look at it a little later.

Mr. BONE. I am glad to hand the newspaper to the Senator. May I make a further inquiry of him?

Mr. ELLENDER. I yield for a question.

Mr. BONE. That is my purpose.

Mr. ELLENDER. All right.

Mr. BONE. The Senator has made a very remarkable speech, in which he has clung very closely to his text. I have enjoyed hearing the Senator's discussion of the historical background of many of the matters to which he has adverted. I am wondering what he thinks of the fact that in the first quarter of this century the white race engaged in a war in which more human beings were butchered than in a thousand years before, these thousand years stretching back through the Dark Ages and encompassing some of the greatest wars in all human history—a war, by the way, that did not involve the so-called colored races.

Mr. ELLENDER. Of course, I do not know what is in the Senator's mind; but, as the Senator realizes, countries as a whole are very much like human beings. They have lust. They want power. They want this and they want that. I believe the powers that engaged in the war to which the Senator refers may not have thought in the light of what the people of their respective countries desired but thought of what was desired by the leaders at the head of those countries who were lustful for power.

As I showed yesterday, I think, a good many countries have lost their power, not because of mongrelization, as I indicated in answer to two or three questions, but many countries have suffered submission because they have been taken over by brute force. In this discussion I am not trying to advert to the downfall of countries other than those which have fallen because of mongrelization. I did not go into other phases of the subject. As the Senator knows, I have limited my discussion solely to some of those countries whose civilization has decayed because of the fact that their ancient culture became mongrelized.

Mr. BONE. I was asking the Senator about the effect of the impact of war on a so-called white civilization and a white culture. Does the Senator believe that another great world war, in which we, together with the other white races of the earth, should engage, might be disastrous in its effects on the white race and on so-called white culture?

Mr. ELLENDER. Yes. I fear this, Mr. President. Of course, I may be wrong about it, but I do not like what is going on today in the Far East with reference to Japan and China. I fear that if China and Japan finally unite—remember, they are both of the Mongolian race—and if Japan is able to make good soldiers of the Chinese people, at a time not far distint, there may be a contest between the white and the Mongolian races, if that is what the Senator has in mind.

I do not fear, however, that the white race will fail to survive and maintain its supremacy, because of the advancement of science, inventions, warfare, and everything else. I believe that the Mongolian race and lower classes of races are in the nature of copyists when it comes to scientific inventions. They are great imitators; and, if the result of such a contest were left strictly to the genius of the white race in comparison with the genius of the Mongolian and the other lower races, I am not troubled as to what may befall the white race.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. REYNOLDS. In pursuance of the inquiry directed to the able Senator from Louisiana by the able Senator from Washington, is it not true that the white races have declared wars upon each other; but is it not also true that those in the Far East, the Mongolians, war against one another without ever taking the trouble to declare war?

Mr. ELLENDER. That is what is happening today in China. I do not know whether or not it is customary in that part of the world.

Mr. BONE. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield for a question.

Mr. BONE. Is the moral effect of war any less devastating and demoralizing and degrading by reason of the fact that there is not a formal declaration of war, or does the moral degradation arise from the fact of war itself?

Mr. ELLENDER. I do not think it makes any difference.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. REYNOLDS. Does not the Senator think there really is a moral obligation on the part of those warring without declaring war to let their adversaries know they are coming

to kill them, so that those whom it is proposed to kill may have an opportunity to keep from being killed?

Mr. ELLENDER. As I said, I do not think that makes much difference, because they will be killed either way it goes. [Laughter.]

Mr. BONE. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield for a question.

Mr. BONE. Does the Senator feel that a man who is killed in an undeclared war is any less dead than a man who is killed in a perfectly properly declared war, started according to the noble rules of this game called war?

Mr. ELLENDER. No, indeed; they are both dead. [Laughter.]

Mr. POPE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Idaho?

Mr. ELLENDER. I yield for a question.

Mr. POPE. I have listened with a great deal of interest to the recital of the exploits of Father Divine. I am wondering if the Senator thinks those exploits are confined to any one race. Does not the Senator have in mind instances of white persons conducting the same sort of a performance, or persons of the yellow races, or of any other race or class or group of people in the world? Would they not be likely to do the same sort of thing if they could do so, and get money, and get power, and have numerous followers?

Mr. ELLENDER. Mr. President, the Senator from Idaho need not go beyond the city of Washington to find that out. There are such persons here in the city of Washington—highjackers, racketeers, men who have no moral standing. They exist all over the country. That is what I told the Senator and the Senate a while ago—that down South today, in Louisiana, in my own parish, where I live, within a stone's throw of my home, probably, there are white men who, morally speaking, are only about 6 inches high. They do not have morals. When a few persons of that kind get together and lynch a poor colored man, as often happens, the history of lynching in the South will show that it has often happened that these small gangs were led by men low in morals. I say it is an indictment of the good people of the South to come before Congress now and bring up a bill that tells us that we do not know how to handle our own internal affairs——

Mr. POPE. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield for a further question, but after the Senator asks it I should like to make further answer to his first question.

Mr. POPE. The question in my mind is as to the point the Senator desires to make with reference to the particular individual who is carrying on this sort of a racket, and the fact that he is a Negro. A white man might do the same thing; so what is the point of emphasizing the fact that he is a Negro rather than a white man?

Mr. ELLENDER. Mr. President, I said a while ago that a few white men might do that; they might have a dozen or so followers; but they, so to speak, would peter out in a few days or a few weeks, when they were caught up with; but I am told that Father Divine is still going strong, and that he is still being catered to in politics.

In further answer to the Senator's question as to whether or not any whites joined these cults, I say that they did. The little red or brown book that I have here gives examples of it. I wish I had time to read them. It is only 2:30 o'clock now. I may have time before 5 o'clock. It may be that I can cite a few instances to illustrate exactly the point about which the Senator has just asked, and that is, that of these so-called "gods"—these "voodoo men" as they are termed in our section—I am going to show you an example, a case in which one of these "angels" was a white man, and this "angel" represented to a young, 16-year-old girl from Denver that she was to be the Virgin Mary, that she was immaculate; and I will show what happened to that "gentleman."

I am going to read now from the Daily Mirror. I will ask the Senator from North Carolina [Mr. REYNOLDS] not to go away. This is very interesting.

I read from the Daily Mirror, New York, Friday, July 2, 1937. Listen well! I am not going to discuss it. I am merely going to read it, and then let the Senate draw its own conclusions:

Hunt finds "peace" in jail cell.

Hunt is the man who was accused of the crime.

LOS ANGELES, July 1.—Wearing trousers and blouse of rough, blue denim for the first time in his life, John Wuest Hunt, heir to a lollipop fortune and follower of Father Divine, colored cult leader, today wielded a mop in his jail cell here while awaiting sentence as a Mann Act violator.

Hunt, who called himself "Jesus the Christ"—

I do not see how Divine could permit one of his followers to call himself "Jesus the Christ" when Divine claimed that he was "god." Anyway, this fellow Hunt, who was dubbed "Jesus the Christ"—

in the fanatical cult, said that he seduced Delight Jewett, 17, Denver schoolgirl, to "provide the world with a new redeemer."

Think of that—"to provide the world with a new redeemer," so as possibly to oust Father Divine. [Laughter.]

A Federal jury found him guilty last Wednesday of transporting the girl to his Beverley Hills home here for immoral purposes. Up for sentence tomorrow, he faces 5 years in Federal prison on McNeil Island.

Hunt was optimistic over his fate.

Think of that—optimistic, hopeful, confident.

"I have found peace and prison bars cannot change it," he said. "I wired Father Divine after the jury had been out 8 hours that I was serene and unsullied. They may imprison my body, but they cannot imprison my spirit."

This is "Jesus" speaking.

"If it is decreed that I spend 5 years in prison I will remain placid. I have found peace."

This is "Jesus Christ," a disciple of "god," finding peace in a jail cell.

"Besides, I need a rest. I need time to work on a book I am writing."

Three codefendants with Hunt, Howard B. ("John the Baptist") Smith—

Another "angel" I suppose. [Laughter.]

Mrs. Agnes ("Mary Magdalene") Gardner.

I thought she was the authoress of the book I have here, but I see it was written by "Faithful Mary." [Laughter.]

And Mrs. Betty ("Peaceful Mary") Peters, all members of the New York cult, were acquitted. They had accompanied Hunt and the girl here from Denver in Hunt's $12,000 automobile.

Mr. President, that is the case where one of Father Divine's disciples represented himself to be Jesus, and after representing himself as Jesus, seduced this young girl, and was helped by three other "angels" from some of these "heavens" of Father Divine.

I continue reading from the book by "Faithful Mary." I was reading from the last paragraph on page 44:

The Communist Party has flirted with Divine, making advances to him, but to no avail, as he refuses to come out openly for Communism, though he has gone so far as to have his followers turn out and parade with the Communists. He has done this with the thought in mind of the publicity resulting in his participating in a Communist demonstration.

Many political leaders appearing before the followers of Father Divine have committed themselves indirectly to calling Divine "god."

Mr. President, that is how far these politicans go, and I think I pointed out yesterday from an article appearing in the Forum that Mayor LaGuardia accepted an invitation to one of these meetings, and did tell Father Divine that, so far as he (LaGuardia) was concerned, Father Divine was "god," or some words to that effect. I do not want to misquote him, but as I remember, he said something of the like.

Some, in an attempt to make an impression upon the followers with their hypocritical selves, have actually called him "god."

Of course, these are nonbelievers, but they have called him "god" because they want help from him.

At the peace conference, held at St. Nicholas Palace, in January 1936, a representative of one of the major political parties cited a point that the Communists did not believe that there is a God. In his speech he pointed out the destruction of churches in Russia, by the Communists, to bear out what he was saying. While speaking, he turned to Divine who was sitting on the platform, and said: "But we know that there is a God."

This remark won the approval of the followers, for they cried out in unity, "Yes, there is 'god.'" And the politician smiled, feeling that he had played his hand well.

If I knew "Faithful Mary," who wrote this book, I would try to find out from her who that politician was. [Laughter.]

Divine has not yet succeeded in making his organization felt in the political world. He made a public threat to keep his followers away from the polls in the last election, but if they stayed away, their votes were not missed by the sizable election returns from districts where his followers were thickly populated.

Mr. President, this gives a very vivid impression of what one of the "angels" of this "god" thinks of her god, not as a god, but as a politician. There are some very interesting sidelights in this little green book, but I hardly think I will have time this afternoon to read them to the Senate. I invite Senators, and others who are present, including all the pages, to read the book. It is very interesting. To my mind it again demonstrates the return of the Negro to the barbaric lunacy of dark Africa to which I referred awhile ago.

I now wish to quote from the other volume, which was written on this "god of gods," a book entitled "God in a Rolls-Royce." [Laughter.]. Think of that, not in a chariot, but in a Rolls-Royce. The book is by John Hoshor. I will read the first chapter. I do not know how interesting the first chapter is going to be, but I thought I would pass on a few stanzas of it to the Senators.

Mr. BONE. Is this fiction?

Mr. ELLENDER. No, indeed; it is divine. [Laughter.] There is no fiction about it; it is written about a god; it is a divine writing. That is how I would class it. The title of chapter 1 is "It's Wonderful." [Laughter.] Let us see if it is wonderful—

Since early morning there has been a cold, penetrating March blizzard. Since early morning a mass of more than a thousand colored men and women, interspersed generously with whites, have crowded together on the steps of the building which houses the fifth district magistrates' court of New York City, and, like too much cane sirup on a piece of corn pone, have overflowed onto the sidewalk and into the street.

Here and there some are protecting themselves from the rain by gaudy colored umbrellas, others have covered their hats with newspapers now almost soaked through, but the majority pay no attention to the rain, although wet to the skin and chilled to the bones. Nor has the state of the weather dampened their ardor as all are singing Blessed Be Thy Holy Name, Father Divine; I Love the Sweet Body of God.

Mr. President, those are the titles of the songs the congregation were singing. The author of the hymns is not given, but I presume they sprang from the mind of the "god" himself, judging by the sacredness of the titles. I repeat, one of the songs was Blessed Be Thy Holy Name, Father Divine, and the next one was I Love the Sweet Body of God. Then they were singing also I Have a Million Blessings. That is the title of another one of their songs.

And tacked on to the chorus of each song is a long chant in which the words "He's God, he's God, he's God" are repeated countless times.

An hour later the doors of the building are thrown open. Witnesses, attorneys, and others with business in the court arrive, but are hardly able to squirm through the wet throng to the entrance. The crowd does not go inside.

Some irritated clerk telephones the police and a minute before Magistrate Anthony J. Burke drives up in a popular-priced coupe, five mounted policemen appear and, forcing the mob back on each side, open a narrow pathway from the sidewalk to the doorway.

The magistrate is puzzled.

Addressing the nearest Negro as he steps from his car, he questioned, "What's going on here? What's the meaning of this performance?"

"We's all waiting for Father Divine, Brother."

[Laughter.]

That is from one of the followers of Father Divine who answers the judge who was coming there to pass sentence on "god." When this follower was asked what all the trouble was about, he said, "We is all waiting for Father Divine, Brother." In other words, he called the magistrate "Brother."

"Who is Father Divine?"

"He is God, Brother; yas, suh, God Himself."

All morning and into the middle of the afternoon the rain continues, but the brown mass remains stationary, singing, chanting, and praising Father Divine. The mounted officers are relieved at noontime by colleagues, but Father Divine's adherents choose rather to miss a meal than to miss him.

At 3:30 in the afternoon an exultant cry arises almost simultaneously from every voice in the crowd, "God's here, God's here." A shiny, dark blue Rolls-Royce town car, with raindrops glistening on its hood and top, is creeping slowly up the street. On each side is a running escort of 20 or 30 disciples.

Sitting next to the colored chauffeur, who wears an Oxford gray chauffeur's uniform and cap, is an equally conservative uniformed footman. The car is a recent model, in strictly Park Avenue condition. In spite of the thickness of massed followers on every side, the car somehow reaches the curb, and an adherent on the sidewalk cheats the footman by opening the rear door.

If an angel with wings of gold suddenly flew out through the top of the car, a mere spectator looking on for the first time would hardly be more surprised. A middle-aged, coffee-colored, little man emerges. He is so short that from a distance of about three rows of packed disciples one is able to see only the top of his pearl gray hat. But the frenzy of the shouting, gesticulating throng is in reverse proportion to the size of the man. Moans of ecstasy arise from the throats of the followers, and take the form of such exclamations as "He's God, He's God, He's God," "Isn't he sweet?", and "It's wonderful!" Big fat mammies, broad-shouldered bucks, high yallers, bright-skinned girls, white-haired patriarchs, mulattoes, creoles, and here and there an intelligent-appearing white man or woman, unconsciously try to outcoo one another in their expression of enthusiasm and heartfelt praises. An adherent with a large purple umbrella walks alongside Father Divine protecting him from the rain. The latter stoically accepts the adulations of one and all, merely answering, "Peace."

Not "hello," but "peace."

Accompanied by a voluptuously heavy, brown, moon-faced woman who wears her radiance like a new gown and proudly bears her excessive weight like a general on parade, Father Divine and his angel No. 1, "Faithful Mary," leisurely climb the steps and enter the building.

A skinny black youth, not yet old enough to vote, wearing a dirty colored hat that had long since lost all shape, coat and pants which even had holes in the patches, and run-over worn-out shoes three sizes too large, shuffled up to another Negro lad of somewhat similar age who sat on a bench in Central Park not far from where Lenox Avenue starts its wide crawl through the Harlem tenements.

"You all live in New York?" the former asked.

"Yeah, on 117 Street."

"Y'all work?"

"Not for 2 years—hain't been able to git a job."

"Why?"

"Jist wond'red. Thought maybe y'all'd lend a hungry fellow a dime so's he could eat. Ah hain't had nothin' but a bowl of soup since ah got out of jail in Petersburg, Va., 3 days ago."

"You from Virginia?"

"No; Geo'ga, Columbus, Geo'ga. Ah left there couple weeks ago to hitchhike to New Yo'k. Cops put me in jail in Petersburg when they found me sleepin' in the pa'k."

"Where'd'y sleep last night?"

"Unde' the bushes here in the pa'k."

"How'd'y like some fried chicken, candied sweet potatoes, boiled cabbage, string beans, hot muffins, apple pie—all y' can eat—and coffee with cream—all y' can drink?"

The starving lad's mouth watered as he listened to the other spread such visions before him. "Ah'd think ah was in heav'n.

"C'mon, that's where we're goin'—to heaven. Ah've been eating there for 2 years—ever since ah lost m' job."

He took the other by the arm. They left the park, and walking up Lenox Avenue turned east at One Hundred and Fifteenth Street to Father Divine's Peace Mission.

Before they reached there the Harlem youth told how Father Divine had missions all over the world, how every day he fed thousands and thousands of hungry people without charging them a cent, all the food they could eat, chicken, duck, turkey, pork chops, spareribs, everything that was good. He gave them clothes and a place to sleep, and if they wanted to work he found jobs for them.

"But," inquired the wondering southerner, "where does he git all the money? He mus' be awfu' rich."

"He's the riches' man in the whole world."

"He sure mus' be wonderful."

"Wonderful! He's God, that's what he is."

Senators, I read this little article just to show how Father Divine gets some of his adherents to his religion. I do not mean to say that Father Divine has not done some good work in the Harlem district, but the thing that bothers me is the method used by him; how he gets his money, how he is able to get followers, not only in Harlem but, as has

been shown, all over the United States. I fear that if we in the South are confronted with a man of the powers of Father Divine, and the colored folks would be given the power of the ballot the same as they have it in other parts of this country, we might have sitting here in the Senate a few gentlemen we would not like to associate with socially very much. I should not want that to happen.

Mr. BONE. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield for a question.

Mr. BONE. Does the Senator find any parallel in the situation described in the book he has been reading and the experience of one great modern nation which represents a considerable segment of the white race, to which is attributed by the press of the country an official move to get rid of the Christian Trinity or the so-called Christian theology, and substitute Woden and Thor and mythology for the Christian religion?

Mr. ELLENDER. In reply to the Senator from Washington, I will say I do believe there is such a move going on in a few countries. I do not know the details.

Mr. BONE. I mentioned no country.

Mr. ELLENDER. I do not know the details at present, but it is my recollection that a movement was started in Mexico not long ago to oust Catholicism, and that such a movement was started in other countries. I have not familiarized myself with the conditions leading to those changes. I am not familiar with the facts except casually.

It was my purpose to devote my time and my efforts solely to a discussion of countries where decay of civilization, progress, art, and literature set in by reason of the amalgamation of the predominant white race in those particular countries with the colored people who were brought there and enslaved. I think the Senator from Washington [Mr. BONE] will agree with me, if he has either heard or read parts of my speeches with reference to Egypt and India, that there were civilizations in each of those countries which were of a very high order. The people were progressive and well advanced in all the arts and sciences and had considerable knowledge of surgery. As I have pointed out, the scientists of today are employing methods which were used back in the early Egyptian days. That shows how far advanced that ancient civilization was.

India had an advanced civilization. That country had advanced a considerable distance in its knowledge of surgery. The moment the rigid rules of the old caste system in India were relaxed, however, and the intermarriage of the white people with dark races was permitted, degradation set in, so that today India, a country which at one time was proud of its heritage because of its advances in agriculture, in science, and in every other line, has lost all of its former glory. Today science of medicine in India is nil. I am sure the Senator from Washington [Mr. BONE] is familiar with some recent Indian history which shows that those people believed in and practiced voodooism the same as Father Divine is attempting to practice and will succeed in putting over here in America if he is permitted to go on unmolested.

As I pointed out, when discussing Indian and Egyptian history, I showed that their early religion contained some of the dogmas and doctrines that are now taught and that are now believed in by civilized peoples of today, but when there was a mongrelization of the white races, that first occupied those progressive countries, with the colored races, what happened? A decline will be noted in their religion and a return to the barbaric religious beliefs of Africa, in which the people prayed to elephants, goats, chickens, doves of peace, and things of that kind.

I am trying to show what could happen in this country. Father Divine says he has 30,000,000 Americans who believe in him. He, Father Divine, the son of a Negro slave, born in Georgia, says, "I am God." What will his followers choose to worship after he dies? They might easily go back to the barbaric lunacy of Africa.

Mr. BONE. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield.

Mr. BONE. I doubt if any Member of the Senate would assert that he was an expert in matters theological, and I also assume that most of us gather what information we are able to obtain of what is happening around and going on in the world from newspapers and magazines. That is where I get my information. But has the Senator observed newspaper articles and magazine articles with reference to what has happened in Germany in an official way with respect to the substitution of a very great degree of reverence for Woden and Thor and the mythologies for the old Christian dogmas? I do not know what is happening in Germany. I merely state what I have read in magazine articles and newspaper articles.

Mr. ELLENDER. I will state to the Senator from Washington that I have not familiarized myself with modern religious trends in Germany. I have read casually on the subject, but have never made a study of it. While on the subject I wish to say something about a country close to Germany. I wish to say something about France. France today, to my way of thinking, is heading toward a degradation of her civilization, just as in the case of Egypt and of India, unless she curbs the mixing of the whites and the Negroes.

As we all know, France has a colony in Africa not very far from her own shores, and there is no inhibition against bringing into France inhabitants of that colony. As is well known, many of the soldiers who were sent from this country to fight in France were colored men belonging to colored regiments, and it is a historical fact—I have seen it stated in print on many occasions—that our Negro soldiers left quite a good many descendants in France. I have seen that statement in writing many times. I do not know how many were left, but I am told the number amounts to thousands. On the streets of Paris, the streets of Lyons, Marseille, and other cities in France it is not at all unusual to see quite a number of colored children who were born during the World War and who were the offspring of some of our American colored soldiers. If that were the only mongrelization affecting France, I should say that it might not hurt, because there is not a sufficient number of such mongrels to injure the race. In the case of a race which is only slightly mongrelized, not mongrelized too far; in other words, let us say that the country has 50,000 mongrels out of an entire population of 50,000,000—ethnologists maintain that if no other mongrelization sets in, if no other impure blood comes in, in the course of a few generations, notwithstanding the fusion of the mongrel into the community and the mixture of that mongrel blood with that of the dominant whites, that mongrel blood will soon work itself out.

Besides suffering because some American Negro soldiers who went to fight in France left some of their descendants there, France has not taken steps to prevent the immigration of Negro population from across the Mediterranean Sea, from northern Africa, and it is thought that if France does not put a stop to that influx of Negroes, does not prevent its Negro colonists from coming across the Mediterranean into France and mixing with the French people, France, sooner or later, is headed for a mongrelization of its pure white race; and, in that event, I predict that the civilization of France, its fine arts, its medicine, its science, its culture, is going down to decay to the same extent as did the arts, the culture, the literature and the science of Egypt and India and little Haiti, and that the fate of France will be the same.

Now, Mr. President, let me go back to "god"—this "god" who rides in a Rolls-Royce. By the way, before I forget it, let me say that, in answer to a question by the Senator from Washington [Mr. BONE], I spoke of the degradation of religion in India. I am sure that most of those who hear me have read about Mahatma Ghandi, the great Indian reformer. The reason I mention him now is that he is mentioned very prominently in this book. The author of the book seeks to make some kind of comparison between Father Divine and Mahatma Ghandi, and to show that in some respect they seem to agree on certain religious principles.

Unlike Ghandi, who declared he was "literally sick of adoration of the unthinking multitude," the plaudits of his listeners are

meat and drink to Father Divine. After interminable, repetitious verbosity saturated with polysyllabic words, into which, like an empty bottle, his hearers could pour any meaning they wished, yet with each sound mortised together by a crescendo of intensity, the colored lord climaxes his ambiguity by paraphrasing Mae West's "How'm I doin'?" with "Now, isn't that wonderful?" and his proselytes, sozzled with enthusiasm, cry out in one concordant voice, "Wonderful, God; truly wonderful."

He quotes nobody. His own word is sufficient authority. Once in a great while he will refer casually to the "first four books of the New Testament," or for purposes of illustration repeat a passage from the Scriptures; but, unlike the average preacher, who uses a Biblical text for the foundation of his sermon, Father Divine uses quotations from the Scripture as a very minor adjunct.

In other words, if a person were to read this book, he would be bound to conclude from the fact that Father Divine calls himself "god" and that he has created "angels" to sit around him, that he has forsaken the Christian religion which is now dominant in our country.

I venture to say that if Father Divine were permitted to go on unrestrained, the chances are that this civilized country of ours might revert to the barbaric lunacy which is practiced in darkest Africa. It may take some time for this to come about, but all that Father Divine needs in order to come through all right is a little time, a little encouragement, and a little money, and a little more power so that he can deliver to some of the politicians scattered throughout the country, who are willing to sacrifice our American civilization in order to attain selfish, petty offices for themselves.

In speaking he makes full use of his arms, feet, body, and of facial expressions. With his arms reaching, but not stretched, towards his audience, the elbows slightly bent and his hands turned inward, as though he is ready to pull his heart from his body, he tells them: "When I say make your mental and your spiritual contact—

This is Father Divine speaking; this is one of his doctrines; listen to it—

"When I say make your mental and your spiritual contact, it means to contact me by harmonizing with my views and dialing in on the same, by doing exactly what I would have you do." Also, "How can you make your contact if you are living in races, creeds, and colors?"

When he speaks one appreciates the truth of the second verse of one of their more popular songs, "Father Divine has you and me in the palm of his hand."

That is the title of one of the popular songs. I will repeat the title.

"Father Divine has you and me in the palm of his hand." (In the other verses he has, respectively, the world, the politicians, and the President in the palm of his hand.)

Think of that!—

In between their hallelujahs, he impresses on them, "This truth has been birthed out."

In other words born in me. He continues, "It is not confined to a person or persons, but is with the sonship degree of God, which am I. It's wonderful. It's brought into experience and manifested by one even so is the fathership degree, which am I. It can be universalized. I spoke last night through the telephone, but I don't have to speak through the telephone. I am everywhere. It is a blessing that one is ignorant enough to be radical enough to visualize some that has been materialized. The same can be expressed by someone else." And plagiarizing the question Jesus Christ asked the apostles, he loudly inquired:

"What do you call me."

They answered, "God," and almost swoon in their own enthusiasm.

That is how this cult is hypnotized by this son of an ex-Negro slave, and I am just wondering what is going to happen when poor Father Divine dies, and where he is going.

This book is very, very interesting. I could read all of it to you, but it would take quite a while, perhaps a little longer than I or you should like to stay here tonight; so I shall select a few passages from it, just a few little scattered paragraphs here and there. I am going to tell the Senate the title of this book again, so that Senators will have the opportunity of getting the book from the Library and reading it, I will say to the Senator from Massachusetts [Mr. LODGE], and digesting it, so that they may see for themselves to what extent this "god" has been able to obtain followers and to collect millions of dollars, apparently, in order to carry on, as I have been demonstrating to the Senate.

Here is what one of the disciples, Brother Lamb, said:

Brother Lamb also stated that the "accident of our complexions was in no way related to the purity of our souls," and that we were all equal members of the family of God. The divine disciples live this truth and "when they enter a restaurant and some are refused service they all decline to eat there and leave."

Here is an innovation that Father Divine is practicing. In other words, if Angel Mary or Angel Bouquet happens to go into some restaurant on Fifth Avenue, and is refused admittance and permission to eat there, the rest of the cult soon know it, and they keep away from that restaurant. I wonder if the proprietor is angry about it! [Laughter.]

A drive has already been started in Baltimore, according to Brother Lamb, to wipe out racial discrimination there.

Brother Lamb, one of the disciples, one who lives in heaven, is working in Baltimore, trying to wipe out racial discrimination there. I desire to state that before I get through today it is my purpose to read to the Senate the platform that this "god" is preaching throughout the Nation.

The local leader is a disciple "of our complexion," and is being assisted by Father's spirit and the other children.

To the question why he selected that particular spiritual name, Brother Lamb replied, "That describes my ideal of life."

In other words, "What is your name?" "Brother Lamb." "Why were you called 'Brother Lamb'?" "Because that describes my ideal of life."

Asked about politics, Brother Lamb told on one hand of the attempt of the politicians to get Father's support and votes, and on the other hand of Father's continual harassment by the minor officials of the health, fire, and building departments in New York City.

"They impose on us," he stated, "rules and regulations that they overlook in every other building in Harlem."

"Why doesn't Father Divine use his political influence on them?" he was asked.

"Father wouldn't do that; he works only through the spirit," was the answer. Continuing, Brother Lamb spoke of a woman judge who the day before had come to Father to ask his cooperation in establishing an institution for prostitutes. He added, "Father doesn't believe in that either, but perhaps some basis of cooperation can be found."

"Why are there so few missions in the South?" the questioner desired to know.

"Father has missions in all the important large cities of the South. Many more down there would like to join with Father, but they are afraid of the civil authorities."

That is down South. They are not so much afraid of the civil authorities down there as they are of the law itself which prevents the practice of such religious cults as operate in Harlem. We do not permit it down there.

"Many more down there would like to join with Father, but they are afraid of the civil authorities." Brother Lamb agreed that Father's work was facing very great difficulties below the Mason and Dixon's line.

You may bet your last dollar he told the truth that time!

The next paragraph is devoted to a person to whom I paid my respects awhile ago, by the name of John Wuest Hunt, who seduced a young girl from Denver. It is not my purpose to read the life history of that follower of Father Divine.

Now let me come to Lily Dove. Lily Dove happened to be another "angel" of Father Divine, one of those glorified "angels" selected to associate in "heaven" with Father Divine. [Laughter.]

Lily Dove, a coal black, baby-faced girl about 25, who works in the front office of the Spoken Word, pointed to a facsimile of a postcard recently carried in that publication. The original postcard had been mailed from China to "God, Harlem, New York, U. S. A.," and delivered to Father Divine.

That was the only address on that postcard—just "God, Harlem, New York"—and of course Angel Lily Dove was very much gratified to find out that a postcard sent from China, thousands of miles away, merely addressed "God, Harlem, New York," had reached the "Father," the "god." She was so proud of it that they made facsimiles of this postcard, and are showing it throughout the country. I am again stretching my imagination—so that new adherents of this cult may be made. I can just imagine these poor people saying, "Why, God is known everywhere. He's known

cut in China. We'se got a postcard from China. The only address on that postcard was 'God, Harlem, N. Y.,' and she just come away to Harlem! Therefore, we'se sure that God is known away out in China!"

The girl disciple stated:

"The Government don't recognize Father's 'Peace', and they make us pay double postage; but that shows they know who he is all right; they know he's God."

When, a few minutes earlier, a nonbelieving visitor had accidentally knocked several copies of the religious periodical off a desk onto the floor and offered his courteous apologies, "I'm sorry," etc., to Lily, she smilingly answered:

"Why be sorry? It's wonderful."

Whether she was referring to the law of gravity or just life in general, she didn't specify.

But continuing on in reference to the postcard, she added that "Residents of China have his address, and it's the destination of travelers from Finland, Germany, Australia, South Africa, the Pacific coast, and other points throughout the world."

Apparently she liked to talk, and continued: "People have been talking about God for many years, but today, a God whom you can't see or never have any personal contact with just doesn't fill the bill. A promise of some home far beyond the clouds, with milk and honey flowing freely, really isn't what it takes to keep going down here, on terra firma. If God can't take care of me here and now, then how can I know or even believe He'll do so very much after I'm dead and gone?"

Senators, that quotation from Lily Dove, an "angel," shows a notable deviation from the Christian principles which are now being taught and which form the dominant religion in this country. As I pointed out, when there was a mongrelization in India and in Egypt, the first weakness was shown in the fact that there was a reversion from the dominant religion to the old barbaric, idolatrous religion which prevailed across the seas, whence the ancestors of the mongrels came. That was the first sign of decay. Here in this book we have quotations from the "angels" themselves, from Father Divine, "god" himself, telling what he professes and believes in; and those doctrines and principles are far removed from the dominant Christian religion which is now being practiced in civilized America. As I pointed out in the case of the other countries, the moment that sort of thing sets in—the moment you have a decay in religion you can expect mongrelization of the race and inevitably there follows decay of the civilization of the nation.

Her black, childlike countenance was deceiving. It brightened perceptibly now, as she became enthusiastic, almost inspired, about her leader, "Harlem is New York's hot spot, a melting pot where vice and crime are commonplace."

That is what she said. I am still quoting the "angel" now.

Truly, God knew where he was most needed. With the poorest housing conditions, hospitalization and educational facilities, an area where the ballot to this day hasn't even made first base, where churches, leagues, and welfare organizations haven't been able to bring about the necessary change, Father Divine has made life livable for counless thousands.

He's condescended—

She says—

to be as one with the seething masses, who have otherwise been forgotten, in their struggle for existence, and to see that they get the right to live and eat regularly. Now, all in all, I ask you, what more of a god do you want, than one who'll give you shelter, food to eat, clothes to wear, and freedom from sickness, worry, and fear? Now isn't that wonderful? And then to think he's made Harlem his home and receives his mail only a few doors up the street. It's truly wonderful, I say, don't you?"

Here is an expression from this "angel" which shows just what that faith is that is being taught by this "god"; the faith that is being followed as Father Divine's faith by 30,000,000 people, according to Father Divine, or, according to an estimate by uninterested writers, 2,000,000 to 5,000,000 people are following those teachings, as outlined by Lily Dove, who happens to be an "angel" and a very close adherent to Father Divine.

Mr. President, this illustrates that if Father Divine and his cult can keep on and get possession of one little group here, and of one little group there, and of another little group some place else, sooner or later the Senate is going to be asked to vote favorably upon bills to give to the Negro race social equality, for that is what they are after! Make no mistake about it! I propose to show to the Senate that this principle is written in the platform of Father Divine himself. I shall read from that platform after a while.

Before I go any further in reading from this book, I want to exhibit to the Senate a picture of Father Divine. Here he is, in all his glory! Look at him! Here is "god!" [Laughter.] He is shown making a radio speech to his adherents, trying to get converts, I suppose. Does the Senator from Massachusetts [Mr. LODGE] see that picture? Here is Father Divine making a speech over the radio; mind you, "god" making a speech over the radio! I shall read the announcement he was making when this photograph was taken. Listen to it:

I have not yet done anything to what I will do—not so much as a percent of a percent of a percent of a fraction of a grain of what I will do universally, as well as among you.

I will read it again. Perhaps it was not understood, though I read it just as it is under the picture. This is Father Divine talking over the radio to his "angels," to his followers:

I have not yet done anything to what I will do—not so much as a percent of a percent of a percent of a fraction of a grain of what I will do universally, as well as among you.

Some of these days I am going to ask some one to tell me what that means. [Laughter.]

I continue reading from the book:

He's condescended to be as one with the seething masses, who have otherwise been forgotten, in their struggle for existence, and to see that they get the right to live and eat regularly. Now, all in all, I ask you, what more of a god do you want, than one who'll give you shelter, food to eat, clothes to wear, and freedom from sickness, worry, and fear? Now, isn't that wonderful! And then to think he's made Harlem his home and receives his mail only a few doors up the street. It's truly wonderful, I say, don't you?

As Jimmy Walker once so aptly answered, "Who could say 'No'?" With practice Lily Dove could almost convert Satan.

Apparently both Harlem and the colored race are going to have a plethora of evangelistic orators following in the wake of Father Divine. Some of the younger among his followers, although apparently with little education, can already harangue and exhort an audience like experts. The black hope's chauffeur, known by the "angelic" name of "Mister Charlie," a gaunt, colored youth in his twenties, wearing an ordinary brown suit instead of his regular chauffeur's uniform, stood up in front of a crowd packed in the Sixty-third Street heaven and handled his listeners with the proficiency of an astute veteran.

He told them, "I heerd Sister Freedom say tonight that we didn't have no plank in our Righteous Government platform about taxation and that we should adopt one. Well, I don't know anything about it, but I'm going to tell you what that plank will be."

One minute his audience was shaking the ex-armory with laughter, and the next minute there could be heard on every side, "That's Father talking thrcugh that lad," as the young orator told how—

Listen to this:

As the young orator told how "Father owned all the land in the whole world."

He was referring to Father Divine. This is what was said by the "lad", another "angel" who happened to be the chauffeur, a young man by the name of "Mr. Charlie," who had in his system a form of taxation which he wanted to give the world. Listen to what he said:

"Father owned all the land in the world and nobody hain't seen no pieces of paper with his name signed onto it selling the land to somebody else." He added that lots of people were coming around wondering "where Father git his money," and told his enthusiastic listeners that "Father, he got all the money in the Universe, but he ain't got a red cent on him."

Lighting into the politicians, he told of their shortcomings and how they had to put so many on relief because they didn't know their business, and, reaching his grand finale, he shouted:

"Father"—

That is, he is talking about Father Divine.

"Father, he gon'a drive all them crooks out of office. Maybe I'll be President."

That was his view—that he might be President. He is thinking about it.

And the way his audience laughed and applauded, maybe he would be, if they could have the say. Mister Charlie is said by some to have been a former Harlem gangster gambler and late representative of the policy game racketeers.

That is the history of Mr. Charlie, who is a chauffeur of "god," and who is now saying that maybe he is going to be President of the United States sooner or later.

I could continue reading from the life history and the views of this man who calls himself "god"——

The PRESIDING OFFICER. Will the Senator suspend while the Senate receives a message from the President of the United States?

Mr. ELLENDER. If I do not lose the floor.

The PRESIDING OFFICER. It will not affect the Senator's right to the floor.

Mr. ELLENDER. Very well.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. Mr. President, as I just said, I could continue reading about "Sister Bouquet" and some more about "Peaceful Mary," "Faithful Mary," "Mary Magdalene," and quite a number of others of these angelic figures who adorn the heavens in New York, probably in Indianapolis, here in Washington, and in other sections of the country, but I do not care to do so at this time. I ask Senators, and all others listening to me, including the correspondents in the press gallery, to read this book, which is very interesting. It shows what we would be headed for in this country should the Congress grant the various requests which are before us now, and others which will come just as surely as I am speaking and as certainly as there is snow on the ground outside of the Capitol Building today; that we would be headed for the same demoralization of civilization that has prevailed in India, Egypt, and Haiti, and which is now permeating certain South American countries, Brazil, Chile, Argentina, as well as France.

I do not want such a thing to come to pass in this country of ours, and as long as I am a Member of the Senate the white people of the United States can depend on the junior Senator from Louisiana to fight in every way he knows how, with all the power that is in him, for white supremacy as against an amalgamation of the races, or a mongrelization, which would lead to a deterioration of the country we all love so dearly.

I am going to skip quite a number of pages because of lack of time. The RECORD will show that I have an agreement with the Senate that I shall get through with my remarks today. However, I may say that I have enough data on my desk and around me to speak for a few more days——

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield to the Senator for a question; yes.

Mr. CONNALLY. Does the Senator say that he is going to skip several pages?

Mr. ELLENDER. I will skip several pages of this book; yes.

Mr. CONNALLY. Is not the Senator afraid that if he does he will come within the recently invoked rule and lose the floor?

Mr. ELLENDER. No; I am not afraid of that. I am deliberately skipping several pages in this book. If I had not made what I consider an agreement with the Senate on yesterday that I would conclude my remarks today, I would be perfectly willing to keep on with this discussion until next week, if necessary, and I believe that I have sufficient material on hand to make this bill and other bills like it appear ridiculous and to show what we are headed for if this country of ours were socially to recognize the Negroes of this Nation.

Oh, how I glory in the South for its fight for white supremacy!

Chapter 14 of this book is entitled "God Enters Politics." That is Father Divine. Here the Senate is going to have brought home to it what this son of a Negro slave from Georgia is preaching to his cult, and is attempting to shoulder onto the American people. He, by the way, is one who is being courted by politicians of the city and State of New York, and these politicians, in order to get support from his angels and his whole coterie, pretend to voluntarily rub elbows with him.

I read from page 236:

Speaking of politics and politicians and of his opponents who ridiculed the idea of "God entering politics," Father Divine declared:

"They have striven to keep the Christ completely out of politics, telling you God and religious people would not be in politics; in the corruptibleness of the politicians and the wickedness of the wicked; He would not function in their expression—but He came among them to convert them. For this cause I am and have as much right in politics as I have in the church, and really I have more right in politics than I have in the church.

This is an expression from "god"; that he has more right, more interest, I suppose, in politics than he has in church, although he is "god."

On January 10, 11, and 12, 1936—

Listen to this. This appears on all of his stationery. Following 1936, in addition to using the usual "A. D."—"anno Domini"—he has added "F. D." He uses on his stationery "A. D. F. D."—"anno Domini Father Divine." He has gone so far as to stamp on his own literature and his own letters "A. D. F. D." Senators, think of it! Some Americans are actually following such foolishness, such an irreligious cult; following teachings that are bound to lead that cult to such a point where Christianity, although the dominant religion here, will be cast aside for the worship of onions, goats, elephants, chickens, doves, and so forth—

Father Divine's peace mission movement met in an international righteous government convention at St. Nicholas Palace in New York City and there established a platform, which is an expansion and detailed enlargement of the movement slogan, "One for all and all for one, but not for one who's not for all."

That is his slogan. I will read it again:

"One for all and all for one, but not for one who's not for all."

The politico-religious leader himself sent out personal invitations to the President of the United States, many Governors, Senators, Representatives, mayors, and other officials requesting their attendance. The following is a copy of his letter to President Roosevelt:

As I pointed out a while ago, Father Divine has been holding these hallelujah meetings to get his cult together throughout the country, and in order probably to get a large attendance, although he is "god," I will say to the Senator from Pennsylvania [Mr. GUFFEY], he seeks, apparently, the highest in society, the highest in politics, so that he can get a crowd and get more present to join the cult. I want Senators to listen to the letter that he addressed to the President.

Mr. GUFFEY. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield.

Mr. GUFFEY. In respect to his desire to have a crowd does Father Divine differ from the former leader in Louisiana, Senator Long?

Mr. ELLENDER. The Senator from Pennsylvania has touched a very tender spot in my heart. I wish, sir, that I had but time to talk about Huey Long. I want to tell you, sir, that before this debate ends I propose to speak again, because, as I said yesterday, so far as the junior Senator from Louisiana is concerned, he is going to remain on this floor as long as there is breath in him before that bill shall pass. I may have the opportunity to give Senators the history of the immortal Huey, a man whose name will go down in history when a good many of his critics will be forgotten before they are cold in the grave.

PEACE

January 6, 1936. A. D. F. D.—

Again "A. D. F. D." follows the 1936—

Special delivery. Registered air mail. Return receipt requested. Hon. Franklin D. Roosevelt, President of the United States, White House, Washington, D. C. Honorable sir—

Before I read from the letter itself it will be noted further on, as I said a while ago, that Father Divine at one of these meetings forgot to invite the Pope. He wanted the Pope at Rome to be there. And just to show that he is a real go-getter when it comes to trying to get a crowd, he wants big folks up there on the platform, the big white folks there to draw the crowd, and following that routine of business, in order to get the multitude there, he invites the big boys, not only the

President, but he includes the Governors, the Senators, the Representatives, and everybody else who might be significantly interested in his behavior.

I write as I wish to advise—

Speaks this "god" to the President of the United States—

I write as I wish to advise, I, Rev. M. J. Divine, my Peace Mission Movement and other Cooperating Organizations are representing righteousness, justice and truth, and have organized a righteous Government department in connection with our movement under the Constitution of the United States and in accord with same.

We are holding an International Righteous Government Convention on the tenth, eleventh and twelfth at the Rockland Palace, One Hundred and Fifty-fifth Street and Eighth Avenue, New York City, and the New Star Casino, One Hundred and Seventh Street, near Park Avenue, New York City, and also at the St. Nicholas Palace, 69 West Sixty-sixth Street, near Eighth Avenue, New York City, on January 10, 11, and 12.

We do hereby request the honor of your presence and any of your staff to speak on our program at any of these places on any date convenient to you.

I thank you in advance for your participation in the act of further establishing righteousness, truth, and justice for all humanity. I have sent out a general invitation to all of the leading classes of people through the New York Times, Monday the 6th, but, of course, we have sent out some special invitations to some that we consider might be interested in speaking in this great convention, and also to learn and know of our righteous government platform for which we stand, that all may be concerned might be even as I am—

Listen to this—

for this leaves me well, healthy, joyful, peaceful, lively, loving, successful, prosperous—

He must be prosperous when he has hundreds of colored followers who cling to him. I again ask the question, Where does he get the money to cement such loyalty? I think I can show that after a while.

Lively, loving, successful, and happy in spirit, mind, and body, and in every organ, muscle, sinew, vein, and bone, and even in every atom, fiber, and cell of my bodily form.

Respectfully and sincerely, I am,

Rev. M. J. DIVINE,
(Better known as Father Divine.)

M.J.Dr.

That, Senators, is a letter that the President of the United States received from this "god" to attend this convention.

There is no record of the attendance of any important Government officials at the convention; but, in one form or another, a goodly number of them sent their regrets, and the local political organizations had their observers in attendance at the convention.

The first piece of business transacted by the convention was the approval of an extra-political resolution. A disciple arose and, after he had been recognized by Chairman Madison, stated—

Listen to this. Here was the convention, which had been called to order, and I am going to tell Senators what the first resolution was. I imagine they can guess what it was before I tell them. But, anyway, one of these "angels" got up and made this motion:

I move that Father Divine is god.

[Laughter.]

He was already "god," but it seems that at this meeting he wanted it affirmatively declared by his cult, so one of his angels got up and said to the cult in convention:

I move that Father Divine is god.

The chairman put the motion to the assemblage and called for a vote. There were no nays; the resolution was passed unanimously.

At the end of the 3 days a platform had been formulated and adopted. It was divided into four sections: (1) Principles, (2) Economic, (3) Political, and (4) Educational. Under each division the main plank, racial nondiscrimination, led a wide variety of tenets on many different subjects.

Quoting, "Of one blood God formed all nations," from the Bible, they pointed out in the platform that both the Scriptures and science attested the whole human race to be essentially one. They attacked the persecution of the Jews in Germany and elsewhere, and "the oppression of all minorities," and declared that the division of humanity into political nations had led to continuous warfare and widespread poverty and distress all through the ages. For this reason they refused to identify themselves with any nation or race, but stated that, "We do endorse and support the Constitution of the United States as the foundation for all government to build upon."

They demanded immediate legislation in every State—

Your particular attention to this. Here was the convention of this cult, dominated by Father Divine, in which this demand was made.

They demanded immediate legislation in every State and county making it a crime to discriminate in any public place against any individual on account of race, creed, or color.

That is in the platform of that cult. That is what they are working toward. They desire, as fast as they can get it, not only political equality but social equality; and that is what it is coming to. Here is a cult that is more or less powerful among a certain class of those easily persuaded, demanding that every State legislature pass a law, in effect, giving to their cult and to other members of their race social equality. That is what we are headed for unless America takes heed of the warning which I have been proclaiming to the Senate with all the earnestness of my being.

I read again:

They demanded immediate legislation in every State and county making it a crime to discriminate in any public place against any individual on account of race, creed, or color; also for abolishing all segregated neighborhoods, likewise all segregated schools and colleges, and all segregated areas and churches, theaters, public conveyances, and other public places. They also call for laws making it a crime for any newspaper, magazine, or other publication to use segregated or slang words referring to race, creed, or color of any individual or group. Other legislation in reference to discrimination by the civil service and employers in general was demanded, as were laws prohibiting different wage scales or salaries for "what they term different races, creeds, or color." The group also called for the abolition in all educational institutions and in all books used for educational purposes of all references to racial conflicts or differences and to national glory through military feats.

That is what that cult, led by the "almighty" Father Divine, "god," is preaching.

The immediate repeal of all laws in the United States and elsewhere that have been passed contrary to the spirit and meaning of the Constitution of the United States was directed. Likewise, the destruction by both nations and individuals of all firearms and instruments of war within their borders, except those actually needed for law enforcement.

They demanded the repeal of all laws providing for any form of compulsory insurance. The platform quoted Father Divine to the effect, "As far as taking out insurances, we will not tolerate it, and I would tell the President so"; and that if necessary they would break the law instead of taking out "insurance to mistrust God and visualize disappointments, failures, accidents, and disasters."

The abolishment of capital punishment in all States and counties was one of the planks adopted, and they demanded new legislation whereby—

Listen to this:

They demanded new legislation whereby the physician who takes charge of a patient must guarantee a complete cure and be liable for damages in the event of death.

Think of a thing like that being advocated by a cult here in America! Listen to it; let me bring its significance home to you in this bill:

Again the platform quoted Father Divine, "If for any cause my spirit—

This is "god" speaking from his platform—

"If for any cause my spirit and my mind and my impersonal presence cannot reach your afflicted or sick children or those that are concerned, and heal them, you can have a physician and should have one. But remember the physicians must guarantee the cure and guarantee the life and health of the individual. This is a law within a law, and I put it forth as a rebuttal to that of medical science.

Here we are going back to real voodooism as it is practiced in Africa. If I cannot reach the afflicted get a physician. Here is a part of a platform that is a challenge to medical science in this country and medical science in the world, with this country leading it, and here is a cult that has been permitted to prosper under colored domination and is advancing such ideas as I have been reading from this volume.

This is a law within a law, and I put it forth as a rebuttal to that of medical science. If they will try to bind mankind to their rulings, they must be subject to a ruling also * * * the law is not worth a dime that is not giving equal rights on either side.

This is Father Divine speaking—

Thousands of people are homeless, thousands of them are motherless and fatherless, yea, even familyless. Whole families have died by operations. Whole families have been forced to have

physicians, and still they died after the physicians and hospitals had taken all their money. When the physician takes charge of you physically, he must guarantee your health and complete happiness and cure from that affliction and all of the diseases for which they are treating you.

There, Senators, is a passage I have read from what I will call the constitution of this cult, which defies medical science and says to a doctor, "If you are called in to cure a patient, you must guarantee that you are going to make him well. If you do not, we's going to charge you some damages."

How does Father Divine want to cure the sick? He does not say here; but I should be willing to wager that his method of doing it would be the same as was used by his forbears in dark Africa—by praying to a goat, or to an elephant, or perhaps rubbing the patient with a little bit of sweet oil or onion tops. [Laughter.] That may be what his teachings will lead to; and that is what this little colored man, who claims that his cult embraces 30,000,000 members in this country, is preaching to those members.

To the average reader the foregoing doctrine will probably seem the most radical and the most fantastic in the entire portfolio of this Don Quixotic crusader. However, here again Father Divine is much in agreement with Gandhi, who declares that "disease is the result of our thoughts as much as our acts"—

Gandhi, as you know, is a native of India. He is a great man in India. I will not say that he is considered a god, but he is considered some kind of a healer, a man who has the power of healing by a mere touch of the hand, and you are well. He can cure you overnight. Just touch his garments and you are cured. That is why I say to the Senator from Colorado [Mr. JOHNSON] that in India today there is a condition which clearly shows what the mongrelization of that once proud race has brought about in the way of the degradation and decay of its former great civilization; and I repeat that I do not want that to occur in this country.

I continue reading:

and that all disease springs from the same origin, the neglect of natural laws of health.

Romain Rolland, in his book, Gandhi, states:

"Western medical science is concerned with giving relief to suffering bodies only. It does not strive to do away with the cause of suffering and disease, which, as a rule, is nothing but vice. In fact, western medical science may almost be said to encourage vice by making it possible for a man to satisfy his passions and appetites at the least possible risk. It contributes, therefore, to demoralize people; it weakens their will power by helping them to cure themselves with 'black magic' prescriptions instead of forcing them to strengthen their character by disciplinary rules for body and soul."

The righteous-government group in their platform further demanded legislation providing that any labor union which limits the hours and days of work per week must guarantee at least that much work per week to its members, and, if it calls a strike, pay its members while they are out of work at the full rate.

That is fine business.

Once more they let their leader lay down the law to the unrighteous.

I again quote from this inimitable platform, or constitution, or whatever it may be called:

Practically all of the different unions they think they have dominion over the people, and force them to work or force them not to work and yet give them nothing. I have risen to put it down—

This is "god" talking—

Every union in the United States must deal justly among the people, or else I will strike on them.

Just think. If the American Federation of Labor, the C. I. O., or any other labor organization, fails to toe the mark, Father Divine is going to strike on it.

If you belong to a union, the unions must have a law to see that you get so much work, if you must pay your union dues. * * * This country does not belong to the unions; it belongs to God.

Who is "God"? Father Divine. "Therefore," he reasons, "it belongs to me." And that is why that little chauffeur of his a while ago, "Mr. Charlie," advocated that ridiculous taxation plan, to relieve all property from taxation, because he said that all the sales that took place in the past were no good since Father Divine's name did not appear on the deeds.

Now tell them I said keep their hands off. * * * Talking about a man cannot work unless he belongs to a union, and then joining the union, and they will not give him work to do. * * * If the labor unions that limit workers to 5 days a week will guarantee the workers 5 days' work each week and will guarantee to pay them what they are demanding from the employers when they call them out on strike, we will endorse them. Otherwise, we will not tolerate them.

The platform called for legislation abolishing lynching—

Here it is. This is what I referred to a while ago. Here is the platform. The Senator from New York [Mr. WAGNER] is a coauthor of the pending bill. In order, I suppose, for him to get the support of Father Divine—I do not know; I am just stretching my imagination again—but I imagine that it will be necessary for this platform to be followed; otherwise, I will say to the Senator from South Carolina [Mr. SMITH], Father Divine is going to see that his "angels" and the members of his cult do not vote for the Senator from New York.

The platform called for legislation abolishing lynching and for outlawing members of lynch mobs in all States and countries.

Read the antilynching bill, and you will find that written in section 3, as it affects the officers of the law. Under the bill, if the officer fails to make every effort to catch the members of the lynch mob, he goes to jail or the penitentiary. Now, just notice:

The platform called for legislation abolishing lynching and for outlawing members of lynch mobs in all States and countries.

That is the platform, and that is the way the pending bill is written.

Mr. SMITH. Mr. President——

The Presiding Officer (Mr. LEWIS in the Chair). Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. ELLENDER. I have not much time. I have only 35 minutes left. I wish I had time for a few more words. However, I shall be glad to yield for a question.

Mr. SMITH. What is the date of the book from which the Senator is reading? When was it published?

Mr. ELLENDER. This book was published in 1936. The title of it is, "God in a Rolls-Royce"——

Mr. SMITH. Yes; he is still there.

Mr. ELLENDER. God in a Rolls-Royce—the Rise of Father Divine, by John Hoshor.

Father Divine later stated that every person who was a member of a lynch mob that kills a man should be classed as a murderer and punished as the law of the particular States punish murderers, and not only that, "but everyone who is known to participate in a mob violence should be classed and found guilty as a murderer, whatsoever that means."

Read the bill and compare it with that platform. Read it!—

The platform quoted Father Divine as declaring that he fed many thousands each day free, but that that was not his great aim in life.

"This is not the greatest expression."

Again quoting from the platform.

The great expression, according to my version, is to help you to be independent. I will cut out so much feeding of the unemployed as I have been. I have opened ways and means whereby you can be independent, self-supporting, and self-respecting. That is what I am desiring to see you all do and be.

They demanded legislation prohibiting employment agencies from collecting fees or remuneration in any form from employees, and called for Government control of all idle plants and machinery, tools and equipment where the owners are unwilling to operate them at full capacity, such facilities to be made available to workers on a cooperative, nonprofit basis, under supervision of Government experts, with temporary provision from the Government for materials.

That is in the platform of Father Divine's convention, I will say to the Senator from South Carolina [Mr. SMITH].

They also demanded immediate work, under Government supervision, for every unemployed worker.

Abandonment of the rule requiring individuals to be on the relief rolls in order to get work on relief projects was called for.

Crop control—

That is a good plank in this platform. I agree to that. That is the first thing in the whole platform that I would sanction, so far—

Destruction of foodstuffs and other products, must stop—

Wait a minute; I spoke too soon. [Laughter.]

That is a good plank in this platform. I agree to that.

Mr. SMITH. Oh, no; go on.

Mr. ELLENDER. It says, "Crop control • • • must stop". I did not read it correctly.

According to the platform, which states, "The spectacle of hungry people in a land of plenty is worse than uncivilized."

Abolition of all tariff schedules and obstacles to free trade among the nations formed another plank.

They asked for legislation limiting the amount of profits to be made on any article or product, but leaving the individual free to sell for as little as he chooses. Likewise, they want it made a criminal offense for any individual to spend money except for the necessities of life, while that individual owes a just debt to any person or organization. The platform pointed out that, "The followers of Father Divine will not owe another, and will not buy on the installment plan."

That is a mighty good platform plank. I wish they would stick to it. [Laughter.]

Father Divine evidently realizes that one of the greatest sources of worry and one of the most important factors in the weakening of character in our lives is that of living beyond our individual means. Father Divine, however, has completely annihilated this deleterious practice among his adherents, thereby adding measurably to their day-to-day happiness and peace of mind.

The righteous Government platform called for Government ownership and operation of the financial system and for all of the Government's bonded debts to be redeemed; all interest to be abolished, and dividends to be limited to 3½ percent. Receiving interest or larger dividends, or receiving money without performing labor or rendering practical service therefor, should be made a criminal offense.

As for counterfeit money, it should all be immediately destroyed by those who have acquired it at their own expense.

That is another plank in the platform.

The platform once again quoted Father Divine to the effect that if someone happens to pass a counterfeit bill on another, regardless of its amount, the latter should destroy it, for it is false, and the false should be eliminated.

There is to be no attempt to punish, but he should destroy it at his own expense.

Under the educational subdivision they called for the abolishing of the conventional form of greeting—

Listen to this. This is important, as I pointed out a while ago in connection with the article in Time:

Under the educational subdivision they called for the abolishing of the conventional form of greeting, "Hello," and the substitution of the word "Peace."

In other words, let me say to the Senator from South Carolina [Mr. SMITH], if he should happen to telephone to Mrs. Smith here in Washington, instead of saying, "Hello, Mrs. Smith," he would have to say, "Peace, Mrs. Smith." [Laughter.] That is a part of the platform.

They requested the cooperation of the telephone companies in this respect, "that a generation with peace on its lips, instead of what war has been said to be, may come into being."

The platform further asserted that the "time is at hand for righteousness, justice, and truth to be legalized, and for those that are unrighteous, unjust, and untrue, and will not observe the righteousness of the law, to be designated as criminals."

Modestly they admitted "it is not claimed that the recommendations contained in this platform will solve every economic problem of the world at large," but they pointed out, "the fundamental principle will."

In establishing these principles they stated, "We will use the legal and political guns, but refuse to use those that are the expressers of destruction, for we are not conceivers of destructive ideas and opinions."

The strange political document ended with a prophecy that the trident standard shall be universally established and accepted as the fundamental by "every nation, language, tongue, and people."

Following the completion of the convention's business and its adjournment, a copy of the platform adopted was released to the newspapers. Also Father Divine again personally wrote the more important Government officials, political and other leaders, calling their attention to the platform and enclosing a copy thereof.

Although the Pope had not been invited to attend the convention, he was blessed with a copy of the platform, with the following letter from its protagonist:

This is a letter sent to the Pope; too late, however, for the Pope to come to New York and attend the convention, but in order that the Pope might not be slighted they sent him a copy of all the proceedings.

The letter was addressed:

Peace, January 21, 1936. A. D. F. D. (anno Domini Father Divine).

Special delivery. Air mail. Registered mail.
Return receipt requested.

He wanted to be sure that his holiness got the letter. I read:

Eminence, POPE PIUS XI,
The Vatican, Rome, Italy.

YOUR GRACE: I write as I wish to advise, I, Rev. M. J. Divine, better known as Father Divine, and my peace mission movement, enclose the publication, The Spoken Word, that carries my message with the embodiment of my righteous government platform for which I stand, of which we drafted and released to the press and the public in our international righteous government convention on January 10–12.

We are not seeking to form another party, neither to run in collision with partisan parties that are in operation, but to release to them and to all that are in authority the high ideals for true partisanism that all parties might take the fundamentals in the text of my righteous government platform to serious consideration and act upon them as a significant legislation.

Please kindly accept same and endorse it, to be handed down to your congregations, as a significant legislation, and to be recommended by all of the Catholic people and in all countries under your spiritual advisory. This platform should be an important piece of legislation to be enacted in all of the government affairs through politics in connection with your advisory, for the purpose of abolishing vice and corruption in politics as well as in other organizations and for the establishment of a righteous government for which I have striven.

Therefore, we, the international interreligious, nonsectarian, interracial and nonpartisan peace mission and other cooperating and harmonious organizations, do hereby present this platform as a presentation from our righteous government department to you and to all that will accept same to stand as one body for the cause of righteousness, truth, and justice.

By your grace, endorsement, and cooperation, we will have righteous government throughout our great civilization, and all nations will unify together as one man at Jerusalem in peace and harmony by which we will have universal peace, instead of another world war. The conflicts and the threatening conflicts among the nations have caused the people of our present civilization to fear another great conflict as a world war, but we are requesting the honor of all good-thinking people to cooperate in thoughts and beseeches to the omnipotent, to bring about international peace among all nations in the repetition of the fulfillment of the message given to the wise men by the angels, whilst on their way to Bethlehem—"Glory to God in the highest and on earth, peace, good will toward men."

When this shall have been accomplished, by your grace and the cooperation of others, "the kingdom of this world shall become to be the kingdom of our God and his Christ," and the universal brotherhood of man and the fatherhood of God will be a reality even as it is with those that are connected with me, that all may be even as I am.

Listen to this. He inserted the same closing paragraph as in the letter to the President of the United States. Let me read it, and I hope Senators will listen to it:

This leaves me well, healthy, joyful, peaceful, lively, loving, successful, prosperous and happy in spirit, body, and mind, and in every organ, muscle, sinew, vein, and bone, and even in every atom, fiber, and cell of my bodily form.

That is giving it to them, is it not, I ask the Senator from Washington [Mr. SCHWELLENBACH]?

Respectfully and sincere, I am, Rev. M. J. Divine (better known as Father Divine).

It will be remembered that a while ago I asked whether or not the platform from which I have read was printed in the CONGRESSIONAL RECORD, and my reason for asking the question was that there appears in this book the following paragraph:

According to Senator WAGNER's advice to Father Divine, Vice President Garner had had the Divine platform read into the CONGRESSIONAL RECORD.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Will not the Senator repeat that? I did not get it clear.

Mr. ELLENDER. A while ago I asked the clerk to check up and see whether or not this platform was ever printed in the CONGRESSIONAL RECORD, and my reason for asking

was that in this book I noticed that there was a special paragraph reading as follows:

According to Senator WAGNER's advice to Father Divine, Vice President Garner had had the Divine platform read into the CONGRESSIONAL RECORD.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield for a further question.

Mr. CONNALLY. What does the RECORD actually show?

Mr. ELLENDER. The RECORD shows that it was not read or published. I asked for the information of the clerk and a certain document was sent to me, which I did not read, but I am informed that the platform was not read, and that it was not made a part of the RECORD. That is my information.

Mr. CONNALLY. Will the Senator yield for a further question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. The book says the Senator from New York [Mr. WAGNER] advised Father Divine that it had been printed. Is there anything to show that the Senator from New York read it or had it printed, or endeavored to have it printed in the CONGRESSIONAL RECORD?

Mr. ELLENDER. Apparently not. I asked whether or not the document was made a part of the RECORD so that I could check up with the paragraph I have just read, and I was informed that it was not published or read.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. ELLENDER. I yield for a question.

Mr. McKELLAR. Is Father Divine one of the advocates of the pending bill?

Mr. ELLENDER. Is he! I claim that everything in the bill, even to the provision for the prosecution of the officer, and the punishing of the persons who are part of the mob, is provided in terms like those found in this book. Let me read it again. I read from page 243.

The platform called for legislation abolishing lynching and for outlawing members of lynch mobs in all States and countries. Father Divine later stated that every person who was a member of a lynch mob that kills a man should be classed as a murderer and punished as the laws of the particular States punish murderers, and not only that "but everyone who is known to participate in a mob violence should be classed and found guilty as a murderer, whatsoever that means."

Mr. McKELLAR. Mr. President, may I ask the Senator another question?

Mr. ELLENDER. I yield for a question.

Mr. McKELLAR. It has been frequently charged on the floor of the Senate that someone is in the gallery leading this fight. Is Father Divine in the gallery leading the fight?

Mr. ELLENDER. I do not know, but I would be willing to wager that a few "angels" might be found in this audience. [Laughter.] For all I know, the angel "Mary Magdalene" might be facing the Senate, or probably "Sister Bouquet," another one of the angels, or perhaps "Faithful Mary," who wrote the green book from which I read, might be in the gallery. I may be wrong about that, but the Senator has asked the question, and I have answered it to the best of my ability; and on occasions I have had to stretch my imagination a little. [Laughter.]

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. Is the Senator complaining of the fact that what he calls a platform was sent to the Congress of the United States?

Mr. ELLENDER. No; I am not. My only reason for asking that the clerk check the matter and find out whether or not the platform was placed in the RECORD was that this paragraph appeared in the book. I, of course, have no objection to the platform being printed in the RECORD if certain Senators want it printed. I do not care about that. My only reason for having the matter checked was that I might find out whether the statement contained in the paragraph I just read was carried out.

Mr. SCHWELLENBACH. The Senator believes in the first amendment to the Constitution?

Mr. ELLENDER. Certainly I do.

Mr. SCHWELLENBACH. So the Senator is not attempting to cast any reflection upon the Senator from New York [Mr. WAGNER] or the Vice President of the United States?

Mr. ELLENDER. No; not in the least. I would not have mentioned the matter in the course of the debate had not a question been asked me by the Senator from Texas [Mr. CONNALLY]. I asked the clerk to let me know whether the platform had been made a part of the RECORD. Instead of reading the platform from the book I would have read it as it was printed in the RECORD had it been placed there. That is why I asked the clerk to check up on it. Of course, when the Senator from Texas asked me, after I had read the paragraph, to read it again, I did read it again.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield so I may ask him a question?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. I just wanted to make sure that the Senator was not complaining because of the compliance with the provisions of the first amendment of the Constitution, which guarantees the rights of citizens to petition their Government.

Mr. ELLENDER. I am not complaining of that, I will say to the Senator from Washington. But, I repeat, my idea was to quote the platform from the CONGRESSIONAL RECORD.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield for a question. I may state to the Senator that I agreed to try to wind up at 5 o'clock, but I doubt if I will be able to wind up at 5 o'clock.

Mr. CONNALLY. I hope the Senator stays wound up. [Laughter.]

Mr. ELLENDER. It is not a question of the Senator remaining wound up. He is already wound up and ready to go; much more power remains.

Mr. CONNALLY. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. I want to be fair to the Senator from Washington [Mr. SCHWELLENBACH], and to the Senator from New York [Mr. WAGNER], who is not here. Is the Senator aware that in the CONGRESSIONAL RECORD of recent date appears the following:

The Vice President laid before the Senate a resolution of the International Righteous Government Convention remonstrating against war, the sale or manufacture of war materials in the United States, and the loan of money to any warring nation.

Mr. ELLENDER. I was not aware of that, I will say to the Senator from Texas, but what the Senator is now reading from is not the platform about which I read a while ago. It is a totally different proposition.

Mr. CONNALLY. Will the Senator yield for another question?

Mr. ELLENDER. I yield.

Mr. CONNALLY. If Father Divine is God, why does he not stop wars instead of "resoluting" against them?

Mr. ELLENDER. That is what I would like to know. I continue to read on page 251:

Father Divine is emphatic that his group are not interested in forming another party. Although he and his followers supported La Guardia in the 1933 New York City mayoralty campaign, he is apparently more in accord with the doctrines of the Communist Party than with those of any other political organization. He has often cooperated with the Communist group in their peace parades and meetings, and once, denying a rumor that Moscow financed the Peace Mission Movement, the colored messiah stated that to the contrary he had at times helped the Communists financially.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield for a question.

Mr. McKELLAR. I ask, If Father Divine is God, is there any evidence to show who his representative is down here?

Mr. ELLENDER. I suppose he ought to have a few angels in Washington, because he has 60 heavens in Washington, 24 States, and 4 countries.

Mr. McKELLAR. Sixty heavens! [Laughter.]

Mr. ELLENDER. Yes. The book says that he has 60 heavens in Washington, 24 States, and 4 countries, and I am told that they are all filled with fluttering angels. [Laughter.]

Mr. McKELLAR. Fluttering angels! [Laughter.]

Mr. ELLENDER. Yes. All lively too. I have been informed—I may be wrong, and if so, I will correct it later on in the RECORD—that the angels are the collectors. They are compelled to give the collections of all they make to Father Divine. That is how he gets the mazuma. [Laughter.]

I continue reading because I want to complete my statement this afternoon. I know I cannot complete my speech by 5, but I will try. [Laughter.]

I continue to read:

Speaking of political parties, Father Divine declared: "The party or parties which desire my support, tell them I said, 'Give me something better than the Communists offer.' This is what I say; but, remember, this is not confined to the Communist Party, neither the Democrats, Republicans, nor Socialists, for I have brought to the surface something better than the Communists offer."

That is Divine's platform. That is "god" speaking.

I have something—and I am something—better than the Communists offer. And better than all of the partisan parties.

Several Senators have recently come into the Chamber. There are more Senators present now than before. I do not suppose they heard some of the things I have read. I wish to let those Senators know exactly what absurdities this "god" has been spreading over the radio. Here is a picture of him talking over the radio. I do not know what the language under the picture means, but I am going to read it again, and I am going to ask some Senator, on his own time, of course, not on mine [laughter], to tell me what this means. Listen to this. This is Father Divine talking. Look at him—his mouth is wide open, near the microphone:

I have not yet done anything to what I will do—not so much as a percent of a percent of a percent of a fraction of a grain of what I will do universally, as well as among you.

I shall reread that.

I have not yet done anything to what I will do—not so much as a percent of a percent of a percent of a fraction of a grain of what I will do universally, as well as among you.

If that is not English gone haywire, I want to know what it is. [Laughter.]

I read further.

Asked another time about his cooperation with the Communists, Father Divine replied:

"I stand for anyone who will deal justly between man and man. The Communists stand for social equality—

There it is—"The Communists stand for social equality."

The Communists stand for social equality, political and economic equality, and for justice in every issue, and this is the principle for which I stand. I am not especially representing religion. I am representing God on earth among men and I will cooperate with any organization that will stand for the right and deal justly. * * * I know the higher-ups are oppressing the people and I will end this by righteousness, not by violence. I find fault with the Communist methods, but not their aims. I teach peace. There will be an end to all oppression and suppression and race prejudice, and I will bring it about personally.

Mr. President, that is "god" speaking. That is Father Divine speaking.

The Communist Party stands for social equality, political equality, economic equality, and I, God, with all my angles, believe in that.

Of course they do. Just as surely as I am speaking to the Senate, if we give political equality to the colored race that will happen to us of which I am now going to read. I am not alone in my prediction. I quote in substance from Jefferson, from Lincoln, and many of those of older civilizations. Listen, Senators:

Political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

That is what is coming. I repeat what I said earlier today. As far as ALLEN ELLENDER, junior Senator from Louisiana, is concerned, he would be willing to vote tomorrow for the repeal of the fifteenth amendment granting the Negro suffrage, because if all States of the Union give political equality to the colored people, leaders like "god," and others in those cities, who control a little clique of voters here, and another over there will seek more and more social equality, and what I am warning of will come to pass. Senators sitting here may not see it. My boy may not see it. No one in this audience may see it. But I am speaking now for future generations and for the progress of America. I do not want America to stagnate. I do not want it to go backward. I want it to progress. And I say, just as truly as I am speaking to the Senate, if we permit the mongrelization of the American race with the colored people, we will have the decay of our American civilization.

I repeat, Senators, I do not want the South again to experience conditions similar to those that she suffered following the Civil War. I do not want Federal soldiers, colored soldiers, to tramp the streets of New Orleans and try to make the white people in the State of Louisiana take their medicine." We are able to handle our local affairs, and will, too!

Mr. President, I have a few more facts to introduce. I have presented a picture to the Senate, and I hope to the American people.

I do not want to try to create any sentiment which may lead to trouble. I sympathize and always have sympathized with the colored people of the South. I like them. If in the past a few of them have been lynched, I say that at such times those who have done so have been led by the same class of people who commit murder in Chicago, in Baltimore, or in New York.

I do not know whether this bill is going to pass or not. I hope it does not. In fact I know it will not if I can keep on talking a little bit longer. We might talk it sick or talk it to death. We might just talk it out of business, in other words. [Laughter.]

So far as I am concerned, I wish to do my share in defeating it, and I am willing to continue speaking until tomorrow if necessary, and the day after that. I am going to keep on exerting every effort. As I said yesterday, so far as I am concerned, I do not want this bill to stand in the way of any necessary legislation. Personally, I should be willing to set this bill aside today or tomorrow and take up other legislation, and then come back and go to the bat on it after we finish the other legislation. That is what I am willing to do. I do not know how other Members of the Senate who are interested in this matter feel about that, but that is what I am willing to do.

Mr. President and Members of the Senate, it is now 5 o'clock. I think I can get through in 10 or 15 minutes, and I ask the Senate's indulgence for that additional time. Several Senators have interrupted me for the purpose of asking questions. If those questions had not been asked perhaps I might have completed my speech by 5 o'clock as per an understanding with the Senate. I am now willing to rest the case, as we sometimes say in court.

I should like later to talk just a little bit more, however, and try, if I can, to bring some additional enlightenment to bear on the subject.

The next thing I should like to talk about, if it is necessary and if I may present all the facts, is to show what the South has done in order to help the Negro of the South economically and in every other way except to permit him social equality with the whites. I venture to say that we are doing just as much as, if not more than, any other part of the country in that respect.

Mr. President, as I have just said, while awaiting the disposition of the bill before it shall come to a vote, I desire to submit to the Senate seven separate amendments. I may have a few more later on, but for the present I have seven.

The first amendment I am not going to read, and I am not going to attempt to talk about it, except to say that the purpose of it is to prevent the marriage of a Negro with a

white, or a white with a Negro, in any State of the Union. I ask that this amendment be printed following my remarks, and that a copy of it be laid on the desk of each Member of the Senate; and I make the same request about each of the other amendments I am about to mention.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. I suggest to the Senator that he defer having the amendments printed until he is ready to conclude his remarks. Otherwise, some Senator may prevent him from concluding them.

Mr. ELLENDER. I am about ready to conclude my remarks. I want to fulfill my promise to the Senator from Indiana [Mr. MINTON] to conclude my remarks at 5 o'clock. I have just a few more words to say, and then I shall surrender the floor.

That is the first amendment.

If that should happen to fail, the next amendment is to the effect that if one State of the Union, or a number of States of the Union, happen to have statutes preventing the intermarriage of white and colored persons, such couples married in other States that permit it shall not be permitted to come into the States where such marriages are prohibited.

If that amendment fails, I have still another amendment to prevent marriages in the District of Columbia between Negroes and whites, or whites and Negroes.

Then I have a series of amendments, three in number, which are in a measure self-explanatory. They provide that if any damages are otherwise payable under this bill as the result of a lynching, if the facts show the person who was lynched was guilty of the crime he was accused of committing, his heirs or next of kin cannot recover. I have three amendments of that kind which I should like to offer. I ask that all of them be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, the various amendments referred to by the Senator from Louisiana will be printed at the end of the Senator's remarks.

Mr. BONE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. BONE. I was wondering if the amendment which the Senator tenders, preventing the heirs of the deceased from recovering in case of his guilt, would not amount to trying a man for a crime after he is dead.

Mr. ELLENDER. No; under the bill, the damages are payable to the heirs or next of kin of the deceased; and my amendment states that if the facts show that the deceased, the man who was lynched, was guilty of the crime he was supposed to have committed, there shall be no responsibility.

Mr. BONE. Would not that imply trying a man after he is dead, or trying the facts of the case after he is dead?

Mr. ELLENDER. No; I do not mean trying the man, Mr. President; I mean if the facts show that the person accused of the crime that led to his lynching was guilty, there shall be no recovery of damages.

The next amendment I offer is one making it a capital offense for any person to commit the crime of rape.

(The amendments referred to are printed at the end of Mr. ELLENDER's remarks.)

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I am about to close, but I yield for a question.

Mr. CONNALLY. In connection with the question of the Senator from Washington [Mr. BONE], is it not a fact that it is not a matter of criminal prosecution in the sense that a dead man is being tried, but a question of civil liability which this bill seeks to set up, not between the dead man and the county or the municipality, but between the heirs of the dead man and the county or the municipality. Therefore, being a question of civil liability, any question that is pertinent to it may be elucidated and tried without the presence of the dead man.

Mr. ELLENDER. That is correct.

Mr. President, it is now 5:15 o'clock and, pursuant to my promise, I now desire to try to close my remarks.

As I stated a while ago, I hope Senators will not impose this bill on the South. I hope that what happened during reconstruction days will not again happen down there. I contend that if the Federal Government had maintained the Negroes of the South in power, today we might have a good start on the mongrelization of our race.

Suppose the strong hand and the long arm of the Federal Government had remained in the South, had permitted the colored people to have and to hold our chief offices there. Can you not visualize what would have happened? I hope my warnings, my arguments, will not fall on deaf ears, not only for the good of the Negro, but for the advancement of our progressive civilization.

O Mr. President, but for the foresight, but for the valor, but for the bravery, but for the courage of the white men and the white women of the South who, following the Civil War, fought for the supremacy of their race, and whose bodies now lie beneath the sod of the old South in dreamless sleep, these walls might never have echoed the voices of John Bankhead, Edward Douglas White, Isom Harris, Joseph T. Robinson, Duncan Fletcher, Oscar Underwood, the immortal Huey P. Long, Charles Culberson, Nathan Bryan, Donaldson Caffery, Ollie M. James, Hugo Black, Benjamin H. Hill, Wade Hampton, Zebulon B. Vance, L. Q. C. Lamar, Thomas S. Martin, and other illustrious sons of the South, including our esteemed and beloved Vice President and Presiding Officer, John Nance Garner.

The struggle was costly; it was bitter; but oh, how sweet the victory! Let us not reward the deeds of those men and women with a crown of thorns, but, instead, let us perpetuate their memories with this challenge, "We shall at all cost preserve the white supremacy of America."

(The amendments referred to by Mr. ELLENDER in his speech, and intended to be proposed by him to the pending bill, are as follows:)

NO. 1

On page 11, after line 23, insert the following new section:

"SEC. 7. It shall be unlawful for any white person to marry a Negro, or for any Negro to marry a white person. Any person who violates the provision of this section shall, upon conviction thereof, be punished by a fine of not more than $1,000, or imprisonment for not more than 5 years, or both, and the marriage shall be null and void."

NO. 2

On page 11, after line 23, insert the following new section:

"SEC. 7. It shall be unlawful for any husband and wife, being of different races, to enter any State, if under the laws of such State it is unlawful for the members of such races to intermarry. Any person who violates the provisions of this section shall, upon conviction, be punished by a fine of not more than $ or imprisonment for not more than — years, or both."

NO. 3

On page 11, after line 23, insert the following new section:

"SEC. 7. It shall be unlawful for any white person to marry a Negro, or for any Negro to marry a white person, in the District of Columbia. Any person who violates the provision of this section shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than 5 years, or both, and the marriage shall be null and void."

NO. 4

On page 11, line 4, strike out the period and insert in lieu thereof the following: "except as provided in subsection (3) of this section.

"(3) Any judgment or award recovered under the provisions of subsection (1) of this section shall be subject to any judgment claim against the victim of the lynching or the estate of the victim of the lynching, if such judgment claim was obtained by the holder thereof as a result of a suit against such victim for damages for personal injuries resulting from the death or injury of any person."

On page 11, line 5, strike out "(3)" and insert in lieu thereof "(4)."

NO. 5

On page 9, line 7, strike out the period and insert in lieu thereof the following: "if the person injured, or the next of kin of the person injured in cases where the injury results in death, establishes that such person was not guilty of the offense which he was charged with or of which he was suspected."

On page 9, line 8, after the word "any," insert "such."

NO. 6

On page 7, line 16, strike out the period and insert in lieu thereof a colon and the following: "*Provided further*, That 'lynching' shall not be deemed to include the killing or maiming of any person

unless such person was not guilty of the offense with which he was charged or of which he was suspected."

NO. 7

On page 11, after line 9, insert the following new section:

"SEC. 6. Any male person who commits rape upon any female person shall be guilty of a capital crime and, upon conviction in the United States district court for the district in which the offense occurred, shall be put to death in the manner provided by law. Any male person who attempts to rape a female person shall be guilty of a felony and, upon conviction in the United States district court for the district in which the offense occurred, shall be punished by imprisonment for not less than 5 years and not more than 15 years."

On page 11, line 10, strike out "Sec. 6" and insert "Sec. 7."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

Mr. BILBO. Mr. President, before the Senate takes a recess, I again express the hope that I may have the floor tomorrow to discuss the pending bill.

Mr. McKELLAR. Mr. President, I should like to ask the Senator from Mississippi how long his remarks will take. I understand that our legislative week will close tomorrow, and before the week ends I am very anxious to answer the speech made a day or two ago by the Senator from New Hampshire [Mr. BRIDGES] on the T. V. A. I am wondering whether, if I can get the floor after the Senator from Mississippi concludes his remarks, I will be able to make the speech this week.

Mr. BILBO. I am not yet a filibuster, and I do not expect to take more than 3 or 4 hours in a discussion of the pending bill, so the Senator will have plenty of time tomorrow.

SAFETY IN DRIVING ON THE HIGHWAYS

Mr. TRUMAN. Mr. President, on January 17, last Monday, the junior Senator from Arizona [Mr. HAYDEN] and I offered an amendment to House bill 8838, which has to do with safety in driving on the highways of the United States. In the first session of the Seventy-fifth Congress I introduced a bill on the same subject, Senate bill 589, which is now on the calendar of the Senate.

Last Monday evening the junior Senator from Arizona [Mr. HAYDEN] participated in an interview over the radio in reference to safety on the highways, and I ask unanimous consent that the interview be printed in the body of the RECORD as a part of my remarks, and that there also be printed, at the conclusion of the interview, the amendment proposed by the Senator from Arizona and myself to House bill 8838.

There being no objection, the interview and amendment were ordered to be printed in the RECORD, as follows:

RADIO INTERVIEW WITH HON. CARL HAYDEN, OF ARIZONA, BY RUSSELL E. SINGER, GENERAL MANAGER OF THE AMERICAN AUTOMOBILE ASSOCIATION, MONDAY, JANUARY 17, 1938

ANNOUNCER. The National Broadcasting Co. again evidences its interest in the traffic safety problem. Tonight we present an interview with Senator CARL HAYDEN, of Arizona, one of the outstanding congressional supporters of adequate and safe highways. Senator HAYDEN will be interviewed by Russell E. Singer, general manager of the American Automobile Association, who speaks for motorists.

Before going into the interview, let's hear from Mr. Singer as to just how serious the traffic-safety problem in the United States really is. Mr. Singer.

Mr. SINGER. A preliminary survey, just completed by the American Automobile Association, indicates that 39,243 men, women, and children were killed in traffic accidents on our streets and highways during 1937. More than 1,374,000 people were injured. This means that roughly 1 out of every 125 persons was killed or more or less seriously injured in highway crashes during the year just ended. The situation was particularly acute on rural highways where the traffic accident situation was much worse than in cities. Available records indicate that the great majority of accidents occurred in daylight hours and under favorable weather conditions. The greater number were directly attributable to careless acts on the part of drivers and pedestrians. In a word, the tragedy of carelessness continues to stalk along the streets and highways of the country.

Fortunately, we have with us tonight a United States Senator, who has been a leader in the effort to give our people a national system of highways and to assure their safe use. Senator HAYDEN has kindly consented to give the radio audience some information on the attitude in Congress with reference to the acute traffic-safety condition. Let's ask him some questions.

Senator HAYDEN, what do you think of our traffic accident situation?

Senator HAYDEN. Too many Americans apparently accept traffic accidents as inevitable. They do not see that the tremendous toll of deaths and injuries is the sum total of many millions of individual acts of thoughtlessness and indifference. Automobiles have become so commonplace that many people fail to realize that the increasing advantages of their use are seriously threatened by a tidal wave of national carelessness. Aside from the death toll and the tragedy that comes to our people when some loved one is killed or injured there is an economic aspect to the traffic safety problem.

Almost 6,000,000 people are employed directly or indirectly in highway transportation. They range from the men who build cars to attendants at gasoline pumps and garage workers. Obviously if car ownership and use is discouraged through our failure to eliminate the causes of accidents, the stability of one of America's first industries is threatened. As a people to whom the automobile has become a daily necessity, we must make every reasonable effort to achieve the maximum of highway safety if we are to continue to enjoy this cheap and rapid means of getting from place to place.

Mr. SINGER. Senator, do you believe that the Federal Government should itself attempt to solve this problem?

Senator HAYDEN. Absolutely not. Control of automobile traffic and supervision over drivers is essentially a State and local problem. But the Federal Government can and should help. Congress can assist and encourage the States to take action. It can be done in much the same fashion as the Federal Government has helped the States in the construction of roads. As you know, practically all highways are built by the several States. Yet the Federal Government, through the Bureau of Public Roads, acts as a central medium of exchange so that every State may have the benefit of new developments in every other State. The Federal Aid Highway Act authorizes the Bureau of Public Roads to set up certain engineering standards which the States must meet before they can receive grants of Federal funds for the construction of public highways, with the result that we are beginning to have a fairly satisfactory system of roads connecting at State borders to form a truly national network of hard-surfaced highways. In a similar manner the Federal Government can correlate the findings and experiences in the various States as they each attempt to work out their traffic problems, and by an interchange of information the Bureau of Public Roads could materially assist all the States in the promotion of traffic safety.

Mr. SINGER. I am certain that we can all agree with you on that, Senator HAYDEN. Could you tell us what is being done in Congress to promote traffic safety?

Senator HAYDEN. A number of sound proposals are being advanced in the Congress to meet the safety problem. As one approach, I might say that Senator TRUMAN, of Missouri, and I have today introduced an amendment to the Federal Highway Act which provides that after the 1st of January 1940 no State shall receive Federal aid for the construction of roads unless the legislature of that State has enacted a five-point program looking to uniform motor-vehicle laws throughout the United States. In other words, States without reasonable safety legislation would be denied Federal funds for road building.

We may as well face the fact that with nearly 30,000,000 motor vehicles on our highways, and the traffic situation as complicated as it is today, every State should not fail to require that an applicant for permission to drive must show that he has the ability to drive. We must also recognize that the use of our streets and highways for motor vehicles is not a right guaranteed by the Constitution but a privilege to be enjoyed when such use does not endanger the life and property of citizens generally.

It took the brains of many hundreds of men to invent and perfect the automobile. The startling increase of traffic fatalities now requires that millions of men should use their brains for their own protection and the protection of their fellow men. Those who will not or cannot exercise the common sense which God has given most of us must be compelled to do so either by guidance or punishment administered by the local authorities in our States and cities.

It is difficult to believe that while we have now had automobiles for nearly 40 years many States still permit anyone, regardless of his physical or mental fitness, to operate with abandon a killing machine weighing 3,000 pounds and capable of traveling up to 100 miles an hour. Eight States have no drivers' license law of any kind. Sixteen of the States which do have licenses cheerfully issue them to lunatics, habitual drunkards, and narcotic addicts. Is it any wonder that traffic accidents are on the increase?

Mr. SINGER. Would the method you and Senator TRUMAN have in mind mean further appropriations by Congress or perhaps the establishment of additional Government bureaus?

Senator HAYDEN. No; it is not necessary that any new Federal standards be set up with which the States must comply. Three decades of experience have helped to develop a uniform motor-vehicle code as a pattern for sound safety legislation in the States. There is no need for Congress to hand down a pronouncement, since this code has already been devised and perfected by the National Conference on Street and Highway Safety in which the American Automobile Association was an active participant.

Every part of the uniform code has been adopted in one or more of the States. It offers a reasonable plan for the control of vehicles and drivers and even specifies what should be expected of the pedestrian. It is a model, simple in language and requirements, which the States can and should accept. All the States will adopt the code, I am sure, if Congress will encourage its enactment by the passage of such legislation as that which Senator TRUMAN and I have proposed.

Mr. SINGER. Senator HAYDEN, would you be kind enough to give the radio audience some indication of what the uniform code provides?

Senator HAYDEN. Certainly. The uniform code embodies five separate State laws, each dealing with a different field of motor-vehicle regulation. The first act establishes a uniform registration, certificate of title, and antitheft law, which would be of immeasurable assistance in connection with the administration of the existing Dyer Act, prohibiting the interstate transportation of stolen motor vehicles.

Another part of the code deals with the licensing of persons operating motor vehicles and sets up a standard for the examination of applicants for the right to drive. Were this portion of the code generally enacted it would not be true, as it is today, that only eight States require a test of vision before a license is issued. The third proposal relates to civil liability of owners and operators of motor vehicles, and provides for service of civil process on nonresidents.

The fourth suggested act pertains to the giving of proof of financial responsibility by owners and operators of motor vehicles. This would go a step further than a license law by giving the States a weapon for removing from the highways the proven reckless and irresponsible drivers. The final act regulates traffic on the highways, defines certain requirements in the use and operation of motor vehicles, provides for standard signs and signals. In general, it is a model regulation for controlling traffic.

Mr. SINGER. What you have said about the uniform acts is very interesting, and I am sure their enactment would go a long way toward solving many of our traffic problems.

Senator HAYDEN. The code is probably not perfect, but it is a long step in the right direction. If nothing else, it would help to wake up the American people to the horrible toll of human life which is being annually sacrificed because of our carelessness and our indifference—a loss that is worse than war.

Mr. SINGER. Perhaps it would be well, Senator HAYDEN, if you would compare the annual loss of life through automobile accidents in the United States with the number of Americans killed in the World War.

Senator HAYDEN. Most Americans are shocked by the ruthlessness of the dictators who by fear control those subject to them, and who have so often shown that they are callous to human suffering with little or no regard for human life. Yet we, the American people, have nothing to be proud of in that same respect. You have said, Mr. Singer, that in 1937 more than 39,000 men, women, and children died as the result of accidents on our streets and highways. That figure exceeds the total number of American soldiers who were killed in battle in France in 1917 and 1918. Nearly 40,000 dead, and that slaughter by autos and trucks will go on—not in one war but year after year—unless more is done to stop it.

What I now say is no palliation of war, which always was and always will be cruel and brutal. The whole Nation is quickly aroused with righteous anger when death comes to an American soldier or sailor from the bullet or bomb of an enemy, yet we are apparently indifferent, or at least only momentarily concerned, when death strikes the larger numbers who travel our highways and streets.

Life is just as sweet to the little child who is struck by a truck as it was to the soldier in the Argonne Forest. Life is just as dear to the men and women who are crushed and burned beyond recognition in head-on automobile collisions as it was to the sailors who were drowned when their ship was torpedoed in the icy waters of the North Atlantic.

Some say that war is man-made, and therefore hateful, but the automobile is man-made and men drive them. From the point of view of the whole American people, one life is just as precious as another. The truth is that we are all very easily aroused over the horrors of war and too little alive to the greater number of tragedies on our streets and highways. There are millions of men who would willingly give their lives for their country. Anyone should rather voluntarily make such a supreme sacrifice than be killed by a drunken driver.

Mr. SINGER. Thank you very much, Senator, for your highly constructive presentation on a most important subject. We all realize, of course, that there is no royal road to safety. The problem must necessarily be attacked on a broad front. There must be cooperation between the Federal and State Governments—between the judiciary and law-enforcement agencies. Finally, and most important, there must be cooperation on the part of motorists and pedestrians. Everyone is gratified to know, Senator HAYDEN, that the Congress is actively interested in doing everything possible to encourage the States to adopt sound laws which have undergone the acid test of experience and found to be reasonable and helpful. We hope that other leaders in Congress will show the same interest that you have; and I am sure that I speak for motorists everywhere, as well as the American Automobile Association, when I say that you will have full cooperation.

Amendment intended to be proposed by Mr. HAYDEN and Mr. TRUMAN to the bill (H. R. 8838) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, viz: On page 8 strike out lines 7 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 12. No sums appropriated after January 1, 1940, for the purpose of carrying out the provisions of the Federal Highway Act, as amended and supplemented, shall be paid to any State unless such State has enacted and has in force laws with respect to (1) motor vehicle registration, certificates of title, and theft; (2) motor vehicle operator's and chauffeur's licenses; (3) civil liability of owners and operators of motor vehicles; (4) financial responsibility of owners and operators of motor vehicles; and (5) regulation of traffic on highways; and such laws are found by the Secretary of Agriculture to be adequate to control properly the use of highways constructed in such State with the aid of funds apportioned to such State under the provisions of such Federal Highway Act, as amended and supplemented."

RESOURCES AND DEVELOPMENT OF ALASKA

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

In accordance with Concurrent Resolution 24, first session, Seventy-fifth Congress, passed on August 21, 1937, requesting a report in January 1938, I am transmitting herewith a report on Alaska—Its Resources and Development, prepared at my request as one of a series of regional planning studies by the National Resources Committee.

The report is in two parts. Part I contains a statement on policy and recommendations for planning prepared by a special Alaska Resources Committee. Part II contains a series of staff reports prepared by groups representing different Federal Bureaus primarily concerned with various problems in Alaska. In order that these proposals and the supporting data may be available to the Members of Congress and to interested citizens, I recommend that the report be printed, with illustrations.

In the very limited time available for this study, a substantial beginning has been made toward "a comprehensive plan for the development of the resources of the Territory of Alaska."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 20, 1938.*

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. MINTON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Friday, January 21, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 20 (legislative day of January 5), 1938

RECONSTRUCTION FINANCE CORPORATION

The following-named persons to be members of the Board of Directors of the Reconstruction Finance Corporation for terms of 2 years from January 22, 1938 (reappointments):

Jesse H. Jones, of Texas.
C. B. Merriam, of Kansas.
Charles B. Henderson, of Nevada.
Emil Schram, of Illinois.
Howard J. Klossner, of Minnesota.

CALIFORNIA DEBRIS COMMISSION

Col. Warren T. Hannum, Corps of Engineers, United States Army, to be a member of the California Debris Commission vice Col. John J. Kingman, Corps of Engineers, United States Army, relieved.

UNITED STATES DISTRICT JUDGE

Hon. Robert A. Cooper, of South Carolina, to be United States district judge for the district of Puerto Rico. (Judge

Cooper is now serving in this office under an appointment which expires January 24, 1938.)

UNITED STATES ATTORNEYS

Clinton R. Barry to be United States attorney for the western district of Arkansas. (Mr. Barry is now serving in this office under an appointment which expires January 31, 1938.)

Lawrence S. Camp, of Georgia, to be United States attorney for the northern district of Georgia. (Mr. Camp is now serving in this office under an appointment which expires January 26, 1938.)

John D. Clifford, of Maine, to be United States attorney for the district of Maine. (Mr. Clifford is now serving in this office under an appointment which expires January 31, 1938.)

James O. Carr, of North Carolina, to be United States attorney for the eastern district of North Carolina. (Mr. Carr is now serving in this office under an appointment which expires January 26, 1938.)

Marcus Erwin, of North Carolina, to be United States attorney for the western district of North Carolina. (Mr. Erwin is now serving in this office under an appointment which expires January 26, 1938.)

Powless W. Lanier, of North Dakota, to be United States attorney for the district of North Dakota. (Mr. Lanier is now serving in this office under an appointment which expires January 26, 1938.)

Emerich B. Freed, of Ohio, to be United States attorney for the northern district of Ohio. (Mr. Freed is now serving in this office under an appointment which expires January 26, 1938.)

William R. Smith, Jr., of Texas, to be United States attorney for the western district of Texas. (Mr. Smith is now serving in this office under an appointment which expires January 26, 1938.)

Daniel B. Shields, of Utah, to be United States attorney for the district of Utah. (Mr. Shields is now serving in this office under an appointment which expired January 19, 1938.)

UNITED STATES MARSHALS

George A. Meffan, of Idaho, to be United States marshal for the district of Idaho. (Mr. Meffan is now serving in this office under an appointment which expires January 26, 1938.)

Kinloch Owen, of Mississippi, to be United States marshal for the northern district of Mississippi. (He is now serving in this office under an appointment which expired January 19, 1938.)

William B. Fahy, of Missouri, to be United States marshal for the eastern district of Missouri. (Mr. Fahy is now serving in this office under an appointment which expires January 26, 1938.)

Charles R. Price, of North Carolina, to be United States marshal for the western district of North Carolina. (Mr. Price is now serving in this office under an appointment which expired January 19, 1938.)

Ford S. Worthy, of North Carolina, to be United States marshal for the eastern district of North Carolina. (Mr. Worthy is now serving in this office under an appointment which expired January 19, 1938.)

George J. Keinath, of Ohio, to be United States marshal for the northern district of Ohio. (Mr. Keinath is now serving in this office under an appointment which expires January 31, 1938.)

James R. Wright, of Texas, to be United States marshal for the northern district of Texas. (Mr. Wright is now serving in this office under an appointment which expires January 26, 1938.)

Gilbert Mecham, of Utah, to be United States marshal for the district of Utah. (Mr. Mecham is now serving in this office under an appointment which expired January 19, 1938.)

Albert A. Sanders, of Wyoming, to be United States marshal for the district of Wyoming. (Mr. Sanders is now serving in this office under an appointment which expires January 26, 1938.)

APPOINTMENTS IN THE REGULAR ARMY

Chaplain (First Lt.) Morris Eugene Day, Chaplains' Reserve, to be chaplain with the rank of first lieutenant, with rank from date of appointment.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Charlie Anthony Valverde, Infantry, with rank from August 1, 1935.

Capt. Edwin Bascum Kearns, Jr., Infantry, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be captains with rank from December 17, 1937

First Lt. Joseph Pease Russell, Medical Corps.
First Lt. Elmer Deloss Gay, Medical Corps.
First Lt. Erling Severre Fugelso, Medical Corps.
First Lt. Paul Alexander Paden, Medical Corps.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 20, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O God, for the assurance that Thou art present and that Thou art a rewarder of them that diligently seek Thee. Heavenly Father, from time immemorial the human heart has turned to Thee for help, sympathy, and guidance; may we wait at Thine altar. Blessed Lord and Master, keep us faithful to ourselves, our homes, our fellow men, and our Nation. We thank Thee for Thy Holy Word—the Book of wisdom, the Book of love, and the Book of God. Let us harken unto its appeal:

I beseech you, therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service. And be not conformed to this world; but be ye transformed by the renewing of your mind that ye may prove what is that good, and acceptable, and perfect will of God.

In the name of our holy Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, another letter has come to the committee of which I am chairman answering the Acting Comptroller General in reference to his criticism in his annual report. This letter comes from the Home Owners' Loan Corporation. Members on both sides of the aisle feel that as the criticism of the Acting Comptroller General was published in the RECORD, his reply ought to be published in the RECORD.

If the House will not object, I ask unanimous consent to place the reply in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made by Judge Henry Ellenbogen, a former Member of the House, on the date he resigned from the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the pending tax bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MASSINGALE. Mr. Speaker, by request of the Committee on the Judiciary I ask unanimous consent to have printed in the RECORD a resolution on the death of Judge Hill, former member of the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an article written by John W. Kelley in answer to an article that recently appeared in one of the New York papers criticizing Congressmen. This is a defense of the work of Congressmen.

The SPEAKER. Without objection it is so ordered.

There was no objection.

NAVY DEPARTMENT APPROPRIATION BILL, 1939

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8993, the Navy Department appropriation bill, 1939, with Mr. THOMASON of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The gentleman from North Carolina has consumed 4 hours and 9 minutes; the gentleman from Pennsylvania has consumed 3 hours and 46 minutes.

Mr. DITTER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Chairman, as I read this morning's Washington Post, my eyes fell upon the column written by Mr. Nelson Bell covering the theater. In this column appeared the following statement:

> There are questions of pseudo-diplomatic relationships, managerial policy, and divers and sundry other considerations involved, with which this department has no inclination to lock horns. The maintenance of world equilibrium—such as it is—happily does not fall under the incumbent duties of this column.
>
> But the fact of the matter is that the new issue of the March of Time, originally scheduled as a particularly provocative "added attraction" on the bill opening tomorrow at RKO-Keith's, will not be shown in Washington. This decision was handed down by the "high command" late yesterday afternoon, following the ban of the issue in Chicago—the theater's high command, that is to say.
>
> The reason for all of this agitation and eleventh-hour hullabaloo is that the new March of Time deals exclusively with a single subject, a conspicuous deviation from the producers' usual custom of including at least three "clips" in each of its documentary pictorial treatises upon world affairs. That subject is the allegedly "inside story" of Nazi Germany under the regime of Fuehrer Hitler.
>
> It is reported that the matter of Nazi activities, both in Germany and America, formed the basis of this penetrating analysis of what the movement is all about, its present operation, and future potentialities. It was emphasized in the Chicago imbroglio—if that is what it was—that the release of the picture would jeopardize the standing of German functionaries in America, reasonably high in the councils of Herr Hitler's governmental establishment, and probably would end their official careers. The same thing might happen here. So there you are. There will be no March of Time at RKO-Keith's tomorrow.
>
> Who's running this country, anyhow?

This article expresses my sentiment. I have risen today to call the attention of the House to this article and to repeat the question as my own sentiment: Who is running the United States, anyhow?

Only recently we saw in nearly all theaters the motion pictures of the events that have taken place in the far eastern crisis. Some of these were included in the March of Time program. These pictures depicted many things of a condemning nature against Japan. Maybe Japan did not like it very well, but we did not say that we were going to forfeit the prerogatives we have in America for freedom of the press, freedom of speech, and freedom to express criticism against any condition or policy in our own or any other country. Instead, we said that they could go ahead and run those pictures and "let the chips fall where they might."

A few months ago we saw this country engaged in a dispute over the enlargement of the Supreme Court. We saw that great struggle depicted in motion pictures, as well as in the press, and on the public platform. A great many people rose in those various outlets of public opinion and expressed criticism against our own President, but there was not anybody in this country who questioned the fundamental right of any individual to do that very thing. If we can criticize our own President or undesirable policies in this country, why should we countenance a condition that will not permit the showing of a film like this, which reveals the inside workings of the Nazi government, the Hitler government, which are not proper; in other words, to reveal critical facts on Hitler and the policies he advocates? Mr. Chairman, it seems to me that the people of this country ought to have the privilege of seeing anything that can be disclosed against dictatorships so the American people will realize that they should give everything they have in the way of time, services, and resources in order to avoid such a fate themselves. Again, I ask: Who is running this country, anyhow?

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Ohio. I yield.

Mr. WOODRUM. I am sympathetic with the idea the gentleman advances that there should be a free and untrammeled press in this country. I am sure, however, that the gentleman will draw a distinction between the advisability—I do not like the word "expediency," but maybe it is a good word—of perfectly free editorial comment, picturization, and criticism.

Does not the gentleman make a distinction between the advisability of any such picture as probably is contained in the March of Time and I have no idea of what it is, and I do not think the gentleman has either——

Mr. WHITE of Ohio. I do not either.

Mr. WOODRUM. It is something that reflects very vitally against the present regime in Germany. Does not the gentleman think in the present world crisis there ought to be some caution and some considerable conservatism exercised in permitting pictures, editorial comments, or anything which directly reflects on another government with which at the present time we are on friendly relations?

Mr. WHITE of Ohio. Theoretically I agree with the gentleman to a certain extent, but practically I do not. It seems to me one of the crises to which you might refer is the spread of dictatorships, and it is just as important that this crisis be met as any of the others that face us. One of the essentials in meeting this crisis, and at the same time conforming to the principles of free expression, that are so dear to us as a part of our system of government, is that we should let the American people know what happens to a nation under dictatorship, and consequently we certainly should permit the showing of a picture of this kind in our country. I protest against keeping public information like this "under blankets." Let us have the truth about these dictatorships.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I think that the situation that exists in Washington with regard to the airport is scandalous. I do not blame the pilots for refusing to land on unsafe airports and to risk not only their own lives but the lives of their crew and passengers. I do not know whose fault it is, but certainly the time has come when we should have a satisfactory airport for the city of Washington. We have had for many years without question the worst military and naval airports and the worst commercial airport in the country. We have to some extent improved the situation with reference to our military airport. The new Bolling Field is a reasonably fair airport, but it is a long way from being adequate for even the purposes for which it was designed. It has adequate runways north and south, but you still have not satis-

factory runways east and west. However, it is so much better than anything else we have here that we ought to use it in the meantime as a base of operations for the commercial airplanes, if they are to continue to land in Washington, and then set about to build an adequate modern airport.

I cannot agree that Gravelly Point is going to be a satisfactory one. In the first place, it is too close to Bolling Field. They are on the river, right across from each other. You are going to get into serious trouble if you mix the landings of commercial planes and military planes. There will very likely be such confusion that there will result collisions in air traffic.

Gravelly Point is limited in size to the extent to which it may be developed; therefore it will never be an adequate airport for transport planes, even today, and certainly not for the commercial planes of tomorrow. We can just as easily go out 5 or 10 miles and build the type of airport which we need. We might develop Gravelly Point for a temporary field but, Mr. Chairman, I believe that the Hoover-Washington Airport can easily and quickly be made perfectly satisfactory for fair-weather operations. When the weather is bad and when they have to resort to blind landings, commercial and military planes should not be mixed up in a city like Washington. The air traffic should not be brought in over the city at all. Blind landing approaches should not be made around the Washington Monument. It is a miracle we have not had a tragedy in this city up to the present time, but this cannot go on indefinitely without the deplorable situation being forcibly brought to our attention in a tragic manner. After all, it is the failure of Congress whether the responsibility be up to the District or up to the Federal Government. The ultimate responsibility rests with the Congress itself.

Mr. Chairman, I believe the Federal Government ought to build a model airport here in Washington. The people of the District use the airport comparatively little. The Government officials and those coming here to deal with the Federal Departments are the ones who use it.

Mr. MAY. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman remembers that during the last session the Copeland-May bill was passed, but was vetoed by the President. This bill referred to the Washington-Hoover Airport.

Mr. MAAS. Yes.

Mr. MAY. As I understand it, the President vetoed it on the proposition that it contained no provision by which the agricultural land included in the bill would be used only so long as that land was used for airport purposes. I have examined the bill since then and I find it contains such a provision and I am at a loss to understand, under these circumstances, why the bill was vetoed.

Mr. MAAS. I am too. I think it was a very unfortunate veto.

I do not believe the Washington-Hoover Airport can be looked upon as our ultimate airport, but it certainly has one of the most desirable locations of any airport in the country so far as convenience to the traveling public is concerned, but we should, and will have to have, a superairport somewhere out in the country. It is ridiculous to build the major airport on the immediate outskirts of a city or within the confines of a large city.

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Is the gentleman familiar with the bill I recently introduced for the construction of an airport at Gravelly Point, and also for the construction of such an auxiliary airport as the gentleman refers to in his remarks?

Mr. MAAS. Yes; I am. But I cannot see the purpose of building one at Gravelly Point to replace the Hoover-Washington Airport. It seems to me the Hoover-Washington Airport is, or can easily be made, eminently satisfactory for the purposes for which you would use Gravelly Point. It does not have the disadvantage of conflicting traffic as between Bolling Field and a commercial field. Why should we not continue to use Washington-Hoover Airport as the local airport and then build the auxiliary airport outside the city?

Mr. SMITH of Virginia. There are many complications in this subject of airports and, of course, we hardly have time to go into a discussion of all of them now. My purpose in interrupting the gentleman is to say I am in accord with the idea that we should have an airport and I want to invite the gentleman's cooperation along these lines, either in connection with my bill as it stands or in connection with my bill with such amendments as may be suggested.

Mr. MAAS. I shall be glad to do that.

Mr. SMITH of Virginia. Hearings will begin tomorrow morning before the Committee on Public Lands in the House caucus room.

Mr. MAY. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Kentucky.

Mr. MAY. My purpose in introducing the bill last year, which was vetoed, was to remedy an existing and imminent need and I think it is even worse today than it was a year ago. The need is greater because the traffic is increasing. I think that bill should be reintroduced and passed and in the interim adequate plans should be developed for some other airport.

Mr. MAAS. I agree with the gentleman.

Mr. MAY. I am taking no position with respect to the merits or demerits of Gravelly Point or Camp Springs.

Mr. MAAS. The point, as I see it, is that the Washington-Hoover Airport is there and it will have to be used as it will be some time before we could be able to use Gravelly Point and we should take immediate steps to provide maximum protection in the meantime.

Mr. MAY. In the hearings before our committee it appeared from the testimony that we had from experts appearing on behalf of the commercial lines, as well as on behalf of the Army and Navy and from everywhere else, that it would take probably 3 years to build and put into successful operation an airport at the expense of the Government. I was impressed with the fact that this was private capital that was doing this at the present time.

Mr. SCOTT. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from California.

Mr. SCOTT. No matter what they do about other airports, did not the Naval Affairs Committee come to the conclusion that we might just as well quit thinking about the Camp Springs site?

Mr. MAAS. I think that is right. The gentleman and I flew over there and looked the situation over and we came to the conclusion it would be very unwise to build a commercial airport at Camp Springs. The Navy has a million-dollar radio station over there which would be dangerous to the operation of the airport and operations of planes in the vicinity would destroy the value of the radio station.

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I want to reply to the gentleman from Kentucky to the effect that in the meantime we ought to do something to make Washington-Hoover Airport safer. May I say to the gentleman my bill contains a provision for that very thing; that is, to extend and improve the Washington-Hoover Airport.

Mr. COLE of New York. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from New York.

Mr. COLE of New York. Of course, the gentleman knows that the Camp Springs site was selected by a Commission created by this Congress for the purpose of examining all sites available and selecting a site. That Commission did determine upon the Camp Springs site and after that it developed that the Navy had a radio station within 4 or 5 miles of it.

Mr. MAAS. Yes.

Mr. COLE of New York. That is why the Naval Affairs Committee entered its objection to that bill. I wonder if

the gentleman knows of any site within a radius of 25 miles of the Capitol at Washington which will not conflict with some interest that the Government has?

Mr. MAAS. Oh, there might be a conflict with some department of the Government, but that is not quite as vital or as important a thing as a conflict with national defense, involved as it is in this other situation of the Navy radio station. The gentleman from California [Mr. SCOTT] and I flew all over the country surrounding Washington, and we saw many, many suitable sites for an airport of adequate size and with adequate approaches.

Mr. COLE of New York. If the gentleman will yield further, it seems to me a very curious coincidence that the improvement and enlargement of the Hoover Airport is objected to by the Agriculture Department, the construction of an airport at Gravelly Point meets with objection from the War Department, and the Camp Springs site meets with objection from the Navy Department. I would like to know if the gentleman knows of some site to which some department does not object?

Mr. MAAS. Oh, there are hundreds and thousands of acres of land all around Washington in every direction which would be suitable sites without any objection from any department of Government. Of course, I do not think the objection the Department of Agriculture made in the case of the Hoover-Washington Airport has any merit.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, I asked for this time today that I might speak for the farmers and businessmen of my district. I have a communication or resolution from the Grange, which is one of the very fine and representative farm organizations in my district, calling attention to the fact that we have passed or are trying to pass legislation that will be detrimental to their interest.

At the special session of Congress we passed a so-called farm bill which, I believe, was prepared and dictated by Secretary of Agriculture Wallace. This legislation passed, and as we are all aware, is now being considered by the Conference Committee of the House and Senate. The legislation as it passed this House had nothing favorable in it for the dairy farmers or the farmers of the northeastern portion of the United States. It would only be a detriment to our farmers and mean added expense without any benefit.

We had brought before this session, by petition, the so-called wage and hour bill, which, after days of consideration and debate, was recommitted to the Labor Committee. Agriculture and labor both united in opposition to this legislation, and, to my mind, the words "wages and hours" are only window dressing for the bill. The real scheme back of it all is the control of all industry, or another step forward in dictator government.

I have a resolution, sent me by the Grange in my district, calling my attention to both of these bills and asking me to use my best efforts for their defeat.

The Grange is one of the leading spokesmen for agriculture, and they feel that this legislation will be very detrimental to the farmers of our Nation. They also point out in this resolution their opposition to vesting any more power and authority in the President, that they are opposed to regimentation of agriculture and business, and they point out further that the President should not be given the power he is seeking to disorganize the civil service and governmental activities in order that he may bring them directly under his control.

The farmers of my district, and I believe of the Nation, are becoming very much exercised over the way the Government seems to be drifting; and when we look to other countries and see what is happening there, they become disturbed. I believe they have good grounds for feeling apprehensive of what may come in the future.

We see what is happening in other countries, how the farmers are being regimented and controlled, how every industry is controlled; and what the future of this country may be, if certain of our leaders have their way, is something I think we need worry about.

I hope the President of the United States, who has created this lack of confidence and brought on this Roosevelt depression, will give up his scheme to regiment and control all farming and all industry. I hope he will let the farmers work out their own destiny without any management coming from Washington. I hope industry may have the assurance of the Chief Executive that he will stop meddling with industry and will try to restore the confidence of the people in our Nation and give protection first to the American farmer and the American manufacturer. I hope he will have some consideration, especially, for the manufacturer in this country, although more consideration now seems to be given to foreign countries than our own.

I believe if all this is done and if the President will cooperate with industry, which is saying today that all they lack is cooperation or confidence, I believe we can restore our agriculture and our manufacturing and that our country will prosper again as it never has before. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I now yield to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Chairman, I believe in adequate national defense, but it seems to me that there are matters of more urgent importance demanding our attention at this time.

We are told to rush through appropriations to build more battleships, to cost $70,000,000 each, while the $130,000,000 which we appropriated last August for the benefit of the cotton farmers of the South is still being held in the Treasury. This money was intended to help our farmers who were compelled to sell their cotton for less than the cost of production. But unless this Congress takes some early action the Department of Agriculture will keep this money on cold storage until next August or later.

There is no justification for withholding this money from the farmers for 12 long months, when they are in urgent need of it. I have a bill pending to require the Department to pay this $130,000,000 to the cotton farmers immediately. They need it now. It will help them to start a new crop, to buy necessary supplies, to pay cash for fertilizer, and to secure the necessities of life. I would like to get early action on my bill and certainly believe it is of more importance than spending our time on a Navy appropriation bill that will not become effective until the fiscal year 1939.

While we spend days talking of battleships there is waiting for action a bill to provide funds for feed and seed loans to the farmers of this Nation. I must confess that I cannot understand. The farmers will soon be in need of these loans to start a new crop, and yet he must wait while we debate a bill to provide funds for the Navy for next year.

While this House seeks to prepare for war, and while the administration leaders in the Senate seek to force through the so-called antilynching bill, the new farm bill seems to be forgotten. Can that mean that you have forgotten the folks at home? Do you not know that the time has come when the farmer should know, when he must know, what program he will work under this year? How can he arrange with his tenants and sharecroppers? How does he know how to prepare his land? How can he make his financial arrangements? How can the tenant and sharecropper get a farm to work? Already we have waited too long. Everything else should be put aside and all of our time and our effort should be given to this new farm bill, to this appropriation for feed and seed loans and to securing immediate payment of the 3-cent cotton subsidy and the soil-conservation checks.

I hear that the conference committee which is now considering the farm bills is about to agree to limit this year's cotton crop to 10,000,000 bales, with no additional payments or benefits to the farmers. If that is to be the plan, then what is to be done with the millions of acres of land taken out of cotton? The bills passed by the House and Senate both provide that this land cannot be planted in any other cash crops, and if the conference committee should permit this unfair provision to remain in the bill, I am afraid a

cotton crop of 10,000,000 bales will not bring sufficient to provide our farmers with the necessities of life and will leave idle millions of acres of farm land. If you cut the farmer's allotment so low that it will not provide him with a living, then you place before him the temptation or probably the necessity of refusing to cooperate with the program.

The great problem before the cotton farmer today comes from the fact that we now have on hand a surplus of 12,000,000 bales of cotton. We all know that there is no hope for a good price for cotton as long as this surplus is on the market. I know of only four ways in which we can get rid of this surplus: One is to increase consumption of cotton goods; a second is to reduce production; another is to increase our export sales of cotton; and the fourth is for the Government to take over a good portion of this surplus. Increasing consumption, increasing exports, and reducing production is a long process, and our cotton farmers may be in bankruptcy if they must wait on that, particularly in view of the enormous increase in the production of cotton in foreign countries.

The enormous production of 18,700,000 bales of cotton this year is unprecedented and was due to unusual conditions. It has brought on an emergency condition, and the cotton farmers today are facing as great and as serious an emergency as that which confronted banks and industries in 1933. The Government rushed to the aid of those banks and industries, and I believe the cotton farmer is in his rights in asking that the Government accord him the same treatment. We have heard so much about an ever-normal-granary plan; and I think right now is the time for the Department of Agriculture to set up this ever-normal granary and take over about 10,000,000 bales of this surplus cotton, put it in storage, and hold it for future short-crop years, and possibly use some of it in providing clothing and mattresses and the like to those in need and distress.

If this is done the cotton allotment for this year can be fixed at 13,000,000 bales, which is the normal amount required for consumption in the United States and for export. Then when short crops come, as we know they will, the surplus held in the granary or in storage by the Department of Agriculture can be withdrawn as the need requires.

The farmer must buy his necessities in a protected market and directly bears the burden of a heavy and unfair manufacturers' tariff. The farmer is entitled to benefits to offset this tariff burden, and every dollar which the Government receives through this tariff should be distributed as an equalizing fund to those engaged in agriculture. Even that would not equalize the burden, but it might be sufficient, with present soil-conservation payments, to guarantee our cotton farmers the parity price of 16½ cents per pound for their cotton. At least it would guarantee them that price on the cotton produced for domestic consumption.

A few days ago the commissioners of agriculture of the Southern States were here in Washington and made some very fine recommendations to the conference committee which is now considering the farm bill. Their recommendations were as follows:

We are in favor of a compensatory tariff payment to give the cotton producer parity, the same to be supplemented by the present contemplated soil-conservation payments to that extent.

We recommend that the Congress provide funds for the foregoing from receipts from impost duties; and if this be impracticable, then for an excise tax on cotton textiles and competing products, excepting wool and mohair.

We recommend that these payments be made for the year 1938 on a base production of 13,000,000 bales, the same to be prorated among the States according to the 1937 production basis.

We recommend that these payments be made in conformity with the provisions of the present soil-conservation program.

We recommend that sufficient impost duties and excise taxes be provided on imported vegetable fats and oils to prevent the importation into this country of more than the difference between our domestic production and consumptive needs.

We further recommend that an adequate tariff be placed upon jute and its products sufficient to protect cotton.

These recommendations are very much in accord with the conclusions which I have reached after months of study and investigation of these questions. You will notice that they recommend a crop of 13,000,000 bales for this year. I do not agree with them that this allotment should be "prorated among the States according to the 1937 production basis."

That would give an unfair advantage to those States which have only recently increased their cotton production, and I think the allotment should be made among the States according to the production of cotton during the last 20 years. Then the allotment to the counties should be on the same basis, and then the allotment to individual farmers within the county should treat every farmer alike by allotting each the same percentage of the land which he has in cultivation.

I hope the conference committee will give serious consideration to the recommendations of these commissioners of agriculture from the South. And certainly the time has come when we should stop the importation into this country of oils and vegetable fats which are in direct competition with the products of our own farmers. And we are also entitled to an adequate tariff on jute and its products, sufficient to keep it out of competition with cotton.

You may talk of battleships, but I warn you now that you are going to have trouble protecting your own political battle lines unless you give more attention and sympathetic consideration to the serious problems confronting the farmers of this Nation at this hour. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. IZAC].

Mr. IZAC. Mr. Chairman, I am rather hesitant to take the floor on this question because we heard so much yesterday about experts, and I do not pose as an expert. I believe, after talking with some of my colleagues, however, that I might add a little clarity to the situation regarding battleships. At least that is one of the points I should like to clear up. In the first place, a battleship is chiefly a stable platform at sea on which to mount heavy artillery. That heavy artillery—16- and, perhaps, 18-inch guns—is able to fire at a distance of at least 20 miles, and it can sink any other surface craft that comes within that range. That is the value of battleships. Lighter cruisers, destroyers, are wobbling around in the water, and they cannot always hit what they aim at. Furthermore, they do not have a range of over 10 miles with present installations. The battleship at 20 miles will sink any other craft afloat on the surface. That is the reason we have battleships; and as long as other nations build battleships, I am convinced that we must also, and, in fact, I would rather have ours, bigger and better battleships than theirs.

As to the offensive and defensive quality, I cannot for the life of me see why a battleship is considered only an offensive weapon. It is by far the finest defensive weapon that we have. Interposed between an enemy fleet and our shores, it is going to deny to that enemy fleet the opportunity to land any troops on our shores. Of course, it is aggressive, because we must seek out the enemy fleet and sink it before it arrives at our shores. But it is not an offensive weapon if it is either in the middle of the Pacific or the Atlantic for the express purpose, under the policy of this Government, of denying to other nations an invasion of our shores. As long as we adhere to that national policy, I have no fear that we are making a mistake in building battleships.

How about these planes that we have been hearing about? They say that we can build for $140,000,000 so many thousands of planes. My friends, those planes have to land somewhere, and the ocean is a big wide lot of water. Unless those planes have ships on which to land, they have to go out there and turn around and come back. So we would not be able to use $140,000,000 for planes, but we would have to use some for airplane carriers; but even so I believe you would not be able to build for that sum of money more than about 1,200 planes, because they cost all the way from $55,000 to over $300,000 apiece. That is why I believe we are wrong in thinking of the airplane-building program in terms of thousands of planes; and I do believe that until the enemy, whoever he may be, is willing to sink his battleships, that we

have to have ships of every category from the battleship down.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. IZAC. Yes.

Mr. MAY. There is another feature of the battleship that the gentleman has not discussed, and that I would like to have the gentleman bring out, and that is that they are equipped in addition to the long-range guns, with anti-aircraft equipment that might enable them to bring down hostile airplanes.

Mr. IZAC. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FISH. Mr. Chairman, the gentleman is making a splendid speech. He is the recipient of a medal of honor given by the United States Government and is an expert on this subject. Could we not give him a little more time?

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 1 minute.

Mr. FORD of California. Mr. Chairman, will the gentleman yield for a question?

Mr. IZAC. Yes.

Mr. FORD of California. The battleships we are contemplating building will also have a deck on which a plane might land or take off, will they not?

Mr. IZAC. Those battleships always probably will provide for that, and equipment will probably consist of two planes on each ship.

Mr. MAGNUSON. Mr. Chairman, in response to the question of the gentleman from California [Mr. FORD], is it not true that on every battleship they have ample facilities for planes to take off? They land in the water, and they hoist them up, and in some respects they are almost airplane carriers.

Mr. IZAC. That is right. I thank the gentleman. To make this fleet more effective and able to function on both coasts, yesterday I introduced a bill for the building of a Nicaraguan canal, and I would like to have everyone consider that in the next few months.

I believe it is vital to national defense. One other thing I would like to mention is this: If we are going to build all kinds of ships, we need the kind that can be used as transports, for we have none to speak of. There are Members in this House who were taken overseas during the World War by our transport force—I was just one little member of it—we took over a good many of you people during the war; we landed you in France, but it took us 6 months to get 50,000 of you over there.

One reason I am so strong for the Ludlow amendment is that if you had all the ships in the world that could be used as transports you would have only approximately 547. Only one nation—Great Britain—can lay down on a foreign shore 1,000,000 men in one fell swoop, and to do that she would have to call in all of her ships from all over the world; but she has not even the army to begin with to send such a force to another land across the seas. This shows you how ridiculous it is to claim that the Ludlow amendment has any other objective than to prevent our raising and equipping an army and sending it thousands of miles across the ocean. I insist it is not against adequate national defense. That is why I am for the Ludlow amendment, because it will put in the hands of the people the final decision as to whether or not we shall raise and equip an army and build ships to transport that army across the seas. They are the ones that are going to have to die if we do. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. UMSTEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, we should not enter into a foreign war or send a single soldier out of the country to fight in a conflict waged abroad, neither to uphold any treaty with any foreign nation nor any course of international policy to enforce the cause of peace by our Army or Navy.

THE WAR SPIRIT SPREADING

With the war spirit spreading over the world and the nations in fear and apprehension, entering a foreign war to stop the aggressor, regardless of the fortunes of the conflict, would serve more to engender the spirit of revenge and menace the peace of the future than make for the cause of peace and end war.

PEACE DOES NOT REQUIRE GOING TO WAR

Safeguarding or upholding the cause of peace does not require us to go to war with any nation or send a single soldier out of the country. The exercise of our moral and economic powers, our moral force to censure and condemn war before the world, and our economic power to withhold our commerce and trade to carry on or continue a war more than equals the force of armies and navies.

BUT MUST MAKE COMPLETE DEFENSE

But, while remaining at home in our own land and observing strict and good-faith neutrality, this Nation should make or prepare complete, full, and adequate defense of our shores in aircraft and all military and naval forces and to the limit in every weapon of modern warfare necessary to safeguard us against attack or attempted invasion.

In preparing such defense full, adequate, and complete, we should prepare ourselves as well to repel any attack because of our condemnation of war, or our course in withholding our commerce and trade from use in keeping the fires of war burning.

EVERY MAN SUBJECT TO DUTY FOR DEFENSE

While no man or a soldier should be called to leave our shores to fight abroad, every man should be subject to duty and to be mobilized for the defense of our own country and ready to serve to repel any attack upon our land because of our censure and condemnation of war or to levy and take tribute from us.

AMERICANS SHOULD LEAVE WAR ZONE

This Nation should again give warning to all American citizens to leave the war zone in China and offer to provide safe transportation to carry them home, or to other neutral ports, or to assume their own risk and responsibility. To remain is to continue the hazards of complications and to inflame the public mind of both nations.

THE "PANAY" INCIDENT

Then the Government should guarantee the property rights of all American citizens acquired in China in time of peace or under treaty and pledge that its destruction will be claimed and compensated for in damages against the nation or the nations charged with its security or responsible for its loss.

And there is another care or precaution which must or should be taken at this time, and that is the special precaution against incidents or demonstrations growing out of the conduct of the war and our international relations with the belligerents to influence and excite the public mind.

The *Panay* incident is settled and closed. But the effect of showing the pictures will serve to excite and inflame the public mind, to arouse and intensify the spirit of retaliation, antagonism, and revenge, and which will serve the only purpose of prompting a popular movement for war.

OUR ECONOMIC AND MORAL FORCES

Thus entrenched in the security of our own land with our means of defense made adequate and complete, we should exert both our economic power and moral force to discourage and stop murderous warfare and make a continuance of war impossible, or more difficult, as a duty with which we are charged as a great civilized nation for the cause of humanity.

It is unthinkable and inconceivable that we as a great civilized people should fail to exert the moral force of our place, prestige, and position to mold world public opinion censuring and condemning a resort to war.

OUR TRADE AND COMMERCE USED IN WAR

And it is equally unthinkable and inconceivable that this great civilized Nation, while observing neutrality at home in

our own land, should remain in passive silence and indifference to the wholesale slaughter of human beings and allow our materials and supplies in commerce to be used to continue the slaughter of human beings and prolong a conflict.

It is a damning charge against this Nation that Japan is buying up the gold of Europe to send to manufacturers in the United States in exchange for arms and ammunition, and for weapons and implements of war with which to continue the slaughter of the Chinese people.

No course which this Nation could pursue would serve more to invite attacks upon us, nor to endanger our neutrality and peace than to stand indifferent to the warring world around us, remaining in passive silence and submission to the use of our trade and commerce to wage a war of slaughter and destruction.

The men who are insisting upon the trade policy of America supplying arms and ammunition to keep the fires of war burning in China are holding trade, profit, and gain more sacred than the lives of our people whom they would send to fight a foreign war rather than suffer a loss of profits from this commerce and trade.

MOLD PUBLIC OPINION

Our moral force to mold public opinion and our economic force to withhold our materials, supplies, and equipment from use in the conduct or continuance of war is greater than all the military and naval power, of all the armies, navies, and aircraft we could mobilize in 1,000 years to stop the war by force of arms.

WITHHOLDING OUR TRADE AND COMMERCE

Congress and every American citizen should stand behind the administration to persevere in such international course, exerting our moral force to mold world public opinion in condemnation of the system of war and withholding our trade and commerce from being used as a means to carry on war.

THE WORLD HAS CHANGED

Before the great World War was fought I was opposed to large armies and navies, relying upon the progress of civilization and the obligation of treaties to bring the nations of the world together in accord and mutual agreement for the settlement of international disputes.

But the world conflict between the nations has revived the spirit of force and war, and the world depression which followed has brought the people of the earth to a state of suffering and distress even greater, more widespread and agonizing than the anguish of the trenches and battlefields.

THE RETURN OF DICTATORS

And in their suffering and desperation they are selling their birthright of freedom for a mess of pottage for present relief. The Great War, followed by the world depression, has opened the way for the return of dictators to win power, acclaim, and glory by waging cruel and relentless warfare.

The advent of these two great calamities, the World War and world depression, has thrown civilization back a thousand years, and the way is again left open for usurpers to destroy the institutions of peace and civil life, and we are carried back past the pyramids to live again in a war-ruled world and under the old order of conquest and subjugation.

ONLY ONE COURSE

Facing the world as it is today, there is only one course for the peace-loving nations to pursue and that is to prepare themselves for a full, adequate, and complete defense and wait for the people of the world to again assert and recover back their forms of peace and civil life.

MILLIONS FOR DEFENSE—NOT A CENT FOR FOREIGN WARS

My position today is millions for defense but not a cent for war abroad. There was never a time in the world when conditions were more threatening to the peace-loving countries or nations, nor when they should be more on their guard against intrigue and encroachment.

With dictators rising and forming alliances and delivering ultimatums to the peace nations to recognize their conquest by war, and demanding loans made to them to develop their conquered territories under threat of declaring war or reprisal unless their demands are complied with, it is time for the peace-loving nations to ponder well and consider the future.

When dictators are combining their armies and calling upon the small nations and upon the large peace-loving nations to join with them in their conquests and waiting for a favorable answer under threat of hostile relations, it is no time to rely upon civilization or peace treaties for security and defense of our shores.

THE CALL FOR CHINESE RELIEF

The President and the Red Cross have made an appeal to the American people for a million-dollar donation or contribution for the relief of the starving, destitute in China, following in the wake or path of the Japanese invasion and left in smoking ruins and destruction and littered by the dead, wounded, and dying.

This million-dollar contribution called for is a far too small and meager sum to provide for the relief of the Chinese people left homeless, destitute, and suffering and writhing in the agonies of wounds and disease and in pestilence, famine, and want following in the wake of the Japanese armies of invasion.

This million-dollar contribution called for will be found barely adequate and sufficient to begin the rescue and relief work and the call will go out again and again as the war is continued and the invasion pushed farther inward toward the interior. The awful waste and destruction of human habitation cannot be restored or compensated for by meager contributions.

AMMUNITION MAKERS AND EXPORTERS

The American people who are responsible for the continuance of this cruel war in China are the American people buying Japanese goods and furnishing the money and means to carry on the war and the ammunition makers and exporters who are furnishing the arms and war materials to continue the war in China.

To continue such support by purchasing from Japan or providing the Japanese invading armies with arms, ammunition, and munitions of war for use in murdering the Chinese people makes America and the American people parties pari delecto in the wholesale murder committed under the forms of modern warfare.

THE AMERICANS WHO ARE RESPONSIBLE

The American people who are responsible for the continuance of the war in China should be the people charged and made to pay this million-dollar relief donation fund. And there ought to be some way to levy and apportion this tax upon them, or otherwise impose the burdens on Japanese goods purchased here and upon the ammunition makers and exporters.

If the people of America are prevented under international relations from taking measures, acting officially as a nation, to withdraw such support of Japan in waging war and prolonging and continuing the war in China, then the people of America ought to act unofficially as individual citizens to withdraw such support.

Without our arms, ammunitions, and war supplies furnished and supplied to the Japanese Army, and without the American people buying the goods and products of Japan and furnishing Japan with the means and money, this cruel and destructive war in China, filling China with death, destitution, and destruction, could not have been continued or prolonged until today.

THE WAR REFERENDUM

It may be that such a referendum is not a strategic policy to be resorted to at this time, facing the world relations as they are today.

But history refutes the claim being made that the people would not rise to meet an emergency of defending the Nation. On the contrary, history and experience shows that the aroused and inflamed public mind has often swept congress, parliaments, and rulers to yield to the popular demand of war.

If such a referendum was provided, it would serve to arouse in the people an interest and responsibility for their country as no other issue or problem would arouse, and would call back the town meeting, and would summons the people out to determine policies of Government as our system requires.

THE PEOPLE MUST FIGHT AND PAY

The people have to fight the war. The people must furnish the soldiers. The fathers and mothers must offer their sons upon the altar of their country for sacrifice. The people have to pay the cost of the war, the cost of limb and life and treasure, and they should have a voice in declaring war and assuming the obligations of entering into a world war conflict.

THE PROBLEM OF A POPULATION OF DIFFERENT NATIONALITIES

While such a referendum is democratic, yet by reason of the mingled races and nationalities composing our population, and their natural sympathies with their home and their country, there will always be a lingering doubt of a united nation in case of war or contest with any such foreign homeland nation.

And it may be by reason of these and other causes such referendum would be more appropriate and practical at some other than this critical international time.

Mr. UMSTEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. FITZGERALD].

Mr. PLUMLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I call the attention of the House this morning to conditions at the submarine training school in New London, Conn. I come from the only district in this country which has a submarine training school, and it is a school which serves our entire Navy. During the recess between the first and second sessions of this Congress, I, together with others of my colleagues from Connecticut, Rhode Island, and Massachusetts, paid a visit to the submarine base and inspected it. To put it mildly, I was shocked by the conditions that have to be endured by the cream of our Navy, the men of the submarine service, what they have to put up with in the line of living conditions. The officers and personnel of the submarine base in New London, Conn., are housed in buildings that were built during the War, over 20 years ago, buildings of wooden construction, fire traps in the most insanitary condition. I have here some pictures I was able to get, showing the conditions these men have to live under.

Here is a picture of a portion of their sleeping quarters. You will notice there is no ventilation, not one window in this building. The building itself is from 15 to 18 feet high and houses between 350 and 400 boys.

Here is a picture of their bathing facilities, a wooden structure. I looked into that room, but I am frank to confess that I would be afraid that if I took a bath there I would get hoof-and-mouth disease.

These buildings are of old construction. A great many new buildings have been built at the base, permanent buildings, such as machine shops, new quarters for the officers, new clubrooms for the officers, but nothing for the personnel.

I call the attention of the members of the Naval Affairs Committee to the fact that I have introduced a bill for the construction of new barracks at this submarine base and a new school and I hope it will receive serious attention. If this bill is passed, these men will be housed in the manner in which they should be housed. I am afraid, Mr. Chairman, that if before new quarters are built a fire should break out in the middle of the night that one of the most unnecessary and disgraceful calamities the country has faced would occur, for I cannot see how it could be possible that at least several of these men would not be burned to death before they could escape.

Similar conditions exist in the school where these men are trained, these men who are so necessary to the success of our Navy. The lives of each man on a submarine depends upon the man beside him.

The submarine school is ill-ventilated and ill-lighted. Equipment necessary to keep these boys in good condition is lacking and equipment worth thousands and thousands of dollars is housed in old wooden buildings. I am appealing to you today to correct these conditions.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. SMITH of Connecticut. I may say that I inspected these buildings with the gentleman from Connecticut [Mr. FITZGERALD]. I would like to ask him if he thinks a manufacturer in private industry should be allowed to work his men under the conditions that the men work and live in at the submarine base?

Mr. FITZGERALD. I may say to my colleague from Connecticut that I was deputy commissioner of labor for the State of Connecticut for 6 years. Had I ever gone into a factory and seen men working under such conditions there would have been padlocks put on the doors and the company not allowed to operate.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. HOUSTON. What the gentleman describes as a distressing situation is really palatial surroundings compared with what the noncommissioned officers and men live under down at the marine base at Quantico.

Mr. FITZGERALD. It should be corrected if it is. I am speaking only of the submarine base, of which I have personal knowledge, and Congress should correct this condition at once.

Mr. HOUSTON. At Quantico, noncommissioned officers and men are required to live in old frame buildings built during the World War, the men and their wives and youngsters, three and four families in one little flat. It is a disgrace to the Nation that such a thing is allowed to continue.

Mr. FITZGERALD. I am familiar only with the conditions at New London but I am interested in correcting them wherever they exist in the service. I hope I may count on the gentleman's support of my bill.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. UMSTEAD. Has the gentleman called to the attention of the Navy Department the conditions he now describes?

Mr. FITZGERALD. Only to the attention of the men in charge of the base. They have filed a report with the Navy Department. I believe they are in favor of a replacement of these buildings, but the money must be provided, which I hope will be done at this session of Congress.

Mr. UMSTEAD. I do not believe that the gentleman came before the subcommittee about this matter.

Mr. FITZGERALD. No; because I was told that before an appropriation could be made, inasmuch as this was new construction, we would have to get authorization for it. Then I will appear before your committee, and I hope you will give this request your very serious consideration and allow enough money to build these badly needed buildings.

Mr. MAGNUSON. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Washington.

Mr. MAGNUSON. I may for the benefit of the chairman of the Subcommittee on Appropriations state that he is not to blame. The gentleman has a bill pending before the Naval Affairs Committee, upon which hearings have not been held.

Mr. SCOTT. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from California.

Mr. SCOTT. The gentleman talks about establishments built by the Navy Department to house its personnel. Has the gentleman given any consideration to those men who are not housed by the Government but who are forced to pay from their salaries for rent on their own houses? Has the gentleman ever given consideration further to the fact that they get $21, $25, or $30 a month, and they have to pay $20

out of that for house rent and themselves and their families are expected to get by on the remainder? While we talk about buildings that the Navy itself is building and supplying to its enlisted personnel, let us give a little consideration to the low-paid men who have to subsist with their families on less pay for what they do than relief clients in many States of the Union.

Mr. FITZGERALD. May I say to the gentleman, I visited this submarine base. We are building more submarines. Under the program we are now embarking on, more submarines are going to be built. If we are to go along in that direction, we should provide fair living conditions for everybody in the service. I am fighting for this particular base because it is in my district, and my attention has been called to it. I made an inspection of it, and I want to do everything in my power to represent my district and try to bring about an improvement in the living conditions of the personnel.

Mr. SCOTT. And I am asking the gentleman to extend his interest to other fields of like nature.

Mr. FITZGERALD. If the gentleman will look up my record, I think he will find I am in sympathy with those kind of people who need my assistance.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, far be it from me to differ from so distinguished an authority as the gentleman from California [Mr. IZAC], but I cannot refrain from replying in just a word to the statement he made with reference to the Ludlow resolution.

It reminds me of the story of a gentleman who for the first time was riding on the elevated railway which leads through the stockyards of Chicago. This gentleman was not acquainted with the fact that the odor from the stockyards is justly infamous.

A lady who occupied the seat in front of him and who worked in one of the large offices in the stockyards district had provided herself with a vial of smelling salts to repel the invasion of the coming odor, of which she was fully advised. As the first whiff attacked their nostrils, she opened her vial of smelling salts and held it to her nose. The odor got worse and worse every minute. Finally the farmer could stand it no longer. He reached over and tapped the lady on the shoulder and said, "I beg your pardon. I do not want to interfere with the enjoyment of your pleasure, but if you would just close that thing up till I can get off I would deeply appreciate the kindness." [Laughter.]

It seems to me that these gentlemen who are backing the Ludlow resolution are confusing stockyards with smelling salts. I mean just this, that not once in the whole history of our Government, in the sense of precipitating hostilities, has the Congress ever declared war. Not once has this body ever exercised its constitutional power to declare war in the sense of beginning hostilities. Three times out of the seven that we have been at war no declaration of war has ever been made and in the other four cases—notably in the War of 1812, when hostilities commenced with the naval engagement between the *Chesapeake* and *Leopold* 5 years before Congress declared that a state of war existed—hostilities have always preceded even the declaration recognizing the existing status.

So it seems to me that the Ludlow partisans have "the wrong sow by the ear," when they criticize Congress and seek to limit the power which, in effect, it has never exercised. [Applause.] But this has nothing to do with the pending bill, however. I am going to offer an amendment to the pending bill to reduce the number of congressional appointments to Annapolis from four to three, not, primarily, because that will save money, although, according to the estimates of the gentlemen who testified before the committee as to that matter, it will save, roughly, $100,000 the first year, $200,000 the second, $300,000 the third, $450,000 the fourth, and after 4 years, a half million dollars annually.

Mr. Chairman, I am convinced that any promotion system is wrong which takes in, roughly, 500 new officers a year and kicks out of the service about 250 perfectly fit and worthy officers, no matter how efficient they are. [Applause.]

This is utterly indefensible. It is killing the morale of the officer personnel of the Navy. It casts the shadow of a big question mark upon every officer who is kicked out, no matter how good he may be. It causes all who stay in, to live under a cloud of fear. The system is wrong, cruel. But, aside from these considerations, if we mean business with reference to economy and balancing the Budget, which I fear many of us do not, this ought to appeal to us for it means before many years a saving of a half million dollars a year. [Applause.] Solemnly, I call your attention to the fact that we are ruining, every year, the lives of some 250 efficient officers by forcing the members of the selection boards—who are not to blame for this—to kick them out. And in every one of them we have an investment of from $24,000 to $35,000. The blame is ours, for this cruel and uneconomical system. I beg of you that you adopt the amendment which I shall offer, and thereby begin to cure the evil which taints the system. [Applause.]

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, this naval bill coming as it does now presents a great problem to the United States. We are at the crossroads of a great armament race or we are at the meeting point, you may say, where we will branch out as a moral force in the world to try to work out peace.

If we build these battleships costing $141,000,000, Japan will be forced to buy more iron scrap from the United States to equal the two ships. Anyone who has been in the harbors of our country has seen the lighters loaded with iron scrap during the last 2 or 3 years destined to Japan to be built into battleships by Japan or to be converted into munitions to help Japan go in and rape China.

Yesterday the gentleman from New York [Mr. FISH] spoke about the amendment that was last year offered by the distinguished chairman of the Subcommittee on Appropriations [Mr. UMSTEAD] asking the President to call a naval conference of the leading powers of the world to propose some method by which there may be a retention of the present status quo. Of course, the amendment was defeated, but that does not signify that the idea is not good.

Today we are entering into the role of a pacemaker in the building of armaments when we should be setting an example as a peacemaker. If we were to set out and build armaments we, who control a good share of the iron output of the world, have the engineering ability, the factories, and the means of completing this program, could build more ships than Britain, Japan, Russia, or all the other nations combined.

That is easy to understand. Our automobiles are seen all over the world. Neither France nor England can compete with the production ability of General Motors or of Ford. You see the automobiles of those two concerns all over the earth. If we went on a production basis in battleships as in automobiles, we could turn out battleships faster than anybody in the world. However, as the greatest democracy in the world today, as the stronghold of a peace-loving people, should we take that position or should we take the position that at least if we do not enter on a program of sanctions we go on a program of moral suasion? There are thousands who will disagree and say you cannot go on a program of moral suasion with the military group of Japan; that you cannot follow moral suasion with Hitler, Mussolini, or even Joseph Stalin; or any other power entered in the mad armament race; but that the only way you can talk to those fellows is with an index finger coming out of a mailed fist. If that is the case, then we are faced with a situation that we must do all over again what we did in the World War. The question is, Can the world stand another World War greater and more vicious than the one of 1917? We know what

scars were left on the American people by the Civil War, and we know that the scars of the World War will not be healed either economically or socially in this country for 100 years to come. Can we stand another and greater World War at this time? Logically, by building a greater Navy, a Navy of aggression, which, of course, must include the building of battleships, we are entering into a race whose goal must be war, because, if we build battleships, then the other nations must build battleships, and if they build battleships it creates a vicious circle which can have only one ending.

I should like to see this House at least adopt by amendment an idea for a conference. It might be the last conference, but at least it would be a conference on the question, Can we not act as reasonable human beings? Must we always act as animals of the jungle? Is there only one last resort for us? Must that be the resort of fight or death and, perhaps, a threat to the civilization of the world? I know we are isolated over here in America, that we have our Monroe Doctrine, and that relying on the Monroe Doctrine the nations of South America have not armed as extensively as they might have, had not our policy been established 100 years ago. But we do know this, that when civilization is threatened, if the military caste should win in the holocaust, we would be on a perpetual military basis. I am afraid if we do get into a war, the only upshot and the only end we will achieve will not only be fascism as in Europe, but there will be a type of American fascism. We know one of the heritages of the World War was the passage of many antisedition acts, for the repeal of which the liberals of this country have been fighting in the legislatures and in the courts of the country for the last 20 years. I wonder, if war comes, if when the war ends we will have a democracy in this country, or will we have a limited government, in which your right and my right to worship as we desire, to speak as we desire, and to write as we desire will not be seriously curtailed.

These are some of the implications behind the naval bill this session, having in mind, of course, the administration is expected to send us an additional request for more ships, and, of course, asking for more ships and a greater navy means you must have an auxiliary fleet for the protection of the big battleships which are called for in this bill—two in number. These are the questions in my mind as I vote on this bill. I think they ought to be the questions in the minds of all thinking Americans. Is the United States, today the greatest democracy in the world, going to say to the world, "We are no longer interested in acting as reasonable human beings; we are getting ready for war"? [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I want to discuss briefly that item in the pending bill which contains a provision for enlarging the operation of the Alexandria torpedo station. I had not expected to discuss this subject at all and would not have done so except that the gentleman from Rhode Island [Mr. FORAND] in whose district is situated the torpedo plant at Newport, saw fit to object, in general debate a few days ago, to the reopening and enlargement of the plant at Alexandria.

In reply to his remarks I want to lay before the House the facts as set forth by the Navy Department. I do not claim to know how torpedoes ought to be manufactured or how many we ought to manufacture, and when it comes to a determination of the question of when, how, and in what manner our Navy is to have its necessary ammunition manufactured, I believe this House, like myself, will say that is a question to be determined by the experts of the Navy Department and not by the wishes or desires of any of us Members who may happen to have available factories in our districts, and I say what I am saying in all kindness to my good friend from Rhode Island. I do not blame him for wanting to have all the Government activities in his district that he can get, but I think this House ought to be informed as to what the situation is, and I know you have not all had time to read this voluminous set of hearings.

I want you to know what is the status of torpedo manufacturing for the Navy now. The Navy Department tells you in these hearings that by 1941 we will have 34 new submarines and 89 new destroyers, that if the Newport plant continues to operate as it is operating now on a 24-hour basis, working 3,300 and some men, and the Alexandria plant continues to operate at the rate proposed in this bill, although we will have all of these new vessels by 1941, it will be 1944 before the Navy can properly ammunition these ships.

Now I say to you, as the Navy Department said to your Subcommittee on Appropriations, that the matter of a shortage in the manufacture of torpedoes is serious, and it is a question that must necessarily be left to the Navy Department to determine. I suspect you naval experts in the House know that on these submarines and destroyers the primary armament is the torpedo. They must have them. If you do not give them enough torpedoes there is not any sense in building the submarines and destroyers. It is just like giving you a shotgun and saying you cannot have any shells for 10 years because we cannot manufacture them fast enough.

All of the torpedoes now being manufactured are being manufactured at one plant at Newport, and as I told you, and as the Navy Department has told you, although they are working 24 hours a day with 3,300 and some men, they are falling behind in the manufacture of torpedoes every day, and with Alexandria operating with the force proposed it will be 1944 before they can possibly catch up.

My good friend referred to the Alexandria torpedo plant as the reopening of an old plant. The fact is, the Alexandria torpedo station was built during the World War at an expense of $3,000,000. It was a new, complete, adequate, and modern plant. The Newport plant has been operating since 4 years after the Civil War. We would think that was probably a right old plant, but the Alexandria plant is a brand new factory erected by this Government at a cost of $3,000,000, and the Navy needs it today and is asking for an appropriation to reopen it to meet this urgent need for ammunition, and there should not be any objection.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. If the gentleman will let me proceed a minute and finish what I have to say, I will be pleased to yield.

Notwithstanding this request of the Navy Department, if it is granted as the Navy Department wants you to grant it and as the subcommittee of the Committee on Appropriations wants you to grant it, it will be 1940 before the Alexandria plant could even begin delivery of torpedoes. If you do not open the Alexandria plant here is what happens: There is no authorization of law for any appropriation to open any other plant. There is no authorization of law to enlarge the Newport plant, and therefore you would have to get legislation, and the Navy Department tells you that you would delay the production of necessary torpedoes to ammunition the ships you are now building for a further period of at least 1½ years. So if you open the Alexandria plant you are necessarily going to be 2 or 3 years behind in ammunitioning these ships you are now building. If you do not open the Alexandria plant and undertake to get legislation to open a new plant, it is going to take you about 5 years after these ships are completed before you can get any ammunition on them to make them useful.

I now yield to my friend the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Is it not true that although the Government spent $50,000,000 on the Alexandria plant, previously, they never produced a single perfect torpedo, and is it not also true——

Mr. SMITH of Virginia. Let me answer one question at a time.

At Alexandria they spent $3,000,000, not $50,000,000, and they produced as many torpedoes as they needed, so far as I know. They first started out as an assembly plant——

Mr. MARTIN of Massachusetts. Did they ever manufacture a torpedo that was able to be discharged?

Mr. SMITH of Virginia. Yes; they started to make an assembly plant at Alexandria and they found that would not work. They, therefore, began the manufacture of torpedoes at Alexandria and the Armistice came along and they did not need any new torpedoes, so they closed up the brand-new plant and went back to Newport.

As to any question about the ability to manufacture at Alexandria or the facilities to manufacture at Alexandria, the Navy Department tells you in these hearings it is the best and the only available place where they can manufacture torpedoes.

I now yield further.

Mr. MARTIN of Massachusetts. Does the gentleman think that Secretary Swanson, who has made the report, is a disinterested party?

Mr. SMITH of Virginia. I am going to ask for an opportunity to answer that question. I do not think that is a fair question. There is nothing in these hearings that shows that Secretary Swanson has ever opened his mouth on the subject. Secretary Swanson served with distinction for years in this body and served in the Senate as chairman of the Committee on Naval Affairs. No man can say that he ever undertook to favor Virginia or any section over any other section in locating necessary naval facilities.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. SMITH of Virginia. Further, as long as the question of the Secretary has been brought up—and I am one of his warm personal friends—I am glad to say, having known him for 25 years, I wish to take this opportunity to state that I have never spoken to him on the subject of opening the Alexandria torpedo station and he has not said a word to me about it, because the question is one that ought to be decided by the Chief of the Bureau of Ordnance. And if he has ever personally taken any action in respect to it, I am unaware of it.

Mr. MARTIN of Massachusetts. The gentleman knows that while he was a member of another body, to which we cannot refer, he introduced a bill to do this.

Mr. SMITH of Virginia. I do not know whether he did; if he did, he was doing right and should be commended.

Mr. MARTIN of Massachusetts. The records will show that.

Mr. SMITH of Virginia. But certainly it does not appear that he had anything to do personally with the recommendation of the Bureau of Ordnance to reopen the Alexandria plant at this time in order to meet the urgent need for torpedoes.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. UMSTEAD. Mr. Chairman, I yield the remaining time to the gentleman from Oklahoma [Mr. MASSINGALE].

Mr. MASSINGALE. Mr. Chairman, I have no knowledge of what is necessary to constitute an adequate national defense, and I have not any knowledge whatever as to what authority or board or commission or anybody else recommended the passage of the bill that is now under consideration. What I want is information. I want to further preface what I am about to say with the statement that I supported the Ludlow resolution. I never have heretofore voted for either an Army or a Navy appropriation bill, but the conditions in the world now are such that I feel somewhat impelled to change my views, and I want some information before I do. I ask the chairman of the Committee on Naval Affairs if he can tell me first by whom and by what authority was this bill written, which stated that a national defense equipment requires the building of these ships that are scheduled in this bill?

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. Yes.

Mr. VINSON of Georgia. The authority for all this appropriation with reference to the building program results from the Washington and London Treaties and the law which was enacted by the Congress in 1934.

Mr. MASSINGALE. Let me interrupt the gentleman to say that I care nothing about the Treaty of London or the Treaty of Washington. What I want is a categorical answer to my question.

Mr. VINSON of Georgia. The Congress of the United States authorized everything the bill provides for. We wrote the policy after debating the question on the floor of the House in 1934.

Mr. MASSINGALE. Does the gentleman say or is he prepared to say what board or what commission or what naval authority recommends to us the building of two $70,000,000 battleships, and these other ships contained in the bill?

Mr. VINSON of Georgia. Yes. The law of 1934 provides and the treaty provides that when ships become overage, it is the duty of the Congress to authorize their replacement. The President of the United States in approving the Budget has recommended to Congress the laying down of two ships called for in this bill, to take the place of overage, 26-year-old ships.

Mr. MASSINGALE. Very well. Did any naval board of strategy or board of any other kind recommend these ships?

Mr. VINSON of Georgia. The law of 1934 passed on the recommendation of the naval experts and this Democratic administration.

Mr. MASSINGALE. I ask the gentleman specifically if in 1937 or in 1938 any naval board or authority connected with the United States Navy recommended the building of these ships.

Mr. VINSON of Georgia. As I stated a moment ago, Congress writes the policy. The Navy Department suggests it, and after suggesting the policy, Congress debated it, and determined the policy prescribed in the act of 1934 under which this building program is authorized, and that is the result of inquiry by both Congress and naval authorities and everybody who debated the question.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. All time has expired for general debate. The Clerk will read the bill for amendment.

The Clerk read as follows:

NAVAL RESERVE

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia, including the designing, purchasing, and engraving of trophies; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, with or without pay, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty, with or without pay; subsistence of officers of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, subsistence, and transportation with subsistence and transfers en route, or cash in lieu thereof, of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay and allowances, including travel and other allowances as authorized by law (excluding clothing and small-stores issues and uniform gratuities), of aviation cadets of the Naval Reserve when ordered to active duty, including active duty undergoing training; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of not to exceed 48 drills per annum or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training, unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, $8,790,320, and, in addition, $371,000 of the appropriation "Organizing the Naval Reserve, 1938," such amount of such appropriation being hereby reappropriated, and of the total of such amounts not more than $150,000 shall be available for maintenance and rental of armories, including pay of necessary janitors and for wharfage; not more than $81,000 shall

be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department; not less than $3,063,032 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $397,914 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve, and of such total sum $6,455,265 shall be available exclusively for and on account of Naval and Marine Corps Reserve aviation: *Provided*, That, except in time of war or during the existence of a national emergency declared by the President, no appropriation contained in this act shall be available to pay more than 20 officers of the Naval Reserve and 1 officer of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, the pay and allowances of their grade for the performance of active duty other than the performance of drills or other equivalent instruction or duty, or appropriate duties and the performance of 15 days' active training duty, and other officers above such grades employed on such class of active duty (not to exceed 4 months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding 10 years' longevity pay: *Provided further*, That no appropriation made in this act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the Naval or Marine Corps Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States; and "retired pay" as here used shall not include the pay of transferred members of such reserve forces.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question.

It is my recollection that the number of personnel ashore provided for in this bill shows a very considerable increase over the number provided for covering the previous year. It is my recollection that it runs somewhere around 25,000 out of probably 100,000 total. Is that substantially correct?

Mr. UMSTEAD. Over what number of years?

Mr. TABER. Over the last couple of years. It is my recollection that the figures show a marked increase in the number of enlisted personnel ashore as compared with previous years.

Mr. UMSTEAD. If the gentleman will refer to page 110 of the hearings he will notice that the enlisted men ashore on September 30, 1937, numbered 23,910; in 1938, 25,177; and the estimate for 1939 is 25,744.

Mr. TABER. It is my recollection also that the number has gone up 7,000 or 8,000 as compared with the number 3 or 4 years ago. It seems to me that the enlisted personnel ashore has been going up at a more rapid rate than the increase in the personnel afloat would seem to justify. I am wondering what the gentleman's thought about that is?

Mr. UMSTEAD. I do not have the figures instantly before me for years prior to 1937 for the enlisted men ashore. The gentleman will find, however, on page 109 of the hearings, the number of enlisted men afloat for the same years for which I gave him the number ashore. I may also say that it is my information that the number of enlisted men ashore has for a number of years been in excess of 20,000.

Mr. TABER. I notice the item for cost of provisions, rations, has been carrying a rather marked increase. I am wondering if the committee takes into consideration in connection with figuring those things out the reduction that has been taking place in wholesale prices the last 2 or 3 months and the fact that probably all through the next fiscal year we shall have lower prices than we had, say, the 1st of July, when some of the contracts for such things were made?

Mr. UMSTEAD. I may say in reply to the gentleman from New York that the ration for the current fiscal year is figured upon the basis of 47 cents. When the subcommittee passed upon this matter for the fiscal year 1939, we found that the latest available cost figures justified a ration cost of 49 cents. I may say to the gentleman, of course, we know that the price trend now is downward. At the same time, however, the committee could not very well guess at what the ration cost would be. The best we could do was to use the last figure which the Navy Department had covering the last quarter for which they could give us an actual figure. If the ration should cost less, there will, of course, be a saving.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am frank to say that I do not know where in this bill there is any provision for sending our marines to China; and perhaps I could be advised by the Chairman so that I would be strictly in order when I speak on that proposition. Is there any place in the bill where provision is made for a sum of money for sending 2,500 marines to Shanghai?

Mr. UMSTEAD. I will answer the gentleman's question this way: All of the money which the United States Marine Corps will be able to spend during the fiscal year 1939 is carried in this bill, for whatever purpose it may be expended. The item of transportation, I suppose, is the one to which the gentleman's question most probably would be directed.

Mr. FISH. That is correct.

Mr. UMSTEAD. The use of the transportation fund, of course, is an administrative matter, subject to law and regulation, and, beyond the amount of the appropriation, would not be controlled by this bill.

Mr. FISH. Is a lump sum provided for the Marine Corps, with which they may do as they wish?

Mr. UMSTEAD. No; I should not say that. We provide specifically for the various activities of the Marine Corps, but it is true interchange authority exists. The estimate submitted for transportation, Marine Corps, the gentleman will find as a separate item in the appropriation bill, in the hearings, and in the committee report.

Mr. FISH. Is there anything in this appropriation bill to provide for the transportation of 2,500 marines to Shanghai?

Mr. UMSTEAD. The answer to that is "no"; there is nothing in the bill that would provide any particular place or any particular expedition involving the transportation of marines. There is an item in this bill that covers the transportation cost of the Marine Corps, estimated for the year 1939.

Mr. FISH. There is, evidently, no particular section that covers that particular item.

While I am not opposed to sending 2,500 marines to Shanghai, I am opposed to keeping them there indefinitely. Why should we keep 2,500—that is a large number of United States marines in Shanghai indefinitely?

What I am trying to find out is: What is our policy? How long are those marines to remain in China?

When it comes to the Army bill I shall want to know where we appropriate to keep 800 men of the Fifteenth Infantry in Tientsin. I am absolutely opposed to keeping any infantry, any soldiers of the Regular Army in a foreign country. There is some excuse for sending marines on some specific or emergency duty but there is no common sense in keeping them in foreign countries indefinitely year after year except at our legation in Peking and a small force at Shanghai. I would like to have some opportunity to discuss the proposition of bringing back our soldiers from Tientsin. The Fifteenth Infantry has been there for 30 years, since the Boxer Rebellion for no purpose whatever that I can find. I believe the Army staff wants them back. I do not believe it is in accord with their strategy to have an infantry regiment of our Army stationed indefinitely in a foreign country.

When it comes to providing for the maintenance of our marines in Shanghai there is evidently nothing specific in this bill. Why can we not bring back at least half of those marines? I see no reason to have a large number of marines in a city like Shanghai at the present time. They are a menace to our peaceful relations as some unavoidable brawl may involve us in serious difficulties. We, perhaps, have not got 2,500 American citizens in Shanghai, yet we maintain a marine force of that many there. I am sorry that there is not some item we could strike out in order to bring about a full and free consideration of this question.

[Here the gavel fell.]

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LUCKEY of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Chairman, I quote from the Chicago Tribune Press Service the following:

LONDON, January 6.—Under the heading "Can We Rope in America?" G. K.'s Weekly—a magazine founded by the late Gilbert K. Chesterton, noted British writer—declared in an article today that the British have half won the struggle to get the United States into a war against Japan in the Far East.

Getting the United States lined up to fight for British interests in the Orient is the most immediate practical question in English politics today, the article said.

The article asserted that the Japanese want the revenue England has enjoyed from the Orient and are in a fair way to get it. The only way for England to stop the Japanese is to fight them, it continued, adding that England is not strong enough to wage the war single-handed.

The article then said:

"The French, though they have similar interests in the Far East, are not to be relied upon. The hopes we had of Russian interference have failed. There remains the United States.

"It is commonly said up and down Europe that we can make the United States do what we like.

"We got the United States into the Great War on our side, and, what was more extraordinary, we managed in the debt business to make France the villain of the piece. We have got them (the United States) to feel with us against modern Italy, and we have got them to talk of ourselves as a 'democracy'—which is prodigious."

After this admission the article continued: "Can we rope them in to fight or threaten the Japanese?" It is a question of most poignant interest, and it is a question that will be answered in a comparatively short time in one way or another.

"The advantages we have in working American opinion and policy are very great, and they have been used in the past with so much success that those who think we shall win the trick have much to say for themselves.

"We are the only people of the Old World who still use the same printed word and largely the same spoken word as the Americans.

"Vastly different as we are from the Americans, we have in common with them moral ideas proceeding from the men who dominated the English in the seventeenth century. We know what will move American indignation and enthusiasm even when it does not move our own.

"American opinion is inflammable and just as we got up the cry 'To hell with the Hohenzollerns and Hapsburgs,' so we might get up a slogan for the Pacific.

"We are about halfway to our goal. Shall we be able to reach it? As things now stand, our chances are—to put it in American—about 50-50."

The Clerk read as follows:

BUREAU OF ORDNANCE

ORDNANCE AND ORDNANCE STORES, BUREAU OF ORDNANCE

For procuring, producing, preserving, and handling ordnance material for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed $15,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding $20 per diem for any person so employed; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Md.; Dahlgren, Va.; and South Charleston, W. Va., $26,849,600: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,380,000.

Mr. FORAND. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FORAND: Page 23, line 15, after the first comma, strike out "$26,849,600" and insert in lieu thereof "$25,572,600."

Mr. FORAND. Mr. Chairman, the amendment I have just offered strikes from the item appropriated for the Bureau of Ordnance the sum of $1,277,000, the amount requested for the opening of the torpedo station at Alexandria, Va.

Mr. Chairman, I offer this amendment because I am convinced now more than ever that this is the entering wedge to siphoning away from the torpedo station at Newport the activities we have there.

Mr. WOODRUM. Will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Virginia.

Mr. WOODRUM. The gentleman has just made a very broad, comprehensive statement when he says he is convinced that the appropriation of a small amount of money to open a plant that is already built at Alexandria, Va., is the entering wedge to doing away with the torpedo station in Rhode Island. The gentleman heard the chairman of the Subcommittee on Appropriations when he stated before the full Committee on Appropriations and on the floor of this House that this had absolutely no significance toward the torpedo station in Rhode Island; that the Navy Department did not mean to do anything of the sort, and the committee specifically took affirmative action to disabuse any such intention by appropriating further funds for reconditioning the torpedo plant in Rhode Island.

Mr. FORAND. I cannot yield further. I will answer the gentleman. That promise has been made and I believe the committee is sincere, but the hearings show differently when Admiral Furlong was pinned down by a question asked by Mr. DITTER. I quote the following:

Mr. DITTER. Admiral, is your request for the reopening of this plant predicated entirely on the matter of expedition?

Admiral Furlong replied:

No; not entirely. But, of course, that is a great thing now; it is principally on expedition and cost but also on the fact that it is unwise to have all of the manufacturing of our torpedoes at one place.

In another part of the hearings we are told by Admiral Furlong that as soon as we return to normal, Alexandria will proceed to manufacture torpedoes with 600 men, which is an increase over the present status of 600 percent. He also tells us in the very same statement that Newport will be cut to 1,000 men on 1 shift a day, a net loss of 70 percent for Newport.

Mr. Chairman, I am sincere when I say this is an entrance wedge because, as I said the other day, if the Navy Department had not intended to eventually take away those activities from Newport, it would have started in 1934 to replace the machinery there and try to keep the plant in up-to-date condition.

The gentleman from Virginia [Mr. SMITH] stated a few minutes ago that I referred to Alexandria as an old station when I spoke the other day. I did, and when I made that reference to old station I had reference to a station that had been inoperative since 1923. I believe in the item set forth now the sum of $200,000 is included to put the building in condition. I hope I am wrong in that assumption, and I stand ready to be corrected.

Mr. Chairman, I hope the members of the committee will be fair and realize that the station at Newport at the present time employs 3,375 men. It is the lifeblood of Newport County. It is the only activity we have there to take care of our people. If eventually we are going to close down the torpedo station there, let us admit it now.

Mr. UMSTEAD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Rhode Island [Mr. FORAND].

Mr. Chairman, I undertook day before yesterday, when I presented this bill, to discuss as clearly as I could the matter of the torpedo station at Alexandria.

Let us get this issue down to exactly what is involved. First of all, this is not a sectional matter.

The first question before us is, Does the Navy need torpedoes? The officials of the Department say it does, and they say the present situation is such as to demand additional torpedo facilities. If this be admitted, and there is no one who denies the statement, then the second question is, How quickly do they need them? No one can answer that question, but your committee is told that in order to equip the ships and planes now coming into the fleet they are in need of them at once—just as soon as they can be manufactured. Where and how can they be gotten in the shortest time and for the cheapest cost? We are told by the Department, Alexandria. Why? Because a building is there which was built for the purpose of manufacturing torpedoes, and it is the only unused existing torpedo plant in the United States.

I have here a letter dated December 29 from Admiral Furlong, in which he states they have examined all possible locations in the United States as far as existing facilities are concerned, and that there is nowhere else under the control of the Navy a building already constructed in which torpedoes can be made. The testimony is that the building and the equipment now at Alexandria have a replacement value in excess of $2,000,000, and that that plant can be set up and put into operation and turn out torpedoes sooner than at any other location.

Are you interested in this question from the standpoint of national defense or are you interested in it from the standpoint of building a torpedo station in some congressional district in the United States?

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Will the gentleman advise the Committee whether or not the use of the Alexandria site will curtail the production of torpedoes at Newport within the next few years?

Mr. UMSTEAD. I thank the gentleman for asking the question. The testimony before our subcommittee was that Newport, running 24 hours a day with all of its facilities, would be totally unable to supply the demands of the Navy Department, and that the combined production of Alexandria and Newport, running Newport at full strength, just as it is now running, and Alexandria at maximum production on an 8-hour day, would not be sufficient to furnish the required number of torpedoes to equip the present vessels and aircraft of the Navy until after 1944. After that time, on the basis of the ships and airplanes that have come and will come into service under the present program, there would be a curtailment in the production of torpedoes, unless the building program about which you have heard so much, but which has no connection with this bill, is brought in and enacted, resulting in bringing into the fleet and the Air Corps additional ships.

I shall answer the gentleman further by saying that as far as I know, no member of the subcommittee wishes it to appear that the Navy Department was going to be permitted to dismantle the Newport station. On the contrary, there is not one word of evidence in this record to justify that assumption. The subcommittee, in order to make clear to the interested parties in Newport, to New England, to the Navy Department, to the Congress, and to everybody, that we did not wish anything to happen to the Newport station, because it is efficient and can put out torpedoes of first-class quality, placed in this bill, in addition to an item of $100,000 in the Budget for small tools, a provision enabling the Navy Department to use an additional $200,000 for the replacement of machinery and machine tools at that station.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEALEY. Can the gentleman tell us whether any curtailment of employment is contemplated in the next few years at the Newport torpedo plant?

Mr. UMSTEAD. I shall answer the gentleman directly by saying that if the evidence before us may be relied upon, if the Alexandria station is reopened, and if 1,000 men are put to work there, as it is contemplated they will be, no reduction in the number of torpedoes produced at Newport could take place before 1944.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. I am interested in the gentleman's statement and would like to have this additional information. Why have two of these stations on the Atlantic coast and none on the Pacific coast?

Mr. UMSTEAD. I answer the gentleman as I did in the beginning. In my judgment, Mr. Chairman, if this torpedo station is not opened at Alexandria, an additional establishment will be built on the west coast. In my judgment, if the Navy Department has to call upon Congress to put up $2,000,000 to duplicate something it already has, the station will go to the west coast and not to the east coast. However, the answer to the gentleman's question is that the Government has at Alexandria a torpedo station already built; it needs torpedoes, and it needs them now. If the Government has to go to some other place to erect a building, it would delay the procurement of torpedoes from 18 months to 2 years beyond the delay which would come from reopening the Alexandria plant.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from California.

Mr. SCOTT. Naturally, coming from the west coast, I am interested in the remarks the gentleman has just made, not only from the standpoint of speed in getting the torpedoes but likewise the cost of building the new plant as against the cost of reconditioning the Alexandria plant.

Mr. UMSTEAD. You start off with an additional cost of $2,000,000, but on top of that are to be added such things as a power plant, now available at Alexandria, and certain supervisory work, which would be available at Alexandria without duplication, but would not be if the station were built at some other place in the United States.

Mr. Chairman, there is no statute authorizing the building of a torpedo station anywhere else. If this Congress today votes down the proposal to build a torpedo station at Alexandria, it would mean that there would be no authority by which we could appropriate money until legislation has been passed. I urge the Committee to stand by what your Committee on Appropriations has done in this matter. We have tried to be fair about it.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. UMSTEAD. We have undertaken to recommend to you what I propose to keep trying to recommend to you, the cheapest and the best way to do what we are called upon to provide for.

Now, what will you do when you vote contrary to our recommendation? You say to the Navy Department, "You have got to waste $2,000,000 to duplicate an already existing torpedo station." What else? "No matter how bad you need torpedoes, we will not help you get them until you decide to build a torpedo station where some two or three or half a dozen Members of the Congress think it ought to be built."

I submit on this question the Navy Department ought to be followed.

[Here the gavel fell.]

Mr. THOM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Navy Department is now the owner of two white elephants that I know of. We have at Charleston, W. Va., an investment of about $25,000,000 in an armorplate plant that is not now in use. It is used, in part, for storage purposes. This is an investment that is making no return to the country whatever. We have at Sunnyvale, Calif., a $5,000,000 airdrome that we established several years ago to house lighter-than-air craft. It is no longer being used for that purpose, but has been turned over to the Army. I doubt whether the Army can make any efficient use of it.

We are now faced with the proposal of turning our faces against the fact that we have a building down here in Alexandria located on two and a half acres of land that cost us $128,000 back in 1919, on which there is a great cement building, so large that it spans two blocks and has a connecting passageway over the street that intervenes between the two buildings, all set up and ready to receive the necessary machinery for the manufacture of torpedoes; and go elsewhere and put up new buildings for the same purpose. This does not seem good business to me.

I am sympathetic with the purposes of the gentleman from Rhode Island in protecting the torpedo plant in that State. That is his business and he ought to be diligent.

The gentleman quotes Admiral Furlong as predicting what we are going to do in the future in the manufacture of torpedoes. Admiral Furlong has a tour of duty in the Navy Department and will probably be there 3 years. When the question of our future policy arises, in all probability, he will be gone, and that future policy will be determined by this committee and this House. When there is an effort to discriminate against Newport, this House can act, and act pretty quickly. It is fair to assume that naval strategy would require a torpedo plant on the Atlantic coast, and therefore I do not think the fears expressed about crippling or handicapping Newport are valid.

In conclusion, are we going to abandon this tremendous investment in Alexandria, ready to produce torpedoes, and go elsewhere and duplicate this building at a cost of several million dollars? You can go down to the river's edge at Alexandria and see this torpedo plant, and I believe you will agree that it would be a piece of folly for us to duplicate this building elsewhere. If we attempt to increase production at Newport, it is admitted there are not sufficient buildings there to increase the output, and it would mean the construction of new buildings.

I submit it is pretty sound policy to have two sources of supply. You may not operate both plants at the same time, but you can have one of them in reserve in the event of an emergency.

Therefore, I hope the Committee will stand by the subcommittee in what I believe is an entirely wise decision.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I rise in support of the amendment of the gentleman from Rhode Island [Mr. FORAND].

The members of the Appropriations Committee might be persuasive, if it were not for the fact there is a history back of this proposal. This is not the first time this subject has come up. Alexandria once before had a factory which cost the Government a number of millions of dollars. The history is they never turned out a finished torpedo that could be put to use; it all being part of the wartime extravagance.

The gentlemen on the Appropriations Committee make much of the argument they have a large building which has been idle for a great many years. I submit this ought not to be the determining factor in deciding where to secure the additional facilities if more are needed. The facilities should be located where they will be most economically and most efficiently conducted, and I do not believe that is in Alexandria. Newport could easily be expanded. The cost would be less, there would be less needed for administrative personnel, and the torpedoes could be secured more easily.

First we might well ask, Why the haste? The gentleman talks about this unprecedented demand for torpedoes that is going to continue for at least 6 years. How does the gentleman know it is going to continue for all those years? Why do we need them immediately? Are we facing a war? If so, let the gentleman come out and say so. The House is entitled to any information of that sort. I do not believe we should be hurried into a hasty spending of several millions of dollars to reopen a factory once closed.

What do we find about Alexandria? Alexandria has not been able yet to satisfy some House committee members it has the water supply necessary to conduct a project of this sort. The vote to establish the Alexandria plant was only by a 4 to 3 vote of the committee which studied the question. At Alexandria they are obliged to carry torpedoes 60 miles for tests. Do you think this is good business with Newport on the edge of a great sheet of water? A private enterprise would abandon any factory any time if the manager thought he could operate more efficiently and economically somewhere else. The building value would be of minor importance. Look at Newport, R. I. It is in the middle of a great source of skilled labor; labor with years of employment on metal products. You must bring your labor to Alexandria. Any private concern would give great thought to this difference. At present there is a vast unemployment problem in Rhode Island and southern Massachusetts. It would appear good judgment to give these people jobs instead of relief money. The people of Rhode Island and New England are being lulled to sleep with the promises Newport will not be hurt. Eventually the station will be seriously crippled; it will be reduced to 1,000 employees, if not wiped out. The handwriting is plainly on the wall. Other sections of the country have just as good a claim upon Government activities as Virginia or Washington. There is altogether too much concentration here now. If the Government must be depended upon to provide the greater part of the work for the people in this country it is certainly good judgment to distribute the activities. At Newport, if they need to, they can build an addition. You have the trained personnel there now. I repeat, you would not require so much personnel and administration force as in Alexandria. We have been very good to Virginia. The major share of the naval recruits are trained at Norfolk; the bulk of the airship repairing is at Norfolk; and then you have shipbuilding plants at Norfolk and Newport News.

Surely Virginia is not suffering under the administration of its native son, Secretary Swanson. I believe the Navy officials have shown either their inefficiency in not keeping Newport more modernly equipped or else they have deliberately permitted it to run down so that the establishment of a new plant might have some effect. There is a lot of talk about assurances that up to 1944 there will be no curtailment. Who is there in this House or in this administration who can make any promise like that? How does anyone know what the year ahead will unfold.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes.

Mr. UMSTEAD. It is not a question of promises. It is a question of knowing how long it will take to furnish the required complement of torpedoes for the submarines, destroyers, and aircraft coming into the Naval Establishment. It is a pure matter of arithmetic. If you take the output of the two stations and the number of requirements you have as to when they can be built, it is not a question of promise; it is a question of fact.

Mr. MARTIN of Massachusetts. And I say in reply to the gentleman these facts of his may all disappear in the next few years. The people of this country are groaning under tremendous taxes now, and no man knows whether we will ever be able to keep up this promised program.

Mr. UMSTEAD. Of course, if that is so, there will be no torpedo stations anywhere.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SCOTT. Mr. Chairman, I happen to represent the Eighteenth Congressional District of California. The principal town is the city of Long Beach. Right next door is the

town of Wilmington and also the town of San Pedro. It is known as the San Pedro-Long Beach area, and that is where the principal part of the United States Fleet is right now. I represent a naval district. Every time a campaign comes along I have an opponent on the Democratic ticket or on the Republican ticket who goes before the electorate and says that the Navy is going to build this, that, or the other thing in some place other than in my district, and they begin to criticize me because I have not stood on the floor and urged that that activity be placed in my district. My opponent last year made reference to a naval supply depot that the Navy Department wants located some place in San Francisco Harbor. He got up and said:

> Had I been there in this fellow's place, I would have seen to it that the naval supply depot was located in Long Beach.

In the first place, Mr. Chairman, he could not have done it; and, in the second place, I am getting to the point where I am sick and tired of using the United States Navy as a method of bringing activity into any State or any congressional district. That is not what the United States Navy exists for. It does not exist to bring employment or to bring business activity or to bring men into congressional districts or into a State. It seems to me that in approaching these problems of naval activities we should determine, first, what is the need as far as the Navy is concerned and what is the practical thing to do about it. Take this subject of a torpedo station, a torpedo factory.

We have a site in the city of Long Beach where you could build a torpedo factory and we would like to put 1,000 men to work in that factory. We would like to have the four or five million dollars necessary to build that factory spent in the locality of Long Beach. We would like to continue that activity there for some time, but that would mean a cost four or five times as much as it does for this particular place. I do not believe that it is in the interest of economy, that it is in the interest of national defense, adequate or otherwise, for me to come in here and insist that in place of giving this to Virginia we ought to give it to Long Beach, and when people come here and ask and argue in favor of putting it in this locality because Virginia does not have very much, or in this other locality because they need this particular activity out there and would like to have it, I think we get clear away from the reason for the existence of the United States Navy.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. MARTIN of Massachusetts. I wonder if the gentleman can answer the question that has disturbed a good many of us for a number of days when we see these great demands for appropriations. What is all this haste about, anyway? Why could we not wait and investigate and see whether Alexandria has a water supply sufficient to have this factory? Why are we obliged to hurry through all of this great naval appropriation? What is the answer?

Mr. SCOTT. In the first place, as a partial answer, investigations have been made.

They have tested torpedoes at Piney Point, which is right at the mouth of the Potomac River where it empties into Chesapeake Bay. They know they can test torpedoes out there; so there is no rushing ahead without investigation.

Now, why the need for a new torpedo station at this time? Because the United States Fleet right now with present equipment and its present size does not have enough torpedoes to supply the ships.

[Here the gavel fell.]

Mr. BERNARD. Mr. Chairman I move to strike out the last three words.

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. BERNARD. Mr. Chairman, I leave to others, better informed on these matters than myself, the technical questions of battleships and airplanes, of offensive and defensive weapons. I want to speak of the broader question of peace and of the circumstances which have made it necessary for us, a people whose hearts are set on peace, to consider the problems of preparing for war.

What has forced on us the necessity of contemplating the largest naval appropriation ever proposed in peacetime? Part of the responsibility can be laid to other nations. Part—a heavy part—of the responsibility belongs to those Fascist powers which, in the President's words, lead the trend away "from the observance of both of the letter and the spirit of treaties." As the President, in his recent message to us, so truly said:

> Disregard for treaty obligations seems to have followed the surface trend away from the democratic representative forms of government.

But the democracies of the world cannot escape their share of responsibility for world tension and world war madness. Our democracy has failed in the years since the World War to fulfill its duty as leader in the world struggle for peace.

Those who have led our Nation to this ignoble and dangerous position told us geography had blessed us with a safety island, safe from attack. Two oceans insure us from war they say. And then they add—two oceans plus a big army and a big navy. But oceans and navies and armies are no insurance. And the isolationists know it. Even Mr. Herbert Hoover knows it. Because it is they who demand ever bigger navies, ever more battleships, ever more money for armaments. If we are really outside the world, really safe in our little dugout, why do we need navies?

But we are not safe. And no navies and no armies can keep us safe, can keep us at peace. The only way to peace and safety for America lies through the preservation of peace and order in all the world. If the world is to turn its steps along that way, the United States must be bold in leadership, strong not in arms but in moral force. The President's historic speech at Chicago offered us a foreign policy assuring the active search for peace. If we had followed that policy for the last 10 years we should not now need to consider a big naval bill. If we will follow it from now on, the need for rearming will diminish.

I wish to call attention also to another question raised by the President when he said that peace is safest in the hands of the democracies. If world conditions now force us to contemplate a big navy, let us make sure that our military machine is a democratic one, devoted to the defense of democracy and paid for in accordance with democratic principles.

Who is to control our Army and our Navy? Before we vote money for defense let us clean the house of our armed forces. We do not want any traitor generals in control. We do not want any admirals with dictator ambitions and Fascist sympathies. If we must have an army and a navy, let us have a people's army and navy, whose leadership has been scrutinized and approved by the democratic and peace-loving people of our country.

Who is to pay for our Army and our Navy? Who is to pay for these big appropriations? Shall the people pay? No. Let us put the buden of armament on the rich, on those who look for huge profits from the next war to exceed even their profits from the last war.

Unless and until our armament appropriations are combined with concerted action by all the democratic countries for peace, with guarantees that democracy is upheld by admirals and generals, with taxation that puts the burden of armament on those best able to pay—unless and until these problems are squarely met in a democratic way—I can only abstain from voting on armament appropriation bills. It is my intention to vote always and consistently for peace.

But through armaments alone peace can never be achieved. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 25, noes 53.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS

PAY, SUBSISTANCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, pay—$35,461,649, including not to exceed $1,720,318 for increased pay for making aerial flights, no part of which shall be available for increased pay for making aerial flights by any officer above the rank of captain, except not more than two officers of the rank of rear admiral, nor by nonflying officers or observers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers or observers; rental allowance, $7,433,907; subsistence allowance, $4,476,922; in all, $47,372,478; officers on the retired list, $9,414,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $6,525; pay of enlisted men on the retired list, $8,599,950; interests on deposits by men, $3,000; pay of petty officers (not to exceed an average of 8,623 chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of 7,532), seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Bureau of Fisheries, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men for diving, and cash prizes (not to exceed $107,785) for men for excellence in gunnery, target practice, communication, and engineering competitions, $92,927,315; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water- or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $1,939,355; pay of enlisted men undergoing sentence of court martial, $35,445, and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, $560,020; rental allowance, $24,000; subsistence allowance, $23,871; pay, retired list, $271,976; in all, $879,867; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, $15,507,347; reimbursement for losses of property as provided in the act approved October 6, 1917 (34 U. S. C. 981, 982), as amended by the act of March 3, 1927 (34 U. S. C. 983), $10,000; payment of 6 months' death gratuity, $150,000; in all, $176,845,282; and no part of such sum shall be available to pay active-duty pay and allowances to officers in excess of nine on the retired list, except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: *Provided*, That, except for the public quarters occupied by the Chief of Office of Naval Operations, the Superintendent of the Naval Academy, and the Commandant of the Marine Corps, and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels including officers' messes at the fleet air bases, and to landing forces and expeditions, and in addition not to exceed 40 in number at such places as shall be designated by the Secretary of the Navy, no appropriation contained in this act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Naval Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 24, line 19, after the semicolon, insert "extra pay to men reenlisting after honorable discharge, $2,490,450."

Mr. SCOTT. Mr. Chairman, this carries out practically the same action that was taken with reference to the Treasury-Post Office bill in the early part of the week. It provides the money by which the Navy can pay reenlistment allowances to men who reenlist in the Navy after their honorable discharge. Existing law provides that if they reenlist within 90 days an allowance must be paid them. It was first established in 1855. The present way of paying it was established in the Joint Service Pay Act of 1922. In 1933, as I have mentioned before on the floor, a proviso was carried in the Treasury-Post Office appropriation bill doing away with this reenlistment allowance. The same thing was done in 1934, 1935, and 1936. In 1937 the provision was knocked out of the Treasury-Post Office bill on a point of order. It was then placed in the second deficiency appropriation bill by the other body of the Congress. As a result reenlistment gratuities were not paid last year. That proviso has not yet been put into any appropriation bill. We passed the Treasury-Post Office bill without the proviso. When the bill was read for amendment I offered an amendment appropriating an amount of money to pay reenlistment allowances for the Coast Guard. On representations of the chairman of the subcommittee that existing law requires the Coast Guard to pay reenlistment allowances, and upon his assurance that the money was there and that the Coast Guard enlisted personnel would be paid these reenlistment gratuities I withdrew the amendment that I offered to provide that money.

In the naval appropriation bill that we now have before us, however, the language is such that I am doubtful whether the Navy would have to pay reenlistment allowances unless we put that money into the bill; and I should like to propound this question of the chairman of the subcommittee: Under existing law, which provides for reenlistment allowances, is it the gentleman's opinion that the Navy Department would have to find the money some place to pay reenlistment allowances if we did not put the certain amount into this bill?

Mr. UMSTEAD. Mr. Chairman, replying to the gentleman, I answer his question, "Yes"; and then explain it by saying that as I understand it, the existing law controls, and unless a provision is carried in some bill this year suspending the existing law, as is being done at the present time, applicable to the present fiscal year, that the payment of reenlistment gratuities not only by the Navy Department, but by other departments of the Government affected is absolutely mandatory and the gratuity must be paid whether or not the money therefor is provided in the pending bill. I, therefore, trust that the gentleman will withdraw his amendment, because I think it is absolutely unnecessary. I think he is entirely correct in seeking to protect what he is endeavoring to do, and in bringing this matter up at this point. I have looked into his proposition and I say to him that, based upon the information I have, the payments by the Navy would be absolutely mandatory.

Mr. SCOTT. That, Mr. Chairman, is similar to the assurance that was given me by the chairman of the subcommittee on the Treasury-Post Office bill, and I think that with one exception I want to call to the attention of the chairman that it would be entirely satisfactory to me; that is, in place of carrying the language that I have suggested, that we go back to page 24, line 18, and add after the semicolon following the amount $6,525 "pay of enlisted men on the retired list."

[Here the gavel fell.]

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. If we can insert there the words "extra pay to men reenlisting after being honorably discharged," and leave out the figure, it would not increase the appropriation under the bill; there would not be any more money appropriated, but there would be in the language of the bill words that say that we will pay this reenlistment allowance unless the ban goes back in another appropriation bill, taking the words of the chairman to mean that he thinks it is absolutely mandatory. I, too, think it is absolutely mandatory, but I should think that the chairman of the committee, after his statement, would have no objection to my being guaranteed

in my position by the insertion of this language, which does not call for any additional appropriation.

Mr. UMSTEAD. Mr. Chairman, I may say in reply to the gentleman from California that unless the present restriction be reenacted the payment would be mandatory. Existing law would create a legal deficiency if this appropriation were not adequate. There is no need to have specific language appear in the text here. If I thought that were not so I should gladly consent to the gentleman's proposal; but I think it would be pure surplusage, and I hope the gentleman will not insist upon it.

Mr. SCOTT. Can we not go another step and say, on page 23, that it shall include pay and allowance of naval personnel?

Mr. UMSTEAD. The truth is that the word "allowance" is already there; and I think the present language covers the gentleman's entire proposition.

Mr. SCOTT. Mr. Chairman, I think everything I have had in mind as far as this pay and allowance is concerned has been covered by the statement of the gentleman and that his assurances are all that is necessary. I therefore ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 26, line 8, after the word "*Provided*", insert "That commissioned line officers of the active list of the line of the Navy (Marine Corps) carried by law as additional numbers or passed over, shall be counted within the authorized total number of such commissioned officers of the active list of the line of the Navy: *Provided further.*"

Mr. UMSTEAD. Mr. Chairman, I make a point of order against the amendment offered by the gentleman. I am willing to reserve the point of order if the gentleman would like to be heard.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UMSTEAD. Mr. Chairman, I make the point of order that it is legislation upon an appropriation bill, that it is contrary to existing law, and that it does not and will not result in any reduction in expenditures under this section.

The CHAIRMAN. Does the gentleman from California [Mr. SCOTT] care to be heard?

Mr. SCOTT. Mr. Chairman, I expect the amendment will be held germane under the exception known as the Holman rule.

I call attention to the fact the act of July 22, 1933, fixes the maximum commissioned line officers' strength of the Navy—that is, the number of line officers that we can have in the Navy at any one time—at 6,531. This is exclusive of those officers who are known as additional numbers in grade or additional numbers.

On page 84 of the hearings had by the subcommittee of the Appropriations Committee and in the second table thereon, it will be seen that including additional numbers the line officers' strength after the commissioning of the class graduating from the Naval Academy in June, 1938, would make the line officers' strength 6,562 and after the commissioning of the graduating class in June 1939, which is within the fiscal year for which this bill makes appropriation, the number will be 6,824.

The amendment does change existing law by providing that officers in additional numbers category shall be included in the authorized line-officer strength of the Regular Navy. At the present time additional numbers are not counted as a part of the authorized line-officer strength, which, as I have said, is 6,531. If the amendment which I have offered is agreed to, the effect would be—that is, if no counteracting legislation passes in the meantime—to deny commissions to at least 293 midshipmen. It would deny commissions to at least 293 midshipmen graduating in June 1939. This would make a difference between 6,824 and the 6,531, which is the line strength authorized by law.

The table on page 91 of the hearings indicates there will be 591 graduates in June 1939. This would mean a reduction of 293 officers who otherwise would have to be appropriated for and would retrench expenditures by reduction of the number and salary of the officers of the United States as follows:

For pay, subsistence, and transportation in the Navy, $44,975 in pay, including subsistence allowance, and $1,418 in transportation, which is borne out by the figures on pages 236, 242 and 275, page 236 providing for pay, page 242 subsistence and allowance, and page 275 for transportation. This would show the exact amount that would be saved by denying commissions to 293 midshipmen graduating in June 1939.

If the amendment is ruled in order I shall later offer amendments carrying into effect the reduction of amounts that would be caused if we commissioned the 293 graduates of the academy to whom I expect to deny commissions.

Mr. UMSTEAD. Mr. Chairman, the proposed amendment, as stated by the gentleman from California, would have the effect of placing within the presently authorized regular line officer strength of the Navy 673 officers who are now carried as so-called additional numbers. If thus included in the regular line officer strength, the number of regular line officers in the Navy would be, as stated by the gentleman, 6,552. This would be in excess of the present authorized line strength of the Navy by the difference between 6,531, the present authorized strength, and 6,552, which would be the number under the amendment offered by the gentleman from California.

Mr. Chairman, I make the point of order that this is legislation upon an appropriation bill, and would not result and could not result in either a reduction of personnel or a saving of money under this particular appropriation item. It is, therefore, subject to a point of order.

I wish to call the Chair's attention to an important fact relative to the amendment. There is now a law, which I think would absolutely prevent the amendment, if adopted, from either reducing personnel or reducing expenditures. I respectfully call the Chair's attention to the second part of Public, No. 390, of the Seventh-fourth Congress, which was an act amending section 5, Public Law No. 264, Seventy-third Congress, which original law was approved on May 29, 1934, and related to the appointment of Naval Academy graduates as ensigns in the Navy, and I quote as follows:

"Provided", so that as amended the said section will read as follows:

"That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Navy all midshipmen who in 1934 and hereafter graduate from the Naval Academy: *Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge or who resigned and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to November 1, 1935, by the President and shall take rank next after the junior ensign of the Navy and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*, That the number of such officers so appointed shall, while in excess of the total number of line officers otherwise authorized by law be considered in excess of the number of officers in the grade of ensign as determined by any computation, and shall be excluded from any computation made for the purpose of determining the authorized number of line officers in any grade on the active list above the grade of lieutenant (junior grade) until the total number of line officers shall have been reduced below the number otherwise authorized by law."

Mr. Chairman, I apprehend the Chair will be disturbed by the statement "appointed prior to November 1, 1935," but I respectfully call the attention of the Chair on this point to the fact that that date applies solely to a former group of graduates who has not been commissioned upon graduation, and has no bearing upon the main point of the legislation, namely that the President shall have authority to appoint all midshipmen graduating in 1934 or thereafter as ensigns in the Navy.

I submit that in the determination by the Chair of the effect of the pending amendment upon the line-officer strength of the Navy he must take this law to which I have

called attention into account, under the terms of which, irrespective of the pending amendment, future graduates of the Naval Academy will be given commissions.

I respectfully urge that the language of the statute and its clear meaning make it impossible for the pending amendment to show on its face that its adoption would accomplish either a reduction of personnel or a reduction in expenditures.

Mr. VINSON of Georgia. Mr. Chairman, I do not desire to take up the time of the Committee or the Chair unless there is some doubt in the mind of the Chair whether or not this amendment is germane.

The CHAIRMAN. The Chair is ready to rule, but would be pleased to hear the gentleman.

Mr. VINSON of Georgia. If there is no doubt in the mind of the Chair that the amendment is not germane, I will not take up the time of the Chair.

The CHAIRMAN. The Chair would be pleased to hear the gentleman, if the gentleman would like to be heard.

Mr. VINSON of Georgia. Mr. Chairman, for this amendment to be germane it must fall within the Holman rule. There are two yardsticks it must square by—one, that it must be germane and not legislation, and the other, that it brings about a retrenchment which appears on its face and a reduction in personnel. I submit as far as the amendment is concerned it does not square by that yardstick of the Holman rule. It can be demonstrated to a mathematical certainty, on the contrary, that it will have the effect of costing more and at the same time changing existing law, and therefore, of course, would not be in order.

The number of officers in the Navy is based upon the number of enlisted men. The number of enlisted men is fixed by statute at 137,450. The officer strength is fixed by law at 4¾ percent of the authorized enlisted strength. The method of promotion is that the selection board shall pass upon certain officers in the grades of junior lieutenant and lieutenant, and if they are not promoted they are carried as extra numbers. The purpose of the amendment of the gentleman from California is that these extra numbers shall be added to the 4¾ percent of line officers and become regular line officers.

What does the law say on this question? The selection law of July 22, 1935, states as follows:

> That after June 30, 1936, lieutenants and lieutenants (junior grade) who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President shall, on and after June 30 next succeeding the date of the approval of said line selection board, if they have completed 14 or 7 years, respectively, of commissioned service, be carried as additional numbers in grade, but shall be included in the authorized number of commissioned officers of the active list of the line of the Navy in any grade to which later promoted.

This law was later amended to make it 14 and 21 years in the grade.

My point is that under the law today officers are authorized to the number of 6,531. There are 602 officers carried as extra numbers. The figures the gentleman has read would be the figures if none of the 602 is picked up and promoted by the selection board, which is in session now. However, the selection board has a right under the law, I submit, to pick up and promote a part of the 602 officers who today are carried as extra numbers. If they do not pick up any officers, then the figures will be as the gentleman from North Carolina has submitted and as the law stands today. As the situation is today, there are only 6,491 officers, including the extra numbers that are in the service, and the selection board could in accordance with the law pick up part of the 602 officers. In addition, Mr. Chairman, I submit the statute of 1935, which permits and requires a commission to be given to every midshipman, would add to, instead of reducing, the number. Therefore, the amendment is certainly not germane and does not square itself with the requirements of the Holman rule.

Mr. SCOTT. Mr. Chairman, may I be heard briefly on the point?

The CHAIRMAN. The Chair will be pleased to hear the gentleman from California.

Mr. SCOTT. There is no question in my mind but what this amendment changes existing law. The only argument I make is that it is permissible under the Holman rule, because it brings about a retrenchment.

If this amendment is held in order I am going to offer five amendments, in each case reducing the appropriation by a specific amount, based upon the cost which would be incurred by the Navy if the 293 midshipmen were commissioned. The effect of the amendment would be to stop all promotion, to stop all selection, and to stop all retirements right where they are now for a period of 1 year, and I can point specifically to the amount saved if it would have any effect on the ruling of the Chair.

The CHAIRMAN. The Chair is ready to rule, unless the gentleman from North Carolina would like to be heard further.

In the opinion of the Chair, there is no question about the germaneness of the amendment. It seems to resolve itself largely into a question of facts and figures as to whether or not the amendment comes within the Holman rule. The part of the Holman rule, with which the members of the Committee are familiar, that is relevant here, is subsection 2 of rule XXI, which reads as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Section 1511 of volume VII of Cannon's Precedents of the House, reads as follows:

> A proposition reducing the number of Army officers and providing the method by which the reduction should be accomplished was held to come within the exceptions under which legislation retrenching expenditure is in order on an appropriation bill.

A reading of the amendment, together with the facts stated by the gentleman from California which, in the opinion of the Chair, have not been successfully controverted, that the amendment will actually reduce the number of officers as well as effect a retrenchment of expenditures thereby brings the amendment within the Holman rule cited by the Chair, and therefore the point of order is overruled.

Mr. SCOTT. Mr. Chairman, I shall try to explain in one sentence exactly what this amendment would do. It would stop the present method of selection for promotion and retirement of naval officers for a period of 1 year, and do it for this reason. There are a lot of Members of this House, including myself, and there are a lot of people who have studied the problem, who think that the present method of selection in the Navy is unfair, that it is doing things that are detrimental to the Navy, that it is increasing the cost to the Government because of retirements.

About four proposals have been made to the House of Representatives as a method of improving the present selection method. To date no action has been taken on the subject of the selective system. To date we have not made any active attempt to improve the method of selection in the Navy as it works at the present time.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. UMSTEAD. The gentleman, I believe, is a member of the Naval Affairs Committee of the House?

Mr. SCOTT. That is correct.

Mr. UMSTEAD. Is it not true that a number of bills are now pending before the gentleman's own committee dealing with this question of naval personnel and promotion?

Mr. SCOTT. It is according to what the gentleman means by the word "pending."

Mr. UMSTEAD. Have they not been introduced and referred to that committee?

Mr. SCOTT. They have.

Mr. UMSTEAD. Is it not true that last year, during the regular session of the Congress, the Naval Affairs Committee

held rather extensive hearings in connection with this subject?

Mr. SCOTT. Mr. Chairman, I would not call the hearings extensive, and no recommendations were forthcoming.

Mr. UMSTEAD. You did conduct hearings?

Mr. SCOTT. We did hold hearings.

Mr. UMSTEAD. Was the gentleman present at the hearings?

Mr. SCOTT. I was.

Mr. UMSTEAD. Has the gentleman's committee taken any action about it?

Mr. SCOTT. It has not.

Mr. UMSTEAD. Does not the gentleman think this is such an intricate matter, as the gentleman stated just a few moments ago, that it should be acted upon by the legislative committee rather than dealt with upon an appropriation bill?

Mr. SCOTT. I do.

Mr. UMSTEAD. Then I ask the gentleman, in all fairness, to withdraw his amendment.

Mr. SCOTT. Oh, no; I do think that the legislative committee should take action, but I do not believe that in the meantime, until the legislative committee has had time to take action, the inequities, the injustices, the things that can happen under the operation of the present law for the next year should be allowed to go on, and I think we should stop them now, while we are in the process of making this revision.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. VINSON of Georgia. Assuming for the sake of the argument that the gentleman's amendment is agreed to, it only deals with dollars and cents, does it not?

Mr. SCOTT. No; I would not say that.

Mr. VINSON of Georgia. Of course it does, because it does not repeal the law which is now in force.

Mr. SCOTT. It holds the operation of the selection law in abeyance for 1 year.

Mr. VINSON of Georgia. It only deals with the appropriation and the law that now requires them to go out would still require them to go.

Mr. SCOTT. They cannot take action without the money.

Mr. VINSON of Georgia. But there are men who have to go out irrespective of selection.

Mr. SCOTT. They will be held in exactly the same position they are in now, and let me say this to the gentleman from North Carolina [Mr. UMSTEAD], we held hearings in the legislative committee, and after the hearings were completed the Navy Department sent up another bill or a recommendation that was introduced here as a bill, changing the selective system or changing the method of promotion or suggesting such changes. It seems to me when the Navy Department itself, after the hearings had been held, suggests improvements, or what they consider improvements, or suggests changes, the admission is there that the present method is wrong and is subject to improvement; and now that we have not done anything about it, it seems to me if we will take this action here today we will force the Naval Affairs Committee and we will force the Department of the Navy to do something about the present method of selection and meet the situation the best they can. If we do not do anything within a year's time, if the legislative committee does not make any recommendation between now and then, we will go right back where we are at the present time and nobody will be hurt.

[Here the gavel fell.]

Mr. IZAC. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. UMSTEAD. I, of course, am not familiar with the bills pending before the gentleman's committee, but I should like to ask the gentleman if he has read the bill to which he referred as having the approval of the Navy Department proposing certain changes in the selection system?

Mr. SCOTT. I have.

Mr. UMSTEAD. Does the gentleman regard the bill as having advantages over the present system?

Mr. SCOTT. I do not, and I will say in addition that I shall probably introduce the first of next week a bill providing for a new method of selection which I believe is a good measure.

Mr. UMSTEAD. Does the gentleman believe he ought to call upon the Appropriations Committee to pull the chestnuts of his own committee out of the fire?

Mr. SCOTT. No; I do not look at it in that way at all. I am simply stopping the present method of selection, if I am successful, until the Naval Affairs Committee does something about it.

Mr. FADDIS. Does not the gentleman think that the adoption of his amendment would expedite action that will remedy this most undesirable system of promotion?

Mr. SCOTT. You bet your life I do.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. FORD of California. I wish to ask the gentleman if the adoption of his amendment will not keep in the naval service the number of men who are not over 42 years of age, who are being put out, which in my judgment is one of the silliest actions that any great organization ever took.

Mr. SCOTT. The gentleman is right and let me add this: At the present time we promote in the Navy if there is a vacancy up above. We move from this class to this class as many as there are vacancies for and if there are no vacancies and you have eligible men for that particular vacancy, you have to kick them out of the Navy. If the vacancies are not there, although they are ready for promotion, you cannot promote them, and you have to retire them, and it was admitted on the floor of this House the other day by the chairman of the Committee on Naval Affairs that we are retiring men who are capable of filling the positions they are in today, and who are capable of filling the positions above them, that captains could be rear admirals, and that commanders could be captains and do a good job of it, but there is no place up there because of the operation of this selective law, and, therefore, we have to kick them out of the Navy and put them on the retired list and pay them while they are on the retired list and get nothing out of their services.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. UMSTEAD. I understood the gentleman, in reply to a question propounded by the gentleman from California [Mr. FORD], to say that if this amendment be adopted, and if the operation of selection boards is suspended for the fiscal year 1939, it would prevent within that year the passing from the Navy of men 44 and 45 years of age. I ask the gentleman if it is not true in all fairness that the provision which he seeks to insert in this bill would not have anything to do with whether or not a man passes out in the fiscal year '39.

Mr. SCOTT. It would stop the selection right where it is now and no action could be taken for a year's time.

Mr. UMSTEAD. But it would not stop a single man from going out of the Navy who is scheduled to go out within the year.

Mr. SCOTT. Not if he is scheduled to go out; no. It is not retroactive.

Mr. UMSTEAD. But the gentleman's statement that this action would prevent men from going out in 1939, I submit, is unfair.

Mr. SCOTT. If they have already been selected to go out, they would go out; but it would prevent the selection

board from selecting any more to go out in addition to what has been done in the past. This is not going to save any man who has been selected out of the Navy, but it will keep some good men from going out of the Navy for a year; and I hope during that year's time we can change existing law to such an extent that we will not lose the services of those good men in the future.

Mr. UMSTEAD. If the gentleman's amendment be adopted, is it not true that it actually would have the force and effect of sending men out who otherwise might be selected.

Mr. SCOTT. Oh, I do not believe so.

Mr. UMSTEAD. Why would it not?

Mr. SCOTT. Because there would be no changes, no promotions, no changes in the selection system.

Mr. UMSTEAD. Why not? You have suspended selection boards.

Mr. SCOTT. We have suspended any action by the board from carrying into effect its recommendations, because of the limitation of the number of men you can have in the line.

Mr. UMSTEAD. Is it not true that the number of admirals, the number of captains and commanders and officers in other grades is determined by the total number of officers?

Mr. SCOTT. That is true.

Mr. UMSTEAD. Well, then, if there were blanketed in under this amendment 673 officers now in the additional numbers category would not that automatically increase the number of admirals, captains, and commanders that the Navy could have?

Mr. SCOTT. No; I do not believe so.

The CHAIRMAN. The time of the genteman from California has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, I respectfully ask the attention of the Committee to this very important amendment, and it is exceedingly important, because it strikes at the very heart of the line personnel and the system of promotion in the Navy. I know it is popular to say, "I am opposed to legislation which will permit men to go out who are just 41 years of age." And I would keep them in, and we should keep them in, but there are certain reasons why in military organizations you must have some method of selection, some method of promotion. Briefly what happens? The Army selects by seniority. No officer of the Army is promoted unless somebody above him either dies or resigns or is court-martialed or gets out of the Army. The man who comes in the Army on the 20th of January 1938 will be considered for promotion before the man who comes in on the 21st of January 1938.

In the Navy the system is different. Since 1916 the Navy has operated under what is known as the selection system. I ask you to bear with me briefly, form no conclusions until you know definitely what the law is, and then let us see if any hardship is being worked on anyone.

What is the selection system? It provides that the Secretary of the Navy annually shall appoint a board of one admiral and nine captains who shall take the official record of every man in the grade of lieutenant, junior grade—that is the lowest rank in the Navy except ensign—and pass upon it and determine exclusively from that record whether or not that officer is best fitted for promotion. Bear in mind the fact that in the Army a man is promoted irrespective of his qualifications if a vacancy occurs.

In this bill we are spending $550,000,000, an enormous sum of money. We entrust these great ships, our first line of national defense, to the care of these men. It naturally follows that politics, influence, and date of enlistment, should bear no weight with reference to the promotion of an officer. Promotion should be based entirely upon his qualification. Who makes his qualification? The officer himself makes it day by day serving in the fleet. His record is sent here and filed in the Navy Department. The board goes over every record of this officer and of other officers in the grade to see which is best qualified for the higher position. Let us assume there are 100 men eligible to be promoted, but that there are only 33 vacancies. It naturally follows that all cannot be promoted. Some have better records than others; some must be passed over. This, briefly, is what the selection board does.

What happens? So desirous is the Navy Department, and is the law, to give every man in the lower grade an opportunity to be fairly considered by the selection board that no man can go out until eight different selection boards in 8 different years have passed upon his record. I submit that after 8 boards, composed of nearly 100 different captains in the Navy, or commanders, have passed upon an officer's record, and the record, in their judgment, does not justify the officer being promoted, then it is false economy for him to be carried any longer in the Navy, and he should be placed upon the retired list.

What would be the result of the amendment? Under the law today, the total number of officers on the retired list as a result of the selective system is only 517. There are, as I said yesterday, 28,000 men carried on the retired list of the Navy, at a cost of $33,000,000. Only 2 percent of the retired officers and personnel is the result of the operation of the selection law.

If an officer in the Navy is not promoted, of course, he is dissatisfied with the selection system; that is natural; but the officer who is promoted is satisfied. The human equation enters into it. Every officer who is promoted says that it is the wisest and best system. Every officer who is not promoted naturally says that it is the worst kind of law, because he has not been promoted; but we cannot promote officers unless there are vacancies, and the law determines what percentage of officers there shall be in each grade throughout the length and breadth of the Navy—1 percent admirals, 4 percent captains, and so forth, and so on down.

The proposed amendment, offered by my colleague from California, is that automatically we shall put these officers, who have been passed over but who under the law cannot go out until they have actually served from 14 to 21 years, into the line of the Navy. It stops the flow of promotions and stops anybody from going out of the Navy. What would be the result? The result would be stagnation; the result would be that officers who are ambitious, officers who are striving to go somewhere in the Navy would be held down to give way to some other officer who has not so fine a record of efficiency and accomplishment. The whole line of promotion would fall into stagnation.

Mr. Chairman, I introduced a bill on this matter last year at the request of the Navy Department, and for about 10 days or 2 weeks we had hearings on it. The bill has been referred to the Navy Department, and from the Navy Department it went to the Budget. It is at the Budget today to determine what it will cost and to see whether or not it is in accordance with the President's financial program. I am just as anxious as is the gentleman from California that a fair and equitable selection system should be provided; but I submit that a question so complicated as this should not be determined by an amendment which happens to come within the Holman rule. The Holman rule is no place to legislate in reference to personnel. It requires months and years to work out a fair and satisfactory selective system; and I appeal to the intelligence of this House and of this Committee this afternoon to stand by the committee and to reject the gentleman's proposal, because it will lead to confusion, it will lead to stagnation of promotion, and it will tie the hands of your committee which is trying to work out a fair and equitable method of selection.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I move to strike out the last word.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. MAAS. I yield.

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. MAAS. Mr. Chairman, this is not really legislating by an appropriation act, but it is true this will force a speeding up of the legislative processes, which is long overdue. If the Congress does not pass a reform in the promotion system of the Navy by the time this appropriation act becomes effective, it will simply keep in status quo the officers of the Navy for 1 year. You may rest assured if this provision is adopted and made a part of the appropriation bill, the Navy Department will agree to a satisfactory reform of the promotion system and it will be enacted into law before the appropriation ever becomes effective.

I think probably the greatest need in the Navy today—greater almost than the need for ships—is the need of modernizing the personnel system of the Navy. The chairman of the Committee on Naval Affairs stated that the gentleman's proposal would strike at the very foundation and heart of the present selection system of the Navy. That is exactly what we are trying to do. We want to strike at the present system, which is so destructive of morale. It is a wasteful, costly system, with no justification whatever.

I do not agree, either, that the Army system is ideal or satisfactory. I believe there should be some reward for merit, a more rapid advancement for the outstanding officers, and there should be some means of eliminating at the bottom the unfit or gold-brick officer.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The effect of this amendment will be to immediately prohibit the Secretary of the Navy and the President of the United States issuing commissions to those who may graduate in June?

Mr. MAAS. Yes.

Mr. SCOTT. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from California.

Mr. SCOTT. Let me ask the gentleman this question in reply to the one just asked: Where is there any sense in bringing young men into the Navy when it is going to cause the retirement of good men who have had experience in order to make a place for them at the bottom? Also, why hold out the hope to these men who come into the Navy that they are going to be able to go to the top when at some time during that period they are going to get their necks cut off through the selection system?

Mr. MAAS. That is the very question I was going to ask myself. The essence of this situation is that 72 percent of the commissioned strength of the Navy is in the first three lower grades. The personnel of the commissioned officers in the Navy is like a great flat platform and it suddenly narrows down into a shaft. We take in this great number of graduates from the Naval Academy at a very heavy expense to the Government and within 14 years we have reduced their number 72 percent. There is no necessity for this at all. We can work out a system which will be far more economical in actual dollars and cents and will increase the morale in the Navy 100 percent. There is no necessity for having this great number of ensigns come into the Navy.

Mr. MAVERICK. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Texas.

Mr. MAVERICK. Is it not a fact that we have too many young men going to the United States Naval Academy?

Mr. MAAS. There is no question about that.

Mr. PHILLIPS. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. Even admitting what the gentleman says is true, is it not a cruel thing to take young men into the Naval Academy, have them work there a number of years and successfully pass their examinations, then when they have completed their contract with the Government not give them a commission?

Mr. MAAS. The gentleman is quite correct. The testimony before our committee by the very naval officers who are defending the selection system was that there are very few naval officers retired for failure to be selected who are not competent officers and qualified to continue on and go to the next higher grade. They are not selected merely because there are no vacancies for them.

Mr. PHILLIPS. Is it not a lot more cruel to keep them in there 10 years and then cut them off?

Mr. MAAS. Why, certainly. You have ruined their lives.

Mr. PHILLIPS. Can it be definitely said this is going on for 10 years? I do not think it will.

Mr. MAVERICK. Let us stop it now.

Mr. MAAS. The vast majority of the officers who are forced out by the present selection system are not even accused of being unfit nor incompetent. They are forced out to make room for other and junior officers without the experience and value of those being replaced.

They are forced out because we are taking in too many officers at the bottom at needless cost to the Government and with no increased efficiency to the Navy.

The cost of the retired list is mounting to the point where the whole principle of providing for retired officers is being jeopardized.

There is no need to graduate such large classes from the Naval Academy.

The jobs filled by many of these young ensigns can be perfectly satisfactorily filled by a combination of appointing for 4 years graduates of naval R. O. T. C. colleges who are educated without cost to the Government and by using warrant officers and chief petty officers.

If the number of graduates at the Naval Academy is regulated to provide the number of officers needed as a base for promotion through the various grades, there will be no necessity of the present drastic elimination.

There should be enough selection to stimulate the best efforts of every officer and to properly recognize and reward outstanding merit and ability.

There should also be enough forced elimination to warn the laggards and to eliminate inefficient, incompetent, and gold-brick officers.

The rest are average officers and should be so treated. Promotion should be regular and on an equal basis for average officers.

Competent, qualified officers who do their duty should be assured of an uninterrupted career in the Navy.

Any other system is destructive of morale, wasteful, costly, and in the end injures the national defense.

The Fleet Reserve Association has a slogan we might well adopt as our national policy, "A navy second to none, manned by a personnel superior to all."

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I think the distinguished chairman of the Naval Affairs Committee of the House, than whom there is no better posted man on this subject in this body, and for whose judgment, ordinarily, I have the highest regard, has demonstrated by the passion with which he spoke here today in defense of his pet, the selection system of the Navy, that there is an Ethiopian in the woodpile. There is no one who knows as well as the honorable gentleman from Georgia that the system is indefensible, on its merits. He himself has admitted that it should be remodeled and revamped. The distinguished gentlemen who head the Navy high command admit in their testimony before the Appropriations Committee that its injustices should be corrected. Why, then, should he rise here in all this passion of apparent anger and inveigh against us when we say the same thing?

What justification is there? There is none. What justification can any gentleman offer for taking in 500 new officers a year and kicking most of them out within a few short years, before they reach the height of their prime, and into whose heads we have poured not only the best education that this splendid institution can give, plus the later training, at a cost of from $24,000 to $35,000 apiece of the taxpayers' money? I am talking not of the deadwood, the inept, but of those admittedly good, worthy officers, as efficient as many who are kept in. There can be no justification for this cruel waste both of money and men. [Applause.]

They say that only those complain who are kicked out. They cite Admiral Andrews and state that in his testimony before the Appropriations Committee last year he said that he made requests of all the officers in the Navy—over 6,000 of them—for their criticism, and that there was little or no complaint. But they do not tell you that although he requested the expression of more than 6,000 officers, he only got some 150 replies.

Of course, they said "everything is lovely," and it may have honestly seemed so to them; but what did the other 5,850 think? [Applause.] This system tends toward sycophancy. The more an officer "bootlicks" his superior, the better chance he has for promotion under this iniquitous selection system. You are sapping the manhood of the Navy. As I said in testifying before the committee in the presence of Admiral Andrews:

> You need never expect, Admiral, to get a frank expression from the officers of the Navy in regard to any matter. They know better. As long as they have their heads in the lion's mouth they are never going to pull his whiskers.

[Laughter and applause.]

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I am in sympathy with what the gentleman says and agree with practically everything he says, but does not the gentleman feel it would be fairer and better to stop at the beginning and not take the young men into Annapolis at all, rather than take them in and then not commission them?

Mr. HOBBS. I certainly do. I have always urged keeping them out rather than kicking them out.

Mr. PHILLIPS. In other words, is there not a better method of accomplishing this?

Mr. HOBBS. I agree with the gentleman, there is a better and a more fundamental way. That way is set forth in my amendment reducing the number of our appointments to Annapolis from four to three. But I also favor this amendment and urge its adoption. [Applause.]

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I know of no system or method more detrimental to the morale and efficiency of the armed forces of the Nation than the system of promotion which now prevails within the Navy. I cannot conceive of anything which would start a young officer in under more disadvantageous conditions than to come into the service knowing that his promotion in his chosen profession was dependent upon the impression he produced among his superior officers. Nothing could be more destructive to the peace of mind of that young man than to know he and his family also had to meet the approbation of his superior officers not only in matters pertaining to his duty but also to social and other affairs connected with his daily life. Here is a system which admittedly—and this is admitted by the very supporters of the system—has ousted from the Navy a large number of efficient officers at the very time when they should be rendering their best service to the Nation in return for their education and training.

The Army operates without such a system of selection. The Army promotes largely upon seniority.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I will yield to the gentleman when I finish my statement.

While seniority prevails, down through the ranks are methods which eliminate the unfit. Officers are subject to action under the provisions of the class B board, and are subject to loss of files because of court-martial proceedings which come because of failure in their official duty. Certainly the Army is not releasing into the rank of civil life large numbers of officers who have been trained and have reached a state of efficiency whereby they should be of value to the Nation.

I now yield to the gentleman from Georgia.

Mr. VINSON of Georgia. Will the gentleman inform the committee what method the Army has for elimination of these officers?

Mr. FADDIS. The Army has the class B board for such elimination.

Mr. VINSON of Georgia. Yes; but it does not eliminate anyone or promote anyone. The Army had to come before Congress and get it to pass a law to promote 6,000 officers.

Mr. FADDIS. The gentleman is referring to a circumstance which took place because of the addition of officers following the World War, which was an unusual condition and does not ordinarily prevail in the Army.

Mr. VINSON of Georgia. Is it not a fact it has been found there were in the Army lieutenants 55 and 56 years of age?

Mr. FADDIS. I have already explained to the gentleman, and I believe the rest of the Committee knows it, that this was an unusual condition which prevailed in the Army because of the large number of officers who were taken into the Army following the World War.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from California.

Mr. SCOTT. I call attention to the fact this will not stop promotions in the Navy; it just holds them up for a year while we try to bring about a better method of selection than we have now.

Mr. FADDIS. Exactly; and that was the point I was trying to make. This amendment may bring some action on this matter.

Mr. VINSON of Georgia. Will the gentleman state what would happen if we did not pass such a bill?

Mr. FADDIS. I am sorry; I cannot yield further.

[Here the gavel fell.]

Mr. FORD of California. Mr. Chairman, I am neither an Army nor a Navy expert, but I do have some consideration for the human side of this problem. Here is what we are doing under this, which has been called an indefensible method, and I am going to call it a silly method, because that is what it is. Under this method of selection, we let a man come up through the grades for 21 years and get to the very peak of his efficiency in the service, and then, because there is not a higher job for him we let him out. You can argue for the efficiency of the Navy all you want to, but such a condition cannot help decreasing efficiency and reducing morale.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from Minnesota.

Mr. MAAS. There is no contention made that the officers who are forced out at that time are incompetent or unfit for their jobs.

Mr. FORD of California. None whatever. They are men of fine grades and fine service.

Mr. MAAS. They go out because there are no vacancies for them.

Mr. FORD of California. They are at the very peak of their efficiency.

Let us look at the human side of it. Here is a man who has gone through Annapolis and spent 21 to 28 years in the service. Some men have just been let out after having spent 21 to 28 years in the service. There was nothing against them; it was just that the selection board let them out. The selection is made by a board which is sworn to secrecy. Nobody knows why men are selected to go out or stay in, and it is against the law to tell why.

What is the human situation with regard to these men? Here is a man who has been trained to the Navy or the Marine Corps all his life. He comes to the age of 43, 44, 45, or 50. Automatically he goes out of the service at a very small annual pension. He is unfit to enter into the normal competitive stream of life in the United States and make a living. If he has a family and is dependent on his salary to bring up the family, perhaps with children who are about half way through school, he is stranded at the very best time of his life when he should give the very best service to the Navy.

I appeal to the members of the Committee to stop this nonsense. [Applause.]

[Here the gavel fell.]

Mr. IZAC. Mr. Chairman, in San Diego we have the light forces of the fleet, consisting of about 120 ships there at the present time. This means lots of officers on duty there, so I come from the fleet knowing something of the condition of the morale existing among the officers of the fleet.

At no time in the history of the United States Navy has the morale sunk to such a low point. I get this from the wives, the sisters, the mothers, and fathers of these officers. They themselves cannot speak. They do not dare say a word about this selection system.

How do you suppose they select these officers? There is a board of very fine officers who sit down here in Washington and make the selections. Naturally, they are of high rank and they do not come in contact with all the younger officers. They do not know whether this man is better than the other one.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. IZAC. Not just now.

It is utterly impossible to know everybody that comes before that board, and so they say, "Well, I know Jones, and Jones is a good man," and Jones gets the vote; but as to Smith nobody has served with Smith, and Smith does not get a chance. Then Smith, at the very prime of his life, is put on the shelf, just like the young men you are going to see this year retired at about the age of 42. This is just one of the evil effects of this system. They are going to be put on the shelf and they are going to cost the taxpayers about $4,000 a year and their place is going to be taken by someone else who is going to draw $6,000 a year, and you will have an expense of $10,000 for one job. The taxpayers are still going to pay this retired pay because it is the law of the land and you are not saving anything there.

All these people ask is that as long as they are efficient officers, as long as they have given the best years of their life to the defense of the Nation, they be permitted to continue until they are no good. And if anyone can show me where any one of these men, or at least the great majority of them, have been put on the shelf because they were no good, I would like to know who they are, because I know most of those of the ages of 45, 48, and down to 40.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. IZAC. Yes.

Mr. WHITE of Idaho. Does not the Navy keep a personnel record?

Mr. IZAC. Yes; and let me show how that works. I am a happy-go-lucky commanding officer and I like everybody on my ship, and we have a happy ship, and I say, "All of you boys are fine and I am going to give you a good mark," and you get a good mark. Here is another fellow over here who says, "I am hard-boiled and I never give a good mark." You may get 3–0 over there and 4–0 over here, and when the marks go before the board it looks as if an officer who is very fine with one commanding officer cannot get to first base with another. There is no uniformity in the system.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. IZAC. Yes.

Mr. MAGNUSON. I wish the gentleman would inform the Committee of this fact. As long as we have so many officers in the Navy coming out of Annapolis, there must be some system of selection; is not that correct?

Mr. IZAC. That is correct.

Mr. MAGNUSON. And it is not entirely the fault of the high command of the Navy, but the fault of this Congress in turning out so many officers that we cannot handle?

Mr. IZAC. That may be part of the trouble. Admiral Andrews said to me, "Show me a better system and I will work on that." They want a better system, and I believe when you get them right down to brass tacks and say, "You have 1 year within which to work out a plan," they will work out a plan that will be acceptable to everybody.

[Here the gavel fell.]

NAVY: LIFE WORK; RETIRED IN PRIME OF LIFE

Mr. MAVERICK. Mr. Chairman, I have a particularly high regard for the gentleman from California [Mr. IZAC], because he is a naval officer who went into the Navy and came out with an open mind. I would be inclined to favor this on account of what the gentleman from California [Mr. IZAC] has said, if for no other.

I want to read here a statement that is in the hearing on the naval appropriation bill. This is a statement of a young man who said:

> I voluntarily interrupted my education because of this national emergency. I was eventually commissioned an ensign. I was convinced by admirals and captains that I had what was necessary to make a good naval officer of my rank and age.

Then he goes on to show he was going to make this his life work, and he shows further that he fulfilled his contract satisfactorily, and then he states:

> When the Navy Department secured the annulment of the section with which we were induced to enter the service, they proceeded to grease the ways to launch us out via the selection board. In 1934 legislation was secured providing for selection to grade of lieutenant commander, with forced retirement for those not selected.

Which means, of course, men are retired in the prime of life. To go on with the statement:

> After that it was routine; none of the wartime officers over 40 years of age were selected, and very few of those under this age. This was the end of the wartime group.

NO ADMIRALS TO DIE OF MALNUTRITION OR LACK OF HOUSING

Now, Mr. Chairman, here is the situation we are in: All this amendment does is to say that they shall hold the method of selection of naval officers up for 1 year, within which time we can look into this matter and see whether the present system is right or wrong.

In the meantime the admirals still wear their uniforms and do not share. In fact, everybody continues to draw pay checks promptly, and in our officer class there will be no dire poverty, suffering, or deaths because of malnutrition, lack of clothing, or inadequate housing.

Mr. Chairman, I believe we are going too fast on this naval business. Slow down!

Are we building up officers for a war? These increases of ships and men and officers are not sufficiently explained. There is no reason on earth why we cannot wait a year, and the officers cannot wait a year, until we find out whether the system is right or wrong.

TOO MANY MIDSHIPMEN—WHY?

My colleagues, it is the same way in the Naval Acadamy. We put too many cadets there—pardon me, midshipmen. Every man who has spoken has said so.

And everyone knows that the selection system now in vogue is one of the most evil things in the United States. I hope we will adopt this amendment and do something to correct this situation.

Mr. PATRICK. How would it affect the present class that is being graduated this year?

Mr. MAVERICK. They may have to wait awhile, but it might prevent us in the future putting too many officers into the Navy. We will have to stop this some day. This does not stop it, but it holds it up so that we will have time to think about it.

Mr. WHITE of Ohio. Does this selection system encourage applicants to play politics with the members of the selection board in order to secure promotions?

Mr. MAVERICK. I think it does even more than that. In order to explain, it woud take barrack-room language

that we old soldiers have long since abandoned. The least I can say is that they call it being kind to the colonel in the Army and being very nice to the admiral.

Mr. UMSTEAD. Mr. Chairman, I do not propose to discuss the matter of the selection of naval officers for promotion with you. I do not happen to be an expert on that question. I have heard the selection system discussed a great deal, but I have heard things said about the conduct and operation of the system this afternoon that I have never heard before. This is no time to pass upon the merits of the selection system. We are here considering an appropriation bill. Just recall what you have listened to for the last 30 minutes. You have listened to a defense, on the one hand, and condemnation, on the other hand, of a method used in the Navy Department for the selection and promotion of its officers. I respectfully submit to the calm consideration of every man within the sound of my voice that such a method is not a proper way to legislate on this subject. We are dealing with an appropriation bill for an arm of our national defense. I think there is a great deal of merit in some of the accusations brought against the selection system. I am not here to defend it. Neither am I here to condemn it. I appeal to those of you, who have not, as the gentleman from Alabama said about the gentleman from Georgia, let his passions run wild and then proceeded to let his passions catch up with the wild passions of the gentleman from Georgia, calmly to agree with me that this is not the time or place or the proper method to pass this kind of legislation. I am right jealous about this matter of legislation on an appropriation bill. I try, so far as I can, to bring in a bill to the House that has no legislation in it. Sometimes that creeps in and quite unintentionally, but I do not believe in legislating on appropriation bills. What is the situation?

I remind you of something that has not been mentioned here except in the form of a question. If the ruling of the Chair in this case be correct, if the interpretation placed by his adviser upon this statute I referred to be correct, and if this amendment be passed, then, if no change in the law be made between now and next June, there will be exactly 262 fine young men whom you sent down here to the Naval Academy who cannot be commissioned. Why? Merely because we have undertaken indirectly to do a thing which ought to have an open and clear and adequate consideration. We would do something without realizing its full purport, perhaps, which would deny 262 commissions to the graduates of Annapolis—not because they are not needed but because, under the operation of this amendment, they could not under the law be given a commission.

Mr. WHITE of Idaho. I think the gentleman ought to give light on that, and I want to ask him a question.

Mr. UMSTEAD. The light is this: The difference between what this amendment will do and the number of cadets who will graduate in June next year at the Naval Academy is 262, and according to the interpretation that has been placed upon this amendment they could not be commissioned.

Mr. WHITE of Idaho. I want to ask the gentleman a question on that.

Mr. UMSTEAD. Very well, I yield to the gentleman if he insists.

Mr. WHITE of Idaho. Will not all these officers in the Navy that reach retirement age under the statute be retired, regardless of whether we adopt this amendment?

Mr. UMSTEAD. The gentleman is entirely correct, but that does not affect the figures that I have just stated. Let me appeal to you. It means nothing to me whether you vote this amendment up or down. I have not had any officer complain to me about it. I am not sore at the Navy Department, and neither am I their vassal. I undertake to come in here with what appears to me to be the best I can do with what is put before me to do with. This is not the proper way to handle this matter. The gentleman who introduced this amendment is a member of the proper committee, which he admits ought to work out a solution of the matter. I hope the Committee will vote this amendment down and stand by us in our judgment as to orderly procedure in this House.

The CHAIRMAN. The time of the gentleman from North Carolina has expired. All time has expired. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The question was taken; and on a division (demanded by Mr. UMSTEAD) there were—ayes 81, noes 51.

Mr. UMSTEAD. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. UMSTEAD and Mr. SCOTT.

The Committee again divided; and the tellers reported that there were—ayes 93, noes 52.

So the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 24, line 1, strike out "$35,461,649" and insert "$35,416,674."

Mr. SCOTT. Mr. Chairman, this amendment simply carries out the action the Committee just took by changing the amounts in the bill. The amendment eliminates the necessity for this money. I now ask, therefore, that the amount be reduced by that figure.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. UMSTEAD. On what basis does the egentleman propose his reduction in this item; to what grades in the Navy is he applying the reduction, and on what basis did he arrive at the amount by which he is seeking to reduce this bill? If the gentleman's amendment be agreed to, what assurance can he give the House that the money left in the bill will be enough with which to pay personnel?

Mr. SCOTT. Because there will be no more promotions during the fiscal year.

Mr. UMSTEAD. On the basis of what rank did the gentleman make his deduction?

Mr. SCOTT. On the basis of all the money provided in the bill for promotion allowance.

Mr. UMSTEAD. But on what rank did the gentleman base his figure—ensign, lieutenant, commander, captain, or what?

Mr. SCOTT. All of them.

Mr. UMSTEAD. How did the gentleman arrive at the amount? How many did he take from each grade?

Mr. SCOTT. I have not those figures with me at the moment.

Mr. UMSTEAD. The truth is, is it not, that the gentleman from California does not know anything about the effect of his amendment; that the adoption of this amendment might take away from officers in the Navy the pay they are entitled to during the year 1939?

Mr. SCOTT. It would not affect their pay in 1939; no.

Mr. UMSTEAD. How does the gentleman know that it would not? On what grade of officers did he figure the reduction he is proposing?

Mr. SCOTT. It is figured on the provision in here for promotion. That item is not broken down; it is carried in the bill as a lump sum.

Mr. UMSTEAD. But the gentleman knows that in the bill as presented by the committee it is figured upon the basis of an average number of officers in each grade or rank in the United States Navy during the fiscal year 1939. Now, I am asking the gentleman, and he cannot tell us, upon what basis he figured the reduction he is proposing.

Mr. SCOTT. That would be a matter for the administration of the Navy Department to figure out; they would have to figure where the reductions would apply.

Mr. UMSTEAD. And if we did not provide enough money, it would be all right, according to the gentleman's argument.

Mr. SCOTT. It would be necessary, if there were not enough money——

Mr. UMSTEAD. I ask the gentleman if he did not offer this amendment merely to undertake to show a reduction of the amount carried in this bill as reported by the committee,

without really knowing by what amount the legislative proposition which he sponsored and which has been adopted would occasion a reduction?

Mr. SCOTT. No. This is the amount that would not be needed if the men who graduate from the academy should not be commissioned.

Mr. UMSTEAD. How many men coming out of the academy does the gentleman say will not be commissioned?

Mr. SCOTT. I do not have the figures right here, but I think it is 293.

Mr. UMSTEAD. Then the gentleman agrees by his statement that these boys cannot be commissioned if the gentleman's amendment stays in the bill?

Mr. SCOTT. I agree with that. Some of the men who are coming out of the academy next year cannot be commissioned if, during the year's time, this is held in abeyance; we did not make any change in the method of selection. At the end of that time, however, the new men coming out of the academy would be commissioned.

Let me say this, because it came out during the previous debate, that if we now proceed to a review of the selection system as the House wants us to, we can take care of the men who are coming out of the academy. It seems to me much better to say to the boys now coming out of the academy: "We are going to retire you now; you can go in the outside world with the education you now have." They can do it better when they graduate than they could after 10 years in the service. It is quite a different thing then to say to a man that he has got to get out, that we know he is qualified, but he has got to get out and go to work in some other field at a later time in life.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. UMSTEAD. I am diligently trying to seek information; I am not seeking to embarrass the gentleman by these figures, but I feel some sense of obligation toward the pay section of this bill. I feel that the officers and personnel involved by this amount of money are entitled to whatever pay the law says they ought to have. I do not see how the gentleman, in all fairness, can stand before this House and ask that this bill be reduced by the amount he has proposed when he does not know whether it is the correct amount or not, or what effect it might have upon the pay of personnel.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the failure of the gentleman from California to furnish the Committee the information upon which he bases his reduction shows exactly the position we are in. The gentleman said that the object of slowing up promotions and holding them in status quo for 1 year is to get a new selection-system bill. If we do get a new selection system, we shall need every dollar carried in the pending bill, because the amount here carried is predicated upon a selection system.

The purpose of the gentleman's figures is to justify the statement that he is within the Holman rule. The only purpose of it is to show that he is making a saving. Yet he cannot explain to the House, and he could not explain to the Chair when the Chair made a ruling, how it brought about the saving.

Mr. SAUTHOFF. Will the gentleman yield?

Mr. VINSON of Georgia. I do not yield.

Mr. SAUTHOFF. Can you explain it?

Mr. VINSON of Georgia. It does not bring about a saving; and, of course, it could not, because the gentleman is going to ask that a promotion bill be brought in, and the promotion bill would take care of those men. All of this money is in here to take care of these men who are now being promoted. The gentleman from California should know that every officer's salary is not based upon promotion. It is also based on longevity or length of service, regardless of his rank. The gentleman now offers an amendment, and asks the Committee to adopt it, which seeks to justify the erroneous position he got himself into when he offered his first amendment.

Mr. SCOTT. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from California.

Mr. SCOTT. I think the gentleman has made an incorrect statement. I justify the amendment by the amount that would be saved by not bringing the men out of the Naval Academy into the commissioned service.

Mr. VINSON of Georgia. He is seeking now to prove his justification because he is seeking a reduction of $60,000, yet he cannot show to the committee how he arrived at this reduction. It does not make a bit of difference to me because if he gets a new selection system then we will have to have $35,000,000 to take care of all the men, and that is all he is after, and if he does not get it then we will have to have it anyway.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. May I ask the gentleman if under the rules now in effect in the Navy the men reaching retirement will not be replaced by men from the academy?

Mr. VINSON of Georgia. Of course they will be retired. There is a law that a man must be retired who has served 14 years. He is going right straight out, irrespective of the selection law. The law says if he serves 21 years he goes out also. There is a law that says if he serves 30 years he goes out. This merely demonstrates the unwisdom of a committee trying to legislate on something as complicated as this by putting a restriction upon an appropriation bill.

Mr. WHITE of Idaho. Will the vacancies caused by retirements be filled by appointments from the Naval Academy graduating class?

[Here the gavel fell.]

Mr. SAUTHOFF. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, we have just declared where we stand in regard to this policy, which was done by a very substantial majority of the members of the Committee.

The gentleman from California [Mr. SCOTT], in order to carry out this program, has offered an amendment in which he sets forth definitely the amount. Those who oppose the amendment, both the gentleman from North Carolina and the gentleman from Georgia, criticize and ridicule the gentleman from California because of the amount he puts in, but they do not offer any amount which they insist is the correct amount.

Mr. VINSON of Georgia. It should be the same.

Mr. SAUTHOFF. I make the point that unless they can show the amount is wrong, then that amount should be accepted by the Committee as the correct amount. They have no argument unless they can show what the correct amount should be. They have not succeeded in doing that; therefore I feel we should agree to the amendment offered by the gentleman from California.

Mr. UMSTEAD. Mr. Chairman, I desire to take 5 minutes on this matter.

First of all may I correct the statement just made by the gentleman from Wisconsin. I certainly said nothing, or at least I did not intend to, that would in any way ridicule my good friend, the distinguished Member from California. I merely sought information from the gentleman who offered the amendment.

The gentleman from Wisconsin says that we have not offered the correct amount, but I submit in fairness to him that he must know I cannot do that and no one else can do it when the gentleman from California could not tell us what grade his amendment affected, either by the pay scale, by the grade, or the number involved. I now repeat for the benefit of the gentleman that I was not in any way criticizing or ridiculing the gentleman from California. If course, I cannot suggest the correct amount because I do not know and the gentleman who offered the amendment has not told us the number of officers, what their ranks are, or what their pay will be.

Mr. Chairman, I can neither oppose the amendment nor advocate it because if I opposed it and if it were all right I

should regret it. If I favored the amendment and it turned out that there was a shortage in pay of the officer personnel of the Navy, I should regret it. I am in no position on the facts before me to advise the House whether or not the amendment should be adopted. I say, Mr. Chairman, if the legislation the gentleman from California says he desires is enacted into law every dollar of money under this item will be necessary and ought to be left in this bill.

Mr. MAY. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Kentucky.

Mr. MAY. Since the different classifications of the officer personnel get different salaries, depending on length of service, it is impossible to tell whether or not this is the correct amount unless you have the number of the different classes?

Mr. UMSTEAD. The gentleman is correct; and, unless the proper classification, grading, rank, and number is known to the Member who offered the amendment, certainly the distinguished gentleman from Wisconsin, in fairness, cannot expect someone else who does not have that information to figure the correct total. I think it would be the part of wisdom to leave this item as it is. It would not hurt anything to leave it in here. It would not do any harm and I believe that safety compels us to leave it in, but I cannot advise the House to do so because I do not know what his amendment does.

Mr. SCOTT. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from California.

Mr. SCOTT. I certainly did not take anything the gentleman from North Carolina said as ridiculing me when he was asking for information.

I may say if 293 of the midshipmen are not commissioned, I do not know just exactly whether or not the figures I gave the gentleman will cover the situation.

Mr. UMSTEAD. Would it not be better to leave the money totals just as they are and not change them?

Mr. SCOTT. The best information I could get was that it was about this amount. As I understand it, if the amendment is not agreed to, and under the operation of the amendment the committee agreed to a moment ago, if the money provided here is not used, it will go back into the Treasury of the United States.

Mr. UMSTEAD. Of course it will. Therefore, I suggest to the gentleman he withdraw his amendment.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes in case of death or desertion, upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 75 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 70 cents per ration in the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $21,557,059.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 27, line 21, strike out "$21,557,059" and insert in lieu thereof "$21,000,000."

Mr. FISH. Mr. Chairman, I know of no other way of reaching the objective I am seeking than by offering this amendment. The amendment, in other words, might read as follows:

That the nine American gunboats operating on Chinese rivers within the territory of a friendly nation shall be withdrawn.

Therefore, I have sought in the only way I know how to strike $500,000 off this appropriation, and I compute this to be about the sum it takes to pay for the personnel on those nine Navy gunboats in China and for the maintenance of the gunboats. I have yet to hear any reason whatever from anyone why these gunboats should be in China at the present time, or why they have been there all these years.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. KLEBERG. May I ask the distinguished gentleman from New York if it is not a fact that, if this $500,000 is cut off, the gunboats would have to be maintained whether they were in Chinese waters or over here, and the personnel would also have to be maintained?

Mr. FISH. I do not see what good they would be except for that specific purpose. They were built in China for operation on Chinese rivers, and would serve no useful purpose anywhere else in the world.

Mr. KLEBERG. How about the personnel?

Mr. FISH. The personnel would have to be taken care of.

I am not worried about the money involved, because I know and everybody else in Congress knows if this amendment were adopted it would go to the Senate and the Senate committee would hold hearings on the bill, and Navy officers would appear before the committee and enable the Senate to compute the exact sum required for the purpose I have in mind. Therefore, I am not worried a bit about whether it is a dollar too large or a dollar too small.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would rather finish my argument before yielding. The gentleman will oppose the amendment and will have plenty of time for debate.

Mr. HILL. Mr. Chairman, will the gentleman yield for a brief question?

Mr. FISH. Yes; for a brief question.

Mr. HILL. Although the cost would be the same if we had these gunboats here, they would not be able to promote foreign wars as they might in China?

Mr. FISH. No; and I want to discuss that issue. We could not use these gunboats here or anywhere else outside of China. They were built in China for a specific purpose. I want to know why they are there. I want to know what use they are in China. I know that the Yangtze River is filled with Chinese mines and presumably Japanese mines, and if our American gunboats continue to operate up and down this river one of them sooner or later will be blown up by a mine, and then we will have another incident to deal with. I say, in the name of peace and peaceful relations, either take these gunboats out of China or give us some reason for their being there.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I am sorry; I cannot yield.

This is not a partisan matter. They have been there for 30 years and more than 30 years, under Republican administrations as well as under Democratic administrations, but the fact has just come to the attention of the American people for the first time. Even Members of Congress, unless they have been in China, did not know these gunboats were there. I submit unless we want further incidents we should take these gunboats out of China. Japan has humbly apologized for the recent attack on the *Panay* and has agreed to pay compensation and give guaranties, but Japan cannot give guaranties that our gunboats will not run into mines and be blown up or be blown up by the Chinese in an effort to incite us against the Japanese, or vice versa. Therefore, I submit we ought to act on this question, and if we need to safeguard the interests of our people in China, let us have one airplane patrol up and down the rivers with machine guns, which can do more than any nine gunboats to cope with pirates, if there are pirates left in China. Many years ago there may have been pirates on these rivers, and there may have been a purpose in placing and keeping the gunboats there. Now the only reason given is to escort the Standard Oil boats up and down the river. I do not believe in hauling down the American flag or retreating under fire or under threats, but that is not the case at present.

Mr. Chairman, I submit this is a proper amendment, and I should like to see it adopted.

Mr. UMSTEAD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, the United States marines have to eat whether they be in China or the United States. The gentleman has offered his amendment to the section which provides for subsistence, and, I might say, not of marines but of enlisted men of the Navy. However, I respectfully submit that the boys, either of the Navy or Marine Corps, ought to be fed, no matter where the President of the United States or the Navy Department may send them.

Mr. Chairman, I ask that the amendment be voted down.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a beautiful theoretical blue print, as it were, I thoroughly agree with the remarks of the distinguished gentleman from New York [Mr. FISH]. However, we are met with a practical situation. When I go to the moving pictures and see there on the screen or receive a report, as I have, from an official of one of the Departments of the United States Government, to the effect that Americans were shot down in what I call cold blood, that Americans were shot down in what appears to me to be deliberate, purposeful murder, I say it is time for the Members of this House to speak out against this sort of thing instead of coming on this floor and speaking in a way which may lead foreign nations to suppose our moral fiber in self-defense has evaporated. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was rejected.

The Clerk read as follows:

In all, for pay, subsistence, and transportation of naval personnel, including members of the Naval Reserve when called to active duty in time of war or during the existence of a national emergency declared by the President, $200,944,752, plus $3,100,000 of the appropriation "Pay, subsistence, and transportation, Navy, 1938," such amount of such appropriation being hereby reappropriated, and of the total of such amounts $1,000,000 shall be available immediately, and the money herein specifically appropriated for "Pay, subsistence, and transportation of naval personnel" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers appropriated for in this Act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1938, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipmen for Puerto Rico, a native of the island, appointed on nomination of the Governor, and of four midshipmen from Puerto Rico appointed on nomination of the Resident Commissioner; and of four midshipmen from the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, from the Naval Reserve, from honor graduates of military schools or Naval Reserve Officers' Training Corps: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy for admission to the Naval Academy in the class entering in the calendar year 1939 who has not served aboard a vessel of the Navy in full commission for at least 9 months prior to such admission.

Mr. HOBBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: On page 30, line 11, strike out the word "four" and insert "three."

Mr. HOBBS. Mr. Chairman, this question reverts to, and largely hinges upon, and dovetails with, the discussion we have had upon the Scott amendment.

All this amendment seeks to do is to reduce the number of appointments of each Congressman and Senator from four to three.

We are forcing into the officer personnel of the Navy each year something like 500 new men and because of the narrowing of the pyramid from that wide base, inevitably, good, efficient men, against whom there is no complaint, whose records are as good as many who stay in, are being forced out, and in every one of these efficient officers, 250 of whom we are kicking out of the service every year, your Government, under laws passed by you, has invested from $24,000 to $35,000! That does not make sense! If you believe in economy, if you believe in efficiency in the service, if you believe what the Appropriations Committee itself advocated last year, you will vote this amendment "up."

I read from the report of the Appropriations Committee of last year which, after a paragraph or two, concludes with this statement:

These facts and considerations should be convincing that there is urgent need for further legislative consideration of the Navy's line-officer situation and raise a serious doubt as to the need or wisdom of continuing with four appointments to the Naval Academy each year.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Yes.

Mr. THOM. The passage of the gentleman's amendment means that all appointments of boys to the Naval Academy now made, who are scheduled to take examinations in March, would be declared off because there would be only three boys from each district in the academy.

Mr. TABER. Mr. Chairman, will the gentleman yield to me to answer that?

Mr. HOBBS. I will be pleased to yield.

Mr. TABER. The bill does not take effect until the 30th of June.

Mr. HOBBS. Of course not. This is the appropriation bill for 1939.

Mr. THOM. But the language is—

No part of this appropriation shall be available for the pay of any midshipman whose admission subsequent to January 30, 1938, would result—

And so forth. This would bar everybody who is appointed and is to take the examination in March.

Mr. HOBBS. If the gentleman is correct—and I have a very high regard for his judgment—I think the amendment should be adopted all the same.

It is largely in advocacy of the right of every mother's son of those boys who go to the Naval Academy that I am interested in this amendment. I claim it is a heinous crime committed by Congress to take the lives of these young boys, the flower of the youth of this Nation, and train them there and let them lay their young lives upon the altar of their country's service in the hope of regular advancement through the grades to the top, and then blast and damn their hopes, and in middle life, before they have attained the height of their efficiency in the service, with no complaint whatsoever against them, to kick 250 of them a year out of the service without reason, save that we put too many in. [Applause.] It is in advocacy of the right of these boys to live and learn and grow and go to the top, if good enough, that this amendment is being proposed.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from Oregon.

Mr. PIERCE. But do they not get a wonderful education in those 4 years?

Mr. HOBBS. They certainly do.

Mr. PIERCE. I know that some of the boys that have come out of there who did not get commissions have gone into our high schools, and I know that some of the ablest teachers we have in the West are men who came from Annapolis.

Mr. HOBBS. There is no question about that, sir, but I am looking at the problem not from the standpoint of the boys who quit or fail of their commissions then but from the standpoint of those who stay in for years, determined to make the naval service their life work, who are fit and fine, and whom we need, but cannot retain because of this short-sighted, cruel, and grossly extravagant system. [Applause.]

[Here the gavel fell.]

UNFAIR TO TAKE BOY TO ANNAPOLIS, THEN KICK OUT

Mr. MAVERICK. Mr. Chairman, the amendment we have before us today is to cut down the number of midshipmen

we send to the United States Naval Academy from four to three for each Congressman or Senator. I presented this amendment year before last and it was defeated. I support it this year—and I believe if we are consistent we should vote for this amendment. That is because the Scott amendment which we adopted provided for holding up the selection in the Army for a year, and one of the main arguments for it was that we have too many naval officers and have to let them out arbitrarily.

Mr. Chairman, when we take a man to the United States Naval Academy at Annapolis and educate him and we know he is going to be thrown out 5 or 10 years from now, Congress is indulging in false pretense to the youth of this Nation.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield for a question?

Mr. MAVERICK. Yes.

Mr. KITCHENS. I note on page 24 an appropriation of $9,414,000 to meet the retired pay of the officers of the Navy. Does not the gentleman think this reduction might help to reduce that retirement-pay item?

Mr. MAVERICK. Yes, of course. If we keep cramming the Naval Academy full of boys we are filling up the retired lists too.

Now, let us get this thought in our minds. The more men we put in Annapolis the bigger pay-roll navy we are building. What we want to build is a navy that can fight, a navy that has fast ships, a navy mechanically perfect—not a pay-roll navy.

One of the Members said to me a moment ago, "We may need eight of these boys instead of four." What kind of talk is that?

That is war psychology.

Everybody knows that three men are enough. I do not doubt that every Member of Congress is perfectly conscientious but do not think about the appointments we are going to make. Let us put the right number of men in there. That is the right thing to do.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. KRAMER. Recently I had an opportunity to visit Annapolis and see the way food is actually squandered and thrown away when many a person who is going hungry would be glad to have it. I am surprised at the amount of appropriation made each year to feed these people and the money wasted by getting food that is unnecessary. In other words, I mean the amount of food that is brought in there and thrown out each day.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. Yes.

Mr. UMSTEAD. I should like to ask the gentleman from California, in view of the statement he has just made, why he did not appear before our committee and give us that information?

Mr. KRAMER. Oh, I hoped that the gentleman had that information.

Mr. MAVERICK. Mr. Chairman, this is not a question of how much the boys eat. I am willing for them to eat plenty if they go to the Academy.

Mr. KRAMER. It is not a question of what they eat; it is a question of what they throw away and do not eat.

Mr. MAVERICK. All right. When we send a man there, we spend $24,000 on him, and what they eat is just a small item. Let them eat cake, for all I care. They are fine young men; but the point is we are building up too many officers and building too big a retired list.

Mr. CRAWFORD. Can the gentleman tell us what the motivating influence was that caused this increase from three to four?

Mr. MAVERICK. I think it is the psychology of the Navy and of the admirals. It is the old idea down through English history that an admiral of the Navy, an officer of the Navy, is the greatest thing in the world.

The philosophy, or, rather, the psychology, of the Navy is that everything must be big. That is the idea. They have the idea that their ships will sail the seven seas and that there must be lots of officers. I tell you when you take a young man and put him in the Navy and then kick him out it is not fair; it is not fair of us to do that. Let us reduce the number of midshipmen whom we can appoint from four to three.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent, in order to cover the proposition raised by the gentleman from Ohio [Mr. THOM], that my amendment may be modified and perfected by changing in lines 9 and 10, "January 30" to "July 1."

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. MAGNUSON. The effect of that would be that it would not take the men appointed now.

Mr. HOBBS. No.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modification of amendment by Mr. HOBBS: Page 30, at the end of line 9, strike out "January 30" and insert "July 1."

Mr. UMSTEAD. Mr. Chairman, I rise in opposition to the amendment. I have the highest regard for the sincerity of the gentleman from Alabama [Mr. HOBBS]. I realize that he has given thought and attention to this matter. I remember that he mentioned the subject to me last year, and I recall then that I said to him substantially what he read from the report that I filed last year in connection with the bill—that I hoped that by this year we might see our way clear to reduce appointments to three. And at that time I thought it could be done. We are in a practical situation. I regret that we have gotten this phase of personnel into such confusion on the floor of the House; but let me say in all sincerity if I thought it would be safe to reduce this number to three, I believe that most of you know that I should have suggested it to our committee and that I should have contended for it in that committee. I do not believe we ought to send any more men down there than we know we shall need or have reasonable expectation of needing.

Mr. MAVERICK rose.

Mr. UMSTEAD. Just a moment; I must finish this statement. The line-officer authorized strength of the Navy is 6,531. They are working toward an objective, however, based on the completion of the Navy which we are now building, without regard to any additional plan that may be submitted to Congress, of 7,941. We are constantly increasing the enlisted personnel of the Navy to take care of vessels authorized under the Vinson-Trammell Act; and I repeat that everything in this bill is responsive to the provisions of the Vinson-Trammell Act and not to any subsequent program that may be offered on the floor of the House. As the new vessels come into commission, I was more or less astounded, and I am sure that perhaps some others will be surprised when they know that, in spite of the improvements in the new ships that the old ones did not have, more personnel is required. They have more guns, they have more of the things that it takes men to handle, and, instead of reducing personnel, it means an increase of personnel. We are now told that, instead of 111,000 enlisted men, it will take 118,000 enlisted men to man the treaty strength or the Vinson-Trammell Act navy. We raised the number of appointments at Annapolis in 1935 from three to four, and we have not had the opportunity to see what the full effect of the 4-year graduating class will be from the first one that will be turned out from the academy in 1939 and I think it would be unwise, as I said the day before yesterday, to change these appointments at this time. So far as I am concerned, the minute I become convinced from the whole picture of the officer situation, regardless of what you do or do not do about the selection system, that these appointments can and should be reduced I shall join with the gentleman from Alabama as quickly as anyone is suggesting that course, but I do believe it would be unwise to do so at this time. We

are having new vessels come into the fleet almost monthly, under the program of the Navy Department.

This Congress has appropriated the money. We cannot stand here this afternoon in 15 minutes and determine this question. Your subcommittee did the best it could on the evidence we had before us; and I appeal to you to let the number of appointments remain as they are until we can see what the full 4-year effect of the four appointment plan is.

Mr. MAVERICK. Does the gentleman really feel that it is imperatively necessary that the number remain at four with all the retirements we have?

Mr. UMSTEAD. In my judgment, the number ought to be left as it is.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The amendment was rejected.

Mr. HOBBS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: Page 31, line 3, strike out the period and insert a colon and immediately thereafter add: "*And provided further*, That should the number of appointments to the Naval Academy from the enlisted members of the Navy not be filled, such vacancies may be filled by means of appointments by the President of midshipmen at large, in addition to the regular Presidential appointments, from those who have passed the Presidential competitive examination."

Mr. UMSTEAD. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Alabama on the ground that it is legislation on an appropriation bill and that it reduces neither personnel nor money.

Mr. HOBBS. Mr. Chairman, will the gentleman reserve his point of order?

Mr. UMSTEAD. Mr. Chairman, I reserve my point of order to permit the gentleman from Alabama to make a statement.

Mr. HOBBS. Mr. Chairman, in my humble judgment, the officer personnel of the United States Navy is maintaining the proud traditions of its glorious past. I believe that there are as fine men in that body as there are in any similar number of men in the world. They have a heritage to transmit to their children in Navy tradition, of pride in their service under the Stars and Stripes on all the seven seas. A prideful heritage, that. Yet, under the necessities of naval assignment, they can rarely be in one place long enough to feel at home or to have their Congressman or Senator feel that they are at home. It is exceedingly difficult, and becoming more so, for these fine men to have their boys follow in their footsteps. It seems to me that this is a definite loss to our Nation and to our Navy. [Applause.]

We provide in our appropriation bill and in our legislative bill from the Committee on Naval Affairs that 100 enlisted men in the personnel of the Navy every year may have a chance, by passing with a low grade of 2.5 the examinations that are given, to become midshipmen in Annapolis. I have the records from the Navy Department. This number of 100 has never been fully used. One year there were only 28 who qualified.

The purpose of this amendment is that, within the present appropriation, within the present policy, within the present number, these unused appointments may be utilized by the President, in addition to his regular appointments, to be given to deserving men who qualify in the Presidential competitive examinations. That is the sole purpose of this amendment. I believe it is right. I believe it is in consonance with the wisest national policy. I believe it is for the good of all; and it is a tribute to the splendid officer personnel of the Navy and to their fine boys who desire to follow in their glorious footsteps. [Applause.]

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield.

Mr. BOILEAU. Does the gentleman mean that these additional appointments are to be given to sons of naval officers?

Mr. HOBBS. Yes.

One word additional, Mr. Chairman; this will not keep out a single enlisted man who can make the low grade required of him. It simply would use what would otherwise be unused. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. It is very clear to the Chair that the amendment is legislation on an appropriation bill. The point of order is sustained.

The Clerk read down to and including line 5 on page 41.

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8993, the Navy Department appropriation bill, 1939, had come to no resolution thereon.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a short message from the Governor of Puerto Rico, Maj. Gen. Blanton Winship, to the National Rivers and Harbors Congress which convened today.

The SPEAKER. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein an address by the Honorable John R. Quinn, past national commander of the American Legion and at the present time chairman of the Veterans' Welfare Board of California, on national defense and the merchant marine.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONSOLIDATED AIRCRAFT CORPORATION

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1882) for the relief of Consolidated Aircraft Corporation, with House amendments thereto disagreed to by the Senate, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. KEOGH, and Mr. CARLSON.

EXTENSION OF REMARKS

Mr. BARRY asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein an address by the Honorable Joseph Kennedy, given in the city of Seattle last week.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article written at my request by Mr. Paul Garber, of the United States Museum.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NATIONAL HOUSING

Mr. BROWN submitted a conference report (No. 1705) and statement to accompany the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

EXTENSION OF REMARKS

Mr. ELLIOTT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Milo Perkins of the Farm Security Administration, setting forth the livestock financing needs of the Great Plains area.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RELIEF OF RALPH B. SESSOMS (H. DOC. NO. 484)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 5871, Seventy-fifth Congress, an act for the relief of Ralph B. Sessoms.

This measure would authorize and direct the Administrator of Veterans' Affairs to pay the sum of $10,000 out of the appropriation for military and naval insurance to Ralph B. Sessoms in full settlement of all claims against the United States, based on Government insurance policy No. T-4367266, in the amount of $10,000 issued to Lewis C. Sessoms, deceased.

The official records disclose that Lewis C. Sessoms on October 24, 1918, applied for and was granted yearly renewable term insurance in the amount of $10,000. He designated his brother, Ralph Bayard Sessoms, as sole beneficiary. This insurance lapsed for nonpayment of the premium due on several occasions, and it was last reinstated, effective January 10, 1922, when premiums were paid to cover the months of January, February, and March 1922. The next premium became due on April 1, 1922, but no remittance was made until April 26, 1922, when check in the amount of $13 was forwarded to cover the months of April and May 1922. Payment of this check was refused by the bank because of insufficient funds. The insurance lapsed for nonpayment of premium due April 1, 1922, and was not in force at the time of the veteran's death on June 10, 1922.

On two previous occasions checks in payment of insurance premiums were dishonored by the bank, and on both occasions the insured was advised that the checks had been returned. He was also advised that failure to pay premiums as required resulted in lapse of the contract and he was required to reinstate it before it could be regarded in force. The insured was therefore aware of the result of tendering an unacceptable remittance in payment of premiums.

The failure to pay the check was due to the fault of the veteran or his representative, the bank. The fact of whether the bank did or did not properly discharge its duty is a matter between the personal representative of the veteran's estate and the bank. It remains that the check tendered in payment of premiums on the insurance was not honored when presented for payment.

It is not unusual for insurance to lapse because checks tendered in payment of premiums are not honored upon presentation; the occurrence is, in fact, quite frequent. In order to keep an insurance contract in force and effect it is necessary for the insured to remit on time and in an acceptable form the premiums due, and failure to discharge this duty nullifies the contract. To pay insurance on a policy which has lapsed because of the failure of the insured to meet his responsibility of properly paying the premiums due would create a precedent so far reaching in effect as to serve to disrupt the very basis of insurance contracts.

For these reasons I am withholding my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 20, 1938.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. BEITER. Mr. Speaker, I ask unanimous consent that the bill and message be referred to the Committee on War Claims and ordered printed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—REPORT ON ALASKA, ITS RESOURCES AND DEVELOPMENT (H. DOC. NO. 485)

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on the Territories, and ordered to be printed, with illustrations:

To the Congress of the United States:

In accordance with Concurrent Resolution 24, first session Seventy-fifth Congress, passed on August 21, 1937, requesting a report in January 1938, I am transmitting herewith a report on Alaska, Its Resources and Development, prepared at my request as one of a series of regional planning studies by the National Resources Committee.

The report is in two parts. Part I contains a statement on policy and recommendations for planning prepared by a special Alaska resources committee. Part II contains a series of staff reports prepared by groups representing different Federal bureaus primarily concerned with various problems in Alaska. In order that these proposals and the supporting data may be available to the Members of Congress and to interested citizens, I recommend that the report be printed, with illustrations.

In the very limited time available for this study a substantial beginning has been made toward "a comprehensive plan for the development of the resources of the Territory of Alaska."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 20, 1938.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RANKIN (at the request of Mr. DOXEY), for 1 week, on account of illness.

To Mr. GREGORY, for the balance of the week, on account of illness in family.

ADJOURNMENT

Mr. UMSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until tomorrow, Friday, January 21, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, January 21, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will be the first witness.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings on H. R. 8532, to amend the Merchant Marine Act of 1936, and for other purposes, Friday January 21, 1938, at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 o'clock a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Friday, January 21, 1938, on H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and H. R. 6498, granting pensions to persons who served under contract with the War Department as acting assistant or contract surgeon between April 21, 1898, and February 2, 1901.

The Committee on Pensions will start hearings on H. R. 8690, granting a pension to widows and dependent children of World War veterans on Tuesday, January 25, 1938, at 10 a. m.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, January 25, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. McGEHEE's Subcommittee on the Judiciary of the Committee on the District of Columbia will meet Monday, January 24, 1938, at 10:30 a. m. in room 345, House Office Building, to consider H. R. 7470, tax exemption for the Society of the Cincinnati, and S. 1835, small claims court.

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia, will meet Thursday, January 27, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Public Buildings and Grounds Committee in the caucus room, House Office Building, at 10:15 a. m., Friday, January 21, 1938, for the consideration of H. R. 9016, Washington Airport.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1007. A letter from the Acting Secretary of the Interior, transmitting a report of transactions under section 10 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); also two reports showing the status of credit operations as of June 30, 1937, and as of December 31, 1937; to the Committee on Indian Affairs.

1008. A letter from the Acting Secretary of the Interior, transmitting a report of the cancelations and adjustments, recommended by the Commissioner of Indian Affairs, pursuant to the act of July 1, 1932 (47 Stat. 564); to the Committee on Indian Affairs.

1009. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed resolution authorizing Capt. William Bowie, former Chief of the Division of Geodesy of the United States Coast and Geodetic Survey, of the Department of Commerce, to accept and wear the decoration of the Order of Orange-Nassau; to the Committee on Foreign Affairs.

1010. A letter from the Administrator of the Rural Electrification Administration, transmitting an annual report of the Rural Electrification Administration for 1937; to the Committee on Interstate and Foreign Commerce.

1011. A letter from the Chairman of the Federal Home Loan Bank Board, transmitting a report containing information as to our experience relating to the annual report of the Acting Comptroller General of the United States for the fiscal year 1937, and particularly to statements therein on pages 25, 26, 27, and 28, and the legislative recommendation on page 13; to the Committee on Expenditures in the Executive Departments.

1012. A letter from the Secretary of Commerce, transmitting in compliance with the act of May 27, 1935 (Public, No. 74), authorizing the Department of Commerce to make special statistical studies upon payment of the cost thereof, a statement showing the names of those for whom work has been performed, the nature of the services rendered, the price charged for these services, and the manner in which the moneys received were deposited or used; to the Committee on Expenditures in the Executive Departments.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 9059) to provide a 2-year moratorium on foreclosures of Home Owners' Loan Corporation mortgages; to the Committee on Banking and Currency.

By Mr. CALDWELL: A bill (H. R. 9060) to provide for the construction of a Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

By Mr. CURLEY: A bill (H. R. 9061) to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures; and for other purposes; to the Committee on Banking and Currency.

By Mr. ELLIOTT: A bill (H. R. 9062) to increase the duty on mustard seeds; to the Committee on Ways and Means.

By Mr. HARLAN: A bill (H. R. 9063) to extend the Railroad Retirement Act of 1935 to include certain employees in the service of carriers at any time after June 26, 1934, and before August 29, 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON: A bill (H. R. 9064) to authorize a preliminary examination and survey of the Soldier River and the watershed thereof, in the State of Iowa, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MAY (by request): A bill (H. R. 9065) to clarify the status of pay and allowances under the provisions of the act of September 3, 1919; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 9066) authorizing and providing facilities for the training of the Coast Guard and members of the merchant marine, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RANKIN (by request): A bill (H. R. 9067) to amend the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 9068) to amend the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 9069) to amend the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 9070) to amend section 504, World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 9071) to increase annual payments to State or Territorial homes for veterans; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 9072) to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to a marine school at Tampa, Fla.; to the Committee on Merchant Marine and Fisheries.

By Mr. CLARK of North Carolina: A bill (H. R. 9073) to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended; authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to the Cape Fear River; to the Committee on Interstate and Foreign Commerce.

By Mr. RANKIN: Resolution (H. Res. 406) authorizing the Committee on World War Veterans' Legislation to make

a comprehensive survey and inspection of soldiers' hospitals and other Veterans' Administration facilities; to the Committee on Rules.

By Mr. LANZETTA: Resolution (H. Res. 407) to make House Joint Resolution 440, a joint resolution declaring the policy of Congress relative to employment under the Relief Appropriation Act, a special order of business; to the Committee on Rules.

By Mr. HEALEY: Joint resolution (H. J. Res. 570) proposing an amendment to the Constitution of the United States to enable the United States to lay and collect taxes on income derived from securities issued and salaries paid by any State, and to enable each State to lay and collect taxes on income derived by residents from securities issued and salaries paid under authority of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWELL: A bill (H. R. 9074) for the relief of G. W. Bauserman; to the Committee on Claims.

By Mr. HALLECK: A bill (H. R. 9075) for the relief of James I. Barnes; to the Committee on Claims.

By Mr. HARLAN: A bill (H. R. 9076) for the relief of Here Comes Meeks, Inc., Hamilton, Ohio; to the Committee on Claims.

Also, a bill (H. R. 9077) for the relief of the Miami Valley Brewing Co.; to the Committee on Claims.

By Mr. HAVENNER: A bill (H. R. 9078) authorizing the President of the United States to reappoint Harry Milford Brown as a major in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. IZAC: A bill (H. R. 9079) for the relief of Owen J. Hayes; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 9080) for the relief of Edwin W. Saunders; to the Committee on Military Affairs.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9081) granting a pension to Sarah White; to the Committee on Invalid Pensions.

By Mr. PALMISANO (by request): A bill (H. R. 9082) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Allen Pope against the United States; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9083) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to Sam Green; to the Committee on Claims.

Also, a bill (H. R. 9084) for the relief of John Lawson; to the Committee on Claims.

By Mr. RIGNEY: A bill (H. R. 9085) for the relief of Charles J. Ray; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9086) for the relief of Roy Webb; to the Committee on Claims.

By Mr. RIGNEY: A bill (H. R. 9087) for the relief of James A. Porter; to the Committee on Claims.

Also, a bill (H. R. 9088) for the relief of Walter Reinheimer; to the Committee on Claims.

Also, a bill (H. R. 9089) for the relief of H. F. Cunningham, doing business as the Cunningham Dry Goods Co.; to the Committee on Claims.

Also, a bill (H. R. 9090) for the relief of J. C. Ludolph; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9091) for the relief of Joe Crisp; to the Committee on Claims.

By Mr. WHITE of Idaho: A bill (H. R. 9092) for the relief of Reuben Owen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3843. By Mr. BOYLAN of New York: Petition of the Rochester Association of Credit Men, regarding the Revenue Act of 1936; to the Committee on Ways and Means.

3844. By Mr. CLASON: Petition of Ferdinand Caisse and other registered voters of the Second Massachusetts Congressional District, favoring the abolition of the Federal Reserve System and the restoration to Congress of its constitutional right to coin and issue money and regulate the value thereof; to the Committee on Banking and Currency.

3845. By Mr. CLAYPOOL: Petition of certain residents of Logan, Ohio, opposing Senate bill 69; to the Committee on Interstate and Foreign Commerce.

3846. Also, petition of certain residents of Baltimore, Ohio, and vicinity, opposing Senate bill 69; to the Committee on Interstate and Foreign Commerce.

3847. By Mr. CULKIN: Petition of the Woman's Christian Temperance Union of Nyssa, Oreg., urging enactment of House bill 3140, the Culkin bill to ban liquor advertising on the radio; to the Committee on Interstate and Foreign Commerce.

3848. Also, petition of the Watertown Chamber of Commerce, Inc., E. C. Gould, secretary, Watertown, N. Y., opposing enactment of Senate bill 69, the train-limit bill; to the Committee on Interstate and Foreign Commerce.

3849. By Mr. CURLEY: Petition of the United Shoe Workers of America, New York City, urging enactment of the Federal Workweek Act and the Federal Workers Appeal Act; to the Committee on the Civil Service.

3850. Also, petition of the United States Appraisers Stores, Local 54, endorsing the Federal Workweek Act and the Federal Workers Appeal Act; to the Committee on the Civil Service.

3851. By Mr. HAVENNER: Petition of the Western Construction Equipment Dealers and Distributors Association, urging the continuance of the Federal-aid highway program by permitting the Highway Act of June 16, 1936, to remain absolutely unchanged; to the Committee on Appropriations.

3852. By Mr. KENNEY: Petition of Maywood Unit, No. 142, the American Legion Auxiliary of Maywood, N. J., asking favorable action on universal service bill and widows and orphans bill (S. 25 and H. R. 6384); to the Committee on World War Veterans' Legislation.

3853. By Mr. KRAMER: Resolution of the American Federation of Labor relative to investigating charges of extortion and racketeering that are violating human and fundamental rights of the working people of Los Angeles and vicinity, etc.; to the Committee on the Judiciary.

3854. By Mr. SHANLEY: Resolution of the Military Order of the Purple Heart, regarding Senate bill 1516, or as it is more commonly known, the Stars and Stripes fund; to the Committee on the Judiciary.

3855. By the SPEAKER: Petition of R. Matteson, with reference to the Constitution; to the Committee on the Judiciary.

3856. Also, petition of the East Oakland Democratic Club, Oakland, Calif., with reference to the Ludlow referendum amendment; to the Committee on the Judiciary.

SENATE

FRIDAY, JANUARY 21, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

JOSH LEE, a Senator from the State of Oklahoma, appeared in his seat today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 20, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation, disagreed to by the Senate; agreed to the conference asked by

the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. KEOGH, and Mr. CARLSON were appointed managers on the part of the House at the conference.

SENATOR FROM NEW JERSEY

The VICE PRESIDENT laid before the Senate a letter from Hon. A. Harry Moore, Governor of New Jersey and former Senator from that State, which was read and ordered to lie on the table, as follows:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 18, 1938.

The Honorable JOHN NANCE GARNER,
The Vice President, Washington, D. C.

MY DEAR MR. PRESIDENT: The enclosed is a copy of a letter today tendered to the Governor of New Jersey giving my resignation as United States Senator from this day.

In tendering my resignation I cannot leave without saying a word of appreciation of the courtesies and considerations shown me by you, the membership, and staff of the Senate. My service, while comparatively brief, gave opportunity of gaining knowledge of the operation of the Senate and the personnel of the body. I must say, in leaving, that I have the highest admiration for the Senate as an institution and a high regard for you and its distinguished membership.

The country is fortunate at this time in having such a splendid body of men.

The people of New Jersey have chosen me as their Governor, and it is only because of this consideration of serving my home State in another capacity that I have relinquished the office of Senator.

It is with high esteem and deep appreciation of the many courtesies extended by you and my colleagues that I send this note in parting.

Sincerely yours,

A. HARRY MOORE, *Governor.*

CALL OF THE ROLL

Mr. LEWIS. Mr. President, in order to assure the presence of a quorum, and in courtesy to the Senator from Mississippi [Mr. BILBO], who is to address the Senate, I note the absence of a quorum, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pepper
Ashurst	Copeland	King	Pittman
Austin	Davis	La Follette	Pope
Bailey	Dieterich	Lee	Radcliffe
Bankhead	Donahey	Lewis	Reynolds
Barkley	Duffy	Lodge	Russell
Berry	Ellender	Logan	Schwartz
Bilbo	Frazier	Lonergan	Schwellenbach
Bone	George	Lundeen	Sheppard
Borah	Gerry	McAdoo	Smathers
Bridges	Gibson	McCarran	Smith
Brown, Mich.	Gillette	McGill	Steiwer
Brown, N. H.	Glass	McKellar	Thomas, Okla.
Bulkley	Guffey	McNary	Thomas, Utah
Bulow	Hale	Maloney	Townsend
Burke	Harrison	Miller	Truman
Byrd	Hatch	Minton	Tydings
Byrnes	Hayden	Murray	Vandenberg
Capper	Herring	Neely	Van Nuys
Caraway	Hill	Norris	Walsh
Chavez	Hitchcock	O'Mahoney	

Mr. LEWIS. Mr. President, in order not to consume the time of the Senator from Mississippi, I tender and request that there be entered in the RECORD for the day a list of the absent Senators and the reasons for their absence.

The VICE PRESIDENT. Without objection, the list will be printed in the RECORD.

The list referred to is as follows:

The Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES], absent because of illness.

The Senator from New York [Mr. WAGNER], absent because of a cold.

The Senator from West Virginia [Mr. HOLT], unavoidably detained.

The Senator from Montana [Mr. WHEELER], absent on important public business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

MEMORIALS

The VICE PRESIDENT laid before the Senate letters in the nature of memorials from Mrs. W. C. Driskell and other citizens of England, Ark., protesting against the United States engaging in war, which were referred to the Committee on Foreign Relations.

CONDITIONS AFFECTING NAVAJO INDIANS

Mr. CHAVEZ. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a petition to the Congress of the United States from sundry representatives of Navajo Indians from all parts of the reservation in New Mexico, Arizona, and Utah.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD without the names attached except the first, as follows:

FARMINGTON, N. MEX., *January 8, 1938.*

To the Congress of the United States:

We, the representatives of Navajo Indians from all parts of the reservation in New Mexico and Arizona and Utah, assembled in conference on this 8th day of January 1938, do hereby make known to you some of the strange and ruinous policies forced upon our Navajo people by Indian Commissioner John Collier and his agent, E. R. Fryer, of Window Rock, Ariz. We trust that you will give your prompt attention to these vital matters we present, as follows:

STOCK REDUCTION

This is the same old story, only which is getting worse and is continued in a most unsatisfactory manner. At the beginning our people were shamefully underpaid for their sheep at $1 to $2 per head; now, we are required to get rid of our horses at such ridiculous prices of $2 to $3 per head, and our cattle is at stake also. We cannot but feel this to be robbing our poor Navajo people of their living; it is taking their property without respect of ownership. Indian Agent Fryer and his force of white and Indian subordinates are executing the wild scheme of stock reduction. The plan would be justifiable to our people if they were respected and given complete control to make their own reduction instead of forcing them to do so under threats.

We understand that Secretary Ickes, in his departmental order, said that the reduction should be made "with the advice and consent of the Navajo tribal council or any livestock association, chapter organization, or district council, to which the tribal council may desire to delegate responsibility for local management plan, etc." This provision as laid down by the Secretary has never been adhered to because the local authorities would not recognize any of these organizations, and because there is no tribal council now to function for the tribe. The Commissioner of Indian Affairs is wholly responsible for the dissolution of the tribal council so how could there be any lawful business?

In our treaty of 1868 with the United States Government, article I provides protection of Indian property, which says that "If bad men among the white, or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained." According to this provision we have more than proved to the congressional committees on Indian affairs of these facts and that by this continual reduction of our livestock we have been more than injured economically and otherwise. In spite of our vigorous protests against such drastic measures the pressure is still spreading over our property, which means despondency, starvation, dole, relief, and what not. We have been a self-supporting people and we do not ask for a ration system of government. We object to this robbery of our happiness, and ask you to please read carefully copy of what has now been ordered on our people about our sheep, etc. We deem this to mean destruction of our people.

EDUCATION

We wish to remind you of the fact that the treaty mentioned above, article 6 provides: "In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted * * *." Upon this agreement schools were established at different parts of our reservation where a large number of our boys and girls attended and received excellent training and we were perfectly satisfied with the boarding schools as conducted.

Now, a wholesale change made in the school system has certainly knocked the bottom out of all our hopes in education, especially when we are required to furnish all clothing for our children while they attend the Government schools. We fail to ascertain when and in what session of Congress such a law has been enacted that would require our people to furnish clothing for their children. It is not so much that our people object to such requirement, but it is not fair for the Indian Bureau to ask the Navajos to comply especially right after they have been made to reduce their only means of living—sheep—and support * * *. The Indian Service workers are telling the Indians that Congress in its last session had made a big cut in the school appropriations, and therefore they (the Indians) are asked to help the Govern-

ment by buying clothing for their children. The order was given out a few days before school opened last fall and thus has cut down the enrollment in a number of schools because the Indians were caught off their guard and unable to buy clothing. We believe this unfair lid should be lifted so that our children may return to school for we do not oppose any kind of education when it is practical.

TRIBAL COUNCIL

We will now call your attention to the fact that we, as a tribe, absolutely failed to recognize, but condemn the manner and idea in which the Indian Bureau has made selection of a few Indians and appointed them as councilmen, some of which are trying to act as dictators among the people. Why should such a thing be allowed to continue on the reservation? Why such discrimination to cause ill-feeling between the Indians? We have made protests by letters and petitions against such, and we even sent delegations to Washington to plead for fair adjustments for our people. Have other Indians as much right to live and enjoy privileges as the Indian Bureau favored Indians?

We resolve that we will not, while acting according to all rights and privileges given to us by the Constitution of the United States and of the laws of the States, recognize the present Indian Bureau's handpicked council which Commissioner Collier has okayed and forcing upon our people in an unlawful way. These handpicked men are not the choice of our tribe as a whole to represent them in any tribal meeting, and for this reason we, the Navajo Tribe demand of the Secretary of the Interior and the Commissioner of Indian affairs to grant to our tribe an impartial but open and free election by votes for councilmen who will represent the people, and thus reestablish a really representative tribal council as soon as possible in order that confidence, peace, harmony, and trust may be restored among our people. That is our plea. That is our program.

NAVAJO CONSTITUTION

In connection with the statement made concerning the handpicked council, we again fail to recognize, and vigorously condemn a so-called Navajo constitution drafted by a few Indians under the advisement of a few white persons at Window Rock, which is now being kept secret from our people. It has been reported, in roundabout way, that the said constitution is to be presented to the Secretary of the Interior for his approval, and that he would put it into effect at once, without the knowledge and consent of our people. A few favored Indians mentioned above are the authors of the constitution. We would have no objection to such document if it was the work of a representative council and approved by the tribe. As it is now we cannot help but feel that it is purely a communistic plan by which to suppress the freedom of the Indian people. We protest and defy such an idea and scheme, therefore, we humbly ask that no such document be considered by the Indian Affairs Committees of Congress lest it be approved by the Navajo people as a whole, and the work of a representative duly elected council of the people's choice.

IS OUR TREATY A LAW?

We would like to be enlightened definitely on the matter of our treaty made with the United States Government in 1868 at Fort Sumner, N. Mex., on June 1, 1868. According to the provisions of the treaty there would be no subdivision of land made but only by the consent of three-fourths votes of the adult Indians favoring it.

In 1933 Commissioner Collier condemned the six jurisdictions we had then on the reservation with a superintendent in each to take care of the Indian problems and needs, because he said it was bad business and too many superintendents and bosses. What did he do? He did not keep our reservation as one but divided it into 18 districts and placed in each a district supervisor; under these supervisors he has placed cowboys to help the supervisors. All this took place without our consent of three-fourths vote of the people. It has come to our understanding that most of these said cowboys are carrying revolvers along with them wherever they go on the reservation. Now, what about our treaty? Is it nothing more than just a scrap of paper as some say it is, or is it still a law? Why should Commissioner Collier push all this upon us when we, as a tribe, have been living up to the treaty since it was made?

TAKING INDIAN HOMES

Referring back to the treaty once more, we would like to know why Commissioner Collier's district supervisor, stationed at a place called Pinon, Ariz., has taken some kind of a law into his own hand and driven some Indian families out of their own homes in which they had lived for 50 years and has put a Government fence around the whole area, including every hogan (home), cornfields, and water the Indians have developed many years ago. They have been turned out in the cold with their children and are forbidden to cut any timber to build other hogans for the protection of their families during these cold winter days. What right has Collier and his agent, Fryer, to instruct their employees to do such things? We would like to have the Secretary of the Interior be informed of this matter and ask that those people near Pinon, Ariz., be given back their homes and improvements. More information can be given on this particular incident if so desired.

LAW-AND-ORDER CODE—INDIAN POLICE

Since the Navajo Tribal Council has been dissolved by Commissioner Collier 2 years ago, there has been introduced mysteriously a law-and-order code which simply has intoxicated the whole Indian police force with the power given into their hands. Instead of educating the Navajos to learn to respect such law and order, through negligence they became unreasonable and began to abuse their duties as peace officers by being severe with the Navajo people. The Indian court judges and police force should be reorganized for the good of the tribe. The said code has never been accepted by the people through their tribal council because there is no tribal council today. We believe in better law-and-order system than we have now.

DEMAND FULFILLMENT OF PROMISE

In about the year 1934 some real representatives of the Indian Service officials made a specific and definite promise to assign land under irrigation in 20-acre tracts on the Fruitland project; and while this was not according to treaty agreement, which provides 160 acres of land to each head of the family, our people were glad and were preparing for the new offer. But this promise was soon spoiled when a new man came—E. R. Fryer, the present agent with a dictatorial authority, acting under the instructions of Commissioner Collier, and denied our people the right to receive the land as promised to them. This has aroused the Indians' feeling, and the land today is still idle. Now, we venture to say that if this denial, coupled with stock reduction, continues, in the very near future starvation will be upon the Indians, especially in the northeast corner of Arizona and northwest corner of New Mexico, once the most prosperous self-supporting people in the United States.

We wonder how Commissioner Collier and Agent Fryer would answer before the Almighty's judgment seat when questioned what they have done to the Navajo Indians. Would they answer that they had starved them by taking away their sheep, cattle, and their farm lands? We want the assignment of land at the Fruitland project as promised to us.

We hope that the Congress of the United States, in whose hands lie all power of the Government in our great land, will consider the problems we have presented in our humble way and that they may enact some reasonable legislation that would eliminate all fear from the minds of our Navajo people, the majority of which are yet to be educated.

We have stated to you very abruptly only those matters that have been exercised over our people by the iron rules of the present Indian Bureau. We have been holding out patiently and hopefully and without grudge against any individual, but what we complain about is of the fact that some gross injustices have been inflicted upon our Navajo people. We have been pleading with the Indian Bureau people that we need some just consideration in all tribal matters affecting our people, but it seems futile and hopeless to continue our pleas to them.

We feel that we are being punished by the Indian Bureau officials because we are trying to defend our rights, and also because we have turned down the self-government idea under the Wheeler-Howard Act. Now, the way we view the whole situation is that by such drastic measures as stock reduction, land and school questions, etc., we are to submit under the pressure of starvation. We will continue to fight for our rights and privileges which we have under the Constitution of the United States; therefore we are appealing to you for help by this petition.

In the days before Columbus discovered the Western Hemisphere, our Navajo people made their living in their own way, and they can do it again any time without the tyrannous rule of the Indian Bureau. What we ask for is justice and opportunity to move along forward and not backward. We would have you know that while we are natives of this great country and of this great Government, all that we ask is equal justice under law. To submit ourselves to any foreign idea of government is out of question, even if pressure is put upon us by starvation.

We who sign this petition are purely representatives of our Navajo Tribe. We realize the Indian Bureau will come back and say that we have been stirred up by some agitators or troublemakers, but be it far from us, for we speak for our people. We have written to you in our best way and hope you will help the Congress to understand the situation out here, and we know that the Congress will take action to correct some of the unfair dealings according to their wisdom. We trust that you will rely on these facts to be true, for we have spoken from our hearts and consider these matters very serious to our people.

Respectfully submitted.

BOO MARTIN (and others).

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 239) authorizing the Federal Trade Commission to make an investigation of the Tennessee Valley Authority, reported it with an amendment.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2777) for the benefit of the Goshute and other Indians, and for other purposes, reported it with an amendment and submitted a report (No. 1308) thereon.

He also, from the same committee, to which was referred the bill (S. 2870) for the relief of Margaret Turney and Bertha Turney LaMotte, heirs of Theresa Turney, reported it without amendment and submitted a report (No. 1309) thereon.

Mr. HATCH, from the Committee on Indian Affairs, to which was referred the bill (S. 2827) to authorize the purchase of certain lands for the Apache Tribe of the Mescalero Reservation, N. Mex., reported it without amendment and submitted a report (No. 1310) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

A bill (S. 3293) to amend section 1101 of the Social Security Act; to the Committee on Finance.

By Mr. GUFFEY:

A bill (S. 3294) for the relief of Dravo Corporation; and

A bill (S. 3295) for the relief of Dravo Corporation; to the Committee on Claims.

By Mr. PEPPER:

A bill (S. 3296) to provide for a permanent Bureau of Fine Arts; to the Committee on Education and Labor.

A bill (S. 3297) to provide for the construction of a Merchant Marine Academy; to the Committee on Commerce.

By Mr. REYNOLDS:

A bill (S. 3298) for the relief of Claude B. Robinson; to the Committee on Naval Affairs.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 8837, the independent offices appropriation bill, 1939, which was ordered to lie on the table and to be printed, as follows:

On page 67, after line 12, to insert the following:

"No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States (except persons now in the employ of the Government), the rate of which is $4,000 or more per annum, who shall not have been appointed by the President, by and with the advice and consent of the Senate."

AMENDMENT OF RULES—COMMITTEE ON AIR COMMERCE AND CIVIL AVIATION

Mr. BYRD submitted the following resolution (S. Res. 225), which was referred to the Committee on Rules:

Resolved, That rule XXV of the Standing Rules of the Senate be, and the same is hereby, amended by inserting, on page 30, after the third line of paragraph 1, the following:

"Committee on Air Commerce and Civil Aviation, to consist of 12 Senators."

TENNESSEE UNEMPLOYMENT COMPENSATION DIVISION, SOCIAL SECURITY BOARD

Mr. McKELLAR submitted the following resolution (S. Res. 226), which was referred to the Committee on Finance:

Resolved, That there is hereby created a special committee, to be composed of five Senators, to be appointed by the President of the Senate, which committee is hereby authorized and directed to make a full and complete investigation into the administration, activities, and operations of the Tennessee Unemployment Compensation Division of the Social Security Board. The said committee shall report to the Senate as early as practicable the results of its investigation together with recommendations as to the advisability or necessity of amending the Social Security Act so as to provide for the appointment of personnel on a merit basis.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ORDER OF BUSINESS

Mr. BILBO, Mr. TRUMAN, Mr. HILL, and other Senators addressed the Chair.

The VICE PRESIDENT. A number of Senators apparently wish to insert matters in the RECORD. The Senator from Mississippi [Mr. BILBO] has given notice that he desires recognition. He is entitled to recognition. The Chair would recognize other Senators for the purpose of asking unanimous consent, provided no Senator would take advantage of his recognition to hold the floor. With that understanding, the Chair will recognize Senators for routine matters.

CHRISTMAS IN A DEMOCRACY—ROUND-TABLE DISCUSSION WITH SENATOR GREEN

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a round-table discussion, broadcast over Columbia network, between Senator Green, Miss Frances Farmer, Mr. Burgess Meredith, and Mr. and Mrs. Chester Allen, at a dinner in New York City, December 23, 1937, which appears in the Appendix.]

TOO MANY TAXES—ARTICLE BY SENATOR DAVIS

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article entitled "Too Many Taxes," written by Senator DAVIS, and published in the magazine Freehold, of the issue of January 15, 1938, which appears in the Appendix.]

RESPONSIBILITIES OF THE UNITED STATES AS A WORLD POWER—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. POPE asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah before the Thirteenth Conference on the Cause and Cure of War, held at Washington, D. C., January 20, 1938, which appears in the Appendix.]

JACKSON DAY DINNER ADDRESS AT DALLAS, TEX., BY HON. JESSE H. JONES

[Mr. HILL asked and obtained leave to have printed in the RECORD the Jackson Day dinner address delivered by Hon. Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, at the Adolphus Hotel, Dallas, Tex., on January 8, 1938, which appears in the Appendix.]

TRIBUTE TO THE LATE JUDGE C. C. DICKINSON

[Mr. CLARK asked and obtained leave to have printed in the RECORD a tribute from the Clinton Daily Democrat to the late Judge C. C. Dickinson, formerly a Member of the House of Representatives from Missouri, which appears in the Appendix.]

SOCIAL-SECURITY PROGRAM IN TENNESSEE

[Mr. BERRY asked and obtained leave to have printed in the RECORD several letters and telegrams relative to the social-security program in Tennessee, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. BARKLEY. Mr. President, I desire to make a brief statement for the information of Senators with reference to the procedure in the immediate future.

It is perfectly obvious that at the snail's pace we have been making in regard to the consideration of this bill, there is no way to predict how much longer its consideration will require. I, of course, am interested in facilitating the consideration of the Senate's business, and I regard it as my duty to cooperate and assist in any way possible to have whatever legislation is reported by committees given the consideration to which it may be entitled.

I do not say that in criticism of anybody, and I am not the keeper of any man's conscience, and it is not for me to question the motives or the procedure of any Senator who may resort to any technical rule or device which may occur to him either in furtherance or in opposition to legislation. But the committees of the Senate are beginning and will continue to report important measures for consideration from now on; and it is obvious that if they are to be considered, the matter now constituting the unfinished business of the Senate must be in some way disposed of at an early date.

Looking to that end, Mr. President, I wish to notify the Senate that beginning on Monday next I shall ask the Senate to convene at 11 o'clock a. m., and, beginning on Mon-

day, I shall ask the Senate to sit at night, in order that we may consider the pending bill as speedily and effectively as is possible. I wish also to say that it is not contemplated that we shall have a session tomorrow. We shall recess at 5 o'clock today, and I hope we may meet at 11 o'clock on Monday and continue in session from day to day, beginning at that hour.

Mr. McNARY. Mr. President, those of us who are desirous of seeing this measure come to a final vote realize that we must press forward with renewed aggressiveness. I am happy to join the able Senator from Kentucky, the Democratic leader, in carrying on this fight more aggressively in the future.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas desire recognition?

Mr. CONNALLY. The Senator from Texas desires recognition on the same subject on which the other two Senators have been recognized.

The VICE PRESIDENT. It is the duty of the Chair to protect the Senator from Mississippi [Mr. BILBO]. If his right to the floor will not be jeopardized, the Chair will be glad to recognize the Senator from Texas.

Mr. CONNALLY. Mr. President, in announcing prospective night sessions the Senator from Kentucky evidently is expressing the thought that those of us who are debating this bill and are opposed to it are seeking to obstruct the public business of the Senate.

I desire to say that we have no objection to night sessions, and I hope Senators will be here at night a little more faithfully than they have been here during the day. There are a number of Senators who as yet have had no opportunity at all to discuss the bill. They want that opportunity and they are going to embrace that opportunity.

In fairness to those who are opposed to the bill, I think it ought to be said that so long as the proponents of the bill are using every resource of manpower and parliamentary skill and tactics to cram this bill down our throats, we shall likewise use what resources we have of manpower and parliamentary procedure to see that they do not cram it down our throats.

We have seen here the spectacle of rules being invoked on account of this bill that are never invoked on other legislation, all sorts of technicalities and theories that Senators cannot put matter in the RECORD without taking the speaker from the floor, that Senators cannot secure the attendance of quorums without taking the speaker from the floor, and so on. If tactics of this kind are legitimate for the proponents of the bill to employ, they are also legitimate for the opponents of the bill to employ. If the Senator from Kentucky and others desire to have public business transacted, all they have to do is to go ahead and transact public business by taking up such legislation as they think ought to be considered.

Mr. President, I think I speak not alone for myself but for a considerable group of Senators opposed to this bill; and that is going to be our attitude. We are going to discuss the bill. Many Senators so far have had no opportunity to do so; and we are going to employ whatever parliamentary rules are necessary to insure a thorough discussion of this measure by the Senators who have not discussed it.

Mr. BARKLEY. Mr. President, in that connection, if I may say just a further word, the step which I have announced is not only not for the purpose of preventing Senators from addressing the Senate on the pending measure but is to facilitate their ability to do so.

I shall not enter into any controversy as to who or which side has resorted to more technicalities here, either in furtherance of the proposed legislation or in opposition to it. Let the Senate be the judge on that subject.

Mr. BILBO. Mr. President, I am not yet a filibuster; it is not my purpose to make a filibustering speech today; but in all seriousness I want to discuss with my colleagues and the country at large the tremendous issues suggested by the pending measure. I want to announce, however, that while this is not a filibustering speech, because I am not going to detain the Senate so very long on this occasion, yet if it becomes necessary to defeat this unthinkable, un-American, and undemocratic piece of legislation, I am ready to speak 30 or 60 days or longer. To defeat this measure, so help me God, I would be willing to speak every day of the year 1938. Once upon a time I did speak 10 hours a day for 6 months, and I am ready and prepared to do it again.

For the sake of democratic ideals, for the preservation of the scheme of our great American Government, and for the protection of the wives, mothers, daughters, and sweethearts of Dixie, I am ready to say that if it is humanly possible, this monstrous bill shall not pass. Like General Grant when trying to take Richmond, we will fight it out along this line if it takes all summer.

I take no stock in the declarations or threats that if this undemocratic, unconstitutional, un-American, and insulting indictment against my State and section is, through and by the power of numbers, crammed down my throat and the throats of all southern men and women, my people will desert the Democratic Party. We are not Democrats because we live in the South. We are not Democrats because of the race question. We are Democrats through conviction and belief that the principles and policies of government espoused by the great Democratic Party from the days of Jefferson and Jackson down to this good hour constitute the hope of the American people. Some of our northern brethren and northern Democrats may desert us. They may desert the principles for which the Democratic Party has stood for more than a century; but as for me and mine, we are still going to be Democrats.

It has been 73 years since the Civil War closed; and during all these years the South has had to carry the black burden brought about by the emancipation of the black man who resided in our midst. With wisdom, charity, and statesmanship we have handled this problem well. Why is it now, after three-quarters of a century, at the instance of a few politicians, a few negrophilists or Negro lovers, and a handful of mulatto Negro voters, that an attempt is made at this late date to cram down the throats of the South this insulting, undemocratic, and un-American piece of legislation? Why, even Thaddeus Stephens and his clique of southern haters in the days of bitterness born of a bloody Civil War would not now dare to try to pass such a law. Let me tell the great host of mulattoes, octoroons, quadroons, and time-serving politicians, many of whom I have seen in the galleries of the Senate from day to day since this measure has been under consideration, who are demanding that this piece of legislation be passed by the Senate, that they do not know what they are doing; and I could well say of them what Christ said of those who crucified Him: "Father, forgive them; for they know not what they do."

But I want to tell the advocates of the bill one thing: If you succeed in the passage of this bill, you will open the floodgates of hell in the South. Raping, mobbing, lynching, race riots, and crime will be increased a thousandfold; and upon your garments and the garments of those who are responsible for the passage of this measure will be the blood of the raped and outraged daughters of Dixie, as well as the blood of the perpetrators of these crimes that the red-blooded Anglo-Saxon white southern men will not tolerate.

Mr. President, before proceeding further with the discussion of the pending measure I want to make a very definite announcement, followed by a very definite proposition to my colleagues on this floor who are urging the passage of the pending measure. No Senator on this floor is more loyal and devoted than I am to the Democratic Party and to Democracy's great and matchless leader, Franklin D. Roosevelt. No one is more anxious to see the administration's full and complete program enacted into law. For 3 years I have loyally and faithfully stood by the administration in all things for the welfare of our country. No man or woman on this floor can question my loyalty and fidelity to the administration's ideals, purposes, and objectives. I am just as anxious as is any Senator here to see a farm bill enacted, for which

the farmers of America are clamoring. I want to see a wage and hour bill finally passed by the Congress. I am for the $16,000,000 housing program. I am anxious to see the reorganization bill recommended by the President put into effect.

I am ready to stay here and carry out all the major recommendations of our great leader, Franklin D. Roosevelt. But, Mr. President, there are some things in life that are priceless. There are some things that are more precious than gold and silver or material welfare. The purity and virtue and womanhood of the mothers, wives, daughters, and sweethearts of Dixie, and constitutional government, are more precious to me and mine, and mean more to my people than every measure recommended by the incomparable leader of our party and our Nation.

I know that every farmer of the South wants a farm bill; but I know that I speak for each and every one of them when I tell you that they had rather have no farm bill at all than to see this damnable law passed by Congress.

I trust the Senator from Oregon [Mr. MCNARY], who leads the Republicans, will listen to this proposition: I suggest this gentleman's agreement to my colleagues on the floor of the Senate who seem so anxious to secure the passage of this unthinkable piece of legislation:

I will agree, and I am sure my colleagues who are opposing this measure with me will agree, that when these administration measures are ready for consideration by the Senate further consideration of the antilynching law shall be laid aside and the Senate shall proceed with the discussion and disposition of really worth-while legislation. When all this work shall have been finished the Senate may, if it sees fit, take up again for discussion the antilynching bill. Let me say to you gentlemen of the opposition, if you are not willing to accept this proposition or enter into this gentlemen's agreement, you will by your acts say to the country that you had rather secure the passage of the monstrous and damnable antilynching bill than to pass the measures submitted and recommended by President Roosevelt. I want the country to know that the responsibility will be yours and not ours; and let me say further that if you are not willing to enter into this agreement, I for one—and I believe that my associates in this fight will stand with me—will stand here and oppose the passage of this undemocratic and un-American and unconstitutional piece of legislation "till hell freezes over."

Mr. President, in voicing my opposition to House bill 1507, commonly referred to as the Federal antilynching bill, I want it distinctly understood that I am personally as bitterly opposed to the crime of murder in any form as the most enthusiastic antilyncher on this floor. I am opposed to murder by the individual, by the mob, by the gangster, by the racketeer, or murder in any other form. I am even opposed to capital punishment or the taking of human life by organized society. I could never qualify for service on a jury trying a case in which the punishment would be capital punishment. To my mind and to my conscience it is all murder, and no law or governmental enactment by a legislature or by Congress justifies it or keeps it from being a deliberate and definite disobedience of the divine commandment from God on high, "Thou shalt not kill."

For 8 years I was Governor of the great and glorious Commonwealth of Mississippi, and during that term of service, it is true, I refused in a few cases to interfere with the verdicts of juries and decisions of our courts where the death penalty had been imposed under the laws of my State; yet in every case brought before me during the 8 years I sought every legal and justifiable excuse to commute from death to life imprisonment. I am happy today that I prevented the judicial murder of many human beings, both black and white, during these 8 years, for which I have no regrets, my only regret being that I could not find some excuse to save the life of every human being who was condemned to die under the laws of my State during these 8 years.

Whether admitted or not by the proponents of the pending measure here on the floor or by those on the outside who insist upon its passage, it is generally understood that this proposed Federal law is intended to put a stop to lynching only, and especially in the South, where the great majority of the 12,000,000 Negroes in the United States now reside. The individual advocates of this measure, if frank and honest, and even the press of the country, will not hesitate to say that the underlying purpose is to prevent the lynching of members of the Negro race in the South by the white citizens of that great section of the United States. All the press agrees to that.

I resent this measure as an insult to the law-abiding men and women of the South and to the officials of the county, city, and State governments of the South. It is a damnable and unjustifiable indictment against their efficiency and their loyalty and fidelity to righteous and constitutional government. I know that I voice the sentiment of all the right-thinking and Christian men and women of the land of Dixie when I state that there is no sentiment in favor of lynching in the South among the best people of the South.

I have talked to men, good citizens of the South, who have possibly in the past been swept off their feet, whose reason has been dethroned, whose passions have been so thoroughly roused when some vicious, desperate, crazed Negro brute, controlled by animal instincts only, has raped some sweet and innocent white girl or some good mother that they joined in a mob to deal out immediate and summary justice to the rapist, when they themselves are opposed to mob law.

The ministers of the Christian churches, the good women of the South, the good men of the South, have for years been striving to build up a wholesome and controlling sentiment against lynching. Our Governors, sheriffs, and all other law-enforcing officers of the South now know that they will have the sympathy and support and backing of the controlling sentiment of every county in the South when they use every effort, even to the extent of risking their lives, to prevent the taking of human life by a mob. There is not a Governor in the South who will hesitate for one moment to call out the armed forces of the State to prevent a lynching not only upon the party committing the crime, before the criminal has been apprehended, but it is no uncommon thing to see the National Guard of the State called out to protect the prisoner while he is being tried in the courts of our land.

So strong has become this sentiment against mob violence of every sort and kind that we have been able, as has been told so many times in this debate, to reduce the number of lynchings to almost a minimum, there being only 8 lynchings in the whole United States during the year 1937, whereas in former years lynchings sometimes reached 250 to 300 each year. Then why such insistence on the part of some Members of Congress and some misguided and misinformed leaders on the outside to enact this miserable, unconstitutional, and monstrous piece of legislation?

I accord sincerity to my colleagues and to those who insist upon the passage of this law. It may be that their intentions are good, and the members of the Negro race who are insisting upon this legislation from the North or from the South may believe that they are rendering a worth-while service to the Negro race, that the proposed law would result in obliterating lynchings altogether, but I want to make the prophecy that if such a law is put upon the Federal statute books there will be witnessed a large increase of lynchings, not only in the South, but throughout the Nation. This bill could be properly denominated "a bill to increase lynchings," instead of a measure to prevent mob violence, because that is certain to be the effect.

Yes; the people of the South are sincerely against mob violence. Day by day the sentiment against lynching has been crystallized, until it would be a hard matter to find any man or woman south of the Mason and Dixon's line who would try to defend it.

Woodrow Wilson was right in what he said on July 26, 1918, in a proclamation from the White House in his appeal to his fellow countrymen to cooperate, not passively merely,

but actively and watchfully, to make an end of this disgraceful evil. Here are the words of President Wilson:

I say plainly that every American who takes part in the action of a mob or gives it any sort of countenance is no true son of this great democracy, but its betrayer, and does more to discredit her by that single disloyalty to her standards of law and right than the words of her statesmen or the sacrifices of her heroic boys in the trenches can do to make suffering peoples believe her to be their savior.

It is a well-known fact that President Franklin D. Roosevelt has taken no part in the fight to pass this Federal antilynching bill. Although he has many times expressed himself against lynching, he has not recommended the passage of a Federal antilynching bill, so let the world know that this is not an administration measure. On December 6, 1933, President Roosevelt, addressing a meeting of the Federal Council of Churches of Christ in America, said:

This new generation, for example, is not content with preachings against that vile form of collective murder—lynch law—which has broken out in our midst anew. We know that it is murder, and a deliberate and definite disobedience of the commandment, "Thou shalt not kill." We do not excuse those in high places or in low who condone lynch law.

In his annual message to Congress, January 3, 1934, he said:

* * * crimes of organized banditry, cold-blooded shooting, lynching, and kidnaping have threatened our security.

These violations of ethics and these violations of law call on the strong arm of Government for their immediate suppression; they call also on the country for an aroused public opinion.

It will be noted that he did not refer to the Federal Government.

Addressing the Attorney General's crime conference on December 10, 1934, he said:

I ask you, therefore, to do all in your power to interpret the problem of crime to the people of this country. They must realize the many implications of that word "crime." It is not enough that they become interested in one phase only. At one moment popular resentment and anger may be roused by an outbreak of some particular form of crime, such, for example, as widespread banditry; or at another moment, of appalling kidnapings; or at another of widespread drug pedding; or at another of horrifying lynchings.

I state in this connection that my State has a very strong statute protecting the man who is sought by the mob, and penalizing the sheriff to the extent of removing him from office if he does not exercise due care and is not faithful in the performance of the duties of his office in protecting the man whom the mob is seeking. That is the law of Mississippi.

Mr. President, it might be of interest and pertinent to this discussion at this time to briefly review the origin of the term "lynch law." Students of this subject generally agree that the term "lynch law" is traceable to the actions of an extralegal court established during the Revolutionary War in Bedford County, Va., and presided over by Charles Lynch, justice of the peace, and the elder brother of John Lynch, for whom the city of Lynchburg, Va., was named, and the home of our beloved and distinguished senior Senator from Virginia [Mr. GLASS].

It is said that owing to the unsettled conditions prevailing at that time the Honorable Charles Lynch, justice of the peace, undertook to punish lawbreakers of all kinds. In 1780 his court tried and sentenced the participants in a loyalist conspiracy, and when this matter was brought before the Virginia Legislature 2 years later, Judge Lynch and other members of his court were exonerated—and this is the striking thing about this exoneration, it being held by the Virginia Assembly that the acts of Judge Lynch and his associates, though "not strictly warranted by law" were "justifiable from the imminence of the danger."

This same justification, "justifiable from the imminence of the danger," although unwarranted by law, has furnished the excuse for all the lynchings that took place in the wild and woolly West in the early days of its settlement.

Whipping was the usual sentence imposed by Judge Lynch, and the word "lynching" originally signified merely a summary whipping executed without customary legal processes. It was later applied to tarring and feathering and other minor punishments. However, the term is now used almost solely to describe the killing of a person by a mob, although it may also mean simply the injury of a person through mob action.

Many States have made lynching a special statutory crime, and there are many definitions in these statutes of what constitutes lynching. Minnesota says by her laws that a lynching is the killing of a human being by the act or procurement of a mob. Down in Kentucky a lynching occurs only when the person killed by a mob was in the custody of officers, which is a very happy solution; while in North Carolina lynching is defined as entering or conspiring to enter a jail for the purpose of killing a prisoner. In good old Ohio a lynching is an act of violence upon the body of a person by a mob.

In these special statutory enactments for the various States the minimum number of persons comprising a mob varies from one in Alabama, Indiana, and Kansas to three in Kentucky, but it takes five to make a mob in Illinois, New Jersey, and West Virginia.

Some State laws are more general in specifying the number to make a mob by merely stating a collection of persons. Since there have arisen so many legal quibblings in the definition of mobs and lynchings, the Southern Commission on the Study of Lynching, carried out under the supervision of the School of Law of the University of North Carolina, has concluded that legislatures should not try to formulate a scientific definition of lynching or of a mob, but, rather, that there should be a generalization broad enough to allow each case to be decided on its individual aspects. The following generalization was included in a proposed model antilynching act: "Lynching is the killing or aggravated injury of a human being by the act or procurement of a mob."

The bill before us, section 2, says that—

Any assemblage of three or more persons which shall exercise or attempt to exercise, by physical violence and without authority of law, any power of correction or punishment over any citizen or citizens, or other person or persons, in the custody of any peace officer, or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

And, further—

Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute lynching within the meaning of this act.

Mr. POPE. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. BILBO. I yield.

Mr. POPE. Does the Senator know why the number three was selected in the present bill? Are there a number of State laws which define a mob to consist of three or more persons?

Mr. BILBO. I do not know why the number three was selected, because I was not in on the drafting of this bill. The number used in various State laws vary. In some the number is as high as five. In other States it is lower.

The most amazing and astounding part of the definition of mob and lynching in the bill under consideration is the proviso set out in lines 10 to 16 on page 7, which reads as follows:

Provided, however, That lynching shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor of violence occurring during the course of picketing or boycotting or any incident in connection with any labor dispute, as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

In other words, the coauthors of this bill, who hail from the States of New York and Indiana, have no objections if 25 racketeers or gangsters organize and proceed forthwith to hang or to drown, or shoot, or cut the heads off, or in some other way destroy the lives of 5 or 10, or more or less, human beings who may be classed as racketeers. In other words, by inference the license is given to racketeers and gangsters, no matter what kind of racketeering they may be engaged in, to

go out and mob, without any danger of violating the proposed Federal law against lynching, and the poor wives and children of the mobbed and murdered racketeer shall be denied the right to sue for two or ten thousand dollars because the bread-winning racketeer has been summarily passed on to the happy hunting ground.

Oh, yes, the authors of this bill insist and demand that the wife and children, or the next of kin, of a vicious, black, crazed Negro, who rapes a pure and innocent white woman and murders her, shall be paid $10,000 of the innocent taxpayers' money, but the racketeer who may be engaged in some more or less questionable racket such as selling liquor, when lynched or mobbed by his competitors in the racket, leaves nothing for his destitute family as the result of his passing on to the other world at the hands of a mob composed of his competitors.

In other words, if you want to leave your wife or next of kin an estate of $10,000 cash, you must commit murder or rape. Under the provisions of this bill it is perfectly all right for 75 or 100 laboring people, belonging to the American Federation of Labor or the C. I. O., to go down and find a half dozen or more discharged and aggrieved employees of a local labor union, who are picketing one of the business houses of Washington, take them out on the hills of Virginia, across the Potomac, and murder them, either by hanging, shooting, or decapitating, and that will not be a violation of the so-called antilynching bill proposed by the gentleman from New York and the gentleman from Indiana.

An ignorant, illiterate, black man, crazy with his animal passion, can violate the chastity and destroy the virtue of a sweet little white girl in her teens and then murder her and throw her lifeless form into the chilly waters of the Potomac, and by so doing compel the innocent taxpayers to pay his wife or next of kin $10,000. But the wives and next of kin of the half dozen harmless, discharged laborers, aggrieved at the mistreatment of their employer, on one of the streets of Washington, receive nothing, but are left to struggle on in rags and starvation, lulled to sleep in the evening tide by the howl of the lonesome wolf of hunger at their doors.

We are indebted to the Honorable James Harmon Chadbourn, assistant professor of law of the University of North Carolina, for his analysis of antilynching laws existing in the States.

I place it in the RECORD as a matter of history and as information for the public which reads the record of this discussion. It is a very able presentation of the antilynching laws which now obtain in the various States of the Union. He made the following observations:

Antilynching legislation is broadly of two types. It is punitive or prophylactic, seeking on the one hand to punish when a lynching has occurred—on the other to anticipate and prevent lynchings. If, however, the philosophy underlying punishment is prevention rather than retribution, then the division is pragmatic only. At least it is convenient to make it for purposes of discussion.

What I now quote from this analysis by Professor Chadbourn relates to State legislation:

The main types of punishment in antilynching legislation are: (a) Punishing lynchers by making lynching and mob violence statutory crimes; (b) fining counties and cities in which lynchings and mob violence occur; (c) removing delinquent peace officers. Other and more sporadic ones are penalties for (1) failing to respond to an officer's summons for aid in protecting a threatened person; (2) violating safety zone established by officers; (3) failure on the part of the proper officer to prosecute lynchers; (4) refusing to testify in a lynching investigation; (5) publishing a printed or moving picture portraying a lynching; (6) failing to call special term of court. Often special procedures are set up to facilitate the infliction of these penalties, such as prosecution on information in lieu of indictment, prosecution by the State's attorney general, and provisions for offering rewards and hiring detectives.

In my State we have several of these provisions and have a great desire to put a stop to the crime of lynching.

The most familiar types of legislation designed to prevent lynchings by anticipating them are provisions for (a) employing military force to guard a threatened person—

I have done that myself on occasions as Governor of the State—

(b) changing the venue of his trial—

I have seen that done in my own State—

(c) calling a special term of court to try him—

That is frequently done—

and (d) removing him to the jail of an adjoining county.

That is resorted to almost universally in the South. The sheriff takes a prisoner to an adjoining county, perhaps 300 miles away, in order to save him from lynching, to defeat the purpose of the mob.

I wish to say to the Senators who are espousing this bill that if the bill is passed, which makes it possible for the sheriff of a county to be subjected to a penalty of $5,000 or 5 years in the penitentiary, it will be found that no sheriff in any county in any Southern State will ever receive from another sheriff a prisoner who is being sought by a mob. If one sheriff should try to put the prisoner in the hands of the other sheriff for safekeeping he would find that that sheriff would refuse to take possession of the prisoner. If I were the sheriff of one county and the sheriff of an adjoining county asked me to take charge of his prisoner for safekeeping, does anyone suppose that I as sheriff would jeopardize myself and my family and my job by taking charge of the prisoner the mob was chasing? Certainly not. Let each sheriff take care of his own prisoner and put him in the jail in his own county.

The majority of this antilynching legislation has been enacted during the past decade and a half. Much of it has been sponsored by Negroes. This is true of the Ohio law, which was introduced by Representative H. T. Eubanks. The Minnesota law is reported to have been engineered by a Negro clubwoman, Mrs. W. T. Francis, of St. Paul, who persuaded Representative Theodore Christianson (white) to introduce it. H. J. Capehart, the colored member of the house of delegates, is reported to have drawn and sponsored West Virginia's law. To win his own party to it he reduced the county forfeiture from $25,000 to $5,000. The bill was fought by a Democratic minority. The Pennsylvania law was drafted by Representative Andrew Stevens (Negro). All the house Democrats are reported to have supported it. The single negative vote was a Republican one. The first use of this law was by the wife of a Klansman killed in a riot resulting from a Ku Klux Klan parade.

That was in Pennsylvania.

The New Jersey law is reported to have been passed at the behest of Negroes. While the Republicans claim credit for the bill's introduction and passage, it was approved by a Democratic Governor. A committee of colored citizens is credited with the Kentucky law. A Negro representative introduced the Nebraska law.

One of the most amusing things we see in American political life is how in the States where there is a handful of Negro votes Democratic and Republican politicians vie with each other to see which one can do the most for the Negroes in order to get the votes.

Quite often this legislation represents the sublimation of a militant antilynching sentiment aroused by a recent lynching which has shocked the local conscience. The Columbia (S. C.) Record, June 29, 1931, states: "Lynchings at Marion, Ind., last year caused the Indiana Legislature to write a drastic antilynching law, which Governor Leslie has signed." So also the lynching of Montgomery Godley at Pittsburg, Kans., on Christmas Day of 1902 seems to have prompted the enactment of the Kansas law in 1903. And doubtless some of the statutes enacted in the past decade are the answer of proponents of States' rights and local self-government to the post-war agitation for a Federal law to curb lynching. The press, for example, so considered the Virginia law.

I am informed that the State of Virginia has possibly the best law with respect to prevention of lynching and mob violence of any State of the Union. That is due to the efforts of our own colleague [Mr. BYRD].

Antilynching legislation has been repealed in at least two States. Alabama passed an act in 1868 penalizing counties in which mob murders took place. A special session of the Texas Legislature in 1897 created the crime of "murder by mob violence" and provided for the removal of peace officers delinquent in protecting prisoners taken from their custody and killed.

Lynching and mob violence under the common law have no technical signification. To the legal mind the terms connote a hodgepodge of numerous crimes—riot, rout, unlawful assembly, murder, assault and battery, etc.

"Lynching has no technical legal meaning. It is merely a descriptive phrase used to signify the lawless acts of persons who violate established law at the time they commit the acts. * * * The offense of lynching is unknown to the common law."

So much for the information contained in these splendid observations about State laws on lynching, but we are now

primarily concerned with the question of whether it is advisable, necessary, and possible to enact a Federal antilynching law to regulate mob violence and lynching within the powers granted to the Congress under our Constitution.

It shall not be my purpose to devote much time to a discussion of the power and authority of Congress to enact laws that are most certainly an invasion of the States' rights to regulate and punish crimes within the jurisdiction of the various States. This phase of the bill has been ably and unanswerably covered by the several distinguished Senators who have preceded me in this discussion.

I am informed that the Senator from Idaho [Mr. BORAH] contemplates, before this discussion is over, giving the Senate a very full and elaborate presentation of this question.

It is the contention of those who oppose the proposed bill that such a measure is clearly unconstitutional, and if and when, if ever, this bill before us is enacted, I make the prophecy that the Supreme Court, when and if the provisions of this bill are ever brought before it for decision, will promptly and unceremoniously strike it down and throw it out the window.

Then we who are opposing this legislation might be asked why we are fighting it so hard, and why are we going to stay here all year to defeat it if we believe that the Supreme Court eventually would declare it unconstitutional. I entertain the fear that it will possibly be a decade before a case would ever get to the Supreme Court. Before I get through with this presentation I will discuss with Senators how this measure is going to operate, with respect to its enforcement, and I think I will be able to show Senators that there is only a remote possibility of a case coming before the Supreme Court under this measure. If such a case comes before it, I am sure the Supreme Court will declare the measure unconstitutional, following the decisions of the past. There may be some phases of this bill upon which the Court has never passed. But I know there must be some members of that Bench who will hold it to be unconstitutional. I am persuaded to believe that all the members will help throw it out the window. Its provisions are repulsive and unthinkable to every man who has the slightest conception of our dual form of government. This Congress would have just as much right to pass a law to punish horse stealing, cow stealing, arson, chicken stealing, rape, gambling, murder, or fishing on Sunday as it would have to pass a law to punish the citizens of a State for violating the law in shooting or hanging some criminal that has violated some law of that State.

The State in the surrender of its power to the Federal Congress most certainly reserved the right to regulate its own internal affairs, enact laws for its own internal protection, and to punish violators of such laws.

Since the year 1891 various and sundry attempts have been made in Congress to pass a Federal antilynching law. Hon. David O. Walter, professor of Cornell University, has written a splendid history of these sporadic attempts to secure the passage of such legislation during the last 46 years. I am pleased to submit his observations, because I believe this information will be interesting to Members of this Senate and the country at large.

I quote from Professor Walter, of Cornell University:

A spectacular series of lynchings in Maryland, California, Missouri, and Tennessee last year (1933) called Nation-wide attention to an alarming increase in mob violence. When Governor Rolph, of California, openly condoned the San Jose affair, it was clear that the machinery of the State would not be used effectively to punish the mob. Under such circumstances it was only natural that besides the wave of denunciation of Governor Rolph there should be a demand for some action by the Federal Government when the States permit such activities. In response to this agitation, in the first 6 weeks of the recent session of Congress (1933-34), nine bills were introduced and were later under consideration by the Judiciary Committees of the House and Senate.

Such efforts, however, are not novel, but are only part of a series of attempts to have the Federal Government deal with this problem. The movement for a Federal antilynching bill received its first active support in the recommendation of President Harrison in December 1891, that Congress pass a law to protect aliens from mob violence. This was a direct result of the difficulties arising from the outbreak in New Orleans in March of that year, when 11 Italians awaiting trial were taken from the jail and lynched. Louisiana made no effort to apprehend or punish the leaders of the mob. Since three of the victims were Italian citizens, their Government protested under the terms of the treaty of 1871. The United States was forced to reply that it had no authority even to speak in the matter, since under our Federal system the States had jurisdiction over such crimes. This failed to satisfy the Italian Government and strained relations ensued until Secretary Blaine offered compensation to the families of the lynched men.

That is, the Italians who had been lynched.

Following out the President's request, Senator Sherman, of Ohio, introduced a resolution instructing the Committee on Foreign Relations to draw up a bill to protect the treaty rights of aliens. Such a bill was submitted, providing that where acts which were crimes under the laws of the States were committed against aliens in violation of their treaty rights, the offenders should be prosecuted in the Federal courts; but that the statutes of the State should define the crime, prescribe the punishment, and regulate the rules of evidence, procedure, etc.

Senator Gray, of Delaware, led a powerful attack on the bill on the grounds that (1) it drew its authority from the treaty-making power, but treaties are subject to the same constitutional limitations as are laws and may not invade the field reserved to the States; (2) in adopting State laws there would be an unconstitutional delegation of the legislative power of the Federal Government to the States; (3) there would be different punishments for the same crime in each of the 44 States, according to the variations in State laws, which seemed inequitable; (4) such a law would give aliens an advantage over citizens, in the provision for removal of cases to Federal courts; (5) there would grow up a considerable machinery for the enforcement of Federal jurisdiction over the large number of aliens, paralleling State jurisdiction over citizens; (6) citizens would be subject to double jeopardy for the same crime; (7) the Constitution contains no specific grant of such power to Congress.

Senators Morgan, of Alabama—

Here was a southern man contending for an antilynching law—

and Hiscock, of New York, defended the bill on the following grounds: (1) Congress has the constitutional power to pass laws to enforce treaties; (2) the Federal Government was granted by the Constitution jurisdiction over cases involving aliens; (3) it has been a long-established practice for Congress to adopt State laws, even though they vary in specific content; (4) this subjecting of persons to trial by both State and Federal sovereignties for the same act has been held not to be double jeopardy; (5) this bill was limited in application to those aliens claiming a right under a treaty; (6) the bringing of these prosecutions in Federal courts was not essentially different from the right of Federal officers to remove suits brought against them from the State to the Federal courts. However, interest in the measure died down and it never came to a vote.

What interest Congress had in the lynching problem for a quarter of a century centered mainly on the protection of aliens in their treaty rights. Bills for this purpose were introduced in the Senate in 1893, 1899, and 1908, and in the House in 1900, 1902, 1903, 1905, and 1907; but, in spite of frequent Presidential recommendations, no action was taken until 1908. In December of that year the House passed a bill recommended by the Department of State. Its provisions differed from those of the earlier bill by providing that "if two or more persons conspire to injure, oppress, threaten, or intimidate any alien in his free exercise of any right secured to him under any treaty of the United States, or because of his having so exercised the same, they shall be fined not more than $5,000 or imprisoned not more than 10 years, or both."

We can appreciate the wisdom of such a law.

Although less doubt of its constitutionality was expressed than had been the case 16 years before, the bill passed only by the deciding vote of the Speaker. In the Senate it was referred to the Committee on the Judiciary and there died. The proponents of the bill introduced similar measures in 1909, 1915, 1917, 1919, and 1920, but no action was taken. Finally the Dyer bill of 1922 included a clause for the protection of aliens, adopting the form suggested in 1892, and since then the protection of aliens has usually been combined with general antilynching proposals.

Until 1921 similar measures on behalf of American citizens, particularly Negroes, had even less success. Referring to the problem of lynching in his annual message for 1892, President Harrison urged, this time in the interests of the colored race, that so far as such acts could be made the subject of Federal jurisdiction—

President Harrison was aware of the constitutional limitations—

the strongest repressive legislation was demanded. But the Congress to which this message was directed took no notice of the President's recommendation.

Apparently the first suggestions for a Federal law to protect Negroes specifically against lynching were presented to Congress in 1892 in the form of petitions from the colored people of Riley County, Kans., and from the Religious Society of Friends of New York and Vermont.

In 1894 petitions for investigation of a lynching were sent to both Houses of Congress, and a resolution for such an investigation

was introduced into the lower house. In 1900 Representative White, of North Carolina, a Negro, introduced a bill for the protection of all citizens of the United States against lynching; and in the following year Representative Moody, later Associate Justice of the Supreme Court, introduced similar bills. In the same year, 1901, Senator Hoar, on request, proposed such a measure, while expressing doubts of its constitutionality, and later for the Committee on the Judiciary reported it adversely. Senator Gallinger's resolution in 1902 for an investigation of lynching met the usual fate and was laid on the table.

The subject did not again come before Congress until 1918, when race riots in Washington itself—

Perhaps Senators have forgotten the race riots in Washington—

and highly inflamed race feeling in the South and Midwest brought the problem once more into prominence. In 1918 Representative Leonidas C. Dyer, of Missouri, introduced a bill to protect citizens of the United States against lynching in default of protection by the States. Similar bills were introduced in the succeeding Congresses by Mr. Dyer, as well as by Representatives Moores, Gahn, Dallinger, and Ansorge. On October 31, 1921, Mr. Dyer reported favorably from the Committee on the Judiciary the so-called Dyer bill (H. R. 13), based on the various bills introduced, and similar in form to that proposed by Moody in 1901. Later proposals have followed closely the provisions of the Dyer bill. In its final form the bill (1) defined a "mob or riotous assemblage" as an assemblage of three or more persons acting in concert for the purpose of depriving any person of his life or doing him injury, without authority of law, as a punishment for or to prevent the commission of some actual or supposed public offense; (2) declared that any State or governmental subdivision which failed, neglected, or refused to provide protection for any person within its jurisdiction against such a mob should be deemed to have denied to such person the equal protection of the laws; (3) provided that any State or municipal officer who had the duty or possessed the authority to protect such person and who failed, neglected, or refused to make all reasonable efforts to protect him or to apprehend or prosecute those participating in such a mob, should be guilty of a felony and so punished, as well as such officers who conspired with a mob; (4) provided that those participating in lynchings might be tried in the Federal district court according to the laws of the State on evidence to the court that the officers had failed, neglected, or refused to punish such participants, or that jurors in State courts were strongly opposed to punishing lynchers; (5) made the county in which the person was lynched, or (6) in which he was seized, liable to forfeit $10,000, to be recovered by the United States through its courts for the use of the family or dependent parents of the victim of mob action; and (7) incorporated the usual provision regarding the treaty rights of aliens.

It will be seen from this history that the pending bill has its antecedents, which were brought forward several years ago.

Opposition to this bill was vehement, almost entirely among the southern Democrats. In a series of speeches, obviously intended for home consumption, they attacked the policy and expediency of the bill. Much more cogent were the attacks on the constitutionality of the measure. Of course, if the Federal Government is to deal at all with the problem of lynching, it must be in pursuance of some grant of power in the Constitution. This the supporters of the bill attempted to find mainly in certain provisions of the fourteenth amendment:

"SECTION 1. * * * Nor shall any State * * * deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

In other words, if the proponents of this measure cannot hang their hopes upon the fourteenth amendment, they know they have no hope of establishing the constitutionality of the measure in any court of the country; and I am afraid they are going to have to ask the court to stretch the Constitution more than Jefferson did when he made the Louisiana Purchase before they will ever "get by" with the fourteenth amendment to sustain this proposed legislation.

The opponents of the bill declared it to be an unconstitutional invasion of the reserve powers of the States, being an act of the police power. It was pointed out that in a long line of cases construing the fourteenth amendment, the Supreme Court has held it to apply only as a prohibition on State action, not on the action of individuals. Therefore the fourth section of the bill was clearly unconstitutional. Further, when sheriffs fail to afford reasonable protection to prisoners, they are usually violating duties imposed by State laws, and so cannot be considered agents of the State.

Hence, even if there is a denial of equal protection, it is not the State which acts. The prohibition of State denial of equal protection is not a grant of power to Congress to assure equal protection; the failure of a State to act to assure equal protection is not such denial; otherwise, the failure to punish any crime would amount to a denial of the equal protection of the laws (which is obviously not the sense of the fourteenth amendment). Habitual exclusion of Negroes as such from jury lists has been held to amount to a law denying equal protection. But while admitting that equal protection may be denied by unequal, unfair, and discriminatory administration of executive power, Mr. McSwain pointed out that the failure of officers to protect prisoners is exceptional and not habitual. Further, he asserted that the penalty imposed on a county was a tax, and thereby unconstitutional as being laid on a subdivision of a sovereign State.

Those advocating the measure stressed the necessity of Federal legislation to punish the crime of lynching, pointing out how rarely any effective action is taken to punish lynchers and urging that some means is necessary of putting the resources of the National Government in play to prevent mob violence. On constitutional grounds, however, the supporters of the Dyer bill had more difficulty. They cited some of the same cases interpreting the fourteenth amendment to show that a State may deny the equal protection of the laws by administrative and judicial acts as well as by legislation; and that where a State does so, the Federal Government may pass corrective legislation. In addition, the failure of a State to protect persons within its jurisdiction is tantamount to a denial of protection. The failure of a sheriff to protect persons from mob violence, while a violation of his statutory duties, is still to be considered the act of the State. Also, the penalty on the county is a fine, not a tax, and so is not forbidden by the rule regarding taxation of Government instrumentalities. Since the United States may sue a State, it may sue a subdivision of the State and enforce on it the judgments of the Federal courts.

On January 26, 1922, after 5 weeks of consideration, the bill passed the House of Representatives by a vote of 231 yea, 119 nay. Though the vote was not completely partisan, the opposition was mainly from the southern Democrats. Furthermore, it was a group of southern Senators who forced the withdrawal of the bill from consideration by the Senate, using filibustering methods which Senator Underwood openly avowed were intended to prevent a vote on it.

Since the failure of the Dyer bill in the Senate, there have been no successful efforts to pass such legislation in either House. With the exception of a committee report in 1924 on which no action was taken, measures introduced in 1923, 1925, 1927, 1929, and 1933 were merely referred to the Judiciary Committee in the lower House. A measure proposed in the Senate in 1925 was treated similarly.

That closes the review by Professor Walter, of Cornell University, of the attempt to pass a Federal antilynching law.

In the Seventy-fourth Congress on January 4, 1935, the late Senator from Colorado, Edward P. Costigan, and the distinguished Senator from New York, ROBERT F. WAGNER, both members of the Democratic Party, jointly introduced Senate bill 24. This bill was debated from April 25, 1935, to May 1, when the bill was replaced for consideration by the bonus bill.

In this connection it will be not only interesting but pertinent to this discussion to call the attention of the Senate and the country to the splendid and convincing observations made by Mr. Justice Black, of the United States Supreme Court, who at the time of the consideration of the Costigan-Wagner bill was a distinguished Member of this body. You will note that Mr. Justice Black maintained that the passage of such a bill would serve to increase lynchings, and would be harmful to labor. Here, in part, is what the then Senator Black had to say on the Costigan-Wagner bill:

I claim that the Costigan-Wagner bill could well be designated a bill to increase lynching—

I digress to observe that that is exactly what every Senator who represents a Southern State is telling you today. If you pass this bill, you will find out that our guess is right—

a bill to suppress labor unions, a bill to punish and prosecute sheriffs and peace officers who fail to perform satisfactorily the duties which owners and operators might claim they should perform in the case of a strike. I claim that it is not only a bill which would subject the sheriffs to prosecution in the Federal courts for neglect to protect persons from injury but it goes still further and would subject every sheriff in this Nation to a penalty not in excess of 25 years if he failed to exercise that diligence which the coal operators, for instance, thought he should exercise in order to protect their property in case of strike.

That is the Costigan-Wagner bill which Mr. Justice Black is discussing.

I do not claim that the Senator from Colorado and the Senator from New York intended to introduce a bill which would have that effect, but I assert that there never has been a self-respecting court in this Nation that could hold to the contrary of the views I have expressed with reference to this particular measure. I base that statement on the measure itself and on the report submitted by the Judiciary Committee, and particularly upon the brief in support of the report.

Therefore I assert that if the bill should become a law it would have an accentuating effect like unto that of the fourteenth amendment. There were many who believed that it was necessary to adopt the fourteenth amendment in order to protect colored citizens of the country from an infringement of their rights. Some

were honest and sincere in that belief. They believed that the amendment would serve to effectuate such a purpose. I submit that if at that time it could have been known that over a period of 10 years, out of 529 cases coming under the amendment, 509 would have been decided in a way to protect vested interests in their predatory special privileges in this Nation, the amendment would not have had easy sailing, even at that time.

The Costigan-Wagner bill is a lineal descendant of the measures which were enacted as laws in this country and about which the great historian Claude G. Bowers has written that magnificent book entitled "The Tragic Era."

There is nothing new in the proposal, except that today, to him who will read it, it is plain that it goes much further than its proponents in earlier days ever intended it should go, and that it is bodily placing in the Federal courts of the Nation, in courts presided over by men appointed for life, the unquestioned right and privilege of penalizing every sheriff, every peace officer, every judge, and even every Governor of every State, if he fails, forsooth, to be as diligent as the owners think he should be in protecting the property of those whose employees are out on strike.

I deny that this is an "antilynching" bill. The public, the great body of the citizens of the country, have been led to believe that we have in this bill a simple measure against lynching. I assert that if the bill should become a law, not only would it affect the so-called "14 lynchings" which occurred in the country in 1934 but I assert that in the first year of its operation there would fall under the terms of the proposed law more than a thousand cases arising all over the Nation which would not even remotely in any sense of the word touch a lynching.

Let me make an observation aside at this point. I am reading from Mr. Justice Black. I desire to say that some of the Senators who are such great friends of the labor organizations had better beware what they are doing in trying to pass the bill which is now pending.

Let us suppose, as has frequently happened, that a strike has occurred. An individual miner or trainman—and I have tried both of them on such charges—may be charged with injuring a strikebreaker. It is charged that three of them were present. Suppose a prosecuting attorney should decide the man was not guilty. Would he dare to tell the jury so? He would not. Would that prosecuting attorney dare to rise from his chair and tell the jury, "I believe that the killing of this miner was justified"? He would not. Why would he not? Because he would know that his Government, the Government of the United States, a democracy, had passed a law which subjected the prosecuting attorney to 5 years' imprisonment and to have the stigma of felony put upon his brow if he neglected to do anything he could to convict that man.

Let all who desire secure any political advantage they may think is theirs from attempting to force such a bill upon the American people. If it should pass, time will tell who was right. I state that there is no class in America which would be more injured by this bill than those who belong to the colored race, whose wages have frequently been so low as to be a crime against civilization and against decency, and whose wages have been raised more by organization of men than by any other method, and, practically, that has been the only method by which their wages have been raised, until the present administration began to secure the enactment of its legislative program.

In this connection I desire to state that it is my belief that the great majority of the intelligent, thinking, leading Negroes of the South are opposed to this antilynching bill. They know what it means. They know what its enactment will mean to them and to their race.

At this point I wish to insert in the RECORD part of an article by one of the professors of the Alcorn Agricultural and Mechanical College, State of Mississippi. I received it in the morning's mail. The title of it is, "A Negro Looks at the Lynching Bill."

A Negro of the South. Let me read from this contributed article by a leading Negro of my State:

It is a matter of common knowledge with students of moderately recent history that government of the States by the national administration at Washington in the interest of a particular group has been tried once, and with most disastrous consequences to the group in question. Much of the bitterness, animosity, and racial antipathy from which the Negroes at present suffer are the fruits of that unfortunate period of our social and civic life. And it is most unfortunate that just at the time when we seem just on the verge of a clearer understanding and of more mutual good will there should arise this specter of undemocratic threat of force to disturb the present growth and development of our erstwhile splendid promise of mutual respect and appreciation.

This is a Negro speaking from the South, an educated Negro, a leader among the Negroes:

* * * * * * *

In this fight there are two distinctly American ideals at war with each other; one, the right of every person accused of crime to be given a fair and impartial trial before a jury of his peers before condemnation or punishment; the other, the free autonomy of the sovereign States in the exercise of all power and control over matters within their respective borders not specifically delegated by the States to the National Government.

* * * * * * *

But I have often reflected upon the unfortunate circumstances that whenever and for whatever cause a Negro was lynched, the batteries of denunciation from the Negro pulpit, press, and platform were almost invariably loosed, not in support of investigation to determine whether or not there was ground for the charge of unsocial behavior that had been alleged against the individual; not in condemnation of the act which had brought on the lynching; not in laying their services at the disposal of the forces of law and order to run down the guilty culprit and thus place the responsibility where it rightfully belonged, even if it was on a Negro; but always in unsparing denunciation of the illegal act of lynching on the part of the frenzied mob.

Here is a Negro who has the right conception of how to handle public sentiment, to control mob lynching, anywhere in this country. We know that it is a heinous crime, such as murder or rape, that is the cause of mobbing in a great majority of cases; and this Negro says, instead of denouncing the mob, instead of denouncing lynching, we should spend our time denouncing the crime which the victim had committed.

What we want is a cessation of this inhuman practice against the members of our helpless group; and I have often felt that the shortest road to that objective would be, instead of venting our rage against the mob, to go the other way around. Let it be known on which side we stood with regard to the alleged offense against the social order; place our services at the disposal of the forces of law and order; forget group identity in searching out and laying bare all the actual evidence within our possession or within our power to get; and in rendering an impartial judgment on all matters touching the case in hand.

This Negro goes on to say:

There are many encouraging signs of a growing sense of fairness toward the Negro throughout the South on the part of the ruling classes today. Many are the honest efforts being made by different agencies to help him find himself and take his place and live his life as a free man in this the most complex of any civilization of which the records of the past furnish any account. For all of this the Negro is duly grateful.

On his part he has many who have tried to deserve the confidence of the people by whose side under God he has been privileged to live and strive to work out his salvation. He has filled every schoolhouse that has been opened for his training. He has tried to fit himself into the scheme of American industry, working where he could to make an honest living for him and his. He has uncomplainingly made the supreme sacrifice for America and American ideals whenever he has been called. And for upwards of 300 years he has been standing at the bar of the American public conscience, in one way or another pleading for justice and fair play; and he is standing there today awaiting the response.

THE SOUTH MUST BE FAIR

I do not expect the antilynch bill to be passed during this session of Congress nor by this Congress.

This shows he is smart.

In the words of the immortal Lincoln, "Fondly do we hope, fervently do we pray" that this cup shall not be pressed to the lips of the South. For our own sakes we, the Negroes of the South, may well pray that this bill may not pass. But for the South this is the most portentious gesture that has been made at thoroughly undemocratic practices since Reconstruction days; and this is made by the Democratic Party.

He means by part of it:

The white South sets the standards of civic righteousness in the several States and prescribes the qualifications for participation in the discharge of civic duties. There should be no prejudice against the Negro in the discharge of those duties when he has met the prescribed qualifications. If they are not sufficiently high to sift out the unworthy on a fair and honest count, then they should be raised to where they will; and no power can prevent the whites from raising them if they will do so. The Negro is perfectly willing to meet any test prescribed for participation except the test of color, over which it is known that he has no control.

But whether this bill passes in the Congress or not, the South should take fair warning. The forbidding shadows of this ominous threat of the use of Federal authority in matters purely local should serve as a reminder to them that they cannot, in the name of democracy, continue to deny to others who have met every qualification prescribed, the right which they so vehemently claim for themselves in the name of that same democracy.

MUST MAKE HIS CASE

But again, whether this bill passes or doesn't pass, the Negro of the South must make his case with the South. His hope for anything like permanent and worth-while relief from Washington for his ills is a forlorn hope and is doomed to end in disappointment.

Oh, yes; we can go to Harlem, we can go to Chicago, we can go here in Washington, and we will find 9 out of 10 of the mulattoes, the quadroons, the octaroons, and all the rest of the mongrel breed, yelling for the passage of the antilynch bill, when the leaders in the South, where the law would be put into effect, in the section for which it is intended, are trying to eradicate the crime of lynching, for the protection of the whites and Negroes. The trouble is that a lot of these mongrels, mulattoes, and once in a while assisted by a worthless white man, organize into societies and fraternities and collect money from the colored race to carry on this kind of propaganda, to carry on this kind of campaign, and they are using the propaganda for political purposes.

I wish now to read from the newspaper Afro-American, in this connection. This is a Washington paper, and I read from the issue of January 22, 1938. On the front page is—The Week's Editorial.

Why not talk Senator BAILEY's language?

Let me acquaint the Senate with the controlling sentiment, the objectives, the feeling of the Negro organizations which are demanding the passage of the pending bill. This is what this Negro paper says in this week's editorial:

WHY NOT TALK SENATOR BAILEY'S LANGUAGE?

The North Carolina Committee on Colored Affairs this week addressed a letter signed by Chairman Hosea V. Price to its Senator, JOSIAH BAILEY, chief filibusterer against the antilynching bill.

It called attention to the fact that colored people are a minority in the South and are loyal to the Government.

It advised him that he is not representing the best interests of all his constituents and that he is appealing to class hatred and race prejudice.

I deny that for the Senator from North Carolina. I heard his speech and I read it.

The Senator probably knows this as well as the committee which, in our judgment, has an opportunity now to tell him one thing more.

This is a bunch of Negroes in North Carolina telling the Senator from North Carolina something:

The committee should advise both Senator BAILEY and Senator REYNOLDS that when they come up for reelection, all the committee's influence with both races will be used to defeat them.

That is the only kind of language BAILEY understands.

Mr. President, this is a Negro conglomeration talking to the Senator from North Carolina [Mr. BAILEY].

I continue reading from this Negro professor of one of the State colleges of Mississippi:

But again, whether this bill passes or doesn't pass, the Negro of the South must make his case with the South. His hope for anything like permanent and worth-while relief from Washington for his ills is a forlorn hope and is doomed to end in disappointment.

I repeat, the leading Negroes of the South do not want this bill, because they know what would happen if it were enacted. They know that hell's gates would be opened and that the difficulties of the situation intended to be corrected would be increased a thousandfold.

Listen to this:

He in the South must make his case with the South. Make it in industry; make it in thrift; make it in increased intelligence; make it in honesty and personal integrity; make it in known dependability; make it in better use of American opportunity; in visibly lessened crime, personal worth, social service, and civic righteousness. And practically all of these are within his own reach and subject to his own will. And when and if he makes achievement in these fields his first concern, no power on earth can long hinder him in the realization of all that he deserves in any other realm of his life. Accordingly, let the Negro's home, his church, his school, the Negro press, and all of the agencies that lay any claim to be working for the improvement of his status in this country and in the South become more sensitively conscious of their opportunity in the above-mentioned fields and center their fire on these objectives; and it is my faith that there will then be small reason to complain of denial of rights in any other matter that counts.

That is the conclusion of the best thought of the Negro race of the South.

Mr. President, I now quote further from Mr. Justice Black:

I realize that someone may say, "Well, there has been some kind of a recommendation of this bill by organized labor." That is wholly immaterial. I make the assertion that if this bill should become a law, within 2 years from the date it was signed and went into operation there would be the greatest change in the position of organized labor this country has ever known in a like period of time, because this law would crucify organized labor, and the man in the ranks would know what was the matter.

Senators may vote for the bill in the belief that they are representing labor, but after the direful effects have been made known labor will not excuse those who vote for it for not knowing any better. They will censure those Senators because they did not know better, since they are the leaders on the floor of the Senate. That is why a man who attempts and dares to lead the people at any time should first decide whether a proposition is inherently right. He may go along with the crowd, and the crowd will follow, and he may be wrong; but when the crowd finds out that they are wrong, the crowd will get right and blame the leaders because they should have known better. So lead in the right way, though no one follows. After a while others will follow.

Justice Black said further:

I do not yield to any man on this floor in my loyalty to the ideas of good working conditions for the people of this country, white or black, or any other type. I yield to none in the desire to see that they receive an honest compensation for an honest day's work. If I had my way about it, I would make the minimum wages higher than they now are. I yield to none in my desire to see that they have good working conditions as to hours and the conditions in which they toil. But I state that nothing could be more absurd or more ridiculous than for people to come here at one session of Congress and fight and become elated over a victory which prevents the issuance of injunctions by Federal courts against strikers and at the very next session of Congress come and offer to pass a bill which makes a mob of any three or four strikers who gather together, as a consequence of whose actions somebody is injured or killed.

It is interesting to note the theory upon which the right to impose a penalty on a county is based. Several years ago, in reading Macaulay's History of England, I found the beginning of the idea of imposing a penalty upon a county. It came into England from Denmark. The idea at that time was that when the hue and cry was raised every citizen had to respond and make an arrest. There were few sheriffs and few officers charged with the duty of apprehending criminals.

When the Normans conquered England it was found, as had always been the case, that there was great antagonism between the Normans and the Saxons and the original natives of England. The result was that there were a great many Normans who were found murdered from time to time; and since they were in control of the country in those days, which some of us might now call primitive, a law was enacted which imposed a fine upon each hundred, the hundred being somewhat similar to the present township. The theory was that those citizens must apprehend the criminal.

That law did not work very satisfactorily, because it was found that in the poor hundreds usually one man or two men had to pay the entire penalty, men who had nothing whatever to do with the affair and knew nothing about it until after it had occurred.

That is exactly what is being sought in the pending bill.

Justice Black continued:

Since the law provided that the penalty must be imposed when anyone of French descent was found murdered, the result was that the bodies were mutilated, and it became impossible to determine, from the dead body, whether it was that of a Frenchman, a Norman, a Saxon, or a native Englishman. So that law was amended and there was used the prima facie clause which we have in the pending measure, and it was provided that if any dead body was found it should be presumed to be that of a man of French descent. Before very long it was found that did not work, some of the books stating that an individual would simply disappear, and no body could be found. So the law was repealed.

Just as there will be a demand for repeal if by some hook-a-ma-crook the pending bill shall be enacted into law. One of the great writers on law says that since those primitive times—he uses that term—a more equitable system of imposing punishment has been adopted, and that an effort has been made to punish those who commit the crime rather than to punish the innocent.

In the pending bill we find that a fine is to be imposed upon a county, and if the county is unable to pay, those who claim to be injured can levy on the courthouse or jail—and the hospital, I assume. They probably would take them all. If there happened to be a county hospital, of course, it would be far more important to have the judgment paid than to operate a hospital for the benefit of the sick and the needy. It would be far more important to have the judgment paid than to keep the doors of the courthouse open. Everything sinks into insignificance in the minds of those who have brought before the Congress a bill which is the lineal descendent of those pernicious measures which cursed the very people they were intended to benefit after the War between

the States. They were a curse alike to those against whom they were directed and those for whose alleged benefit they were passed.

Before I conclude my observations on this proposed legislation it is my purpose to analyze the provisions of this bill, its inconsistencies, its loopholes, its hardships, its unreasonableness, its absurdities, its ridiculousness, its monstrosities, its unthinkableness, and its foolishness. It shall be my purpose to show the abuses that will result in the attempt to enforce it, the futility of its enforcement and the certainty of its bringing about an alarming increase of the crime which it seeks to prohibit. I shall attempt to show that by passage of the bill the poor, deluded Negro leaders and the misinformed authors of the bill will do more harm to the Negro race than anything that has happened to it since the Civil War.

I propose to prove by analysis of the workings of this proposed law, that if it be enacted the sponsors of this legislation in and out of Congress will prove to be the worst enemies that the Negro race has ever had. We might as well be frank with each other and put the cards on the table. This is a race issue. This is a race question. This is race legislation. It has been brought here to the floor of the Senate because you are trying to meet the insistent demands of Negro lovers, Negro sympathizers, Negro leaders, and Negro voters. I do not hesitate in making the statement that if every Negro north of the Mason and Dixon's line had on yesterday been moved south of the Smith and Wesson line; this bill would not receive a dozen votes on the floor of the Senate.

The Republican Party for 50 years has fooled, promised, and bamboozled the Negro voters by every sort and kind of promise, and chief among these promises has been a Federal antilynching law; but, be it said to the credit of the Republican Party and its leaders, they have been too wise to ever try seriously to carry out this promise, and it is regrettable in the extreme that after the Democratic Party has been placed in power in both branches of Congress that a serious attempt has been made by the Democrats to pass this piece of legislation, which is in violation of our great dual scheme of government and in my judgment violates the very spirit and underlying principle of our great scheme of democracy.

Ever since the Negro was brought from the jungles of Africa by northern slave traders and sold to the southern planters, the Negro in our midst has presented serious problems to solve. His presence in our midst has been a constant source of trouble, always presenting problems to be met and solved, and will continue to present problems as long as the two races try to live side by side.

The first great problem that drenched this country red with blood in the war between the States over the question of his freedom was only the beginning of more and more trouble. The regrettable thing about this piece of legislation is that it is conceived and sponsored by people who know practically nothing about the race question in the South. This great black burden has been handled more successfully by the white people of the South than it was ever handled by any branch of the Caucasian race anywhere in the world when forced to live side by side with another race. We have made a good job of it.

The attempt to pass this unthinkable and unconstitutional piece of legislation, which violates every suggestion of our dual scheme of government, is only the forerunner of legislation that will be demanded from time to time by the Negro voters who in a great many States hold the balance of power. As long as the politician and office seeker needs the Negro vote to win his elections, the Negro is going to demand full pay for his political support by exacting laws to further his ambition for alleged protection and a full enjoyment of every right—political, social, economic, and otherwise. Give him this law and then he will demand something else.

Let me say to the Senate and to the country before I proceed any further with a discussion of this bill, before I express my honest and deep-seated convictions of the issues that this kind of legislation properly suggests, that in doing so I do not want to leave the impression that I am unfriendly to the Negro or his race. I have been a candidate for public office in my native State, where a majority of its population is colored, for close on to 30 years. I represent the only State in the Union where the Negroes are in the majority. We have over 15,000 more Negroes in my State than whites.

I have held public office by the will of the majority of my constituents for nearly 20 years, and in all these years I have never sought to win an election by trying to arouse or appealing to race prejudices. I have been a friend to the colored man in my State, and I am glad to say that I enjoy his good will and friendship.

When I was elected to the Governor's office in 1916 for the first time, I received hundreds of letters and telegrams from the leading colored people of my State congratulating me on the fact that I had won the Governor's race without ever saying one word about the Negro or the race problem. I did not try to ride into public office on the Negro question. It is gratifying to me to know that I have enjoyed the moral support and good will of practically all the Negroes in every campaign.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Will the Senator from Mississippi permit the Chair to interrupt him at that point to ask him a question?

Mr. BILBO. Certainly.

The PRESIDING OFFICER. Did the Senator say something as to the relative proportion of population between the colored people and the white people in Mississippi? Did the Senator from Illinois, who is now temporarily presiding over the Senate, correctly understand the Senator from Mississippi to say that there were 15,000 more Negroes than white people in the State of Mississippi?

Mr. BILBO. Yes. The latest census so shows, and I think the situation in that respect is getting worse.

It was gratifying to me to know that in some of my campaigns the Negroes held prayer meetings in their churches praying for my election because they knew that they had a friend in me. They had every reason to believe that I would give them a square deal, and I have not disappointed them.

It is true that a very few Negroes exercise the right of franchise in Mississippi. In fact, very few of them have any desire to take a part in the white man's political parties. Mississippi has been good to the Negro. Very few of our colored race have any desire to engage in politics in Mississippi. We give them justice in our courts. We provide schools for the education of their children. We have one of the best Negro colleges south of the Mason and Dixon's line, supported by the State, where the ambitious Negro girl or boy can secure a college education. We have several denominational and privately supported academies and colleges for the Negro. The solution that I shall advance for the handling of all the racial troubles that we now have and many more yet to come, may be considered by some rather drastic and radical, but, believe me when I say that the authentic history of 6,000 years proves conclusively that it is the only permanent solution to this great national racial problem.

I predicated my observations on this phase of my address by telling of the relationship that I as public official have had with the Negro, as their friend, because I did not want the Negro to think that what I am saying is because of any personal feeling of bias that I may have against the Negro or his race or his color. I am offering this as a solution, not only with respect to this bill but with respect to all the bills that are going to come up in years to come.

We today have about 12,000,000 Negroes in the United States out of a population of about 125,000,000. It is essential to the perpetuation of our Anglo-Saxon civilization that white supremacy in America be maintained, and to maintain our civilization there is only one solution, and that is either segregation within the United States, or by deportation or repatriation of the entire Negro race to its native heath, Africa.

We have today in round numbers 12,000,000 Negroes in the United States; more than 8,000,000 of the 12,000,000 live in

the South, and have lived there since the Negro was brought from the jungles of Africa and sold to the southern farmers. It has been the southern white man who has had to deal with and attempt to solve this great and perplexing black or race problem. As I have stated before, he has handled it well, without any help from the Federal Government or anyone else.

Of course, we all know the disgraceful story of what took place after the close of the Civil War and during that period known as the reconstruction days of the defeated South. This black burden was made heavy for the southern white man to carry by the policies adopted by the Congress, under the leadership of Thaddeus Stevens and other leaders, filled with war-engendered hate for the white South, as they sought to punish and humiliate the proud spirit of their Anglo-Saxon brothers of the conquered territory.

I may observe that I am sure that the wise, patriotic, and right-thinking men of the North, as they look back upon those gloomy, dark days of the South, do not approve of all that was done here in Washington at that time.

The carpetbaggers, or racketeers, from the victorious North flocked to the Southland from all parts of the North and the East and for profit and boodle, through false and foolish promises, aroused the poor, ignorant, illiterate, liberated slaves to turn against their former masters and real friends.

True to the spirit of the Caucasian or Anglo-Saxon race, the white men and women of the South, in spite of the policies born in the bitterness and hatred of a bloody civil war, strove to maintain white supremacy and the sacred ideals and institutions that only the white race has created and given to the world. True to their Anglo-Saxon brothers in all parts of the world during every period of history they strove to maintain the purity and integrity of their race; and notwithstanding all the schemes, devilment, and machinations of transplanted enemies within their borders and war-crazed enemies from the outside, they won a great victory, not only for themselves but for all the people of the United States. They maintained and bequeathed to their posterity and to the Nation a pure race and the true ideals and institutions of their race.

They drew the color line and said to the black man, "We shall be neighbors; we will live together in peace; we will be your friends; we will help you in your new-found freedom, but you shall not drag us down to your level as has been done in all history when the white man has attempted to live with the black man upon equal social and political terms, or where amalgamation and miscegenation have been tolerated between the races. You shall not cross the line we have drawn."

It is absolutely essential to the perpetuation of our Anglo-Saxon civilization that white supremacy in America be maintained, and to maintain this civilization the experience of 6,000 years of authentic history conclusively proves that we must do one of three things—first, draw the color line between the white man and the black man while we live together, denying to the colored man social and political equality, and under no conditions permitting intermarriage or miscegenation or amalgamation of the two races at any time or in any place.

Mr. President, this week I introduced a bill prohibiting marriages between members of the two races in the District of Columbia and all the possessions of the United States. The second thing is segregation of the Negro race in some chosen territory within the United States or on some islands of the sea, where none but the black man shall live; and, third, repatriation or the deportation of the entire Negro race to its native heath in Africa.

This third solution, in my judgment, will be the most certain, permanent, feasible, and satisfactory solution of this great racial and national question. I believe that the wise and influential leaders of the Negro race will join wholeheartedly in this solution.

Why should not the wise, sensible, thinking Negro want to go back to his fatherland in Africa—back to the Republic of Liberia, if you please, where millions of acres of rich and fertile lands have been already set apart and dedicated by the Republic of Liberia for the colonization of the American Negro? Why should the black man want to live in the United States, where his race numbers only 12,000,000 out of 130,000,000; where he knows that he has been, is, and will always be looked upon as the inferior race; where he knows that he will never have equal opportunities with the white man; where he is, in every State in the American Union, whether it is admitted or not, discriminated against—socially, economically, and politically; where he knows that in every trade and profession and industrial plant he is the last or second choice? Oh, yes; he is permitted to vote in some States, but, as a rule, what does it profit him? With the exception of Harlem, New York, and Black Belt, Chicago, he is always in the minority. He has got to be a follower; he has got to play second fiddle in every game of life in this country. The politicians play with him, hold out false promises to him, bamboozle him, try to corrupt him. He knows so long as he lives in this country that he will be the drawer of the water and the hewer of the wood. Oh, there may be a few exceptions, but these exceptions only emphasize the almost universal condition of the black man in this country as I have described it.

Why should not the Negro everywhere want to go to the home of his fathers and establish a home on the rich and fertile lands of Africa, where he could live under a government of his own people; where there would be no discriminations; where he would have equal opportunities in all things; where his sons and daughters could dream dreams of great renown and success in a country of their own; where the president of the Association for the Advancement of the Colored Race, who has been hanging around this Congress all these weeks trying to pass this damnable antilynching bill could be elected President of Liberia and then have all the damnable lynching laws that he wanted passed for the alleged protection of the members of his race in the jungles of Africa; where he could impose a fine of $10,000 upon the citizens of the jungles of Africa when his cannibalistic brethren mobbed and feasted upon the carcass of a member of his race.

It strikes me, if these Negro leaders have so much love, concern, and sympathy for their race that they would voluntarily organize and move the whole 12,000,000 American Negroes back to the land of Africa, where there is such a great opportunity for the advancement and improvement of the members of their race in that country, where they could bestow upon the illiterate and benighted members of their race there the imposed education and culture that have been given to them by the Caucasian whites in this country.

In this connection I wish to read from a Negro newspaper published in my State, the Greenville Leader, of the issue January 15, 1938:

"HITLER OF AFRICA" CASTS SLUR ON NATIVES IN VISIT TO BELGIAN CONGO

LEOPOLDVILLE, BELGIAN CONGO.—Natives here and throughout the provinces this week took sharp exception to the recent utterances of Oswand Pirow, minister of defense, and dubbed the "Hitler of Africa," on the occasion of his visit to the Belgian Congo. Reported purpose of his visit was to discuss with officials a plan to organize the white people in Africa in event of a native uprising, which he declared was likely if another European war started, and especially if Japan succeeds in driving western powers out of the Far East.

Reports quoted the minister of defense as saying: "In South Africa there can be no equality for natives. For us, South Africans who are living under a climate favorable to the whites and under which conditions a white man is able to work, the future of our race requires a radical separation between the races."

That is a reported statement of the Belgian Minister of Defense.

I wish to read another observation in this connection by Mrs. Ellie Walls Montgomery under the title of "A Black God." It is also published in the Greenville Leader of January 15:

Speaking to a group of Houston College students last week, Dr. H. H. Jones, self-sent missionary to Africa, stressed the opportunities which await trained Negroes in Liberia. Dr. Jones graduated from Jackson College in 1898—

That college is in the capital city of my State, Mississippi—

and went to Liberia in 1902. Finding that he could do more effective work with a knowledge of medicine, he returned and

studied medicine at Meharry Medical College. He combines preaching, teaching, medicine, and dentistry—

Some Negro!

Dr. Jones said that the temperature in Liberia ranges between 64 and 98 degrees and that he plants sweetpotatoes 12 times a year—once each month. The country offers great opportunity for farming and business.

He insists on teaching Africans to think black and to this end was instrumental in barring from all schools textbooks to be used by persons up to the fourth grade and planned by the Hampton conference in 1927 all faces of white persons. He told an interesting story of an African woman convert who told the story of having seen a handsome black man (God) instead of the characteristic little white man seen by Negro converts of a generation ago.

Evidently that convert had seen Harlem's black "god," Father Divine, referred to by the Senator from Louisiana [Mr. ELLENDER] in his speech.

The report of Dr. Jones, from which I have read, is directly from Liberia. It states that the climate there ranges from 64 to 98 degrees and that sweetpotatoes can be planted every month in the year. I understand Liberia is a very fertile country, and I am sure that there is not a Negro farmer in America who would not be happier in this new territory.

Mr. President, there is nothing unusual, wild, visionary, fantastical, or extraordinary in my suggestion. It is exactly what Abraham Lincoln had planned to do and was striving to do when he was, unfortunately for the welfare of the South and the Nation, assassinated in the old Ford Theater by John Wilkes Booth. The South, as well as the Negro, lost their best friend in Lincoln's death. Just as surely as there is a God in heaven, if the Negro race is permitted to live side by side with the white man in the United States, in the years to come amalgamation is certain to follow, and, when amalgamation has been consummated, our boasted Anglo-Saxon American civilization will begin to decay and this Nation will cease to be a strong, virile, progressive leader among the nations of the earth.

Personally, I think that those who are responsible for the policies and success of our Government and those upon whom depends the perpetuation of our boasted civilization are dumb and short-sighted when they fail to meet this problem face to face and solve it aright once for all.

It was Pope who said:

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

The ravishing of our Constitution and the destruction of our dual form of Government by the passage of this so-called antilynching bill is only one of the many steps that we are foolishly and blindly taking that will lead us all on to that day when miscegenation or intermarriage between the races will be universally accepted and practiced, which will be the final step that will in time bring about the amalgamation of the white man with the black man, and then our doom is sealed.

Already 19 States, namely, Connecticut, Illinois, Iowa, Kansas, Maine, Michigan, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Pennsylvania, Vermont, Washington, Wisconsin, and Wyoming, have, by their laws, permitted the whites and blacks to intermarry and, to the everlasting discredit of the wisdom, patriotism, statesmanship of the Congress of the United States, even in the District of Columbia, on the banks of the beautiful Potomac, where nestles the Nation's great Capital, the seat of this great white man's country, negroes and whites are permitted to intermarry. I have introduced a bill to put a stop to this unthinkable, unpardonable, and disgraceful thing taking place here in the heart of the Nation's Capital. And let me express the hope that no committee will let this bill be buried in its files, but will report it out favorably or unfavorably and let the roll be called so as to give every Member of this Congress, both in the House and the Senate, an opportunity to save our Anglo-Saxon, Caucasian civilization for generations yet unborn.

Let the District of Columbia, whose laws are fixed by the Congress itself, hoist the banner of white supremacy and a white man's civilization high in the heavens as a shining model and example to the 48 States of this now glorious Republic.

I do not believe that white men who vote for a law which permits the races to intermarry personally endorse it. I do not believe that they personally would permit such intermarriage in their own families. If they are not willing to do that, why do they vote for such a law? I make the statement that any white man who would vote to permit whites and blacks to marry ought not to object if a Negro wants to marry into his own family. I want a roll call on the bill I have introduced before the present Congress adjourns.

Let the politicians pass this monstrous bill, originally sponsored by the ill-advised negro leaders of an admittedly inferior race, and then we will be called upon to pass a Federal law regulating marriage and divorce; in fact, such a bill has already been introduced in the House of Representatives, and is now pending. My God, are we going to wipe out every State line at one fell swoop? And then you will be called upon to put in this Federal marriage bill a provision legalizing marriages between the white and colored races in every nook and corner of the United States, and then will follow a demand for the repeal of Jim Crow laws, and for the enactment of a law to admit the colored man to the white man's barber shop, the white man's hotel, the white man's school, the white man's church, the white man's restaurant, and finally a seat at the table in the home of every white man in the Republic.

I understand the State of Pennsylvania has already enacted a law compelling every hotel, restaurant, and barber shop to serve colored people on equal terms with whites; they cannot be rejected.

I repeat, if we are going to preserve our civilization the races must be segregated, separated, and, best of all, the Negro must be returned to his fatherland in Liberia, Africa, where the black man will be happy in his own native land, where he can work out his own salvation, free from the discriminations about which he complains so much in this white man's country, and where he will have an opportunity to pass on to his own race the imposed culture, education, civilization, and training that the creative genius of the Anglo-Saxon civilization has given him during his sojourn in this country.

Mr. President, in advocating this solution for the troubles that now confront us and troubles yet to come as a result of the presence of the Negro race in America, I verily believe that the great majority of the Negroes of this country will gladly accept my suggestion. It is the thing that they want to do, for be it remembered that at the beginning of this depression, when the first appropriation was made for the relief of unemployed, 1,000,000 Negroes filed a petition with President Roosevelt, which petition is on file in the White House today, pleading with President Roosevelt to use a part of this fund—that is, relief money—in meeting directly such initial expenditures as the launching of whatever plans might be involved in being transported back and colonized upon the public lands of Liberia, which lands are held in trust for just such a colonization.

In other words, in advocating the deportation of the Negro back to Africa I already have a million names on a petition filed during the past few months in the White House, in which the signers are now asking to be sent back to Africa.

In thus solving this great racial and national problem the Government would not be pursuing a new policy, because we all remember that in the early settlement of America the Indians were segregated, and whole tribes were moved from one section of the country to another section, in order that they might have a country all their own, where they could live unmolested by the advancement and development of the white man's civilization.

We moved the Indians. We moved them by tribes, by tens and hundreds of thousands, from one part of the country to the other. Then why can we not move the Negro in the same way? Of course we can.

It may be of interest to you to know that just recently a great many Negroes of Chicago, Ill., organized a society for the purpose of creating the forty-ninth State, whereby all the Negroes of the United States could be carried to some chosen section, somewhere out in the West, where fertile lands are plentiful and opportunities are unexcelled, and there form a Negro State where none but the Negro would be permitted to live, where they would have a government all their own, with a Negro Governor, Negro Senators, Negro Representatives, Negro schools, Negro society, Negro everything.

That society was organized not long ago in Chicago. They are anxious to segregate themselves. The thinkers among the Negroes realize it, because they know they are not getting a square deal. They know they are not going to get a square deal until a few hundred years from now; but I will tell you in a minute when they will get a square deal.

Of course there would be some objectors; but I believe I am speaking the dream and the hope of the great majority of the Negro race in this country. Whether or not the Negro admits it, you know he is not happy. He is not satisfied. He is not contented. He knows that in no State or section, as long as he is compelled to live side by side with the white man, will he enjoy equal opportunities in all things.

The politicians may cajole the Negro, they may make nice speeches to him, they may promise him a great deal, especially in campaign years, but the Negro is getting wise. He knows he is not getting a square deal. He knows he is being discriminated against; and if he has enough sense to get out of the rain, he is ready to move.

The Negro is not free, nor will he be free until several hundred years from now—oh, maybe thousands of years from now—when he will be absorbed and amalgamated by the white race in this country; and when that time arrives he will have dragged the white man, with his creative genius, down to the level of the Negro, and the whole civilization of our country will fail because of its amalgamation and deterioration.

The solution I am now advancing for the antilynching law and all the delicate and dangerous problems we are yet to face in the future, because of the presence of 12,000,000 Negroes in the United States, is especially pertinent at this time, when we are appropriating billions of dollars of the peoples' tax money to take care of the unemployed of this country through the W. P. A. and other governmental agencies. The 12,000,000 Negroes of America could be deported at once, and I verily believe with their consent, without disturbing the economic conditions of the country—if at all, only temporarily—and without any danger of creating a shortage of labor in this country such as would prevent us from carrying on.

In the pioneer days of the country, when we had an army of unemployed, they were absorbed by the new and undeveloped territory of the West; but now we have no new territory to conquer and develop. We have no new fields for the adventurous spirit of the American laboring man or the unemployed. Our industrial centers are becoming congested. The age of machinery is enlarging our unemployment rolls. Labor organizations and governmental agencies have told us from time to time recently that from eight to fifteen million persons in America are out of employment. Deport our 12,000,000 members of the African race, and there will be a white man waiting for every job made vacant by such a deportation.

Of course, in advancing the suggestion of repatriation of the colored man, it is understood that in carrying out this suggestion, there would be no such thing as an immediate and wholesale exodus; but the removal would be gradual, and there would be plenty of time for the adjustment of the economic and labor conditions which such a removal would bring about.

Some of the labor racketeers and corporations of the South that have been profiteering on the low wages paid to the black man in the South might object, as they have objected to the wage and hour bill, as is evidenced by the tens of thousands of dollars that have been spent and the trainloads of propaganda they have disseminated to create a sentiment against such legislation, and to influence this Congress.

I am told that on the night before the vote was taken in the House of Representatives on recommittal of the wage and hour bill the head of one corporation in my State took up the telephone and had practically every corporation in the State flood the congressional delegation of the State with telegrams against the wage and hour bill. Look at the vote there, and you will see the result of the propaganda.

Oh, yes; some of the racketeers and profiteers of Harlem, New York, and Black Belt, Chicago, and other large centers that have preyed upon the weaknesses and duplicity of the colored race for their own profit, may object; but I am sure I voice the real sentiment, feeling, heart, and mind not only of the great majority of the Negro race, but of all the white men and women, South, North, East, and West, when I suggest such a solution of this ever-perplexing problem.

Send these 12,000,000 Negro citizens of America back to their fatherland, and there will be a job for every white man and woman in America, and there will be no need for spending any more billions of the taxpayers' money to take care of the unemployed of our country and all will be quiet along the Potomac and the country will be well.

Our Nego race problem, arising from the presence and the increase of the Negro in our midst, must be solved sooner or later—solved in a peaceful, agreeable, and statesmanlike way, lest we find ourselves headed for real and serious trouble in the days to come. If the problem is not solved right—and I assure you that I have no desire to exaggerate—our boasted Republic will go the way of all other republics of the past; not only republics, but kingdoms and empires.

Let us face this problem and solve it now. We owe it to our posterity. We owe it to our race.

We also have an Asiatic colored problem, the yellow peril, and also one due to our ever-closer contact with the mixed breeds of Latin America and the importation of the hybrid and mongrel races from all parts of the world; but the Negro problem overshadows all others, both in gravity and in interest.

Scientific research has done much toward establishing the following propositions:

First, the white race has founded all civilizations worth while.

Second, the white race, remaining white, has not lost its civilization.

Third, the white race, become hybrid, has not retained its civilization.

It is regrettable that there is not throughout the world a unanimity of opinion among the various groups of the white race as to the proper attitude of the white man toward the colored man. This difference of opinion has not only resulted in harm to the white man, but certainly has never worked permanent advantage to the colored races. A close and extensive study of all world-wide race or color problems reveals the fact that the white race is divided into two schools of teaching with regard to the proper attitude toward the colored races. Those who live apart from the colored races maintain one attitude, while those who are forced to live side by side with the colored races entertain another attitude. This fact is demonstrated right here on the floor of the Senate.

Consequently, different policies are advanced and practiced in dealing with this difficult problem; and one of the strange facts is that there is a general agreement and sympathy of views and policies entertained by the white man who is separated from the other races, no matter in what part of the world he lives, concerning the treatment of the Negro or any other colored race; and there is a like agreement on the policies and treatment that obtain with the white man who is forced to live side by side with the Negro, whether it is the white man in the South or the white man in Africa, Asia, or anywhere else on the face of the earth:

That is one of the strange things in the world—how well they who dwell with the Negro agree upon the attitude that should be taken toward the colored race.

History conclusively establishes the fact that the white man and his government, in every attempt to regulate and control members of his race remotely, where such members of the race are forced to live side by side with the black man or the yellow man in colonial possessions, have insisted upon intermarriage, miscegenation, and amalgamation. This handling of the race problem has always resulted disastrously, breaking down and destroying the white man's culture and civilization. This can be thoroughly established by the attempts of England, Germany, France, Holland, and many other nations of the white race as they have tried to solve the race problem in every part of the earth in their colonial possessions, especially in South America and Africa, where they have established colonies of the white man in lands peopled by the red man, black man, and yellow man.

For many thousands of years the three great divisions of mankind—white, yellow, and black—existed substantially as they were at the dawn of civilization; and wherever any group of these divisions changed their abodes they carried with them whatever they had of intellect and culture.

Mankind grouped in race divisions has always been in a state of flux, moving, countermoving, conquering, amalgamating, and as a result no continent is today inhabited exclusively by any one race. Europe is not altogether a white man's continent; neither is Asia wholly occupied by the yellow man. Africa is not, nor in the past has it been, a black man's land. It can be truthfully stated that the white race in numbers predominate in Europe, the yellow in Asia, and the black in Africa, but in all of these old countries we find a large percent of the mongrel races resulting from the amalgamation of the definite types—whether white, yellow, or black—with other races. When two races come into permanent contact, there is always blood amalgamation, creating a mongrel race, and I am bold to make the prophecy that unless the solution I have already offered for the Negro race problem in America—namely, deportation—is religiously and uncompromisingly adopted, in the far-away future the United States will be dominated and controlled by a mongrel race. God grant that our wisdom and statesmanship will prevent the coming of that hour in the life of this Republic.

If there is any doubt about the amalgamation that is taking place, let anyone get into a car and ride over the streets of Washington. He will find one-third of the population Negroes, octoroons, mulattoes, quadroons, mongrels. If he will drive out to one of the Washington schools when school is letting out, he cannot tell whether it is a white school or a Negro school.

It is said that the white man is to blame for the intermingling. It is not the legal intermingling that is bringing about the amalgamation now; it is the illegal, illegitimate interbreeding that is taking place, and it is taking place rapidly. There is not so much of it in the South as there is in certain cities of the North.

Some historians claim that with the Caucasian race civilization first dawned upon the Nile and the Euphrates, and after many centuries its center was shifted to Greece, but, before Socrates and Plato taught, the Nordics had transplanted Caucasian culture along the Indus and the Ganges, and had penetrated through India to Oceania. Rome, Carthage, and Greece struggled for supremacy and Rome prevailed. After five centuries of conflict Rome's control or scepter passed to Germanic hands, and since that time, with the exception of temporary ascendancy by the Moslem Arab, Teutonic people have dominated the progress of the world.

This is a brief summary of the shifting of higher culture centers of the past 10,000 years, all of which owe origin and sustenance to Caucasian people.

The Caucasian race alone has proven its right and claim to superiority over all the races of the earth, because it is only through it and its creative genius, which is not found in the black man, the yellow man, the red man, or any mongrel race, that progress, culture, and civilization have been made and maintained. Culture and civilization have not arisen in any portion of the world, in all the authentic history of the human race, where the white man has not been.

Historians are agreed that North Africa was occupied by the Caucasian people more than 10,000 years ago. The Egyptians of the great civilization were a white and not a colored race. The negroid features, so prevalent among the present inhabitants of Egypt, are the result of the white Egyptians' absorption of Negro blood. The Caucasians of Egypt, through thousands of years, pressed down upon Negro Africa and drove the Negro into the heart of Africa, his present location; but in this contact with the Negroes on the upper stretches of the Nile throughout this period interbreeding or amalgamation was going on between the white Caucasian Egyptian and the Negro, creating a mixed-breed population, which today inhabits most of Africa north of the Equator, some of this mixed breed migrating from the east coast to Capetown, at the lower extremity of the continent of Africa.

Such amalgamation is taking place in the United States today. Whites and blacks are interbreeding, not legally, but illegally, a fact which cannot be denied. People should open their eyes and see what is taking place. When such intermingling continues for a few hundred or a thousand years, there results a mongrel race, just as happened in Egypt. Of course, there are some public leaders who do not look beyond their lifetime. They do not care anything about the future. They are unctious, and happy, and satisfied, and they take care of their own existence.

As in the present day the French are recruiting Negroes in Africa to be used as soldiers, so in Egypt about 2,000 years B. C., we find the celebrated inscriptions of Prince Uni mentioning the Negroes who were levied and drilled by the tens of thousands for the Egyptian Army. From this contact with the Caucasian 5,000 or more years ago, the Negro in some degree acquired Caucasian culture. He was taught the use of the white man's weapons. He received the white man's domestic animals, and the Egyptian civilization was disseminated far and wide throughout Negro Africa. From Egypt there gradually spread through Negro Africa religious beliefs, the use first of stone and then of metal weapons, musical instruments, the art of weaving, and possibly canoe making or boatbuilding. So we see how the white men from Egypt drove the Negro from his home on the Nile deep into the heart of Africa, south of the Sahara, into the Congo Basin, and to the hinterland of Equatorial Africa.

The white race, or Caucasian, has three well-marked divisions—Nordic, Alpine, and Mediterranean. These three races of Europe constitute what is properly called the Caucasian or European race. The three, led by the Nordic, especially in modern times, have contributed to civilization all its higher achievements. The Nordics might be termed the aristocrats of the human race. As I have stated, the Nordics have given to the world its higher achievements, but this branch of the human race, with its creative genius, is always endangered when in competition with the colored races.

The Teuton, which is a branch of the Nordic race, has for 2,000 years played the chief role in history and in civilization, and it is for the preservation of this race, its ideals, its culture, its institutions, its civilization, I am making this plea today.

I know that the Negro is not responsible for being in our midst. We brought him to the shores of America, through the Yankee slave traders, against his will. But slavery is nothing new to the Negro race, because it has been visited upon them for the past 10,000 years. It brought great hardships on them in this country, but it is through slavery the Negro has had his chief advantage. It is true he has been worked, disciplined, taught, and saved by invading races of the Northern Hemisphere, as well as by the slave traders

from the New World. The Negro himself has from ancient times held the weaker of his race in slavery, and the mongrel races that surrounded the Negro in Africa have always enslaved him. The Portuguese started the slave trade in Europe by first buying slaves from their Negroid masters, rather than by slave raiding in the jungles of Africa. It is said that our Yankee friends were the first to practice capturing the Negro in his native jungles.

This country is now a white man's country. The Caucasians in America captured this continent from the red race, and now we have lost a great part of it to the black race. The question before us now is whether the white man, who has conquered a continent from the red man—and he paid a dear price for it—whether the white man, who has already excluded the yellow man, is still to share the continent with the black man.

I agree with the principle enunciated by Stephen A. Douglas, that "this Government was made by the white men for the benefit of the white men and their posterity forever."

The white men of this country must recognize our racial problem, as well as the economic problems which go hand-in-hand with it, for always when races are in contact the two problems are inseparable. The economic problem is to prevent the black man's standards from replacing those of the white. The racial problem is to prevent the black man from replacing the white. To prevent the black man from lowering the economic standards of the white, the latter may provide a uniform scale of wages for both races, but by providing equal wages for both races the lower race will have in reality a better chance to sustain itself and increase its kind. The higher race by saving itself economically will endanger itself racially. In order to save itself racially it must have economic advantage. The loss to one race will carry with it a corresponding success to the other. It is just as true that the success of one will entail a relative loss to the other. These are results of racial competition, from which there can be no escape.

All students of eugenics, anthropology, and ethnology, and all wise and far-seeing statesmen, agree on the proposition that the white and black races cannot live together without injury to the white race. The problem which confronts America today demands the repatriation or deportation of the Negro race. This is the one hope for the Negro. Complete segregation or deportation or a drawing of the color line is the only hope for the white race. Upon this one question there must be perfect unification and agreement among the whites of the South, the North, the East, and the West.

The Great Emancipator, Abraham Lincoln, said:

> There is a physical difference between the white and the black races, which I believe will forever forbid the two races living together on terms of social and political equality.

After Lincoln was killed his party became smarter than he had been. They had arranged for political equality, but his party and some Democrats are now busy carrying out the rest of the program, providing for social equality.

Thomas Jefferson, another President, father of the Democratic Party, said:

> Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government.

De Tocqueville said:

> There are two alternatives for the future: The Negroes and the whites must either wholly part or wholly mingle.

I appreciate the almost Herculean task, because the results of not doing it are so far in the future, of trying to interest the Senate or newspapers or the American people in doing a thing which all history shows must be done. I repeat, the Negroes and the whites must either wholly part or wholly mingle; and if they wholly mingle, there will be amalgamation, there will be a mongrel race, there will be a Negroid race, which will cease to be creative, which will not be able to maintain or sustain the white man's civilization which has been produced in this country.

Madison Grant said:

> If the purity of the two races is to be maintained, they cannot continue to live side by side, and this is a problem from which there can be no escape.

During the last 6,000 years of authentic history there are recorded the rise and fall of great civilizations, given to the world by the white Caucasian race, which have perished when black blood was commingled with the white. Stagnation results when the yellow mingles with Caucasian strains. The problem is before us, and sooner or later we shall have to solve it. Why not now?—

> One of these races must drive out the other or be absorbed. The time has come when we must look the facts in the face and discard our sentimental point of view in favor of drastic measures. Unless some remedy is found, the Nation is doomed to mongrelism.

This is the conclusion of Madison Grant, one of our great national ethnologists.

If the history of 6,000 years has established the fact that our race is not to become mongrel, and that our civilization cannot be sustained and maintained by a mongrel race, then why not resort to any means for a solution which will save the civilization and save the race, especially when the solution we suggest is the best for the Negro himself? Over a million are now asking that they be sent back to Liberia.

Dr. William McDougal, professor of psychology of Harvard University, says:

> I am convinced that the policy of voluntary segregation of the colored people of the United States is the only sound one. Whether the American Nation should provide a territory for them within its own borders or should seek to secure a suitable territory in Africa or elsewhere is a question upon which I have no decided opinion. If the latter can be shown to be practicable, it would no doubt be preferable. In any case, the American Nation owes a great act of justice and reparation to its African population, and that debt can in my opinion be discharged only by the expenditures of large sums of money and philanthropic efforts in the endeavor to carry through a wisely planned policy of segregation.

Mr. President, he urges deportation of the Negroes. The Government does owe the Negro race a debt, and in this gradual process of deportation back to the rich fertile land of Africa, the Negro's fatherland, the Government should be willing to stand the expense. The Government should contribute the money for the Negro's transportation, for his colonization there, and give him that attention and supervision we gave to the Cubans and that we gave to the Filipinos while they were getting on their feet, getting organized, their Government becoming systematized. I think the Government ought to do that in the solution of this problem.

Dr. I. F. Lewis, professor of biology of the University of Virginia, says:

> The drag of the Negro on our civilization is blinked by the large class of falsely sentimental and is consciously ignored by many who see in him one who by his cheap and willing service helps to relieve the daily burden of living.

Persons will be found all over this contry who will denounce the suggestion of deporting the Negroes to Africa, because they are profiting by the cheap labor of the Negro. The Negro is a good servant. They say, "We cannot part with our servant. We can get his cheap labor. We need it. We are making money on him." Such men and women are selfish. Such men and women think of their own personal comfort in life, and do not look forward to see what trouble lies ahead, and what will be the ultimate result of the attempt of these two races to live side by side.

> As to the greatest danger probably of amalgamation, there is a conspiracy of silence.

In other words nothing will be said. Nothing will be made public. They will treat the question with silence because they are afraid to deal with the question. The Negro himself should take the lead in forcing this matter on the American public. He should make the move for deportation. I make the plea for the Negro as well as for the white race.

I shall now attempt to give Senators proof positive from the pages of authentic history, covering a period of over 6,000 years, that there are but two solutions to the problem arising from the contact of the whites with the blacks in the United States, or perhaps I should say two results, amalgama-

tion of the races or the separation of the races. The one or the other will eventually be realized, whether we want that to happen or not.

If the judgment and opinions of Madison, Jefferson, Clay, Lincoln, Monroe, Jackson, Webster, Douglas, Grant, and a great host of farseeing scientists and statesmen will not convince Senators that we should proceed with the adoption of a constitutional amendment as proposed by Abraham Lincoln, which would give to Congress the power to repatriate the American Negro, then will Senators be convinced by the experiences of the past, that unless we effect a separation by segregation or deportation or repatriation that our civilization and this great Republic is certain to perish ffom the face of the earth in the journey of time.

The Senate and the country is indebted to the Senator from Louisiana [Mr. ELLENDER], who for 6 days discussed this question and gave to the country proof conclusive along this same line when he in detail developed what had happened in various countries.

Let us see what happened to the boasted civilization of Egypt through her contact with the colored races. All will admit that Egypt once boasted of her greatness and her civilization; in fact, it is said that civilization dawned upon the banks of the Nile. This civilization and culture were preserved and blessed the human race for nearly 3,000 years. On the upper stretches of the Nile and to the south of the Sahara was the land of the African Negroes, called the Nubians. During the reign of the Pharaohs and the marvelous progress of the white man's civilization for 3,000 years the Egyptians made contact with the Nubians and Negroids of the south.

Transportation on the River Nile was perfected when one of the Pharaohs built a canal around one of the cataracts, and then there was a constant stream of Negroes pouring into Egypt, and Egyptians, in turn, invading the Negro regions. Year by year the relationships between the white Egyptians and the Nubian Negroes became closer and closer. Like the white man and Negro in Pennsylvania and New York, intermarriage between the two races set in. Many thousands of Negroes from the Negro lands south of Egypt were brought in and became slaves, laborers, or soldiers for the Pharaohs. And in the course of time the once proud, progressive, cultured, highly scientific, creative Caucasian Egyptian people became thoroughly amalgamated with the Negroes, and this Negro blood made the proud Egyptian a mongrel, and progress in Egypt ceased. Stagnation overtook this great people and its civilization perished, reaching a climax finally in the elevation of a Nubian mongrel to the Egyptian throne, and thus the mulatto Taharka became a Pharaoh of Egypt. The sister of this Nubian mulatto became the divine head of the Egyptian religion and his Negroid mother became the Queen Mother Napata, before whom all bowed to the ground.

The strong, virile, Caucasian nation from Assyria defeated the mongrel nation under leadership of the mulatto Pharaoh, Taharka, and drove him from his throne. The Egyptian civilization was gone and the land lapsed into a semibarbaric condition.

Maspero, in his History of Egypt, makes the following statement about the southern provinces of the Egyptian Empire:

> The large number of black women found in the harems of the rich, and even in the huts of the common people, quickly impaired the purity of the race even among the upper classes of the nation, and the type began to resemble that of the Negro tribes of Equatorial Africa. The language fared no better in the face of this invasion and the written characters soon became as corrupt as the language. The taste for art decayed; technical ability began to deteriorate. The morale and intellectual standards declined and the mass of the people showed signs of relapse into barbarism.

This sad story of the perishing of the Egyptian civilization by the amalgamation of the White Egyptian with the negroids of Nubia and Northern Africa, is the story that will be written of this Republic some day unless we are brave and courageous enough to solve our race problem and solve it right.

Weale, in his Conflict of Color, says that—

> Where the white man has not absolutely cleared the ground of his colored rival, he may be bred down to a position of inferiority.

That always happens.

Let me now prove to the Senate how two great and glorious civilizations, established by the creative and inventive genius of the white Aryan race, were destroyed in India by the amalgamation of the white with the colored races of that great country—because these white Aryans failed or refused, in their stupidity and ignorance of what would happen, just as we today are shutting our eyes and turning a deaf ear to the proper solution of the great racial question in white America with the presence of 12,000,000 Negroes in our midst.

In population the Caucasian race leads the world with about 800,000,000 souls. Nearly 300,000,000 of these, however, are of the darker branches of the race and live in Asia, 220,000,000 of them being Aryans of India.

Many historians contend that the Aryan white race, or I might say the parent white race of all white races, originated in India, and it was there, it is claimed, that the first great civilization was established in practically prehistoric times.

I shall not take up the time of the Senate in giving Senators a narrative account of the journey of the white races of Europe into the land of India, but there is enough known about the history of this great country to show that when this branch of the white race invaded India many thousands of years ago and captured the mongrels there, they came into contact with this original white man's civilization which had decayed and was in its last stages as a result of the previous or original white Aryan or Caucasians having interbred with the yellow and black mongrels of that country.

India had two civilizations, and both of them were destroyed in the same way.

The whites, which produced the earlier and first culture, had become submerged in the black mass about them and the newcoming Aryan found that the "melting pot" had prepared India for an easy conquest.

These new Aryans, by reason of their race and culture, inventive and creative genius, became the ruling aristocrats of India. It is true their numbers were but small when compared with the mongrel and colored multitudes about them.

These conquering whites proceeded to build upon the ruins of their ancestors' former civilization a new, great, and glorious civilization, but they, as their predecessors, made the fatal mistake of trying to maintain their civilization and the purity of their race by resorting to laws, regulations, caste, and religion, just as we, in our weak, ignorant, and cowardly policies, are dealing with the Afro-American in our midst today.

Our revolutionary fathers, when they conquered this country from the Indians, took no chance with losing or even jeopardizing the white man's civilization by fraternizing, living with, or tolerating the red man in their midst. Our fore fathers expelled the red man. They drove him out of the country. They dared not live side by side with him. In this way has been maintained the purity of our race so far as the red man is concerned. Thus was prevented an amalgamation of the white man with the red man to any appreciable extent.

But when we found that the black man, as a slave, was profitable, we imported him from Africa and we planted him side by side with the white men and women of the country. As a slave we have set him free, and we are now engaged in a vain and foolish attempt, despite his admitted racial inferiority, lack of creative and inventive genius, to make him an equal of the white man socially and politically. Through political cowardice and the politician's desire to profit by his political support, day by day we are breaking down all the barriers—social, political, and otherwise—even to the extent of permitting the miscegenation or intermarriage between the white race and the black race.

England, to a large extent, has been responsible for this long, fatal, and disastrous policy of trying to handle the American Negro. Thank God, the English people have learned their lesson. They have seen the error of their way. But a great many of our American citizens are still woefully at fault, however sincere, in trying to solve this racial problem. The great majority of them are at fault because they do not know the Negro as he really is; they never stop to analyze his traits, his weaknesses, his limitations, and the dangers that are in the offing.

As some of our Christian missionaries in China and Africa and other parts of the world have unwittingly sowed the seeds of discord and racial friction in their attempt to spread the Christian religion, so right here in our country a great many church people have insisted upon a relationship and a treatment in dealing with and handling the Negro that are responsible for a great deal of the friction and misunderstandings between the whites and blacks in all parts of this country. Of course, they are sincere, but they have never understood; they have never dreamed of the great harm that they are doing to our great American civilization and to the white man and to the black man.

If our forefathers protected the purity of their race and prevented the break-down and failure of our Caucasian civilization by expelling the red man from his own country, then why should we hesitate to save our civilization for our children yet unborn by providing in a peaceful way, a fair and equitable way, for the return of the Negro to his fatherland? We drove out the Indian; we removed him; why not the Negro, when the Negro wants to go?

Such a removal of our 12,000,000 Negroes back to their fatherland would not only be a blessing to the white men and women of this country in staying all the troublesome problems that are sure to arise so long as the Negro remains with us—saving in the end the purity of our race; perpetuating our ideals, institutions, culture, and civilization; by preventing amalgamation if he stays—but it would be best for the Negroes themselves. The Negro cannot stand up against the competition of the Anglo-Saxon white man.

I care not what the well-meaning philanthropist may say; I care not what the ambitious politician may promise him; I care not what the negrophilist or Negro lover may say—the Negro will never have his place in the sun in white America.

Here is what is happening in New York today, and as time goes on this will happen in every nook and corner of this great Republic:

Assemblyman hits telephone-firm violation.
Andrews acts to curb discrimination against Negro workers.

This is from Harlem, New York:

(By Clara Ash, Daily Worker, Harlem Bureau)

Assemblyman William T. Andrews, vice chairman of the New York Temporary Commission on the Conditions of the Urban Colored Population, strongly requested the public service commission to file action against the New York Telephone Co. for violation of the State civil-rights law, resulting from testimony brought to light December 15, it was learned yesterday.

In the recent hearings held in Harlem, Peter D. Lowrie, auditor for the Bronx and Westchester division, and Walter D. Williams, telephone traffic manager for Manhattan, blandly admitted—

Let the Negroes in the galleries listen to this—

that the New York Telephone Co. systematically denies employment to Negro girls as switchboard operators or clerical workers.

"It shall be unlawful for any public utility, as defined in the public-service law, to refuse to employ any person in any capacity in the operation or maintenance of a public service on account of race, color, or religion of the person," Assemblyman Andrews said, quoting the civil-rights law, section 42.

Oh, yes; the Negroes have such a law in New York, but what good is it doing them?

He charged the company with "flagrant, persistent, and unmitigated violation."

Even though the clause does not have a penalty for the violation, Andrews declared that the public service commission is given full power to "act against" the Telephone Co. in this instance.

"The commission can conduct its own hearings," he stated, "and if the results justify it the body can issue a desist order against the company. It can be further acted upon, if the company ignores the order, by promulgating criminal proceedings through the district attorney's office."

"Such an anti-Negro policy on the part of the New York Telephone Co. must be stopped. The most effective way of stopping it is for the public service commission to do its duty when the facts are presented to them. So I am giving you this testimony so that you can cause to be instituted proper proceedings against the New York Telephone Co.," Andrews concluded.

I have finished reading the story of what the telephone company is doing to the Negro, even in Harlem, in New York, in the land of social and political equality, the home of one of the authors of the pending bill.

Yes, the poor, ignorant, deluded Negro of the South has been led to believe that when he crosses the Mason and Dixon's line and lands in the North he will be treated like white folks and will be the equal to the white in all things. But in nine cases out of ten he is soon deluded and ready for the return trip back to Dixie where the white man understands him; where the white man draws the color line in all things; where the white man is his real friend, and no one knows this better than the southern Negro, who has sojourned in the North for a little while. My advice to the southern Negro when he starts North is to buy a round-trip ticket.

All the trouble and demands upon lawmakers for protection and extension of political and social rights for the Negro do not come from the real Negro, the thoroughbred, but from the half-breeds and mulattoes who would, if they could, deny their own race.

It is exceedingly interesting to note with reference to the difference in color of the Negroes in this country—that a yellow Negro does not like a black Negro and a black Negro does not like a yellow Negro. I am told that here in the city of Washington there is a church where no one goes or belongs except white Negroes; black Negroes are not wanted. That is true throughout the country. No one is harder on his own race than is the Negro who has moved up just a step by the introduction of a little white man's blood into his veins.

As I was saying a while ago, when the white Aryans from northern Europe invaded India they strove to protect the purity and integrity of their race. They established caste—these were white folk—by dividing the population into four divisions—warriors, priests, agriculturists, and merchants, and then laborers. The first division was composed of those of the purest Aryan descent, while the last was made up mainly of subjugated mixbreeds with whom the Aryan was in immediate contact. There were even large groups of the conquered population whom the Aryans did not even honor with caste. These were referred to collectively as outcasts and recognized barely as human beings. Intermarriage of the pure white was positively prohibited.

How to preserve the white man's breed and at the same time utilize inferior peoples to do their labor was the problem confronting the Aryan. The answer to their problem was caste, enforced by law and religion. But with all their precaution the scheme did not work. The peril to the color line in India, as it is in the United States today, was not legal interbreeding of the races, but it was the illegitimate interbreeding that finally destroyed India's second great white man's civilization.

Drawing the color line will postpone amalgamation for a while but not for long.

In other words, we southerners are drawing the color line. We will not have amalgamation as soon as it will come about in New York, Illinois, and the North. The Anglo-Saxon of the United States, like his early kinsmen in India, will retain comparative purity for many generations, and this seems to satisfy a few of our American leaders today; but, remember, like our ancient relatives, we cannot always draw the color line.

Already we are breaking down the barriers; already in some sections marriages between the races are being legalized, and, too, we have a religion which, instead of opposing interbreeding with the colored races in our midst, is interpreted by a large number of whites in such a manner as to minimize or abolish the colored line.

I repeat, again, races dwelling in common territory will eventually amalgamate. If this statement be doubted, open your eyes and look over your country today. You do not even

have to leave Washington in order to be convinced. The whites and blacks, on all hands, legally or illegally, are gradually going through the process of amalgamation. In spite of all that we have done and have tried to do, there is happening in this country today just what happened in India, in Egypt, in the white colonies of Africa, and in the Latin Americas. So long as we live side by side amalgamation is as certain as death, and in the end it is death to civilization.

Yes; these cousins of ours in India, the white Aryans, resorted to law, religion, and caste to prohibit amalgamation. They created the most carefully devised agencies the world has ever known, but listen to me—the human intellect has never proven equal to the task of regulating sex relations. Separation is the only remedy; repatriation or deportation of the Negro is our only hope.

Oh, you may be satisfied with conditions today, but are you so unthoughtful of your children and your children's children yet unborn that you will, stupidly, ignorantly, or cowardly delay the solution that is imperative so that they will not be denied the blessings of our great, glorious, Anglo-Saxon culture, ideals, institutions, and civilization?

After several hundred years the second great white man's civilization perished in India through amalgamation. As they began to wake up to what was happening to their race and their civilization they became embittered. They became cruel, even to the extent of issuing an order to their soldiers to go out and slay, without mercy, the half-breeds of their country. But it was too late; the great majority of their population had become a race of mongrels, and, as a result, became an easy prey to the Nordics and Teutons of England who conquered them, and, though living thousands of miles away, are today ruling them, exploiting them, using them for their own profit and gain.

The amalgamation of the white with the colored races has destroyed the civilization of the Caucasian race not only in Egypt and India but in Abyssinia, Nigeria, Uganda, Mashonaland, Babylonia, Phoenicia, Persia, Cambodia, Ceylon, Java, New Zealand, Polynesia, northern China, Korea, Portugal, Spain, Italy, Greece, the Balkans, Mexico, Yucatan, Peru, and Haiti; and today the same curse of amalgamation between the white and colored races is threatening the destruction of the civilizations in practically all of the Latin Americas and many of the colonial white possessions in Africa. Civilizations in some instances may have been overthrown by armed invasions; but if the victors were of the same race as the vanquished, they assimilated the vanquished or were assimilated by the vanquished, and the world did not suffer such a permanent loss. For instance, Greek culture was appropriated by Roman culture, Roman culture by the Germans, and Holland's high place was well filled by the English.

It is not when the fit replace the fit that civilization suffers an irretrievable loss, but when the fit are replaced by the unfit. It is not when a creative people succumb to the forceful measures of a people of their own race that culture decays, but when a creative people are submerged by a noncreative people.

Someone has said that all the works of man worthy of record have, with few or doubtful exceptions, emanated from the large and much convoluted brain of the white homo caucasus.

Originally the Chinese, through the leadership of the Caucasic element in China several thousand years ago, had a wonderful civilization; but as they became amalgamated with the inferior races they ceased to be a progressive people over 2,000 years ago, and today, with their close on to 500,000,000 population, they seem almost helpless as the Japanese, who long ago adopted the western culture, seek to conquer and rule them.

China lost her leadership and civilization because she was blind to the certain destruction which overtakes any nation that permits amalgamation with the inferior colored races, which have never been shown to possess any inventive and creative minds.

Mexico and parts of Central America were once inhabited by a Caucasian strain of the human race. They developed a great civilization, the remains and ruins of which are now being daily brought to light by the archeologists. They, too, made the fatal mistake of becoming amalgamated with the inferior colored races and were an easy prey to the adventurous Spaniards who sought gold and adventure in a new world.

One writer, in discussing the certain destructive forces of amalgamation, has dared to prophesy that because on our southern-western frontier there are still a large number of culturally inferior people, wholly alien to our race and institutions, some day the United States will absorb Mexico and then will crumble to pieces.

Peru suffered the same sad fate as Mexico. If the white man in America is to remain white, he must draw the color line against all other colors. He certainly must deport the 12,000,000 Negroes from our midst. As long as the Negro remains there will be a color problem. Our future is clouded by such problems. They will not grow less but ever greater, and our children's children will bear them as intensified burdens. The history of all higher culture of the world will reveal that all those which are properly called civilizations may be traced in origin to the white race, while the history of the contact of races will reveal that the civilizations of the white man have never survived contact with the colored races.

Yes, as I have said before, the English, because of their negrophilism, at a great cost of blood and treasure, forced upon the white colonials of their own race, who were the custodians of civilization among the colored races, the theory of equality of the races, but after years of experience they were convinced that they were all wrong. Many of England's colonies, before they would share control of their governmental entities with the mixed breeds that had been brought about by intermarriage or amalgamation, quietly, gladly, and willingly relinquished their right to home government and surrendered all government to the British Government in England. By placing themselves under control of the British Crown the white colonials have eliminated the Negro as a political factor in colonial affairs. The colonials preferred to be wholly subject to a distant white man's government rather than share control with the mixed breeds and local blacks.

In this connection it is pertinent to remind you that the Romans, once rulers of the world, were bastardized with Levantine mongrels, and that the change in race gradually wrought a change in institutions is clearly recognized by Madison Grant in his book entitled "The Passing of the Great Race," in which he says:

> In the last days of the republic, Caesar was the leader of the mob, the Plebes, which by that time had ceased to be of Roman blood. Pompey's party represented the remnants of the old native Roman aristocracy, and was defeated at Pharsalia, not by Caesar's Plebian clients but by his Nordic legionnaires from Gaul. Cassius and Brutus were the last successors of Pompey and their overthrow at Philippi was the final deathblow to the republican party. With them, the native Roman families disappear almost entirely. The abjectness of the Roman spirit under the Empire is thus to be explained by a change in race.

Let me remind you gentlemen from the North who are trying to invade the South with this monstrous and damnable lynching bill, in an attempt to tell us of the South how to regulate our conduct, when we have been struggling to solve and adjust the race problem as best we could since the Civil War and all the troubles that our northern friends gave us through the reconstruction days, that the source of nine-tenths of our trouble and friction with the Negro race does not come from the pure-blood Negro, because he understands his place in our political and social and economic set-up and is willing to occupy his place uncomplainingly, mindful of his limitations and inferiority. It is the mixed breeds and mongrels of the Negro race that have been the source of friction between the whites and the blacks in all the countries of the world. It was the half castes of Haiti who fomented the murder of the whites. The mixed breeds of Haiti, as the mixed breeds elsewhere, turned to the blacks

when refused equality with the whites. The pure Indian and genuine Negro give but little trouble to the whites anywhere. The aliens of unrest, the trouble breeders, the agitators, are the disgruntled and touchy mixed breeds. If you give the mixed breed equalization with the white, he will become a cruel oppressor of the black—the true Negro.

This was true in South and Central America, in Africa, and notably true in the United States in slavery days, when an increasing number of mulattoes, quadroons, and octoroons became slave owners in the South. They became the fiercest upholders of slavery, and were cruelest to their slaves. If you deny the partly black man full and unrestricted access to the white man's homes and daughters, you transform him into the bitterest enemy of the white man.

Were it not for the supersensitive mongrels of North America, there would be no clamor for equality of races, nor would there be any eminent Negroes. Booker T. Washington was a mulatto. Frederick Douglas was a mulatto. Bruce, Turner, Dubose, Miller, De Priest, White, Mitchell are not Negroes except in the sense that one drop of Negro blood in a white man's veins makes him a Negro. Were they white men, they would be obscure; but by social custom and by law they are recognized to be Negroes, and as such they stand at the head of their race.

When the mulattoes, quadroons, octoroons, and mixbreeds multiply and become more numerous, then you negrophilists or Negro-lovers will think, indeed, that Pandora's box has been prized wide open. They will make the politician squirm and dance at their very beck and whim. The offspring of the men upon the floor of the Senate today will hear the echo of the tread of mulattoes and mixed breeds here on the floor of the Senate as they will try to direct the destinies of a white man's civilization. In fact, by giving the Negro rein and a little assistance from a few ambitious carpetbaggers in reconstruction days, Mississippi did furnish a Negro Senator. His name was Bruce. His picture is on the wall up there. He was in the great steal of the Presidency from Tilden, you remember.

Yes; these things will come about; and do you contemplate with pleasure the day when you, by your stupidity and refusal to meet and solve the question aright, will have a mulatto President at the other end of Pennsylvania Avenue? It will not happen in your time; it will not happen in your children's time; but it will happen to your country, for which you are now responsible.

See what is happening in the Latin American countries, where the few remaining white men divide themselves into factions; where the whites, in their bitter enmity, seek aid from the mixbreeds. Step by step the white man is losing control of his governmental affairs, while the near-white leaders, leading the mixbreeds, take control of the affairs of the country.

This is where your troubles start. This is what is happening now, right here, in some of the nations south of you:

The Latin American nations have had the Negro longer than we have. The Spaniards and Portugese brought Negro slaves to their colonies in 1502. It is said that between 1759 and 1903, 642,000 Negroes entered Brazil, and between 1792 and 1810 Cuba received 89,000 Negroes.

As a matter of fact, it is claimed that as a pure black the Negro does not exist in the Latin-American countries or in Cuba today.

Australia is one of the few countries that have maintained white supremacy almost in perfection, and it is because they have immigration laws which forbid that any colored individual shall come into the country as a settler. Australia has dedicated an entire continent to the white race and its institutions forever.

I am urging now that we dedicate a great, fertile part of Africa to the Negro race. Let him have his country. The American people owe him a debt. We have the money to spend to pay his way, to colonize him, to get him organized, to get his country going. That was the dream of the founder of Liberia when it was organized into a republic. That was the dream of Abraham Lincoln when he was assassinated. That has been the dream of every man who has ever taken time to think and try to understand the great racial problem that we have here because of a few time servers who never think beyond their own generation.

In the city of Washington a few nights ago newsboys were seen running hither and thither along the streets, lustily crying "Extra! Extra! All about the walk-out!" I wish to apologize to the Senate for bringing to their attention the dirty, slimy, contemptible sheet they were selling to the citizens and sojourners of the District of Columbia. The name of this paper is the Washington Afro-American. In boxcar letters of flaming red it proclaimed to the world:

Senators walk out on antilynching filibuster.

Then, on the first page, under the caption "Chamber Is Empty for BORAH Talk," it states:

Members of the Senate not only walked out on Senator WILLIAM E. BORAH during the filibuster against the antilynching bill which continues this week, but they did the same thing to Senator MCKELLAR, of Tennessee, who took up the rest of the afternoon session Friday.

On the same page, under another caption entitled "The Week's Editorial," I find these lines:

Senators walk out on BORAH. The grizzled Republican was the "ace in the hole" of the small group of some 15 or more southern Democrats. Instead of remaining there to cheer the Idahoan, Members of the Senate filed out one by one until only 13 were left. It was the most devastating rebuke that Senators can administer, and BORAH felt it keenly. He deviated from his discussion of lynching as a question of law enforcement to discuss it as a race problem and to justify it as a punishment of rape. One by one Senators got up and left him talking to empty benches. Nobody asked him a question. The lion roared and the walls of the empty Chamber echoed the sound. He ended his address and sat down. There was no handclapping, no hurrahs. The speech was a "dud." Bitterly Texas TOM CONNALLY arose and addressed the Chair. Said he: "I suggest the absence of a quorum."

This is the account of the speech of the Senator from Idaho [Mr. BORAH] on the floor of the Senate in the Afro-American, a Negro paper published in the city of Washington, a speech proclaimed by the Caucasian press of the Nation as the greatest oration in defense of constitutional government and States' rights that has been delivered upon the Senate floor since the days of Clay and Calhoun.

On the same page of the Afro-American, under still another big-typed heading, I find these words:

The filibuster against the bill can be beaten if the voters back home continue to write and telegraph their Senators, urging them to stand fast and not give in to the filibuster. Therefore, it is of the utmost importance that a constant stream of telegrams and letters reach Senators in Washington urging them not to weaken.

To whom is this saddle-colored mulatto, whose intellectual status does not rise to the low level of a lousy ape, appealing? Echo answers: The negrophilist, the miscegenationists, the hybrids, quadroons, and octoroons of the city of Washington, the District of Columbia, the Black Belt of Chicago, and Harlem, in New York City. In substantiation of the truth of this declaration, I have only to quote from an editorial appearing on the fourth page of this same paper, which editorial is entitled:

Senator BORAH seeks revenge; BORAH is hitting back; he seeks revenge.

This diabolical fiend, it will be noted, does not do the distinguished Senator from Idaho the common courtesy of addressing him by the title he has won and has borne with becoming dignity for almost a quarter of a century. I quote further:

The fond ambition of the Progressive war horse in 1936 to become the Presidential candidate of the Republican Party was thwarted by the opposition of colored Republicans. But for this opposition the nomination would surely have been his. They told him plainly that he could not get the colored vote.

This brazen Hottentot and unfumigated troglodyte of the District of Columbia relegates to his color the power to name Presidential nominees and thereby control the political destinies of the Caucasian race and the American people. There can be no doubt, then, but what he is calling upon the hybrids of his race, strategically segregated, to arouse themselves lest they sleepeth. To quote further from the slimy

sewage that percolates through the columns of this disreputable sheet:

Supporters of the bill in the Senate are lining up their forces to speak for it, and many Senators already have written the speeches they intend to deliver.

Are we to infer that gentlemen upon the floor of the Senate who are the proponents of this abortive act are informing this tar-brushed Senegambian that they are writing their speeches, or is it to be inferred that these written and carefully prepared documents have been submitted to this ravisher of truth, this defamer, and public enemy of Caucasian supremacy for his approval and unqualified endorsement? I for one cannot concur in the implication which is here so clearly indicated.

I now desire to read for the information of Senators an editorial—or kind of editorial—signed by one Ralph Matthews, entitled "Watching the Big Parade." If any Caucasians now present in the Senate Chamber have any doubt about the attitude of this half-breed, mongrel, negroid race which we are permitting to grow up in this country, let me read to them this article, which appeared in the Afro-American on January 15:

THE CIVIL WAR IS STILL ON

It isn't until one sits in the gallery of the Senate that it is brought forcibly to one's consciousness that after a half century and more the Civil War is still being fought.

This is apparent on really every issue that arises, but is more pronounced when such legislation as the antilynching bill is being debated.

This bill may pass, only after the little colonels have worn out their larynxes, but from the trend of events in the early sessions of the debate Thursday and Friday it was apparent that the secessionists were still holding their own on all fronts.

This is an article by a Washington Negro feature writer, referring to the United States Senate and to Senators:

The reason for the almost assured success of the rebels is that they have a pretty solid front, wherein the union defenders seemed not only divided, but pretty darned unconcerned about the whole business.

That is a compliment to those who have been supporting the bill.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. BILBO. I yield.

Mr. McKELLAR. Is this article responsible for the notice we received this morning that there are to be night sessions next week?

Mr. BILBO. I had not reached such a conclusion, and I see no connection. But I read on, and we will find just what is taking place:

The northerners are definitely on the spot. All day Thursday and most of Friday Senator BOB WAGNER, of New York, was making a valiant effort to stave off the army of Robert E. Lee all by himself with the aid of Corp. HAMILTON LEWIS, of Illinois, lending what moral support he could from behind his bright red whiskers, but other than these the ranks of the Abraham Lincoln brigade seemed pretty thin.

But Alabama's Dixie Graves was in there every minute doing yeoman service behind the onslaughts of Florida's CLAUDE PEPPER, Texas' TOM CONNALLY, and their western ally, Idaho's BILL BORAH.

PEPPER carried the colors Thursday, asking such asinine questions as did the gentlemen from New York and Chicago seek to make the world safe for gangsters by exempting them from persecution when they bumped off a fellow racketeer.

The southerners constantly made an effort to becloud the issue by injecting the question of sectionalism.

The antilynching bill, they insist, is unfair because it seeks to curb the favorite pastime of the South, lynching, while permitting the North to indulge in its prohibition-time recreation, gangsterism.

In this very argument they expose their most vulnerable parts, because it is a known and accepted fact that gang rule was never really crushed in the bigger municipalities until the Federal Government through broadened powers of the Federal Bureau of Investigation took this evil in hand.

That is a news item. I did not know it had been crushed.

Cities and States, steeped as they were in politics and corruption, were incapable of coping with the situation. It was the long arm of Uncle Sam that put the Capones and the Dillingers behind the bars and in their graves.

In like measure, the southern communities steeped in prejudice and intolerance, are incapable of coping with the lynching evil and a detached, uncontaminated force, backed by public opinion and the integrity of the Federal Government is necessary for the stamping out of the lynch crime.

This is a Washington Negro talking:

It has always been conceded that the North is more intelligent, although less dogmatically astute, than the South in its handling of both the racial and economic problems.

Many subscribe to the belief that the Union's winning of the Civil War was an empty victory in the fact that it only latched on to a great nation a part it would have been better off without.

If the lines that divided the Union and the rebels had been left to stand and the Dixiecites left to stew in their own juices, and admitted to the better half of the Nation through immigration channels only, the real America would be better off.

This is what the mongrels, the half-breeds, the Negroids, the octoroons, the quadroons, the mulattoes, who are behind this bill and who are demanding that the bill be passed, are saying about the South. I read on:

This goes for crackers of both the colored and white variety. If the darker citizens of Jeff Davis' nation had been compelled to remain where they were instead of streaming across the Union border to the freedom of the North, which they have contaminated, they would have probably gotten up guts enough by now to shed a little blood on their own behalf.

This is a mulatto Negro talking about the black Negro of the South. I read that again:

This goes for crackers of both the colored and white variety. If the darker citizens of Jeff Davis' nation—

That is, the South—

had been compelled to remain where they were instead of streaming across the Union border to the freedom of the North, which they have contaminated, they would have probably gotten up guts enough by now to shed a little blood on their own behalf.

But instead they took the long way out by running away. And because of the laxity of the North, which was too willing to forgive and forget, their cowardly masters came crawling across our borders also seeking to enjoy the hospitality of their betters.

The northerners beat their swords into plowshares and settled down to put together the Nation that was powerful enough to kick the best of Europe around in the last big scuffle, but the rebels neither stopped fighting nor tried to forget.

Every day in every way they grew worse and worse, sabotaging every scheme that the more intelligent element of the Nation conceived.

Today, in spite of a patronizing indulgence on the part of the North, they still have the poorest houses, the lowest wages, the worst conditions, the lowest educational facilities of the country.

In short, they are little more than a poor relative who was invited in for a visit and has tried to bring the whole household down to his standard.

What America really needs is another good war—

This is Negro doctrine, this is hybrid doctrine—

What America really needs is another good war to drive the diehards back where they came from.

The war is on now in a sub rosa fashion.

Instead of using bayonets they are doing their scuttling by word of mouth, blocking wage and hour legislation and championing the cause of lynching, all of which should be abolished from a great democracy.

Sitting up here in the Senate gallery—

He is up there now—

one cannot help but feel that the northerners, because of their lethargy, are practically asking for the licking they are about to get.

Many of the upper crust think it all right to let their Dixie brothers have a little thing like lynching privileges, as it isn't really important, anyway.

Personally, I'm all for letting the rebels solve their problems all by themselves, encouraging the two races to annihilate each other as quickly as possible. It would be good riddance.

This would give us a chance to concentrate on making the North a better place to live in, where there is at least a semblance of hope for better things.

In other words the writer in this Washington Negro newspaper is urging a war between the blacks and whites in Dixieland in the hope that we will destroy each other, so that the high mulattoes, octoroons, quadroons, mix-breed mongrels of the North can have their way, and it will be a better land for them. That is the class the friends and supporters of this bill are catering to in the attempt to have the bill pass.

I bring to Senators' attention, especially, a paragraph appearing on page 4 of this newspaper, written by its star columnist of the District of Columbia. The caption under which this base mongrel vomits his bilious chunks of putridity is entitled, as before stated, "Watching the Big Parade."

The paragraph is as follows:

Alabama's Dixie Graves was in there every minute, doing yeomen service behind the onslaughts of Florida's CLAUDE PEPPER, Texas' TOM CONNALLY, and their Western ally, Idaho's BILL BORAH.

If this anthropoidal ape were to rear up on his hind legs south of the Smith and Wesson line, and speak the name of this beloved daughter of Dixie, without attaching thereto her proper title and insignia of respect, his own race would join in twining the sea grass around his neck, hanging him higher than Haman, and the foul birds of the air would feast upon his contaminating carcass somewhere in the swamps of Alabama.

I quote further from this mental prostitute:

The antilynching bill, they insist is unfair because it seeks to curb the favorite pastime of the South. It has always been conceded that the North is more intelligent than the South in its handling of both the racial and economic questions. Many subscribe to the belief that the Union's winning of the Civil War was an empty victory because of the fact that it only latched on to a great Nation a part it would have been better off without.

To quote further:

If the lines that divided the Union and rebels had been left to stand and the Dixieites left to stew in their own juices, and admitted to the better half of the Nation, through immigration channels only, the real American would be better off.

Mr. President, does not that statement cause your blood to boil in mutiny? Do these words convey to your mind any conclusion other than that the leaders of the Negro race aspire to nothing less than to place black heels upon white necks? To quote still further:

Every day in every way they grew worse and worse, sabotaging every scheme that the more intelligent element of the Nation conceived.

Listen to this and mark its significance. The bigoted brute says:

What America really needs is another good war to drive the die hards back where they came from. The war is on now in a sub rosa fashion.

In conclusion, he says further:

I am for letting the rebels solve their problems all by themselves, encouraging the two races to annihilate each other as quickly as possible. It would be good riddance. This would give us a chance to concentrate on making the North a better place to live in, where there is at least a semblance of hope for better things.

I wish I had some "thunder word" which would be printable properly to designate and at the same time befittingly describe this cowardly blackguard who would befoul the southern people and defy the Negro rape fiend. Unfortunately there is no such word or combination of words that can be used, either by the grace of inflection, or poetic license, to answer my purpose.

I now direct the Senate's attention to a discussion and endorsement of the Mitchell bill, found on page 4 of this newspaper. The editor says:

The bill—

Meaning the Mitchell bill—

intended to prohibit the segregation of interstate passengers on account of race, color, or religion, introduced in the House of Representatives last week by Congressman ARTHUR W. MITCHELL, of Illinois, is significant. By its terms, Jim Crow is forbidden not only on trains, Pullman cars, buses, steamboats, and all other public carriers, but also in railroad stations, waiting rooms, lunchrooms, and dining cars. The Mitchell bill, if passed by Congress, would make suits in individual States unnecessary. It ought to receive Nation-wide support, even if it takes 25 years to put it over.

Mr. President, I may inquire, what Senator who today occupies a seat upon the floor of the United States Senate is so blinded by his prejudices, so befuddled in his mental operations, so incapacitated in the exercise of his intellectual faculties that he cannot see and, if seeing, will not understand that the underlying motive of the Ethiopian who has inspired this proposed legislation, the antilynching bill, and desires its enactment into law with a zeal and frenzy equal if not paramount to the lust and lasciviousness of the rape fiend in his diabolical effort to despoil the womanhood of the Caucasian race, is to realize the consummation of his dream and ever-abiding hope and most fervent prayer to become socially and politically equal to the white man, and overthrow every barrier restraining him from the enjoyment of all the privileges bought by the blood of the Caucasian race. When once the flat-nosed Ethiopian, like the camel, gets his proboscis under the tent, he will overthrow the established order of our Saxon civilization. The Negro hates the white man and tolerates all other races having a semblance of color. He is unfitted by nature, by heredity, for peaceful and unharmful placement in the white man's scheme of civilization. Whatever traces of culture are to be found among the Ethiopians since the dawn of time have been imposed upon them by the white man, and that culture so imposed lingers with his race only so long as he receives its continual baptism, for, when left to his own resources, the culture of the ages will slowly trickle through his noncreative mind.

Getting back to the printed expressions of this Ethiopian mind that dwells within the shadow of the Capitol of the Nation, I wish to direct the Senate's attention to an editorial entitled "The Case for Japan." I shall read it in its entirety, but may pause for comment as I pass along. I quote:

It is plain now that the objective of the Japanese Government is to boot the white races out of China and set up an Asiatic Monroe Doctrine, through which Japan can control the destinies of the Far East.

And without in any way endorsing the Japanese line-up with Nazi Germany and Fascist Italy—

There is a thought. He does not endorse Japan's lining up with and seeking the help of the white man in Germany and Italy.

And without in any way endorsing the Japanese line-up with Nazi Germany and Fascist Italy, the Afro-American (that is the name of this paper) believes that Japan is fully justified in the foregoing objective.

For, if the United States, the strongest nation in America, is justified in setting up a Monroe Doctrine, Japan, now the strongest nation in the Far East (thanks to our Admiral Perry), is justified in setting up a similar doctrine in Asia.

There are other fundamental reasons why Japan is justified in her behavior in the present world crisis. Most white nations of the world have Japanese exclusion acts which forbid the immigration of yellow races. The United States, whose State Department is now all het up over Japanese bombing of the *Panay*, has been especially guilty of exclusion insults on the Pacific coast.

Right here I want the Senators from the Pacific coast to sit up and take notice, and all other Members of this body to catch the sarcastic reference to our State Department, which the writer claims is all "het up" over the bombing of the *Panay*.

Continuing to quote:

While barring Japan from entrance into our own country, American and European nations have gone to China, undoubtedly a Japanese sphere of influence, parceled out territory over which fly our flags, set up extraterritorial courts to try their own citizens, taken control of the industrial and commercial resources of China, and exploited the Chinese for the benefit of the intruding nations.

What an indictment is this against the Government of the United States. Exploiting China, a yellow race—a race not purely white, for the benefit of the people of the United States, a white democracy.

And to quote further:

The situation might have a different tinge if China, like Japan, had set about the business of developing her own defenses against aggressor nations. But the Chinese have become a kind of "Uncle Tom" of Asia. Their leaders have kowtowed to the white exploiters, licked their boots and allowed themselves to become footstools of western conquerors. As we see it, Japan is kicking China in the pants to make it stand up straight and be a man.

Let me here make this observation. When the United States become a little more Ethiopianized, when the Negro has grown from 12,000,000 to 100,000,000, and is given equal political and social rights in this country, I doubt not that if and when that unfortunate day arrives and an estranged relation should develop between the United States and Japan or any other race not of the Caucasian strain, you will find

the influence of the Ethiopian in America on the side of the colored races of the foreign countries.

To quote still further:

Japan's alliance with Italy and Germany may seem unfortunate—

How deeply does this Negro deplore this alliance with the white man—

but since most of the democratic nations have their hands in China's pie, there were no other alliances for Japan to make.

In the World War Japan fought Germany in the Far East. There is no reason for anyone to suppose that the sons of Nippon agree with Nazi ideology. There is every reason to believe that they do not.

The extreme love of Japanese for their country and their ruler shows that the people there must have a more satisfactory, if not more democratic, form of government than we have in some of the so-called democracies.

What sort of loyalty to the principles of democracy, democratic ideals and ideology is here exemplified by the statement that the Japanese have a more satisfactory form of government than the government under which the writer of this editorial, a confessed traitor, lives and moves and has his being through the sufferance of his misguided superiors. If the hybrid who penned the lines I have just read lived in a Southern State and dared to print these words of treason and distribute them among the citizens thereof, I doubt not that his mongrel carcass would mar the beauty of a southern magnolia tree before the ink upon his damnable sheet had time to congeal. Yet, within the very shadow of the dome of this Capitol, this mental pervert, the shining avatar of social and political equality, of the intermarriage of the two races, plies his treason trade and promotes, with all his might and main, the advent of another tragic era in this country.

Mr. President, this mulatto mongrel, coated with a thin veneering of a civilization imposed upon him by the white man, utilizing a freedom of the press conceived by the brain and bought by the blood of the Caucasian—this clay-bank colored Senegambian, through the possession and operation of a printing press, given to mankind by the creative genius of Johann Gutenberg, of the German race, with newsprint manufactured from the tall pines of the Canadian forests, by processes that the inventive mind of the white men perfected, with the use of a language of Caucasian origin and to which he has made no contribution; this cursed blight upon the District of Columbia, looking wiser and knowing less than a stuffed prophet, lays this scurrilous sheet, the Afro-American, in the laps of United States Senators, and unmolested and unafraid, impugns the motives of United States Senators, and insults the southern people who took him as a savage, running naked in African jungles, worshipping dried lizards and subsisting on his own lice. In denouncing his benefactors, he is but running true to racial instinct. Nothing better, however, could be expected. You cannot gather grapes of thorns nor figs of thistles. You can not make a purse out of a sow's ear or a gentleman out of a knave or one of Nature's noblemen out of a Negro. His mentality is in no wise akin to that of the white man.

The editor and publisher of the Afro-American, along with all others of his race, owes more to the South, the Southern white men, than to any other class of people on earth. They have taught him the use of tools; they have made accessible to him schools and colleges, and all the avenues of knowledge. They have lifted him out of the bogs and sloughs of savage ignorance, and have supplanted his fetish worship of things that creep and crawl with the Christian religion. They have built hospitals for his sick, pulpits for his preachers, and tried to teach him the ways of righteousness and that the paths of sin lead to death. In the olden days there was a soft spot in our hearts for Uncle Remus and the old black mammy with her crooning lullaby and her corncob pipe; but those old darkies have passed away; they live alone in memory, and we are now confronted, not by these faithful, obedient servants, but by rising generations of discontented and trouble-making hybrids, mulattoes, quadroons, and octoroons, seeking the elective franchise and conniving with deluded whites, negrophilists and miscegenationists, for the balance of power in determining political issues and the solution of the race problem on the grounds of political and social equality and the intermarriage of the two races.

I hold that the presence of the Negro race has been the greatest curse that has ever been visited upon the South. The shadow of the Ethiopian that has been cast across the white fields of Dixie, has been darker and more ominous than the fatal night that passed over Egypt. He has caused privation, suffering, and shame beyond the power of omnipotence to measure. He has cost that section of the country more than all the wars it has waged and added a desolation and retardation of growth and development beyond that yet accomplished either by flood or fire. All the plagues of Egypt were not a greater curse to that country than the presence of the Negro has been to the South. The time has been when no white maid was secure beneath her father's roof. The Ethiopian is the one obstacle that has stood in the way of industrial development of the South. A land so blessed with natural resources; a land so favored with soil fertility; a land renowned for its genial climes; a land threaded with rolling rivers and laved and lashed by the warm waters of southern seas, is preeminently fitted by every known requisite for unsurpassed industrial development; but the Negro has been the bar-sinister against any form of industrial progress. I wish to say to you gentlemen from the North, more especially those who profess so much interest and concern in the welfare of the Negro race, that you need not have any fear of the South's becoming your industrial competitor so long as the Ethiopian maintains a population in that section almost the equal of the white. The fear that you have recently professed to entertain that northern industry would move to the South because of the cheap labor in that section may be dismissed. The wage and hour bill, which so many Southern gentlemen oppose on the theory that it will be detrimental to the industrial development of the South when enacted, as most certainly it will be, will have no appreciable effect in retarding the growth of the South along industrial lines.

It is possible that some improvement may follow, because when industry is forced to employ higher-priced labor it will select the white man instead of the Negro, leaving the Negro to resume the role he has occupied in the past, becoming laborers on the farm, hewers of wood, and drawers of water. No country can become industrially prosperous whose Negro population approaches anywhere near its Caucasian population. The South, at this time, is exerting a herculean effort to develop industrially, and the North has become somewhat jittery over the possibility of losing some of its industries on account of this aggressive movement of the South. Let me say to gentlemen of the North you may keep your smokestacks, you may keep your industrial plants, you may hold fast to all that you possess in industrial wealth and equipment, but send to us your white men and women—men and women who are bone of our bone, blood of our blood, and flesh of our flesh—men and women who are of pure and unadulterated Caucasian extraction, and let us give you two Negroes for every white that you send us until we have sent to your industrial centers the last Ethiopian that treads upon southern soil—the last black heel that crushes clods in a cotton row—and I will show you that in less than a century the Southland will grow and develop into the greatest industrial region beneath the ridgepole of heaven, while your smokestacks will have fallen and crumbled into dust and the owls and the bats will have made their nests in the windowless remains of your idle factories.

As I myself and others have endeavored to show from a painstaking review of the nonachievements of the colored race and the effect its presence has had upon the greatest civilizations of the world, it is the consensus of the leading ethnologists and anthropologists and all others who have given scientific study to race questions that the Negro race is utterly destitute of a creative faculty—he just does not possess it—and that he is incapacitated, through hereditary inhibitions, to produce or originate or make contribution to

a creative culture. One drop of Negro blood placed in the veins of the purest Caucasian destroys the inventive genius of his mind and strikes palsied his creative faculty. It is true the Negro can use, with some degree of dexterity, the machine created by the Caucasian; he can use his plow, his gun, his automobile, and perhaps his flying machine; but he can never add anything of improvement to what already exists. The Caucasian alone is endowed with the creative faculty, in its highest efficiency, if, indeed, he is not sole heir to all creative culture. Therefore, it may be stated that the Caucasian race can continue to progress, to advance through the exercise of its God-given creative faculties so long as his blood is not tainted, deadened, atrophied by the lifestream of the Ethiopian. Our civilization can be perpetuated and kept rising to new heights of achievements only by maintaining and forever keeping inviolate and unsoiled the purity of the Caucasian blood. The exchange that I propose of the 8,000,000 Negroes in the Southern States for 4,000,000 white men and women in the North would forever settle the race problem and all of its attending evils in the South.

Though it were to cost a half billion dollars to close the deal, I do not doubt that in 5 years following its consummation, there would be added ten times that amount to the taxable values of the Southern States. The vacancy caused by the exodus of the black cloud that has hung above our heads for almost a century would be filled with worthy, respectable, white immigrants, who have, for all these years, avoided the South because of the Negro. Whatever backwardness in modern progress may be charged to the South as compared with other sections of the country, is due exclusively to the presence of the Negro race and by that presence, its unfailing and eternal tendency to hold back and retard the onward march of our southern civilization.

The antilynching bill, before this body for consideration, has running through it one underlying purpose. Those who support it and who have participated in its drafting have in mind that same underlying purpose. Is that underlying purpose to humiliate and insult the South? No; but the bill does that. Is that underlying purpose to prevent the recurrence of lynching in the South to a less degree than in the past, or to eliminate it entirely? No, it is not. The underlying purpose, frankly stated, is to control votes. If you will deprive the Black Belt of Chicago of the right of suffrage; if you will strike the ballot from the black hand of Harlem, I dare say this filibuster would end and the antilynching bill would be withdrawn from further consideration before the sun goes down today. What purpose other than this could Democrats of the North—men of the South's political faith—have in imposing upon the people of the South this injustice? Upon what other theory and for what other cause do they express so much concern and sympathy for a black brute who dares to violate the purity and sanctity of an Anglo-Saxon home. Upon what other principle or statement of facts do they show such kindly consideration for the black shadow of lust and brutality that has sought to imperil the lives of the daughters of the South? Why is it, pray tell me, that gentlemen of the same political faith, faithfully adhered to by the solid South for more than half a century, insist upon showing such deep interest in a beast from the African jungles that has been transplanted into southern civilization like the "worm of the Nile" between Cleopatra's glowing breasts? The most charitable reason that I can assign for the action of those Democrats in the North giving support to this measure lies in their belief that the Negro holds the balance of power and by his vote can determine their defeat or election. If gentlemen of the North want to stamp out mob violence in the South; if they desire to bring about the dethronement of Judge Lynch, why do they not attack the crime, or rather pass some law that would check the crime that causes mob violence? Why do they not advocate a bill making it a capital offense to commit rape; place the strong arm of the Government behind its enforcement, and bring to sure and certain punishment every criminal, be he black or white, who commits the crime of rape. The trouble with such a law, I concede, is that it would not appeal to the Negro vote north of the Mason and Dixon's line.

Mr. President, I wish to call the attention of the Senate to the Washington Daily News—I have a copy of it in my hand—printed August 10, 1937. I find an article by the United Press from New York entitled "One Arrested Every 6 Hours for Sex Crimes; Mayor Demands Action." Let me read what the United Press has to say about it:

> Mayor F. H. LaGuardia took charge today of a drive to end a wave of sex crimes against minors. He learned that a man was arrested in New York City every 6 hours for some offense involving sexual depravity.
>
> LaGuardia suggested incarceration for life of insane sex offenders after Police Commissioner Lewis J. Valentine confessed he did not know how to halt depredations which have resulted in 1,460 arrests and the murder of two small girls this year.
>
> Police records showed that not a day passes in New York without at least one person being arrested for impairing the morals of a minor, indecent exposure of person, attempting criminal assault on a child, or abuse of a minor. They showed that since 1931 six girls in an area of Brooklyn with 1,000,000 population, had been killed by sex fiends; that 1,460 arrests had been made this year with few of the offenders going to prison.

That is the account.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. Does the article state that in New York City alone there were 1,460 arrests in a single year for sex crimes?

Mr. BILBO. I will read the statement.

> They showed that since 1931 six girls in an area of Brooklyn with 1,000,000 population had been killed by sex fiends; that 1,460 arrests had been made this year with few of the offenders going to prison.

Mr. CONNALLY. Against that, I should like to call the attention of the Senate to the fact that there were only eight lynchings in the entire United States last year.

Mr. BILBO. I appreciate the contribution of the Senator from Texas.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. BILBO. I yield.

Mr. CONNALLY. Does the Senator find anything in this bill which is advanced by its authors which would deal with these 1,460 flagrant cases in the city of New York?

Mr. BILBO. Oh, no.

Mr. CONNALLY. They are indifferent to that, but are very much concerned about the eight lynchings.

Mr. BILBO. They are indifferent to the victim of the rapist, but they are very considerate of $10,000 to the family of the man who commits the rape.

I take the position, and I contend, that rape is worse than murder. If the victim is killed, he passes on to the happy hunting ground, "to sleep; perchance to dream"; but when some innocent, virtuous woman is raped, her life is wrecked. Her happiness is gone. Everything is gone. An eternal nightmare hangs over the life of the outraged woman.

Mr. President, did you know that last year, in 74 American cities having populations of 100,000 or more, 1,682 rapes were committed? That is what occurred in 74 cities having a population of 21,000,000 persons, one-sixth of our population. If the same ratio held in the other cities and towns and the rural regions of the United States, where the remainder of our population is found, it means that every year between 8 and 10 thousand American women are raped, and in 5 years 50,000 American women are raped. I say rape is worse than murder; and instead of spending our time in trying to solve a question which has been practically solved by the South, reduced to a minimum, here we are face-to-face with a crime which to my mind is a great deal worse—rape, a crime of which there are eight or ten thousand instances in 1 year in the United States!

Something can be done about it. The advocates of this bill denounce the mob. They denounce the southern white man who tries to protect the integrity and virtue of his family, his wife, his daughter, his sweetheart, his mother. They say it is a horrible thing for him to kill the criminal

who has outraged one of them. I think such a criminal has committed a crime that is worse than murder, and justifies the penalty of death. But there is one thing that some of you overlook, one of the reasons why there are mobs when a Negro outrages a white woman, whether in the South or in the West or anywhere else.

No man wants his wife, his daughter, his sister, or his sweetheart dragged into court before a jury of 12 men, with a curious crowd present, there to describe in all their minuteness the details of her defilement, her rape by some Negro brute, and submit herself to the cross-examination of the attorney defending the rapist. That is one of the underlying reasons why there has been a desire on the part of some persons to take this route to get rid of the Negro when he violates the chastity and virtue of the womanhood of the South.

Rape is a sex crime, whether committed upon a child or a grown person. The record of sex crimes that I have read is not for New York State. It is for the city of New York, the home of the senior Senator from that State, the home of one of the authors of the antilynching bill. If my State had such a record of sex crimes, and no mob violence had been resorted to therein, I should hesitate to point the finger of rebuke to any other section of the country composed of 12 or more States, and including the whole Nation, wherein there had been only eight lynchings during the year 1936. It might be well for some of us to extract the beam from our own eye before attempting to remove the mote from another.

One of the principal reasons urged for the passage of the antilynching bill by its proponents is that the rapist is murdered without due process of law. That phrase, "due process of law," has figured for half a century as justification for some of the greatest crimes that have been perpetrated against society.

Is any one so foolish as to think that this bill will guarantee to the rape fiend a hearing in the courts where due process of law will be obtained? What is there in the provisions of this bill, if it should become a law, to prevent the sheriff and his deputies from going frantically about the search of the accused and at the same time pursuing a trail leading apart from and nowhere near the suspect, thereby affording the gathering mob, bearing sea grass, every opportunity to seize and hang the offender? Self-preservation is the first law of nature; and do you suppose that a sheriff and his deputies would willfully ignore it? What incentive would there be for the police force of any county or municipality to capture an individual charged with the crime of rape when he knows he would also be capturing a responsibility that it might mean the cost of his life to discharge; a responsibility that might cause his incarceration, or deprive him of moneys needed for the support of his wife and children? Would he not be inclined, in his own heart, to say, "Let the mob have him," or, "Perhaps he will flee to some other county, where he will become the responsibility of some other sheriff." To pursue a course of this kind most certainly would defeat any possibility of due process of law.

Furthermore, what is there in this bill to prevent the sheriff and his deputies from seeking with all diligence the accused, and finally apprehending him and attempting to seize him, but, in doing so, shooting him dead upon the spot and then claiming that the alleged rapist resisted capture, or fled in an effort to escape, and it was necessary to pump lead into him, either as a matter of self-defense or to arrest his flight?

This method of dealing with an individual charged with rape also defeats any procedure furnishing "due process of law," also obviates the activities of an enraged mob, and furthermore relieves the sheriff and his county from all liability either as to the cost of a prolonged trial, or as to a fine imposed upon the county, or a prison sentence upon the sheriff.

The sheriffs are not going to take the risk of having to pay a fine of $5,000 and going to the penitentiary for 5 years, being charged with a felony and tried in the Federal courts of the country. They are not going to take the chance. They are either going to go some other way until the mob has had time to lynch the Negro, or whoever committed the crime, or else they are going to fetch him in dead, and your law is going to defeat the very purpose you are trying to attain. That is merely self-preservation.

Another thing: The people of the South are aroused over the prospect of the passage of this bill. They know what it means, and they will resent it. Senators who are lawyers, do you not know that cases brought under this bill must be tried in the Federal district court? Do you not know that that court must get its juries from the same body of men, the same county, the same territory in which a mob committed an outrage? The same jurors must do the indicting; they must do the convicting. They must destroy their own sheriff. They must impose taxes upon themselves and their fellows in a suit growing out of any crime connected with lynching—$10,000 to be paid to the wife of the man who has outraged some southern man's daughter, or wife, mother, or sweetheart.

Do you think you will get a verdict from a jury in that way in a million years? Never. I am telling you, the more you think about it, the more you will realize that there is nothing in it but an effort to pacify a certain bunch of voters in this country.

To my mind, the most reprehensible feature of this measure is the compensation to be paid to the nearest kin and heirs of the rapist whose life has been exacted by a mob. What an incentive is here given to the rape fiend! In addition to the satisfaction he craves as a result of his savage lust, the penalty for which he knows is death and indescribable torture, he envisions the huge benefits that are given to his own family while he roasts in the unquenchable fires of hell.

On the front page of the Washington Afro-American, the contents of which paper I have had occasion heretofore to discuss, is found the picture of a Negro and his family, William Allen, wearing a $5,000 smile because of a reward that was paid him for testifying in the Lindbergh case. Would it be an exaggerated assumption to say that as a result of the passage of the antilynching law, some day this selfsame paper and others publishing the same sort of tripe will carry a picture of those of nearest kin to some despoiler of womanly virtue, wearing a $10,000 smile?

O tempora, O Mores! Pitifullest blunder of all the ages, most damning infamy ever perpetrated since the dawn of time; fearfullest penalty brave men ever had to pay! Well, indeed, might the South say to the Ethiopian, as Prospero said to the son of Sycorax:

> I have used thee,
> Filth as thou art, with human care * * *
> I pitied thee * * * when thou didst not, savage,
> Know thine own meaning, but wouldst gabble like
> A thing most brutish, I endow'd thy purposes
> With words that made them known. But thy vile race,
> Though thou didst learn, had that in't which good natures
> Could not abide to be with.

In conclusion, Mr. President, the South may submit sometime to the eradication and final elimination of the color line separating the Negro from the Anglo-Saxon race. The South may accept, if legally imposed, the principle and practice of miscegenation, the intermarriage of the black and white races. In some nebulous age yet to dawn, in the dim vistas of succeeding eons, more distant than the prophetic eye can now envision, the South may subscribe to the social and political equality of the two races. It may be that some day the South will acquiesce in the provisions of this damnably pernicious measure, the antilynching bill, to deprive her of her God-given and constitutional right to control by legislative declaration, without Federal interference, her own destiny as pertains to the race problem.

It is also not altogether improbable that she will eventually permit, under the requirements of a Federal statute, the Negro to eat at her lunch counters, her fafeterias, and dining rooms and drink from her fountains; to commingle with the Caucasian; to sit in her church pews by the side of white mothers holding white babes in their arms while listening to a black pulpiteer explain the plan of salvation; to

sleep, perchance to dream, in berths of Pullman palace cars adjoining those occupied by the fair daughters of her sunny clime. But, Mr. President, this will come to pass only at such an astronomically remote time as when the Prince of Darkness shall have folded his wings on the gravestone of God.

SAFETY IN DRIVING ON THE HIGHWAYS

Mr. LONERGAN. Mr. President, I desire to call to the attention of the Senate the enthusiastic efforts now being made by Members of this Chamber, and also by Members of the House, to prevent the appalling loss of life and the increasing number of injuries resulting from automobile accidents in the use of our public highways.

It was my pleasure to note that the Senator from Missouri [Mr. TRUMAN] introduced in the RECORD of Thursday, January 20, a reference to an amendment which he and the junior Senator from Arizona [Mr. HAYDEN] had offered to House bill 8838, relating to safety in driving on the highways of the United States, and I commend this measure and the amendment to the attention of all Senators.

The Senator from Missouri also referred to his measure—S. 589—now on the Calendar of the Senate, and inserted in the RECORD a radio interview with the Senator from Arizona which ably points out the hazards of our modern highways, and also discusses in an interesting way the amendment proposed to House bill 8838.

Other Senators have highway safety measures pending, and I hope they will have opportunity in the near future to discuss them and join hands with those of us who are making a special effort to have adequate laws enacted and provisions made for cooperation between the Federal Government and the States in eliminating these hazards.

Since coming to the Senate in 1933 the highway safety program has been one of my major interests. Because of the great volume of other emergency legislation it has been difficult, until recently, to gain a sufficient audience before committees and in Congress to advance the objectives of the measures in which I am interested. I hope that by cooperative efforts of all the Senators interested in this subject we may achieve effective results during the present session.

The problems incident to the highway safety program are numerous and complex. It will not be possible for Congress alone to offer a complete remedy. The solution rests also with the States and local enforcement agencies, as well as with the automobile industry and with the public. For that reason Senators and Representatives interested in the legislation have usually pursued a remedy for some particular hazard. After making a complete survey of the situation, as a member of the Interstate Commerce Committee, and after receiving extensive reports in 1935 from the Bureau of Public Roads, and other governmental sources, I was impressed that the most appalling disasters have occurred at grade crossings and drawbridges. With the help of other Senators I was able to secure the passage of a bill in the first session of the Seventy-fifth Congress which is now pending in the House—S. 18—which would establish a Safety Standards Commission, composed of representatives of the War Department, the Interstate Commerce Commission, and the Bureau of Public Roads. This commission would adopt uniform standards of safety for approaches to grade crossings and drawbridges, with which it would be necessary for States and applicants for bridge permits to comply before becoming eligible for allocations of Federal-aid highway money, licenses, or other benefits. To make the principle effective, an amendment was also inserted by me in the Federal Aid Appropriations Act which requires compliance by the States with the standards of safety established by the Bureau of Public Roads, for approaches to drawbridges and grade crossings, before qualifying for Federal-aid funds.

Other measures of the Seventy-fourth and Seventy-fifth Congresses included appropriations to the Bureau of Public Roads for a special study of highway accidents, and for the accident prevention conference held under the direction of the Secretary of Commerce. The money for this work was well spent, and much important information concerning the causes of accidents compiled, although there is still a great need for a census, or a uniform system of recording the nature and causes of all automobile accidents.

Congress has also been giving consideration recently to measures requiring the annual or semiannual inspection of automobiles, so that dilapidated machines may be removed from the streets. It is my contention that many cars now on public thoroughfares are as dangerous to their occupants and to others as are many other things which menace the health and welfare of the community. We should seek to remove them from the streets as quickly as we would remove a ferocious beast that was loose in our midst. We spend money to eliminate disease germs and other menaces to health, while overlooking defective automotive equipment that may, at any time, cause death to operators or pedestrians.

These trends for highway safety measures in Congress, which are daily gaining force, are the result of an aroused public consciousness. Dramatic events have been occurring in all parts of the country in the last 2 years which have crystallized public sentiment. Accidents in which large groups of school children and other patrons of busses have been killed at grade crossings, have aroused the most attention, but the average type of accident in which an automobile and a pedestrian, or an automobile and another object, are involved, has also been receiving more attention. As the Senator from Arizona so ably pointed out in his radio address to which I have previously referred, more men, women, and children were killed in traffic accidents on our streets and highways during 1937 than the total number of American soldiers who were killed in battle in France in 1917 and 1918. Certainly the Nation cannot continue to overlook such a situation. The automobile industry itself has become aware of the great need for designing its cars to conform to the best possible safety standards. Safety is being featured in the cars for 1938. Engineers of the industry are also being requested to cooperate with Federal, local, and independent agencies in adopting safety measures. Engineering design is but one of the problems, and engineers are trying to meet it by establishing a greater degree of visibility in automobiles and by making brakes and other important parts of the car stronger and better in every way possible.

Numerous agencies, such as the automobile associations, the Automotive Safety Foundation, 366 Madison Avenue, New York City, and State and local organizations, are cooperating in the safety movement. The problem has become one of coordination of their efforts, to prevent overlapping of activities and useless waste of energy in seeking the remedies which we all recognize as necessary.

One of the most recent remedies for prevention of accidents on the highway which has been suggested to me is the construction of a system of express highways for long-distance travel to be constructed and operated on a self-liquidating basis, financed by toll charges. Such highways would be of boulevard width, to permit a safe separation of traffic in different directions, and would be designed to eliminate the use of headlights, or to prevent the glare of headlights. Such roads would also avoid railroad intersections and cities and would offer such opportunities for uninterrupted travel and safety as would attract a sufficient volume of traffic to finance them at a toll rate of not exceeding 1 cent per mile.

The Bureau of Public Roads is now making a survey of traffic volume throughout the country and has completed most of this work, except in Connecticut, New York, New Jersey, and Delaware. These data will be available to Congress within a relatively short time, I am informed, and will likely show that it will be possible to establish two or perhaps three long main lines on a self-liquidating basis.

To win traffic from competing free roads, toll highways, even along the lines of heaviest movement, must offer distinct advantages, including complete protection by the elimination of all intersections at grade. It would also probably be necessary to acquire and absorb in the toll facility ex-

isting parallel, high-type, four-lane divided highways wherever possible. This necessity and avoidance of the construction of additional competing free highway links of high type make it very desirable to have a prompt decision of the question of toll express highways, especially in view of the pending Federal-aid appropriation measures.

Express highways would draw sufficient fast traffic from other roads to diminish highway accidents on those roads also. Construction of express highways, on a substantial scale, would create much employment, and would enlarge the objectives of roadside beautification and thus perhaps offer an opportunity for expansion of Civilian Conservation Corps activities. Many benefits would follow the adoption of such a program; and I think that now may be the time to undertake such work, in view of the great emphasis upon safety activities, and also in view of the President's recommendations for curtailment of the regular Federal Aid Highway Act. Since the express highways would be self-liquidating, they would fill the gap without cost to the Government of any reduction made in Federal-aid highway appropriations.

Inasmuch as the subject of express highways is a comparatively new development of the safety program, I ask permission to insert in the RECORD an article by Dr. J. G. Van Zandt, Los Angeles, Calif., international inventor of safety and engineering devices, and a lecturer and writer on safe driving, who recently made a 10,000-mile automobile tour of superhighways of European countries. I regard his description of these express highways abroad as most enlightening on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFETY SPEEDWAYS—A SUCCESSFUL EXPERIMENT WITH HIGHWAY CONSTRUCTION IN EUROPE FROM WHICH WE MAY LEARN A VALUABLE LESSON

There is a real demand in America for higher speeds with greater safety on through highways. The answer has been found in the special speedways of Europe, which have been used by thousands for several years with remarkable records of both high speeds and safety. We can have the same advantages in this country if we demand them. When we mix all speeds of the highest and lowest on single-lane highways, as is our present practice, the problem becomes too complicated from any viewpoint for simple solution. The demands made on our highways have been too great and the overload has brought on the inevitable, but as surely avoidable, wholesale slaughter of today. If the unreported minor accidents were added to the totals we would be astounded at the figure, proving that we are paying more than the cost of the needed speedways every year. If we really want high speed with safety we cannot afford to hesitate longer—and we can stand the cost of these desirable speedways better than war-torn Europe can, where these superhighways are now actually demonstrating their efficiency.

A recent tour over the "auto-stradas" of Italy and the "autofahrbahn" systems of Germany have convinced the most skeptical that this problem can be solved easily. The wonder is that we in America have not kept up with them in separating high-speed vehicles from slow trucks and horse-drawn carts and protecting our pedestrians by high standards of safety. The superhighways in Europe are for high-speed passenger automobiles only—a feature never attempted in America. They are a joy to the tourists as well as the businessmen of the Continent. One may drive all day at over 60 miles per hour and be as "fresh as a daisy" at night from the fact that there is no nervous tension and no strain or worry at the wheel. All these "auto-stradas" are protected by high walls or fences on both sides, so that no cattle, dogs, or pedestrians can enter. The four- or six-lane runways are widely separated, and each lane has an individual superelevation at all curves designed for the speed of that lane. Passing on curves is impossible, as curbs separate all lanes at curves. All intersections are provided with bridges, separating the grades, and "clover leaf" turning connections are provided to eliminate left-hand turns, with extra speed-up lanes at approaches from other highways or village connections.

Imagine, if you can, such a speedway from New York City to San Francisco, without a single intersection at grade, nor a dog, horse, truck, bicycle, nor pedestrian! Think of this superhighway all enclosed with a pair of woven wire side fences 12 feet high, topped with barbs and high-voltage electric wires making them even cat and squirrel proof. Picture at least two concrete lanes in each direction, according to the demands of traffic, all separated by wide flower gardens, and the curves superelevated scientifically for the speeds expected in each individual curbed lane. Dream of roses on the wire fences covering all signboards and illuminated signs, and only the traffic lights telling of turn-outs visible, and no headlights' glare, since invisible, indirect illumination from frosted curb lights make only parking lights necessary, and, therefore, the glare is prohibited. This is a practical picture of the present Safety Speedways of Italy as found, for example, from Torino, the Detroit of Italy, to Milan, which boasts the slogan "the safest city in the world." The same is found in the continuation to Lake Como and many other parts of the "Roman Peninsular" country, including, of course, that model of all, the "Rome to the Lido" causeway, so popular on summer nights and having such an enviable record of safety. One should add a word about the flowers along the way and on the overhead bridges which add a note of beauty and charm which only Europe knows how to produce.

The two double lanes are for fast and extra fast traffic, with only minimum speeds specified. In the extreme right-hand lane vehicles capable of sustained speeds of about 50 miles per hour or over are permitted. Before entering the inner lane a speed of over 60 miles per hour must be reached and sustained during the occupancy of the lane. Frequent change-over places are provided and plainly marked, which must be used after due caution is taken and signals made to notify others on both lanes of intention to take the other lane. In emergencies brief stopping on the oiled shoulders is permitted, but turn-outs to filling stations for tire changes and fuel are sufficiently frequent so that shoulder stops are practically never used. In making such a stop at a filling station turn-out a sign indicates the beginning of an extra lane for slowing down, and the driver turns out into that lane which leads between special fences around to the right, passing over an open grill, dog-proof stockguard to a gate at which a watchman is stationed, who punches the ticket—a sort of mileage scrip-book form of special road tax for the speedway. He then opens the gate and permits the driver to pass out into the village or filling station. Similarly one may reenter the speedway by the same process, only he is required to show his "ticket" again and on it an O. K. indicating that while taking on gasoline an authorized and expert bonded mechanic has tested his brakes and inspected his car and guarantees the mechanical fitness of this car for high speed.

Also, if the motorist appears to be incapacitated by reason of any disability, as fatigue, drowsiness, illness, drunkenness, or for any good reason, the watchman is required to investigate and, if necessary, refuse admission to the speedway until a physician, bonded and authorized, has passed on his fitness for high-speed motoring. Any motorist on the speedway is pledged to leave when sleepy or unfit, and to make a report against any fellow motorist on the speedway who drives unsafely or violates any requirements. When a watchman receives such a report he telephones to the next watchman and the driver is stopped or an officer is sent after him from the opposite direction. Any watchman, officer, or bonded mechanic permitting an unfit car or driver to enter the speedway is subject to fine or more severe punishment. Any tavern keeper selling intoxicants to a motorist and permitting him to leave before sober is also subject to fine. There are some automatic devices for puncturing with slow leak any tire that goes over the metal plates in the road where crossing is not allowed or for exceeding speed limits in controlled areas. One hears a hiss and takes the next turn-out for repairs. This is a very effective means of preventing violations, as one soon learns to obey or be delayed, and while the expense is slight the inconvenience is great.

These speedways have given very satisfactory results. Of course, statistical reports should always be on the same bases if comparisons are made. All accident reports should be reduced to normal man-hour foundations for fair comparison. Some recent bad examples of improper statistical methods may be found in reports based on population, which would indicate that the most dangerous occupation is farming and the most dangerous place for the farmer is in bed, since most deaths occur there. But excluding the very abnormal conditions of illness, infancy, old age, etc., and reducing all data to the normal man-hour basis as far as possible, our last year's accident rate was between two and three times as high as any of the 23 countries reporting in Europe. In other words, today it is more than twice as dangerous to motor in America as anywhere else in the civilized world.

Furthermore, the records of the countries with the most speedways show a drop of over 30 percent in all accidents by this device. In spite of the increase of accidents to tourists who have always enjoyed the distinction of being the worst drivers on the continent, the rate of total accidents per auto-gallon (which has been shown to vary almost exactly as per man-hour) has decreased every year since the speedways were opened. In Germany, where the Autofahrbahn runs along the Rhine for over 150 miles, high speeds have been used with a record of no fatality in 4 years, and only 11 minor accidents under exceedingly heavy traffic. On the old roads near these speedways (now used only by trucks at low speeds and by horse-drawn vehicles) there has also been a decrease (of both fatalities and property damage due to accidents) which has exceeded 15 percent since the removal of high-speed autos.

This item of importance to existing highways due to the attracting away from them to the speedways of the high-speed traffic has hardly received the consideration it deserves in connection with the economics of the problem. In fact, the "fourth E" of the "four horsemen" of "highway safety" is "Economics," which has often been the controlling element.

In the United States, speedways can be self-supporting, self-liquidating, or in fact revenue-producing safety devices if properly controlled and reasonable tolls charged as in the countries of Europe. The time has come for us to profit by the successful

experience of Italy, Germany, Poland, and several other European countries which are now developing efficient speedway systems throughout their domains.

THE TENNESSEE VALLEY AUTHORITY

Mr. McKELLAR. Mr. President, if I should begin the remarks I desire to make on the T. V. A. at this late hour, I could not conclude this evening, and I therefore hope the Senate may take a recess until Monday, when I can begin and finish what I have to say. I understand that under the new rule laid down I could not start this afternoon and proceed on Monday.

Mr. BARKLEY. Mr. President, I have no desire to insist that the Senator proceed at this hour and speak for the remainder of the day, and it is entirely satisfactory that a recess be taken.

Mr. McNARY. Mr. President, I inquire of the Senator from Tennessee whether it is his purpose to begin his speech upon the convening of the Senate on Monday.

Mr. McKELLAR. That is my intention.

Mr. McNARY. Let us have that understood, because the Senator from New Hampshire [Mr. BRIDGES] desires to be present when the Senator speaks.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). If there be no reports of committees, the clerk will state the nominations on the calendar.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of Miss Gay B. Shepperson to be State administrator for Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Rufus W. Fontenot to be collector of internal revenue for the district of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

This completes the nominations on the executive calendar.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until Monday, January 24, 1938, at 11 o'clock a. m.).

CONFIRMATIONS

Executive nominations confirmed by the Senate January 21 (legislative day of January 5), 1938

WORKS PROGRESS ADMINISTRATION

Miss Gay B. Shepperson to be State administrator in the Works Progress Administration for Georgia.

COLLECTOR OF INTERNAL REVENUE

Rufus W. Fontenot to be collector of internal revenue for the district of Louisiana.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 21, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy lovingkindness, O Lord, is in the heavens; Thy faithfulness reacheth unto the skies; Thy righteousness is like the mountains of God; Thy judgments are a great deep.

Heavenly Father, may we wait patiently for Thee and incline our hearts at Thy altar. We pray that our deliberations may be a protest against all movements or agencies which work injury to the ideals of our free and representative government. Pour out Thy spirit upon our whole land and keep it far away from that gross materialism which has coffined other nations. Save us, blessed Lord God, from wandering afar from the fresh spiritual fields of moral supremacy. For Thy name's sake, hear us and let the people praise Thee, O God; let all the people praise Thee. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EMPLOYMENT OF LABORER

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 404

Resolved, That the Clerk of the House hereby is authorized and directed to employ a laborer to be paid from the contingent fund of the House at the rate of $1,260 per annum until otherwise provided by law.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. WILLIAMS asked and was given permission to extend his own remarks in the RECORD.

Mr. McCLELLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and included therein an address I delivered before the Mississippi Valley Flood Control Association.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an item appearing in the New York World-Telegram regarding the Public Health Service.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a bill I introduced this morning.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short letter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ADMINISTRATION OF SUGAR ACT OF 1937 AND CROP PRODUCTION AND HARVESTING LOANS

Mr. TAYLOR of Colorado. Mr. Speaker, by direction of the Committee on Appropriations, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

The Clerk read the joint resolution as follows:

Resolved, etc.,

DEPARTMENT OF AGRICULTURE

Sugar Act of 1937: That for an additional amount to enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (50 Stat. 903–916), including printing and binding, and the employment of persons and means in the District of Columbia and elsewhere, as authorized by such act, there is hereby appropriated for the fiscal year ending June 30, 1938, out of any money in the Treasury not otherwise appropriated, the sum of $39,750,000: *Provided*, That from this appropriation and the appropriation of $250,000 for this purpose in the Third Deficiency Appropriation Act, fiscal year 1937, there shall not be obligated during the fiscal year 1938 for the following respective purposes sums in excess of the following amounts: For personal services in the Department of Agriculture in the District of Columbia, $115,000; for personal services in the Department of Agriculture in the field, $350,000; for miscellaneous administrative expenses

(other than personal services) in the Department of Agriculture in the District of Columbia and in the field, $160,000; and for transfer of funds to the Office of Treasurer of the United States, Division of Disbursement (Treasury Department), and the General Accounting Office, $25,000; but the limitations set forth in this proviso shall not include expenses of local committees under the provisions of section 305 of such act.

FARM CREDIT ADMINISTRATION

Crop production and harvesting loans: That the appropriation for crop loans made under the heading "Farm Credit Administration" by the First Deficiency Appropriation Act, fiscal year 1937, together with all collections heretofore or hereafter made under the act of January 29, 1937, of the character specified in section 7 (b) of such act, shall be available until June 30, 1939, for making and collecting crop production and harvesting loans under such act of January 29, 1937, regardless of any limitation to the calendar year 1937 or the fiscal year 1938 in such appropriation or such act: *Provided*, That loans under the foregoing appropriation shall only be made to borrowers, who, in the opinion of the Governor of the Farm Credit Administration will undertake in good faith to repay such loans in accordance with their terms, and no such loan shall be made in any State unless the Governor of the Farm Credit Administration has reasonable assurance that State and local authority will take no action which will encourage the borrower residing therein to evade payment of such obligation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. WIGGLESWORTH. Reserving the right to object, Mr. Speaker, I do not intend to object, but I make this reservation in order that the chairman of the committee may make a statement to the House of the purpose and the urgency of the two items provided for in this bill.

Mr. TAYLOR of Colorado. Mr. Speaker, this first deficiency-appropriation bill contains only two items. It provides for the payment of the sugar-allotment payments due to the sugar growers authorized by the Sugar Act of 1937, and provides for the crop loans authorized by the act of January 29, 1937. These loans must be made available if the growers in the southern part of the country are to be helped for this season. These are small loans, the average being about $100 to each farmer. The limit is $400, but a great many of them are not even $100. Both of these items are emergency measures. The Appropriation Committee is unanimous in authorizing me to present and urge the immediate passage of this resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I understand there is nothing new about this measure; it is simply to make payments under contracts already entered into by the Government.

Mr. TAYLOR of Colorado. Yes; that is correct. We are under obligation now to carry out the provisions of those two laws.

Mr. THOMAS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. What is the amount of the appropriation in this bill?

Mr. TAYLOR of Colorado. The amount of the sugar appropriation is $39,750,000. The amount of the crop loans is $34,500,000.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from Iowa.

Mr. DOWELL. Is this a contract made with the sugar growers by the Government not to produce sugar?

Mr. TAYLOR of Colorado. No; that is not the law. The law fixes a quota of production, and this resolution is to comply with that law. It encourages production in this country and restricts importations.

Mr. DOWELL. I am asking if this is a contract.

Mr. TAYLOR of Colorado. It is a law, and this resolution complies with that law.

Mr. DOWELL. It is true we produce probably less than one-third of the sugar consumed in the United States. It seems very strange our Government should be contracting with growers not to produce a thing of which we need a great deal and which we are importing in large quantities. Is this not a strange situation?

Mr. TAYLOR of Colorado. The gentleman has an erroneous impression. The Sugar Act provides the exact amount of sugar which can be grown in the United States and the amount that can be imported from Puerto Rico, the Hawaiian Islands, and so forth. It also fixes with a great deal of detail the entire sugar-growing and marketing industry. This measure is merely to carry out the provisions of the act we passed last summer.

Mr. DOWELL. I understand that, but does the gentleman believe the policy should be carried out of paying the producers of sugar for not producing it, when we have to import so much from foreign countries?

Mr. TAYLOR of Colorado. That is not the policy and this measure is not to determine a policy. The policy has already been determined by the Congress.

I yield to my Colorado colleague [Mr. CUMMINGS] who I believe knows more about all the details of the sugar industry than anybody in Congress.

Mr. CUMMINGS. I may say to the gentleman this money has already been collected by the Government and is in the Treasury. This measure is simply completing the contract the Government entered into with the growers last August.

As far as the gentleman's talking about paying the producers not to grow sugar is concerned, there is no sugar State in the United States, except the State of Florida and possibly Louisiana, which can produce as much sugar as it is allowed to produce under this quota. Sugar is today selling in the United States probably cheaper than in any other nation in the world on the basis of comparison of wealth. It is nearly 50 cents a hundred cheaper than it was when this legislation was passed.

Mr. DOWELL. My question is, however, is it the gentleman's opinion that the Government of the United States should be paying these producers for not producing it when we are compelled to purchase so much from foreign countries?

Mr. CUMMINGS. They are not paying the growers not to produce it; they are paying them to produce. The growers are getting a benefit out of this.

Mr. DOWELL. I understand the growers are getting the benefit, but they are getting the benefit because they do not produce the sugar.

Mr. CUMMINGS. No; the gentleman is mistaken.

Mr. DOWELL. Certainly, that is true.

Mr. CUMMINGS. No; it is not. They get the benefit for producing it.

Mr. MICHENER. If the gentleman will yield, as a matter of fact the policy has already been determined upon.

Mr. CUMMINGS. It has.

Mr. MICHENER. This is simply carrying out the policy.

Mr. CUMMINGS. And carrying out the policies and effects of a bill that was passed in this House by 4 to 1.

Mr. MICHENER. Yes; so far as consumption and production in this country are concerned, the purpose of the Sugar Act is to quota and to limit production, and Secretary Hull has stated——

Mr. CUMMINGS. No; the gentleman is wrong there. This is to limit importation.

Mr. MICHENER. Yes; to limit importations by establishing production quotas. By fixing limits beyond which we cannot produce.

Mr. CUMMINGS. It increases the production of sugar in the United States.

Mr. MICHENER. Yes; it permits production up to a certain quota; but the real purpose back of it all is to discourage the production of sugar in the United States, to eventually destroy the domestic production, and Secretary Hull—when the sugar bill was up the last time—opposed any increases in the quotas in this country because he had entered into a trade agreement with Cuba, and he said that if we increased our sugar production in this country we

would be violating the good faith of our reciprocal trade agreement with Cuba.

Mr. CUMMINGS. If I am in Congress whenever the time comes that we produce as much as this quota allows, I will be helping the gentleman to take off the quota.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. LAMBERTSON. I want to ask the gentleman from Colorado a question. I was at Fort Collins, where the gentleman lives, last summer and I observed that three-fourths of this sugar-beet country of his was in wheat.

Mr. CUMMINGS. Oh, no, not that much.

Mr. LAMBERTSON. It looked as if about three-fourths of it was raising wheat.

Mr. CUMMINGS. You can just plant as much of a row crop, like beets or potatoes, as you have water, and we are limited in our water supply.

Mr. LAMBERTSON. It seemed to me that land used to raise sugar beets is now raising wheat and that you are getting this Government subsidy on your beets.

Mr. CUMMINGS. No; we had as much acreage in beets last year as we ever had, and we could not plant more beets because we did not have the water. This is the reason we are asking you to let us have the water from the Colorado-Big Thompson project.

Mr. MARTIN of Massachusetts. As I understand, if I may ask the gentleman from Colorado a question, the Budget has passed upon this appropriation and it meets with their approval?

Mr. TAYLOR of Colorado. Yes. It is imperatively necessary for Congress to pass this measure.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, I have consistently supported these seed-loan bills and all farm bills, and I supported the sugar bill. Did the possibility ever occur to the gentleman or to his committee of making loans to business people, the employers of labor in the cities, or does the gentleman confine his attention entirely to farmers? If our business people could get loans, it would take us out of this unemployment situation. Did that ever occur to the gentleman?

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I asked the gentleman from Colorado the question.

Mr. TAYLOR of Colorado. Congress has endeavored to help all classes of people that really need aid. This is a farming proposition entirely, and has nothing to do with the city or business financing the gentleman refers to.

Mr. O'CONNOR of New York. I asked the gentleman whether it ever occurred to him that business, as well as the farmers, might be helped?

Mr. TAYLOR of Colorado. Oh, surely. I think business has been helped more than the farmers have.

Mr. O'CONNOR of New York. I have been voting to finance farmers, but I have never heard any suggestion about the financing of businessmen who could put people to work.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield.

Mr. WOODRUM. Has my friend from New York forgotten the housing program we put through to build tenement houses in New York for him?

Mr. O'CONNOR of New York. That does not finance the businessman, the employer.

Mr. WOODRUM. It puts people to work; and has the gentleman forgotten the long list of loans made by the Reconstruction Finance Corporation to railroads, insurance companies, and banks?

Mr. O'CONNOR of New York. I am talking about the little-business man, the 5,000,000 employers of this country who employ people, not the railroads and banks and insurance companies. Furthermore, R. F. C. is all through, but the seed loans go on forever.

Mr. WOODRUM. I am talking about the little-business man whom my friend represents in New York. We have helped them, and now we are trying to help the farmers.

Mr. O'CONNOR of New York. Well, I have not seen any of that help.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. TAYLOR]?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a resolution adopted at a mass meeting in the city of Morgantown, W. Va.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend in the RECORD certain observations that have come to me as a result of our debate on the recent Treasury-Post Office appropriation bill, and I would suggest that the Members may find in this extension information that will be very helpful to them. For example, the question was brought up as to the amount of franked and penalty mail, and in this extension I insert certain information as to the amount of increased revenue resulting from franked and penalty mail matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting three letters I received this morning through the mails.

The SPEAKER. Is there objection?

There was no objection.

DEATH OF A FORMER MEMBER

Mr. EICHER. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EICHER. Mr. Speaker, I rise to announce the death on Saturday last of a distinguished former Member of this body, the Honorable Harry E. Hull, a legal resident of the town of Williamsburg, in my congressional district. He represented the Second Congressional District of Iowa for 10 years, from 1915 to 1925, and from 1925 to 1933 he served as Commissioner General of Immigration of the United States.

The record of Mr. Hull's public service is an enviable one. As a legislator he was high-minded and conscientious and ever faithful to what he regarded as the best interests of the people of his district and of the Nation. His membership on the Military Affairs Committee of the House before and during the participation of this country in the World War placed on him the responsibility for making some vital decisions. He was one of the small group whose strong convictions impelled them to vote against the entrance of our country into that war, and, almost lone-handed, he succeeded in raising the draft age from 18 to 21. As administrator for 8 years of the Bureau of Immigration he showed a liberality of judgment in the interpretation and application of the controlling laws that confined the cases of individual hardship to a minimum and established standards in carrying out the restrictive quotas that will serve as beneficial precedents for years to come.

The State of Iowa and the Nation have profited by the public services of Harry Hull, and as his Congressman and friend I contribute these heartfelt observations of respect to his memory.

I ask unanimous consent to extend my remarks in the RECORD upon his life and services.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL, 1939

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill

H. R. 8993, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. THOMASON of Texas in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1938, $968,700; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $19,069,800, including not to exceed $50,000 for the procurement of helium which sum of $50,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1938, in addition to which sum the Bureau of Mines may use for helium-plant operation in the fiscal year 1939 the unexpended balance of funds transferred to it for such operation in the fiscal year 1938, and the Bureau may lease, after completion, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,903,500; for new construction and procurement of aircraft and equipment, spare parts and accessories, $21,258,000, of which amount not to exceed $15,000,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1938; in all, $44,200,000, and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,716,520: *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1940, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $15,000,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate $50,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of $500.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 42, line 8, after the comma, following the word "accessories," strike out "$21,258,000" and insert in lieu thereof "$24,358,000."

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent that my time may be extended for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOILEAU. Mr. Chairman, during the general debate upon this bill I indicated that I intended at the proper time to offer an amendment striking out the appropriation for the commencement of the two battleships, and that I intended also to offer an amendment appropriating an equivalent amount for the construction of airplanes for the Navy. I regret that the parliamentary situation is such that it is necessary to offer the amendment to increase the appropriation for the airplanes before the amendment is offered eliminating the appropriation for battleships. This is a situation beyond my control, as the airplane item comes in the bill first, and I am advised by the Parliamentarian that it would not be germane to the provision involving airplanes to refer to battleships, nor would it be germane to offer an amendment to increase the amount appropriated for airplanes in the place in the bill where we now provide for battleships. As I said, I regret that we are confronted with this situation, but it is a matter over which I have no control and it is necessary, in order for me to carry out the views I have, to offer this amendment increasing the appropriation for airplanes, with the understanding that at the proper time I shall offer another amendment which will strike out the appropriation for the battleships.

On page 50 of the bill there is authorization for the commencement of two battleships, and the appropriation contained on that page in the bill for all naval vessels is in a lump sum, but only $3,100,000 of that amount in the breakdown is allocated for the laying of the keels to commence the construction of these two battleships, which will ultimately cost at least $141,000,000. I say at least that amount. That is the present estimate of the cost of the construction of these two battleships. As I understand it, the present estimate is based on battleships of 35,000 tons. This morning's newspaper indicates that there is a likelihood that the plans and specifications for these battleships may be changed, so that they will be 40,000-ton ships, in which event, of course, the appropriation would ultimately be a great deal more, and I call the attention of the membership to the fact that within the last 6 or 7 months the estimate for the construction of battleships has increased—an estimate made less than a year ago at $50,000,000 to $60,000,000 and now to $70,000,000; and if we increase the tonnage from 35,000 to 40,000 tons, realizing these estimates will probably increase year after year, these battleships will probably cost us $100,000,000 each, or $200,000,000 in all, before they are constructed.

This bill appropriates only $3,100,000 for the laying of the keels and beginning construction, so that my amendment now before the House would increase the amount to be expended for airplanes—and I hope they will be bombing planes—by $3,100,000, and that amount of money, under the estimates contained in this bill for 1939, would build 41 B bombing planes, the finest bombing planes constructed; that is, the most expensive bombing planes we have in the bill. If we do not want to build bombers, that amount of money would build 52 V S B scout bombing planes. If we want fighting planes of the V F type, we could, with the $3,100,000, build 74 fighting planes. From the standpoint of national defense and preparation against any immediate danger, I ask you, in all fairness, which would you rather have from the standpoint of defending this country, 41 bombing planes, or 52 scout bombing planes, or 74 fighting planes, or battleships with only the keels laid some place in one of the navy yards? It would take 4 or 5 years, at least, to get these ships into commission after the keels are laid. Or, if you want to construct the number of planes you could build with a total of $141,000,000, I call attention to the fact that with that amount of money we could build 1,865 bombing planes.

Which would you rather have for the defense of this country, 1,865 bombing planes or 2 battleships—2 floating targets that would not be where you want them when they are needed, which are absolutely helpless, which are nothing but targets for the efficient airmen? If you did not want these bombing planes, you could have 2,366 scout-bombing planes, or the same sum of money would build 3,367 fighting planes—for the cost of these 2 battleships.

And then, Mr. Chairman, I call attention to the fact that the life of a battleship is 26 years. From the viewpoint of the Navy, at the end of that time they are obsolete and are junked. Throughout the length of the useful life of a battleship it has to be maintained, and maintenance alone is estimated to be somewhere around $2,500,000 a year. This

would continue over a period of 26 years. For two battleships the maintenance would be $5,000,000 a year, or about $130,000,000 for the 26 years. In addition to that, every few years these battleships have to be entirely reconditioned, every 10 years or so, at a cost, I am informed, of about $10,000,000 to put them in proper condition. So that in addition to the $141,000,000 original cost of these two battleships we shall have probably at least that amount of money expended during the 26 years for the maintenance of these battleships. I submit to you that this amount of money added to the original cost would be sufficient to maintain permanently for a period of 26 years—and I want to say to you in all fairness that I am just estimating this in my own crude way; I am not a technician—but I submit that, in my judgment, the original cost plus the cost of maintenance and operation, and also the cost of reconditioning, would mean enough money over a period of 26 years expended on these two battleships alone to maintain, man, and equip at least 1,000 airplanes, up to the minute in fighting efficiency, every year over that period of years.

I ask you in all fairness, from the standpoint of defense—I am talking about defending this country rather than preparation for aggressive warfare—which would you rather have for the defense of our Territories, our possessions, our harbors, and coasts, 1,000 fighting bombers or 2 battleships that are helpless on the high seas, deaf, dumb, and blind? I say to you that under present conditions these battleships are absolutely helpless; they cannot maneuver, and they are at the mercy of the Air Corps. The gentleman from West Virginia is going to present to this House, I am sure, some startling information. He showed me some of the information in his possession. I appeal to you to listen to the gentleman from West Virginia [Mr. RANDOLPH] when he takes the floor a little later.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. Mr. Chairman, the accuracy of these bombing planes is uncanny. Although they may not be able to destroy a battleship, they can, from a distance of 14,000 or 15,000 feet in the air drop bombs with an accuracy that would startle you. I am sure the gentleman from West Virginia will give us some information along this line that will be rather shocking. If the airplanes cannot destroy a battleship because of the deck armor, it is going to be a matter of only a few years before bombs will be manufactured that can be let down from the skyway beyond the reach of antiaircraft guns, that can sink battleships. If airplanes cannot now sink battleships, they certainly can sink the auxiliary ships, the cruisers, and the other ships that do not have such heavy armor, the destroyers; and you know a battleship needs protection it has to have its convoy. The battleships are at the mercy of submarines as well as the Air Corps. The submarines can destroy these battleships.

I submit to you that it is a waste of money to build these tremendous battleships. I, for one, am a firm believer in adequate national defense, but defense only. I believe that we should spend as much money as is necessary for that purpose. I submit that bombing planes at the present time make battleships ineffective. Bear in mind the fact that aircraft are in their infancy; there is a lot to be learned in this field, a lot that will be learned within the next few years, before these big battleships are even commissioned. Battleships, on the other hand, are as old as our civilization. With all these years of experience they have gotten about as efficient as we can hope for but the airplanes will become more and more efficient as fighting units.

I appeal to the Members of the House to adopt this provision increasing the appropriation for airships by $3,100,000; and then when we come to that part of the bill on page 50 which provides for the building of two battleships, that we strike that provision out of the bill so that these two battleships will not be built, so that we shall not be squandering the taxpayers' money, so that we may use such money as we have available for defense for the construction of fighting planes that can give us the only effective defense against any possible invasion of this country.

In offering these amendments I do so with the firm conviction that the United States should protect itself against any probable invasion. I take the position that we should be prepared to defend our country and our Territories and possessions. But when it is realized that a few days ago 18 bombing planes of the United States Navy went from the Pacific coast to the Hawaiian Islands, a distance of over 2,500 miles, in 20 hours, and when we also take into consideration that they successfully carried out their objective, we should be convinced that any military expedition against this country can be defeated by a well organized and equipped Air Corps which could meet any contemplated invasion before it could get near our shores. They can go 1,500 miles or 2,000 miles out to sea; each plane can carry a thousand pounds of bombs and those planes could sink an invading navy with an accuracy that is almost unbelievable at the present time. With experimentation going on all the time, the efficiency of these bombing planes will be greatly improved. All of this will give us adequate protection and will give us more per dollar for defense than we can possibly have by building these superfloating fortresses.

Mr. Chairman, I hope that my amendment will be agreed to and that the other amendments I shall suggest at the proper time will be approved by the Committee when we take into consideration the item for the battleships.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I move to strike out the last word.

NOT TWO BATTLESHIPS BUT FOREIGN RELATIONS, I. E., STANDARD OIL

Mr. Chairman, the matter which we have before us today is, in my opinion, considerably more serious than we realize. We are really not talking about two battleships. They are incidental. We are talking about foreign affairs. We are really talking about the grave relations of the world, and not necessarily two battleships.

We find that the investment of the Standard Oil Co. in China amounts to something like $130,000,000 or $140,000,000. We are spending approximately $140,000,000 to build two battleships. Hence, it may be said we are spending of the taxpayers' money approximately the investment of the Standard Oil Co. in China in order to protect that company's investment in China.

The history of foreign trade, especially when it involves colonies or exploitation of weak nations, has always been that it ends up in violence, either war or revolution. Whenever colonialism or foreign exploitation ends up in violence, it has always been a losing proposition to the country which originally did the exploiting.

IS OUR NAVY TO BE AUXILIARY TO THE BRITISH?

Mr. Chairman, we hear in these times all kinds of rumors. I heard there was a conference recently in New York between some of the leading officials of our Government and officials of the British Government, and it was decided that the American Navy would be complementary to the British Navy and the two would control the world. I do not say whether that is right or wrong, but it is a rumor that people have been talking about.

It is also alleged that this group talked about the efficacy of the press in reference to informing the people as to international relations, about the *Panay* incident, and so forth; that is in getting them worked up into a war spirit. I have always wondered why there were so many newspaper reporters and so many cameras available to cover the *Panay* incident and why it has been pushed so prominently and vigorously all over the country, when at the same time we try to suppress certain films which portray conditions existing under the German Fascist Government. Those are just a few things I have been wondering about.

PEACE AND MILITARISTIC, REACTIONARY AND RADICAL, GROUPS FAVOR SHIPS—WHY?

I have asked numerous people about these two battleships just to get their viewpoints. I asked a man whose sympathies are all for Communist Russia this: "What do you think about these two battleships?" He said, "I am in favor of the two battleships. I am for those two battleships because they will be used to maintain peace in the world."

Then I said, "What do you mean by that?"

He said, "We are going to stop Japan in China."

Then I went to some pacifists, and I asked them the same question, and I received approximately this reply: "We want those two battleships to maintain peace."

I have not observed a single peace organization objecting to these two battleships. Not one. From my conversation with the peace groups, it looks as though many of them favor the battleships and a big navy.

I went to one of my military—I might say "militaristic"—friends, and I asked him, "What do you think about these two battleships?" He said, "I am for those two battleships." Of course, he was absolutely honest about it, because he believes in both a big army and a big navy.

CLUMSY OXEN OF THE SEA; STRANGE SITUATION

We have here a strange situation, one of the strangest in American history. I do not understand it. People are confused and it ought to give us pause if many differently thinking people and different groups are confused. Most people seem to think, somehow or other, by the use of two battleships that they will produce some magic that will give peace to the world.

Whether the oil to be poured on our troubled waters is standard or not, I do not know. What I am concerned about is not so much a battleship or two, or its sinking, but the ship of state.

Economic considerations seem to have been abandoned. The economic background of the war in China seems to have been completely forgotten, and when the real causes are forgotten, then is when more trouble begins to brew.

There is one thing certain in my mind, and that is that none of us have clearly in our minds the real necessity for these two battleships. Do we really need them? Are they absolutely necessary? I ask, Will we preserve peace by building these clumsy oxen of the sea?

I read in the newspaper that the President is going to send us a message on the subject of battleships and national defense. As far as I am concerned, I believe it is unfair of the Chief Executive to go ahead and permit us to vote on this particular bill, then come in and present a message for more battleships or more airplanes at a later time.

This whole question should be presented as a whole.

MORE AND MORE MONEY FOR BATTLESHIPS

I was talking to one of my colleagues and I asked him, "How are you going to vote on these two battleships?" I told him I thought I would vote against them. He said, "I think I will vote for these two battleships, but when the President comes in with the recommendation for two or three more I will vote against that proposition."

So, I replied, "Well, we might be both demagoging because I will vote against these two battleships and you will not vote for the next, but the people will get the five or six battleships anyhow, and, of course, the bills to pay for them." That is the practical result. We will keep on spending more and more money on battleships. The futility, the disappointment of all this is overwhelming.

There is one thing that is absolutely true so far as the world's history is concerned, and that is that foreign relations have always been a racket to cover the failures at home.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOREIGN RELATIONS RACKET TO COVER FAILURES AT HOME

Mr. MAVERICK. Mr. Chairman, foreign relations have always been a racket, as I just said, to cover up failures in internal or local situations. I do not mean by that any Member of this Congress, I do not mean that the Executive, and I do not mean that anybody else would start a war in order to cover up a local situation.

It is a mental excuse—or mental escape—and it has always been a mental excuse and a racket to keep from solving our problems in this country.

WHAT ABOUT OUR PROBLEMS? LET'S SOLVE THEM FIRST

What about the C. C. C.? We have forgotten all about the Civilian Conservation Corps.

What about unemployment? We seem to have forgotten all about that. We have a Budget providing, I believe, a billion dollars for unemployment, but everybody knows recent events mean we will have to increase this amount probably at least another billion or more.

What about the W. P. A.?

What about the minimum wages bill? Are we going to solve the problem of minimum wages by having a big Army and by being like Fascist Germany and having munitions factories running all the time to give present employment and later war? Are we going to solve our unemployment problem that way, and let our economic questions be unsolved, and for instance, let the minimum-wages bill go?

What about all the different bills we are supposed to take up for the benefit of the people of the United States, and what about the Democratic program?

Two battleships, my colleagues, seem to be blasting the Democratic program.

WHY BUILD THE SHIPS?—THE ADMIRALS SAY SO

I have not seen any reason advanced for building these two battleships other than that the admirals say we ought to have two more battleships.

NAPOLEON AND THE GRAND TACTIQUE—ITS GRANDNESS BROUGHT WATERLOO

We should have confidence in the admirals, but if you will go back through naval and military history you will find invariably that military men are not only reactionary from an economic viewpoint but strangely enough, reactionary from a military standpoint. Every man who becomes an admiral or a general begins to think of display and of vast groups of moving troops. One of the reasons Napoleon was beaten was that he adopted the "Grand Tactique," the kind of tactics where they had to have vast, cumbersome groups of men. He made his greatest successes in his younger days with fast-moving, well-equipped, well-trained armies.

What are we coming to in this country? We are building a gigantic Navy. Maybe we need it, but I am not yet convinced of that fact. I would vote for 50 battleships if I thought we needed them. We are building a gigantic Navy with a gigantic pay roll, and are sending too many boys to Annapolis, it seems to me.

We are doing this on the advice of the admirals and the admirals alone.

Mr. Chairman, we believed, since we voted that way, that we can wait a year as far as the selection system of officers is concerned. We have two battleships under construction right now which have not been completed, and we can hold up the matter of constructing further or additional battleships for a couple of weeks until we get the expected message from the Chief Executive and can make a coordinated plan of national defense.

I believe we should vote down the appropriation for these two battleships just as a gesture, if nothing else, for there is no immediate danger. I believe our vote should be against building them now, just so we can stop and think, because if we really need them we can enact the necessary legislation any time. [Applause.]

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last word.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I am delighted to yield to the gentleman from Georgia.

Mr. RAMSPECK. May I ask the gentleman from West Virginia whether or not a bomb from an airplane can sink a battleship?

Mr. RANDOLPH. I shall be delighted to answer the question of the gentleman from Georgia, because I want to confine my remarks upon this particular amendment to the facts as I find them in connection with the efficiency of battleships as compared with bombers. I shall try to keep the extraneous matter out of my mind and discuss this immediate pending subject.

Prefacing my remarks, I should like to return to the great Battle of Jutland and say to the gentleman from Georgia that at that time Great Britain fired from its battleships 7,732 heavy shells of 12 inches and over, and out of that total there were only 100 hits. Germany in that battle fired 10,479 shells of 10 inches and over and had but 120 hits. This proves to me, first of all, before I answer the gentleman's question directly, that an expensive supply of ammunition was required for the number of hits made in comparison with the number of attempts, and, after all, in any war, it is not the number of tries we make that counts but the number of strikes we get. Approximately 2 percent of hits in actual combat was the record.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Will the gentleman also state to the Committee what the percentage of hits would be if a similar number of bombs had been dropped from airplanes, under battle conditions?

Mr. RANDOLPH. I shall answer the gentleman. I now come to that question, and I preface my remarks, because I am certain it would follow in order with this question. In 1936 the Navy officials and the Bureau of Naval Operations of the United States Government were chagrined because they felt for the first time there had taken place in this country something which horrified the old-time naval experts of the Nation. Here are the facts! Off Hampton Roads in 1936 an effort was made to prove this very point of which the gentleman from Pennsylvania speaks. Bombers from the Army Air Corps cooperated with the Navy Department in a joint maneuver.

Mr. FADDIS. If the gentleman will yield further, in what battle?

Mr. RANDOLPH. I am not referring to any actual battle now, but there will be battles some day in which bombers will be used to completely wipe out battleships. Off Hampton Roads it was proved that the bombers, flying with muffled motors at 14,000 feet, were able to sneak up on Navy ships without being detected and drop their bombs and hit a target 8 by 12 feet in size 75 percent of the time, and the Navy Department today does not dispute this fact. Of course, this was in 1936. In 1946 or 1956 accuracy of the bombers will be almost 100 percent.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Will the gentleman tell us whether or not this was done without the Navy knowing the airplanes were up there?

Mr. RANDOLPH. No; they had knowledge of it. This was a joint maneuver, with the Navy and the Army working together.

Mr. BOILEAU. Did the Army bombers sneak up on the Navy and drop these bombs in order to prove they could not have been hit by antiaircraft equipment?

Mr. RANDOLPH. Yes; the planes flew with muffled motors at 14,000 feet, and the Navy, with the knowledge the planes were flying there, were unable to stop this maneuver from being successful.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Ohio.

Mr. THOM. In a real encounter, however, there would be airplanes supporting the battleships being attacked by the enemy airplanes, and it would not be such an easy task for the enemy airplanes to come into the locality of the battleships and use them as targets. The attacking airplanes would be repulsed by the airplanes which were defending the battleships or cruisers, if they amounted to anything.

Mr. RANDOLPH. In answering the gentleman from Ohio, let me simply say that I shall now point to an actual illustration of a small battleship that was attacked from the air. We need no further example than to go to the recent incident of the *Panay* sinking. Of course, that was not a great battleship, but it was a warship, and what happened? The planes came down within three to four hundred feet of that ship——

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. UMSTEAD. Mr. Chairman, reserving the right to object, and I shall not object, I have made no motion to close debate since the consideration of this bill started, and I do not wish to make such a motion. I should like to know, however, if it would not be possible to arrive at some agreement with respect to time for debate upon this amendment and this paragraph of the bill.

Mr. FISH. I would suggest that the gentleman from North Carolina ask how many would like to speak on this paragraph or on this amendment.

Mr. UMSTEAD. Mr. Chairman, five Members have indicated they would like to speak upon this matter, and I therefore ask unanimous consent that debate on this paragraph and all amendments thereto close in 40 minutes, and that I may have 10 minutes of that time, the time also to include the additional 5 minutes which the gentleman from West Virginia has requested.

Mr. FADDIS. Mr. Chairman, reserving the right to object to this extension of time, I think it is but fair that we know how many opposed to this amendment are going to be able to speak. So far those in favor of the amendment have secured all the time, and I believe there should be a fair division of the time.

The CHAIRMAN. The Chair will endeavor to divide the time fairly between those in favor of the amendment and those opposed.

The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto be concluded in 35 minutes after the gentleman from West Virginia has used the additional 5 minutes requested. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, I may say that the present occupant of the floor has yielded to every single person who desired to ask him a question. I wanted to be fair in my discussion of this highly important matter.

Now, returning to the question of the gentleman from Ohio for a moment, as I have said, these planes came down within three or four hundred feet and the ship was sunk, and those of us who saw the news reels know what happened. Then let us go to Spain, Barcelona, and Valencia, and we see there aircraft killing not hundreds but thousands of persons, with only bombers taking part in that conflict. One bomb alone killed more than 200 persons.

The gentleman from Ohio has asked what would happen if there were other aircraft fighting back at these ships. They were fighting back at the ships in Spain, and yet that did not matter. We know there were more than 1,000 killed in a few hours, and that was more than were killed in days and days of actual combat fighting between the loyalists and the rebels on the ground.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. THOM. The gentleman will agree that the United States Navy has a good air fleet?

Mr. RANDOLPH. Which should be added to; yes.

Mr. THOM. If you agree to that, then it is reasonable to suppose that your fleet, representing the United States, is going to repulse the enemy air fleet and save the battleships and cruisers from destruction.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Illinois.

Mr. LUCAS. The gentleman has made a comparison of the accuracy of the German gunner on a warship in battle in line with a peacetime maneuver of an American bomber. Has the gentleman any facts and figures to show the accuracy of the American gunner on a battleship in a peacetime maneuver?

Mr. RANDOLPH. No; but I can say——

Mr. LUCAS. Would not that be a fairer comparison and a better test so far as the knowledge of this House is concerned?

Mr. RANDOLPH. I may say I wish I had that information. However, it is said by experts that our record will compare with the record I have given of the German gunner and the British gunner in time of fighting.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield again to the gentleman from Georgia.

Mr. RAMSPECK. The question I wanted the gentleman to answer is: Granting, for the sake of the argument, that a bomb can hit a battleship, can it penetrate the armor plate of battleships?

Mr. RANDOLPH. I may say to the gentleman I am certain it can. Perhaps not so successfully today, in 1938, but remember this program is designed for 10 and 20 years hence, and in 1950 we are going to find the number of tries meeting with about 100-percent success, and they are going to penetrate the armor of the heavy battleships. A bomber costing $100,000, with a bomb of some 4,000 pounds in weight, has almost that amount of explosive. Yes; ships will be demolished.

Continuing further for just a moment——

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield again to the gentleman.

Mr. FADDIS. The gentleman is proceeding on the supposition that while airplanes will advance there will be no advance in protection against them.

Mr. RANDOLPH. I may say that the advance made in battleships is certainly a retrogression instead of a going forward. The day of battleships as effective defense agents is going fast.

Mr. THOM. Mr. Chairman, will the gentleman yield further?

Mr. RANDOLPH. Yes; I yield again to the gentleman from Ohio.

Mr. THOM. The fact of the matter is in the Battle of Jutland there were two battle cruisers, the *Marlborough* and the *Seidlitz*, that were struck by torpedoes. They stayed in the line and continued the battle, taking their part in it. That is the truth of the matter, and they also went back into their home port.

Mr. RANDOLPH. The truth of the matter is that in the Battle of Jutland about 2 percent of the actual shells fired were hits, and that is the highest mark that any country or any group of countries can ever hope to attain.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. MAAS. I do not believe there is anybody more enthusiastic about aviation than I am, but does the gentleman think it is a safe policy or a wise one for us to eliminate battleships while other nations have them? You cannot fight a war with any one type of weapon, can you?

Mr. RANDOLPH. I may say to the gentleman that I feel today in this committee, in this House, and before the country the Congress should speak as to our deep-seated feeling against the expenditure of $141,000,000 for the construction of two great floating targets. Remember, Members of this body, that the life of a battleship is some 20 years, and it costs $2,500,000 to maintain a battleship for a year's time. Think of that fact! That does not take into account the cost of major overhauling nor does it take into account the food and the clothing and the cost of the crew. In 10 years there comes an added $10,000,000 for modernization of the ship. Think of the billions being spent on such a program. There is folly in building such surface ships when with only a comparatively few millions we can give our Nation the very finest national air defense. As I said day before yesterday while this Committee was sitting, we have to realize that at this hour the scene of warfare has shifted from sea and land into the air. We must establish an efficient, swift-moving and hard-striking defense in the air. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. FERNANDEZ. Mr. Chairman, this amendment proposes to increase the appropriation for naval aviation, and if that is adopted by the Committee, as I understand it, a motion will be made to strike out the provision for the replacement of two battleships in the fleet. That brings up the question as to the vulnerability of battleships and airplanes. Before I dwell on that subject I want the record to show what the fundamental naval policy of this Government is. The naval policy of this country is proposed by the President of the United States, the Secretary of State, and the Secretary of the Navy. Here is that policy:

To maintain the Navy in sufficient strength to support the national policies and commerce and to guard the continental and overseas possessions of the United States.

To support this policy the operations of the naval forces are planned with a view to accomplishing the following purposes:

(a) To exercise and train the units of the fleet to the highest state of efficiency;

(b) To organize the Navy for operations in either or both oceans so that expansions only will be necessary in the event of national emergency;

(c) To protect American lives and interests in disturbed areas;

(d) To cooperate fully with other Departments of the Government;

(e) To cultivate friendly internation relations; and

(f) To encourage civil industries and activities useful in war.

The operating-force plan derived from this study is prepared by the Chief of Naval Operations and sets forth the vessels and aircraft to be kept in commission and operated during the year in order to fulfill the mission imposed by the current approved policies.

Mr. BOILEAU. Mr. Chairman, will the gentleman be good enough to tell us the first reason again?

Mr. FERNANDEZ. It is:

To support this policy the operations of the naval forces are planned with a view to accomplishing the following purposes:

(a) To exercise and train the units of the fleet to the highest state of efficiency.

Mr. BOILEAU. I thought the first part had something to do with commerce.

Mr. FERNANDEZ. No, that is further down. To have that policy it is necessary to have certain units in the fleet—battleships, cruisers, destroyers, submarines, auxiliary ships, and naval aviation. I have searched, not the views of experts on these problems, but I have searched for other views. I am indebted to my distinguished friend from Ohio [Mr. THOM], a member of the committee, who in the CONGRESSIONAL RECORD of March 4 last in this House quoted the only authority that I can find on this question, and I shall read that authority for the benefit of the committee:

The same doubts of the value of the battleship in the midst of new and modern implements of attack from the air have afflicted the English mind and led to an investigation by a subcommittee of the Parliament Committee of Imperial Defense on the subject of the Vulnerability of Capital Ships to Air Attack, culminating in the issuance of a so-called White Paper, dated November 1936, in which the conclusions of this body of civilians were incorporated.

The names of the members of the investigating committee were: T. W. H. Inskip, chairman; Lord Halifax, Malcolm MacDonald, and Walter Runciman, the last named having just visited President Roosevelt, and who is looked upon as one of the strongest men in the British Cabinet.

Their report as issued is ably reasoned and written, and it leaves one feeling that the question of the degree of vulnerability of battleships is entirely debatable, especially when the strongest paragraph written in favor of the continued employment of battleships, hereto appended, is examined:

"If capital ships are essential to our security we must have them. We are dependent, as is no other nation, on the maintenance of our overseas trade. We have more to lose by making a false decision in so vital a matter than has any other power. Let no other great naval power, though with less risk than we ourselves should run, proposes to do away with capital ships. Should we be the first to do so? Surely not, unless the question is settled beyond all possible doubt. We do not find that the question is so settled. It may never be settled without the test of war, but the information at present at our disposal leads us to believe that the day of

the capital ship is not over, now or in the near future; to assume that it is and to cease to build them would lead to grave risk of disaster.

"It is possible to state the matter in the simplest possible terms. The advocates of the extreme air view would wish this country to build no capital ships (other powers still continuing to build them). If their theories turn out well founded we have wasted money; if ill founded, we would, in putting them to the test, have lost the Empire."

This conclusion of the Commission I shall supplement with some of the supporting data in condensed form. It is pointed out that new forms of attack such as the airplane sooner or later produce new forms of defense. The last 40 years saw the advent of the submarine, the torpedo, and the mine. Naval experts turned their minds to counteracting the possible effects of their attacks on capital ships, and now the air attack must be combatted.

Bombing from an airplane, the Commission report points out, takes three forms. Level bombing is undertaken from a high altitude. Dive bombing involves attack from a steeply diving airplane. Torpedo attack consists of dropping torpedoes from aircraft at a low altitude abeam the ship.

What has been done to meet this power of the airplane?

First of all, armor plate has been thickened after tests have shown the penetrating power of bombs. In the new British capital ships, a turtleback arrangement of side and deck armor is planned to deflect aerial attacks. The ships will be outfitted for being made completely gastight on short notice.

In the way of offense, the battleship, as we all know, has the antiaircraft guns to fall back on, and the tendency is to increase the volume of fire. The Commission found that the rate of hits in tests of antiaircraft guns do not throw much light on their value because of difficulty in simulating real warfare. Interesting, however, are the facts produced that antiaircraft fire, even if nonvital, would unnerve the air forces and cause them to take poor aim in bomb dropping. It would also have a tendency to drive an airplane to higher altitudes, thus making its attack less sure.

The argument that more in the way of naval strength can be derived by spending funds for airplanes than capital ships was studied. The Commission found that 43 medium bombers could be bought for the price of a battleship. One of the witnesses estimated that the squadrons of airplanes needed for defense of trade and territory of Great Britain would entail a cost equivalent to that of 15 battleships. If this estimate were accepted, then the cost of the present battleship strength of England would be about the same as supplying the number of airplanes necessary to do the same work.

Having concluded my digest, I now close by reading the justification for battleships as given in the recent hearings on the naval appropriations bill by Admiral Land, Chief of the Bureau of Construction and Repair:

"The modern battleship is so designed, constructed, and built that while it is not immune—and I doubt if such a thing as complete immunity can be given—it is such an uninteresting target, due to its many protective features, devices, and so forth, that we are amply justified in proceeding with the construction of them. The menace of the air to a battleship is much less than the so-called proponents of the air ever concede, or are willing to concede. It, nevertheless, remains a fact. So that we feel with the design as now prepared and approved that the menace from the air is very materially reduced over what has been in existence heretofore, and that we should go ahead with this type of ship, which cannot only give but take and take and take punishment; it can take punishment far better than any other class of ship."

Mr. Chairman, I hope the amendment is rejected. [Applause.]

Mr. FISH. Mr. Chairman, I did not purpose speaking on this subject until the gentleman from Texas raised the question of foreign affairs and discussed the international angle, rather than the issue before us which is whether we should have two more battleships. I am rather reluctant in opposing this amendment, but I propose to vote for the two battleships. I do not claim to be an expert on this question and I do not know that anybody else in the House is an expert on whether we should have or should not have two battleships. All I know is that Great Britain, Italy, Japan, and France and the other naval countries have decided upon the necessity of having these great superdreadnaughts. I do not know whether they are either useful or necessary. I do know, however, that all the other naval nations and their staffs have decided in favor of a policy to build big battleships. Therefore I believe our hands are forced. Furthermore, the Congress has already authorized the construction of two battleships. Under the Constitution the duty of the Congress is to provide and maintain a navy. That is not the duty of the President. It is our constitutional duty. We have already decided by authorization that two battleships should be built. There is no reason now to turn down our own decision, particularly in view of the fact that every other naval nation is building these enormous battleships. I am voting for them reluctantly, because our hands are tied, because we have no agreement with other nations, to limit naval armament, because these two battleships maintain practically the 5–5–3 ratio, and when we are through building these battleships we will have 1,400,000 tons as against 1,100,000 tons for Japan giving us about 30 percent advantage over Japan, maintaining largely the original treaty agreement.

Later on I shall speak on one thing in which I am interested above all, and that is having another naval limitation of armament conference. In a little while—and I serve notice now upon Republicans and Democrats alike—there will be a real fight in the Congress when the President asks for any additional battleships, because I believe it amounts to a change in our foreign policy; because I believe that if we comply with the request of the President it means that we are willing as a Congress and as a Nation to guarantee the peace of the world by force and arms. This is not the American way, nor do the American people propose to adopt any policy that requires them to send soldiers to foreign lands to fight other peoples' battles. They do not propose to quarantine and police the rest of the world, which is absolutely opposed to the traditional policies of our country.

In the remaining few minutes I desire to correct the RECORD, particularly for the benefit of Republicans.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield for a very brief question?

Mr. FISH. Yes; but I ask the gentleman to make it brief.

Mr. MARTIN of Colorado. Is there anything inconsistent in voting for the additional airplanes as well as the additional battleships?

Mr. FISH. I could not advise the gentleman properly.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I am sorry, I cannot yield.

Mr. Chairman, I received this letter, and I read it for the benefit of the Republicans:

> On last Sunday evening, during the weekly review of the news, Mr. H. F. Kaltenborn made a statement that should certainly be corrected. He made a sweeping statement saying that he was gratified to hear that in his speech Mr. Hoover was "in complete accord with the policies of the present administration, and shows to the world that we are truly a united people and will cooperate with other democracies to preserve peace and order in the world."

In answer I quote from a speech delivered by Hon. Herbert Hoover last Saturday at a luncheon meeting in San Francisco, when he said:

> We should not engage ourselves to use military force in endeavor to prevent or end other people's war. We should not join in any economic sanctions or embargoes or boycotts in endeavor to prevent or end other people's war.

Mr. Hoover's entire speech on foreign affairs is a complete negation and repudiation of Mr. Kaltenborn's radio statement which was a gross misrepresentation of the facts.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for one-half minute additional.

The CHAIRMAN. Time for debate has been fixed and has already been allotted.

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FADDIS. Mr. Chairman, I would ask the members of the committee present this afternoon to bear in mind, in relation to this question, that throughout the entire history of this Nation, American naval officers have been among the foremost and most successful naval officers the world has ever produced. Throughout our entire history we have never had one single naval engagement but what has reacted with the very highest credit upon the officers in charge of our Navy. We have before us today a bill based upon their recommendations, a bill designed to keep the American Navy in a certain ratio and proportion to the navies of the other nations throughout the world.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I cannot yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FADDIS. In that ratio is calculated the number of battleships necessary, and I also inform the proponents of this amendment that our naval experts have carefully computed the number of airplanes necessary to support those battleships in the accomplishment of their contemplated missions.

In the very short time at my disposal, I call the attention of the Members particularly to the example given by the gentleman from West Virginia [Mr. RANDOLPH]. The gentleman from West Virginia used as the basis for his argument peacetime experiments carried on off the Atlantic coast of the United States at a time when there was not one single hostile force throughout the entire world in opposition to those airplanes.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I cannot yield.

Mr. RANDOLPH. I yielded to the gentleman.

Mr. FADDIS. I am sorry; I cannot yield. The gentleman had 10 minutes; I have only 5. That example has no bearing whatever upon the question of naval armament. You can take a rifle, lie down on the ground, and shoot at a target when no man is shooting back at you and perform very excellently; but any man who has ever had the experience of lying down under battle conditions and shooting at a live target knows it is an entirely different matter. You cannot use as a yardstick peace time experiments carried out by the bombing of a battleship which has no means of retaliation as a basis to judge whether or not a bomb is deadly to battleships or how vulnerable a battleship is to bombing. Furthermore, I know you all read the newspapers. I call attention to recent operations throughout the world and ask to what extent in warfare airplanes have accomplished anything decisive in offensive or defensive action? Let your memory go back a few months to the time when the Japanese announced to the world that they intended to reduce the city of Nanking, China, in 3 days' time with their airplanes. Certainly, the Japanese had overwhelming superiority of the air. The Chinese had almost no equipment to combat those airplanes; yet, with all their bombing, the Japanese could not reduce Nanking with their airplanes, but had to depend on the infantry, the men with the rifles, the picks, and the shovels, with artillery to back them up. With all of their boasted superiority in the air, they had to resort to the infantry to accomplish their mission. They did not drive the Chinese civil government out of Nanking until they went in there with their infantry.

I also call attention to the fact that for the past year the city of Madrid, Spain, has been subject to constant attack by airplanes. All that was accomplished by the airplanes was to force the civilian population to get into dugouts and cellars. The soldiers are still there and still defending it successfully.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. RANDOLPH. I would remind the gentleman that I yielded before my time was extended, and that is the reason I asked for a yielding of the floor a few moments ago. General Franco himself has made the statement that what success he has had in Spain has come about through the use of airplanes. The Japanese have also said that by spreading fear and desolation and death in China through the use of airplanes they were making their big successes.

Mr. FADDIS. General Franco's success has been nothing to brag about, despite his use of airplanes and other mechanization. He has not accomplished much in his drive on loyalist Spain, even though he has had all the mechanical assistance that Italy and Germany can furnish him.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield further?

Mr. FADDIS. No; I cannot yield further; my time is very limited. [Applause.]

[Here the gavel fell.]

Mr. HARLAN. Mr. Chairman, this debate which I have listened to for the last 2 or 3 days has been very illuminating to me and has disclosed two facts. First, we are wasting a tremendous amount of money in educating and training our naval officers, and, second, we have trained a group of naval officers who violate the basic law of human nature, which is the law of self preservation. Why should we have our naval and military academies when we can develop such outstanding experts by simply having our cadets and midshipmen go through the experience of a congressional election? I do not understand it. Our congressional experts are not only superior to our own naval staff and military staff, but they surmount and exceed the abilities of the staffs of all other civilized countries on the globe.

On the other hand, we have most unusual naval officers. I always knew they were brave. I knew they were ready to die when necessary. They are the men who probably have less to do with making war than anybody in this room, because very few of them even have a vote. All they do is prepare themselves and wait until the Alamo is attacked, Fort Sumter fired upon, the *Maine* blown up, or until England gets into a squabble with Venezuela; then there is a wave of passion throughout our country and we say to the naval and military forces, "Boys, go out and do your stuff." They know this is going to happen. They know they will have to fight with the weapons this Congress has provided. In the light of history they know they will be expected to fight even though we have given them no weapons.

If we knew what caused war we would know a lot more than we do now. The historical fact is that you and I and all of those that go to make up the rest of the mob called the United States get the war bug.

We are told that this war psychology is created by the manufacture of naval vessels and war munitions. Maybe so. At least I never heard of any munitions manufacturer, either in this country or abroad, attempting to placate war madness. Nevertheless, I do remember that this phenomenon had occurred many times in history long before we had munitions manufacturers. Whatever the source of this mob activity, which we call "the impulse to war," it is here; and when it attacks a foreign country and we are the objects of foreign anger the question we have to decide is "what to do to be saved," rather than why the attack occurred. Then we say to the Army and Navy, "You go out and do what we pay you to do." All they have to do is die.

Now, these officers come in and tell us what they want, what they need. They say they want two battleships because their prospective enemies are building battleships. They know that battleships are the backbone of the Navy. Yet we are told here that these officers want these battleships because battleships have upholstered seats and a dining room in them. In other words, those men would rather have upholstered seats and a dining room than protect their own lives and win wars! Obviously, they do not care anything about self-preservation.

What a laugh it is to substitute airplanes for battleships. I am not an expert, and I do not know anything about them, but there are certain facts we all know. A few months ago we had a dock strike on the Pacific coast which lasted for 60 or 90 days. I do not know just how long. During that time the food supplies in the Hawaiian Islands were almost exhausted. They were pleading and sending resolutions over here to us to stop the strike because they had no more food out there. What would happen if we ever lost control of our line of communication between the Hawaiian Islands and our coasts? In a war it would not make any difference whether we had Pearl Harbor, it would not make any difference how many soldiers or airplanes we had out there, we would have to give up the islands as soon as we could no longer feed their inhabitants. How are you going to protect our line of communication with airplanes? How are you going to protect these lines of communication with light ships that in the event of coming up against heavier ones would be blown out of the water? You have to have something in the way of a fleet

that can keep the sea if we are going to hold Hawaii and Alaska. If we really wish to keep an enemy from our Pacific coast, Alaska and Hawaii are indispensible.

Mr. JOHNSON of Minnesota. Will the gentleman yield?

Mr. HARLAN. I refuse to yield.

Mr. JOHNSON of Minnesota. What about an air fleet in Hawaii?

Mr. HARLAN. If we are to protect our lines of communication it is necessary, for defensive purposes, to have something on which we can rely, something that will stay in the water no matter what hits it.

What has an airplane ever done under war conditions? The first ship designed for war purposes that was ever sunk under conditions remotely approximating war was the little gunboat *Panay*. If a wholly unexpected and indefensible attack by a fleet of airplanes that had very recently expressed their friendship; if an attack on a naval vessel having no modern antiaircraft guns, and if deliberate assassination can be said to approximate war, then the sinking of the *Panay* would be in that classification.

The planes came down within a few hundred feet in perfect safety, knowing that there were no antiaircraft guns, and dropped their bombs. What a difference such an attack is, however, from one on a naval vessel supplied with antiaircraft guns that can shoot accurately up to 20,000 feet. Some aviator by deliberately committing suicide, if he is lucky, may be able to drop a bomb close enough to a modern naval vessel to sink it, but that remains to be demonstrated.

If the gentleman from Wisconsin [Mr. BOILEAU] had seen, as I did, not more than 6 weeks ago, the target practice of our antiaircraft guns, he would not have so much confidence in the ability of the airplanes. Mr. Chairman, any airplane under war conditions that gets down below 20,000 feet, with our antiaircraft defenses, is in a very precarious position.

[Here the gavel fell.]

Mr. DUNN. Mr. Chairman, if one-fourth of the amount of money which is now being spent by every nation in the world for the construction of battleships and other devices which destroy human life and property would be expended for the abolition of poverty, sweatshops, child labor, the terrible social diseases prevailing throughout the world, and for all other progressive and humanitarian purposes, we would, undoubtedly, promote the welfare of mankind.

I am not opposed to the United States having one of the best navies and armies in the world; we should not be second to any nation; in fact, we should be so thoroughly fortified that we would be able to repel any nation or a group of nations who would try to invade our country. This talk about gigantic navies, armies, and bombing planes that all the nations in the world are building indicates that we have gone war crazy. All I have heard this afternoon on this floor is battleships, bombing planes, and so forth; in fact, it seems to me that we are now engaged in a battle on the floor of the House. Fortunately, up to now, nobody's nose has been punched. I hope that does not happen; however, if we keep on talking about battling, someone is liable to get hurt before the day is over. If this constant warring on one another and the terrible human misery is to be continued forever on this planet, I do hope that when poor humanity departs from this earth we will go to a place where there will be eternal peace and everlasting enjoyment. [Applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I believe there is no question but that we need more airplanes in this country. Our air force now ranks about fourth as compared with the other nations, but it is utter folly for us to build airplanes at the expense of any other vital element in our defense system. I firmly believe the time will come when the battleship will disappear, but certainly while other nations have battleships it is imperative if we are to have any defense that we have at least equal strength for our own system in every defense weapon, including battleships. The foundation of all military operations, after all, is the foot soldier with the sharp blade. Even the bullets in his gun are only auxiliary to the bayonet on the end of his rifle. Every other arm of the Army, including the airplanes, and even the Navy itself, are all auxiliary to the foot soldier. Every element is needed in a proper proportion to have an effective, balanced national defense that will succeed in defending the country.

These two battleships are only replacements of two battleships now over 20 years old. We know if we ever are threatened we will be faced with a superior number of ships, so it behooves us at least to have the most modern and capable defense weapons obtainable in our service. I hope the Congress will see its way clear as time goes on to build more airplanes and give us at least equality in the air, but our airplanes alone cannot defend this country. Further, no one element could defend our country successfully without a completely balanced complement, and battleships, under existing conditions, are a vital necessity. They are the first line of the Navy; in fact, the battle line of the Navy. An enemy with battleships could steam right through our auxiliaries if we did not have battleships to stop them. The type of gunnery on auxiliary craft, such as on the gunboats and all the way up to the light cruisers, would not stop a battleship, which could steam right into and destroy a port. I do not say airplanes could not sink battleships, but you have to see what you are bombing if you are going to hit it. The battleship can operate successfully under conditions which airplanes cannot operate, such as fog, smoke screen, sleet, and so forth.

I believe in airplanes as enthusiastically and as ardently as any man in the House, and I want to see plenty of airplanes built, but I primarily want to see a balanced defense system which has not a single weakness. Our whole defense may fail if we are weak in one branch. All may be wasted and lost without a proper balance of all weapons. We can have all the airplanes that can be manufactured, and they would be of no avail if some other type or element of military force could make its way through our lines. Further, the battleship can clear the way for transports carrying troops and make possible actual invasion of our country. Airplanes are not effective against ground troops, except to a limited extent. They have a place in destroying morale, but in themselves, without the auxiliaries of surface craft or ground troops, they are almost helpless. You cannot fight a war only with airplanes. You can neither occupy territory, nor drive out invaders merely with airplanes alone.

We are all familiar with the phrase "adequate national defense." Everyone in the country except those who actually hope to see our country invaded and destroyed, claims to be for adequate national defense. The controversy is always over what is adequate.

Some feel that we should only be able to fight in resisting the invader after he has reached our shores and landed. This may be a beautiful idea, but it is not practical wisdom.

The United States is never going to invade and conquer foreign territory. We want no more territory.

This does not, however, mean that we do not need mobile, far-reaching weapons for defense. To wait until an enemy has landed and occupied American ground is too late. At least, the cost of driving out an invader is a thousand times greater than preventing him ever reaching our shores.

The loss of American lives, including noncombatants, especially women and children, will be a hundredfold greater if we permit an enemy actually to reach our shores than by meeting him far out at sea and preventing him from getting into gun range of our coast cities, or, better yet, to keep him in his own country and prevent him from ever starting for over there.

The airplane carrier, with its hundred or more planes, must be protected, lest the very base of the planes and probably including the planes themselves be destroyed. The airplane carrier must have the protection of battleships.

Superiority in numbers, size, and type of each weapon is the best and most certain defense against that same type of weapon in the hands of an enemy. Other things being equal, the greatest number of foot soldiers will win on the battlefield, the greatest number of airplanes will win in the air, and the greatest number of battleships will win at sea.

When all boiled down adequate national defense means a defense system adequate and capable of defending the United States. This, of course, must be based upon the possible forces that might be employed against us. The more soldiers we face the more soldiers we need to repulse them. The more airplanes there are available to drop their aerial bombs upon our homes the more airplanes we need to drive them off.

The more warships that might steam to our coasts the more warships we need to meet them at sea and turn them back.

So when other nations increase their navies and their air forces we must increase ours if our defense is to be in fact adequate. Every dollar we spend for the Army and Navy is wasted if we spend one dollar less than enough to provide a defense system that will repel an invader and defend our country.

No matter how large our Navy is, it is too small if it cannot accomplish the purpose of protecting our coast. The job of protecting our coast is determined by the size of any force that is a threat to our coast. Therefore the greater the potential opposing force the greater the need for expanding our defense facilities.

If this be a naval race, we had better be the fastest runner. In war the second best navy is the one that is sunk.

We in the United States not only did not start a naval race but we took the initiative in an attempt to stop insane armament races. In fact, we are the only nation that actually made any genuine sacrifices in a heroic effort to limit the armament programs of the world. The rest of the world took advantage of our sacrifice to build up their own navies at our expense.

We are paying the price of our folly today. Because we were sincere and abstained from building ships, we are compelled to double our building program now so as to catch up to equality of strength sufficient to provide the adequate national defense for the United States that every Member of Congress swore to do when he took his oath of office to obey the Constitution. For the Constitution says that the Congress shall make provision for the defense of the country.

Since we are potentially threatened by the battleships of other nations, it behooves us to have adequate strength in battleships to meet any possible attack by such battleships.

I repeat, I favor substantial increase in our air forces for the Army, Navy, and the Marine Corps. We need alike the battleship on the sea and the aerial bomber in the air.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Ohio.

Mr. THOM. Is it not a fact the gentleman himself has had the experience of dropping bombs?

Mr. MAAS. Yes; I have had a good deal of experience in that line, and sometimes I hit things with them. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, the pending amendment does not eliminate the provision for battleships from this bill. Most of the discussion to which you have listened has been directed at battleships, but the pending amendment has the effect of increasing the funds carried in this bill for aircraft by the amount of $3,100,000, without any plan whatever having been submitted with respect to the type of planes for which the funds will be used, if the amendment be agreed to, or what manner or method will be devised to service such additional planes, or from where the officer personnel for them will come. Further, it has no regard whatever to the features of this bill affected by those very considerations.

Let me repeat, in substance, a statement I made on the day I presented this bill. We now have on hand of first-class planes 1,002. We also have of nonprogram planes, which may be used without restriction, 132. We have of planes on order today and not delivered, 652. We have funds now available to the Bureau of Aeronautics, to purchase 320 planes, for which orders have not been placed. Why? Because the Department is always seeking to buy something better and delays the placement of orders until it is satisfied that it will get the very latest product the ingenuity of aeronautical engineers has been able to devise.

We have today, beyond question, the finest naval air corps in the world and, our information is, the largest number of naval airplanes. When we provide for additional airplanes, Mr. Chairman, there are other things to be considered. Officers and men must be provided for their maintenance and operation. They make necessary adequate stations ashore at which they may be serviced. They call for aircraft carriers if not in the seaplane category.

Without posing at all as a military expert, as it would appear some Members of the House have done today, I should like to inquire of any man who, without weighing all of the incidental considerations, seeks to put into the service an unknown number of airplanes in unknown categories, if he appreciates the fact that it might occasion the provision of additional carriers, which cost in the neighborhood of $31,000,000 apiece, and I should further like to ask him what he would do with the carriers if he did not have such additions to the fleet as would need to be provided for their protection. These are elements which enter into this discussion.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I am sorry; I cannot yield now.

I am confining my remarks to aircraft at this time. The matter of battleships is not involved here, and I wish you to understand that the pending amendment does not eliminate battleships but seeks to add $3,100,000 to an appropriation which is already well taken care of. We do not know what types of airplanes the amendment contemplates. If not carrier or ship based, then may I remind you that we do not have enough airplane tenders to service the seaplanes we now have. We are now building 1 and, besides 2 improvised tenders, are using 10 small converted mine sweepers as airplane tenders. An airplane tender costs in the neighborhood of $11,900,000. As I said before, an aircraft carrier costs around $31,000,000.

May I remind you further that, after all, the people who know best how many planes we should have and in what classifications we should have them, as so well suggested by the gentleman from Ohio [Mr. HARLAN], are the naval authorities themselves. There has been a lot of loose talk on this floor about admirals. I hold no brief for an admiral or a general, but why should Members of Congress come into the well of the House and unduly, without any justifiable basis, in my judgment, criticize and make light of the advice and recommendations of the highest ranking officers we have in charge of our national defense? Of course, they may have their faults, just as you and I, but certainly they are the ones in whose custody the defense of this country must rest, working with such implements and facilities as we provide in response to what they say they ought to have.

This is an important matter, gentlemen, and it goes to the very crux of the question of national defense. It is far more important than the mere question of appropriating an additional $3,100,000.

It is a question of whether or not the Congress of the United States, upon the statement of Members whose attention, necessarily, must be devoted to a multitude of matters, will be guided by their statements as to the proper composition of our Navy—our first arm of national defense—or whether or not it will be guided by the best brains on that question that this country has been able to produce as to the size and kind and kindred elements of the defense establishments we should have, both the Army and the Navy.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not now; I am sorry.

Now, I do not wish to appeal to your emotions. I probably could not if I desired to, but I wish to say to you that this is the fact: When you undertake to set yourselves as judges over and against the expert and technical authorities on these questions, then I say to you that you arrogate to yourselves a responsibility that may jeopardize the security of the United States.

No man can accuse me of being a big navy man or a big armament man. I have come on this floor and opposed bills that I thought were unwise in the expenditure of money or that called for an expenditure unnecessary at the particular

time when advocated, but I am not willing to put my meager amount of knowledge upon these matters up against those whose life work has trained them to be experts and to know authoritatively about that which they speak.

We are now about to vote upon an amendment, not offered for the purpose really of increasing our airplane strength, not offered, I submit, fundamentally for the purpose really of strengthening our defense, but, I submit, for the purpose of eliminating provision for battleships from this bill, which are not involved in this amendment, but whose elimination will be proposed in a subsequent amendment. I say that is the moving cause of this amendment, and, I submit further, that if you will examine the record you will find that some of those who are supporting this proposition to increase the amount in this bill for the procurement of airplanes have not voted for a naval appropriation bill during the last 3 years. [Applause.]

Do not be misled, gentlemen. We have here in the guise of a move to augment our air forces a proposition which seeks to disrupt the program contemplated by the Vinson-Trammell Treaty Navy Act, and I call upon you and urge you, in the interest of proper procedure and in the interest of maintaining what we are advised and believe to be a proper proportion between the various categories of vessels and aircraft, to vote down this amendment and permit the Department and those whose business it is to decide how many airplanes and what character of airplanes we need in the United States Navy to pursue the course contemplated by the measure we have brought to you from the Committee on Appropriations.

I have not discussed battleships. The battleship is not an issue in this amendment, and I beg of you to remember that when you come to vote upon this amendment you will not be voting to eliminate battleships but that you will be voting to add $3,100,000 to this bill for airplanes, and I hope you will not do it. [Applause.]

Mr. Chairman, I ask for a vote.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 25, noes 93.

So the amendment was rejected.

The Clerk read as follows:

Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, $248,400.

Mr. MAAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to have the attention of the chairman of the subcommittee and ask him how many additional marines are provided for in this bill?

Mr. UMSTEAD. One thousand, and also 20 additional officers.

Mr. MAAS. Can the gentleman tell us how many additional marines the Marine Corps requested, or was there any evidence that this is the proper number?

Mr. UMSTEAD. Of course, the only request that came to our subcommittee from the Department came in the Budget, and that was for 1,000 additional men.

Mr. MAAS. There is going to be a substantial increase in the strength of the Navy, with the construction program, and it has always been understood that the Marine Corps should bear a relationship of 1 to 5 to the strength of the Navy itself. What is the authorized or the appropriated strength of the Navy, independent of the Marine Corps, for the next year?

Mr. UMSTEAD. There will be on July 1, next, if all of the men appropriated for in the bill for the current fiscal year are enlisted, 105,000 enlisted men.

Mr. MAAS. That would indicate, based on this formula, there ought to be 21,000 marines.

Mr. UMSTEAD. I may say to the gentleman in reply to that statement that whereas that proportion is supposed to be followed generally, it does not necessarily follow, and, as a matter of fact, it does not follow that it has to be adhered to in order to have a proper complement. We had no information and no evidence before our committee from the Department indicating that this number of Marines would not be sufficient.

Mr. MAAS. I believe, as a matter of fact, Mr. Chairman, there is a shortage of marines. They have organized the Fleet Marine Force now, which is way under strength, and I know that many commanding officers of navy yards are complaining that they do not have enough marines for ordinary guard duty.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes; I yield.

Mr. UMSTEAD. I believe the record of the last 3 years discloses that the Marine Corps has always received at the hands of our subcommittee the utmost consideration.

Mr. MAAS. I think that is a very fair statement. I think the committee has been very generous to the Marine Corps and has given them what they understood the Marine Corps required.

Mr. UMSTEAD. I know the gentleman is interested in the Marine Corps and I am satisfied, if he will observe what the committee has done for the Marine Corps in the last three appropriation bills, that he will agree that we have met, so far as we had justification for so doing, the reasonable requirements of the Marine Corps.

Mr. MAAS. Mr. Chairman, I am very happy to admit that and I think the subcommittee of the Committee on Appropriations on Naval Affairs has always been very generous with the Marine Corps. That is why I asked the question. It seems to me, that if there is a fault, it must lie somewhere before it gets to the gentleman's committee.

Mr. UMSTEAD. That must be so, because we have done what we were requested to do in the Budget and, in some cases, even more.

Mr. MAAS. I thank the gentleman for the information.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the pro forma amendment. I do this for the purpose of directing what may be a usual question of the chairman, and that is this. The statement the chairman made to me yesterday about the reenlistment allowance for the Navy would hold good as far as the Marine Corps is concerned?

Mr. UMSTEAD. It would, according to my judgment, absolutely.

The Clerk read as follows:

REPLACEMENT OF NAVAL VESSELS

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), and for the commencement of the following vessels authorized by the act approved March 27, 1934 (48 Stat. 503–505), two battleships, two cruisers of subcategory (b), eight destroyers and six submarines, and for the commencement of the following vessels authorized by the act approved July 30, 1937 (50 Stat. 544–545), one minesweeper, one submarine tender, one fleet tug, and one oiler, $117,363,150, to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under the head of "Construction and machinery" for the fiscal year 1939 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 percent of the aggregate amount available under this heading on July 1, 1938: *Provided further*, That, of the appropriations made available by this act under the head of "Replacement of naval vessels," there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, and the employment of personnel in the Navy Department and in the field, the purchase of plans, drafting, and other supplies, and the expenses of printing and travel, in addition to those otherwise provided for, owing to the construction of vessels which have been or may hereafter be authorized.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 50, line 6, after the second comma, strike out "two battleships," and on page 50, line 11, after the comma following the word "oiler," strike out "$117,363,150," and insert in lieu thereof "$114,763,150."

Mr. BOILEAU. Mr. Chairman, I stated awhile ago that I would offer an amendment to strike out the appropriation for commencing the construction of the two battleships, the

amount of $3,100,000. On page 50, line 11, my amendment would reduce the amendment by $2,600,000, and if this amendment be agreed to, the next $500,000 will be deducted from the figures on page 51, lines 8 and 9.

I gave my views with reference to the usefulness of battleships earlier in the afternoon. In my judgment, battleships are absolutely useless as against bombing planes. The distinguished gentleman from North Carolina, chairman of the subcommittee, a man for whom I have the highest regard, made a statement in the closing part of his debate which I challenge, and which I think should be challenged by the membership of this House. His principal reason for supporting the appropriation bill before us today is that it has the recommendation and endorsement and approval of the Navy Department. He says that when the naval experts approve a bill, we should swallow it. He has already as much as said that when the President comes in here with a special message in a day or two, he is going to gobble it down hook, line, and sinker, regardless of what is recommended, because I assume that certainly the President's message will be based upon the recommendations of the naval authorities of this country, and the gentleman from North Carolina [Mr. UMSTEAD] has told us in advance that regardless of what those recommendations are he is going to adopt them and recommend them to us.

We, as Members of this House, have our own responsibility as Representatives, and if we believe that battleships are antiquated, as the gentleman from Minnesota [Mr. MAAS] intimated when he said that, in his opinion, in a few years there will not be any battleships, we ought to act now and get rid of those useless and extravagant appendages to our national-defense system.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. MASON. Does the gentleman know that in the New York Herald Tribune this morning there is an announcement of the fact that the President has a message to bring in here asking for a billion-dollar expansion of the Navy, including three additional superdreadnaughts in addition to these two?

Mr. BOILEAU. That alarms me. It frightens me. I wonder whom we are getting ready to fight? The gentleman from Pennsylvania in a very fine argument a while ago said that airplanes cannot go ahead and take land. Can the Navy take land? No; it cannot; battleships cannot come over here and take our land. There is no nation in the world that can land enough troops in the United States or our Territories, even if it had a navy twice as large as it now possesses, to take or hold these Territories or the continental United States, if we have a real, honest-to-goodness national defense from the air, such as I have proposed.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. RANDOLPH. The gentleman from North Carolina [Mr. UMSTEAD], for whom I have a high personal regard, has taken many of us to task because we oppose certain features of this bill, yet he himself has said that he reserved the right to exercise his judgment against and oppose certain other bills that have come here with the expert backing of Government officials.

Mr. BOILEAU. Yes. Of course, every program submitted to us has the recommendation of experts. The Secretary of Agriculture is supposed to be a farm expert; but did the Congress swallow his recommendations? The wage and hour bill had the endorsement and blessing of the experts of the Department of Labor. Did we accept that proposal? No; you Representatives exercised your own right to cast your vote according to the dictates of your conscience. I do not want to get into any cat-and-dog fight with any of the admirals. I do not have any ill feeling toward them, but just because the admirals say we should have a large Navy and more battleships does not relieve us of our responsibility of using our own judgment. We should listen, but we must be convinced. I agree that we should have adequate national defense, but I believe in defense only, and I am supported in my views by many experts in this country, for whose opinion I have as high a regard as I have for that of any officials of the Navy Department, and they say that the ordinary battleship is not essentially for defense, but is primarily for aggressive warfare.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOILEAU. In 1932 Admiral Bristol, who was then Chief of Operations of the Navy, made a statement to the effect that the Navy is not for the purpose of defending our coasts and harbors.

He said that for that purpose we use mines, land fortifications, submarines, and the Air Corps. Admiral Bristol said that in 1932, and he is supported by many competent authorities in this country. Mr. Chairman, that, so far as these battleships are concerned, being a large part and the expensive and luxurious part of the Navy, we can well do without them.

The gentleman from North Carolina said that we have all the airplanes we need. I do not agree with him, and I reserve unto myself the right to say that I do not agree with him. I feel that my opinion is one that I should freely express in this House, as he feels about his own opinion. At least I have my own opinion and I am not bound in conscience just because some naval officer has spoken. I have the right to, and shall exercise the right to analyze the opinions of these experts; and where experts are unconvincing or differ, I reserve to myself the right to raise my voice and to cast my vote for the 300,000 people I represent, in accordance with my opinion of the reliability to be placed upon any statement of those experts whose views and opinions conflict.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MAGNUSON. I respect the gentleman's independence of mind. A moment ago he made a statement that he had some fear. I see my colleague from Oregon standing. We on the Pacific coast, if there were a war scare, would have something to cause us to fear, too.

Mr. BOILEAU. A battleship is not going to do you any good. See what happened a couple of days ago. Eighteen Navy planes went from the Pacific coast to Hawaii, more than 2,500 miles, and all reached their destination. That is efficiency. As the gentleman from West Virginia told you a little while ago, it was in a war game where the Navy was out on the seas looking for the Army, the Navy was looking for them, expected them, that the Army planes were able, while the Navy was looking for them, to sneak up on the fleet and at an altitude of 14,000 feet hit the small target. At this height a plane can dive first this way and then that way, change its course every few seconds, and it is impossible for antiaircraft equipment to reach them because by the time the bullet gets to the place they were, they have changed their course and are some place else. Remember, too, that these planes can hit a target 8 by 12 feet in size 75 percent of the time at an altitude of 14,000 feet. This being so, what could they do to one of these floating targets we call battleships?

[Here the gavel fell.]

Mr. THOM. Mr. Chairman, I rise in opposition to the amendment.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield? I would like to see if I can work out a limitation of time for debate on this amendment.

Mr. THOM. I yield.

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 35 minutes, not including the time used by the gentleman from Ohio.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. THOM. Mr. Chairman, we have been hearing today what, I fear, are curbstone opinions on the value of the battleship as an instrument of warfare. For those who are not lawyers, it might be well to say that a curbstone opinion is the kind that a lawyer offers to some friend who stops him on the street and asks a legal question. It is offered without any previous investigation or resort to the lawbooks for information. When the lawyer returns to his office it suddenly occurs to him that he did not take into account some certain factor in arriving at his curbstone opinion. He rushes to his lawbooks and closes them with the hope that the curbstone opinion will not be acted upon. I feel that those today who are so sure about the ineffectiveness of the battleship might change their minds if they, too, looked into the books and read of the past experience with the battleship.

The first menace to the battleship was the old torpedo boat. It was a small craft that literally sneaked up on the battleship, quickly discharged a torpedo and then disappeared. Its use was then hailed as the death of the battleship. However, the torpedo boat was soon driven from the seas by that new unit of warfare which we know as the destroyer. Battleships are now escorted by flotillas of destroyers which clear the way for them—and do this pretty effectively.

The next menace to the battleship was the submarine. During the World War it appeared for a time that the submarine had mastered the control of the seas. Again there came into play a well-established naval maxim that whenever a weapon of offense is created there is always an effective form of defense. The battleships of the English fleet made their way around during the World War and not a single one of them was torpedoed. Instead, His Majesty's ship, the *Dreadnought*, actually destroyed one submarine. Of the 400 submarines of the German Government, I believe 200 were put out of commission through the use of submarine chasers and destroyers. I think it is generally conceded that by the end of the World War the submarine's deadliness was pretty well counteracted.

We are now told that the battleship is wholly ineffective because of the possibilities of destruction from the air. We must acknowledge that the large bombers of the air will be its dangerous enemies. However, it is to be remembered that the battleship is not a fixed type and that its style is continuously changing to meet new opposition. It is now equipped with antiaircraft guns whose fire will continue to grow in intensity. Its armor is thicker and so arranged in turtle-back fashion as to deflect falling bombs. It must not be forgotten, too, that the battleship will have its own airplane escort and that the enemy airplanes will not have free occupancy of the air.

The airplane attacks the battleship in three ways: It drops bombs from a high level, and since the battleship is a small target, it is agreed that so-called level bombing from a great height does not offer much hope of success. Then there is dive-bombing, where the airplane swoops down to within easy reach of the battleship. This sort of a performance will be extremely hazardous in view of the antiaircraft defenses. Then the airplane can drop a time bomb in the water adjacent to the battleship. This will require a lot of skill. It is pointed out that the approach of hostile aircraft will be met by the airplanes of the fleet to be attacked. Whichever airplane fleet obtains control of the air will, of course, have a great advantage in attacking the battleships of the opposing force.

Anyway, it ought to be remembered that if the battleship cannot keep the sea, owing to the menace of aircraft, then neither can the cruiser, the destroyed, nor the aircraft carrier. In fact, no surface boats will be useful in naval warfare. The battle of Jutland, in which 28 battleships of England were engaged and 22 of Germany, did not involve any airplane fighting. All in all, in this engagement the battleship performed very successfully. The German battleships by night broke through the cordon of English destroyers and reached their home harbor with a loss of but one battleship. This would seem to indicate that the battleship has a way of protecting itself and that it is not an easy prey for even the active destroyer.

This whole subject of the vulnerability of battleships, especially from the air, was studied by a committee of the English Parliament, and I am sure that their conclusions ought to have weight with us. Let me read from this report:

> We do not find that the question is settled (whether capital ships are essential). It may never be settled without the test of war, but the information at present at our disposal leads us to believe that the day of the capital ship is not over, now or in the near future; to assume that it is, and to cease to build them, would lead to grave risk of disaster.
>
> It is possible to state the matter in the simplest possible terms. The advocates of the extreme air view would wish this country to build no capital ships (other powers still continuing to build them). If their theories turn out well founded, we have wasted money; if ill founded, we would, in putting them to the test, have lost the Empire.

The CHAIRMAN. The gentleman from Washington [Mr. MAGNUSON] is recognized for 4 minutes.

Mr. MAGNUSON. Mr. Chairman, I am reluctant to speak on this matter because what I have to say is sectional and of necessity somewhat partisan. I am not an authority on naval matters, but I do know, Mr. Chairman, and I want to point out to the Members of the House, that the main reason for a Navy, if there is any justification at all for the expenditure of this money, is national defense. You may ask, "Who is going to attack us?" If you were to stop a hundred men on the street or if I were to quiz each and every Member of the House, the first answer would be, "If there is any threat of attack, it may come from the Orient or from Japan."

Mr. Chairman, we talk a great deal about airplanes and battleships. The Members of the House know that the tip of the Aleutian Islands is just 643 miles from the mainland of Japan. Did you know that in the past 3 years Japanese interests have been anchored 3 miles off the coast of Alaska, around the tip of the Bering Sea, scooping all of the Alaskan salmon out of those waters? We have asked them to stop, but what do they say? They tell us, "We will not stop until you quit fishing for tuna off the coast of Mexico." Probably that is a pretty good answer.

Mr. Chairman, in voting for this bill I do so in gratitude, because the Pacific Northwest is very grateful to the committee and to the House for realizing the need of national defense, whether it be by battleships or airplanes. I know if we are to meet the threat of an oriental invasion, if there be one, and I do not know whether there is or not, although that is the only basis for this bill, we need those battleships up there. We need airplanes, too. But as long as Japan is building these big superdreadnaughts I think we ought at the same time meet their building program. [Applause.]

What is the other reason for a navy? If you understand the oriental mind like I do, and I have lived among them, it is so that we will not lose face. Do you want my opinion as to why the Japanese sunk the *Panay*? All these Chinese over there are excited. They have had the feeling that here are England, France, and Great Britain all backing them up. Japan is afraid of these nations. Therefore the Japanese were losing face. They deliberately set out to save their face and stated in effect, "We will prove to these Chinamen we are not afraid of anybody. But who will we pick on? Who is the greatest nation in the world?" They, therefore, went out and sunk a little ship for us so that the Chinese would say to themselves, "Well, they are not afraid." Japan has, therefore, not lost face with China and this started demoralization of the whole Chinese Empire.

Mr. Chairman, I repeat, I am grateful for the attitude of the House. I know my colleague from Oregon is, and I know the Delegate from Alaska is, because if there is any threat, it comes to our sections of the country.

Mr. BOILEAU. Will the gentleman yield?

Mr. MAGNUSON. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Does the gentleman believe we should go in competition with these face-saving propositions?

Mr. MAGNUSON. No.

Mr. BOILEAU. Does the gentleman think we ought to have additional battleships to save our face?

[Here the gavel fell.]

Mr. BIGELOW. Mr. Chairman, I am convinced that we cannot get all the defensive power in the Navy that we want without taking the risk of getting an offensive power that might be abused. Certainly we do not want a Navy to go swaggering around the earth shaking a big stick and involving us in other people's wars. But we do want a Navy that is adequate for our defense. I am incompetent to judge how much of a Navy we need for that. I must leave that to the judgment of others, and I prefer to leave it to the judgment of the technicians advising the Government.

In the present state of the world, I would like a Navy that could meet, a thousand miles from our shores, the navies of any and all our foes and say to them, "You shall not pass!" Behind such a Navy, I would have an impenetrable line of defense of submarines and bombing planes and forts, to make the words of Lincoln true, who in his day said that a "foreign foe could not make a track over the Alleghenies or take a drink in the Ohio River, not in the trial of a thousand years." But I would not lift a little finger of the might of America against any other nation. I would keep the Paris pact renouncing war as an instrument of national policy, even though all other nations dishonored it. Against any other nation's insults or aggressions, I would take no revenge, except to seal our ports against the trade of the offending nation and deny to any of its ships the right to come within gunshot of any American coast.

Although I have determined to vote for all the naval power which the bill provides I did vote for the Ludlow amendment and I will do it again, the first chance I get. I was pained to hear the President and Members of this House say that a referendum vote on war would be subversive of representative government. As an old champion of the initiative and referendum, I would say that, when on the gravest of matters the people choose to speak for themselves by their direct vote at the polls, they do not subvert representative government, but merely take the precaution of insuring the representative quality of their government. I would go further than the Ludlow amendment. I have, this week, introduced a proposed constitutional amendment which prohibits the use of the draft in conscripting citizens for military service on foreign soil. We reprobate the totalitarian states of Europe, claiming that the individual has rights which even states are bound to respect. I think the right of the individual is violated when the President and Congress break into the home that is every man's castle to seize his sons, to shoot them if they protest, to ship them 6,000 miles away, to put them in vile trenches to kill or be killed. If there is anywhere that the line should be drawn between the power of the state and the right of the individual, it is there.

This, I think, is the international policy to which we should be adhering:

Asia for the Asiatics—let them fight their own wars;

Europe for the Europeans—let them fight their wars;

And the United States for anybody that can come and take it. [Applause.]

Mr. MOTT. Mr. Chairman, the distinguished gentleman from Wisconsin [Mr. BOILEAU] in his usual energetic and conscientious manner made two statements. One was that it was impossible for a foreign power to make a landing upon our shores, and the other was that the fleet was not a defensive weapon.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. BOILEAU. I said battleships.

Mr. MOTT. That a battleship was not a defensive weapon. I disagree with both of those statements, and I also disagree with the view so often expressed in this debate that an attack upon the United States by a foreign power is an impossibility, or even an improbability. Anyone who has paid close attention to the trend of recent developments in the Orient and who does not see and realize at least the possibility of the involvement of this Nation with an oriental power is, it seems to me, emulating the ostrich. I would be happy if I could believe there is no such possibility, but the fact is that many people who have made the greatest study of this question are of the opinion that such a war is not only a probability but that it may be unavoidable.

No one wants war; not even a war of self-defense. As for an aggressive war, our people would not tolerate it. Everybody knows if we get into a war with any foreign power it will be a defensive war, and that it will be brought about because some foreign power has attacked us. The probability that a foreign nation at sometime will attack us and that we will be obliged to defend ourselves against that attack is the whole theory upon which our national defense rests. If there is in fact no such probability then, obviously, there would be no reason for an army, or a navy, or for any program of national defense at all.

Above everything else let us not deceive ourselves as to that fundamental and basic fact upon which the whole idea and the whole reason for a national-defense program is predicated.

The probability of war, the probability that at sometime we would have to defend ourselves against an attack from an aggressor nation, has always been with us. And I say now that those factors which make for war, and those reasons and considerations which have always impelled free peoples to arm themselves and to be prepared to meet an attack, have never been so apparent and so prevalent as they are today.

We are living today in a world gone mad. Liberty and freedom have been crushed by dictators in many countries. These dictators have no respect for the rights of their own people or for the people of other nations. They take what they think they can get and if to take it means the conquering of another nation that nation is conquered unless it is strong enough successfully to resist. These dictator governments have no scruples, no principle, no respect for treaties, no respect for anything except force. Would Italy have invaded Ethiopia if Ethiopia had had an adequate national defense? Would Japan have invaded China if China had been adequately prepared to meet the invasion? What motive except greed and avarice and the lust for power prompted these invasions? What made those invasions possible except the fact that the countries invaded were not prepared to repel the invasion?

What reasonable grounds have we for believing that this or any other free nation would escape invasion if the democracies of the world were not prepared to resist invasion? We have escaped because thus far we have been prepared. And it is our duty to continue to be adequately prepared to successfully resist any threat of invasion. That is the only kind of preparedness that is effective or that is worth anything.

Now, as to the Navy. I have said that if war should come it will be a defensive war. But that does not necessarily mean that it would commence on our shores. It would commence, in all probability, with a major naval engagement. And that engagement would likely take place somewhere near either the Hawaiian Islands or the Aleutian Islands. It is entirely conceivable that such a battle would result in the destruction of either our own or the enemy fleet. Should the enemy power defeat the United States in this naval engagement, which is certainly not impossible, may I ask the gentleman from Wisconsin what we have on the Pacific coast to prevent a landing either in Puget Sound, the mouth of the Columbia River, San Francisco Bay, or southern California? We could not possibly prevent such a landing. Certainly we could not prevent it at the mouth of the Columbia, which is utterly defenseless.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield for an answer?

Mr. MOTT. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. I may say to the gentleman we can have bombing planes, and if we do not have enough of them we ought to have more. Bombing planes will prevent any fleet from landing all the supplies and equipment they need to come over here and take us.

Mr. MOTT. In reply to the gentleman from Wisconsin, I may say that, in the first place, we have no bombing planes anywhere in the Pacific Northwest which could stand off a major air attack. At the mouth of the Columbia we have nothing. There is nothing there which will meet an attack from the sea in the air.

Mr. BOILEAU. Will the gentleman support my amendment to increase the appropriation for bombing planes? They can put them all out on the west coast as far as I am concerned.

Mr. MOTT. I do not support the gentleman's amendment because the real purpose of the gentleman's amendment is the elimination of the two additional battleships which are necessary to make the first line of defense in the Pacific effective.

Mr. BOILEAU. The gentleman can subtract 2 from 2.

Mr. MOTT. The battleship is just as much of a defensive weapon as is the airplane, and we need them both. And I think it is generally conceded we are going to have them both. We are not in a position at the present time to say what a bombing plane can do to a modern battleship, because it has never been tested. We do know, however, that up to this time experience in actual warfare has shown that the only weapon which will successfully meet an attack from a battleship is another battleship as large or larger than the attacking battleship. This is why we need a fleet in the Pacific Ocean which will be as large or larger than that of any other power which is likely to attack us.

When we do have such a fleet, and it is the purpose of the present naval program to provide it, we should protect the entire Pacific coast, most of which at the present time is entirely defenseless, not only with shore defenses but with adequate air forces based at every vulnerable and strategic point on that coast. At the mouth of the Columbia River, between Oregon and Washington, there are no modern defenses of any kind. A landing could easily be made there by any strong oriental power which might desire to attack us. The proper defense of that area should be made an important part of the military and naval establishment on the west coast.

[Here the gavel fell.]

Mr. VOORHIS. Mr. Chairman, the gentleman from Ohio [Mr. BIGELOW] has made the major portion of my speech for me. Had I been recognized before he was I would have said the same things he has said. I should have said that I voted for the Ludlow amendment and would vote for it again. I should have said that I, too, am for whatever defense armament the United States needs. I should have said I was willing to vote for any number of battleships or any other kind of armament which could be proven to me to be necessary for that purpose. I should have said I do not believe I can interpose my judgment about these technical matters against the judgment of other people better qualified. As a matter of fact, after long deliberation and studying carefully everything I could hear or read, I have decided I will vote with the committee to retain these two battleships. [Applause.]

I do this, however, with a certain heaviness of heart, for I realize that the building of these ships will not only add to our Navy but to the profits of munitions makers, who at this very moment are selling munitions to Japan. This is true because we have not taken the profit out of armament by nationalizing our munitions industries.

I want to say at this time that I believe the charges against those who are opposing these appropriations, on the ground that such Members are interfering with something they have no business to question, are utterly unfounded and ridiculous. After all, these gentlemen are not trying to interpose their judgment on technical military matters against the judgment of people who they know are better informed than they. What they are trying to do is to have some influence in saying what direction the foreign policy of America shall take. It seems to me they have not only a perfect right but a duty as Members of Congress to take such a position. I certainly expect to take that position myself.

Had a perfected Ludlow amendment passed, there are those of us here who would have felt much more ready to vote money for ships and arms, because we would have felt that the people themselves would have possessed a means of preventing America's sending an army away to far distant foreign wars.

Now, I recognize, at least, the impossibility of our expecting that under the pressure now existing in the Far East this country can just say, "We will pick up and go home."

I recognize this would be interpreted as a sign of weakness. However, I believe at the earliest possible opportunity we should get out of China and out of every other nation where we have interests within the borders of that nation which we are expected to protect by force of arms. For we must recognize that if we propose to keep the peace, and if we propose at the same time to take a dignified and strong stand, we must pay some attention to the position where we take that stand. Is it to be on the continent of Asia, in Asiatic waters, or along the Alaska-Hawaii-Panama line? This is of utmost importance, because the extent to which our interests are allowed to reach throughout the world will determine the degree of likelihood of our being involved in war. May I make it clear that trade and commerce freely carried on constitute a very different thing from property interests and extraterritorial rights within the borders of any other nation whatever. To have peace in the world, perhaps, we must have a strong navy. We are providing for it today. But there must be sought, in addition to the curbing of aggression, a defensible world economic adjustment among the nations.

In conclusion, may I say that the most important matter in connection with this whole question has not yet been discussed. I mean this: If we permit loose talk about war which has gone on in this House today to continue and build up, the main effect of it will be to stop short every progressive domestic measure and every attempt to solve our domestic economic and social problems. For constructive progress on such humane measures as old-age pensions, public works to employ the unemployed, a workable and just monetary system, fair wages, and fair farm prices is about as likely to take place in the midst of war psychology as grapes are to grow on the scriptural thorn bush.

My earnest hope is that, with adequate national defense provided for, we will quit waving the bloody shirt and get down to business on some of our unsolved social and economic problems. If what the strongest advocates of armament tell us is true, then we should be able to do this.

Now, here is the reason I am afraid and here is the reason I am worried. Talk about national defense! True, this bill appropriates some $11,000,000 less than the Budget estimate; but I think it most significant that we have not heard a word today or during the course of this debate about balancing the Budget, although we have under consideration a $500,000,000 appropriation bill. Why not? Because people recognize it is absolutely essential to appropriate money for national defense. This is true, and I agree; but, believe me, an even more fundamental necessity is to appropriate sufficient money and make enough other real reforms so that Americans willing and eager to work and who are at present walking the streets without work shall be able to have it. We have got to make the right to work and earn a living—mind you, I did not say the right to receive a dole—a fundamental right of American citizenship, because unless you have a population that can be assured of an opportunity to work and earn a living you have not a solid foundation for your very civilization. The basis of our talk today is national defense, not the Budget. The basis of our talk when we get to dealing with the unemployment problem, which better be soon, ought to be simple, human justice. I am

convinced that if that is the basis we will balance our Budget sooner than otherwise.

Mr. Chairman, it is important that we realize that that kind of approach to our economic and social problem is equally a part of national defense. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I was surprised and, in fact, amazed to hear the statement of the gentleman from Oregon [Mr. MOTT] a few moments ago. If I understood him correctly, he stated in substance that it is generally conceded by a majority of the people in a position to know, or who have made a close study, that war with Japan some time in the future is inevitable. I hope I misunderstood what the gentleman said.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MOTT. The gentleman did not correctly quote me.

Mr. JOHNSON of Oklahoma. I am glad I did not understand the gentleman correctly and would be glad for the gentleman to now state what he said, if he desires to do so.

Mr. MOTT. My statement was that it is the opinion of most people that an involvement of this country in a war with Japan is not improbable and that, in the opinion of many of those who have made the closest study of the matter, war with Japan is inevitable in the future.

Mr. JOHNSON of Oklahoma. I thank the gentleman for his statement. May I suggest that my hearing was not bad after all. But I do not for a moment agree with my good friend from Oregon. I do not believe that 1 percent of the Members of this Congress or the informed citizens of this country feel that war with Japan or any other country is inevitable. I cannot conceive of such a condition being true. I have noticed, however, that during the past several years every time it has been decided to pass a big Navy bill, carrying additional battleships, it always happens that we have some kind of a war scare and the big Navy advocates begin talking in glittering terms about the next war. But so far as I recall, the gentleman from Oregon is the first to assert that those who have made a study of the situation feel that war is inevitable.

Now, if this $550,000,000 Navy program is desirable at this time, let us say so, but I submit in all candor that I am getting tired of being rushed off my feet with these war scares. If we can judge the future by the past, when this big Navy bill is enacted, which now seems certain, we will hear little more about a war scare with Japan or any other country, until it is decided to appropriate hundreds of millions more in order to get another fleet of battleships.

Mr. MOTT. Mr. Chairman, will the gentleman yield for just a question?

Mr. JOHNSON of Oklahoma. If I had the time I would gladly yield to the able and distinguished gentleman from Oregon, but my time is short.

Let me say again what I have stated on this floor and before the committee, that it all depends upon what this appropriation is intended for as to whether these huge floating palaces should be included in this bill. If it is our purpose to properly and adequately prepare ourselves for national defense, then I submit in all fairness that America needs coast defense, additional air bases, more and better bombers, faster and better cruisers, more destroyers, and submarines rather than the big expensive, slow battleships that are seldom used in any warfare and certainly not urgent to defend our own borders.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Please let me finish my statement and then I will be glad to yield if I have time.

If we are really preparing for a war of aggression, or if this Congress feels that Uncle Sam should continue to patrol Chinese and Japanese waters or some other foreign waters, then certainly we ought to have bigger, faster battleships and a lot more of them. Of course, it will take 4 or 5 years to build one of them, and then within another 5 or 10 years the big, clumsy, slow battleship will be out of date if not entirely obsolete. Japan will build faster ones and lengthen the range of the guns as she is in fact already doing. Then when the next Congress convenes someone will discover that Japan has 18-inch guns and point out that those provided for in this bill are only 16-inch we will have another war scare, and someone will discover that war with Japan or some other foe, actual or imaginary, "is in the future inevitable."

Just where is such a naval race going to end? Remember it has been only a few years ago, after a so-called disarmament conference here in Washington, that this Government actually took five American battleships out in the ocean and sent them to the bottom of the sea while the band played The Star-Spangled Banner. All this in the name of peace.

I repeat, Mr. Chairman, in all seriousness, it is a question of what we are preparing for here today. Are we preparing for our own national defense or are we preparing for a war of aggression?

I have stated on many occasions that I believe in adequate national defense. I favor all national defense possible to protect our own borders against any and all foreigners from any part of the world, but I say again that I am unalterably opposed to accepting blindly the advice and counsel of the so-called naval experts who have been taught that what America needs is these huge floating palaces. [Applause.]

Mr. JOHNSON of Minnesota. Mr. Chairman, the gentleman from Oklahoma does not have to worry about the United States not being ready for war. This is the pattern of 1914 all over again, with one exception. In 1914 the Kaiser and the Czar and France and England were girding their loins and were armed to the teeth for the next world war. Teddy Roosevelt went over and visited the Kaiser and told the Kaiser he could lick the world with his military machine. We were not quite prepared, and we had to wait 3 years to save democracy, and then we took a good shellacking financially.

Now, we are not going to do what we did 20 years ago. We are going to be ready so when they do have a battle we will be ready to take a part in it, and take a great big part, and save this world for democracy once again, and come back to the American taxpayer with another $24,000,000,000 worth of debts.

This is all this program is going to lead you to. It is a big building program, and when you have this Navy you have got to use it. When you have such a Navy you will have people like one of the Mrs. Roosevelts who was in China and got mad at the President because he would not send the Navy over there so she could finish her Cook's tour of China recently.

This is the situation now, and the gentleman from Oklahoma does not have to worry. When the next war comes along we are going to be ready to jump into it from the top just like a frog off of a lily pad.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. KNUTSON. I do not know against whom we are arming, but it seems that every time we have a naval appropriation bill before the House there is some Ethiopian in the woodpile, for whom we have to keep our eyes open, who is threatening our national existence.

Mr. JOHNSON of Minnesota. The Ethiopian is probably William Randolph Hearst out on the coast.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. Yes.

Mr. BOILEAU. Can the gentleman tell me with respect to battleships why we always have them in pairs? They call them sister ships, but I do not know why we always have them in pairs.

Mr. JOHNSON of Minnesota. Well, you have to open at least with more than a couple of jokers. [Laughter.]

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. Yes.

Mr. O'MALLEY. The gentleman realizes, of course, that without more battleships we could not cooperate with England in patrolling the Pacific, as seems to be the intent of some of the shirt-tail brigade of the British Foreign Office in our State Department.

Mr. JOHNSON of Minnesota. There is a book out now called "England Expects Every American to Do England's Duty."

Mr. MOTT. Does the gentleman from Minnesota believe in naval defense at all?

Mr. JOHNSON of Minnesota. Yes.

Mr. MOTT. Does the gentleman believe that it is improbable or impossible that a foreign nation may attack us?

Mr. JOHNSON of Minnesota. I do not think it is impossible, but I know that we had to travel 2,000 miles to get to the last fight.

Mr. MOTT. The gentleman thinks it is improbable that any foreign power will attack this country?

Mr. JOHNSON of Minnesota. Oh, I do not think Japan is going to bother your citrus crops at all out there in California or on the coast.

Mr. MOTT. Then why is the gentleman in favor of any naval defense at all, since it is improbable that such a thing may occur?

Mr. JOHNSON of Minnesota. I do not want a naval defense like the gentleman from Ohio [Mr. THOM], who, when talking about battleships, always gets back to the point where he says that if the bombers come and if our battleships are there, we will have other bombers to fight them. In other words, that battleships are just out for the sake of a ride on the waves, and that is why they are in this kind of a program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HARLAN. Mr. Chairman, this prolonged debate has impressed me that we are suffering from confusion of reasoning rather than material difference in what we are trying to do. We have confused our unanimous aversion to a foreign war with our ideas as to the methods of conducting a war when we get into one. The reasoning goes something like this: We do not like foreign aggressive wars. Naval vessels of attack make foreign wars possible. Therefore, eliminate vessels capable of carrying a war to the enemy. The fallacy in this reasoning is that no one has ever produced any satisfactory evidence that the possession of weapons or the lack of weapons has ever affected our inclination to go to war when the mania hit us.

We started the Civil War, as General von Moltke said, "with armed mobs." In the nineties we were bristling to fight Great Britain over the Venezuelan border dispute with practically no Army or Navy at all.

There is no instance in our history which would prove that the possession of weapons has anything whatsoever to do with our inclination to fight when our mob passions are aroused.

The second fallacy is that even though we are fighting a war purely of defense we all want to win the war. To win any war, whether offensive or defensive, we must have weapons comparable to or better than the enemy. Since every power with whom we might possibly become engaged has weapons of offense, we must have them also, or end the war by defeat or stalemate. We could never hope for victory.

Nobody wants a foreign war. We want to protect this land and our possessions, and that is all we want to do, but there is not enough money in the Treasury of the United States to do that at the coast line. It would necessitate adequate fortresses, armed forces, mines, and airplanes at every point on our coast. We simply cannot afford that.

If we get into a war, whether it is offensive or defensive, our tactics are just the same. We must strike as hard as possible as quickly as possible and keep war's destruction as far from our land as possible. Who would ever think of one of two football teams, for example, saying to the other, "You can have the ball all of the time; all we will do will be to defend the goal." That would be absurd, and just as soon as we tell foreign powers that we have no navy that can take the offensive, the war is over so far as we are concerned.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I cannot yield now. All the enemy would do would be to move around from place to place and attack us in different places, and we could not defend ourselves. Any war, offensive or defensive, has to be carried on by aggressive tactics. Do you want just to sit around and have your ports blockaded, your merchant ships sunk, and yourselves starved to death by the enemy? We will never do that. No nation has ever won that kind of a war. If we get into a war, we want to win it; and if we do, we have to have instruments of attack as well as defense, and the advice and opinion of men who have given their lives to this purpose, who know what we need, should be followed. I think we are safe at least in following their advice, or we should get other naval experts whose advice we can follow.

The gentleman from Wisconsin [Mr. BOILEAU] talks about these bombing planes darting and ducking around and dropping their bombs, and said that we could not hit them.

A modern bombing plane, if it is going to hit a target, has to sail for a very definite length of time on a straight line. Otherwise, if it darts and ducks around, as the gentleman from Wisconsin suggests, we do not need to worry about it, because it cannot hit anything, and it is that feature that has made our antiaircraft defense guns so absolutely effective. We can take a sight on a plane and then take a second sight, and we know the height, and the distance, the speed, and the range, and knowing the plane must go in a straight line if it is to drop bombs, we can hit it. If the gentleman had seen that as I have he would not talk so glibly about the effective dodging power of bombing planes.

Mr. BOILEAU. Oh, I think I have seen about 25 times as many airplanes in active service as the gentleman.

Mr. HARLAN. Probably the gentleman did, about 20 years ago. Comparatively, that was the neolithic age in antiaircraft defense.

Mr. BOILEAU. I have read up on the subject and I know something of what I am talking about.

Mr. HARLAN. I will admit that I am no expert.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FADDIS. Mr. Chairman, first I want to say that the reference of the gentleman from Minnesota [Mr. JOHNSON] to the book England Expects Every Man To Do His Duty seems to be upside down. The gentleman quoted it on the wrong side and it is quite evident that the gentleman has read only the title of the book and not the text, because it is anti-English not pro-English propaganda.

Mr. Chairman, it should be quite apparent by this time that the design of those offering the amendment increasing the appropriation for airplanes was anything but sincere. Those who professed to be so favorable to more airplanes for the Navy, now are back with an amendment which most certainly would hamper the operation of the airplanes already there. They wish to take away the battleships which are the protectors of the carriers of the planes and the auxiliary craft necessary to their maintenance and operation. The airplane is not a self-sustaining unit of warfare by any manner of means. It is the least self-sustaining of any of the implements of warfare. It must have a nearby base from which to operate. It is what should be properly called a weapon of opportunity. Unsupported and unassisted it has a very limited opportunity for operation.

I now want to take up the argument that the gentleman from Wisconsin [Mr. BOILEAU] advanced when he quoted Admiral Bristol in reference to the defense of our harbors. The gentleman quoted Admiral Bristol, if I did not misunderstand him, as saying that our coast line could be defended by means of mines, coast fortifications, and such appliances. Am I correct?

Mr. BOILEAU. I stated that Admiral Bristol claimed that the protection of our harbors and our coasts would be largely by use of the Air Corps, submarines, mines, and land fortifications. He made that statement in 1932.

Mr. FADDIS. Exactly; I thought I understood the gentleman correctly. I submit to the members of the Committee this thought, that when any unit of naval or military forces is sent out with the object of protecting a certain territory, it is not sufficient in the accomplishment of that mission

that they squat down on the city or particular piece of land they seek to defend. It is impossible to defend any city or piece of land in that manner. In order to defend any certain section of the country, any city, or any other part of the coast line it is necessary to go way beyond the section which it is sought to defend in order to prevent the forces of the enemy from bringing to bear on it the fire of whatever forces they are bringing against the section. Otherwise they will lie outside the range of all the mines, torpedoes, and everything else you can bring to bear against them, and reduce it by gunfire. We have a very recent example of this in the manner which the Chinese employed to defend Shanghai. They did the best they could because of their lack of battleships. They undertook the defense in the very manner advocated by the gentleman from Wisconsin, and today Shanghai is a mass of ruins. We do not wish our defense of our territory to have such a result. [Applause.]

The CHAIRMAN. The gentleman from Georgia [Mr. VINSON] is recognized for 4 minutes.

BATTLESHIPS

Mr. VINSON of Georgia. Mr. Chairman, yesterday the distinguished gentleman from Oklahoma [Mr. MASSINGALE], said that during the years that he had been in Congress he "had never voted for an Army or Navy appropriation bill," but further added "That the conditions in the world are such that I feel somewhat compelled to change my views."

There are no pacifists in this House. We are confronted with facts and not theories. We are confronted with world conditions.

We all have the same objective. We are actuated by the same impulses, and that is, to give to the people of this Nation an adequate national defense—a Navy second to none.

Let me say to you that I am not going to engage in a controversy with any of my colleagues in regard to airplanes versus battleships, for I am no expert. I do not know, and no one knows until they are actually tried out in battle which is superior and the most effective.

But I do know that it is absolutely essential and imperative that in order for this Nation to have an adequate national defense that we have both airplanes and battleships.

Aviation is the eye of the Navy; battleships are the backbone of the Navy. We cannot afford to do without either one. It is absolutely essential that we have aviation and that we have battleships.

I yield to no Member of this House in my enthusiasm for naval aviation. It was a program that I submitted here in 1934 that brought that branch of our Navy up to 2,000 serviceable planes and we can point with pride to the fact that we have a naval air force second to none.

Let me say to you that woe be unto any nation that will send its fleet out without battleships to engage in a naval battle with a nation that has battleships.

The navy without battleships would be destroyed by the navy with battleships before the navy without battleships ever could get in range of the navy with battleships.

The two battleships in this bill are replacements. They are to replace the old battleships *New York* and *Nevada* which are 26 years old.

Let me say to you that I am unalterably opposed to the youth of America being forced in case of a national emergency to do battle in old and obsolete ships. They are at least entitled to be accorded weapons equal to those of the enemy.

It would be suicidal to send one of these 26-year-old battleships to engage in battle with a modern and up-to-date battleship.

In the event of a national emergency the youth of this land should at least be accorded the same security of defense as is given that of the enemy.

You cannot escape the conclusion that the armament of other nations necessarily compel and forces us to use the same kind of armament.

The use in the Army by foreign powers of machine guns, tanks, and poisonous gases, necessarily forces this country to use the same character of weapons.

If the enemy is armed with machine guns, we do not want our youth armed with popguns.

Other nations have battleships.

If other nations did not have them, we would not be forced to build them, but the defense and welfare of this country requires that in view of the fact that other nations have battleships, that we too have battleships.

Give to the youth of this land upon whose shoulders the future of this country depends the same weapons of defense as used by other nations of the world.

I long to see the day come when agreements can be reached limiting armaments, but until that day does come, we are forced to lay down the same kind of ships that other nations do. [Applause.]

The CHAIRMAN. All time for debate on this paragraph has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 27, noes 101.

So the amendment was rejected.

Mr. BOREN. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD on a subject not connected with the bill.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOREN. Mr. Chairman, I am in full accord with the program for economy in government, and I sincerely hope we will be able to lessen the cost of Federal Government to the American taxpayer. Every vote I have cast since I have been in Congress will show that I have acted in a constant disposition to prevent extravagance and waste and to promote a practice of frugality, careful saving, in the outlay of Government projects and programs. The pendulum of government spending has throughout the twentieth century swung violently from one extreme to the other and confronted by the crossbone and skeleton head labeled in red "The Budget," all hands have now turned to push the pendulum to a sharp recession in Government spending. It is a matter of great satisfaction to me to notice the disposition of the Congress as a whole to concur in the opinion which I seemed to hold almost in personal isolation a very few months ago. But I find myself in the peculiar position of fighting for some slight liberalization of economy moves which go beyond frugality and practical adjustment to the needs of the Nation and threaten destruction of necessary programs. And so today I who voted a constant "No" to increased appropriation for the multitude of administrations for national affairs, rise to urge a thoughtful and careful analysis of each economy step. I do not wish in any way to halt the move for economy, which comes as a blessing to the American taxpayer, but I do caution against diversion or detour from the real objective. I feel that the large curtailment of Federal expenditures should come in the overcentralized administration of affairs in Washington. There are many bureaus and commissions that have become parasitic burdens on the National Government and almost every department is juggling to fatten the abdominal regions of their bodies by amputation of the arms and hands that carry the true benefits to the extremities of the reach of their programs.

I rise to point out that the pennies to the States are being saved to satisfy the avariciousness of gluttonous bureaus in the city of Washington.

With the double veto system which permits an administrative department to issue an unfavorable report to a committee, which is in effect a primary veto, and a system which permits that same department to make recommendations to the President, which results in a second veto, and with a system which permits bureaus to recommend to Congress according to their own selfish motives, there is a growing tendency to make the country indigent to create an opulence for wasteful bureaucracy.

Mr. Chairman, these are the dangers in the present economy drive. In the religion of democracy there is but one service and that service is to the people. In the religion of democracy, there is but one supreme authority and that supreme authority is the people. In the ministry of representative government the God in Israel, if you please, the Supreme Authority from whom all benefits flow and to whom all services are due is the people. Let us economize for the people. Let us force the abdication of bureaucracy's tyranny. The bureaucrat often sets himself up as the supreme authority and takes unto himself the diviner right of power and determination of policy. In this economy move, let us smash this idolatry, destroy this heresy, and recognize the true religion of democracy, which is to render unto the people that which belongs to the people. Then, and only then, will government administration keep faith with the religion of democracy.

Mr. Chairman, I am glad that the ax of economy is cutting the underbrush of Government waste and extravagance, but I urge that the tide be kept in the channels and directed against the bureaus that have polluted the streams of frugal administration rather than permitted to rise in a blind flood to overflow the levees of rationalism and wreak destruction on the land.

At this point, Mr. Chairman, let me mention one specific example of the purport of my message here this hour. Bang's disease has ravaged the dairy and cattle-breeding industry of America, from Mexico to Canada, and from Delaware to the Golden Gate, in every one of the 48 States of this great Union. That dread disease has reached its tentacles to place undulant fever into the milk pails of the land and to spread its infectious abortion as a constant and dread threat to the livestock industry at a cost of not less than $50,000,000 a year. The Bang's bacillus or Brucella abortus, has spread its insidious malady to the point that it has become "Public Enemy No. 1" to every dairyman and cattle breeder in America. In 1936 we appropriated six and one-half million dollars that year to combat this enemy. The Budget now recommends that we cut that appropriation to two and one-half million dollars. This will mean that a program which has, in a few short years, operated with such great effect, that it militates to the end that six and one-half million dollars has produced more than $30,000,000 additional national income, will go back to a stage of practical elimination. This attempted diversion of the economy move away from bureaucratic waste to the milk pails of the Nation, is a good example of the folly of the blind march behind bureaucracy's recommendations.

The great State of Oklahoma, rich in its heritage of men who sought in a pilgrimage from all other States elbow room for real democracy, is prepared today to caution the ardor of a propagandized Congress.

To show further this one example for the need of clear thinking in the present national crisis—and I do believe that our economy moves are forced with a crisis of determination which will result in bureaucracy's benefit on one hand or public benefit on the other—in Oklahoma alone more than a million cattle have been tested and 90,000 reactors have been slaughtered and indemnity paid to the owners. Oklahoma has had as high as 600,000 head of cattle under supervision at one time. At the present time 300,000 cattle are under supervision. Over 99 percent of all cattle in five important cattle counties in Oklahoma have been tested, and six Oklahoma counties are now in a status of "Bang's-disease-free areas." But in 1934, when the program started, 14 percent of the cattle in Oklahoma were infected. Today 2.7 percent of the cattle of Oklahoma are infected. Oklahoma stands third in the Nation in the number of cattle tested for Bang's disease, and all of this great work has been carried on with a total cost of $700,000 per year.

If we permit the proposed curtailment of this small expenditure, the infection in Bang's disease will steadily increase. State regulations to keep Bang's disease out of tested States cannot be enforced, and all of the benefits of this fine program, all of the benefits from expenditure from these funds for the last 3 years, will have been nullified.

Mr. Chairman, I respectfully submit to the Congress the great necessity for care in seeing that economy is well directed. I urge the Congress in this instance to remember the cattlemen and the dairymen and, above all, to remember the milk-consuming public. I further urge that the Congress give as much thought to the importance of finding the proper places to economize as to the importance of a program of economy.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government except when the repair, purchase, or acquirement, by or from any private contractor, would, in the opinion of the Secretary of the Navy, be advantageous to the national defense: *Provided*, That nothing herein shall be construed as altering or repealing the provisos contained in the acts to authorize the construction of certain naval vessels, approved February 13, 1929, and March 27, 1934, which provide that the first and succeeding alternate vessels in each category, except the 15,000-ton aircraft carrier, upon which work is undertaken, together with the main engines, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

Mr. THOMPSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Illinois: On page 53, line 21, after the word "Government", strike out all the language down to and including the word "defense", in line 24.

Mr. THOMPSON of Illinois. Mr. Chairman, this amendment is offered for the purpose of protecting the navy yards and arsenals of the United States. They now receive, and have for a number of years received, a substantial portion of naval ordnance work. The language, beginning on page 52 and continuing on page 53, has been carried in naval appropriation bills for some time and has resulted in considerable work being placed in the navy yards and arsenals of the United States. I noticed in the hearings on this bill that the Assistant Secretary of the Navy asked for this proviso, or exception, in the bill that when it was in the interest of national defense, the limitations and restrictions carried in the bill could be disregarded and ordnance work placed in the hands of private contractors.

I submit, Mr. Chairman, that the Secretary of the Navy already has ample authority to place work outside the navy yards and arsenals by language already carried in the bill and which will be left in the bill.

I call attention to the language contained in the bill, beginning in line 18, on page 53, which reads "when time and facilities permit." Certainly time is the essence of practically everything, and if the Navy finds itself in a position where it needs some ordnance quicker than it can be supplied by the navy yards and arsenals, the Secretary can go outside to obtain the requirements. If the facilities of the arsenals and navy yards are not sufficient to manufacture the ordnance or the materials desired, he can do likewise. He can, under existing law, place such with private contractors. In lines 20 and 21 there is the proviso that the work shall not be done in the arsenals or in the navy yards or in the naval gun factories unless it will not involve an appreciable in-

crease of cost. Most certainly I see no reason for the language I am seeking by this amendment to strike out.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. I yield.

Mr. SACKS. Is it not true that the labor organizations of the employees of the navy yards are all opposed to this language in the bill?

Mr. THOMPSON of Illinois. Absolutely. I may say, further, that this amendment I am offering has the endorsement of the machinists' unions and other affiliated organizations of the American Federation of Labor. I see no need of such language being left in the bill for the reasons I have pointed out.

Mr. DORSEY. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. I yield.

Mr. DORSEY. The authority granted under this section, with the exception of this proviso, has been carried in previous appropriation bills.

Mr. THOMPSON of Illinois. It has been carried since 1923 or 1924.

Mr. DORSEY. And is proof of the fact that they have had sufficient authority during the past, and for years have been taking work from our naval establishments and arsenals and giving it to private industry.

Mr. THOMPSON of Illinois. A substantial amount, I am told. In the interest, therefore, of the employees of the navy yards and arsenals of the United States, and in the interest of the investment that the Federal Government has, this amendment should be adopted and the language stricken from the bill.

Mr. McGRANERY. Will the gentleman yield?

Mr. THOMPSON of Illinois. I yield to the gentleman from Pennsylvania.

Mr. McGRANERY. May I compliment the gentleman for presenting this amendment. At this particular time at the Philadelphia Navy Yard there are a large number of employees, who have been engaged there for years, now out of work by reason of there not being sufficient work in our shore establishments, without going to outside companies.

Mr. MAGNUSON. Will the gentleman yield?

Mr. THOMPSON of Illinois. I yield to the gentleman from Washington.

Mr. MAGNUSON. May I point out that the same situation exists in my district? The only purpose of this language in the bill would be to allow, under certain circumstances, the Secretary to go outside. As long as we have established these navy yards our first duty is to take care of them.

Mr. THOMPSON of Illinois. I may say we have a tremendous investment in the navy yards of the United States, the Navy gun factories, as well as the arsenals, and I think in the interest of preserving employment in these establishments and from the standpoint of realizing on our investment, this language should be stricken out. I therefore trust the Committee will adopt my amendment.

[Here the gavel fell.]

Mr. BRADLEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois [Mr. THOMPSON].

Mr. UMSTEAD. Will the gentleman yield?

Mr. BRADLEY. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. Mr. Chairman, we are approaching the end of this bill, and a great many Members have spoken to me about concluding consideration of the bill in a little while. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. This is exclusive of the time which the gentleman from Pennsylvania [Mr. BRADLEY] has at his disposal.

The CHAIRMAN (Mr. BLAND). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BRADLEY. Mr. Chairman, this amendment is a little different from the amendments which the Committee has been heretofore considering. There are no technical questions involved and you do not have to be an expert to decide whether or not it is advisable for the Government to retain as much work as possible in its own yards and establishments. Various Members may have different ideas with regard to national defense, but they can all vote for the pending amendment.

Mr. Chairman, there are in our various navy yards, not only the Philadelphia Navy Yard, as has been ably pointed out, but in all Government navy yards, facilities at the present time which are not being used. We have thousands of men in these naval establishments, including Philadelphia, New York, and those all along the Atlantic and Pacific coasts, who are being kept out of employment because the Government cannot provide work.

The language which the amendment offered by the gentleman from Illinois [Mr. THOMPSON] seeks to strike out nullifies the previous language in this section, in that it gives the Secretary of the Navy discretionary authority as to whether or not he will give this work to private yards. There is no reason why the Government of the United States should pay private industry more money for the work which it can do in its own yards.

Mr. Chairman, I submit the amendment will save money for the United States Government, and it will provide employment in the navy yards which the Government has at the present time. I therefore trust everyone will support the amendment.

Mr. MAGNUSON. Will the gentleman yield?

Mr. BRADLEY. I yield to the gentleman from Washington.

Mr. MAGNUSON. Is it not true, if the amendment carries, it will also strike out profits in the making of munitions and profits in the making of war materials, and that a vote for the amendment is a vote against profit making so far as this type of manufacturing is concerned?

Mr. BRADLEY. The point which the gentleman brings out is well taken. It will be a vote against those who derive enormous profits from the manufacture of armaments and munitions. I believe the Government should attempt to save all its money and provide work for our laboring men in the Government yards.

[Here the gavel fell.]

Mr. McGRANERY. Mr. Chairman, the distinguished chairman of the subcommittee has my heartfelt appreciation for the real, intelligent, earnest work that is represented by this bill. He has brought to the floor a bill appropriating the moneys to carry on the naval program for the year of 1939, which is a tremendous program. His explanation of the bill, which was clear, fair, and concise, merits the thanks of the membership of this House. However, I do take issue with the language set forth in the exception, and I think the amendment on page 53 as offered by the distinguished gentleman from Illinois would correct it.

The amendment offered by the gentleman from Illinois is an amendment which, in my opinion, is worthy of the consideration of the membership of this Committee. We have in our shore establishments men engaged in various technical occupations who have gone into these shore establishments as boys. Some of these men have been in the Government service for as many as 30 or more years. In the Philadelphia Navy Yard, for instance, there are facilities to take care of a great deal of work for the Navy Department, which work that navy yard does not now have, but should have. I am not in favor of work being let out to private industry when it can be performed by our own men in our own navy-yard shops, and when these men are being furloughed. I believe this Committee would be serving a real purpose in supporting this particular amendment. It will give to the Philadelphia Navy Yard and the other Government establishments a working quota, and will not in any way hinder or hamper the Secretary of the Navy in carrying out a naval program. As has been well pointed out, there is sufficient language in the bill to give discretion to the Secretary of the Navy when time is of the essence or when facilities are not available.

Mr. Chairman, I ask the Committee to support the amendment.

Mr. SACKS. Mr. Chairman, may I point out to the Committee one salient feature of this amendment which is most important. The section in the bill would give the right to the

Secretary of the Navy to go to private industry and have work performed when we have facilities for which the Government spent millions of dollars in navy yards lying idle. We have numerous navy yards where the work could be performed, but this section of the bill would let this work to private individuals.

Now, what has been the experience of the Government? It will be recalled that in connection with the bids for battleships, the navy yards were $11,000,000 less in bid than the nearest private competitor. I see no reason for it. The men are out of work. The navy yards all over the country are not running at full capacity. If this provision is taken out of the bill yard equipment would have to be used, the technical machines we have in the navy yards would be used, and the manpower which is out of work now would be again put back to work. We should continue this work and utilize the millions of dollars we have put into the navy yards to help build these extra battleships and continue the Navy program. I see no reason for allowing the Secretary of the Navy this extra right, when he already has it, except to keep the navy yards in their present slack condition while allowing private industry to flourish at a greater profit.

[Here the gavel fell.]

Mr. UMSTEAD. At the outset, Mr. Chairman, I desire to say to the gentlemen who are sincerely interested in this provision that if I thought the language of this bill would result in what the gentlemen who have spoken apprehend, I myself should be against it. I realize they are very much interested in it, and they ought to be. They have a perfect right and, in my judgment, it is their duty to these military and naval establishments in their respective districts, to be on the alert at all times to see to it the work load is maintained upon an even keel. Permit me to say, however, the subcommittee very carefully considered this language before agreeing to insert it in the bill. If what the gentleman from Illinois [Mr. THOMPSON] states is true, that the Secretary of the Navy already has this right, then it will do no harm to leave this language in the bill.

Mr. SIROVICH. Why put it in?

Mr. UMSTEAD. The Assistant Secretary of the Navy, and I invite your attention to his words on page 33 of the report, makes a statement which I shall not read in its entirety, but I shall quote this portion:

> We have thus drifted into a situation which is highly dangerous and might prove to be a fatal defect in time of war. The additional language requested will permit the Secretary of the Navy to determine what contracts should be let to private plants in order to avoid a situation which will be detrimental to the national defense.

Enough work is provided in this bill of the character to which this language refers to permit the Secretary to do what he wishes to do under this language without in any way reducing the work load now prevailing in Government establishments.

Let us draw a distinction between work in Government establishments and what this language refers to. The gentleman from Illinois has in his district an arsenal which is run by the Army. Here, in the Washington Navy Yard, we have a gun factory. This factory is the only place the United States Navy has which manufactures guns, and this factory today cannot possibly meet the entire demand. The purpose of this language, in cases such as that, is to permit the Navy to go to private manufacturing sources. There is no thought or purpose in back of the proposition to diminish the work in navy yards or arsenals. I repeat, if I thought the language would do that I should be against it myself. This language, as I understand it, is for the purpose of enabling the Secretary of the Navy, in cases where the existing facilities cannot and will not permit of production to meet present needs, to place contracts with private industries and do two things, not only enable the Navy Department to get what it needs, but also make some preparation to have additional facilities available in times of distress and emergency.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I am sorry, I cannot yield now.

As far as I am concerned and I believe, without having any authority to speak for the other members of the subcommittee, as far as they are concerned, if next year it should develop the Navy Department has abused this language and has taken advantage of it to the detriment of men now employed in existing Government plants, I should be as quick as anyone in this House to undertake to deprive them of that right in the future. I am willing for that statement to appear in the RECORD. I have told the interested gentlemen so. However, my present judgment is that we ought to include this language as a pure matter of national defense, as requested by The Assistant Secretary of the Navy.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. THOMPSON].

The question was taken; and on a division (demanded by Mr. THOMPSON) there were—ayes 33, noes 64.

So the amendment was rejected.

The Clerk read as follows:

> Office of the Secretary of the Navy: Secretary of the Navy, Assistant Secretary of the Navy, and other personal services, $196,770.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PHILLIPS: On page 54, line 23, after the word "services", strike out "$196,770" and insert "$181,770."

Mr. PHILLIPS. Mr. Chairman, I have offered this amendment as a matter of protest. It strikes out the salary of the Secretary of the Navy. I offer this amendment in protest. I will ask consent to withdraw it at the close of my remarks.

On page 1073 of yesterday's RECORD will be found an address I made on the floor against the export of helium to Germany by this Government. As stated there, I protested to the President when I noticed a newspaper article stating helium is being exported to Germany. The President asked the Secretary of State to answer me. My protest was found to be correct, and that helium is to be exported to Germany. According to the letter of the Secretary of State, the gentlemen responsible for the export of helium are the following: The Munitions Control Board, which includes the Secretary of the Navy, the Secretary of War, and the Secretary of the Interior. I read to the Committee here day before yesterday a newspaper article stating that Germany is today so illiberal it bans the speeches of the President of the United States. I pointed out, too, that the German Government has also protested against speeches made by ex-Ambassador Dodd in this, our free country. I also read from a newspaper article showing that some 15 men whom you might call colleagues of ours, members of the German Reichstag, have been murdered, and the murderer has not yet been brought to justice. I showed that this helium to be exported can be used to fill about 80 observation balloons for war. Yet we let that country, Germany, have helium, when that country has broken its word in international relations. I hope every Member of this House will write these three Secretaries protesting against this shipment of helium. In the Hartford Courant of yesterday was an article stating that helium was not being shipped. I have checked with the office of the Secretary of the Interior this morning and find that this Associated Press story is wrong, and that helium is still to be shipped. I hope, I repeat, that you will write the three Cabinet officers to whom I have just referred asking that they cancel the helium export permit or permits. Under the law such permits are cancelable at any time.

I now ask consent to withdraw this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read as follows:

> SEC. 2. No part of any money appropriated by this act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their

domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the Department. This section shall not apply to any motor vehicle for official use of the Secretary of the Navy, and no other persons connected with the Navy Department or the naval service, except the commander in chief of the United States Asiatic Fleet, Marine Corps officers serving with expeditionary forces in foreign countries, and medical officers on out-patient medical service, shall have a Government-owned motor vehicle assigned for their exclusive use.

Mr. FISH. Mr. Chairman, I offer a motion, which I have sent to the Clerk's desk.

The Clerk read as follows:

Mr. FISH moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. FISH. Mr. Chairman, I have followed this procedure in order to discuss an amendment I propose to offer in a few minutes which I presume is not germane to the bill, but I propose to request the Democratic leadership to permit a vote upon the amendment. The chairman of the subcommittee has stated he would not make a point of order against the amendment, which reads as follows:

That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference at Washington or elsewhere for the purpose of entering into agreements for the limitation of naval armaments.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. PHILLIPS. I would like to have the gentleman tell the Members of this House whether he thinks the German Government and the Japanese Government keep their word in international treaties; in other words, whether it would be a good thing for us, who keep our word, to sit in with nations that do not?

Mr. FISH. I am very glad the gentleman has asked that question, because we have already had ample experience in the Washington Treaty of 1922 with the Japanese Government, the British Government, and the French and Italian. All of them kept their agreements absolutely, according to our own naval officers, in that limitation of naval armament treaty. I have never heard anyone say they did not keep their definite agreements.

This is identically the same procedure that brought about the Washington limitation of armament treaty. In the Senate of the United States an identical amendment was offered by Senator BORAH and was adopted by the Senate and later by the House. At that time we had a Republican President. This is not a question of partisanship at all. It is merely a question of whether we, who have the definite responsibility to provide and maintain a Navy and establish the naval policies of the United States, are to sit idly by and permit ourselves to be launched on this mad naval program in competition with the rest of the world, heading directly for war, and not do anything to try to get these nations around a table in order to try to reach an agreement on a definite limitation of naval armament.

Japan and Great Britain, through their highest diplomatic and naval representatives, have stated they would be willing to enter into such a conference, and we should take the leadership, because if we do not and if we continue this mad naval race it will engender suspicion, hatred, hostility, and eventuate in war.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. DINGELL. I would like to ask the gentleman from New York whether he does not recall the conference we held here in 1921, when the United States Government, under Harding, sunk the United States Navy and——

Mr. FISH. I will not yield any further because that is an utterly ridiculous statement.

Mr. DINGELL. It is not a ridiculous statement at all.

Mr. FISH. I will answer the gentleman. The gentleman states that we sunk the Navy. For the first time in the last 200 years Great Britain gave up naval superiority on the high seas and agreed to equality with the United States, each nation being limited to 18 battleships and Japan to 10. This went on until a year ago, and during that time we had friendly relations with both Great Britain and Japan. Now, that has been scrapped and we are launched on a naval race. I would like to know how long this madness can continue without an explosion.

Mr. DINGELL. Mr. Chairman, will the gentleman yield further?

Mr. FISH. I yield for a brief question.

Mr. DINGELL. I would like to ask the gentleman whether Japan had lived up to that obligation?

Mr. FISH. I said that Japan had absolutely lived up to her treaty limitations, and there is no American admiral who will say she has not. It is only since that treaty has expired that they have launched a big navy program, just as we are launching one now. We are starting a program that will probably lead to war, and our naval appropriations and program are much greater than Japan's. We have a chance by voting upon this proposition to say whether we are willing, at least, to sit around a table with these other nations and discuss these propositions for the sake of the peace of this country and of the world.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. PHILLIPS. In other words, I gather from the gentleman's remarks it is the gentleman's thought that Japan and Germany keep their word in one place and break it at another, and is it wise for us to——

Mr. FISH. I am not concerned with the word of other nations. I know they did keep their word in connection with the limitation of naval armament, and no one questions it, and that is the reason I bring up the matter at the present time. I propose to vote for this bill providing for two additional battleships, but I cannot understand why Congress sits idly by and refuses to even permit the consideration of my conference amendment. I challenge the Democratic leaders to refrain from making a point of order against it and let the Members of Congress vote on it on its merits. If you do not, the responsibility is yours if the whole world arms to the teeth and drifts helplessly and hopelessly into war, ruin, and disaster.

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. FISH].

The motion was rejected.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 62, after line 6, add a new section, as follows:

"That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference at Washington or elsewhere for the purpose of entering into agreements for the limitation of naval armaments."

Mr. FERNANDEZ. Mr. Chairman, I make the point of order that the amendment is not germane and that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FISH. I do not care to be heard on the point of order; I do not dispute the point of order. The gentleman from Louisiana must take the responsibility.

The CHAIRMAN. The Chair sustains the point of order. It is not germane, and it is legislation on an appropriation bill.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word. Yesterday I offered an amendment, which was adopted by the Committee, that would stop the present selective method right where it is. I told the Committee at the time that there was one reason why I was offering that amendment, and that reason was that I do not approve of the present method of selection and promotion in the United States Navy. I do not believe it is fair, or just, or that it is the best method of selection that we could adopt.

I offered the amendment because we have not in the House taken the action that I think we should take in attempting a revision of the selective method. I figured that if we stopped the selection entirely for a year, then the Navy Department and the Naval Affairs Committee would begin immediately a study of our selection method. Since that amendment was adopted in the Committee, I have conferred with the chairman of the Committee on Naval Affairs, and we have reached an agreement that just as soon as the additional construction bill is reported by the Committee on Naval Affairs, which, I think, will have been done by the first of next month, the Naval Affairs Committee will be called together to hear proposals for revision of the selection system. There are some four or five bills that have been introduced, all with the purpose of improving the method of promotion. I have been promised that each of these bills will be heard; that each of those bills, and any other bills that may be introduced between now and then, will have a full and complete hearing; and that it is the intention of the committee to do its level best to improve the method of selection and promotion in the Navy. That was the purpose that I had in mind when I offered the amendment. I have received that assurance from the chairman of the committee.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. VINSON of Georgia. Mr. Chairman, in the first instance let me say that I do not think the thought should become prevalent that the Naval Affairs Committee or its chairman should be criticised in the slightest degree for not having hearings on the matter of selection. To keep the record straight, at the request of the gentleman from Pennsylvania [Mr. DITTER] last year, I called the committee together to make inquiry respecting improvement in the selection method. Mr. DITTER apeared before the committee, as did also Mr. HOBBS and the gentleman from Pennsylvania [Mr. DALY]. After about 10 days or 2 weeks hearing we got far enough along and I introduced a bill. That bill was referred to the Bureau of the Budget to determine whether or not it was in accordance with the President's financial program. That bill is still pending before the Budget. It has been the policy of the committee in every instance, except one, to hesitate to present a bill unless it is in accordance with the financial program of the President.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VINSON of Georgia. I ask unanimous consent that the time of the gentleman be extended for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Let me say to the membership of the House that I am just as anxious as any Member to have a fair and satisfactory selection system, based upon merit. I am opposed to a system of promotion that is based on favoritism, seniority, or any other selective system than one of merit, and I shall be more than delighted to have a hearing, if the other members of the committee will agree with me, to see if we can work out a satisfactory selection bill and I respectfully invite every Member of the House to join with the committee in trying to work out a satisfactory bill. For that reason I urged the committee yesterday to reject this amendment because it is legislation of such a character that it should be considered in a calm, dispassionate manner, and not by limitation on an appropriation bill. Therefore I assure the gentleman who has a bill before the committee, or any other Member, that if he will ask for a hearing, or whether they do ask for a hearing or not, we will grant a hearing and try to work out such a bill, in accordance with the financial program of the President relating to the selection of and promotion system in the Navy as will be satisfactory.

Mr. SCOTT. I wonder if the gentleman could set a tentative date for the beginning of those hearings.

Mr. VINSON of Georgia. If the gentleman has a bill—my bill I introduced is still pending before the Budget—I am willing to set it for the first week in February.

Mr. SCOTT. I should like to use a portion of the time at my disposal to complete the statement I wish to make. If the gentleman will make his question short, I will yield.

Mr. McFARLANE. The gentleman knows that I had the honor of serving on this committee for some 4 years when we were fighting for these same hearings that it is threatened we shall receive under a very indefinite promise. I think we are wasting our sweetness on the desert air if we continue to wait for these hearings. I am wondering if the gentleman has agreed to some kind of understanding whereby he has taken down his flag under the circumstances?

Mr. SCOTT. I do not look at it in the same way. No; I have received assurance, and now the committee has received assurance from the chairman of the Committee on Naval Affairs, that the hearings on all such bills pending in the committee would be had, and that they would start, according to him, the first week in February. This assurance is sufficient to me. I am willing to take the word of the chairman of the committee. It has always been good with me. And let me say that my action was a criticism of no one in particular. My action was solely for the purpose of getting hearings started. They will start.

For this reason, when a separate vote is asked on the amendment which I offered yesterday, and which was adopted, I am going to release anybody who may have made a promise to me to follow through on it. I am going to suggest that they do as they please about it. For myself, since I have accomplished the purpose I had in mind, and since the hearings will start early in February, I am going to vote against the amendment myself.

I feel that I can assure the Members who voted with me yesterday that our purpose has been accomplished and that no additional objective with merit could be accomplished by retaining the amendment in the bill. I appreciate the support that was given me in the committee but now ask that those who voted with me yesterday vote with me today to eliminate the so-called Scott amendment.

Mr. DITTER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I regret exceedingly the turn of affairs today. If the proponent of the amendment which carried yesterday feels that he must pull down his flag, there are a substantial number of men on both sides of the aisle who have not pulled down their flag. [Applause.] We stand where we stood yesterday. There may be only a very small number of us, but those of us who proposed, supported, advocated, and urged the amendment yesterday are not withdrawing from the battle line or giving over any one of our ships to the enemy. We are not retreating. We are not pulling our punches. We are not shadow boxing. We were and we are at this time against the present selection law. Most of our guns are manned; our powder is dry; our flag is flying. We are ready to go.

I feel that no man is bound here today by anything other than his convictions. This is a simple issue. There is nothing involved here. If you were against the present selection system yesterday, you should be against it today unless the system has changed overnight. The weather may have changed, but nothing has been done to change in any way the selection system. Of course, some people change their mind—that is their privilege. But there should be something present to cause a change of front. I appeal to you today, do not vote for this amendment because you voted that way yesterday. If you are one of those men who believe in a thing today and believe otherwise tomorrow, certainly I release you, just the same as my distinguished friend [Mr. SCOTT], for whom I have the highest regard, has released you. But if you believe in conviction, if you believe that the promises that have been held out in times past have only resulted in a masquerade relief from the system, then stand firm. On this side of the aisle, on that side of the aisle, those men who feel that convictions are worth more than expedience; that consistency is more commendable than vacillation; that a degree of independence is more to be prized than the pressure which a leadership can bring to

make men change their minds—those men will stand where they stood yesterday.

Mr. SCOTT. Mr. Chairman, I ask the gentleman to yield to me.

Mr. DITTER. I yield to the gentleman; and I want to say to the gentleman that in using that phrase "pressure of leadership" I do not refer to him. I believe that the gentleman genuinely has accepted the promise which has been given to him by the chairman of the Naval Affairs Committee that the fine cause that he pleaded for yesterday will be carried out by the chairman of the committee. I believe that he genuinely and honestly believes that. I care not what others may think. I care not what others may do. As for myself and for others who rallied to the cause of these service men, I declare with pride we have not, nor will we, give up the ship. Our flag still flies. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. UMSTEAD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. DITTER and Mr. MCFARLANE) there were—ayes 83, noes 110.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. PLUMLEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. PLUMLEY. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PLUMLEY moves to recommit the bill to the Appropriations Committee with instructions to deduct from the appropriations therein made all sums appropriated for the reopening of the ordnance plant at Alexandria, Va.

Mr. UMSTEAD. Mr. Speaker, on the motion to recommit I move the previous question.

The previous question was ordered.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 283, noes 15.

So the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL HOUSING ACT

Mr. STEAGALL. Mr. Speaker, I call up the conference report on the bill (H. R. 8730) to amend the National Housing Act, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'National Housing Act Amendments of 1938.'

"SEC. 2. Subsections (a) and (b) of section 2 of the National Housing Act, as amended, are amended to read as follows:

"'SEC. 2. (a) The Administrator is authorized and empowered, upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which the Administrator finds to be qualified by experience or facilities and approves as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them on and after the date of the enactment of the National Housing Act Amendments of 1938 and prior to July 1, 1939, or such earlier date as the President may fix by proclamation upon his determination that there no longer exists any necessity for such insurance in order to make ample credit available for the purpose of financing alterations, repairs, and improvements upon urban, suburban, or rural real property, by the owners thereof or by lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit. In no case shall the insurance granted by the Administrator under this section to any such financial institution on loans, advances of credit, and purchases made by such financial institution for such purposes on and after the date of the enactment of the National Housing Act Amendments of 1938 exceed 10 per centum of the total amount of such loans, advances of credit, and purchases. The total liability which may be outstanding at any time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted under this section and section 6, as amended, shall not exceed in the aggregate $100,000,000.'

"'(b) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, if the amount of such loan, advance of credit, or purchase exceeds $10,000 with respect to loans, advances, or purchases for financing repairs, alterations, or improvements upon or in connection with existing structures, or exceeds $2,500 with respect to loans, advances, or purchases for financing the building of new structures, nor unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the Administrator shall prescribe in order to make credit available for the purposes of this title.'

"SEC. 3. Title II of the National Housing Act, as amended, is amended to read as follows:

"'TITLE II—MORTGAGE INSURANCE

"'DEFINITIONS

"'SECTION 201. As used in section 203 of this title—

"'(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State, district, or Territory in which the real estate is located, together with the credit instruments, if any, secured thereby.

"'(b) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Administrator; and the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

"'(c) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

"'MUTUAL MORTGAGE INSURANCE FUND

"'SEC. 202. There is hereby created a Mutual Mortgage Insurance Fund (hereinafter referred to as the "Fund"), which shall be used by the Administrator as a revolving fund for carrying out the provisions of this title with respect to mortgages insured under section 203 as hereinafter provided, and there shall be allocated immediately to such Fund the sum of $10,000,000 out of funds made available to the Administrator for the purposes of this title.

"'INSURANCE OF MORTGAGES

"'SEC. 203. (a) The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to him which is eligible for insurance as hereinafter provided, and, upon such terms as the Administrator may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That the aggregate amount of principal obligations of all mortgages insured under this title and outstanding at any one time shall not exceed $2,000,000,000, except that with the approval of the President such aggregate amount may be increased to not to exceed

$3,000,000,000: *Provided further*, That on and after July 1, 1939, no mortgages shall be insured under this title except mortgages (1) that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or (2) that cover property the construction of which was commenced after January 1, 1937, and was completed prior to July 1, 1939, or (3) that cover property which has been previously covered by a mortgage insured by the Administrator.

"'(b) To be eligible for insurance under this section a mortgage shall—

"'(1) Have been made to, and be held by, a mortgagee approved by the Administrator as responsible and able to service the mortgage properly.

"'(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount—

"'(A) not to exceed $16,000 and not to exceed 80 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property upon which there is located a dwelling or dwellings designed principally for residential use for not more than four families in the aggregate, irrespective of whether such dwelling or dwellings have a party wall or are otherwise physically connected with another dwelling or dwellings, or

"'(B) not to exceed $5,400 and not to exceed 90 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property, urban, suburban, or rural, upon which there is located a dwelling designed principally for a single-family residence (i) the construction of which is begun after the date of enactment of the National Housing Act Amendments of 1938 and which is approved for mortgage insurance prior to the beginning of construction, or (ii) the construction of which was begun after January 1, 1937, and prior to the date of enactment of the National Housing Act Amendments of 1938, and which has not been sold or occupied since completion: *Provided*, That with respect to mortgages insured under this paragraph the mortgagor shall be the owner and occupant of the property at the time of the insurance and shall have paid on account of the property at least 10 per centum of the appraised value in cash or its equivalent, or

"'(C) not to exceed $8,600 and not to exceed the sum of (i) 90 per centum of $6,000 of the appraised value (as of the date the mortgage is accepted for insurance) and (ii) 80 per centum of such value in excess of $6,000 and not in excess of $10,000, of a property of the character described in paragraph (2) (B) of this subsection and subject to the same limitations and conditions which apply to such property.

"'(3) Have a maturity satisfactory to the Administrator, but not to exceed twenty years from the date of the insurance of the mortgage: *Provided*, That until July 1, 1939, a mortgage of the character described in paragraph (2) (B) of this subsection shall be eligible for insurance under this section if it has a maturity satisfactory to the Administrator, but not to exceed twenty-five years from the date of the insurance of the mortgage.

"'(4) Contain complete amortization provisions satisfactory to the Administrator requiring periodic payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator.

"'(5) Bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage market demands it.

"'(6) Provide, in a manner satisfactory to the Administrator, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest and to the premium charge which is required for mortgage insurance as hereinafter provided) to amortization of the principal of the mortgage.

"'(7) Contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

"'(c) The Administrator is authorized to fix a premium charge for the insurance of mortgages under this title but in the case of any mortgage such charge shall not be less than an amount equivalent to one-half of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments: *Provided*, That a premium charge so fixed and computed shall also be applicable to each mortgage insured prior to the date of enactment of the National Housing Act Amendments of 1938 in lieu of any premium charge which would otherwise become due after such date with respect to such mortgage: *Provided further*, That in the case of any mortgage described in section 203 (b) (2) (B) and accepted for insurance after such date and prior to July 1, 1939, the premium charge shall be one-fourth of 1 per centum per annum on such outstanding principal obligation. Such premium charges shall be payable by the mortgagee, either in cash, or in debentures issued by the Administrator under this title at par plus accrued interest, in such manner as may be prescribed by the Administrator: *Provided*, That the Administrator may require the payment of one or more such premium charges at the time the mortgage is insured, at such discount rate as he may prescribe not in excess of the interest rate specified in the mortgage. If the Administrator finds upon the presentation of a mortgage for insurance and the tender of the initial premium charge or charges so required that the mortgage complies with the provisions of this section, such mortgage may be accepted for insurance by endorsement or otherwise as the Administrator may prescribe; but no mortgage shall be accepted for insurance under this section unless the Administrator finds that the project with respect to which the mortgage is executed is economically sound. In the event that the principal obligation of any mortgage accepted for insurance under this section or section 210 is paid in full prior to the maturity date, the Administrator is further authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date; and in the event that the principal obligation is paid in full as herein set forth and a mortgage on the same property is accepted for insurance at the time of such payment, the Administrator is authorized to refund to the mortgagee for the account of the mortgagor all, or such portion as he shall determine to be equitable, of the current unearned premium charges theretofore paid.

"'(d) The Administrator is authorized to insure, pursuant to the provisions of this section, any mortgage which (A) covers a farm upon which a farm house or other farm buildings are to be constructed or repaired, and (B) otherwise would be eligible for insurance under the provisions of paragraph (b) of this section: *Provided*, That the construction and repairs to be undertaken on such farm shall involve the expenditure for materials and labor of an amount not less than 15 per centum of the total principal obligation of said mortgage.

"'PAYMENT OF INSURANCE

"'SEC. 204. (a) In any case in which the mortgagee under a mortgage insured under section 203 or section 210 shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, which are liens prior to the mortgage, insurance on the property mortgaged, and any mortgage insurance premiums paid after either of such dates, and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are accepted for insurance prior to July 1, 1939, under section 203 (b) (2) (B) of this Act, and which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75.

"'(b) The Administrator may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

"'(c) Debentures issued under this section shall be in such form and denominations in multiples of $50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed $50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the Fund as to mortgages insured under section 203 and from the Housing Fund as to mortgages insured under section 210.

"'(d) The debentures issued under this section to any mortgagee with respect to mortgages insured under section 203 shall be executed in the name of the Mutual Mortgage Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and shall be negotiable and the debentures issued under this section to any mortgagee with respect to mortgages insured under section 210 shall be executed in the name of the Housing Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and shall be negotiable. All such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was offered for insurance, but not to exceed 3 per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued. Such debentures as are issued in exchange for property covered by mortgages insured under section 203 or section 207 prior to the date of enactment of the National Housing Act Amendments of 1938 shall be subject only to such Federal, State, and local taxes as the mortgages in exchange for which they are issued would be subject to in the hands of the holder of the debentures and shall be a liability of the Fund, but such debentures shall be fully and unconditionally guaranteed as to principal and interest by the United States; but any mortgagee entitled to receive any such debentures may elect to receive in lieu thereof a cash adjustment and debentures issued as hereinafter provided and bearing the current rate of interest. Such debentures as are issued in exchange for property covered by mortgages insured after the date of enactment of the National Housing Act Amendments of 1938 shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; and such debentures shall be paid out of the Fund, or the Housing Fund, as the case may be, which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event that the Fund or the Housing Fund fails to pay upon demand, when due, the principal of or interest on any debentures issued under this section, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

"'The certificate of claim issued by the Administrator to any mortgagee shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, at the time of the conveyance to the Administrator of the property covered by the mortgage, the mortgagor had redeemed the property and paid in full all obligations under the mortgage and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. The amount to which the holder of any such certificate shall be entitled shall be determined as provided in subsection (f).

"'(f) If the net amount realized from any property conveyed to the Administrator under this section and the claims assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:

"'(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

"'(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

"'(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Administrator shall have power to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator as provided in this section: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"'(h) No mortgagee or mortgagor shall have, and no certificate of claim shall be construed to give to any mortgagee or mortgagor, any right or interest in any property conveyed to the Administrator or in any claim assigned to him; nor shall the Administrator owe any duty to any mortgagee or mortgagor with respect to the handling or disposal of any such property or the collection of any such claim.

"'CLASSIFICATION OF MORTGAGES AND REINSURANCE FUND

"'SEC. 205. (a) Mortgages accepted for insurance under section 203 shall be classified into groups in accordance with sound actuarial practice and risk characteristics. Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any such mortgage, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith and all earnings on the assets of the group account shall be credited to the account of the group to which the mortgage is assigned. The principal of and interest paid and to be paid on debentures issued in exchange for property conveyed to the Administrator under section 204 in connection with mortgages insured under section 203, payments made or to be made to the mortgagee and the mortgagor as provided in section 204, and expenses incurred in the handling of the property covered by the mortgage and in the collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.

"'(b) The Administrator shall also provide, in addition to the several group accounts, a general reinsurance account, the credit in which shall be available to cover charges against such group accounts where the amounts credited to such accounts are insufficient to cover such charges. General expenses of operation of the Federal Housing Administration under this title with respect to mortgages insured under section 203 may be allocated in the discretion of the Administrator among the several group accounts or charged to the general reinsurance account, and the amount allocated to the Fund under section 202 shall be credited to the general reinsurance account; except that any expenses incurred with respect to mortgages described in section 203 (b) (2) (B) shall be charged to the general reinsurance account.

"'(c) The Administrator shall terminate the insurance as to any group of mortgages (1) when he shall determine that the amounts to be distributed as hereinafter set forth to each mortgagee under an outstanding mortgage assigned to such group are sufficient to pay off the unpaid principal of each such mortgage, or (2) when all the outstanding mortgages in any group have been paid. Upon such termination the Administrator shall charge to the group account the estimated losses arising from transactions relating to that group, shall transfer to the general reinsurance account an amount equal to 10 per centum of the total premium charges theretofore credited to such group account, and shall distribute to the mortgagees for the benefit and account of the mortgagors of the mortgages assigned to such group the balance remaining in such group account. Any such distribution to mortgagees shall be made equitably and in accordance with sound actuarial and accounting practice.

"'(d) No mortgagor or mortgagee of any mortgage insured under section 203 shall have any vested right in a credit balance in any such account, or be subject to any liability arising out of the mutuality of the Fund, and the determination of the Administrator as to the amount to be paid by him to any mortgagee or mortgagor shall be final and conclusive.

"'(e) In the event that any mortgagee under a mortgage insured under this title forecloses on the mortgaged property but does not convey such property to the Administrator in accordance with section 204, and the Administrator is given written notice thereof, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium charge required under the provisions of section 203 (c), and the Administrator is given written notice by the mortgagee of the payment of such obligation, the obligation to pay any subsequent premium charge for insurance shall cease, and all rights of the mortgagee and the mortgagor under section 204 shall terminate as of the date of such notice. Upon such termination the mortgagor under a mortgage insured under section 203 shall be entitled to receive a share of the credit balance of the group account to which the mortgage has been assigned in such amount as the Administrator shall determine to be equitable and not inconsistent with the solvency of the group account and of the Fund.

"'INVESTMENT OF FUNDS

"'SEC. 206. Moneys in the Fund not needed for the current operations of the Federal Housing Administration shall be deposited with the Treasurer of the United States to the credit of the Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of section 204. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued, and the several group accounts to which such debentures have been charged shall be charged with the amounts used in making such purchases.

"'RENTAL HOUSING INSURANCE

"'SEC. 207. (a) As used in this section—

"'(1) The term "mortgage" means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located or upon which there is to be constructed a building or buildings designed principally for residential use; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district, or Territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and may be in the form of trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments.

"'(2) The term "mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

"'(3) The term "mortgagor" means the original borrower under a mortgage and its successors and assigns.

"'(4) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the periodic payments provided for in the mortgage.

"'(5) The term "slum or blighted area" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

"'(6) The term "rental housing" means housing, the occupancy of which is permitted by the owner thereof in consideration of the payment of agreed charges, whether or not, by the terms of the agreement, such payment over a period of time will entitle the occupant to the ownership of the premises.

"'(b) In addition to mortgages insured under section 203, the Administrator is authorized to insure mortgages as defined in this section (including advances on such mortgages during construction) which cover property held by—

"'(1) Federal or State instrumentalities, municipal corporate instrumentalities of one or more States, or limited dividend corporations formed under and restricted by Federal or State housing laws as to rents, charges, capital structure, rate of return, or methods of operation; or

"'(2) Private corporations, associations, cooperative societies which are legal agents of owner-occupants, or trusts formed or created for the purpose of rehabilitating slum or blighted areas, or providing housing for rent or sale, and which possess powers necessary therefor and incidental thereto, and which, until the termination of all obligations of the Administrator under such insurance, are regulated or restricted by the Administrator as to rents or sales, charges, capital structure, rate of return, and methods of operation to such extent and in such manner as to provide reasonable rentals to tenants and a reasonable return on the investment. The Administrator may make such contracts with, and acquire for not to exceed $100 such stock or interest in, any such corporation, association, cooperative society, or trust as he may deem necessary to render effective such restriction or regulation. Such stock or interest shall be paid for out of such Housing Fund, and shall be redeemed by the corporation, association, cooperative society, or trust at par upon the termination of all obligations of the Administrator under the insurance.

"'(c) To be eligible for insurance under this section a mortgage on any property or project shall involve a principal obligation in an amount not to exceed $5,000,000 and not to exceed 80 per centum of the amount which the Administrator estimates will be the value of the property or project when the proposed improvements are completed, and such part thereof as may be attributable to dwelling use shall not exceed $1,350 per room, and the mortgage shall provide for complete amortization by periodic payments within such term as the Administrator shall prescribe, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time. The Administrator may consent to the release of a part or parts of the mortgaged property from the lien of the mortgage upon such terms and conditions as he may prescribe and the mortgage may provide for such release. No mortgage shall be accepted for insurance under this section or section 210 unless the Administrator finds that the property or project, with respect to which the mortgage is executed, is economically sound.

"'(d) The Administrator shall collect a premium charge for the insurance of mortgages under this section and section 210 which shall be payable annually in advance by the mortgagee, either in cash or in debentures issued by the Administrator under this title at par plus accrued interest. In addition to the premium charge herein provided for, the Administrator is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project offered for insurance and for the inspection of such property or project during construction: *Provided*, That such charges for appraisal and inspection shall not aggregate more than one-half of 1 per centum of the original principal face amount of the mortgage.

"'(e) In the event that the principal obligation of any mortgage accepted or insurance under this section is paid in full prior to the maturity date, the Administrator is authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured until such maturity date.

"'(f) There is hereby created a Housing Insurance Fund (herein referred to as the "Housing Fund") which shall be used by the Administrator as a revolving fund for carrying out the provisions of this section and section 210, and the Administrator is hereby directed to transfer immediately to such Housing Fund the sum of $1,000,000 from that part of the Fund now held by him arising from appraisal fees heretofore collected by him. General expenses of operations of the Federal Housing Administration under this section and section 210 may be charged to the Housing Fund.

"'(g) The failure of the mortgagor to make any payment due under or provided to be paid by the terms of a mortgage insured under this section shall be considered a default under such mortgage and, if such default continues for a period of thirty days, the mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided, upon assignment, transfer, and delivery to the Administrator, within a period and in accordance with rules and regulations to be prescribed by the Administrator of (1) all rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance or surety bonds or other guaranties and any and all claims thereunder; (4) any balance of the mortgage loan not advanced to the mortgagor; (5) any cash or property held by the mortgagee, or to which it is entitled, as deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and (6) all records, documents, books, papers, and accounts relating to the mortgage transactions. Upon such assignment, transfer, and delivery the obligation of the mortgagee to pay the premium charges for mortgage insurance shall cease, and the Administrator shall, subject to the cash adjustment provided for in subsection (j), issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a total face value equal to the original principal face amount of the mortgage plus such amount as the mortgagee may have paid for (A) taxes, special assessments, and water rates, which are liens prior to the mortgage; (B) insurance on the property; and (C) reasonable expenses for the completion and preservation of the property, less the sum of (i) that part of the amount of the principal obligation that has been repaid by the mortgagor, (ii) an amount equivalent to 2 per centum of the unpaid amount of such principal obligation, and (iii) any net income received by the mortgagee from the property: *Provided*, That the mortgagee, in the event of a default under the mortgage, may, at its option and in accordance with rules and regulations to be prescribed by the Administrator, proceed to foreclose on or otherwise acquire the property as provided in the case of a mortgage which is in default under section 210 and receive the benefits of the insurance as provided in such section.

"'(h) The certificate of claim issued by the Administrator to any mortgagee upon the assignment of the mortgage to the Administrator shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Administrator provided for in subsection (g), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. If the net amount realized from the mortgage, and all claims in connection therewith, so assigned, transferred, and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Administrator in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, exceeds the face value of the debentures issued and the cash adjustment paid to the mortgagee plus all interest paid on such debentures, such excess shall be divided as follows:

"'(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

"'(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

"'(i) Debentures issued under this section upon the assignment of an insured mortgage to the Administrator shall be executed in the name of the Housing *Insurance* Fund as obligor, shall be signed by the Administrator, by either his written or engraved signature, and shall be negotiable. They shall bear interest at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was insured, but not to exceed 3 per centum per annum payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the ma-

turity date of the mortgage in exchange for which the debentures were issued. Such debentures as are issued in exchange for mortgages insured after the date of enactment of the National Housing Act Amendments of 1938 shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. They shall be paid out of the Housing Fund which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event the Housing Fund fails to pay upon demand, when due, the principal of or interest on any debentures so guaranteed, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon, to the extent of the amount so paid, the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

"'(j) Debentures issued under this section shall be in such form and denominations in multiples of $50, shall be subject to such terms and conditions, and shall include such provision for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the amount of debentures to which the mortgagee is entitled under this section, and the aggregate face value of the debentures issued, not to exceed $50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the Housing Fund.

"'(k) The Administrator is hereby authorized either to (1) acquire possession of and title to any property, covered by a mortgage insured under this section and assigned to him, by voluntary conveyance in extinguishment of the mortgage indebtedness, or (2) institute proceedings for foreclosure on the property covered by any such insured mortgage and prosecute such proceedings to conclusion. The Administrator shall so acquire possession of and title to the property by voluntary conveyance or institute foreclosure proceedings as provided in this section within a period of one year from the date on which any such mortgage becomes in default under its terms or under the regulations prescribed by the Administrator: *Provided*, That the foregoing provisions shall not be construed in any manner to limit the power of the Administrator to foreclose on the mortgaged property after the expiration of such period, or the right of the mortgagor to reinstate the mortgage by the payment, prior to the expiration of such period, of all delinquencies thereunder. The Administrator at any sale under foreclosure may, in his discretion, for the protection of the Housing Fund, bid any sum up to but not in excess of the total unpaid indebtedness secured by the mortgage, plus taxes, insurance, foreclosure costs, fees, and other expenses, and may become the purchaser of the property at such sale. The Administrator is authorized to pay from the Housing Fund such sums as may be necessary to defray such taxes, insurance, costs, fees, and other expenses in connection with the acquisition or foreclosure of property under this section. Pending such acquisition by voluntary conveyance or by foreclosure, the Administrator is authorized, with respect to any mortgage assigned to him under the provisions of subsection (g), to exercise all the rights of a mortgagee under such mortgage, including the right to sell such mortgage, and to take such action and advance such sums as may be necessary to preserve or protect the lien of such mortgage.

"'(l) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Administrator shall also have power, for the protection of the interests of the Housing Fund, to pay out of the Housing Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in his discretion, any property acquired by him under this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection by way of compromise or otherwise all claims assigned and transferred to him in connection with the assignment, transfer, and delivery provided for in this section, and at any time, upon default, to foreclose on any property secured by any mortgage assigned and transferred to or held by him: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"'(m) Premium charges, adjusted premium charges, and appraisal and other fees, received on account of the insurance of any mortgage insured under this section or section 210, the receipts derived from any such mortgage or claim assigned to the Administrator and from any property acquired by the Administrator, and all earnings on the assets of the Housing Fund, shall be credited to the Housing Fund. The principal of and interest paid and to be paid on debentures issued in exchange for any mortgage or property insured under this section or section 210, cash adjustments, and expenses incurred in the handling of such mortgages or property and in the foreclosure and collection of mortgages and claims assigned to the Administrator under this section or section 210, shall be charged to the Housing Fund.

"'(n) In the event that a mortgage insured under this section becomes in default through failure of the mortgagor to make any payment due under or provided to be paid by the terms of the mortgage and such mortgage continues in default for a period of thirty days, but the mortgagee does not foreclose on or otherwise acquire the property, or does not assign and transfer such mortgage and the credit instrument secured thereby to the Administrator, in accordance with subsection (g), and the Administrator is given written notice thereof, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium charge required under the provisions of subsection (e), and the Administrator is given written notice by the mortgagee of the payment of such obligation, the obligation to pay the annual premium charge for insurance shall cease, and all rights of the mortgagee and the mortgagor under this section shall terminate as of the date of such notice.

"'(o) The Administrator, with the consent of the mortgagee and the mortgagor of a mortgage insured under this section prior to the date of enactment of the National Housing Act Amendments of 1938, shall be empowered to reissue such mortgage insurance in accordance with the provisions of this section as amended by such Act, and any such insurance not so reissued shall not be affected by the enactment of such Act.

"'(p) Moneys in the Housing Fund not needed for current operations of this section and section 210 shall be deposited with the Treasurer of the United States to the credit of the Housing Fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this section and section 204. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this subsection. Debentures so purchased shall be canceled and not reissued.

"'TAXATION PROVISIONS

"'SEC. 208. Nothing in this title shall be construed to exempt any real property acquired and held by the Administrator under this title from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"'STATISTICAL AND ECONOMIC SURVEYS

"'SEC. 209. The Administrator shall cause to be made such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States, and shall publish from time to time the results of such surveys and studies. Expenses of such studies and surveys, and expenses of publication and distribution of the results of such studies and surveys, shall be charged as a general expense of the Fund and the Housing Fund in such proportion as the Administrator shall determine.

"'ADDITIONAL HOUSING INSURANCE

"'SEC. 210. (a) In addition to mortgages insured under sections 203 and 207 the Administrator is authorized to insure mortgages as defined in section 207 (a) (1), including advances on such mortgages during construction, covering property upon which there is located or upon which there is to be constructed one or more multifamily dwellings or a group of not less than ten single-family dwellings: *Provided*, That the property shall have been approved for mortgage insurance prior to the beginning of construction.

"'(b) To be eligible for insurance under this section a mortgage shall—

"'(1) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount in excess of $16,000 but not in excess of $200,000 and not in excess of 80 per centum of the amount which the Administrator estimates will be the value of the property when the proposed improvements are completed, and such part thereof as may be attributable to dwelling use shall not exceed $1,150 per room.

"'(2) Have a maturity satisfactory to the Administrator, but not to exceed twenty-one years and contain complete amortization provisions satisfactory to the Administrator.

"'(3) Bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time.

"'(4) Contain such terms, conditions, and provisions with respect to advances during construction, assurance of completion, recognition of equitable rights of contract purchasers in good standing, release of part of the mortgaged premises from the lien of the mortgage, insurance, repairs, alterations, payment of taxes, default and management reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

"'RULES AND REGULATIONS

"'SEC. 211. The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this title.'

"SEC. 4. Section 301 (a) of such Act is amended to read as follows:

"'SEC. 301. (a) The Administrator is further authorized and empowered to provide for the establishment of national mortgage associations as hereinafter provided which shall be authorized, subject to rules and regulations to be prescribed by the Administrator—

"'(1) To make real-estate loans which are accepted for insurance or insured under Title II of this Act: *Provided*, That no such association controlled or operated by the United States or any agency of the United States shall make any real-estate loan which is accepted for insurance or insured under section 203 of this Act;

"'(2) To purchase, service, or sell any mortgages, or partial interests therein, which are insured under Title II of this Act;

"'(3) To purchase, service, or sell uninsured first mortgages and such other liens as are commonly given under the laws of the State, district, or Territory in which the real estate is located to secure advances upon real estate held in fee simple, or under a lease for not less than ninety-nine years which is renewable, or under a lease having a period of not less than fifty years to run from the date the mortgage was executed, together with the credit instruments, if any, secured thereby; but the amount of the principal obligation of any such uninsured mortgage shall not exceed 60 per centum of the appraised value of the property as of the date the mortgage is purchased by the association; and

"'(4) To borrow money for any of the foregoing purposes through the issuance of notes, bonds, debentures, or other such obligations as hereinafter provided.'

"SEC. 5. Section 301 (d) of such Act is amended to read as follows:

"'(d) No association shall transact any business except such as is incidental to its organization until it has been authorized to do so by the Administrator. Each such association shall have a capital stock of a par value of not less than $2,000,000, and no authorization to commence business shall be granted by the Administrator to any such association until he is satisfied that such capital stock has been subscribed for at not less than par and that at least 25 per centum thereof has been paid in cash, or in Government securities at their par value, or in first mortgages or such other first liens as are described in section 301 (a) hereof, which mortgages or liens shall be taken at such value as the Administrator may determine, not exceeding (except as to mortgages insured under title II of this Act) 60 per centum of the appraised value of the property as of the date of subscription, and that the remainder of the subscription to such capital stock is payable in the same manner and at such time as may be determined by the Administrator: *Provided*, That no association shall issue notes, bonds, debentures, or other such obligations until such time as such subscriptions are paid in full in cash or Government securities at their par value or in mortgages or other liens as hereinbefore set forth.'

"SEC. 6. Section 302 of such Act is amended to real as follows:

"'SEC. 302. Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twenty times the amount of its paid-up capital and surplus, and in no event to exceed (2) the current unpaid principal of mortgages held by it and insured under the provisions of title II of this Act, plus the amount of its cash on hand and on deposit and the amortized value of its investments in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money otherwise than through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe. An association may, if its bylaws so provide, accept any notes, bonds, debentures, or other obligations issued by it in payment of obligations due it at par plus accrued interest: *Provided*, That such notes, bonds, debentures, or other obligations so accepted shall be canceled and not reissued.'

"SEC. 7. Section 303 of such Act is amended to read as follows:

"'SEC. 303. Moneys of any national mortgage association not invested in first mortgages or other liens as provided in section 301, or in operating facilities approved by the Administrator, shall be kept in cash on hand or on deposit, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States; except that each such association shall keep and maintain such reserves as the Administrator shall by rules and regulations prescribe, and may purchase in the open market notes, bonds, debentures, or other such obligations issued under section 302.'

"SEC. 8. Section 307 of such act is amended to read as follows:

"'SEC. 307. All notes, bonds, debentures, or other obligations issued by any national mortgage association shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. Every national mortgage association, including its franchise, capital, reserves, surplus, mortgage loans, income, and stock, shall be exempt from taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. Nothing herein shall be construed to exempt the real property of such association from taxation by any State, county, municipality, or local taxing authority to the same extent according to its value as other real property is taxed.'

"SEC. 9. Section 512 (a) of such Act is amended to read as follows:

"'SEC. 512. (a) Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that such loan or advance of credit shall be offered to or accepted by the Federal Housing Administration for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage insured by the said Administration, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Administration under this Act, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be punished by a fine of not more than $3,000 or by imprisonment for not more than two years, or both.'

"SEC. 10. Section 512 of such Act is further amended by adding at the end thereof the following new subsections:

"'(d) No individual, association, partnership, or corporation shall hereafter, while the Federal Housing Administration exists, use the words "Federal Housing" or "National Housing", or any combination or variation of any of these words, alone or with other words, as the name, under which he or it shall do business, which shall have the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with, or authorization from, the Federal Housing Administration, the Government of the United States, or any instrumentality thereof, where such connection or authorization does not, in fact, exist. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Federal Housing Administration, or by the Government of the United States, or by any instrumentality thereof. Every violation of this subsection shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"'(e) Whoever, for the purpose of inducing the insurance of the accounts of any institution by the Federal Savings and Loan Insurance Corporation or for the purpose of obtaining any extension, or renewal of such insurance by said Corporation or for the purpose of influencing in any way the action of the said Corporation under this Act, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published, any statement, knowing the same to be false, or utters, forges, or counterfeits, or causes or procures to be uttered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been uttered, forged, or counterfeited, or willfully overvalues any security, asset, or income, of any institution insured or applying for insurance by said Corporation, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

"'(f) Any person who willfully and knowingly makes, circulates, or transmits to another or others any statement, or rumor written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of the Federal Savings and Loan Insurance Corporation, or who knowingly counsels, aids, procures, or induces another to start, transmit, or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine or not more than $1,000 or by imprisonment of not exceeding one year, or both.'

"SEC. 11. Title V of such Act is further amended by adding after section 513 thereof the following new section:

"'SEC. 514. The provisions of section 10 (a) 1 and 10b of the Federal Home Loan Bank Act, as amended (49 Stats. 294, 295); paragraph seventh of section 5136 of the Revised Statutes, as amended (49 Stats. 709); section 24 of the Federal Reserve Act, as amended (49 Stats. 706); subsection (n) of section 77B of the Bankruptcy Act, as amended (49 Stats. 664); section 5 (c) of the Act approved January 31, 1935, continuing and extending the functions of the Reconstruction Finance Corporation (49 Stats. 1); and all other provisions of law establishing rights under mortgages insured in accordance with the provisions of the National Housing Act, shall be held to apply to such Act, as amended.'

"SEC. 12. (a) Section 35 of chapter III of the Act entitled 'An Act to regulate the business of life insurance in the District of Columbia', approved June 19, 1934 (48 Stat. 1152), is amended by inserting between paragraph (3) and paragraph (4) of such section a new paragraph to read as follows:

"'(3a) Bonds or notes secured by mortgages insured by the Federal Housing Administrator: *Provided*, That the restrictions in paragraph (3) of this section in regard to the ratio of the loan to the value of the property shall not apply to such insured mortgages.'

"(b) Paragraph (4) of section 35 of such Act is amended to read as follows:

"'(4) Bonds or other evidences of indebtedness of the farm loan banks authorized under the Federal Farm Loan Act or Acts amendatory thereof or supplementary thereto, and bonds or other evidences of indebtedness of national mortgage associations.'

"SEC. 13. The last sentence of paragraph "Seventh" of section 5136 of the Revised Statutes, as amended, is further amended by

inserting before the colon after the words 'guaranteed as to principal and interest by the United States' a comma and the following: 'or obligations of national mortgage associations'."

And the Senate agree to the same.

HENRY B. STEAGALL,
T. ALAN GOLDSBOROUGH,
M. K. REILLY,
HAMILTON FISH,
Managers on the part of the House.

ROBERT F. WAGNER,
ROBERT J. BULKLEY,
ALBEN W. BARKLEY,
FREDERICK STEIWER,
J. G. TOWNSEND, JR.,
HERBERT E. HITCHCOCK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 8730) to amend the National Housing Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment is in the form of a substitute for all of the House bill after the enacting clause. Both the House bill and the Senate amendment consist almost entirely of substantially similar amendments to the National Housing Act, but the Senate amendment, in addition to its substantive provisions differing from the House bill, includes numerous clerical or formal changes, and its arrangement is different from the House bill. The bill as agreed to by the conference is a substitute for both the House bill and the Senate amendment, and it adopts most of the clerical changes and follows the form and arrangement of the Senate amendment. In order to conform to this form and arrangement the amendments to section 2 (title I) of the National Housing Act are changed in form and placed ahead of the amendments to title II.

Maximum amount of insurance under title II of the National Housing Act

The House bill (sec. 5) and the Senate amendment in substantially similar language amend section 203 (a) of the National Housing Act to make the maximum limit on mortgage insurance under title II (which in sec. 203 (a) is fixed at $2,000,000,000, except with the approval of the President) apply to the aggregate amount of principal obligations of insured mortgages outstanding at any one time instead of to the aggregate original face amounts of the mortgages insured, but the Senate amendment provides that the aggregate amount of outstanding insurance liability, when increased with the approval of the President, shall not exceed $3,000,000,000. The conference agreement adopts the Senate provision.

Insurance of mortgages on property not approved for insurance before completion

The House bill (sec. 5) amends section 203 (a) of the National Housing Act by adding a proviso which prohibits after July 1, 1939, the insurance (under any section of title II of the Housing Act) of mortgages on property not approved for insurance prior to completion of construction, unless the construction was commenced after June 27, 1934, and completed before July 1, 1939. The Senate amendment prohibits, after July 1, 1939, insurance of mortgages on unapproved properties unless the construction was commenced after January 1, 1937, and was completed before July 1, 1939. The conference agreement adopts the Senate provision.

Approval of mortgages

The House bill (sec. 6) and the Senate amendment in amending section 203 (b) (1) of the Housing Act both require that, to be eligible for insurance under such section, the mortgage be held by a mortgagee approved by the Administrator as responsible and able to service the mortgage properly; but the Senate amendment also requires that the mortgage shall have been made to a mortgagee likewise approved by the Administrator. The conference agreement adopts the Senate provision.

Insurance of mortgages covering up to 90 percent of appraised value of single-family residences

The House bill (secs. 7, 8, and 9) amends section 203 (b) and section 203 (c) of the National Housing Act to provide for the insurance of mortgages which cover up to 90 percent of the appraised value of the property, urban or rural, with respect to mortgages not in excess of $5,400 (par. (2) (B) of sec. 203 (b)), and up to 90 percent on the first $6,000 of the appraised value plus 80 percent of the balance with respect to property having an appraised value in excess of $6,000 but not in excess of $10,000 (par. (2) (C) of sec. 203 (b)). The House bill also permits a minimum premium charge of one-fourth percent for the insurance of mortgages accepted for insurance under paragraph (2) (B) before July 1, 1939.

The Senate amendment contains similar provisions, but omits the phrase "urban or rural" in paragraph (2) (B), prohibits acceptance of any such mortgages for insurance under either paragraph (2) (B) or (2) (C) after July 1, 1942 (sec. 203 (b) (2) (C)), permits until July 1, 1939, the 90-percent mortgages under paragraph (2) (B) to be eligible for insurance if the maturity date does not exceed 25 years (instead of the 20-year period in the House bill and in sec. 203 (b) (3) of the Housing Act), requires that the insurance premium charge on the 90-percent mortgages under paragraph (2) (B) be one-fourth of 1 percent, provides that all other premium charges for insurance under any section of title II shall be within the minimum of one-half percent and the maximum of 1 percent now applicable to insurance under section 203, and provides that the premium charges fixed under the act as amended by the bill (H. R. 8730) shall be applicable to mortgages insured prior to the date of enactment of the bill so far as computation of premium charges accruing after such date is concerned (sec. 203 (c) of the Housing Act). The Senate amendment also provides that expenses incurred in respect of mortgages insured under paragraph (2) (B) be charged to the general reinsurance account (sec. 205 (b) of the Housing Act).

The conference agreement retains the House provision relating to insurance of 90-percent mortgages on urban and rural property with a clarifying change; omits the Senate provision prohibiting insurance of mortgages under paragraph (2) (B) and (2) (C) after July 1, 1942; adopts the Senate provisions relating to insurance of the 90-percent mortgages (par. (2) (B)) with 25-year maturity periods, making the one-fourth-percent premium charge mandatory in the case of such mortgages and providing that expenses incurred in connection with such mortgages be charged to the general reinsurance account; and adopts the Senate provisions making the 1-percent maximum premium charge and the one-half-percent minimum charge applicable to insurance of all other mortgages, and making such premium charges applicable to existing insurance in the cases of premium charges becoming due after the enactment of the bill, with clarifying language to provide that the one-fourth-percent premium charge will not apply to any mortgages insured prior to such enactment.

Insurance of farm home mortgages

The Senate amendment adds a new subsection (d) at the end of section 203 of the Housing Act to provide for the insurance of mortgages (otherwise eligible for insurance under section 203 (b)) covering farms upon which a farmhouse or other farm buildings are to be constructed or repaired, subject to the conditions that the expenditures for materials and labor in the proposed construction or repair be not less than 15 percent of the amount of the mortgage, that credit on equally advantageous terms cannot be obtained from other sources, and that the Secretary of Agriculture or his designee certify to the reasonable probability of payment out of returns from operation of the farm. The only comparable provision in the House bill is that which includes urban and rural property in section 203 (b) (2) (B) which was adopted by the conference agreement.

The conference agreement adopts these provisions to provide for insurance of mortgages otherwise eligible for insurance under section 203 (b) covering farms upon which farmhouses or other farm buildings are to be constructed or repaired, including the requirement as to the ratio of expenditures for material and labor to the amount of the mortgage, but omitting the other limitations and conditions relating to availability of credit and to certification by the Secretary of Agriculture as to probability of payment.

Debentures

The House bill (sec. 11) and the Senate amendment both amend section 204 (b) of the Housing Act to provide for exemption from taxation of debentures issued by the Administrator in connection with mortgages insured under section 203 or section 210 of the Housing Act. The Senate amendment, in addition to certain clarifying changes in the section, also provides that debentures issued in connection with mortgages insured under section 203 or 207 prior to the enactment of the bill shall continue with the same tax liability now prescribed in the Housing Act, but permits mortgagees entitled to receive such debentures to receive debentures issued under the amended act, with interest at the current rate in case of new insurance. It further specifies the respective liabilities of the mutual mortgage insurance fund and the housing insurance fund in connection with insurance under section 203 and section 210 of the Housing Act; and provides that the determination of the Administrator as to the interest rate on debentures issued in connection with mortgages insured under sections 203, 207, or 210 shall be subject to the approval of the Secretary of the Treasury (sec. 204 (d) and sec. 207 (i) of the Senate amendment). The conference agreement adopts the House provision as modified by these provisions of the Senate amendment.

Certificates of claim

The House bill (sec. 12) in addition to certain clarifying changes in section 204 (c) of the Housing Act (relating to the issuance of certificates of claim to the mortgagees) provides that the certificates of claim shall cover the reasonable necessary expenses of the mortgagee in foreclosing the mortgage or otherwise acquiring and conveying the property, and that the increment accruing at a rate of 3 percent to the holder of the certificate shall not be compounded. The Senate amendment provides that certificates cover all obligations arising out of the foreclosure proceedings, and omits the provision against compounding. The conference agreement retains the House provisions allowing such reasonable necessary expenses to be covered in the certificate and prohibiting the compounding of increment on the certificate.

Contracts of the Administrator

The House bill (sec. 14) amends section 204 (e) of the Housing Act to exempt from the operation of section 3709 of the Revised Statutes (requiring advertisements for bids in case of contracts or purchases of supplies) purchases or services on account of property conveyed to the Administrator in exchange for debentures and certificates of claim. The Senate amendment limits such exemption to purchases or contracts for services or supplies (including contracts for hazard insurance) on account of such property to cases where the amount thereof does not exceed $1,000. Similar differences between the House bill and the Senate amendment appear in a like provision in section 207 (l) of the Senate amendment (sec. 207 (j) of the House bill). The conference agreement in both places retains the House provision as modified by the Senate amendment.

Termination of insurance

The House bill (sec. 20) makes several clarifying amendments to section 205 (f) of the Housing Act (relating to the termination of insurance of mortgages foreclosed without conveyance of the property involved to the Administrator). The Senate amendment in addition provides that before the insurance shall terminate, the notice of foreclosure without conveyance to the Administrator and the notice to the Administrator of payment of the obligation by the mortgagor before maturity under such section shall be in writing, and the mortgagee shall pay the adjusted premium charge required under section 203 (c). The conference agreement adopts the House provision as modified by the Senate amendment, except that it is provided that the notice to the Administrator of payment of the obligation by the mortgagor prior to maturity shall be given by the mortgagee.

Insurance of mortgages on large-scale rental projects (sec. 207)

The House bill (sec. 22) entirely rewrites section 207 of the Housing Act relating to the insurance of mortgages on large-scale residential rental projects held by public or quasi-public housing agencies or by limited dividend corporations, and permits private corporations or associations holding such property to be eligible for mortgage insurance under certain conditions. The Senate amendment to the same section also extends eligibility for insurance to cooperative societies (sec. 207 (b) (2)); inserts a provision limiting rentals and returns on insured projects to those which are reasonable (sec. 207 (b) (2)); changes the cost limit per room from $1,200 (House bill) to $1,350 (sec. 207 (c)); limits eligibility for insurance to those mortgages bearing interest not in excess of 5 percent on the outstanding balance (sec. 207 (c)); provides for the issuance of certificates of claim (sec. 207 (h)) similar to those issued under section 203; and provides that debentures issued in respect of mortgages insured under section 207 be reduced in amount by 5 percent of the unpaid balance of the principal obligation when there is an assignment of the mortgage in case of a default (sec. 207 (f)). The conference agreement adopts the House provisions with the additional provisions of the Senate amendment, except that the conference agreement provides that the increment accruing on the debentures shall not be compounded, and that the debentures be reduced in amount by 2 percent of the unpaid balance of the principal obligation when the mortgage is so assigned, and allows the mortgagee, when at his option he forecloses and transfers the property to the Administrator, to get the benefits of the insurance without such deduction.

Multifamily and group-dwelling insurance (sec. 210)

The House bill (sec. 25) adds a new section 210 to the Housing Act to provide for the insurance of mortgages on property with one or more multifamily dwellings or a group of not less than 25 single-family dwellings. The Senate amendment reduces the group requirement to 10 (sec. 210 (a)); limits the maximum appraised value of the project to $200,000 in place of the $250,000 limit of the House bill; raises the cost-per-room limit from $1,000 (House bill) to $1,150 (sec. 210 (b)); and makes it a requirement for eligibility for insurance that the interest rate on the outstanding balances of the mortgage indebtedness shall not exceed 5 percent (sec. 210 (b) (3)). The Senate amendment also makes certain drafting changes eliminating subsections (c), (d), and (e) of section 210 as contained in the House bill by using the device of cross-reference to analogous provisions of title II. The conference agreement adopts the House provisions as modified by the Senate amendment with drafting changes making the cross-references unnecessary.

Rules and regulations and labor standards

The House bill (secs. 22 and 25) by separate provisions authorizes the Administrator to make rules and regulations to carry out section 207 and section 210. The Senate amendment combines these provisions in a new section 211 at the end of title II and adds provisos requiring that the rates of pay of persons employed upon the construction of property covered by an insured mortgage shall not be less than the prevailing rates of pay for work of similar nature in the same locality as determined by the Secretary of Labor, with the approval of the President, and that adequate labor standards shall be maintained on all construction on property covered by insured mortgages. The conference agreement adopts the Senate provision on rules and regulations and omits the provisos with respect to rates of pay and labor standards.

National mortgage associations (title III)

The House bill (sec. 26) amends section 301 (a) of the Housing Act to permit national mortgage associations to make loans and advances on mortgages insured under section 207, to purchase, service, and sell mortgages insured under title II, and to purchase, service, and sell other mortgages upon the condition that such mortgages (except in case of insured mortgages) shall not exceed 60 percent of the appraised value of the property as of the date of purchase by the association. The Senate amendment retains those provisions with certain rearrangements and clarifying changes but also permits loans and advances to be made on mortgages insured under title II, and prohibits any such association controlled or operated by the United States or any agency of the United States from making any loan or advance on a mortgage insured under section 203. The conference agreement adopts the Senate provisions with certain clarifications of language.

The House bill (sec. 28) amends section 302 of the Housing Act to increase the limit upon the aggregate amount of obligations issued by a national mortgage association from 12 times the paid-in capital and surplus to 20 times such amount. The Senate amendment fixes the limit at 15 times such amount. The conference agreement retains the House provision.

HENRY B. STEAGALL,
T. ALAN GOLDSBOROUGH,
M. K. REILLY,
HAMILTON FISH,
Managers on the part of the House.

Mr. STEAGALL. Mr. Speaker, I do not deem it necessary to consume the time of the House with any extended statement in connection with this report. It is sufficient to say that while there have been numerous amendments offered by the Senate and retained in conference, with very few exceptions, all such amendments are of a clarifying technical nature and involve no matters in dispute. The substantial changes are few and they are not serious departures from the provisions of the bill as it passed the House. Briefly, these substantial changes are as follows:

The House bill provided that after July 1, 1939, the insurance operations of the Federal Housing Administration shall be limited to new construction and houses constructed between June 27, 1934, and July 1, 1939. The Senate amendment makes the limitation apply to houses constructed between January 1, 1937, and July 1, 1939, and limits the amount to which the President may increase the insurance to $3,000,000,000. The Senate provisions were adopted by the conference.

The Senate amendment provided that 90-percent mortgages may be for as long as 25 years. There was no such provision in the House bill. This provision was adopted.

The Senate amendment provided that the new basis of computing insurance premiums shall apply to future payments on existing insurance. This provision was adopted.

The Senate amendment made eligible for insurance loans on farms under certain conditions, among which were the conditions that the loan could not be obtained elsewhere on equally satisfactory terms, and that the Secretary of Agriculture should certify to the soundness of the loan. The Senate amendment was agreed to, omitting these two conditions.

With respect to the large-scale operations under section 207, under the House bill the limit of the mortgage per room is put at $1,200, while under the Senate amendment the limit is $1,350. The Senate provision was adopted.

The House bill provided for the delivery of debentures equal to the full amount of the mortgage upon the assignment of the mortgage, while the Senate amendment provided for the delivery of the debentures to the extent of 95 percent of the mortgage upon assignment. The conference agreement provides that the amount of the debentures should be 98 percent of the mortgage with the option to the mortgagee to foreclose the mortgage at its own expense.

With respect to multifamily and group-house loans, under the new section 210 of the House bill, the limit of the amount of the insurance per room is $1,000 and the maximum amount of the mortgage is $250,000, whereas in the Senate amendment the limitation is $1,150 per room, and the maximum amount of the mortgage is $200,000. The Senate provisions were adopted.

Under both section 207 and section 210 the Senate amendment limited the interest rates to 5 percent for insurable mortgages, and these provisions were adopted.

Under the House bill, the operations of national mortgage associations were limited as to the purchase and sale of individual house mortgages insured under section 203 and operations under the new section 210, but permits them to

originate mortgages under section 207. The Senate amendment permits them to originate any insured mortgages, except that associations controlled or operated by the Government cannot originate mortgages insured under section 203. The Senate provisions were adopted.

Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, there are some very vital changes in the bill; and because I could not agree with the Senate or with the action of the House conferees in agreeing to the Senate amendments, I did not sign the conference report.

Briefly, the changes that the Senate made and the condition of the bill at the present time compared with what it was when it passed the House is about as follows: We set a ceiling on the total amount of the mortgages which might be outstanding at $2,000,000,000. The Senate amended that so that the President in his discretion could increase it another billion dollars, which would make a total of $3,000,000,000 which may be outstanding at any one time.

It will be recalled that the House adopted an amendment to the bill including rural as well as urban property. This stayed in the bill; but there is added to the bill suburban property, because we thought there might be a limitation on property right outside of cities which was not purely urban or rural.

On 90-percent loans the period of amortization is increased from 20 years to 25 years, so that the mortgages which are insured now upon the 90-percent basis may be amortized over a period of 25 years instead of 20. I think this is a rather desirable amendment inasmuch as it reduces the monthly amortized payments. The payments will be reduced by about $4.50 or $5 and it will add only about $100 interest to a mortgage of $5,400.

The so-called La Follette amendment which had to do with the insurance of loans on farm buildings has stayed in the bill so that we clarify any doubt there was concerning whether the bill applies to farm property. It does very decidedly now, under the La Follette amendment.

Some of the Members from urban communities were concerned about the limit placed upon multiple-dwelling units of $1,200 per room.

This has been increased to $1,350 a room, which is undoubtedly desirable.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. What limit was finally put on the multiple dwelling, $200,000 or $250,000?

Mr. WOLCOTT. I was coming to that point. The House provided a ceiling of $250,000. The Senate amended it and cut it to $200,000, and we yielded on that; so if the conference report is adopted the ceiling will be $200,000 instead of $250,000.

Mr. O'CONNOR of New York. And not over $1,350 a room?

Mr. WOLCOTT. The gentleman is correct.

Mr. O'CONNOR of New York. Does this apply to multiple dwellings of 25 families or 10 families?

Mr. WOLCOTT. I believe we reduced it to 10 families.

I do want to call attention to what I consider the major change in this bill, and this has to do with the creation of national mortgage associations. There are many, especially on this side of the aisle, who have taken a very firm stand against regimentation of industry, business, and agriculture, and have looked forward with some degree of concern to the day when the Federal Government might control the credit of this Nation. I may say this bill as it will be enacted, if you adopt this conference report, will create a situation whereby national mortgage associations may be created in any given city—New York, Washington, Chicago, or San Francisco. It matters not where the home office is, the home office can make loans as well as service and buy and sell mortgages.

National mortgage associations will be authorized to make loans in competition with every building and loan association, bank, trust company, or other lending agency in the United States. We have opened the door wide for the Government to finance private national mortgage associations, whose purposes may be to take over the home-building credit facilities of this Nation. I do not want to do this, and this is why I did not sign the conference report.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I will yield if the gentleman will give me 2 additional minutes.

Mr. STEAGALL. Go ahead.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Missouri.

Mr. WILLIAMS. In what respect does the conference report change the bill as it applies to national mortgage associations from the bill we passed?

Mr. WOLCOTT. The bill as it passed the House provided that the Administrator be authorized and empowered to provide for the establishment of national mortgage associations, which shall be authorized, subject to rules and regulations, to purchase, service, and sell first mortgages. The Senate amended this language so it now reads:

> To make loans and advances upon real-estate mortgages which are accepted for insurance or insured under title II.

The only restriction against the national mortgage associations making loans in every hamlet in the United States under title II of this act is contained in the proviso that no such association controlled or operated by the United States or any agency of the United States shall make any loan or advance upon mortgages which are accepted for insurance or insured under section 203 of this act. The only limitation in this act against the national mortgage associations' coming in competition with every lending agency in the United States is with respect to the 90-percent loans, and then only if the national mortgage association is operated or controlled by the United States Government or any agency thereof.

There is nothing in this bill to prevent the Reconstruction Finance Corporation from investing in the capital stock or the indentures of any national mortgage association, which can spread out like an octopus and take unto itself the building credit facilities of this Nation. I think the House should know what it is doing in that respect before it adopts this conference report. You go back home after you have adopted this conference report and explain to the millions of shareholders in your building and loan associations and the millions of depositors in your banks, who are now receiving not to exceed 2 percent interest on their deposits, and in many instances 1 percent, because a large amount of the profitable business has already been taken from the banks, so it is necessary to give the depositors a yield of only what the banks can make on their investments in Government bonds, that you have created a situation where the banks, the building and loan associations, and the trust companies must go out of the real-estate investment field to the prejudice of the shareholders and depositors. Explain this to them to their satisfaction, if you can. I do not believe you can. I do not believe we should be compelled to set up this giant octopus to take over real-estate credits under the control of any private enterprise subsidized with Government funds.

Mr. KRAMER. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from California.

Mr. KRAMER. The gentleman also knows the banks have decreased the rate of interest they are paying to depositors in most of the States. For instance, in California they have more than cut the rate in two.

Mr. WOLCOTT. Yes. This is necessitated by the fact we have established a system whereby the Federal Government is manufacturing the credit which normally and naturally flows from these institutions that have on deposit the people's money. If these institutions cannot invest their deposits profitably, they cannot pay a profitable rate of interest on such deposits.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the gentleman from Michigan has made a very thorough and complete statement in regard to the conference report. I do not believe it is possible to write a perfect housing bill, but the purpose of the bill is correct, to promote home owning in the United States and make it easier for the American people to construct and own their own homes.

This bill provides these homes shall be built by private industry, the money shall come from private sources, and the home owner himself must put up 10 percent before the building can be erected. I do not see any reason why the Republicans should be opposed to legislation of this kind. We have been advocating this type of legislation for a long while. The main purpose is simply this. We are way behind the rest of the world in building private homes for our wage earners and this measure merely facilitates that useful purpose.

The reason I rise to speak today is that I want to take this opportunity to warn against too much optimism sweeping the country as people will be told by extensive propaganda that the American wage earner is going to start right in immediately to build homes. Of course, this is not a fact. With 11,000,000 wage earners unemployed, American wage earners are not going to put up the initial 10 percent immediately, in days of depression when they are fearful of the jobs they have and of the future. I anticipate a vast amount of propaganda, an exessive amount of propaganda, stating this is the way out of the depression, that the enactment of this housing bill, will mean $16,000,000,000 will be spent and that 1,000,000 men will be put back to work immediately in building these needed homes.

The so-called Lodge amendment, providing for the prevailing wage scale in each community and backed by the American Federation of Labor, under the rules governing this conference report, cannot be considered. The Senate conferees receded on their own amendment and there is no parliamentary way of bringing the matter before the House for a vote.

I am in favor of the legislation as it will eventually promote the owning of homes by the American people and thus will tend to curb radicalism, socialism, and communism. This proposed housing merely gives an opportunity to the wage earner himself, who wants to build his home, who has sufficient money to put up the 10 percent, and such wage earners will put that amount just as soon as confidence in this country is restored and they are assured of permanent jobs. When that times comes, whether it is 6 months from now or a year from now, this bill will be immediately effective, and I hope it will pass by a unanimous vote. [Applause.]

Mr. STEAGALL. Mr. Speaker, in answer to the statement of the gentleman from Michigan [Mr. WOLCOTT], I may say that the only change made by the Senate and agreed to in conference with respect to original loans permitted to be made by national mortgage associations is a provision added by the Senate which permits such loans under section 203 of the bill, which includes the insurance of mortgages under the 90-percent provision and fixes the insurance premium at one-fourth of 1 percent for such mortgages. No such loans may be made by national mortgage associations except those which are privately owned.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on this report.

The SPEAKER. Is there objection to the request of the geneleman from Alabama?

There was no objection.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman for a question.

Mr. SPENCE. I would like to know how the conference agreement enlarges the powers of the national mortgage associations? Under the bill as it passed the House they could not go into direct competition with the local lending institutions. I understand now if the national mortgage associations come under the control of private enterprise—that is, if the Reconstruction Finance Corporation gets out of the picture—then they come in direct competition with the building and loan associations.

Mr. STEAGALL. They are permitted to make loans, as I stated. The provision added by the Senate permits insured loans to be made, when covering individual houses, only when the ownership of the national association is in private hands.

Mr. SPENCE. That is a great enlargement of their powers that was not incorporated in the bill as it passed the House, and puts them in competition with local lending institutions, to the detriment, I think, of the local lending institutions. I am very much opposed to any enlargement of their powers, and I am sorry the conferees agreed to any such enlargement of the powers of the national mortgage associations.

Mr. STEAGALL. Well, of course, it is fair to say that such competition, as pointed out by the gentleman, is maintained now by insurance companies and the various lending agencies that engage in business of this type. The Government is not entering into this competition with private business any more in chartering one of these associations than in the case of the charter of a national bank or any other institution.

Mr. SPENCE. But the insurance companies and other private enterprises do not have the same advantages that a national mortgage association has, which can issue debentures free of both State and Federal taxes. It has many advantages and puts the local institution at a great disadvantage coming in contact with this Government-owned and originally Government-controlled enterprise. They still have the same advantages even when they go into private hands.

Mr. STEAGALL. Of course, the purpose of this legislation is to supplement and go forward with a construction program that is now lagging under present conditions.

The fact of the matter is that there is very little construction of houses going on today, and the purpose of this legislation is to give an impetus to such building, with the result that there will be an increased business for all institutions engaged in mortgage lending.

Mr. Speaker, I move the previous question on the conference report.

Mr. WOLCOTT. Mr. Speaker, will the gentleman withhold that a moment so I may ask the gentleman to yield 5 minutes to the gentleman from Massachusetts [Mr. LUCE]?

Mr. STEAGALL. Does the gentleman from Massachusetts ask me to yield him 5 minutes?

Mr. LUCE. Yes.

Mr. STEAGALL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts and withdraw the motion for the previous question.

The SPEAKER. The gentleman temporarily withdraws his motion for the previous question, and the gentleman from Massachusetts is recognized for 5 minutes.

Mr. LUCE. Mr. Speaker, I wish to call attention to the fact that such study as I have been able to give to the report of the conference committee, reading it carefully two or three times, does not disclose to me that there has been any provision agreed to by the committee preventing the insuring of apartment houses up to $200,000. This was called to the attention of the House in the main debate, and I speak of it now merely to emphasize the fact that the Nation is embarking in financing private enterprise to the extent that it is to insure new apartment houses up to $200,000. This seems to me a step in the direction of the entrance of Government into business that is deplorable. Of course, I realize that at this time there is no hope of getting further consideration for the matter, but this feature of the housing bill ought to be understood by the Members so that they may meet criticism in respect to it when they get home.

Further, no particular attention has been given to the fact that tax-exempt securities are to be issued, tax-exempt securities which will add one more to the escapes from local taxation that some of us have thought to be unfortunate. There will be no direct exemption in this particular, but the debentures to be issued, which furnish the money with which the enterprise is to be conducted, are not to be exposed to

local taxation. This is a great question that is deserving debate by itself. It has been discussed frequently in the House and throughout the country, and is sure to be discussed further. It seems unfortunate that we should here take a step that could not be brought squarely to the attention of the House in such a way that we might ascertain once and for all whether it is the will of Congress that the issue of tax-exempt securities shall be extended.

Regretting that these things could not have had the discussion in respect to them I think they should have, I wish to place myself on record as opposed to the Government financing of apartment houses, even though indirectly, and to the issuance of tax-exempt securities for such purposes.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. O'CONNOR of New York. How does the gentleman distinguish between the individual home, which the Government will finance, and the multiple dwellings in cities, which are necessary? If the Government is going into the business of helping individual homes, should it not help with multiple dwellings, which is at least the home of the city dweller? Where is the distinction?

Mr. LUCE. If the gentleman will examine the bill and read the testimony before the committee some years ago and recently, he will see that measures of this sort will not help those who dwell in the heart of big cities except in the one form of slum clearance. The cost of land is so great in the heart of large cities that those of scanty means who dwell there can never hope for benefits from this legislation, in my judgment.

Mr. O'CONNOR of New York. This multiple-dwelling measure should help in the matter of the so-called walk-up apartments. That is the home of these people, and if the Government is interested in homes, it ought to be just as much interested in those people as it is in the individual home in the suburbs.

Mr. LUCE. That argument would not appeal to a man like myself who believes that the apartment house is a curse on humanity.

Mr. O'CONNOR of New York. The gentleman, of course, has lived all of his life among those rolling green hills of Waltham, a suburb of the city of Boston. It is fortunate that he was not compelled to live in Boston, but some people are compelled to live in the congested areas, and they think their apartment is a home.

The SPEAKER. The time of the gentleman from Massachusetts has expired. The question is on the motion of the gentleman from Alabama to order the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, my colleague [Mr. KELLY of New York] is unavoidably detained today. He had to return to his district because of business. He has asked me to obtain permission for him to extend his remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

CROP-PRODUCTION LOANS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I commend the House on its action today in passing the resolution making appropriation for crop-production loans and harvest loans. The amount available for these loans under the resolution as passed will be approximately $34,000,000, and it means that the loans will be made during the year 1938, and such funds will be available for that purpose until June 30, 1939. For several years these crop loans have been made and no funds expended by the Government have done more in helping the small farmers of the United States than these crop loans; without them thousands of farmers who have heretofore made a living by farming would have had to go upon relief.

Such loans are made to small farmers who are unable to procure credit from any other source, and I am glad that they are to be available for the present crop year of 1938. The appropriation this year is earlier than it has been heretofore, and this is very important, since crop planting will soon begin in the southern section of our country.

In some sections of the country, due to crop failures and drought, the percentage of repayments may not have been large, but in my congressional district the percentage of collections has been very high, and from 90 to 95 percent of all such loans made have been repaid, with interest. No other loaning agency of the Government can produce a record of repayment better than this.

There is no class more needy and deserving than these small tenant farmers, and these crop loans have been lifesavers to them, and I am glad that they are to be continued.

It is my hope that the Senate may act promptly upon this resolution, so that the loans may be immediately available.

EXTENSION OF REMARKS

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Bergen Evening Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address made this morning before the Rivers and Harbors Congress.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein an address delivered by a distinguished lawyer of the New York bar, Mr. Charles Wesley Dunn, before the Associated Grocery Manufacturers.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COCHRAN and Mr. VOORHIS asked and were given permission to revise and extend their remarks in the RECORD.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the resignation of Mr. J. F. T. O'Connor as Comptroller of the Currency, and the letter of the President accepting his resignation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIRKSEN and Mr. DITTER asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing an address delivered last Monday over the Washington Star Forum.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COCHRAN. Mr. Speaker, last evening the gentleman from Indiana [Mr. PETTENGILL] made a speech in New York on the question of the reorganization of the Federal Government. He was answered by Hon. James Roosevelt.

Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. PETTENGILL] may be permitted to print his speech in the RECORD and that I may be permitted to insert directly thereunder the answer of Mr. James Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, from the floor of this House on the 11th of January the gentleman from Washington [Mr. COFFEE], referring to Henry Ford, said (Record, p. 333):

In the brief time at my disposal I can only summarize the story of Mr. Ford's lawbreaking career.

On the 18th, after notifying Mr. COFFEE, I replied, and, among other things, said (RECORD, p. 732):

When history is written, the encyclopedias of the future are published, and the names of his traducers have been forgotten, and the records of the N. L. R. B. and of the S. C. L. C.'s libelous statements have crumbled to dust and scattered by the winds of heaven, the name of Henry Ford will still be known.

When the name of that one who today poses as the great benefactor of the common man has been dimmed—yes, almost lost—in the mists of time and he is known to history as the President of many moods, of many poses, of many promises, and the appalling record of his inconsistencies has been written, the name of Ford will stand forth clear, distinct, and undimmed upon one of the monuments which mark the progress of man from the beginning of time to eternity's end.

* * * * * * *

And let me predict that, whatever may be the verdict of any court or any courts, in the end, when the people of this country judge Henry Ford, they will find, and by their verdict they will declare, that his record as a patriotic citizen, as a man, as one who has contributed to the welfare of his fellow men, is second to that of no man of this or any other generation.

The following day a Nation-wide poll conducted by the American Institute of Public Opinion was released through the press. Let me read:

AMERICA SPEAKS: PUBLIC FOR FORD IN DISPUTE WITH U. A. W.

(By Dr. George Gallup, director, American Institute of Public Opinion)

Despite enormous gains in membership and power, the young United Automobile Workers Union, C. I. O. affiliate, faces an uphill fight to win the good will of the public in its controversy with Henry Ford over unionization of Ford workers.

This fact is indicated by the results of a survey conducted by the American Institute of Public Opinion as the smoldering Ford-C. I. O. controversy, which has already caused bloodshed and beatings, awaits review in the Federal courts.

The institute asked voters in every State:

In the present dispute between Henry Ford and the U. A. W., are your sympathies with Ford or with the union?

The vote was:

	Percent
For Ford	66
For union	34

Of special interest is the vote of the Nation's automobile owners. The great majority of those polled by the Institute say their sympathies are with Henry Ford. Among noncar owners sympathy is more divided, although even in this group a slight majority favors Ford.

	Percent for Ford	Percent for Union
Car owners	73	27
Noncar owners	54	46

The struggle between Ford and the union began in earnest last summer when union organizers attempting to distribute handbills to Ford workers in Dearborn were beaten.

Subsequently, the National Labor Relations Board found Ford Motor Co. guilty of violating the Wagner Act. Henry Ford's petition for a new hearing was denied by the Board which early this month took the case to a circuit court of appeals for an order to enforce its decision.

The Institute survey found that the majority sympathies of nearly all population groups polled are on the side of Henry Ford. The exceptions are unskilled workers and persons on relief.

A cross-section of both these groups indicated sympathy with the union cause. But an overwhelming majority of voters polled in the middle and upper classes say their sympathies are with Ford.

The majority sentiment toward the Ford case follows a trend clearly marked by earlier Institute surveys. The Auto Workers Union is the union which conducted the sit-down strike in General Motors a year ago.

An Institute survey at the time indicated that the majority of Americans were strongly opposed to the sit-down technique, and that the middle classes were growing increasingly fearful of the power of John L. Lewis and the C. I. O.

In its surveys on the General Motors strike, the Institute found that the longer the sit-down strike continued the more the voters sympathized with General Motors.

Since its function to ascertain the facts about public sentiment, the Institute's position in all controversies is one of strict impartiality.

But the facts uncovered by its surveys on the General Motors strike and the Ford case seem to indicate conclusively that the union has not succeeded in "selling" its cause to the public during the last year.

Commenting on the result of this poll, the Detroit News said:

FORD'S POPULAR SUPPORT

Henry Ford has a big jury deciding in his favor in the dispute between the Ford Motor Co. and the United Automobile Workers Union. It is composed of a great majority of the American people. Results of a survey conducted by the American Institute of Public Opinion, reported elsewhere in the News today, reveal that all population groups polled, except unskilled workers and persons on relief, side with Ford in his objection to a C. I. O. campaign to unionize his employees.

Ford evidently is cashing in on the popularity won when some years ago he voluntarily doubled the prevailing wage of his workers and explained that it would be the continuous policy of his company to pay the highest possible wages.

That announcement spread consternation among employers throughout the country, who, nevertheless, were constrained to follow Ford's example. For a time Ford was subjected to bitter criticism by many who thought the new policy revolutionary and impractical. The event justified the Ford policy.

And now, when Mr. Ford again is attacked and this time must defend himself in court against charges that he violated the Wagner Act, he finds backing of substantial character. "Are your sympathies with Ford or with the union?" asked the Institute of Public Opinion, and 66 percent of those voting said, "With Ford."

It might be well for those Members of the House who style themselves "progressives" and "liberals"; who assume on so many occasions to speak for the people and who intimate on occasion that they, and they alone, are the only friends of the worker, to revise their opinions of Henry Ford and perhaps of some other men who have done much in the industrial world.

Recalling that we have heard them on so many occasions denounce so bitterly, with so much of acid in voice, manner, and language, certain capitalists termed "economic royalists"; that Vincent Astor seems to have been a friend and a companion on many a yachting trip of the President himself; that Barney Baruch, hailing from Wall Street, who might be termed, if anyone can be so designated, as an "international banker," frequently calls at the White House; and, more recently, that we find John L. Lewis and Thomas W. Lamont of 23 Wall Street going, if not hand in hand or arm in arm, at least together on a common mission to call upon the President in consultation on a plan of procedure in which both were financially interested; would it not be well that these "liberals" separate the sheep from the goats?

Why is Lewis in bed with Lamont? And is the President in his conferences with these "economic royalists," such as Sloan, Weir, Clement, West, Brown, and the others, "asking them" or "is he telling them"?

The people have heard the words of Roosevelt and they are seeing some of his actions and they are saying, with Isaac of old:

The voice is Jacob's voice, but the hands are the hands of Esau.

So, too, we might say the words of the President promise all things to all men, but his acts bring destruction to the Nation as a whole.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Texas asks unanimous consent that when the House adjourns today it adjourn to meet on Monday next. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. MOSIER of Ohio, for 2 days, on account of important business.

To Mrs. JENCKES of Indiana, for 2 days, on account of important business.

To Mr. HOUSTON, indefinitely, on account of critical illness in family.

To Mr. QUINN, for 2 days, on account of important business.

OMNIBUS PRIVATE-CLAIMS BILL

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that on next Tuesday, January 25, it may be in order to consider the bill H. R. 7199, a bill for the relief of sundry claimants, and for other purposes, under the Omnibus Private Calendar rule.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, can the gentleman from Texas tell us what the program for next week will be? A number of Members on this side of the aisle would like to know.

Mr. RAYBURN. Yes. Next Monday will be District of Columbia day. On Tuesday, if my present request is granted, this omnibus private-claims bill will be considered. The calendar of committees will be called on Wednesday. On Thursday and Friday we expect to take up the District of Columbia appropriation bill.

OMNIBUS PRIVATE-CLAIMS BILL

Mr. MARTIN of Massachusetts. In reference to the request the gentleman is making, one of the objectors on this side of the House, the gentleman from New York [Mr. HANCOCK] has said that two of the men who scrutinize this calendar were ill and unable to take care of their official duties. For this reason I am reluctant to consent, but I understand the gentleman from Maryland [Mr. KENNEDY] has had a later conversation with the gentleman from New York.

Mr. KENNEDY of Maryland. Mr. Speaker, I talked to the gentleman from New York [Mr. HANCOCK] and informed him that it was desired to bring this bill up on Tuesday. He said they would be ready by that time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 15 minutes p. m.), in accordance with its previous order, the House adjourned until Monday, January 24, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 25, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will continue his statement.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

COMMITTEE ON PENSIONS

The Committee on Pensions will start hearings on H. R. 8690, granting a pension to widows and dependent children of World War veterans on Tuesday, January 25, 1938, at 10 a. m.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, January 25, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MCGEHEE's Subcommittee on the Judiciary of the Committee on the District of Columbia will meet Monday, January 24, 1938, at 10:30 a. m., in room 345, House Office Building, to consider H. R. 7470, tax exemption for the Society of the Cincinnati, and S. 1835, small claims court.

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia, will meet Thursday, January 27, 1938, at 10 a. m., in room 345, House Office Building, to consider H. R. 3890, antivivisection.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WARREN: Committee on Accounts. House Resolution 404. Resolution to authorize the Clerk of the House to employ a laborer; without amendment (Rept. No. 1706). Referred to the House Calendar.

Mr. TAYLOR of Colorado: Committee on Appropriations. House Joint Resolution 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans; without amendment (Rept. No. 1707). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 8972. A bill to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; without amendment (Rept. No. 1708). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8316) granting an increase of pension to Harriet L. Liggett, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCK: A bill (H. R. 9093) to provide for the appointment of an additional district judge for the northern district of California, and to fix his official residence; to the Committee on the Judiciary.

By Mr. DUNN: A bill (H. R. 9094) to provide $65,000,000,000, which shall be expended within a period of 10 years to furnish employment and to end poverty in the United States and its possessions; to the Committee on Ways and Means.

By Mr. FORD of California: A bill (H. R. 9095) to amend section 3 (a) of the Social Security Act; to the Committee on Ways and Means.

By Mr. HEALEY: A bill (H. R. 9096) to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto," approved June 7, 1934; to the Committee on the Judiciary.

By Mr. KRAMER: A bill (H. R. 9097) to extend the benefits of the Social Security Act to include individuals over 50 years of age who are physically disabled; to the Committee on Ways and Means.

By Mr. MAY: A bill (H. R. 9098) to promote air commerce by providing for the enlargement of Washington Airport; to the Committee on Military Affairs.

By Mr. PALMISANO: A bill (H. R. 9099) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July

3, 1926, and February 27, 1931, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 9100) limiting the duties of the chief Clerk and Chief Inspector of the Health Department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SCOTT: A bill (H. R. 9101) to amend the act of June 6, 1924, entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes"; to the Committee on Military Affairs.

By Mr. COFFEE of Washington: A bill (H. R. 9102) to provide for a permanent Bureau of Fine Arts; to the Committee on Education.

By Mr. WENE: A bill (H. R. 9103) to provide for the appointment of an additional district judge for the district of New Jersey; to the Committee on the Judiciary.

By Mr. BOREN: Joint resolution (H. J. Res. 572) requesting a report from the Bureau of the Public Health Service pertaining to the prevention of syphilis; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States with reference to an increased and adequate national defense; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAM: A bill (H. R. 9104) for the relief of Alfred J. Mulvaney; to the Committee on Naval Affairs.

By Mr. BURDICK: A bill (H. R. 9105) to confer citizenship on John Erickson; to the Committee on Immigration and Naturalization.

By Mr. CHANDLER: A bill (H. R. 9106) to afford an opportunity of selection and promotion to certain officers of the United States Naval Academy class of 1909; to the Committee on Naval Affairs.

By Mr. CROWE: A bill (H. R. 9107) granting a pension to Isaac A. Chandler; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 9108) for the relief of John J. Connors; to the Committee on Military Affairs.

By Mr. HARTLEY: A bill (H. R. 9109) for the relief of Joseph Anthony Cordick; to the Committee on Naval Affairs.

By Mr. HULL: A bill (H. R. 9110) for the relief of the Wisconsin Milling Co. and Wisconsin Telephone Co.; to the Committee on Claims.

Also, a bill (H. R. 9111) for the relief of Theodore J. Thompson; to the Committee on Claims.

By Mr. KEOGH: A bill (H. R. 9112) for the relief of E. A. McCormack; to the Committee on Claims.

By Mr. MAGNUSON: A bill (H. R. 9113) for the relief of Forest F. Gott and Emeline Gott; to the Committee on Claims.

Also, a bill (H. R. 9114) to admit Mrs. Henry Francis Parks permanently to the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9115) for the relief of Martha A. Donaldson; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 9116) for the relief of William A. Reithel; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9117) granting a pension to Alfred Arrowood; to the Committee on Pensions.

By Mr. RICHARDS: A bill (H. R. 9118) for the relief of Mark H. Doty; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9119) granting an increase of pension to Ebb Hundley; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 9120) for the relief of Charles Lawrence; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3857. By Mr. ANDREWS: Resolution adopted by the International Hod Carriers' Building and Common Laborers Union of America, Local No. 173, of Lockport, N. Y., favoring passage of the General Welfare Act; to the Committee on Ways and Means.

3858. By Mr. CARTER: Petition of the Board of Supervisors of Contra Costa County, State of California, urging the enactment of House bill 4199, the general welfare bill; to the Committee on Ways and Means.

3859: By Mr. COLDEN: Resolution of the Teamsters Joint Council, No. 42, of Los Angeles and vicinity, and endorsed by Lumber and Sawmill Workers, No. 2607, San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on the Judiciary.

3860. By Mr. CULKIN: Petition of the Rochester Association of Credit Men, urging repeal or modification of the undistributed profits tax with recommendations thereon; to the Committee on Ways and Means.

3861. Also, petition of the National Association of Swine Records, Peoria, Ill., asking the excise duties on imported pork and pork products be increased, that no processing tax on pork be included in the new agricultural bill, and that Congress not ratify the Argentine sanitary pact; to the Committee on Agriculture.

3862. By Mr. FULMER: Concurrent resolution, submitted by J. H. Hunter, Jr., clerk, House of Representatives, of Columbia, S. C., to commend the President and to memorialize the Congress of the United States for an adequate national defense; to the Committee on Military Affairs.

3863. By Mr. KENNEY: Petition of the New Jersey Farm Bureau and New Jersey State Grange, favoring the discontinuance of the Federal gasoline tax at the close of the fiscal year ending June 30, 1938, and asking that it not be levied again in any way whatsoever, and that the Federal Government permanently withdraw from the field of gasoline taxation; to the Committee on Ways and Means.

3864. By Mr. KEOGH: Petition of the Chamber of Commerce of the State of New York, protesting against the interruption of pneumatic-tube mail service in New York City; to the Committee on Appropriations.

3865. By Mr. O'NEILL of New Jersey: Petition of the New Jersey State Grange and New Jersey Farm Bureau, protesting against the continuance of the Federal gas tax; to the Committee on Ways and Means.

SENATE

MONDAY, JANUARY 24, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

JAMES H. HUGHES, a Senator from the State of Delaware, appeared in his seat today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, January 21, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8993. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes; and

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

CALL OF THE ROLL

The VICE PRESIDENT. When the Senate took a recess on last Friday the Senator from Tennessee [Mr. McKELLAR] stated that he would like to get the floor this morning to address the Senate. The Chair feels that if the Senator from Tennesseee desires the floor he should be recognized.

Mr. CONNALLY. Pending that, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	Pepper
Andrews	Copeland	Johnson, Colo.	Pittman
Ashurst	Davis	King	Pope
Austin	Dieterich	La Follette	Radcliffe
Bailey	Donahey	Lee	Russell
Bankhead	Ellender	Lewis	Schwartz
Barkley	Frazier	Lodge	Schwellenbach
Bilbo	George	Logan	Sheppard
Bone	Gerry	Lundeen	Smathers
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McCarran	Steiwer
Brown, Mich.	Glass	McGill	Thomas, Okla.
Brown, N. H.	Guffey	McKellar	Thomas, Utah
Bulkley	Hale	McNary	Townsend
Bulow	Harrison	Maloney	Truman
Burke	Hatch	Miller	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	O'Mahoney	
Clark	Hughes	Overton	

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] is absent from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY] and the Senator from Wisconsin [Mr. DUFFY] are detained in their respective States on public business.

The Senator from Connecticut [Mr. LONERGAN], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SENATOR FROM NEW JERSEY

During the delivery of Mr. McKELLAR's speech,

The VICE PRESIDENT. Will the Senator from Tennessee yield for the purpose of having brought before the Senate a privileged matter, the Chair holding that, if the Senator yields the floor for the purpose, he may resume the floor without having it counted as one speech against him?

Mr. McKELLAR. Certainly, Mr. President, I yield.

Mr. SMATHERS. Mr. President, I present the credentials of the Senator-designate from New Jersey, Hon. JOHN MILTON. I send the credentials to the desk and ask that they be read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

THE STATE OF NEW JERSEY.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, A. Harry Moore, the Governor of the said State, do hereby appoint JOHN MILTON a Senator from the said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of A. Harry Moore is filled by election as provided by law.

Witness: His Excellency our Governor, A. Harry Moore, and our seal hereto affixed at Trenton this 18th day of January A. D. 1938.

A. HARRY MOORE, *Governor.*

By the Governor:
[SEAL]

THOMAS A. MATHIS,
Secretary of State.

Mr. SMATHERS. Mr. President, the Senator-designate is present and desires to take the oath of office.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk the oath of office will be administered to him.

Mr. MILTON, escorted by Mr. SMATHERS, advanced to the Vice President's desk; and the oath required by law having been administered to him, he took his seat in the Senate.

The VICE PRESIDENT laid before the Senate the petition of E. L. Oliver, of Labor's Nonpartisan League, and Carl Holdeman, of Labor's Nonpartisan League of New Jersey, praying that the Senate either refuse to seat JOHN MILTON (appointed Senator from the State of New Jersey) or to refer his right to hold the office of United States Senator to the appropriate committee of the Senate for public hearing and investigation, which, with the accompanying papers, was referred to the Committee on Privileges and Elections.

He also laid before the Senate letters in the nature of memorials from Grace Sardegna, district manager, Local No. 234, International Ladies' Garment Workers Union, and George Heller, business agent, Local No. 35, Textile Workers Organizing Committee of the C. I. O., both of Easton, Pa., in behalf of sundry textile workers in the State of New Jersey, remonstrating against the appointment of JOHN MILTON as Senator from the State of New Jersey and favoring an investigation of his qualifications, which were referred to the Committee on Privileges and Elections.

Mr. GEORGE presented memorials and letters and telegrams in the nature of memorials, numerously signed, from sundry citizens and labor organizations of the State of New Jersey, remonstrating against the seating of JOHN MILTON as Senator from the State of New Jersey, which were referred to the Committee on Privileges and Elections.

WITHDRAWALS AND RESTORATIONS OF PUBLIC LANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a list of withdrawals and restorations of public lands under the act of June 25, 1910 (36 Stat. 847), during the period from January 1, 1937, to December 31, 1937, inclusive, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on Military Affairs:

Concurrent resolution to commend the President and to memorialize the Congress of the United States for an adequate national defense

Whereas the President of the United States has publicly expressed growing concern over the recent trend of world events, and he has requested of the Congress an adequate national-defense program for the protection of the American people; and

Whereas wars and rumors of war and rearmament for war are engaging practically all the nations of the earth; and

Whereas autocratic and militaristic regimes in three powerful nations now threaten the peace and security of their neighbors and, unless restrained, will eventually menace the independence and security of the American Continents; and

Whereas the American people are not responsible for outside world conditions, but we are responsible for the safety and integrity of our own country; and

Whereas the construction of a necessary national defense will provide employment and will improve the internal economic conditions of the people of the United States; and

Whereas we believe that only through preparedness can the United States command the respect of other countries and maintain friendly relations with the other nations of the world and remain an active and effective force for the promotion of peace: Now, therefore be it

Resolved by the house of representatives (the senate concurring), That we commend President Roosevelt for his wise remarks and timely efforts on behalf of an increased and adequate national defense for the protection of the United States and the American people.

That we memorialize the Congress to forthwith provide this country with an army, militia, navy, and air force large and effective enough to defeat promptly an attack from any source or from any likely combination of sources upon the United States or their vital interests in the Western Hemisphere, and powerful enough that American influence for peace, the sanctity of treaties, and international justice may have some deterrent effect upon aggressive nations.

That copies of this memorial be forwarded by the clerk of the Senate and by the clerk of the House of Representatives of the General Assembly of South Carolina to the President of the United States and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Col. Earl H. Bruns Post, No. 12, Regular Veterans' Association, Denver, Colo., favoring the enactment of legislation for the benefit of the enlisted personnel, and dependents, of the regular armed forces of the United States, which was referred to the Committee on Military Affairs.

He also presented a petition endorsed by a community mass meeting held under the auspices of the Puget Sound Navy Yard League, Bremerton, Wash. (including representatives of business, fraternal, veterans, and labor organizations), favoring making emergency funds available to increase employment in the Puget Sound Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. CAPPER presented a petition of sundry citizens of Fredonia, Kans., praying for the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also presented petitions of members of the Woman's Home Missionary Society of the Methodist Episcopal Churches of Fredonia and Topeka, in the State of Kansas, praying for the enactment of legislation to prohibit compulsory block booking and blind selling of motion-picture films, which were referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a resolution adopted by representatives of business and employers of Rensselaer and Albany, N. Y., favoring the immediate repeal of the undistributed-profits tax and the capital-gains tax, or that the capital-gains tax be so amended as to promote legitimate investment in productive enterprise, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Gloversville, N. Y., praying for the adoption of the so-called war referendum amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Long Island City, N. Y., remonstrating against the ratification of the proposed copyright treaty, which was ordered to lie on the table.

He also presented a resolution adopted by Niagara County (N. Y.) Pomona Grange, Patrons of Husbandry, protesting against the enactment of pending agricultural legislation, which was ordered to lie on the table.

He also presented a resolution adopted by Pierstown Grange, Patrons of Husbandry, at Cooperstown, N. Y., protesting against the enactment of pending agricultural and hour and wage legislation, which was ordered to lie on the table.

He also presented a resolution adopted by the executive committee of the St. Lawrence County (N. Y.) Farm Bureau, protesting against the enactment of pending hour and wage legislation, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The VICE PRESIDENT. As the Chair remarked prior to the roll call, the Senator from Tennessee expressed a desire to address the Senate this morning. With the permission of the Senator from Tennessee, the Chair will recognize any Senator who has something to insert in the RECORD or a bill to introduce or other routine business.

Mr. McKELLAR. If it will not take me off the floor, I will be delighted to yield.

Mr. BULOW, from the Committee on Civil Service, to which was referred the resolution (S. Res. 198) to investigate the administration and operation of the civil-service laws and the Classification Act of 1923, as amended (submitted by Mr. ELLENDER on November 18, 1937), reported it with amendments and submitted a report (No. 1311) thereon; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ADAMS, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, reported it with amendments and submitted a report (No. 1312) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEE:

A bill (S. 3299) to amend section 3 of the Liquor Enforcement Act of 1936; to the Committee on the Judiciary.

By Mr. MINTON:

A bill (S. 3300) for the relief of Mrs. Pearl Bundy (with accompanying papers); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3301) granting an increase of pension to Hattie L. Aimes (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3302) granting a pension to Lucille Stanley Shrader; to the Committee on Finance.

A bill (S. 3303) granting an increase of pension to E. H. Layfield; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3304) to promote air commerce by providing for the closing of Military Road; and

A bill (S. 3305) to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes; to the Committee on Commerce.

A bill (S. 3306) to amend section 112 of the Revenue Act of 1936, as amended, relating to recognition of gain or loss in case of certain sales; to the Committee on Finance.

A bill (S. 3307) for the relief of Domenico Goffredo; to the Committee on Immigration.

A bill (S. 3308) to provide for a reduction in the postage rates applicable to charitable and philanthropic organizations; to the Committee on Post Offices and Post Roads.

By Mr. HAYDEN:

A bill (S. 3309) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. HAYDEN and Mr. O'MAHONEY:

A bill (S. 3310) to amend section 35 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. McNARY:

A bill (S. 3311) authorizing the Secretary of War to convey to the Port of Cascade Locks, Oreg., certain lands for municipal purposes; to the Committee on Military Affairs.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Appropriations:

H. R. 8993. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes; and

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

INVESTIGATION OF THE T. V. A.—AMENDMENT

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 239) authorizing the Federal Trade Commission to make an investigation of the Tennessee Valley Authority, which was ordered to lie on the table and to be printed.

ADDRESS BY SENATOR BARKLEY ON THE OCCASION OF A TESTIMONIAL DINNER GIVEN HIM AT LOUISVILLE, KY.

[Mr. CLARK asked and obtained leave to have printed in the RECORD an address delivered by Senator BARKLEY at Louisville, Ky., on the occasion of a testimonial dinner given

him Saturday evening, January 22, 1938, which appears in the Appendix.]

THE INTERNATIONAL SUGAR TREATY

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a statement prepared by him explanatory of the provisions of the international sugar treaty, which appears in the Appendix.]

WAGE AND HOUR BILL AND THE FARMER—ARTICLE BY CHARLES W. HOLMAN

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an article entitled "What the Wages-and-Hours Bill Means to the Farmer," by Charles W. Holman, which appears in the Appendix.]

LT. COL. JAMES ROOSEVELT—ARTICLE BY WESTBROOK PEGLER

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Westbrook Pegler entitled "Question for the Colonel," published in the Washington Post of January 24, 1938, which appears in the Appendix.]

THE AMERICAN SYSTEM OF BROADCASTING—ADDRESS BY WILLIAM S. PALEY

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an address delivered by William S. Paley, president of the Columbia Broadcasting Co., before the Second National Conference on Educational Broadcasting, in Chicago, Ill., November 29, 1937, which appears in the Appendix.]

JACKSON DAY DINNER ADDRESS BY ROY D. STUBBS AT BRADENTON, FLA.

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a Jackson Day dinner address delivered by Roy D. Stubbs before the Manatee County Democratic Club at Brandenton, Fla., January 8, 1938, which appears in the Appendix.]

"CRIME IN CAPITAL DISGRACE, CUMMINGS DECLARES IN SPEECH"—ARTICLE FROM THE WASHINGTON STAR

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article from the Washington Star of January 24, 1938, under the heading "Crime in Capital Disgrace, Cummings Declares in Speech," which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

TENNESSEE VALLEY AUTHORITY

Mr. MCKELLAR. Mr. President, last Tuesday the distinguished Senator from New Hampshire [Mr. BRIDGES] made a speech on the subject of the Tennessee Valley Authority. I have given notice that this morning I should reply to it, and I now desire to do so.

Mr. President, the Tennessee Valley Authority was established in 1933 for the purpose of aiding navigation on the Tennessee River, for the purpose of aiding in flood control, for the purpose of disposing of power created by dams necessary on the Tennessee River, and for other purposes. Three directors were authorized. Dr. A. E. Morgan was made president, and Dr. H. A. Morgan and Mr. Lilienthal were made directors.

Soon after they began work they completed or put into operation the Wilson Dam, or Muscle Shoals Dam. They built Norris Dam in Tennessee and Wheeler Dam in Alabama. The cost of these three dams was as follows: The Wilson Dam, $31,745,000; the Norris Dam, $36,195,000; and the Wheeler Dam, $30,816,000, making a total of $98,486,000 for these three dams. I should say that all the power which is now being disposed of, or attempted to be disposed of, comes from these three dams.

Mr. MCNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Oregon for a question?

Mr. MCKELLAR. Yes; for a question.

Mr. MCNARY. Is it the purpose of the able Senator from Tennessee to limit his debate and statements to the T. V. A., or is he going to consider the whole of the improvement in that valley, starting in with the construction of the Wilson Dam and the adjacent plants?

Mr. MCKELLAR. I shall have very little to say about the Wilson Dam. If there is any question any Senator wishes to ask about it, I shall be delighted to answer it.

Mr. MCNARY. Recently I received a statement from one of the officers of the T. V. A. to the effect that the total amount appropriated by Congress and allotted by the President to the T. V. A. and the projects which it absorbed was about $315,000,000.

Mr. MCKELLAR. I will tell the Senator what that money has been spent for.

Mr. MCNARY. I do not say that in the sense of criticism.

Mr. MCKELLAR. Oh, no; I understand.

Mr. MCNARY. That is said to be the whole investment the Government has made in this project, only a portion of which is represented by the T. V. A. Act which was passed in 1933.

Mr. MCKELLAR. The question is a perfectly proper one, and I am going to answer it. Only these three dams have been completed, and, of course, all the power that is being sold comes from these three dams. The Authority is also constructing dams at Hiwassee, N. C.; Chickamauga, Tenn.; Guntersville, Ala.; Pickwick, Tenn.; and Gilbertsville, Ky. Pickwick Dam is nearing completion, and the dams at Chickamauga, Guntersville, and Hiwassee are well on toward completion.

Very large sums have been spent on those dams. I imagine that the $315,000,000 of which the Senator speaks includes the building of a plant at the Wilson Dam and also includes the entire cost of the Wilson Dam for all purposes, as well as the cost of these other dams.

The installed capacity of the three dams is 348,000 kilowatts. Almost from the very moment that the T. V. A. organization was perfected the T. V. A. has been beset with all kinds of opposition—opposition in the Congress, opposition in the newspapers, opposition on the radio, and lawsuits and injunctions galore. The private power companies, some 19 in number, or some of them, first attacked the T. V. A. in Georgia, then in Alabama, and finally in Tennessee; and only Saturday a decision was rendered by the three-judge court at Chattanooga absolutely upholding the constitutionality and validity of this law. However, in the years intervening between 1933 and 1938 injunctions were issued by various courts, and have retarded the work, upset the plans, and caused the T. V. A. great loss. Further than that, when the Authority began to sell or contract to sell power to municipalities suits were immediately begun to enjoin the sale of this power to municipalities and enjoin the Government from lending or granting money to municipalities with which to build distribution plants. For instance, Knoxville, Tenn., early after the institution of the T. V. A., became an applicant for T. V. A. power, and she has been enjoined until quite recently. Memphis, Tenn., was enjoined. Chattanooga, Tenn., was enjoined, and other smaller cities in the whole area were enjoined; and for that reason the operations of the T. V. A. have been retarded and every effort made by the private power companies to destroy it. The work has been held up; the building of distributing plants, the building of distribution lines, have been enjoined; and perhaps no corporation or organization ever formed in this country has been subject to greater harassments and difficulties. These injunctions carried small bonds, and it is doubtful if the T. V. A. ever can be compensated for the losses actually sustained.

Notwithstanding all this, however, the Authority has proceeded in a remarkable fashion. It has completed the Wilson Dam. It has built and put into operation the Norris and Wheeler Dams. It has sold electric power to many towns and cities and built lines and sold power to many rural communities and many cooperatives and to many industries; and it has been estimated that the revenue from these three dams for 1938 will be more than $5,000,000 in that year, with 132,500 kilowatts not sold nor contracted for.

Now, remember, the cost of these three dams together is $117,000,000. The revenue from the three dams for 1938 will

be more than $5,000,000 in that year, with 132,500 kilowatts not contracted for and not sold. In other words, by reason of these injunctions, by reason of these lawsuits, the city of Memphis and the city of Chattanooga and the city of Knoxville and many other cities have not been able to use this power, although they have contracted for it. So, by reason of these lawsuits, and notwithstanding these lawsuits and injunctions, the T. V. A. is getting something like $5,000,000 a year on an investment of $98,486,000.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes; I yield.

Mr. VANDENBERG. Can the Senator break down that cost item for me on a basis of kilowatt-hours?

Mr. McKELLAR. No; I cannot. I regret that I cannot do it, but I will get the information if the Senator would like to have it.

When this surplus of 132,500 kilowatts from the three dams already built and in operation is contracted for and sold, it will mean an increase of income of more than double the sum of $5,000,000; and now that injunctions have ceased to be issued and lawsuits have all been decided in favor of the Authority, we can reasonably expect from the product of these three dams more than $10,000,000 a year income; and, while I am talking about injunctions, let me digress long enough to say that although almost innumerable injunctions have been either sought or granted, and most of them granted, not one exists today. They have all been dissolved by the Supreme Court or by other courts.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. For a question.

Mr. CONNALLY. Does the Senator realize that under the legislation passed at the last session by the Congress, providing for three-judge courts in these injunction proceedings, it will be much more difficult in the future than it has been in the past to secure any such injunctions?

Mr. McKELLAR. I want to say that I introduced a bill providing for a three-judge court. I believe it has done more good than any other bill that has been reported from the Judiciary Committees of the two Houses in a long time; and, in my judgment, glaring inequities in the granting of injunctions will be overcome by having three-judge courts.

Mr. President, the Senator from New Hampshire lives, as we would say down South, a "fur piece" from the T. V. A.; but he says he has spent all his vacation in learning about it. I do not know whether he went down there or not. He does not say in his speech; but he says that the T. V. A. is not selling power to cities and towns and to farmers as it should. Listen to this:

Notwithstanding all the hindrances, injunctions, and lawsuits, notwithstanding the fights that have been made in Congress and out of it, the Authority is today selling power to Amory, Miss.; Athens, Ala.; Bolivar, Tenn.; Dayton, Tenn.; Dixon, Tenn.; Florence, Ala.; Holly Springs, Miss.; Jackson, Tenn.; Milan, Tenn.; Muscle Shoals City, Ala.; New Albany, Miss.; Okolona, Miss.; Pulaski, Tenn.; Sheffield, Ala.; Somerville, Tenn.; Tupelo, Miss.; and Tuscumbia, Ala.—17 cities and towns in that district. In addition to that, the T. V. A. has contracted to sell, but is not now selling because of the injunctions to which I have referred, to Chattanooga, Tenn.; Decatur, Ala.; Knoxville, Tenn.; Memphis, Tenn.; and Russellville, Ala.; and within another year will be selling to all these five cities and, no doubt, many others, since the issuing of injunctions has been stopped. It is now selling a total of 14,200 kilowatts.

In the year 1939 it will be selling to those same cities, and the other five that have just been mentioned, 64,000 kilowatts. In 1940 it will sell 90,800 kilowatts to those cities and towns; in 1941, 111,330 kilowatts; and in 1942, 129,250 kilowatts.

The Senator from New Hampshire has referred to the farmers, the cities, and the communities and other consumers receiving no benefits. Listen to this: The T. V. A. is now selling to cooperatives, town cooperatives, farm cooperatives—Alcorn County, Miss.; Coleman County, Ala.; Duck River, Tenn.; Gibson County, Tenn.; Meigs County, Tenn.; middle Tennesee; Monroe County, Tenn.; north Georgia; Pickwick and Pontotoc, Miss.; Prentiss County, Miss.; southwestern Tennessee; Tishomingo County, Miss.; Tombigbee County, Miss.; and Lincoln County, Tenn., a total of 12,631 kilowatts. It is likewise selling to industrials primary power—Goodyear Mills, 3,000 kilowatts; Monsanto, 8,750 kilowatts; Aluminum Co., 7,300 kilowatts; Volunteer, 3,000 kilowatts; Victor, none this year; Electro-Metallurgical Co., none this year, but with both of these companies it has contracts for succeeding years; Sardis Dam, 8,000, or a total of 52,750 kilowatts.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. McKELLAR. The Senator declined to yield to me when he was speaking a few days ago, and I decline to yield to him.

The VICE PRESIDENT. The Senator from Tennessee declines to yield.

Mr. McKELLAR. After I conclude I shall be delighted to yield for any question the Senator may desire to ask.

While the Authority is selling this much primary power to the industries I have mentioned, it is selling secondary power to the Aluminum Co. in the amount of 30,000 kilowatts.

I do not believe I need to explain to the Senate what secondary power is. It is power that does not run all the year, probably runs about 300 days of the year, and it is power from dams which to a great extent goes to waste. The T. V. A. is selling to industries the amount of primary power I have just mentioned, and it is selling secondary power to the Aluminum Co. to the extent of 30,000 kilowatts, and to Monsanto to the extent of 16,250 kilowatts, or a total of 46,250 kilowatts of secondary power, and next year it will sell to the Victor Co. 12,000 and the Electro-Metallurgical Co. 8,000.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. In just a moment. It is selling a total of 46,250 kilowatts of secondary power.

It will thus be seen what wonderful progress the T. V. A. is making in selling her power. Now that the injunctions brought by the private power companies have been dissolved, it will furnish all these cities just as soon as distribution plants can be built with power which will bring the amount to be sold next year to enormous figures, and at the same time there are other cities and towns and other cooperative associations that are being contracted with for the purpose of adding to such sales. This record is truly remarkable.

I now yield to the Senator from Indiana, if he desires to ask a question.

Mr. MINTON. I desired to ask the Senator what would have become of that secondary power if the T. V. A. had not sold it to the industries he has mentioned.

Mr. McKELLAR. It would have gone to waste. I am glad the Senator has asked the question, because I desire to make a further explanation.

With all these sales to farm associations, to cities, and to towns, from these three dams, there is still a surplus of 180,000 kilowatts of primary power, a fact which can be proven. Therefore, all this power about which the Senator from New Hampshire speaks is going to waste, and will go waste unless it is sold. Talk about selling power to favored interests; any other company in the world which desires to buy that power and use it can buy it, up to the 180,000 kilowatts of power on hand now, and which is going to waste.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. If there is a substantial surplus of power now from existing dams, why is it necessary to proceed with the construction of any other dams at the present time?

Mr. McKELLAR. The T. V. A. has contracts now with the city of Memphis for the sale of 50,000 kilowatts of power. It has a contract to sell Chattanooga something like 40,000 kilowatts, as I remember the figure, although I cannot be certain of that. It has a contract for about the same amount with Knoxville, Tenn., and it has contracts with a number of

other cities, which will take a great deal of power from these dams. A number of other cities in that vicinity will be compelled to take this power because they can get it at a lower price from the T. V. A., when the injunctions are finally ended.

SENATOR BRIDGES

Now, just as soon as we have gotten rid of all the other propagandists, just as soon as we have gotten rid of the lawsuits, just as soon as we have gotten rid of the injunctions, just as soon as we have gotten rid of so much other opposition, on last Tuesday the T. V. A. was assaulted here from another angle. The assault comes from a Senator whose State has probably the highest power rates in the country, save one. It comes from a Senator who has been a utilities commissioner in his State for 5 years. It does not come like a bolt of lightning from a clear sky, but it comes like a ghost from the departed. It is not a bolt, but only a flutter. Lawyers have done their best, politicians have done their best, private utilities have done their best, many courts have done their best, lawsuits and injunctions have done their best to destroy the T. V. A., and on last Tuesday there came with much advertisement a tap on the wrist from the junior Senator from New Hampshire, saying the T. V. A. is naughty, because that is about all it means, for selling power to private industries, three of which he points out as being "wicked" industries.

The Senator states that last summer he took advantage of the recess of Congress to study the T. V. A. situation. If the Senator from New Hampshire spent his vacation in studying the T. V. A. situation, he certainly did not strain himself, if his speech is a result of that study. I do not see how any man could talk 2 hours and say very much less. His speech shows that he is in Egyptian darkness so far as the T. V. A. is concerned. After telling of the great study that he had made of the T. V. A., he said:

> I had hoped that the Authority was selling that power to groups of citizens, not to corporations; but I found this was not the case.

I call special attention to this. This is the Senator from New Hampshire speaking:

> It was enriching not alone the people of this area but some of the wealthiest stockholders in the country. Its great source of electric energy was, in effect, not alone helping to build up farms along the Tennessee Valley but helping to build swimming pools in Hawaii.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY. I appreciate the Senator's courtesy. I am very much interested in what the Senator said about large monopolies purchasing power created by the T. V. A. organization. Am I right in having the impression that it is secondary power only they have acquired, and not primary power?

Mr. McKELLAR. No; not entirely. Usually the smaller part of it is primary power and the larger part is secondary power, or what is known as run-of-the-stream power, which would otherwise go to waste. All of it would go to waste so long as the 182,000 kilowatts remained.

Mr. McNARY. That is perhaps a light dismissal of a very important phase of this discussion. Inasmuch as the Senator made the statement, and has shown some familiarity with rates and kilowatts, I think he should state the proportion between primary and constant power, on the one hand, and secondary power, on the other.

Mr. McKELLAR. I have the information and will read it to the Senator in just a moment.

Mr. McNARY. Let me ask, following that, whether there is anything in the contracts which were made, or any policy of the T. V. A. exercised through the board, giving preferential rights to domestic consumers over and above those accorded industry.

Mr. McKELLAR. Yes. The act gives preferential rights to States, counties, and cities, and to farm associations. I believe those are the four categories which are given preferential rights. That preference has caused no difficulty, however. We have more power than we have been able to sell to cities and towns and farmers' associations, but we have been hampered in the sale, and forbidden to sell by injunction and other court processes.

Mr. McNARY. Will the Senator further bear with me?

Mr. McKELLAR. Yes; I will be glad to so long as I do not lose the floor, of course.

The VICE PRESIDENT. The Senator has yielded for a question, and if the Senator from Tennessee is willing the Senator from Oregon can make it as long as he wants to.

Mr. McKELLAR. With that assurance by the Vice President, I feel a great deal better.

Mr. McNARY. I appreciate the courtesy of the most distinguished and illustrious Vice President.

I call the Senator's attention to a very large project, one very much larger than the combined projects in the Tennessee Valley, namely, the Bonneville Dam between the States of Oregon and Washington. The able Senator from Washington [Mr. SCHWELLENBACH] and his colleague [Mr. BONE], and my colleague [Mr. STEIWER] and I prepared the bill creating that project, with the assistance of the Department and of the President and his advisers. We reserved 50 percent of all the power created, primary or secondary, for home consumption on the farms and in urban homes for a period of 4 years after the installation of the plant; and provided that the farms and urban homes should have a preferential interest in the other 50 percent through all the years in the future, which in my opinion, standing by itself is a splendid yardstick for the T. V. A. to follow in the future in dealing with monopolies and with the people.

Mr. McKELLAR. I think the Senator from Oregon is right, but that, of course, will have to be put in the act by amendment.

Mr. President, I was reading an excerpt from the speech of the Senator from New Hampshire. He said:

> I had hoped that the Authority was selling that power to groups of citizens, not to corporations; but I found this was not the case. It was enriching not alone the people of this area but some of the wealthiest stockholders in the country. Its great source of electric energy was, in effect, not alone helping to build up farms along the Tennessee Valley but helping to build swimming pools in Hawaii for the extremely wealthy, and great yachts for wealthy multimillionaires in which to cruise upon the seven seas. The multimillionaires, the great stockholders of the largest corporations in the country, have been the chief beneficiaries of T. V. A.

Mr. President, the Senator from New Hampshire could just as safely have argued that the T. V. A. was furnishing money to run the Japanese-Chinese war and paying for the cost to both sides. He might as well have argued that the T. V. A. had financed the Russian trip to the North Pole. He might as well have asserted that the T. V. A. was financing the Sultan of Sulu, or that it was contributing large sums to the marriage ceremonies of King Farouk, of Egypt. The Senator evidently imagines that he is a Republican candidate for President on an old-time Hoover platform, which no one ever was able to understand and no one ever will be able to understand. I have tried to ascertain what he really meant, and have come to the conclusion that he himself did not know; but, piecing it together as best I can, ferreting it out as best I can, his idea seems to be that the T. V. A. has done a dishonest and corrupt thing in selling surplus power which it had on its hands to five corporations—the Monsanto Chemical Co.; the Aluminum Co. of America; the Electro-Metallurgical Co., which he says is a subsidiary of the Union Carbide Co.; the Victor Chemical Works; and the Arkansas Power & Light Co.

I am going to take them up in order.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. McKELLAR. I yield.

Mr. McNARY. Is it not a fair implication from the remarks of the Senator from New Hampshire [Mr. BRIDGES] that he had in mind the great profits made by these great monopolistic concerns because of the cheap rate they paid for power received from the T. V. A.?

Mr. McKELLAR. I think by an unusual use of one's imagination such an implication might be made, but I am now going to show what are the facts.

Surely the T. V. A. Act expressly authorizes the sale of this power to corporations and to individuals, and the T. V. A. has simply carried out that authority in these five contracts. It is true that the act gives a preference in the sale of power to States, counties, cities, cooperatives, and farm organizations, and this preference has been given to the limit of the ability of the T. V. A.

It has plenty of surplus after all the demands of the preferred classes have been met.

This disciple of Mr. Hoover, and follower of his logic, never says a word about the Authority being tied up by injunctions in the sale of power to cities and counties and others who are given preference, but he limits his argument to what a horrible policy the Authority has adopted in selling to industries. If the Authority had the power to sell, and had given to all those who had preference all they wanted or all they could get, and the T. V. A. still had surplus power, and had not sold it to these private companies, the Authority would certainly have violated its duty under the law. Knowing the Senator from New Hampshire as I do, and knowing his political views as I do, knowing how Hooveresque they are, I do not believe anyone in this body would have been quicker to criticize the T. V. A. if it had been unwilling to sell to industrial plants power on which there was no priority.

The Senator says these five were "favored" industrial plants; that the contracts were made at night, between suns, in the dark; that the power was not put up to open bids; that it was sold secretively; that it was sold to big corporations and bad big corporations; and that it was sold to aggregations of capital unfriendly to the people. The Senator said the T. V. A. sold more to industrial concerns than it would to municipalities and cooperatives, without ever explaining in the least that the Authority had been enjoined by the courts from selling to municipalities and cooperatives. He finds something wrong in this, or claims to find something wrong in it.

What are the facts? The Senator from New Hampshire certainly knows very little about the facts. I doubt if he ever looked into the facts. I do not know who gave him his information, or, rather, his misinformation. Somebody evidently gave it to him, because the Senator would not attempt to give facts without getting information. Somebody gave him this misinformation. He does not tell where he got it, but he does say he spent his vacation in getting it.

Let us now put the light of day upon some of the Senator's contentions. We will take the Arkansas Power Co. first. He first takes up this contract and says:

Mr. Harvey Couch, president of the Arkansas Power & Light Corporation, has been a financier and industrial manager for some years, and has at least been as successful in that complicated business as have many others. He has been on at least one investment bankers preferred list. What claim he could have to such preference by the T. V. A. I do not know, but he has successfully asserted one. I have said other contracts were not "couched" in simple terms. This contract, which the Arkansas Power & Light Corporation secured, may have been simply "couched."

Playing on words.

How many more men of wealth and influence are going to be able to benefit at the taxpayers' expense by simply "couching" contracts with the T. V. A.?

What rare wit. What humor. What delightful sarcasm. What play upon words. After reading it I imagine that the Senator from New Hampshire must have employed a considerable part of his vacation in framing that one sentence alone. After indulging in this tirade of words and paucity of thought, he then said that there were no reductions of rates provided for in this contract, and that the only good that came from it was to Mr. Couch and his company and its stockholders. This is his argument as best I can understand it. What are the facts? I asked Mr. Lilienthal, who deals with the sale of power, about the facts and here is what he had to say about it:

The contract with the Arkansas Power & Light Co. is an interim contract subject to cancelation within 2½ years of date of the entry of the contract with notice that makes a maximum term of 5 years.

It can be terminated in 2 years and a half. It can be terminated at any time after the power company increases its rates or does not lower them at the request of the T. V. A.

Said Mr. Lilienthal:

It was entered into in order to produce revenue from water that would otherwise be wasted. That water would be wasted otherwise, for two reasons:

1. It is a principal part of the commitments under the contract involving secondary power, that is, power that is not available all the year and, therefore, is the kind of power that the householder and the farmer and the ordinary small industrial plant can use. Rather than have the water go to waste and the Treasury deprived of the revenue, this power is being sold for a short period of time to the Arkansas Co.

2. The second reason for entering into the contract is that due to the efforts of 19 utility companies joined into a single court attack on the T. V. A., and due to a cloud of litigation over a period of years, T. V. A. has been unable to carry out arrangements with public agencies for the supply of power. While that vicious and groundless litigation is being disposed of it did not seem wise for us to permit the Federal Treasury to be deprived even temporarily of a total of $3,000,000 revenue during the 5-year period of this contract.

So, we have more power from these three dams than can presently be sold because of injunctions, and complaint is being made because the T. V. A., acting strictly within the limits of the law, sold to a power company $3,000,000 worth of power. Mr. Hoover, the ideal of the Senator from New Hampshire until he became a candidate himself, sold this power for practically nothing to the Alabama Power Co., and I never heard the Senator from New Hampshire say anything about it.

I continue to read from Mr. Lilienthal's statement:

I should also point out that nothing in this contract in any wise excludes or purports to exclude public agencies or agencies serving domestic and rural consumers in Arkansas or anywhere else from purchasing power from T. V. A. There is no shadow or basis for suggestion that by selling this temporary surplus to the Arkansas Power & Light Co. and returning $3,000,000 to the Treasury that would otherwise be wasted, that T. V. A. has jeopardized or limited or impaired the paramount rights of the domestic user, farmer, or public agencies as provided for in this law.

This contract is a covenant openly arrived at between representatives of the Arkansas Power & Light Co. both on the management and engineering end and representatives of the T. V. A. The statute directs and authorizes the power to be sold on the basis of contract. These contracts are necessarily the suggestion of negotiation. The fact that negotiations were pending is a matter of public knowledge, was noted in the press, was the subject of public statements during the course of the negotiation, and while the conferences being of a technical nature were not held in the town hall, not being a matter of public interest, they and all other matters were arrived at openly.

On the day the contract was entered into, the complete text of the contract was made available to the public, and as provided by law, the contract was printed in full in the annual report of the T. V. A. I may add that during the discussions of the T. V. A. appropriation before the House committee on that subject in the spring of 1936, the committee was advised in a record which is public that negotiations of such contract were in progress. The committee was advised of the estimated revenues and of the reasons in support of such an arrangement. This same practice in more or less degree has prevailed in all our industrial contracts, namely, that where knowledge of a pending contract has been before us at the time of reports to Congress or congressional hearings respecting our budget, we have discussed the matter frankly and fully with the Committee on Appropriations in two respects: (a) As to prospective revenues that would affect our appropriation needs; (b) as to prospective needs for transmission and other facilities to meet the contracts.

These negotiations have been carried on with a greater degree of publicity and public knowledge than any major contracts of a necessarily technical nature that I know of in a public business.

Mr. President, the Senator from New Hampshire said that this contract did not provide for a reduction of rates. What are the facts? I again quote from Mr. Lilienthal:

The question has been raised and has been frequently discussed as to whether the savings which the Arkansas Power & Light Co. makes by purchasing this power is reflected in the rates of the domestic and farm consumers of Arkansas.

I understand that it has been said that saving to consumers under this contract is merely a "pious hope." This is far from accurate. The fact is that the Arkansas Co. agreed to a reduction in rates. The fact is that the Arkansas Co. would save in the first year of the contract by buying from T. V. A. the sum of $40,000 and over a period of 5 years an average saving of $100,000 a year. Immediately when the current was turned on and transmitted to Arkansas, that company, with the approval of

the State commission and under the arrangement provided by this contract, put in a rate reduction of over $40,000 a year, which was the amount of the savings to them of over $100,000, which was an average saving for 5 years by an initial immediate reduction of $217,000 a year, with the definite prospect of further reductions before the end of the 5-year term of the contract.

In other words, Mr. President, instead of not reducing the rate, instead, as argued by the Senator, of this being a favored corporation which received the power at a lower rate than it could otherwise create it, without any corresponding rate reduction to consumers, what do we find? We find that the average diminution of cost to the Arkansas Power Co. was $100,000 a year, while the average decrease in rates to the consumers in Arkansas was $217,000 a year.

Why did the Senator from New Hampshire not find out about the reduction of rates in Arkansas? He seems not to have been interested in that part of it. Whoever got him the information imposed upon him. The Senator ought not to allow himself to be imposed upon. I hope he will not let his investigators impose upon him any more while he is investigating.

Mr. President, one of the necessary things in the T. V. A. program is to make a return to the Government on the investment. This is in addition to the T. V. A.'s other direct and indirect benefits to the people as a whole. The chief means of realizing dollars-and-cents income expended for T. V. A.'s flood control and navigation projects is through the sale of power, a byproduct of these dams.

Under section 10 of its organic act the T. V. A. is specifically empowered to sell this power to "States, counties, municipalities, corporations, partnerships, or individuals," with preference to public bodies not organized or doing business for profit.

Section 11 further states that sale of power to industry—

Shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity.

I want to emphasize the point about industry:

To be utilized principally to secure a sufficiently high-load factor and revenue returns which will permit domestic and rural use at the lowest possible rates.

Well, that is just what T. V. A. is doing in its industrial contracts. Rates for dwelling and farm use cannot be lowered unless a sufficient quantity of electricity is sold. That is plain common sense. That is plain business, and I am unable to understand, after the Senator from New Hampshire spent his whole vacation studying this subject, why he did not learn about it.

The essential facts about the contract are these:

First. Arrangement is temporary.

The contract is an interim arrangement, subject to termination at the end of 5 years by notice given 2½ years after its effective date; extension after that time must be by mutual consent. This is an exceedingly short period for a contract of this nature, 20 years being the term of all other contracts with public agencies and cooperatives.

Second. Power supply is small proportion of company's requirements and small proportion of T. V. A.'s available surplus capacity.

This power is to be pumped into the Arkansas Co.'s system, which extends throughout the State. In the first year the amount purchased represents about 6 percent of the company's total needs, never exceeding 25 percent at the maximum, in the fifth year.

The power involved is a small fraction of the total which the T. V. A. has available and unsold, so that no possible question arises as to the adequacy of the amount of power remaining for public agencies or for industrial demands within the Tennessee Valley region proper.

Third. The contract contains no restrictions against nor discouragement of publicly owned distribution of T. V. A. power.

There is nothing in this contract which in any way prevents the Authority from furnishing power, at the same wholesale rate schedule as is provided in this contract, to municipalities, rural cooperatives, and other public agencies in Arkansas or elsewhere, which under the statute have a preferred right to receive T. V. A. power. This is an especially important fact in view of the insistence of the Commonwealth & Southern that they will not purchase power from T. V. A. unless such a restriction against sale to public agencies is part of the contract. Furthermore, the secondary power sold in this contract is not of the kind which could be used by public agencies, since they require continuous power, nor is there any possibility that the amount of firm and continuous power sold in the contract will impair the Authority's ability to supply power to preferred public agencies.

Fourth. Nearly half the block is part-time power, subject to interruption at the Authority's discretion.

Much of the power sold is not continuous, 24-hour-a-day power, but is so-called secondary, supplied to the Arkansas Co. only 300 days a year, the days to be selected entirely in the Authority's discretion. This class of power cannot be sold to municipalities nor to other customers who do not have another source of supply—and unless sold it is wasted. In the first year the company receives only secondary power, 10,000 kilowatts; in the second and third years, half secondary; in the fourth year, 15,000 kilowatts secondary out of a total of 40,000; and in the fifth year, 10,000 secondary out of a total of 40,000 kilowatts.

Fifth. Revenue from contract produced is without substantial additional investment by T. V. A.

The power is delivered by T. V. A. at the Arkansas Co.'s substation on the Tennessee side of the Mississippi River, at the end of a transmission line built by T. V. A. for service to the public plant being constructed by the city of Memphis. The transmission line has adequate capacity for both services. The contract, therefore, yields a minimum of about $3,000,000 of revenue in the 5-year period, but involves T. V. A. in additional investment in substation facilities of probably not more than $200,000, most of which can be salvaged at the end of the contract.

Sixth. Emergency stand-by service furnished to Memphis public plant.

The contract requires the company to furnish emergency break-down service to the municipal plant now under construction at Memphis to be supplied with T. V. A. power, and thereby adds to the reliability of service at that point and shortens the time when Memphis can reliably begin rendering service. If the property of the Memphis Power & Light Co. is sold to the city of Memphis, in accordance with an offer of the city of Memphis of long standing, even then this privilege of emergency stand-by would be valuable both to T. V. A. and to Memphis.

Seventh. Protection of consumers in Arkansas.

(a) Authority retains right to control rates at which this power is resold.

Under the contract the Authority has the right, recognized by the company, to fix the rates to be charged by the Arkansas Co. to the ultimate consumer of the power supplied by the Authority. Section 12 (b) of the contract reads:

If Arkansas Co. shall resell to the ultimate consumer any power supplied by Authority hereunder, for an amount which is in excess of any applicable schedule fixed by Authority for the resale of such power, the remedy of Authority shall be to cancel this agreement. * * *

(b) All savings by company due to purchase of T. V. A. power passed on, in reduced rates, to Arkansas consumers.

Although not inserted in the contract itself, but by collateral understanding, the Arkansas Co. has agreed that, as soon as it begins to receive delivery of the first block provided in this contract, 10,000 kilowatts of secondary power, it will reduce its rates throughout the State of Arkansas in a sum estimated at $149,000. There will be passed on to the consumers of Arkansas, in reduced rates, more than the amount of money saved by the Arkansas Co. by purchasing its power from T. V. A. instead of constructing additional generating capacity of its own.

(c) No "yardstick" rates in Arkansas.

Neither the contract nor the collateral arrangement contemplates that the resale rates which have been inserted in contracts between T. V. A. and public agencies—sometimes called T. V. A. yardstick rates—will be charged by the Arkansas Co. No such condition could be required for the following reasons:

First. The short term of the contract (5 years) and the small proportion of power supplied by T. V. A. would make it unreasonable to ask the company to reduce its entire rate structure throughout the State by about $2,000,000, such $2,000,000 to be balanced by a saving to the company in power cost in the first year of $40,000 and an average saving to the company of about $100,000 a year.

Second. The noncontinuous character of much of the power sold makes resale rate control almost impossible. The resale provisions, according to the statute, reach only the power sold by T. V. A. If literally applied, a T. V. A. schedule of resale rates would be applicable in Arkansas during 300 days of the year and some other schedule would be applicable during the rest of the year. This, of course, is not feasible.

Under all the circumstances, therefore, it was felt that if the full savings to the company were passed on in rate reductions, the intent of the law was satisfied. If any other policy were adopted under the circumstances of a short-term, largely interruptible power contract of this character, the contract could not be entered into, and the Authority would lose a large amount of revenue—$600,000 a year—and, what is even worse, waste a valuable natural resource beyond recovery.

The Authority's need for revenues during the period of litigation and obstruction are as follows:

On February 3, 1937, the Commonwealth & Southern Corporation allowed its contract for the purchase and interchange of power with the Authority to expire, and stated that it would refuse to supply any further revenues to the Authority unless the Authority changed its policy. The policy in question was the Authority's insistence that it would not, as a condition of selling power to private utilities, refuse to sell power to public agencies in the same territory. The Commonwealth & Southern announced its plan to construct a steam plant at Nashville. While thus cutting off the Authority's revenues from private utilities, the same companies, by securing injunctions against the Authority and many cities with which the Authority has contracts for power supply, had plainly decided upon starving out the Authority. Revenues from public agencies which are existing customers of the Authority total only about $500,000. Under these circumstances there was grave danger that continuation of such inadequate revenues would endanger the Authority's chance to secure adequate appropriations from Congress to continue its construction program, and would endanger its public position.

If the Authority were not making money, if it were not showing a reasonable return, we should have all kinds of trouble in getting the appropriations necessary to complete the dams which are now being built.

The Board was, therefore, of the opinion that the contract with the Arkansas Power & Light Co. provided revenues which the Authority badly needed, without sacrificing any principles, and in complete conformity to the statute.

In regard to the legality of the provisions regarding resale rate control, the question has been raised as to whether section 12 (b) of the contract, regarding resale rates, complies with the statute. The statute contains two provisions on this matter.

A proviso in section 10—added by amendment in 1935—gives the Authority discretion to include or not include a resale provision. The proviso in section 12 makes it mandatory that the purchasing company agree to abide by any schedules fixed by the Authority. The statute is not entirely clear, but it is the well-considered opinion of the General Counsel of the Authority, Mr. James Lawrence Fly, that the provisions of the contract are in compliance with the statute. Mr. James Lawrence Fly is the same general counsel who was at the head of the defense of the T. V. A. in the recent case in Chattanooga, which was unanimously decided by a three-judge court in favor of the T. V. A.

The contract with the Arkansas company involves no change of policy by T. V. A. There has been some criticism of this contract on the ground that it represents a basic change in policy. There is no basis in fact for such concern. The Authority has 32 contracts with public agencies, and 1 contract with a private utility. Those with public agencies are for 20 years and provide for 100 percent supply. The contract with a private company is for 5 years and provides a small proportion of its supply. The Authority is negotiating with a large number of communities in several States, and, were it not for injunctions and other hindrances, would be serving an even larger number of public agencies. At the same time, the contract represents an effort on the Authority's part, consistent with its obligation to public agencies, as provided by law, to put this project on a financially sound basis at the earliest possible time and to bring to the Treasury $3,000,000 in revenues during the period of obstruction and litigation, when without such revenues public sentiment might well turn against the Authority's administration of the project.

Now, about the Arkansas Power Co. being a "favored corporation": The truth is that by reason of the injunctions and lawsuits brought against the T. V. A. by a long list of power companies the T. V. A. found itself with a large amount of power on its hands that was going to waste; and it was exceedingly fortunate for the T. V. A. and for the Government that the Arkansas Power Co. was able to take a portion of this banked-up power from the T. V. A., banked up by the scores of injunctions, every one of which has been dismissed by the Supreme Court of the United States.

Now about Mr. Couch: Despite the alleged play upon words and attempted witticisms of the Senator from New Hampshire, I have known Mr. Couch for quite a while. He is a man of ability and of uprightness and integrity. He is able to defend himself. He does not need any defense from me. I do not know what the Senator from New Hampshire has against him. It is true Mr. Couch is president of one of these "giant" power companies, but the Senator's whole record shows that he has been exceedingly friendly to the power companies, because when he was utilities commissioner of New Hampshire for 5 years he allowed the power companies of New Hampshire to have the highest rates of any State in the Union except one. The plain facts are that the contract with the Arkansas Power Co. benefited the T. V. A., and is benefiting the T. V. A., and is benefiting the Arkansas consumers very much more than it is benefiting the Arkansas Power Co. It has brought about reduced rates to the power consumers in Arkansas and has very largely increased the income of the T. V. A.

The argument of the Senator from New Hampshire about the matter, as shown in his speech, is based on virtually an entire ignorance of the true facts of the situation. He evidently did not know that the Arkansas Power Co. had reduced its rates and he evidently did not know that the T. V. A. had this banked-up power which it could not use unless it sold it in the way it has sold it. The law directs the T. V. A. to sell to corporations. It did not except the Arkansas Power Co. and it did not except the Union Carbide Co. and its affiliates and it did not except the other industries to which the T. V. A. has sold power.

I wonder if the Senator from New Hampshire will not be good enough to make out a list of companies to which he thinks the T. V. A. ought to sell power. Of course, I understand he stated in his speech that he does not want power to be sold to the Arkansas Power Co., to the Electro-Metallurgical Co., the Victor Co., the Monsanto Chemical Co., or the Aluminum Co. of America. But are there any companies that the Senator from New Hampshire, in his righteousness and love of decent corporations, would be willing for the T. V. A. to sell to? Has the Senator introduced any bill to change the T. V. A. law, narrowing the line of customers that the T. V. A. may sell to?

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. McKELLAR. No; I am not going to yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. McKELLAR. That is the first step that the Senator could take. Of course, the Senator will not be guided by my advice. If he did, he would let entirely alone a matter concerning which he knows little, notwithstanding the fact that he spent his whole vacation in study of the question.

THE ALUMINUM CO. OF AMERICA

The Senator next specifically denounces the T. V. A.'s contract with the Aluminum Co. because of its being a "giant" corporation. Well, the Aluminum Co.'s contract was made in the open light of day. It was published to the world. It was highly beneficial to the T. V. A., because it has a large amount of power banked up by reason of the lawsuits and injunctions that had been brought by the power companies, with which the Senator from New Hampshire is supposed to be in entire sympathy, that it could not sell to municipalities, although it had contracts to sell to municipalities. This power was going to waste because of injunctions and lawsuits.

I never heard a word of complaint from the Senator from New Hampshire of the lawsuits and injunctions which the power companies brought; but I think the T. V. A. was exceedingly lucky to make this contract with the Aluminum Co.

The Senator says that the Aluminum Co. is a "wicked" company, and that not only the T. V. A. but also the administration is opposed to wicked companies like the Aluminum Co., and that it is, therefore, "inconsistent" on the part of the T. V. A. to sell this 30,000 kilowatts of primary power and 30,000 kilowatts of secondary power to the Aluminum Co. at a good price. Again the Senator from New Hampshire is not advised as to the facts. His reasoning is not sound.

Because the Aluminum Co. is a "giant" company, must the Government have nothing to do with it? Must it not be taxed by the Government because it is a "giant" company? If the Government needs aluminum, must the Government not buy it from the Aluminum Co. because it is a "big, wicked company"?

Mr. President, in my judgment, the argument of the Senator from New Hampshire on this point is without the slightest merit or force. The Senator says the Aluminum Co. of America is saving by its contract with the T. V. A. perhaps $400,000 a year, plus an indefinite sum which he does not state. Of course, this is a mere statement from the Senator and is not backed up by the facts at all and could not be. But, suppose such were the facts, the T. V. A. makes $3,000,000 out of the contract during its term, $3,000,000 that is simply taken out of the water, so to speak, because nobody is using that power and will not use that power during the term of the contract.

Not only this, but the Senator may not know that the Aluminum Co. of America has a very large plant at Alcoa, Tenn. At the time of making the contract it was employing 2,400 men. Since it secured this contract it has been constantly increasing the number of employees, and it has practically doubled its plant, and when it is completed the number of men employed by that plant will be in the neighborhood of 8,000. Thus this contract not only aids the T. V. A., not only saves the Government $3,000,000, which it could not have obtained otherwise, not only makes it easier to reduce the rates to farmers and to municipalities, but the contract aids the unemployment situation and gives steady labor to people who need it.

The Senator says these contracts were made behind closed doors and that they should have been made after bidding. The Senator should have examined the law. The law is perfectly plain; there is no requirement that the T. V. A., in selling power, shall ask bids for it. The Senator ought to know the law, whether he does or not. The contracts which the T. V. A. has made with all these industries have been made for the benefit of the T. V. A. and for the interests of all the people, but the Senator claims that these were secret contracts, made behind closed doors. The terms were published in every newspaper in Tennessee and in many newspapers throughout the country. The contracts themselves are in the report of the T. V. A. to the Government, to which, by the way, the Senator from New Hampshire carefully avoids referring.

The Aluminum Co. may be a "giant" company or it may be a bad company, and its stockholders may live in Hawaii, but I do not see how that has the slightest effect on the bona fides and the propriety of the T. V. A. having sold power to it just as it has.

I will give the Senator an illustration: I do not generally agree with the Senator from New Hampshire. I have nothing against him. He is always trying to make the headlines. I admire him for that. I hear he is a very ambitious candidate for the Republican nomination for President.

I admire him for that. Any man should be ambitious. But even supposing all these things to be true, I ought not to refuse him any rights in the world which he has as a Senator or as a man. I would not do anything under heaven to injure him, and I do not think that I ought to refuse to have intercourse with the Senator merely because he is a political "giant" or has views different from mine, or because he has an ambition to be President. It would be very foolish for any Senator to take that attitude toward another Senator; and in like manner I think it would be very foolish for the T. V. A. to refuse to sell power it wanted to sell, and which would go to waste if it did not sell, to a corporation like the Aluminum Co. or to the Electro-Metallurgical Co., or to the Arkansas Power Co., and especially as the act authorized the T. V. A. to do that very thing.

THE CONTRACT WITH THE ELECTRO-METALLURGICAL CO.

The Senator from New Hampshire seems to believe, judging from his speech, which he had used the entire time of his vacation, some 3 months, to prepare, that it was a wicked thing for the T. V. A. to sell power to the Electro-Metallurgical Co. because it was a subsidiary of the Union Carbide Co. Well, I am frank to say that I do not know much about the Union Carbide Co. except that it is a great corporation, manufacturing many articles of merchandise, and I have understood it to be a very large company. As to its being good or bad or wicked, I am unable to say. I knew many years ago, and still know, the president of that corporation, Mr. Jesse Ricks. He was a young man who came from Wisconsin to Chicago. I had some business with him and found him to be a high-standing, able, splendid young lawyer. He succeeded in Chicago, afterward moved to New York, and afterward became the president of the Union Carbide Co. I would not like to think that he is the head of a wicked corporation such as the Senator from New Hampshire describes; and, frankly, the Senator from New Hampshire would have to bring proof to uphold an indirect charge that Mr. Ricks is the head and front of a dishonest and corrupt corporation. I have not seen Mr. Ricks in years. I remember him with a great deal of pleasure and admiration, and I would not like to think that he has turned the Union Carbide Co. into a wicked concern with which the Government of the United States ought not to have any connection. Certainly the Government ought to tax it if it has any property, and it has a great deal of property; and if it has subsidiaries, these ought to be taxed.

The T. V. A. contract was made in the open. It was made on the 17th of last August, and was published. The first article of the contract provides for the building of a plant in Colbert County, Ala., "as an expression of good faith." It has not bought any power yet, but it will begin next year. It will take 8,000 kilowatts of primary power now going to waste, and it will take 8,000 kilowatts of secondary power now going to waste, as sold on the T. V. A.'s yardstick plan. Anyone else who wants to build a similar plant or a rival plant can make a similar contract, and it is remarkable that the Senator from New Hampshire should object to this contract, made to the great advantage of the T. V. A. and of the Government.

I think that what really troubles the Senator from New Hampshire is that he is against the T. V. A. coming and going, and he is just afraid that, judging by its marvelous success against all the vicissitudes and hindrances that have been put in its path, the T. V. A. is going to be successful, and he wants to prevent it from being successful.

MONSANTO CHEMICAL CO.'S CONTRACT

The Monsanto Chemical Co.'s contract was made May 15, 1936. The Monsanto Co. gets 8,750 kilowatts of primary power and 16,250 kilowatts of secondary power.

It seems from the records that the Monsanto Co. has other plants, including one at Anniston, Ala. They are moving a part of these operations into the Tennessee Valley area, where they get not only the advantage of cheaper power, but also they are nearer to the raw materials. They are shipping products from middle Tennessee to the Anniston, Ala., plant.

Again, Dr. Curtis says:

The cost of raw material is the determining factor in many instances. I do not think you could make a general statement as to what would be the principal factor. In case of the Monsanto Chemical Co., the largest single factor is that of raw materials, and they have located the new plant near the raw materials. The fact is that power would not represent perhaps more than 20 to 30 percent of the total cost of production as against 40 to 50 percent for raw materials. (House hearings, p. 982.)

Here is a plant which wants to get nearer raw materials and wants to get cheaper power, and it comes to the T. V. A. to better itself. It enters into a contract with the T. V. A. by which it acquires a relatively small amount of primary power and a relatively large amount of secondary power, all of which was going to waste. It is a fine contract for the T. V. A., but in some way it has brought down upon itself the wrath of the Senator from Hampshire. It is a "wicked" company. Some of its stockholders are basking in the balmy weather of Hawaii, or riding on the ocean in a private yacht; and, therefore, the Senator from New Hampshire believes that the Government should not sell this power to the Monsanto Chemical Co. He does not disclose any reasons except those that I have given. It may be a big company. It may be a wicked company, but up until this writing I never heard of the Senator from New Hampshire being opposed to big or wicked companies. Talk about consistency being a jewel, the Senator from New Hampshire is not very consistent himself.

I will now take up the Victor Chemical Co. The Victor Chemical Co. is likewise building a new plant (House hearings, p. 979). That company is one of those which now proposes to produce in the Tennessee Valley a material which they have been producing and will continue to produce in Nashville (hearings, p. 980). In other words, it will be an expansion of their business. If anyone ought to object to that company removing a part of its business from Nashville to Alabama, I ought to be the one; but I am not, because I am delighted that the Victor Co. wants to expand its business. I am delighted that it wants to have more employees. I am delighted that it wants to get cheaper rates for power, and I am delighted that the T. V. A. is able to sell its power as required by law to this company.

It may be true that certain Victor stockholders are riding in yachts on the high seas, or basking in the sunshine of Hawaii, but I see no reason why the T. V. A. should refuse to sell power to the Victor Co. because of that fact. Indeed, it would violate its duty to itself and to the Government if it did not sell its unused power to this concern. All these contracts provide that the buyers take the power subject to the needs of those who are preferred in the act, such as farmers and the cities and counties.

T. V. A. A PROFITABLE INVESTMENT

The T. V. A. is one of the most profitable investments the American people ever made. It, along with the other power policies of this administration, has resulted in reducing light and power rates to the American people to the amount of $556,000,000 a year.

Here is the ocular proof:

During the year ended February 28, 1932, we used 62,653,000,000 kilowatt-hours of electricity, for which we paid $1,803,000,000. During the year ended February 28, 1937, we used 91,555,000,000 kilowatt-hours, for which we paid $2,086,080,300. If we had paid the same rate for that 91,555,000,000 kilowatt-hours that we paid in 1932, the year before the T. V. A. was created, the cost would have been $2,642,000,000, or $556,000,000 more than we actually paid.

Where is the Senator from New Hampshire [Mr. BRIDGES]? I am going to refer to a number of things he stated, and I do not want to do him an injustice by quoting his remarks while he is not present. Can the Senator from New Hampshire be found?

SOME OF SENATOR BRIDGES' UNFOUNDED CHARGES

First. Senator BRIDGES says:

The failure of the T. V. A. was neither admitted nor explained.

The idea, Mr. President, of calling a failure what has been done by the T. V. A.! It is one of the greatest successes financially and otherwise that has been achieved up to this time.

The Senator from New Hampshire continued:

It is a failure for that Government agency so to have overextended its power facilities that in order to dispose of its power it had to pledge to a few large industrial concerns four times as much as the municipal and cooperative load—

He says that it has overextended its power facilities. Yet he does not say a word about the injunctions against Memphis, against Chattanooga, against Decatur, and against other cities preventing them from buying the power—

and it is worse than failure for the T. V. A. to fail so from its high purpose that it ends only by peddling the people's power to a few giant industries.

No statement could be further from the fact. The T. V. A. has been a wonderful success and has done a marvelous amount of good. It is simply ridiculous to bring up the criticism that it has overextended its power facilities when, as a matter of fact, it has been deprived of the opportunity of selling power all over the area by reason of lawsuits and injunctions by 19 power companies. When we look at the long lists of farmers, cooperatives, and municipalities that it is selling to now, the charge becomes simply more ridiculous.

Second. Again the Senator from New Hampshire says:

The entrance of the T. V. A. into the business of selling light and power was justified by the need of applying a Government yardstick to prices of electricity, but the theory behind the yardstick operations had nothing to do with sales to large industrial concerns. It had to do primarily with light and power for residential and farm uses—for private citizens, represented by municipalities and cooperatives.

Evidently he had not read the law. How unfair! How unjust is this criticism in view of the fact that 19 power companies have by every quirk of the law obtained temporary injunctions stopping the T. V. A. from selling to municipalities. Of course, municipalities and farmers and cooperatives have the first claim, but the law directs that after these uses have been met the T. V. A. is to sell to industries and others holding power in order that the rates may be lowered.

The Senator probably had not read the bill.

Third. Standing firm by the utilities companies, the Senator in his exuberance says:

Utility companies cannot possibly exploit industrial clients. Utility companies have no monopoly in selling power for industrial purposes. * * * As I have stated, utility companies cannot possibly exploit industrial clients, T. V. A. or no T. V. A.

That is an unjust and unfair statement, in view of the previous statement of the Senator from New Hampshire that the T. V. A. is operating in the interests of the big companies by reason of selling its product to them at a lower rate than the private utility companies can sell it.

Fourth. Again the Senator and former utility commissioner says:

Four great industrial concerns, four giant corporations in this country, and one great utility company, the leading man in which is friendly with the powers that be, are the beneficiaries, not the plain people, not the people for whom the yardstick was intended.

This is another statement wholly without foundation in fact. If there are any other concerns that want to buy the same kind of power from the T. V. A. and who have not done so, if Senator BRIDGES will give the names of such concerns, the T. V. A. will be delighted to sell to them.

Fifth. The Senator says:

These contracts were not open to public bidding.

* * * * * * *

Mr. President, why did they not ask for public bidding? Why did they not give the public the opportunity to offer bids? Why was it done behind closed doors?

All these charges in the form of questions are without the slightest merit. The contracts were made openly. They were made in accordance with the law. The law does not require public bidding. The T. V. A. could not do so in the very nature of the contract. The contracts themselves are before the public. They have been published in every local newspaper. They have been published in the report of the T. V. A., and had the Senator looked at it he could have read it. He does not refer to it in his speech. I suppose he did not read it.

Sixth. Again the Senator says:

The Tennessee Valley Authority will have 1,878,800 kilowatts rated capacity.

I hope it will in the future, and if so, it will sell it all unless prohibited by injunctions from the power companies.

The Senator from New Hampshire did not tell the Senate that the present installed capacity is 348,000 kilowatts. Oh, no; his 3 months' study during his vacation last year did not give him this information, although it was in the July report of the T. V. A., which he perhaps never looked at.

Seventh. Again, the Senator bursts out:

Finally, what of the sales price? Did the T. V. A. prices really cover the cost of the power not only of the dams but the generating facilities needed to make and deliver it? We are not told. Nobody knows. The action was arbitrary, concealed.

Consider all this secrecy—closed doors, hotel rooms—in the light in which the ordinary, everyday American citizen is forced to divulge his every move, every penny he makes, the sources of each dime that he earns, in his income-tax return, his social-security returns.

Mr. President, I happened to be in Memphis and was present when the Memphis and T. V. A. contract was signed. Its full terms were published in the newspapers. It was signed in a densely packed hall in which there were probably 1,000 persons or more. Moving pictures were taken of the transaction, and every detail of the transaction was known. Memphis accepted the proposition by a vote of 17 to 1 in a popular election. The truth is that in all of his study in the 3 months, evidently the Senator from New Hampshire did not undertake to make much investigation. If he did, he made only a one-sided investigation. If the Senator had looked into the reports of the T. V. A. instead of rambling around some "assertion bureau," he would have known that the T. V. A. is making more than the cost of power.

Again, the Senator says:

Meanwhile there is the fact that a few corporations benefited at the expense of the taxpayers, for the taxpayers are assuming the difference between the prices charged and the cost of such power to these companies, whether they bought it elsewhere or produced it themselves.

It has been shown me that several of these companies bought power from the T. V. A. While they might have helped themselves to some extent—and I hope they did—certainly they very greatly helped the T. V. A. and the Government, and what was done was entirely within the law and within their rights.

The next assertion made by the Senator from New Hampshire is in reference to differences in the Board. He refers to a difference between Dr. A. E. Morgan and Mr. Lilienthal and Dr. H. A. Morgan. The Senator offers this as the piece de resistance, and charges that there ought to be an investigation because the several directors of the T. V. A. do not agree with each other in all matters. This is another strange so-called argument. Does the Senator think we ought to have a Senate investigation of the State of New Hampshire because the two Senators do not agree? Does he think we ought to have an investigation of the Republican Party because we have in the Senate a number of reactionaries like the Senator from New Hampshire, and because we have a number of progressive Senators like the Senator from Nebraska [Mr. NORRIS]? I see no need for an investigation in New Hampshire. I think it is a rather happy coincidence that the senior Senator from New Hampshire and the junior Senator from New Hampshire do not agree.

I have referred here to political differences. If the Senator objects to those remarks, I will agree that they may go out.

The senior Senator from New Hampshire is for the people. I imagine he is for lowering the rates of power to the people, to the farmers, and to the industries. I have not talked with him, but I have no doubt he is on the side of the people, while the junior Senator from New Hampshire from 1930 to 1935 aided in maintaining in New Hampshire the highest rates in America, except those in one other State.

It would be a strange coincidence indeed if the three directors of the T. V. A. were together on every question that comes up before the T. V. A. In this connection, I am wondering why the Senator from New Hampshire, away up close to Canada, is taking so much interest in the T. V. A. down in Tennessee, more than 1,000 miles away, and in Alabama and adjoining areas. It is remarkable how far away from home some Senators like to indulge in reforms. He puts himself in the same attitude as some of our northern and western friends who are trying to pass the antilynching bill, disregarding the beams of law violations in their own States, and coming down in our part of the country to hunt for motes in the eyes of our people.

I think the Senator would much better perform the duties of his office if he aided in bringing down the enormous power rates in New Hampshire, if he gave the farmers of his State, the industries of his State, the housewives of his State, and the consumers of electricity everywhere in his State lower rates, instead of trying to perpetuate, as I understand his position, the monopolistic trend of the power trusts. How is he going to explain to the people of New Hampshire his fight here for the power trusts and for a continuation of the enormous rates that his own constituents have to pay? It is a question I will let him decide for himself.

Again, the Senator says:

Wall Street at its worst never had a better example of a preferred list of customers benefiting from inside negotiation than is evident here.

There has been talk about personalities, and complaint that something I said a while ago was of a personal nature. It was not so intended. I was merely stating the facts as they appear here in the RECORD. What sort of a thrust is that at the members of the T. V. A.? The charge that customers benefited from inside negotiations is a charge of fraud. What a statement coming from the Senator from New Hampshire!

I want to say to the Senator that if he will give me the name of anyone who wants to buy power on the same terms on which it was sold to these five companies, I can assure him that such proposed purchaser will get power from the T. V. A. on the same terms. Of course, there is no preferred list. Of course, there is no one benefiting from inside negotiations.

Again, he says:

What a bargaining weapon the Authority had here. Could not the Authority have said to the Aluminum Co. of America, "Yes; certainly we can offer you a reduction in rates from what you would ordinarily have to pay in other industrial centers. But we represent the United States Government and we give you no concessions unless you also concede something which is of value to the Nation."

That is precisely what was done in each case. In the Arkansas Power Co. case they had the rates reduced, and that company bought unused power that was going to waste to the extent of $3,000,000.

In the Aluminum Co. case the Aluminum Co. bought not only unused power but largely secondary power, and at the same time provided for the building of another large plant and work for perhaps some 4,000 people.

Ah, but lastly here comes the real milk in the coconut. The Senator says:

I want the power in New England controlled by the States in which I have a little more confidence than in the T. V. A., which has bartered away power to some of the great corporations of this country, so that a few more multimillionaires may sail the southern

seas on palatial yachts. That is what has happened. That is one of the things we are afraid of in New England.

That southern seas cruise seems to have caught the Senator's attention—the southern seas cruise on palatial yachts and basking in the sunshine of Hawaii. Where is its relevancy in regard to the Tennessee Valley Authority? I do not know. Perhaps the Senator does.

I continue reading the Senator's statement:

We have only a few great natural resources in New England. We have our forests; we have our deep-sea fishing; we have our lumber. We have our scenery and our climate, and the New Deal cannot take those away from us. But we have another great resource. Every little industry, every village, every city that has prospered in New England has developed around some waterway, some little stream, some river.

Mr. President, this tells the whole story. New Hampshire has the second highest power rates of all the States in the Union. It charges more than 100 percent more for its power than does the T. V. A. It charges more than 100 percent more for its power than power is sold for in the State of Washington. It charges more than 100 percent more for its power than the power companies in Canada right across the line from New Hampshire.

Evidently what the Senator is after is keeping up the price of power in New Hampshire. He does not want people ever to have cheaper power in his State. He wants the power barons to continue to have their way. He was a utility commissioner in New Hampshire. He did not reduce the rates while a commissioner to the farmers, the householders, the industries, and other consumers. Why does he think the rates should be reduced in the Tennessee area? It is the same old story of standing by the big interests. It is the same old fight of the predatory interests against the rights of the people. That is the sum total of the Senator's speech on the T. V. A.

I ask, Mr. President, that two tables from the House hearings on the independent offices bill for the year 1939 be attached to and considered part of my remarks, together with five contracts entered into by the T. V. A.

The PRESIDING OFFICER (Mr. ANDREWS in the chair). Is there objection? The Chair hears none.

The tables and contracts are as follows:

Tentative estimate of possible T. V. A. system requirements and capacity available, by fiscal years

	1938		1939		1940		1941		1942	
	Kilowatts	Percent	Kilowatts	Percent	Kilowatts	Percent	Kilowatts	Percent	Kilowatts	Percent
Firm power:										
Municipal contractors now served	14,200	8.6	15,900	5.5	17,300	4.1	18,400	3.6	19,300	3.3
Municipal contractors not now served	20,000	12.1	64,000	22.0	90,800	21.4	111,300	21.9	129,300	22.3
Cooperatives now served	12,600	7.6	14,400	5.0	15,600	3.6	16,400	3.2	17,100	3.0
Industrial contractors	41,500	25.0	74,700	25.7	93,500	22.0	101,500	19.9	93,500	16.2
Utility contractors			15,000	5.2	20,000	4.7	25,000	4.8	30,000	5.2
T. V. A. construction, etc	20,000	12.1	20,000	6.9	20,000	4.7	20,000	3.9	20,000	3.5
Subtotal	108,300	65.4	204,000	70.3	257,200	60.5	292,600	57.3	309,200	53.5
Estimated new load			2,000	.7	61,800	14.6	115,400	22.6	170,800	29.5
Total firm demand	108,300	65.4	206,000	71.0	319,000	75.1	408,000	79.9	480,000	83.0
Secondary power:										
Industrial contractors [1]	34,700	21.0	52,800	18.2	71,000	16.7	71,000	14.0	71,000	12.3
Utility contractors [1]	7,500	4.5	11,200	3.9	15,000	3.5	11,500	2.2	7,000	1.2
T. V. A. fertilizer	15,000	9.1	20,000	6.9	20,000	4.7	20,000	3.9	20,000	3.5
Total secondary demand	57,200	34.6	84,000	29.0	106,000	24.9	102,500	20.1	98,000	17.0
Total firm and secondary demand	165,500	100.0	290,000	100.0	425,000	100.0	510,500	100.0	578,000	100.0
Minimum reserve	50,000		50,000		50,000		50,000		60,000	
Minimum capacity required	215,500		340,000		475,000		560,500		638,000	
Installed capacity	348,000		420,000		468,000		573,000		697,000	
Margin [2]	132,500		80,000		7,000		12,500		59,000	

[1] 75 percent of commitments for fiscal years.

[2] 40,000 kilowatts under contract as available.

Estimated Tennessee Valley Authority system load—Kilowatts by fiscal years

MUNICIPAL CONTRACTORS

	1938	1939	1940	1941	1942
CONTRACTORS NOW SERVED (JUNE 30, 1937)					
Amory	479	526	557	588	618
Athens	1,233	1,327	1,422	1,504	1,580
Bolivar	250	339	391	443	496
Dayton	453	497	538	572	601
Dickson	570	631	686	727	767
Florence	2,800	3,112	3,398	3,620	3,818
Holly Springs	400	443	479	512	540
Jackson	439	475	475	475	475
Milan	460	504	548	579	610
Muscle Shoals City	200	215	228	241	250
New Albany	915	1,008	1,062	1,146	1,210
Okolona	668	715	747	779	813
Pulaski	885	977	1,040	1,103	1,164
Sheffield	755	1,010	1,198	1,290	1,374
Somerville	200	220	240	253	266
Tupelo	2,842	3,147	3,408	3,608	3,785
Tuscumbia	700	797	866	927	982
Total	14,240	15,943	17,303	18,367	19,349
Say	14,200	15,900	17,300	18,400	19,300
CONTRACTORS NOT NOW SERVED (JUNE 30, 1937)					
Chattanooga		20,000	30,000	40,000	50,000
Decatur		3,000	3,600	4,000	4,300
Knoxville		10,000	16,000	21,000	25,000
Memphis	20,000	30,000	40,000	45,000	48,500
Russellville		1,000	1,200	1,330	1,450
Total	20,000	64,000	90,800	111,330	129,250
Say	20,000	64,000	90,800	111,300	129,300

Estimated Tennessee Valley Authority system load—Kilowatts by fiscal years—Continued

COOPERATIVES

	1938	1939	1940	1941	1942
COOPERATIVES NOW SERVED					
Alcorn Co. E. P. A	2,298	2,496	2,656	2,795	2,929
Cullman Co. E. P. A	311	350	382	415	444
Duck River E. M. C	642	727	812	853	895
Gibson Co. E. M. C	1,144	1,357	1,491	1,568	1,638
Meigs Co. E. M. C	481	602	705	746	780
Middle Tenn. E. M. C	631	808	943	990	1,035
Monroe Co. E. M. C	550	585	615	645	676
N. Georgia E. M. C	685	927	996	1,054	1,099
Pickwick E. M. C	484	550	613	647	675
Pontotoc E. P. A	943	1,017	1,043	1,066	1,085
Prentiss Co. E. P. A	845	914	961	1,000	1,036
Southwest Tenn. E. M. C	783	1,009	1,196	1,311	1,374
Tishomingo Co. E. P. A	619	662	696	727	755
Tombigbee E. P. A	1,912	2,023	2,115	2,188	2,259
Lincoln Co. E. M. C	303	344	366	384	397
Total	12,631	14,373	15,592	16,394	17,077
Say	12,600	14,400	15,600	16,400	17,100
INDUSTRIALS (FIRM POWER)					
Goodyear Mills	3,000	3,000	3,000	3,000	3,000
Monsanto	8,750	10,675	17,500	17,500	17,500
Aluminum Co	30,000	30,000	30,000	30,000	30,000
Volunteer	3,000	3,000	3,000	3,000	3,000
Victor		12,000	16,000	16,000	16,000
Electro-Metallurgical		8,000	16,000	24,000	24,000
Sardis Dam	8,000	8,000	8,000	8,000	
Total	52,750	74,675	93,500	101,500	93,500
Say	[1] 41,500	74,700	93,500	101,500	93,500

[1] Reduced during developmental period.

Estimated Tennessee Valley Authority system load—Kilowatts by fiscal years—Continued

SECONDARY POWER

	1938	1939	1940	1941	1942
Aluminum Co.	30,000	30,000	30,000	30,000	30,000
Monsanto	16,250	19,825	32,500	32,500	32,500
Victor		12,000	16,000	16,000	16,000
Electro-Metallurgical		8,000	16,000	16,000	16,000
Total	46,250	69,825	94,500	94,500	94,500
Say 75 percent	34,700	52,800	71,000	71,000	71,000

AMENDATORY AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND ALUMINUM CO. OF AMERICA

Whereas the Authority and the company are parties to an agreement dated July 17, 1936 (hereinafter designated as "the 1936 agreement"), for the exchange of power, the purchase and sale of power, and for other purposes; and

Whereas the citizens and farmers of north Georgia have organized, and are organizing, cooperative associations for the purpose of distributing electricity to the members thereof, and have requested the Authority to supply the bulk electric power requirements of said association; and

Whereas said area in north Georgia cannot now be served from the Authority's transmission lines, but is within convenient transmission distance of the transmission lines of the Nantahala Power & Light Co., a subsidiary of the company; and

Whereas the Authority has available, and the company desires to purchase, power in addition to that described in the said agreement as "purchased power":

Now, therefore, subject to the provisions of the Tennessee Valley Authority Act of 1933, the 1936 agreement is amended as follows:

1. The company will supply, or cause to be supplied, power to the Authority for sale in said area in north Georgia, at any mutually agreeable point or points on the transmission system of the Nantahala Power & Light Co., in such amount or amounts as the Authority may request when, in the judgment of the company, the available capacity of the facilities of the Nantahala Power & Light Co. so permit: *Provided*, That the total power to be delivered to the Authority shall not exceed 12,000 kilovolt-amperes, including the power delivered pursuant to paragraph 4 of the 1936 agreement.

The expense of an interconnection between the facilities of the Nantahala Power & Light Co. and the facilities of the Authority shall be paid by the Authority. The Authority shall have the same rights and obligations with reference to the additional facilities necessary for such interconnection as are provided by the 1936 agreement with reference to the substation and facilities to be constructed by the Authority at the Santeetlah powerhouse of the Carolina Aluminum Co.

2. The power supplied pursuant to paragraph 1 of this amendatory agreement shall be metered where taken and shall be returned to the company at Alcoa, as provided in paragraph 5 of the 1936 agreement, at a total rate not to exceed 12,000 kilovolt-amperes, including power reimbursed under paragraph 5 of the 1936 agreement.

3. Paragraph 6 of the 1936 agreement is amended to read as follows:

"6. In addition to the power which the Authority is to supply the company at Alcoa, Tenn.; under paragraph 5 hereof, the Authority will deliver to the company at Alcoa, from a substation at Norris Dam, Tenn., such other power as the company may demand to the extent that, in the judgment of the Authority, it has such power available as a surplus over navigation and flood-control requirements and other present and future commitments, which power is herein referred to as 'purchased power.' This purchased power shall be supplied and taken at as near 100-percent-load factor for the period of the demand as the parallel operation of the power systems of the Authority and the company will permit, in blocks as specified in such demand, not less than 10,000 kilovolt-amperes nor more than 40,000 kilovolt-amperes (in addition to the demand to which the company is entitled under paragraph 5 hereof) upon 15 days' notice by the company for a period of not less than 90 days. Delivery of said purchased power shall be terminable at any time at expiration of or after the minimum period by either party on at least 15 days' notice. The company shall pay for purchased power at the rate of 2.2757 mills per kilowatt-hour, and shall demand power in the manner herein provided.

"On or before May 1 of each year the company shall make demand on the Authority in writing, specifying what amount of purchased power, if any, it desires during the last 7 months of said calendar year and the date upon which commencement of delivery is desired, together with the other matters hereinabove specified. The Authority shall within 30 days after receipt of said demand, but not earlier than May 15, advise the company by notice in writing whether it will deliver power to the extent called for in said demand and, if not, to what lesser amount, if any, or for what lesser period (but not less than 90 days), if any, it will deliver power as herein provided during the last 7 months of said year. Thereupon the company shall be obligated to take and pay for, and the Authority shall be obligated to deliver, the amount of power which the Authority has so agreed to supply, but not in excess of the amounts demanded by the company. The company agrees to demand not less than 85,000,000 kilowatt-hours in every calendar year, and the Authority agrees that it will not before May 1 in any year disable itself from supplying the company not less than 85,000,000 kilowatt-hours of purchased power in the last 7 months of every calendar year by selling to any other customer power at the same or substantially the same price and at the same or substantially the same terms. The Authority will, on or before the 10th day of each calendar month, render to the company a statement of the amount payable under this paragraph for the preceding calendar month, and within 20 days thereafter the company will pay the Authority in lawful money of the United States of America the amount so due the Authority.

"If at any time the Authority shall sell any power of similar or better quality to any person or corporation engaged in any business of a similar or competitive nature to that of the company at a rate less than that set forth herein for purchased power, then in such case the rate to be applied to purchased power hereunder shall be reduced to the lesser rate and continue so long as such lesser rate is operative."

4. Paragraph 9 of the 1936 agreement shall apply to all deliveries of power under this amendatory agreement and to all facilities necessary therefor.

5. This amendatory agreement shall take effect at midnight of December 31, 1937, and shall continue in effect until midnight of December 31, 1947, except that the parties may at any time prior thereto extend this agreement for an additional period of 5 years, and if so extended may at any time prior to midnight of December 31, 1952, by agreement extend this agreement until midnight of December 31, 1957. Until midnight of December 31, 1937, the provisions of the 1936 agreement shall continue in full force and effect, and after said date the provisions of the 1936 agreement shall continue in full force and effect, as specifically amended by this amendatory agreement, until midnight of December 31, 1947, or until the expiration of any period of extension agreed upon as above provided.

In witness whereof, the parties hereto have caused this amendatory agreement to be executed in four counterparts, each of which shall be considered an original, pursuant to authority of resolutions of their respective boards of directors duly adopted.

TENNESSEE VALLEY AUTHORITY,
By ——— ———, *Chairman.*

Attest:

——— ———.

ALUMINUM COMPANY OF AMERICA,
By ——— ———, *President.*

Attest:

———.

This agreement, made this —— day of ———, 1937, by and between Tennessee Valley Authority, a corporation organized and existing under the act of Congress of May 18, 1933, as amended by the act of August 31, 1935 (hereinafter designated as the Authority), first party, and Aluminum Company of America, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter designated as the company), second party, witnesseth: That

Whereas the company proposes to increase the capacity of its Alcoa Works and desires to purchase part of the power required to operate such increased capacity, in addition to the power which it can secure from other sources of supply; and

Whereas the Authority has available a supply of power as hereinafter set forth, after fulfilling the requirements of the Authority and the United States, and without prejudice to any preferential rights of States, counties, municipalities, and nonprofit organizations of citizens and farmers to purchase electric power from the Authority; and

Whereas the Authority now has under construction, and will shortly have in operation, a transmission line to the company's substation at Alcoa, Tenn., which will be adequate for the transmission of the power herein specified, without additional expense to the Authority:

Now, therefore, the said parties hereto, subject to the provisions of the Tennessee Valley Authority Act of 1933, mutually agree and bind themselves to the following covenants and conditions, to wit:

1. The Authority will sell and deliver to the company 30,000 kilowatts of firm power as herein defined. The company will pay the Authority $60,000 per month for such power for each month during the life of this agreement, except when temporarily discontinued as provided herein. Firm power shall be defined as power available to the company at all times, except as provided in sections 7 and 9 hereof.

2. The Authority will sell and deliver to the company 30,000 kilowatts of power herein designated as run-of-stream secondary power. The company will pay the Authority the sum of $1,800 for each day said power shall have been delivered, except as otherwise provided herein.

The Authority shall give not less than 21 days' notice of its intention to interrupt the run-of-stream secondary power hereunder.

To compensate the company for the expense incurred by reason of an interruption of run-of-stream secondary power and difficulty in resuming power takings after notice of availability, there shall be deducted from the current bill the sum equal to the cost of run-of-stream secondary power for 21 days for each interruption.

The Authority shall give the company notice of its intention to resume the delivery of run-of-stream secondary power so interrupted, and the company shall accept delivery thereof 7 days after the date of said notice.

Immediately following a period in which the delivery of run-of-stream secondary power has been interrupted, as provided for herein, the Authority shall deliver run-of-stream secondary power to the company, without charge therefor, for a number of days equal to one-third the number of days between the date of interruption and the date of notice of resumption. Delivery of run-of-stream secondary power shall not be interrupted except when, in the judgment of the Authority, deficiency in stream flow so requires, and in any event the Authority shall make run-of-stream secondary power available for at least 75 percent of the time in any consecutive 10 years.

Authority may elect to interrupt the delivery of 15,000 kilowatts of run-of-stream secondary power and to continue the delivery of the remaining 15,000 kilowatts of such power, in which case the company shall be obligated to pay only one-half the amount set out above, so long as only 15,000 kilowatts of such power is available. The credits for interruption specified in this section shall likewise be prorated. Each day of delivery of only half the contract run-of-stream secondary power shall be considered as equivalent to the delivery of the full 30,000 kilowatts of such power for one-half day for purposes of fulfilling the Authority's obligation to deliver such power 75 percent of the time.

3. The Authority will, on or before the 10th day of each calendar month, render to the company a statement of the amount payable for power delivered during the preceding calendar month, and within 20 days thereafter the company will pay the Authority, in lawful money of the United States, the amount so due the Authority. Upon failure of the company to pay for power as herein contracted for within 60 days after due date, the Authority shall have the right, upon reasonable notice, to discontinue the supply of power and refuse to resume delivery so long as any part thereof remains unpaid.

Discontinuance of supply under this section will not relieve the company of its liability for the agreed monthly and daily charges during the time the supply of power is so discontinued. To any amount remaining unpaid on the 1st day of the calendar month following the due date, there shall be added a penalty of 1 percent, and an additional 1 percent shall be added on the 1st day of each succeeding month until the amount is paid in full. All payments shall be made to the Authority at its offices at Wilson Dam, Ala., or at such other place as the Authority may from time to time designate.

4. The electric power supplied hereunder shall be in the form of three-phase alternating current, at a frequency of approximately 60 cycles per second, and at a normal voltage of 154,000 volts. The point of delivery for all power to be supplied hereunder shall be the 154,000-volt side of the company's substation at Alcoa, Tenn. Maintenance by Authority at the point of delivery of stated voltage and frequency and capacity contracted for shall constitute delivery of electric power for the purposes of this agreement.

5. The company will provide space at its Alcoa substation in which the Authority may, at its expense, install all metering equipment which in the Authority's judgment shall be necessary to determine the amount of power supplied hereunder. The Authority may, at its option, utilize such space for such purpose, or may install metering equipment in any other suitable location; in which event, the power sold hereunder shall be measured and computed as at the 154,000-volt side of the company's Alcoa substation. The Authority shall provide space adjacent to its meter installation in which the company may, at its option and expense, install check meters. The company will, at its expense, install metering equipment on the low-tension side of its Alcoa substation, so that the power supplied hereunder may be measured and computed as of the high-tension side of said substation as a check on the Authority's measurements, and will provide space adjacent thereto in which the Authority may, at its option and expense, install check meters.

The Authority and the company shall each be responsible for the accuracy and maintenance of its own metering equipment, and shall make, each at its own expense, such periodic tests as may be necessary to maintain the same at the highest practical commercial standard of accuracy.

The meters of each party shall be read simultaneously at mutually agreeable times, and the readings taken by each shall be furnished the other. Should any discrepancy occur, either party may request the other to test its metering equipment, and such test shall be made in the presence of a representative of the other party. Should any test show the meters on which the bill for power is based to be in error by more than 1 percent fast or slow, the bill for not exceeding the preceding 30 days shall be adjusted to accord with such corrected meter reading.

Each party shall have free right of access to its metering equipment installed on the premises of the other party. Any equipment or facilities installed by either the Authority or the company on the property of the other shall be considered to be the personal property of the party installing same.

6. The power specified herein shall be supplied and taken at as nearly 100 percent load factor for the period of availability and at as nearly uniform voltage, contract demand, and frequency as the parallel operation of the power systems of the Authority and the company will permit. Should the company fail to take, in any calendar month, the maximum number of kilowatt-hours available within the contract demand, the amount payable by the company shall not be reduced below the contract amount. Should the company inadvertently take, in any calendar month, a number of kilowatt-hours in excess of the maximum number of kilowatt-hours available within the contract demand, the Authority may, at its option, bill the company for such excess number of kilowatt-hours at 1½ mills per kilowatt-hour, or require the company to reduce the number of kilowatt-hours taken by it during the succeeding month by an amount equal to said number of kilowatt-hours.

7. If the operations of the Authority's power plants and power systems, or the operation of the company's manufacturing works at Alcoa, Tenn., are suspended, interrupted, or interfered with for any cause reasonably beyond their control, including, but not by way of limitation, the failure or break-down of generating or transmitting facilities or equipment, floods, backwater caused by floods, fires, strikes, or acts of God, or the public enemy, the Authority need not deliver and the company need not accept or pay for power for such period of time and to the extent that such suspension, interruption, or interference makes it reasonably impracticable to deliver or use such power. Each party will promptly notify the other of any such suspension, interruption, or interference. Interruptions or suspensions of delivery for any such cause shall not entitle the company to the delivery of power without charge, as provided in section 2 hereof.

8. The company agrees that it will consume all power furnished to it by the Authority under this agreement in its own operations, and that such power shall not be so used as to increase the amounts of power sold by the company of its own generation, except that when the company's production or manufacturing operations are curtailed it may, for the period of such curtailment, sell so much additional power of its own generation as may be released by such curtailment.

9. If conditions in the company's business become depressed, so that the company, in its judgment, cannot use all of the power contracted for, the company shall have the right, upon giving the Authority 6 months' written notice, to temporarily discontinue taking either the entire contract run-of-stream secondary power or both the entire contract firm power and run-of-stream secondary power. The company may request the Authority to resume the delivery of the run-of-stream secondary power or both firm power and run-of-stream secondary power if both have been temporarily discontinued hereunder. The Authority shall resume the delivery of the same within 6 months of the date of such notice; provided that the Authority is not obligated to resume the delivery of said power until 1 year after discontinuance. During the period in which delivery is interrupted under this section, the company shall pay to the Authority three-eighths of the otherwise applicable charge per day for run-of-stream secondary power and (if the company discontinues to take firm power hereunder) one-half of the otherwise applicable charge for firm power.

Whenever delivery of power shall have been discontinued under this section, it shall be assumed that run-of-stream secondary power would have been available 100 percent of the time during any period of discontinuance.

10. The Authority and the company will each endeavor to assist the other in furnishing power for emergencies, within the capacity of their respective power systems and reservoirs, and without unduly impairing the ability of the party furnishing the emergency service to meet its existing requirements, if any, for power, or the requirements of the Authority for improving navigation or for controlling destructive floodwaters, of which capacity and undue impairment the party furnishing the emergency service shall be the judge, and the party receiving such emergency power shall return to the party supplying the same, upon demand of the latter, the same quantity of power so received and at the rate specified in said demand; subject, however, to the capacity of the power system and reservoirs of the party returning such power and without unduly impairing its ability to meet its then existing requirements for power, of which capacity and undue impairment the party returning such power shall be the judge.

11. Any notice or demand required by this agreement shall be deemed properly given if mailed, postage prepaid, to the chief electrical engineer, Knoxville, Tenn., on behalf of the Authority, or to the superintendent of power of the company at Alcoa, Tenn., on behalf of the company. The designation of the person to be so notified, or the address of such person, may be changed at any time and from time to time by either party by similar notice.

12. Inasmuch as damages would be an inadequate remedy under this agreement, each of the parties hereto shall be entitled to the remedy of specific performance of this agreement.

13. Any waiver at any time by either party hereto of its rights with respect to the other party, or with respect to any other matter arising in connection with this agreement, shall not be considered a waiver with respect to any subsequent default or matter.

14. The obligations of the parties to purchase and sell power hereunder are in addition to the obligations under the agreement of July 17, 1936, and nothing herein shall be deemed to alter or modify the rights or obligations of the parties under said agreement.

15. The provisions of this agreement shall bind and inure to the benefit of the company and its subsidiaries, and their successors and assigns, and the Authority, its successors and assigns.

16. Nothing in this agreement shall authorize the Authority to require the company or any of its subsidiaries to engage in the transmission of power in interstate commerce.

17. This agreement shall become effective upon the date first above-mentioned, and shall continue for 20 years, but the obligation of the Authority to deliver, and the company to purchase,

power hereunder shall not begin until June 1, 1938. Either party may cancel this agreement upon 5 years' written notice to the other party, effective not earlier than 10 years from the date hereof.

In witness whereof, the parties hereto have caused this agreement to be executed in four counterparts, each of which shall be considered an original, pursuant to authority of resolution of their respective boards of directors duly adopted.

AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND VICTOR CHEMICAL WORKS

This agreement, made this —— day of ———, 1937, between Tennessee Valley Authority, a corporation created by the Tennessee Valley Authority Act of 1933, hereinafter called "Authority," and Victor Chemical Works, a corporation organized and existing under the laws of the State of Illinois, hereinafter called "customer," witnesseth:

Whereas, by said Tennessee Valley Authority Act of 1933, authority was entrusted with and is now operating Wilson Dam and generating plant, and has constructed and is now operating other dams and generating plants; and

Whereas customer intends to erect a chemical plant at or near Mount Pleasant, in Maury County, Tenn., which will include one or more electric furnaces, and may require up to 32,000 kilowatts of electric power in the operation of said plant; and

Whereas customer has requested Authority to supply all of its purchased power requirements in Maury County, Tenn.; and

Whereas Authority has determined that it has and will continue to have sufficient power available for the performance of this agreement after fulfilling the requirements of the Authority and the United States, and that this agreement will not prejudice any preferential rights of States, counties, municipalities, and nonprofit organizations of citizens and farmers to purchase electric power from Authority: Now, therefore

In consideration of the premises and the mutual covenants and agreements hereinafter set forth, and subject to the provisions of the Tennessee Valley Authority Act of 1933, the parties hereto mutually agree as follows:

1. Construction of plant: As an expression of good faith to Authority, customer agrees to begin construction of a chemical plant at the site indicated above at or near Mount Pleasant, in Maury County, Tenn., which will include one or more electric furnaces capable of utilizing approximately 8,000 kilowatts of electricity, and customer agrees to continue said construction to completion with diligence and good faith; and should customer fail to so continue, Authority shall have the right, upon 30 days' notice, to cancel this agreement and terminate all of its obligations assumed herein: *Provided*, That Authority shall not have such right of cancelation if the continuance of said construction is prevented, delayed, or impeded by reasons of injunction, strike, riot, invasion, fire, accident, break-down, act of God, or any other like causes beyond the customer's control; and

Provided further, That in the event of failure to construct or to continue construction due to any such cause, customer agrees to resume construction and continue the same to completion as soon as reasonably possible, and in the event of failure so to do, Authority shall be entitled to exercise the right of cancelation as hereinabove provided; and

Provided further, That should Authority give notice of cancelation pursuant to this section, customer may, within said 30-day notice period, elect to pay minimum charges upon the contract demands as specified in section 9 hereof, and in such case Authority shall not have such right of cancelation until 12 months from the date of said notice, and then only if during said 12-month period customer has failed to continue the construction of said plant with diligence and good faith.

2. Sale of electric power: Authority shall sell and deliver to customer, and customer shall take and buy from Authority, all of customer's electric power requirements for the operation of customer's chemical plant, equipment, and facilities to be erected and installed at the above-mentioned location, in the quantities hereinafter set forth, all in accordance with this agreement and with the terms and conditions which are attached hereto and hereby made a part hereof: *Provided*, That customer may generate electric power as a byproduct of its manufacturing and processing operations, subject to the minimum bill provisions of section 9 hereof, and with the understanding that such self-generated power shall not be so used as to reduce the load factor at which purchased power is taken from Authority: *Provided, further*, That if at any time during the period of this agreement customer requires in its operations electric power in amounts in excess of the amount for which Authority is obligated, or in excess of such larger amount as Authority may at the time be willing to supply under the terms of this agreement, customer shall have the right to purchase from other sources or to generate any such excess requirements.

3. Duration of agreement: This agreement shall be for a period of 20 years commencing on the date first above-mentioned. It is agreed, however, that if, during the period of this agreement, conditions arise which make the continuance of customer's electric furnace operations in Maury County, Tenn., disadvantageous, customer shall have the right, provided its said furnacing operations in said county are completely and permanently discontinued, to cancel this agreement upon not less than 1 year's written notice, said cancelation to be effective, however, not earlier than 5 years from the date hereof: *Provided*, That customer shall not be entitled to exercise this right of cancelation unless its obligations under section 1 hereof to construct a plant have been performed.

4. Service specifications: This agreement covers two types of power: (a) Firm power, which is power that is available continuously, and (b) run-of-stream secondary, which is power that is available to customer at the discretion of Authority: *Provided*, That run-of-stream secondary power shall be available to customer not less than 75 percent of the time in each calendar year, and there shall not be any continuous suspension of more than 100 days, nor total suspensions of more than 120 days in any 12 successive months, nor any suspension of less than 30 days' duration. Authority shall give not less than 14 days' written notice before suspending the run-of-stream secondary power service, and not less than 7 days' written notice before resuming run-of-stream power service.

The electric power supplied hereunder shall be in the form of 3-phase, 60-cycle, 13,200-volt alternating current. The frequency, generation, transmission, service, and voltage shall be maintained in accordance with the best commercial standards for hydroelectric systems. Voltage variations at the 13,200-volt substation bus shall not exceed 2½ percent up or down under normal load, except in case of temporary interruption to service.

5. Quantity: Electric power delivered hereunder shall be supplied by Authority and taken by customer as follows:

(a) If written request is made by customer not less than 30 days prior to the date specified in such request, Authority shall, on the date specified (but not earlier than February 1, 1938), or if no such request is made, then on June 1, 1938, whichever date is earlier, make 8,000 kilowatts of firm power available to customer, and the contract firm demand shall be 8,000 kilowatts.

(b) If written request is made by customer not less than 4 months prior to the date specified in such requests (but such request must be made not earlier than February 1, 1938, nor later than March 1, 1940), Authority shall, on the date specified, increase the amount of power available to customer from 8,000 kilowatts of firm power to 12,000 kilowatts of firm power and 12,000 kilowatts of run-of-stream secondary power, and the contract firm demand shall be 10,500 kilowatts, and the contract run-of-stream secondary demand shall be 10,500 kilowatts.

(c) If further written request is made by customer not less than 4 months prior to the date specified in such further request (which request must be made not later than March 1, 1941), Authority shall, on the date specified, increase the amount of power made available to customer from 12,000 kilowatts of firm power and 12,000 kilowatts of run-of-stream secondary power to 16,000 kilowatts of firm power and 16,000 kilowatts of run-of-stream secondary power, and the contract firm demand shall be 14,000 kilowatts and the contract run-of-stream secondary demand shall be 14,000 kilowatts.

(d) When delivery of run-of-stream secondary power is suspended by Authority, Authority shall be under no obligation to supply firm energy in any month in excess of 8,000 kilowatts at 100 percent load factor or the average monthly firm demand during the preceding 12-month period at 100-percent load factor, whichever is the higher, unless the amount of power available to customer has been increased, pursuant to section 5 (b) or section 5 (c) hereof, less than 12 months prior to any such suspension, in which case Authority shall be under no obligation to supply firm power in excess of 8,000 kilowatts at 100 percent load factor or the average monthly firm demand at 100 percent load factor since the date of such increase, whichever is the higher: *Provided, however*, That after the amount of power available to customer has been increased pursuant to section 5 (b) hereof, and prior to July 1, 1941, customer shall not be required to reduce its takings below 12,000 kilowatts at 100-percent load factor if such amount of power is not more than 15 percent in excess of the amount of power to which customer would be entitled but for this proviso.

(e) Customer shall pay for power beginning with the date on which customer begins using power, but not later than June 1, 1938, and shall pay for increases in power when such increased power is used by customer, but not later than 120 days after the date specified in the request for increased power.

6. Point of delivery: Point of delivery shall be on the 13,200-volt side of Authority's substation to be located on customer's property at or near Mount Pleasant, Tenn. Customer shall furnish Authority, without charge, a suitable substation site for the transformers and other equipment of Authority necessary for service hereunder, and shall furnish without charge the necessary rights-of-way for transmission lines through customer's property to such site, and Authority shall have the right of ingress to and egress from said site and rights-of-way. The route of said rights-of-way and the location of said substation site shall be agreed upon between the parties hereto, and said substation site shall be within 1,000 feet of said plant if a suitable site is available within said distance.

Maintenance by Authority at the point of delivery of the stated voltage, frequency, and the capacity contracted for shall constitute delivery of electric power for the purposes of this agreement.

Authority agrees, at its own expense, within 4 months of the date of receipt of request from customer for an increase of power, pursuant to section 5 (b) hereof, or within such longer period as may reasonably be required, either (1) to make available at least two transmission circuits over different routes from the sources of supply, each of which shall be of adequate capacity to enable Authority to comply with its obligations as to delivery of power and energy hereunder, or (2) to provide equivalent service by other facilities.

7. Rates: Customer shall pay Authority monthly in accordance with the following rate schedule:

For run-of-stream secondary power: 6 cents per day per kilowatt of run-of-stream secondary demand as hereinafter defined when available.

For firm power: Demand charge: 90 cents per month per kilowatt of firm demand as hereinafter defined.

Energy charge (for all energy taken in excess of the run-of-stream secondary demand as hereinafter defined at 100-percent load factor):

First 100,000 kilowatt-hours consumed per month at 4 mills per kilowatt-hour.

Next 200,000 kilowatt-hours consumed per month at 3 mills per kilowatt-hour.

Next 700,000 kilowatt-hours consumed per month at 2.5 mills per kilowatt-hour.

Excess over 1,000,000 kilowatt-hours consumed per month at 2 mills per kilowatt-hour.

Charge for firm energy billed in excess of 360 times the difference between the total measured demand and the run-of-stream demand shall be subject to a reduction of 0.5 mill per kilowatt-hour from the otherwise applicable rate.

Authority, recognizing that the rate schedule applicable to power and energy delivered hereunder results in a relatively high average power cost to customer during customer's development period, agrees to charge customer each month at an average rate not exceeding 3½ mills per kilowatt-hour for the first 12 months of service hereunder.

The rates quoted in this section are based upon the supply of service through a single delivery and metering point and at a single voltage. Separate supply for the same customer at other points of delivery or at different voltage shall be separately metered and billed.

8. Demand: The demand measurement for billing purposes shall be made by suitable instruments located at the point of delivery. Total measured demand for any calendar month shall be the highest integrated load taken during any 60-consecutive-minute period during said month.

For periods when run-of-stream secondary power is not available, firm demand shall be taken as 100 percent of the total measured demand, but in no case less than 8,000 kilowatts or 75 percent of the highest firm demand in the previous 12 months, whichever is the higher, except that if Authority shall in any month, pursuant to the provisions of section 5 (d) hereof, limit the firm demand available to customer, firm demand in said month shall not exceed the demand Authority shall make available in said month.

For periods when run-of-stream secondary power is available, the firm demand shall be one-half the total measured demand, but in no case less than 8,000 kilowatts or 75 percent of the highest firm demand billed in the previous 12 months, whichever is the higher.

For periods when run-of-stream secondary power is available, the run-of-stream secondary demand shall be one-half the total measured demand, but in no case less than 75 percent of the contract run-of-stream secondary demand.

Customer's demand shall, whenever the normal power factor is less than 85 percent, be determined upon the basis of 85-percent power factor; whenever said normal power factor is less than 85 percent, the demand shall be taken to be 85 percent of the kilovolt amperes indicated, unless such low-power factor is due to causes beyond customer's control.

9. Minimum bills: Customer shall be billed and shall pay monthly as a minimum for demand and energy not less than (a) 90 cents times the firm demand in kilowatts, determined as provided in section 8 hereof, and in no case less than 75 percent of the contract firm demand, (b) plus the charges for 75 percent of the contract run-of-stream secondary demand.

When run-of-stream secondary power is not available, there will be no minimum bill for run-of-stream secondary power. If run-of-stream secondary power is available for only a fraction of a month, the minimum bill for run-of-stream secondary power shall be prorated. Notwithstanding any other provision of this agreement, customer shall not be obligated to take, and if not taken shall not be obligated to pay for, run-of-stream secondary power for as many days immediately preceding January 1 of any year as is equal to the difference between the number of days the delivery of run-of-stream secondary power was suspended in the preceding year and one-quarter of the time in said preceding year.

10. Curtailment: If during the life of this agreement conditions in customer's business are such that customer cannot use all of the then contracted capacity, customer shall have the right, upon giving Authority not less than 12 months' written notice, to reduce the then existing contract demands to an amount to be designated by customer, of which one-half or 8,000 kilowatts, whichever is the greater, shall be firm power and the balance run-of-stream secondary power. Customer shall not thereafter have the right to increase its demands above such reduced contract demands without the consent of Authority. Nothing in this section shall be construed to waive customer's right of cancelation of this agreement as provided in section 3 hereof.

11. Adjustment of rates: If at any time hereafter transmitted electric power is sold by Authority to any competitor of customer engaging substantially in the production of phosphorus or phosphorus-containing compounds at rates or under terms which produce a lower net cost per kilowatt-hour than is provided to be paid by customer under this agreement, then customer shall have the right to change to and take power at such rates and terms in lieu of the rates and terms in this agreement provided, so long as such more favorable rates or terms are extended to such competitor. The provisions of this paragraph shall not entitle customer to claim the benefit of lower rates or better terms contained in agreements heretofore made by Authority.

12. Previous agreements: All previous agreements between the parties hereto, whether oral or written, with reference to the subject matter of this agreement, are hereby abrogated. This agreement (including the terms and conditions hereto attached) constitutes the entire contract between the parties, and there are no understandings, representations, or warranties of any kind not expressly set forth herein.

13. Waiver of defaults: Any waiver at any time by either party hereto of its rights with respect to the other party, or with respect to any other matter arising in connection with this agreement, shall not be considered a waiver with respect to any subsequent default or matter.

14. Assignment: This agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. The parties hereto shall remain liable for the faithful performance of this agreement in all respects by such successors or assigns, and the successors and assigns by acceptance of such transfer or assignment shall likewise become bound for the full performance of this agreement until the expiration thereof.

In witness whereof, the parties hereto have caused this agreement to be executed in three counterparts, each of which shall be considered an original, by their officers, each thereunto duly authorized, the day and year first above written.

TENNESSEE VALLEY AUTHORITY,
By ARTHUR E. MORGAN, *Chairman.*

Attest:

JAMES LAWRENCE FLY, *Secretary.*

VICTOR CHEMICAL WORKS,
By AUGUST KOCHS, *President.*

Attest:

———— ————.

TERMS AND CONDITIONS

1. Metering: Authority shall at its expense install and maintain the necessary meters for determining the amounts of power delivered to customer. The point of metering shall be mutually agreed upon and shall be at a point which permits the power sold at the point of delivery to be readily determined. Customer shall have the right to install and maintain at its expense metering equipment and housing, adjacent to Authority's meters, as a check on Authority's meters. If Authority should elect to meter the power delivered hereunder on customer's side of the point of delivery, customer shall provide Authority without charge with a convenient site for Authority's metering equipment, and shall allow Authority's accredited employees free access to said equipment.

Authority shall at its expense and in the presence of representatives of customer, upon reasonable notice given to customer, make quarter-yearly tests and inspections of its metering and other equipment in order to maintain a high standard of accuracy.

Authority shall make additional tests and inspections of its meters upon request of customer and in the presence of customer's representatives. If any tests show that the meters are accurate within 1 percent fast or slow at the average load during the preceding 30 days, no adjustment shall be made in customer's bills. If any tests or inspections show the meters to be in excess of 1 percent fast or slow, an adjustment shall be made in customer's bill in accordance therewith over a period not exceeding 30 days prior to the date of such tests. Any of Authority's meters or other equipment found to be defective or more than 1 percent inaccurate shall be promptly repaired, replaced, or readjusted by Authority. Should Authority's meters at any time fail to register, the consumption during the period of failure shall be determined from customer's meters or by other mutually satisfactory means.

2. Billing: Bills for electric power service hereunder shall be rendered monthly. Payment for electric power used in any calendar month shall be due on the 15th day of the succeeding month or 10 days after receipt of bill from Authority, whichever is the later. Upon failure of customer to pay for electric power used in any calendar month within 15 days after the due date, Authority shall have the right upon 10 days' written notice to customer to discontinue the supply of electric power and to refuse the resumption of delivery so long as any past-due account remains unpaid. To any amount remaining unpaid on the 1st day of the calendar month following the due date, there shall be added a penalty of 1 percent, and an additional 1 percent shall be added on the 1st day of each succeeding month until the amount is paid in full.

All payments shall be made to Authority at its offices at Wilson Dam, Ala., or at such other place as Authority may from time to time designate.

3. Notice: Any notice or demand required shall be deemed properly given if mailed, postage prepaid, to the Chief Electrical Engineer, Wilson Dam, Ala., on behalf of Authority, or to the Furnace Plant Superintendent of Customer at post-office box 1130, Nashville, Tenn., on behalf of customer. The designation of the person to be so notified, or the address of such person, may be changed at any time, and from time to time, by either party by similar notice.

4. Resale of electric power: The electric power supplied hereunder is for the use of customer's plant, equipment, and facilities, and the plant, equipment, and facilities of any wholly-owned subsidiary of customer at the specified location, and shall not be resold. Power delivered to such a subsidiary shall be deemed part

of customer's requirements and shall be billed to and paid by customer in the same manner as if customer were using all of said power.

6. Ownership of properties: Authority shall furnish all facilities for delivering electric power to the point of delivery to customer, including such circuit breaker and protective equipment as, in its opinion, is necessary for the protection of Authority's apparatus and service, and such metering and auxiliary equipment, housing, and fencing as it deems necessary. Except for such metering equipment of Authority as may be installed on customer's side of the point of delivery, customer shall provide, operate, and maintain all necessary facilities and equipment on its side of the point of delivery, including terminal.

AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND ELECTRO METALLURGICAL CO.

This agreement, made this —— day of ——, 1937, between Tennessee Valley Authority, a corporation created by the Tennessee Valley Authority Act of 1933, hereinafter called Authority, and Electro Metallurgical Co., a corporation organized and existing under the laws of the State of West Virginia, hereinafter called customer, witnesseth:

Whereas by said Tennessee Valley Authority Act of 1933, Authority was entrusted with and is now operating Wilson Dam and generating plant, and has constructed and is now operating other dams and generating plants; and

Whereas the Wilson Dam Reservation is in part located in Colbert County, Ala.; and

Whereas customer has determined to erect an electric-furnace plant in Colbert County on land adjoining or in the vicinity of said reservation and may require up to 40,000 kilowatts of electric power in the operation of said plant; and

Whereas customer has requested Authority to supply all of its purchased power requirements in Colbert County, Ala., by the sale of nontransmitted electric power at the boundary of the Wilson Dam Reservation, and Authority has determined that it has and will continue to have sufficient power available for the performance of this agreement after fulfilling the requirements of Authority and the United States, and that this agreement will not prejudice any preferential rights of States, counties, municipalities, and nonprofit organizations of citizens and farmers, to purchase electric power from Authority.

Now, therefore, in consideration of the premises and the mutual covenants and agreements hereinafter set forth, and subject to the provisions of the Tennessee Valley Authority Act of 1933, the parties hereto mutually agree as follows:

1. Construction of plant: As an expression of good faith to Authority, customer agrees to begin, not later than March 1, 1938, actual construction of an electric-furnace plant at the site indicated above in Colbert County, Ala., which will include one or more electric furnaces capable of utilizing approximately 8,000 kilowatts of electricity, and customer agrees to continue said construction to completion with diligence and good faith; and should customer fail to so continue, Authority shall have the right upon 30 days' written notice to cancel this agreement and terminate all of its obligations assumed herein: *Provided*, That Authority shall not have such right of cancelation if the continuance of said construction is prevented, delayed, or impeded by reason of injunction, strike, riot, invasion, fire, accident, break-down, act of God, or any other like causes beyond customer's reasonable control: *Provided further*, That in the event of failure to construct or to continue construction due to any such cause, customer agrees to resume construction and continue the same to completion as soon as reasonably practicable, and in the event of failure so to do, Authority shall be entitled to exercise the right of cancelation as hereinafter provided: *And provided further*, That should Authority give such notice of cancelation pursuant to this section, customer may, within said 30-day notice period, elect to pay the minimum charges specified in section 9 hereof, and in such case Authority shall not have such right of cancelation until 12 months from the date of said notice, and then only if during said 12-month period customer has failed to continue the construction of said plant with diligence and good faith.

2. Sale of electric power: Authority shall sell and deliver to customer, and customer shall take and buy from Authority, all of customer's electric power requirements for the construction and operation of customer's electric furnace plant, equipment, and facilities to be erected and installed at the above-mentioned location, in the quantities hereinafter set forth, all in accordance with this agreement and with the terms and conditions which are attached hereto and hereby made a part hereof: *Provided*, That customer may generate electric power as a byproduct of its manufacturing and processing operations, for requirements in excess of the energy and demand contracted for hereunder: *Provided further*, That if at any time during the period of this agreement, customer requires in its operations firm electric power in amounts in excess of the amount that Authority is obligated, or in excess of such larger amount thereof as Authority may at the time be willing, to supply under the terms of this agreement, customer shall have the right to purchase from other sources, or to generate, any such excess requirements.

3. Duration of agreement: (a) This agreement shall be for a period of 20 years commencing on the date first above mentioned. It is agreed, however, that if, during the period of this agreement, conditions arise which make the continuance of customer's electric furnace operations in Colbert County, Ala., disadvantageous, customer shall have the right, provided its said furnacing operations in said county are completely and permanently discontinued, to cancel this agreement upon not less than 1 year's written notice, said cancelation to be effective, however, not earlier than 5 years from the date hereof; *Provided*, That customer shall not be entitled to exercise this right of cancelation unless its obligations under section 1 hereof to construct a plant have been performed.

(b) Notwithstanding any other provision of this agreement, customer shall have the right, at any time within 90 days from the date hereof, by notice in writing to Authority and upon the payment to Authority of $5,000, to cancel this agreement; and thereupon this agreement shall be of no force or effect, and all rights and obligations under this agreement shall cease and determine.

4. Service specifications: This agreement covers two types of power: (a) Firm power, which is power that is available continuously; and (b) run-of-stream secondary power, which is power that is available to customer at the discretion of Authority: *Provided*, That run-of-stream secondary power shall be available to customer not less than 75 percent of the time in each calendar year, and that there shall not be any continuous suspension of more than 100 days, or total suspensions of more than 120 days in any 12 successive months, or any suspension of less than 30 days' duration. Authority shall give not less than 14 days' written notice before suspending the run-of-stream secondary power service, and not less than 7 days' written notice before resuming run-of-stream secondary power service.

The electric power supplied hereunder shall be in the form of 3-phase, 60-cycle alternating current at either 44,000 or 110,000 volts, at the discretion of the Authority. The frequency, generation, transmission, service, and voltage shall be maintained in accordance with the best commercial standards for hydroelectric systems. Voltage variations at the point of delivery shall not exceed 2½ percent up or down under normal load, except in case of temporary interruption to service.

5. Quantity: Electric power delivered hereunder shall be supplied by Authority and taken by customer as follows:

(a) Authority shall on January 1, 1939, or on such earlier date as may be mutually agreed upon, make 8,000 kilowatts of firm power available to customer, and the contract firm demand shall be 8,000 kilowatts.

(b) If written request is made by customer not less than 6 or more than 8 months prior to the date specified in such request (but such request must be made not later than October 1, 1939), Authority shall, on the date specified, increase the amount of power available to customer from 8,000 kilowatts of firm power to 8,000 kilowatts of firm power and 8,000 kilowatts of run-of-stream secondary power, and the contract firm demand shall be 8,000 kilowatts and the contract run-of-stream secondary demand shall be 8,000 kilowatts.

(c) If further written request is made by customer, not less than 8 or more than 10 months prior to the date specified in such further request (which further request must be made not later than October 1, 1940), Authority shall, on the date specified, increase the amount of power made available to customer from 8,000 kilowatts of firm power and 8,000 kilowatts of run-of-stream secondary power to 16,000 kilowatts of firm power and 16,000 kilowatts of run-of-stream secondary power, and the contract firm demand shall be 14,000 kilowatts and the contract run-of-stream secondary demand shall be 14,000 kilowatts.

(d) If further written request is made by customer, not less than 10 or more than 12 months prior to the date specified in such further request (which further request must be made not later than October 1, 1941), Authority shall, on the date specified, increase the amount of power made available to customer by an additional 8,000 kilowatts of firm power, and the contract firm demand shall be 21,000 kilowatts and the contract run-of-stream secondary demand shall be 14,000 kilowatts.

(e) Customer shall pay for power beginning with the date on which customer begins using power, but not later than January 1, 1939, and shall pay for increases in power when increased amounts of power are first taken by customer, but not later than 120 days after the date specified in the request for increased power.

(f) If not later than 4 months after the date of either or both of the written requests in paragraphs (b) and (c) of this section 5 provided for, customer shall give to Authority written notice, requesting substitution of an amount of firm power equal to and in lieu of the amount of run-of-stream secondary power theretofore requested but then undelivered, Authority shall from and after the date specified in such request furnish such amount of firm power (in lieu of run-of-stream secondary power) at the rates and upon the terms and conditions herein provided for firm power deliverable hereunder; and from and after the date of any such substitution (1) the words "one-half" and "three-fifths" wherever they occur in sections 6 and 12 hereof, and the word "two-fifths" wherever it occurs in section 8 hereof, shall be replaced by other fractions expressing the ratios of firm demand to total demand and of secondary demand (if any) to total demand that may result from either or both of such substitutions theretofore made under the provisions of this section 5 (f); (2) the contract firm demand shall be increased by the amount of firm power substituted for run-of-stream secondary power hereunder, except that when the aggregate amount of power available has been increased to 32,000 or 40,000 kilowatts, then (a) if customer has, as hereinabove provided, requested the substitution of firm power for only 8,000 kilowatts of run-of-stream secondary power,

the contract firm demand shall be, respectively, 21,000 or 28,000 kilowatts, and the contract run-of-stream secondary demand shall be 7,000 kilowatts, or (b) if customer has, as hereinabove provided, requested the substitution of firm power for 16,000 kilowatts of run-of-stream secondary power, the contract firm demand shall be, respectively, 28,000 or 35,000 kilowatts, and there shall be no contract run-of-stream secondary demand; (3) if customer shall, as hereinabove provided, request the substitution of firm power for 16,000 kilowatts of run-of-stream secondary power, then the provisions of this agreement relating to run-of-stream secondary power shall be of no force or effect; (4) and the provisions of this agreement relating to firm power shall apply to the amounts of firm power as increased hereunder by the substitution of firm power for run-of-stream secondary power.

(g) When delivery of run-of-stream secondary power is suspended by Authority, Authority shall be under no obligation to supply firm energy in any month in excess of 8,000 kilowatts at 100-percent load factor or the average monthly firm demand during the preceding 12-month period at 100-percent load factor, whichever is the higher, unless the amount of power available to customer has been increased pursuant to section 5 (c) or 5 (d) hereof less than 12 months prior to any such suspension, in which case Authority shall be under no obligation to supply firm energy in any month in excess of 8,000 kilowatts at 100-percent load factor or the average monthly firm demand since the date of such increase at 100-percent load factor, whichever is the higher.

6. Point of delivery: Point of delivery shall be at a point on the boundary of Wilson Dam Reservation in Colbert County, Ala., to be mutually agreed upon.

Maintenance by Authority at the point of delivery of the stated voltage, frequency, and the capacity contracted for shall constitute delivery of electric power for the purpose of this agreement.

7. Rates: Customer shall pay Authority monthly in accordance with the following rate schedule:

For run-of-stream secondary power: $0.054 per day per kilowatt-hour of run-of-stream secondary demand, as hereinafter defined, when available.

For firm power:

Demand charge: $0.81 per month per kilowatt-hour of firm demand, as hereinafter defined.

Energy charge (for all energy taken in excess of the run-of-stream secondary demand, as hereinafter defined, at 100-percent load factor):

First 100,000 kilowatt-hours consumed per month, at 3.6 mills per kilowatt-hour.

Next 200,000 kilowatt-hours consumed per month, at 2.7 mills per kilowatt-hour.

Next 700,000 kilowatt-hours consumed per month, at 2.25 mills per kilowatt-hour.

Excess over 1,000,000 kilowatt-hours consumed per month, at 1.8 mills per kilowatt-hour.

Charge for firm energy billed in excess of 360 times the difference between the total measured demand and the run-of-stream secondary demand shall be subject to a reduction of 0.45 mills per kilowatt-hour from the otherwise applicable rate.

Authority, recognizing that the rate schedule applicable to power and energy delivered hereunder would result in a relatively high average power cost to customer during customer's construction and development period, agrees, notwithstanding any other provisions of this agreement, to charge customers each month at an average rate not exceeding 3½ mills per kilowatt-hour for all power taken during the first 12 months of service under this agreement.

The rates quoted in this section are based upon the supply of service through a single delivery and metering point and at a single voltage. Separate supply for the same customer at other points of delivery or at different voltage shall be separately metered and billed.

8. Demand: The demand measurement for billing purposes shall be made by suitable instruments located at the point of delivery, or elsewhere at the discretion of Authority. If located elsewhere, the demand shall be computed as at the point of delivery. Total measured demand for any calendar month shall be the highest integrated load taken during any 60-consecutive-minute period during such calendar month.

For periods when run-of-stream secondary power is not available, firm demand shall be taken as 100 percent of the total measured demand, but in no case less than 8,000 kilowatts, or 75 percent, of the highest firm demand in the previous 12 months, whichever is the higher, except that if Authority shall in any month, pursuant to the provisions of section 5 (g) hereof, limit the firm demand available to customer, firm demand in such month shall not exceed the demand which Authority shall make available in such month.

For periods when run-of-stream secondary power is available, the firm demand shall be one-half the total measured demand (or, if the amount of power available to customer has been increased pursuant to section 5 (d) hereof, three-fifths of the total measured demand), but in no case less than 8,000 kilowatts, or 75 percent, of the highest firm demand billed in the previous 12 months, whichever is the higher.

For periods when run-of-stream secondary power is available, the run-of-stream secondary demand shall be one-half the total measured demand (or, if the amount of power available to customer has been increased pursuant to section 5 (d) hereof, two-fifths of the total measured demand), but in no case less than 75 percent of the contract run-of-stream secondary demand.

Customer's demand shall, whenever the normal power factor is less than 85 percent, be determined upon the basis of 85 percent power factor; that is, whenever said normal power factor is less than 85 percent, the demand shall be taken to be 85 percent of the kilovolt amperes indicated, unless such low power factor is due to causes beyond customer's control.

9. Minimum bills: Customer shall be billed and shall pay monthly as a minimum for demand and energy not less than (a) $0.81, multiplied by the number of kilowatts of firm demand, determined as provided in section 8 hereof, and in no case less than 75 percent of the contract firm demand, plus (b) the charges for 75 percent of the contract run-of-stream secondary demand.

When run-of-stream secondary power is not available, there shall be no minimum bill for run-of-stream secondary power. If run-of-stream secondary power is available for only a fraction of a month, the minimum bill for run-of-stream secondary power shall be prorated. Notwithstanding any other provision of this agreement, customer shall not be obligated to take, and if not taken shall not be obligated to pay for, run-of-stream secondary power for as many days, terminating on December 31 of any year, as is equal to the difference between the number of days the delivery of run-of-stream secondary power was suspended in such year and 25 percent of the time in such year.

10. Excess takings with consent of Authority: In the event that customer shall at any time take from Authority amounts of power in excess of the amounts Authority is then obligated to make available to customer, the supply of such excess power by Authority shall not constitute any commitment that Authority will continue to supply any excess power: *Provided*, That Authority will give whatever notice Authority may deem feasible before discontinuing the delivery of such excess power.

11. Adjustment of rates: If at any time hereafter electric power is sold by Authority to any competitior of customer engaged substantially in the production and sale of calcium carbide or its derivatives, artificial graphite products, or ferroalloys (excluding ferrophosphorus), at rates or under terms which produce a lower net cost per kilowatt-hour than is provided to be paid by customer under this agreement, then customer shall have the right to change to and take power at such rates and terms in lieu of the rates and terms in this agreement provided, so long as such more favorable rates or terms are extended to such competitor. The provisions of this paragraph shall not entitle customer to claim the benefit of lower rates or better terms contained in agreements heretofore made by Authority.

12. Curtailment: If, during the life of this agreement, conditions in customer's business are such that customer cannot use all of the then contracted power, customer shall have the right, upon giving Authority not less than 12 months' written notice, to reduce the then existing contract demands to an amount to be designated by customer, of which one-half (or three-fifths, if the amount of power available to customer has been increased pursuant to section 5 (d) hereof), or 8,000 kilowatts, whichever is the greater, shall be firm power, and the balance run-of-stream secondary power. Customer shall not thereafter have the right to increase its demands above such reduced contract demands without the consent of Authority. Nothing in this section shall be construed as a waiver of customer's right of cancelation of this agreement as provided in section 3 (a) hereof.

13. Previous agreements: All previous agreements between the parties hereto, whether oral or written, with reference to the subject matter of this agreement, are hereby abrogated. This agreement (including the terms and conditions hereto attached), constitutes the entire contract between the parties, and there are no understandings, representations, or warranties of any kind not expressly set forth herein.

14. Waiver of defaults: Any waiver at any time by either party hereto of its rights with respect to the other party, or with respect to any other matter arising in connection with this agreement, shall not be considered a waiver with respect to any subsequent default or matter.

15. Assignment: This agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. The parties hereto shall remain liable for the faithful performance of this agreement in all respects by such successors or assigns, and the successors and assigns by acceptance of such transfer or assignment shall likewise become bound for the full performance of this agreement until the expiration thereof.

In witness whereof the parties hereto have caused this agreement to be executed in six counter parts, each of which shall be considered an original, by their officers, each thereunto duly authorized, the day and year first above written.

TENNESSEE VALLEY AUTHORITY,
By ——— ———, *Chairman.*

Attest:

———— ————, *Assistant Secretary.*

ELECTRICAL METALLURGICAL CO.,
By ——— ———

Attest:

———— ————.

TERMS AND CONDITIONS

1. Metering: Authority shall at its expense install and maintain the necessary meters for determining the amounts of power delivered to customer. The point of metering may be mutually agreed upon and shall be at a point which permits the power sold at the point of delivery to be readily determined. Customer shall have the right to install and maintain at its expense metering

equipment and housing for similar purposes, adjacent to Authority's meters, as a check on Authority's meters. If Authority should elect to meter the power delivered hereunder on customer's side of the point of delivery, customer shall provide Authority without charge with a convenient site for Authority's metering equipment and shall allow Authority's accredited employees free access to said equipment.

Authority shall at its expense and in the presence of representatives of customer, upon reasonable notice given to customer, make quarter-yearly tests and inspections of its metering and other equipment in order to maintain a high standard of accuracy.

Authority shall make additional tests and inspections of its meters upon request of customer and in the presence of customer's representatives. If any tests show that the meters are accurate within 1 percent fast or slow at the average load during the preceding 30 days, no adjustment shall be made in customer's bills. If any tests or inspections show the meters to be in excess of 1 percent fast or slow, an adjustment shall be made in customer's bill in accordance therewith over a period not exceeding 30 days prior to the date of such tests. Any of Authority's meters or other equipment found to be defective or more than 1 percent inaccurate shall be promptly repaired, replaced, or readjusted by Authority. Should Authority's meters at any time fail to register, the consumption during the period of failure shall be determined from customer's meters or by other mutually satisfactory means.

2. Billing: Bills for electric power service hereunder shall be rendered monthly. Payment for electric power used in any calendar month shall be due on the 15th day of the succeeding month or 10 days after receipt of bill from Authority, whichever is the later. Upon failure of customer to pay for electric power used in any calendar month within 15 days after the due date, Authority shall have the right upon 10 days' written notice to customer to discontinue the supply of electric power and to refuse the resumption of delivery so long as any past-due account remains unpaid. To any amount remaining unpaid on the 1st day of the calendar month following the due date, there shall be added a penalty of 1 percent and an additional 1 percent shall be added on the first day of each succeeding month until the amount is paid in full.

All payments shall be made to Authority at its offices at Wilson Dam, Ala., or at such other place as Authority may from time to time designate.

3. Notice: Any notice or demand required shall be deemed properly given if mailed, postage prepaid, to the general manager, Wilson Dam., Ala., on behalf of the Authority, or to the vice president and general manager of the customer at 30 East Forty-second Street, New York City, N. Y., on behalf of the customer. The designation of the person to be so notified, or the address of such person, may be changed at any time, and from time to time, by either party by similar notice.

4. Resale of electric power: The electric power supplied hereunder is for the use of customer's plant, equipment, and facilities, and the plant, equipment, and facilities of any wholly owned subsidiary of Union Carbide and Carbon Corporation (of which customer is a wholly owned subsidiary) or any successor of said corporation and/or Niacet Chemicals Corporation, a partly owned subsidiary of said corporation, at the specified location, and shall not be resold. Power delivered to any such subsidiary shall be deemed part of customer's requirements and shall be billed to and paid by customer in the same manner as if customer were using all of said power.

5. Ownership of properties: Authority shall furnish all facilities for delivering electric power to the point of delivery to customer, including such circuit breaker and protective equipment as, in its opinion, is necessary for the protection of Authority's apparatus and service, and such metering and auxiliary equipment, housing and fencing, as it deems necessary. Except for such metering equipment of Authority as may be installed on customer's side of the point of delivery, customer shall provide, operate, and maintain all necessary facilities and equipment on its side of the point of delivery, including terminal circuit-breaker equipment. Customer shall exercise reasonable care to protect the property of Authority on customer's premises, and in the event of loss or damage to Authority's property on customer's premises arising from failure of customer to exercise reasonable care for same, the cost of necessary repairs or replacements shall be paid by customer. Authority shall remove at its expense its meters and other property from customer's premises upon the termination of this agreement.

6. Liability: Authority shall hold customer harmless against any loss or damage to the public or Authority's employees arising out of the operation of Authority's transmission lines or equipment and the transmission of electric power delivered hereunder up to the point of delivery herein specified, unless it be proven that such loss or damage was caused by the sole negligence of customer or of any of such subsidiaries, its or their agents, servants, or employees. Conversely, customer shall hold Authority harmless against any loss or damage to the public or employees of customer or of any of such subsidiaries, arising on the customer's side of point of delivery, unless it be proven that such loss or damage was caused by the sole negligence of Authority or its agents, servants, or employees.

7. Service: Authority shall furnish electric power continuously as agreed upon, but Authority, its officers, agents, or employees shall not be liable for damages or breach of contract when service is interrupted or suspended by reason of injunction, strike, riot, invasion, fire, accident, break-down, floods, backwater caused by floods, act of God, or from any other like causes beyond Authority's reasonable control, or caused by the making of necessary repairs on Authority's system, or by connecting or disconnecting customer's services, but Authority shall make appropriate adjustment of the demand and energy charges in the event of such interruption or suspension of service. Authority shall give as much notice as possible before interrupting service to make repairs. Authority shall as far as possible avoid discontinuance of service hereunder for routine operating purposes, and when such discontinuance is necessary, Authority shall restore service as speedily as possible. During such interruption or suspension of service, customer shall have the right to purchase such other power as may be available, and/or to generate power in amounts up to the amount rendered unavailable by reason of such interruption or suspension of service.

Customer shall notify Authority immediately should the service be unsatisfactory for any reason, or should there be any difficulties, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, shall be confirmed in writing.

In the event of customer's operations being interrupted or suspended by reason of injunction, strike, riot, invasion, fire, accident, break-down, floods, backwater caused by floods, act of God, or from any other like causes beyond customer's reasonable control, customer will not be obligated to take or buy any electric power as herein provided for, nor to pay demand or minimum charges during the period of such interruption, and the demand and minimum charges for the month in which such interruption occurs shall be adjusted accordingly.

Either party shall have the right to maintain suit at any time for any loss that may previously have occurred, without waiting until expiration of the contract period and without losing or waiving any right to maintain suit for subsequent losses occurring during the period of the agreement, and recovery in any such suit shall not be deemed a splitting of the cause of action.

8. Addition of land: The service connection, transformers, meters, and equipment supplied by Authority for customer have definite capacity, and no addition to customer's equipment or load connected thereto, in excess of such capacity, shall be made except after reasonable notice to Authority. Failure to give such notice of additions or changes in load shall render customer liable for any damage to Authority's lines or equipment caused by the additional or changed installation.

9. Customer's lines and equipment: All lines and equipment of customer must conform to accepted modern practice. Authority shall have the right but shall not be obligated to require a certificate from the chief engineer of customer as to the quality and condition of customer's installation before electricity is introduced, or at any later time, and reserves the right to reject any wiring or equipment so certified which is not in accordance with Authority's reasonable standards. The requirement of such a certificate, or the failure to require such a certificate or to reject any installation so certified, shall not render Authority liable or responsible for any loss or damage resulting from the defects in the installation of any electrical equipment, or from violation of the agreement, or from accidents which may occur upon customer's premises.

10. Voltage fluctuations caused by customer: Electric service must not be used in such manner as to cause fluctuations or disturbances to Authority's system unusual to normal electric-furnace operations, and Authority may require customer at its own expense to install suitable apparatus to reasonably limit such fluctuations. Electric-furnace operation is to include, in addition to normal operation, those occasional operations incidental to starting, stopping, and emergency conditions.

11. Phase balancing: Customer shall at all times take and use energy in such manner that the currents will be balanced between phases to within 10 percent. In the event of polyphase loads unbalanced in excess of 10 percent, Authority reserves the right to require customer on 60 days' written notice at its own expense to make the necessary changes to correct such unbalancing, and if such unbalancing is not then corrected, to compute the demand on the assumption that the currents of each phase are equal to that on the greatest phase.

AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND ARKANSAS POWER & LIGHT CO.

This agreement, made this 16th day of June 1937, by and between Tennessee Valley Authority, a corporation organized and existing under the act of Congress of May 18, 1933, as amended by the act of August 31, 1935 (hereinafter designated as "Authority"), first party, and Arkansas Power & Light Co., a corporation organized and existing under the laws of the State of Arkansas (hereinafter designated as "Arkansas Co."), second party, witnesseth:

Whereas Arkansas Co., in order to meet anticipated growth in the requirements of its market and expected decreases in the amount of power available to it under present purchase arrangements, is desirous of obtaining an additional source of power supply without at this time constructing additional electric-generating facilities; and

Whereas Authority has available an adequate supply of power as hereinafter set forth, after fulfilling the requirements of Authority and the United States, and without prejudice to any preferential rights of States, counties, municipalities, and nonprofit organizations of citizens and farmers to purchase electric power from Authority; and

Whereas Authority is constructing a transmission line from Pickwick Dam to a point at or near the limits of the city of Memphis, Tenn.; and

Whereas the transmission system of Arkansas Co. is connected with the existing South Memphis substation near Memphis, Tenn., and Arkansas Co. has certain contractural arrangements for the receipt and delivery of power through this substation, to the extent and in the manner required by the provisions of this agreement:

Now, therefore, in consideration of the mutual covenants and agreements hereinafter set forth, and subject to the provisions of the Tennessee Valley Authority Act of 1933, as amended, the parties hereto mutually covenant and agree as follows:

1. Term of agreement: The term of this agreement shall commence on the date of commencement of delivery and receipt of power hereunder and shall extend thereafter for a period of 5 years, and for a successive period or periods of 1 year from the expiration of such 5-year period or extension thereof: *Provided*, That either party may cancel this agreement as of the date of expiration of such 5-year period or as of June 30 of any subsequent year by delivering to the other at least 30 months' notice in writing of intention to cancel this agreement, but no such cancelation shall become effective prior to the expiration of 5 years from the date of commencement of delivery and receipt of power hereunder.

2. Definition of classes of power: For the purpose of this agreement, the terms "firm power," "interruptible power," and "run-of-stream secondary power" shall be defined as follows:

(a) Firm power shall mean power available continuously.

(b) Interruptible power shall mean power available not less than 300 days (to be selected by Authority) in each year, beginning July 1.

(c) Run-of-stream secondary power shall mean power available at the discretion of the Authority, but not less than 75 percent of the time from the date of commencement of delivery thereof to the date of termination of delivery thereof, except that in the event of cancelation of this agreement by Arkansas Co. the obligation of Authority to deliver such power 75 percent of the time shall be deemed waived by Arkansas Co.

3. Service specifications: The power contracted for hereunder shall be delivered as three-phase alternating current at approximately 110,000 volts and at a frequency of approximately 60 cycles. The point of delivery of such power shall be the boundary line of the existing South Memphis substation site near Memphis, Tenn., where there now terminate two 110-kilovolt transmission lines which connect with Arkansas Co.'s system. Maintenance by Authority at the point of delivery of the stated voltage and frequency and the capacity contracted for shall constitute delivery of electric power for the purposes of this agreement.

The parties shall exercise due diligence to establish facilities for the delivery and receipt of power hereunder, and agree to commence the delivery and receipt of power hereunder at the earliest practicable date. Each party shall notify the other promptly of the completion of its facilities for the delivery and receipt of power hereunder, and such delivery and receipt of power shall commence on a date to be agreed upon and within the 15-day period next succeeding the later of such notices.

4. Amounts of power: During the period of this agreement Authority will deliver power of the classes described above for the periods and in the amounts set out below, all in accordance with and subject to the provisions of this agreement and the terms and conditions attached hereto and hereby made a part hereof:

Period	Firm	Interruptible	Run-of-stream secondary
(1)	(2)	(3)	(4)
	Kilowatts	*Kilowatts*	*Kilowatts*
Date of commencement of service to July 30, 1938	----------	10,000	----------
July 1, 1938, to June 30, 1939	15,000	15,000	----------
July 1, 1939, to June 30, 1940	20,000	20,000	----------
July 1, 1940, to June 30, 1941	25,000	15,000	----------
July 1, 1941, to June 30, 1942	30,000	10,000	----------
After June 30, 1942	35,000	----------	5,000

The contract firm demand in any year shall be the number of kilowatts for such year as set out in the corresponding line of the second column of the above table. The contract interruptible demand in any year shall be the number of kilowatts for such year as set out in the corresponding line of the third column of the above table. Beginning July 1, 1942, the contract run-of-stream secondary demand shall be 5,000 kilowatts for the remainder of the term of this agreement, except that after delivery of run-of-stream secondary power has commenced Authority may at any time on 2 years' notice terminate the delivery thereof.

Except as provided in section 5 hereof, in periods of suspension of run-of-stream secondary power occurring after such power shall have been available for periods aggregating more than 15 months, Arkansas Co. shall not be entitled to take firm power at a demand in excess of the average of the 3 highest monthly firm peak demands occurring during the last 15 months when run-of-stream secondary power was available.

5. Peaking privilege: During any periods (within years in which Authority is obligated to deliver, and Arkansas Co. to pay for, firm and interruptible or run-of-stream secondary power) when delivery of interruptible or run-of-stream secondary power is discontinued by Authority, Arkansas Co. may, at its option, refrain during its off-peak hours from taking any fraction of the firm power to which it is entitled, and Authority shall thereupon deliver an equivalent amount of energy to Arkansas Co. during Arkansas Co.'s on-peak hours; except that Authority does not undertake to deliver power during a period of discontinuance of interruptible power to a greater amount than the sum of the contract demand of firm power plus the contract demand of interruptible power less 5,000 kilowatts, nor to deliver power during a period of suspension of run-of-stream secondary power in a greater amount than 40,000 kilowatt of demand. Arkansas Co. shall have the right, from time to time, upon not less than 24 hours' advance notice, to specify its off-peak and on-peak hours for the purposes of this section.

In any month in which Arkansas Co. shall so increase its demand above the contract firm demand, Arkansas Co. shall pay Authority $0.30 per kilowatt per month for the amount by which the measured demand exceeds the contract firm demand.

The peaking privilege set out in this section 5 shall not be exercised without the consent of Authority after run-of-stream secondary power shall have been available for periods aggregating more than 15 months, if Arkansas Co. has not taken firm power in the amount of the contract firm demand in at least 3 of the last 15 months when run-of-stream secondary power was available.

6. Rate schedule: Arkansas Co. shall pay for power purchased hereunder prior to July 1, 1938, at the following rates:

Demand charge: 30 cents per kilowatt of measured demand per month when power is available.

Energy charge:

First 100,000 kilowatt-hours per month at 4 mills per kilowatt-hour.

Next 200,000 kilowatt-hours per month at 3 mills per kilowatt-hour.

Next 700,000 kilowatt-hours per month at 2.5 mills per kilowatt-hour.

Excess over 1,000,000 kilowatt-hours per month at 2 mills per kilowatt-hour.

The charge for energy per month in excess of 360 times the total measured demand as hereinafter defined shall be subject to a reduction of 0.5 mill per kilowatt-hour from the otherwise applicable rate.

Arkansas Co. shall pay for power purchased hereunder beginning July 1, 1938, and prior to July 1, 1942, at the following rates:

Demand charge:

For firm power, 90 cents per kilowatt of measured demand per month up to the contract firm demand.

For interruptible power, 30 cents per kilowatt of demand per month in excess of contract firm demand when such power is available.

Energy charge:

For total energy delivered (for firm and interruptible power combined):

First 100,000 kilowatt-hours per month at 4 mills per kilowatt-hour.

Next 200,000 kilowatt-hours per month at 3 mills per kilowatt-hour.

Next 700,000 kilowatt-hours per month at 2.5 mills per kilowatt-hour.

Excess over 1,000,000 kilowatt-hours per month at 2 mills per kilowatt-hour.

The charge for energy per month in excess of 360 times the total measured demand as hereinafter defined shall be subject to a reduction of 0.5 mill per kilowatt-hour from the otherwise applicable rate.

Arkansas Co. shall pay for power purchased hereunder beginning July 1, 1942, at the following rates:

Demand charge: 90 cents per kilowatt of measured demand (less the contract run-of-stream secondary demand when available).

Energy charge:

For total energy in excess of available contract run-of-stream secondary power at 100 percent load factor:

First 100,000 kilowatt-hours per month at 4 mills per kilowatt-hour.

Next 200,000 kilowatt-hours per month at 3 mills per kilowatt-hour.

Next 700,000 kilowatt-hours per month at 2.5 mills per kilowatt-hour.

Excess over 1,000,000 kilowatt-hours per month at 2 mills per kilowatt-hour.

The charge for energy per month in excess of (a) available contract run-of-stream secondary power at 100 percent load factor plus (b) 360 times the excess of total measured demand over available contract run-of-stream secondary demand, shall be subject to a reduction of one-half mill per kilowatt-hour from the otherwise applicable rate.

Rate for run-of-stream secondary power:

For run-of-stream secondary power, $0.0554 per day per kilowatt of contract run-of-stream secondary demand when available. Arkansas Co. shall be entitled, after a suspension of run-of-stream secondary power, to a credit of $92.33 for each day of the period from the commencement of the suspension to the date of resumption of supply of run-of-stream secondary power, such credit to apply to the current monthly bills until the credit is exhausted.

7. Measurement of demand: Demand measurement shall be made by suitable instruments at the point of delivery. Total measured demand shall be determined on the basis of the highest integrated load taken during any 60 consecutive-minute period during the month for which determination is made: *Provided*, That in deter-

mining total measured demand for any month, no account shall be taken of (1) such temporary inadvertent swings in load as are unavoidable in the operation of two systems in parallel at a delivery point remote from the point of load control, or (2) temporary excess loads resulting from disturbed operating conditions in Arkansas Co.'s system (such as might result from rapid change in system load or from unavoidable delay in starting reserve generating capacity after an unforeseen outage of an important transmission line or of an operating generating unit), or (3) any excess loads which might be taken by Arkansas Co. as a result of a tendency toward higher than normal frequency in Authority's supply. During any month in which the interruptible power is available for only a portion of the time, the demand charges applicable to interruptible power shall be prorated.

Arkansas Co.'s demand shall, whenever the normal power factor is less than 85 percent, be determined upon the basis of 85 percent power factor; that is, whenever said normal power factor is less than 85 percent the demand in kilowatts shall be taken to be 85 percent of the kilovolt amperes indicated.

8. Advance schedule of loads: Arkansas Co.'s system operator shall furnish to Authority's system operator, by mail, at intervals of not less than 2 weeks, a schedule, by days and hours, showing Arkansas Co.'s expected use of Authority's service for 4 weeks ahead, such schedule to be solely for the convenience of Authority's system operator and not to constitute a commitment by Arkansas Co.

9. Temporary excess takings with consent of Authority: In case Arkansas Co., with the consent of Authority, shall at any time take from Authority amounts of power in excess of the then current contract demands, the supply of such excess power by Authority shall not constitute any commitment that Authority will continue to supply any excess power: *Provided, however,* That Authority will give whatever notice may be feasible before discontinuing the delivery of such excess power. Any such deliveries of excess power shall, unless otherwise specifically agreed at the time of delivery, be billed monthly to Arkansas Co. at the rates for interruptible power; except that for any such excess supplied in the period prior to July 1, 1938, the rate applicable thereto shall, in the absence of such specific agreement, be in accordance with the energy charges herein provided, without demand charges.

10. Minimum bills: Arkansas Co. shall be billed and shall pay monthly for all power and energy taken; except that in the period prior to July 1, 1942, the monthly bill shall not be less than three-quarters of the contract firm demand multiplied by $0.90 plus three-quarters of the contract interruptible demand multiplied by $0.30; and after June 30, 1942, the monthly bill shall not be less than three-quarters of the contract firm demand multiplied by $0.90 plus the charge for run-of-stream secondary power when available; and except further that should Arkansas Co. fail, for any year ending June 30, to take energy when available at 50-percent load factor as applied to the aggregate contract demands for firm and interruptible power (or as applied to the contract firm demand after June 30, 1942), it shall, not later than the first day of August next following pay to Authority 2 mills per kilowatt-hour for the number of kilowatt-hours by which the total energy taken is less than the number of kilowatt-hours which would be taken at such load factor. Any energy which may have been taken by Arkansas Co. in excess of the contract firm and interruptible power available, under the provisions of section 9 hereof, and all energy taken as run-of-stream secondary power shall not be considered for the purposes of this section in determining whether Arkansas Co. has taken energy equivalent to 50-percent load factor aggregate use of the aforesaid contract demands. If for any year Arkansas Co.'s use of firm power (or firm and interruptible power in the period ending June 30, 1942) should exceed a 50-percent load factor based on contract demand, the excess shall be credited to any deficiency in the use of such power in the following year. Monthly minimum bills shall not apply to interruptible or run-of-stream secondary power in months when such power is not available, and for fractional months such minimum shall be prorated. In the event of an interruption in excess of 1 hour in the delivery of any class of power, the minimum bill applicable thereto shall be prorated.

11. Reciprocal emergency stand-by: (a) In the event of break-down or other emergency in Arkansas Co.'s system or involving its sources of power and impairing or jeopardizing its ability to meet the loads of its system, Authority will stand by for Arkansas Co.'s load within the limits of its transmission facilities, and to the extent that it has power available or can obtain power from interconnected systems. In the event of break-down or other emergency in Authority's system or involving its sources of power and impairing or jeopardizing its ability to meet the loads of its system, Arkansas Co. will stand by for Authority's load within the limits of its transmission facilities, and to the extent that it has power available or can obtain power from interconnected systems. In the event that a portion of Authority's system in an emergency becomes isolated from its main system but remains connected with Arkansas Co.'s system Arkansas Co. agrees, without limitation of any other obligation of Arkansas Co. to supply power under this section, to make available to Authority at the point of delivery, within the limits of its transmission facilities and except as limited by generating equipment being out of service, due to accident or repairs, such amount of power up to 7,500 kilowatts as Authority may need and for which Authority has no other source of power available; provided, that the delivery of such emergency power is subject to such delay as may be necessary in starting idle generating equipment; and provided, further, that during the months of August, September, and October of each year (or such other 90 days' period in a year as Arkansas Co. may from time to time specify, except that Arkansas Co. will not specify an earlier 90 days' period of the year during the first 3 years of this agreement), Arkansas Co. does not guarantee to have such emergency power available during the peak-load hours on its system.

At the option of the supplier, energy supplied in an emergency shall be paid for at 2 mills per kilowatt-hour, or at out-of-pocket costs plus 10 percent thereof, plus any additional loss resulting from curtailed revenues or damages or penalties.

(b) Without limitation of any other obligation of Arkansas Co. to supply power under this section, Arkansas Co. agrees, whenever it is making use of controllable stored water, upon request of Authority, to accept from Authority energy in excess of the amount Arkansas Co. is then purchasing and to store the water which it would otherwise have used for the generation of power in reservoirs at its hydroelectric plants. Such excess energy shall be returned to Authority upon request during periods of emergency in Authority's system, subject to the following conditions:

(1) All receipts of energy from Authority for equivalent water storage and all redeliveries to Authority are subject to the limits of Arkansas Co.'s transmission facilities.

(2) Energy will be received from Authority for equivalent water storage only after Authority has supplied so much of the power to which Arkansas Co. is entitled as Arkansas Co. at the time may desire to take, and only to the extent that Arkansas Co. shall have been able to curtail the use of controllable stored water which it would otherwise have used.

(3) Arkansas Co.'s obligation to return to Authority energy so delivered for its account is limited at any time to the amount of hydroelectric generating capacity otherwise not used by Arkansas Co. at that time.

(4) In the event of filling of Arkansas Co.'s reservoirs resulting in overflow, the water equivalent to Authority's energy credit shall be considered to be the first water lost, but Arkansas Co. will endeavor to advise Authority in advance of danger of loss of water storage, and will deliver to Authority, upon request and within the limits of its transmission system and its otherwise unused hydroelectric generating capacity, so much of Authority's energy credit as Authority may deem necessary to protect itself from the loss of its energy credit by the waste of stored water.

(5) Authority may at any time release for use by Arkansas Co. any water stored for Authority's account, such use by Arkansas Co. to be in substitution for deliveries to Arkansas Co. under this agreement.

(6) When Authority requests delivery of its energy credit, Arkansas Co. may at its option supply steam-generated or hydroelectric energy.

(7) The amount of Authority's energy credit shall be the amount of energy delivered to Arkansas Co. under this section, less a reasonable allowance for transmission losses in the delivery and redelivery thereof.

(c) If after either party shall have notified the other of its intention to cancel this agreement, pursuant to the provisions of section 12 (b) hereof, then at the written request of Arkansas Co., made at any time prior to the specified cancelation date set forth in such notice, the obligations of each of the parties with respect to the delivery and receipt of and payment for power and energy, except emergency stand-by power provided for in this section 11, shall terminate pursuant to such request of Arkansas Co. and thereafter, until the specified cancelation date set forth in such notice of cancelation or until 30 days after Arkansas Co. shall have requested the termination of the arrangement for delivery and receipt of such emergency stand-by power under this section 11, whichever shall be the earlier, Authority and Arkansas Co. will operate their respective systems in parallel at the point of delivery for the mutual exchange of unused excess power and for emergency or break-down relief in the manner provided in this section 11, subject to the terms and conditions attached to this agreement and the applicable provisions set forth in this agreement under the headings of Measurement of Demand (sec. 7), Service Specifications (sec. 3), Reservations (sec. 13), Notices (sec. 14), and Waivers (sec. 15).

For the stand-by service supplied by Authority to Arkansas Co. pursuant to this section 11 (c), Arkansas Co. will pay to Authority, instead of the rates specified in section 11 (a) hereof, a demand charge of 3 cents per day per kilowatt of measured demand established in such day plus 2 mills per kilowatt-hour of energy taken, and, in any event, will pay a minimum bill of $10,000 each month, provided that any amount by which such minimum bill may exceed the charges specified in this section 11 (c) for demand and energy supplied shall apply as a credit against any sums due from Arkansas Co. in excess of the said minimum bill for demand and energy supplied under this section 11 (c) in any subsequent month.

12. Resale of power: (a) This agreement is made by Arkansas Co. in lieu of the construction by it of additional electric generating facilities, to supply power to meet the expanding requirements of Arkansas Co.'s own consumers and in substitution for other power purchases by Arkansas Co., and not for resale to other utilities. It is recognized that Arkansas Co., in the ordinary conduct of its business, purchases power from and sells power to other utilities, and that the power purchased hereunder will form a part of the aggregate power supply from which such sales will be made. Arkansas Co. agrees, however, that except as it may sell power to other utilities in the ordinary conduct of its business, it will not, directly or indirectly, subcontract or resell to any utility all or any part of the power purchased by it hereunder.

(b) If Arkansas Co. shall resell to the ultimate consumer any power supplied by Authority hereunder, for an amount which is in excess of any applicable schedule fixed by Authority for the resale of such power, the remedy of Authority shall be to cancel this agreement, and if Authority shall elect to cancel this agreement for the cause aforesaid, such cancelation shall be effected by delivering to Arkansas Co. 2 years' written notice of intention to cancel this agreement. If any schedule for the resale of such power fixed by Authority shall in the judgment of Arkansas Co. be, or become, less than a fair and reasonable schedule of rates for the service to be rendered thereunder, and Arkansas Co. shall so advise Authority, and Authority should within 60 days after written request so to do fail or refuse to agree to a new schedule of resale rates which in the judgment of Arkansas Co. shall be fair and reasonable, Arkansas Co. shall thereupon have the right to cancel this agreement at any time within 2 years after Authority shall have failed or refused to agree to such new schedule, by delivering to Authority written notice of intention to cancel this agreement on a date within such 2-year period to be specified in such notice.

If either party shall notify the other of its intention to cancel this agreement pursuant to this section 12 (b), Arkansas Co. shall not be required to reduce its then applicable rate schedules prior to the effective date of the cancelation.

13. Reservations: It is understood that the Arkansas Co. is subject to regulation with respect to its rates and other matters by the governing bodies of cities, under franchise or charter power, by the Department of Public Utilities of the State of Arkansas, by the Federal Power Commission, and by other regulatory bodies having jurisdiction, and that in executing this agreement, Arkansas Co. does so saving to itself the power to assert all constitutional rights with respect to rates and with respect to matters unrelated to this agreement heretofore available to it, as well as the right to perform its duties and obligations with respect to each of such regulatory bodies.

14. Notices: Any notice, demand, or request required or authorized by this agreement shall be deemed properly given if mailed, postage prepaid, to the chief electrical engineer, Tennessee Valley Authority, Knoxville, Tenn., on behalf of Authority, or to Harvey C. Couch, president, Arkansas Power & Light Co., at Pine Bluff, Ark., on behalf of Arkansas Co. The designation of the person to be notified or the address of such person may be changed by either party at any time, or from time to time, by similar notice.

15. Waivers: Any waiver at any time by either party hereto of its rights with respect to the other party, or with respect to any other matter arising in connection with this agreement, shall not be considered a waiver with respect to any subsequent default or matter.

16. Consent or approval by public bodies: Subject to the rights of each of the parties hereinabove set forth, Arkansas Co. agrees, promptly upon the request of Authority, to apply to the public bodies whose consent or approval is required by law to make effective the provisions of this agreement for such consent or approval, and to prosecute such applications with diligence.

17. Previous agreements: All previous agreements between the parties hereto, whether oral or written, with reference to the subject matter of this agreement, are hereby abrogated. This agreement constitutes the entire contract between the parties, and there are no understandings, representations, or warranties of any kind not expressly set forth herein.

18. Assignment of agreement: Subject to the provisions of section 12 (a) hereof, this agreement shall inure to and be binding upon the successors and assigns of the respective parties hereto.

In witness whereof the parties hereto have caused this agreement to be executed in five counterparts, each of which shall be considered an original, pursuant to authority of resolutions of their respective boards of directors duly adopted.

TENNESSEE VALLEY AUTHORITY,
By ———— ————, *Vice Chairman.*

Attest:

———— ————, *Assistant Secretary.*

ARKANSAS POWER & LIGHT CO.,
By ———— ———— *President.*

Attest:

———— ————, *Secretary.*

TERMS AND CONDITIONS

1. Metering: Arkansas Co. will provide or cause to be provided current and potential transformers and cause to be made available to Authority suitable space in the South Memphis substation for the installation of its meter. Authority will provide, operate, and maintain the necessary additional metering equipment. Each party shall have the right to install, operate, and maintain at its expense such metering equipment and housing as it may deem necessary as a check on the metering equipment of the other party.

Each party shall, at its expense, and in the presence of representatives of the other party, upon reasonable notice and at approximately 90-day intervals, make or cause to be made tests and inspections of its metering equipment in order to maintain a high standard of accuracy. Each party shall make or cause to be made additional tests and inspections of its metering equipment upon request of the other party and in the presence of representatives of such other party. If the tests or inspections show that the meters are accurate within 1 percent, fast or slow, at the average load during he preceding 30 days, no adjustment shall be made in Arkansas Co.'s bills. If the tests or inspections show the meters to be in excess of 1 percent, fast or slow, an adjustment shall be made in Arkansas Co.'s bills in accordance therewith over a period not exceeding 30 days prior to the date of such tests. Any metering equipment found to be defective or more than 1 percent inaccurate shall be promptly repaired, replaced, or readjusted by the party responsible therefor. Should the metering equipment at any time fail to register, the consumption during the period of failure shall be determined by other mutually satisfactory means.

2. Ownership of property: Arkansas Co. shall provide or cause to be provided terminal circuit-breaker equipment and current and potential transformers. Authority shall provide only such circuit breaker and protective equipment as, in its opinion, is necessary for the protection of Authority's apparatus and service.

Except as hereinabove provided and except as the parties shall hereafter specifically agree, each party shall provide, operate, and maintain, or cause to be provided, operated, and maintained, all equipment on its side of the point of delivery. The Authority's facilities on Arkansas Co.'s side of the point of delivery shall be and remain the property of and be maintained by Authority.

Arkansas Co. shall cause reasonable care to be exercised to protect the equipment of Authority installed at south Memphis substation in the event of loss or damage to such equipment of Authority arising from lack of exercise of reasonable care for same, the cost of necessary repairs or replacements shall be paid by Arkansas Co. Authority's properly accredited employees shall have access to Authority's equipment at south Memphis substation at all reasonable times for the purpose of reading meters and for testing, repairing, replacing, or removing any and all equipment belonging to Authority. Authority shall remove at its expense its meters and other equipment from the south Memphis substation upon the termination of this agreement.

3. Billing: Bills for electric power service hereunder shall be rendered monthly in accordance with the rates provided for herein. Such bills for any calendar month shall be due on the 15th day of the succeeding month or 10 days after receipt of bill from Authority, whichever is the later. Upon failure of Arkansas Co. to pay its bill for any calendar month within 15 days after the due date Authority shall have the right, upon 10 days' written notice to Arkansas Co. to discontinue the supply of electric power and to refuse the resumption of delivery so long as any past-due account remains unpaid. To any amount remaining unpaid on the 1st day of the calendar month following the due date there shall be added a penalty of 1 percent and an additional 1 percent shall be added on the 1st day of each succeeding month on the remaining past due and unpaid balance until the amount is paid in full: *Provided*, That when any dispute arises as to the correctness of the amount billed, Authority shall not have the right to discontinue supply of electric service, nor shall any penalties accrue, if within such period of 10 days after such written notice the parties cannot agree on the amount due, and within a further period of 10 days thereafter Arkansas Co. pays to Authority the amount which Arkansas Co. believes to be due.

All payments shall be made to Authority at its offices at Wilson Dam, Ala., or at such other place as Authority may from time to time designate.

4. Liability: Authority shall hold Arkansas Co. harmless against any loss or damage to the public or its employees arising out of the operation of Authority's transmission lines or equipment and the transmission of electric power delivered hereunder up to the point of delivery herein specified, unless it be proven that such loss or damage was caused by the sole negligence of Arkansas Co., its agents, servants, or employees. Conversely, Arkansas Co. shall hold Authority harmless against any loss or damage to the public or its employees arising on the Arkansas Co.'s side of point of delivery, unless it be proven that such loss or damage was caused by the sole negligence of Authority or its agents, servants, or employees.

5. Service: Authority shall furnish electric power as agreed upon, but Authority, its officers, agents, or employees shall not be liable for damages or breach of contract when service is interrupted or suspended by reason of injunction, strike, riot, invasion, fire, accident, floods, backwater caused by floods, act of God, or from any other like causes beyond Authority's control, or caused by the making of necessary repairs on Authority's system, or by connecting or disconnecting Arkansas Co.'s services, but Authority shall make appropriate adjustment of the demand and energy charges in the event of such interruption or suspension of service. Authority shall give as much notice as possible before interrupting service to make repairs. Authority shall so far as possible avoid discontinuance of service hereunder for routine operating purposes, and when such discontinuance is necessary, Authority shall restore service as speedily as possible. Interruptions or suspensions of run-of-stream secondary power for causes beyond the control of Authority as specified herein, shall not be considered a suspension of the delivery of such power within the meaning of section 6 of the agreement of which these terms and conditions are a part.

Arkansas Co. shall notify Authority immediately should the service be unsatisfactory for any reason, or should there be any difficulties, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, shall be confirmed in writing.

In the event of Arkansas Co.'s operations being interrupted or suspended by reason of injunction, strike, riot, invasion, fire, accident, floods, backwater caused by floods, act of God, or from any other like causes beyond Arkansas Co.'s control, Arkansas Co. will not be obligated to take or buy or deliver any electric power as herein provided for, nor to pay demand or minimum charges during the period of such interruption, and the demand and mini-

mum charges for the month and year in which such interruption occurs shall be adjusted accordingly.

Either party shall have the right to maintain suit at any time for any loss or claim that may previously have occurred or arisen without waiting until expiration of the contract period and without losing or waiving any right to maintain suit for subsequent losses occurring during the period of the agreement, and recovery in any such suit shall not be deemed a splitting of the cause of action.

6. Adjustment of rates: Authority agrees that if at any time it lowers its basic rate level for a class and quality of service covered by this agreement, it will make corresponding reductions in the rate to Arkansas Co. for the class and quality of service to which the reduction is applicable, so long as such reduced rate level remains the basic rate level of Authority for such class and quality of service.

7. Voltage conditions at delivery point: Authority will provide necessary facilities to deliver power to Arkansas Co. at a nominal voltage of 110,000 volts. This voltage may be raised 2½ percent or lowered 5 percent by 2½ percent steps, at the request of Arkansas Co., subject to the completion by Authority of the facilities necessary therefor, which Authority agrees to complete by September 1, 1938, or as soon thereafter as feasible with the exercise of due diligence.

Arkansas Co. will not use service from Authority in such manner as to cause fluctuations or disturbances, unusual to normal electric utility operations to Authority's system and Authority may require Arkansas Co. at its own expense to install suitable apparatus reasonably to limit such fluctuations or disturbances.

8. Phase balancing: Arkansas Co. shall at all times take and use energy in such manner that the load will be balanced between phases to within 10 percent of normal. In the event of polyphase loads unbalanced in excess of 10 percent, Authority reserves the right to require Arkansas Co. on 60 days' written notice at its own expense to make the necessary changes to correct such unbalancing and if such unbalancing is not then corrected to compute the demand on the assumption that the load of each phase is equal to that on the greatest phase.

9. Notices with respect to interruptible or run-of-stream secondary power: Authority will give 15 days' notice of its intention to discontinue and 7 days' notice of its intention to resume supply of interruptible power. Authority will give 5 days' notice of its intention to discontinue supply of run-of-stream secondary power, and reasonable notice of its intention to resume supply of run-of-stream secondary power, such resumption, however, not to be made effective on a Saturday, Sunday, or legal holiday except by consent of Arkansas Co.

Authority will endeavor to keep Arkansas Co. advised, from time to time, during a period of suspension of delivery of interruptible or run-of-stream secondary power, of the probable duration of such suspension.

Mr. McKELLAR. Before closing I wish again to call the attention of the Senate and of the country to the municipal contractors who, despite the injunctions, despite the lawsuits, and despite all the opposition that has been urged against the Tennessee Valley Authority, have bought power and are now buying power from the Tennessee Valley Authority. They include the following: Amory, Miss.; Athens, Ala.; Bolivar, Tenn.; Dayton, Tenn.; Dickson, Tenn.; Florence, Ala.; Holly Springs, Miss.; Jackson, Tenn.; Milan, Tenn.; Muscle Shoals City, Ala.; New Albany, Miss.; Okolona, Miss.; Pulaski, Tenn.; Sheffield, Ala.; Somerville, Tenn.; Tupelo, Miss.; and Tuscumbia, Ala.

There are four or five large cities among those which have contracts, but as to which service has been stopped by the same tactics that are being used now, namely, by injunction. They are Chattanooga, Tenn.; Decatur, Ala.; Knoxville, Tenn.; Memphis, Tenn.; and Russellville, Ala.

Note the cooperatives which have received the benefit of rural electrification, as a result of which hundreds of homes have been supplied with electricity that could not have been so supplied in any other way. I will name them: The Alcorn County Association—that is in Mississippi—the Cullman County Association, in Alabama; the Duck River Association, in Tennessee; the Gibson County Association, in Tennessee; the Meigs County Association, in Tennessee; the Middle Tennessee Association, composed of five or six counties; Monroe County Association, Tennessee; the North Georgia Association; the Pickwick Association, which, I presume, is near the Pickwick Dam; Pontotoc (Miss.) Association; the Prentiss County (Miss.) Association; the Southwest Tennessee Association; the Tishomingo County Association; the Tombigbee (Miss.) Association; and the Lincoln County Association.

It is perfectly remarkable that the T. V. A. has been able to sell so much power to those who were intended to be prime beneficiaries of such power and who are now getting it at a very low rate.

I remember that the little town of Muscle Shoals, right at the Wilson Dam, during all the years of the Republican administration under Mr. Hoover, bought power right at the dam, with houses built all around it, at 12 cents a kilowatt. That rate has been reduced to less than 3 cents; and yet the Senator from New Hampshire talks about no good being done to all the surrounding cities which previously had to pay the same kind of high rates. Think of all that has been accomplished since this great project has been put in operation along the Tennessee River. Think also of the opposition it has had. My own judgment is that if the T. V. A. had not sold its power to industries, as it was required by law to do, Senators here and people all over the country would now say that it ought to have done it; that the law provided that it should do it. The statute gives specific authority to sell power, not by public bidding but by negotiation, and every care was taken by the T. V. A. in negotiating these contracts. They were made in the open, were ratified in the open, in many instances by a vote of the people, and were known to all the people there.

I have been a friend of the T. V. A. from the very beginning. I was a friend of it long before it was constituted. I have been fighting for public control of this great system since away back yonder in 1916, if I remember aright, when I offered in the House of Representatives, of which at that time I was a Member, the first amendment providing for the use of the power at Muscle Shoals for the benefit of all the people instead of turning it over to the power companies that were producing power for about 2 mills, one-fifth of a cent, and selling it to the people for as much as 10 and 12 cents a kilowatt.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY. I think if the Senator will review the statute passed by the Congress in 1916, he will find that the Muscle Shoals project was included in the National Defense Act.

Mr. McKELLAR. It was.

Mr. McNARY. There was no reference to rates. It was simply declared that the Muscle Shoals plant should be used to produce nitrates in time of war and fertilizer in time of peace.

Mr. McKELLAR. That is true; it was charted with that in view. I remember that the amendment was offered by me in the committee in the House of Representatives in the winter of 1916. It was defeated in the House; but the Senator from South Carolina [Mr. SMITH] took it up in the Senate and had it incorporated in the bill, and in conference it was agreed to. That was the beginning of the power question, so far as it relates to the Tennessee Valley. We have gone a long way, Mr. President, since then.

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. McNARY. The purpose of the act at that time was not to furnish cheap power to cities throughout the Valley or to the people of the South or to sell large quantities of power to monopolistic power companies, but it was to free ourselves from the clutches of the Chilean nitrate producers who were then gripping the world.

Mr. McKELLAR. That was one of the purposes.

Mr. McNARY. That was the real purpose.

Mr. McKELLAR. There was another purpose. Many of us knew that the World War was coming on and could not be avoided; we did not know whether the routes to Chile would be interfered with, and we wanted a plant that could produce nitrates for war purposes. That was one of the purposes on the basis of which action was taken. The other purpose was the manufacture of fertilizer in time of peace. There was also a very general provision about the disposition of surplus power. Later on, it will be remembered, for the Senator from Oregon was here at the time and took part in the discussion, that Mr. Henry Ford made an offer and

submitted a price—I have forgotten what it was—for the Muscle Shoals property.

Mr. McNARY. I can amplify the record by saying that the offer was $5,000,000, and it was turned down, of course.

Mr. McKELLAR. Yes, it was turned down. At that time, as the Senator will remember, the Finance Committee had charge of the matter, as I recall. It was presided over at that time by my good friend, Mr. Reed Smoot, of Utah, a very able legislator, although he sometimes made mistakes, as we all do. Senator Smoot stated that the committee had not recommended an appropriation to complete the so-called Wilson Dam because he did not believe "in throwing good money after bad money"; that it could never be utilized, it could never be of any value, and, therefore, his committee did not recommend an appropriation, and none was made for it. A year or two after Mr. Ford galvanized life into it by making an offer for Muscle Shoals Dam, under which it was to be completed and turned over to him for a small amount, everybody became very greatly interested in the Muscle Shoals Dam; and it was finished, and for many years thereafter it was used by the Alabama Power Co., which bought power for a song, for less than 2 mills, if I remember aright, and then resold the power for 10 cents per kilowatt, generally speaking. The result was that other bills were introduced; that finally the T. V. A. bill was introduced, and passed, which provided that the surplus power should be sold for the purpose of giving the people cheaper rates for power within the area to be reached.

Mr. BRIDGES. Mr. President, is the Senator ready to yield for a question?

Mr. McKELLAR. Yes; I am glad to yield.

Mr. BRIDGES. The Senator, in his discourse today referring to this matter, used the pronoun "we" continually, saying "We will do this" and "We will make contracts," and so forth. To whom did he refer?

Mr. McKELLAR. I referred to the T. V. A., and it was what might be called a Lapsus linguae. The truth of the matter, as Senators know, is that relations have frequently been strained between the T. V. A. and myself. The Tennessee Valley Authority is wholly independent in their views and in their actions. I will also say to the Senator I have long been connected with this matter. The Senator was a little boy in short breeches, I presume, when I first began to work on this problem, away back yonder in 1916, and, of course, he would not remember about it; but the fact is that I have been tremendously interested in the project. I think I sought appropriations, as members of the Appropriations Committee can substantiate, every year to complete the Tennessee River dams, so as to provide navigation, so as to provide flood control, and so as to furnish the power that would pay for it all. The power will pay for it if we simply proceed to act, and it will not take a long time, for we have four more dams which, on an average, are about halfway completed, and some of them at least are nearly completed. The Pickwick Dam is practically completed.

Mr. BRIDGES. The Senator has referred to Mr. Hoover continually, and has also referred to Mr. Couch, one of whom he holds up as a horrible example and the other as a great benefactor. I wonder if the Senator will tell me who appointed Mr. Couch to the Reconstruction Finance Corporation.

Mr. McKELLAR. I did not remember at the time, but I believe Mr. Hoover appointed him. I meant no disrespect to Mr. Hoover; I never agreed with his views—and there are many others who have not agreed with him—but I have nothing against him personally at all. Personally he is a very likable man, but politically I think he has made more mistakes than has any other public man in this country for many years.

Mr. BRIDGES. I presume the Senator would not deliberately make any false statements in connection with his speech. I assume that to be the case.

Mr. McKELLAR. The Senator should assume it, because I do not make false statements in my speeches or elsewhere, and anybody who says I do will have to answer for it.

Mr. BRIDGES. I assume that that is so. Perhaps the Senator, then, will realize that the statement he made about the power rates in New Hampshire not being reduced in 5 years is false.

Mr. McKELLAR. Oh, I did not say that!

Mr. BRIDGES. Does not the Senator know that such a statement is a reflection upon his own colleague, the Senator from New Hampshire, Mr. BROWN, who sits on the Democratic side of this Chamber, and who sat with me on the New Hampshire commission for 3 years? Does he know the reputation of the New Hampshire commission? Does he know that his own Democratic colleague, FRED BROWN, sat on the New Hampshire commission with me for 3 years? Does he know of the reduction of rates brought about by the commission in that period?

Mr. McKELLAR. I do not say the rates were not reduced at all. The Senator is mistaken about that. What I did say was that the record shows that New Hampshire has the second highest rates in the country. The Senator does not deny that, does he?

Mr. BRIDGES. Does the Senator know that in New Hampshire a greater percentage of farms are electrified than in any other State in the Union, and that there is a greater diversity of service; that farmers get the same rates as the big centers?

Mr. McKELLAR. No; I do not know that. I do not know what the facts are in those respects; but I know that if the farmers and other citizens of New Hampshire are suffering from the second highest power rates in the Union, they are not getting a great deal of advantage from the power available in that State, because, as I have shown by figures taken from the record, the New Hampshire farmers and industries and merchants and other users of power pay next to the highest rates paid in any State in the Union. If the farmers of New Hampshire do use electric power, they pay a big price for it, and a great deal more than the farmers have to pay down our way, over 100 percent more, and over 100 percent more than is paid in the State of Washington, and over 100 percent more than is paid in Canada, immediately adjoining the Senator's State.

Mr. BRIDGES. I will enlighten the Senator fully on that subject when I formally reply to his remarks. I should like to ask him if he would favor an impartial investigation of the T. V. A.?

Mr. McKELLAR. I have no objection to any kind of investigation——

Mr. BRIDGES. Will the Senator support one if one is requested here?

Mr. McKELLAR. It depends. I never vote for a "cat in a bag." I will vote for any investigation that I think is all right; and the fact is that a resolution calling for one has been submitted in the Senate by the Senator from Nebraska [Mr. NORRIS], who is one of the finest men we have in the Senate, and one of the most level-headed men here. He has submitted a resolution calling for an investigation of the Tennessee Valley Authority by the Federal Trade Commission. I think that would be entirely all right, and I expect to vote for the resolution. I am not committing myself to it, but I am expecting to vote for it.

Mr. BRIDGES. Would the Senator support a request for an investigation by an impartial senatorial committee?

Mr. McKELLAR. I do not know about that. I think that would be rather doubtful. That would make the investigation political. The Federal Trade Commission is not a political body, and I believe it would be better to have it make the investigation. Under some circumstances I might even support an investigation by a senatorial committee, but I am not committing myself about it at this time. I have already committed myself to the proposal of the Senator from Nebraska [Mr. NORRIS], saying that I think it would be a very wise thing, because the T. V. A. has nothing in the world to keep under cover. Its officials are perfectly willing that their affairs shall be investigated. The Federal Trade Commission is admirably suited to that kind of work. Such an investigation would not be political, and I think that would be the best way to have it made.

Mr. BRIDGES. Did the Senator ever hear rumors that there might be another Teapot Dome scandal in connection with the Tennessee Valley Authority?

Mr. McKELLAR. I have never heard such a rumor, and I do not believe it. I do not think we ought to talk about rumors here.

Mr. BRIDGES. Would the Senator, then, be willing to commit himself to an impartial investigation of T. V. A., if there is nothing to this rumor?

Mr. McKELLAR. I have already stated that I was in favor of an impartial investigation, not a political investigation. To be perfectly frank, I do not think the Senator, coming as he does from away up in New Hampshire, and having made the speech that he made about the T. V. A. the other day, would be an impartial investigator. I think he would have made up his mind before he went on the investigating committee. For that reason, if the Senator wants to commit me to an investigation by a senatorial committee of which he would be a member, I say to him with the utmost frankness that I should not be in favor of such a committee investigating the T. V. A.

Mr. BRIDGES. The Senator at various times quoted from Mr. Lilienthal. In fact, a great part of his speech consisted of quotations from Mr. Lilienthal.

Mr. McKELLAR. No; only about two and a half pages of my speech are quoted from him, and there are 40 pages of the speech. I make my own speeches. I write them all myself, too.

Mr. BRIDGES. Did the Senator confer with Mr. Lilienthal or the other members of the T. V. A. Board?

Mr. McKELLAR. I conferred with Mr. Lilienthal, who happened to be in town. He is the only one I had an opportunity to confer with, and I conferred for only a very few minutes with him.

Mr. BRIDGES. Is the Senator familiar with the statement made by Dr. Morgan, chairman of the T. V. A., appearing in the newspapers of yesterday?

Mr. McKELLAR. I saw it.

Mr. BRIDGES. Does the Senator believe that statement to be accurate?

Mr. McKELLAR. I do not know about its accuracy, but I do not believe in the proposal Dr. Morgan makes about the matter. I think we could well afford to have a T. V. A. yardstick all over the country. The Senator from New Hampshire especially ought to welcome it, because he has such high rates in his State.

Mr. BRIDGES. The Senator from Tennessee need not worry about New Hampshire. If the Senator would worry about Tennessee, it would be more to the point.

Mr. McKELLAR. The Senator from New Hampshire brought on this contest, and he comes from New Hampshire. He is butting in down in Tennessee, where he ought not to butt in.

Mr. BRIDGES. Does the Senator believe that the people of Tennessee are all in accord with his stand on this matter?

Mr. McKELLAR. I think that at least three-fourths of them are; perhaps four-fifths of them. There is a tremendous majority who are in accord with it. I will give the Senator the majority. This is solely from memory.

In Memphis, Tenn., the contract was endorsed by a very large vote, and was 17 to 1. In Chattanooga it was 3 to 1. In Knoxville, if I remember correctly, it was 7 to 1. In Parrish, it was 6 to 1; and in other towns the vote was overwhelmingly one way. Indeed, there has been no organized opposition to the T. V. A. anywhere in Tennessee. It is exceedingly popular. I will tell you why it is popular: It is saving the plain people of that State a great deal of money in power rates, and of course it is proper for those who are being saved money by the introduction of these lower rates to be in favor of the scheme that does it.

Mr. BRIDGES. The Senator asks why people in New Hampshire should be interested in the T. V. A.

Mr. McKELLAR. Yes.

Mr. BRIDGES. May I comment and say it is because they are paying part of the bill? That is why they are interested, and so are the people all over the Nation, because the funds of the T. V. A. come out of the Public Treasury. They are public funds.

Mr. McKELLAR. The Senator from Tennessee takes the same stand. Here is the T. V. A. By entering into contracts as its officials were authorized by law to do, and as they have done, they have run the income of T. V. A. up to a point where neither the citizens of Tennessee, the citizens of New Hampshire, the citizens of New York, nor the citizens of any other State have to pay any part of the expense, because if the T. V. A. is allowed to go on and do its duty it will be a self-sustaining proposition. It will not cost the Government a cent; it will not cost the people of New Hampshire a cent; it will not cost the people of Tennessee a cent; but it will result in an enormous reduction of rates to about one-third of what the people of those States used to pay.

Mr. BRIDGES. Does the Senator call supplying power to the Aluminum Co. of America at bargain prices, below cost of production, good business?

Mr. McKELLAR. Oh, no; but that is not a correct statement of the situation. The T. V. A. is not supplying power below the cost of production. It is supplying it at rates which have been carefully computed by engineers, which show that the Government will actually make a profit upon the sale. The Senator is wholly mistaken. He ought to look up the record.

Mr. BRIDGES. The Senator made the statement that the Tennessee Valley Authority was established for the benefit of the farmers, the merchants, and so on.

Mr. McKELLAR. It was.

Mr. BRIDGES. Then how does the Senator justify the T. V. A. in selling the great majority of the power to four great corporations and one great utility?

Mr. McKELLAR. That was a temporary expedient, provided for under the law, and it was done for the purpose of utilizing the power that the private power companies have enjoined the T. V. A. from selling to cities and towns and farm operatives. By reason of these injunctions, the power has been banked up; and the T. V. A., following an excellent business principle, in entire accordance with the law, has sold this power so as to prevent loss to the Government, and so as to be able to let the farmers and the municipalities and the ordinary consumers have it at a very low price.

Mr. BRIDGES. Does the Senator realize that in the Aluminum Co. contract there was no provision for a minimum kilowatt-hour price as there was in the other contracts which were made; that the contract was made with that provision eliminated?

Mr. McKELLAR. I do not know that I understand what the Senator says. I have the contract here; and in order that there may not be any secrecy or even any alleged secrecy about these contracts, I have already asked that the five contracts be printed in the RECORD, and that will be done.

What was it that the Senator said about the Aluminum Co. of America?

Mr. BRIDGES. The Aluminum Co. contract eliminates the minimum kilowatt-hour rate. That, I understand, was brought out in the second deficiency appropriation hearings in the House of Representatives in 1936.

Mr. McKELLAR. I have not those hearings before me; but I know that the Aluminum Co. is getting the power at yardstick rates, and the Aluminum Co. is being sold all of its power for the benefit of the T. V. A. and not for the benefit of the Aluminum Co., though I presume it is a great convenience to the Aluminum Co. to get it.

By the way, as I said before, in addition to getting a sale for power which has been dammed up by reason of injunctions by the power companies, the T. V. A. also has brought about a doubling of the facilities of the Aluminum Co. in Alcoa, Tenn., and the employment of some 4,000 more men than had been employed.

Mr. BRIDGES. Mr. President, the Senator referred today to the president of the Union Carbide Co. as being a particular friend of his.

Mr. McKELLAR. I cannot say he is a particular friend, but we were young lawyers at the same time, and at one time we were offered the same position. I was offered the

place first and turned it down and continued to live in Memphis. Mr. Ricks was a poor young fellow, just as I was.

He was from some small place in the southern part of Wisconsin, the name of which I cannot recall at the moment. He was discovered there, and was thought to be a great trial lawyer, and was brought to Chicago and given exactly the place I had been offered and had refused. He made a wonderful success, although that statement is based on what I have been told, as I never heard him try a lawsuit. Our relations have been very pleasant, and he is a very fine man. I have not seen him for years, and I do not know anything further about him.

Mr. BRIDGES. I merely desire to ask the Senator whether his opinion relative to the Union Carbide Co. is different from what it was on March 3, 1926, according to what he then said.

Mr. McKELLAR. That depends on what I said in 1926.

Mr. BRIDGES. The Senator referred to the Union Carbide Co. as an enormous monopoly, one of the largest monopolies in the United States.

Mr. McKELLAR. I think it is. I think that statement is accurate. I have not changed my mind about it at all. I say it is one of the largest monopolies in the country. I understand they make a large number of very useful products, perhaps several hundred in number. It is a very large corporation. I understand it is a monopoly, too. I am merely speaking generally, just as I spoke before. But I do not think that everyone connected with it is a scoundrel. I know Mr. Ricks is not. I know he is a fine man.

Mr. BRIDGES. In the meat of his speech the Senator tried to justify the sale of power at bargain prices, under private contracts, without public bids, to great monopolies in this country. That is what the Senator attempted to defend.

Mr. McKELLAR. The Senator can have that opinion about it if he desires. My speech does not show anything of the kind. I differ with the Senator entirely about it, but the Senator can think of it just as he pleases. I thank the Senator for saying that my speech had meat in it. I hope it did. If it had any meat in it, it exploded the views the Senator from New Hampshire expressed last Tuesday. I never have been what is known as a "utility man" or a "power-company man."

Mr. BRIDGES. Does the Senator believe that the majority of the board of the T. V. A.—Mr. Lilienthal and Mr. Morgan—are absolutely right and that the third is absolutely wrong?

Mr. McKELLAR. Oh, no; I have not meant to say that. I have not passed on it at all. I have not referred to it. I said that all the members of the Commission frequently differ, just as the Members of the Senate differ. For instance, my views on public questions are as far from those of the Senator from New Hampshire as the poles are apart, but that does not mean that the views of either are wrong or that either is corrupt or crooked.

Mr. BRIDGES. No; but I am very thankful that my views are as far apart from the Senator's as are the poles.

Mr. McKELLAR. I entertain the same feeling of satisfaction, so we are agreed on that.

Mr. BRIDGES. Has the Senator ever investigated relative to any of the so-called purchases of T. V. A.?

Mr. McKELLAR. The Senator asks whether I have investigated. I have investigated, and the results of my investigation are apparent in the speech I have made today. Besides I have had a personal knowledge of it from the very beginning.

As the Senator knows, my interests are not so varied. I have taken a great deal of pride in the growth and progress and development of the T. V. A. and what it is doing in Tennessee. I know it is doing a good work. I am almost as familiar with it as the Senator is with the maple-sugar industry in New Hampshire, and I have kept up with it. I was present when the contract was agreed upon and signed in Memphis. I was there only as an onlooker; I had nothing in the world to do with it in any way, shape, or form, except that I believe we all had our pictures taken together. To show how much notoriety there was, I assure the Senator that the contract was not agreed upon or signed in secrecy, or behind closed doors, or in any other manner mentioned by the Senator a while ago. Knowing the T. V. A. as I know it—and I think I know a great deal about it—I do not believe the Senator utilized his time very well in looking up the history of the T. V. A. I say in all kindness that he does not refer even to the reports of the T. V. A., which were all in the RECORD. They were printed. The Senator could have referred to them, but he did not refer to them in his speech, as I recall.

Mr. BRIDGES. Does the Senator believe that the T. V. A. should stand by itself and not be subject to some of the provisions of law providing for reports and financial returns to Federal officials with which other Government agencies have to comply?

Mr. McKELLAR. No; I do not.

Mr. BRIDGES. Has not that been the case?

Mr. McKELLAR. I do not know. I could not say offhand. But if it does not make reports, if it is not subject to examination and accounting, I should be very glad indeed to support a law providing that it should do so.

Mr. BRIDGES. Will the Senator tell us how many men are employed under the T. V. A. today?

Mr. McKELLAR. I have not the slightest idea.

Mr. BRIDGES. Can the Senator state how many are under civil service, or what percentage are under civil service?

Mr. McKELLAR. I have heard that most of them are, but I do not know. If the Senator wishes to find whether any of my recommendations have been accepted by the T. V. A. and the parties appointed because of my recommendations, I assure him that I do not know of a man I have recommended who has been appointed by the T. V. A.; not one.

Mr. BRIDGES. I am just amazed at that statement.

Mr. McKELLAR. The Senator will be amazed at a great many things if he will investigate the T. V. A. He will find it a big, clean organization, trying to do a splendid work, and after the courts have substantially let it alone, and after the power companies have substantially let it alone, and after other big interests have substantially let it alone, I should think the Senator would let the matter rest for a while, and would not desire to issue propaganda against the T. V. A. Does not the Senator believe in courts? Does he not believe that after they have decided a thing, that should be the law?

Mr. BRIDGES. My regard for courts is probably as high as that of the Senator from Tennessee.

Mr. McKELLAR. I am glad to hear that.

Mr. BRIDGES. I have heard the Senator make remarks about certain courts of the land within the last year.

Mr. McKELLAR. I do not believe the Senator ever heard an uncomplimentary thing from me about the courts. I hope he did not, anyway, because I have the highest respect for them.

Mr. BRIDGES. I am glad to know that the Senator will support some sort of an investigation of the T. V. A.

Mr. McKELLAR. Not "some sort." I told the Senator from Nebraska [Mr. NORRIS] that I thought his bill providing for an investigation by an impartial body such as the Federal Trade Commission was a very excellent idea, and that I would be very happy to support him in it; and I shall do so, if it comes before us.

Mr. BRIDGES. Will the Senator support an investigation to go into every phase?

Mr. McKELLAR. Any phase of the T. V. A., because they have nothing in the world to conceal. They have done a good job under the most adverse circumstances ever experienced by any arm of the Government in the history of the United States.

Mr. BRIDGES. That is quite a broad statement.

Mr. McKELLAR. It is a broad statement, but it is a true statement.

Mr. MINTON. It is a broad subject.

Mr. McKELLAR. Yes; it is a broad subject. I agree entirely.

Mr. BRIDGES. Mr. President, if I may, I ask to have inserted in the RECORD a statement made by Dr. Morgan,

the Chairman of the T. V. A., appearing in the New York Herald Tribune of January 23.

Mr. CONNALLY. Mr. President, reserving the right to object, I ask the Senator not to offer that now, but to wait until later.

Mr. McKELLAR. If there are any other questions, I shall be glad to answer them, so far as I can. Of course, I have not spent 3 months in investigating the T. V. A., as the Senator from New Hampshire has. I have spent only the last few days, since last Tuesday. I will say to the Senator, in extenuation of that statement, that I think I knew something about it beforehand, and the man who lives a thousand miles away from a project and who never saw it, I suppose——

Mr. BRIDGES. I have seen it.

Mr. McKELLAR. When was the Senator there?

Mr. BRIDGES. I have been there on a couple of occasions.

Mr. McKELLAR. How long did the Senator stay there?

Mr. BRIDGES. Not very long.

Mr. McKELLAR. I thought so. If the Senator had spent part of his 3 months' vacation looking into some of the facts, he might be nearer in agreement with me.

Mr. BRIDGES. I doubt it. I think I would be more opposed than ever, because, judging by the speech the Senator has made, I do not think I could agree with him.

Mr. McKELLAR. I believe that is all I wish to say.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Herring	Neely
Barkley	Connally	Hill	Pope
Bone	Copeland	Hitchcock	Radcliffe
Borah	Davis	Johnson, Calif.	Russell
Bridges	Donahey	Lodge	Schwartz
Brown, Mich.	Ellender	McGill	Townsend
Brown, N. H.	George	Maloney	Truman
Bulkley	Gerry	Miller	Vandenberg
Bulow	Gibson	Milton	
Byrnes	Guffey	Minton	
Caraway	Hatch	Murray	

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Forty-one Senators having answered to their names, there is not a quorum present. The clerk will call the names of absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. ANDREWS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BILBO, Mr. BURKE, Mr. BYRD, Mr. CAPPER, Mr. CHAVEZ, Mr. DIETERICH, Mr. FRAZIER, Mr. GILLETTE, Mr. GLASS, Mr. HALE, Mr. HARRISON, Mr. HAYDEN, Mr. HOLT, Mr. HUGHES, Mr. JOHNSON of Colorado, Mr. KING, Mr. LA FOLLETTE, Mr. LEE, Mr. LEWIS, Mr. LOGAN, Mr. LONERGAN, Mr. LUNDEEN, Mr. McADOO, Mr. McCARRAN, Mr. McKELLAR, Mr. McNARY, Mr. NORRIS, Mr. O'MAHONEY, Mr. OVERTON, Mr. PEPPER, Mr. PITTMAN, Mr. SCHWELLENBACH, Mr. SHEPPARD, Mr. SMATHERS, Mr. SMITH, Mr. STEIWER, Mr. THOMAS of Oklahoma, Mr. THOMAS of Utah, Mr. VAN NUYS, Mr. WAGNER, Mr. WALSH, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BRIDGES. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. BRIDGES. I ask unanimous consent to have inserted in the RECORD an article appearing in the New York Herald Tribune of January 23, 1938, entitled "More T. V. A.'s Opposed by Dr. Morgan."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of January 23, 1938]

MORE T. V. A.'s OPPOSED BY DR. MORGAN—AUTHORITY HEAD REJECTS ROOSEVELT PLAN BEFORE HOUSE GROUP, DECRYING WATER POWER "OBSESSION"—FAVORS INTERSTATE PLANNING DISTRICTS—UTILITY FIRMS PREPARE A SUPREME COURT APPEAL ON LEGALITY OF T. V. A.

WASHINGTON, January 22.—Secret testimony of Dr. Arthur E. Morgan, Chairman of the Tennessee Valley Authority, opposing extension of T. V. A. power principles to other parts of the Nation was revealed tonight, 24 hours after a Federal district court in Chattanooga upheld constitutionality of the controverted agency.

Dr. Morgan's statement charged that water-power development "has become an obsession with some men." He opposed establishment on other watersheds of agencies patterned after T. V. A.

His congressional testimony sharpened the serious split among directors of the T. V. A., in which Dr. Morgan has repeatedly opposed the policies of codirectors David L. Lilienthal and Harcourt A. Morgan.

His views were made public as attorneys for 18 utility firms, many of them subsidiaries of Commonwealth & Southern Corporation, prepared to rush to the Supreme Court an appeal of yesterday's decision. The decision, by a three-judge Federal court headed by Circuit Judge Florence Allen, upheld the validity of T. V. A. and its right to enter into competition with private utilities firms.

It was expected that application to the Supreme Court for review of the decision would be filed in February. Arguments could be heard in March or April, and a decision could be given before the end of this year's term in June.

Dr. Morgan's assertions were made at a secret hearing of the House Rivers and Harbors Committee as he presented recommendations that interstate water-control districts be set up in place of the regional resources agencies proposed by President Roosevelt.

"It would seem better," said Dr. Morgan, "to deal with the ownership of the remaining water-power resources in separate legislation rather than to encumber general water-control legislation with the problem, possibly with the result of defeating that more inclusive purpose.

"The part which water-power development will play in a unified river control is being greatly exaggerated in the public mind. It is unfortunate that water power has become an obsession with some men, since that attitude may be a handicap to enactment of legislation for unified river control."

Dr. Morgan said regional authorities should be restricted to "strictly planning" activities.

His proposed "Federal interstate water-control district act" would go into effect in any integrated drainage basin when two or more States signed a compact agreeing to its terms. Dr. Morgan explained that planning difficulties arising from State lines and division of power between Federal and State Governments could thus be removed.

The result, he said, would be "an orderly method for handling interstate water projects with Federal cooperation," but with regional or local administration.

"A program of regional and national planning bodies supplemented by such a Federal interstate water-control-district law would provide an orderly and nonpolitical method for the unified development of our water resources," Dr. Morgan said.

His plan was understood to have been received favorably by the Rivers and Harbors Committee.

"A direct amendment to the Constitution would greatly simplify the process if it should become feasible," he added, "but it does not seem to be necessary to wait for such action."

Dr. Morgan pointed out that the country had never had an "over-all agency for planning the interrelated use of its waters." But he warned against concentration of that power in the Government.

"By the term 'planning,' as used here, I refer to the determination of the major types and characteristics of water-control programs, and not to those specific plans and designs which are required for the actual execution and operation of water-control programs.

"The time is past when our water resources can be properly treated for a single purpose, such as flood control or navigation, or power, or industrial water supply. The interrelations of different purposes must be recognized by deliberate and over-all planning. Every possible benefit of unified control should be recognized and prepared for. Otherwise we shall find that our treatment of water resources has become one of the 'bottle necks' or limiting factors of our national life."

He recommended that costs of water conservation be levied primarily against those it most benefited, explaining: "It would seem as reasonable to charge fees to boats operating in the New York Harbor, which is improved at public expense, as to charge fees for autos going under the harbor through a tunnel."

While recommending that no provision be made in planning legislation for power development, Dr. Morgan continued:

"It is probable that a few great watersheds, such as the lower Mississippi, the Columbia, the lower Colorado and the Tennessee, and the St. Lawrence, with which the Government has had long-established relationships and commitments, might by the force of circumstances continue to be administered under special legislation.

"Whenever hydroelectric power can be economically produced without sacrifice of greater values, it would be an unjustifiable waste of public resources to omit water-power development."

He warned against taking a chance of floods by filling dams to the brim for power generation.

"Aside from a few rivers, including the Columbia, the Colorado, the Tennessee, and the St. Lawrence, and some streams along the Pacific and south Atlantic coasts, water power probably will be a minor item in the control of most American rivers," he said.

"In my opinion, the question of ownership of water power as between the Nation and the individual States should not be dealt

with in an act creating planning authorities or an interstate water-control district act."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 2463) to authorize an additional number of medical and dental officers for the Army.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. GEORGE. I desire to discuss certain phases of the bill now before the Senate. I realize, of course, that the Senate is not minded to listen to argument on the pending bill, and particularly argument which addresses itself to the validity of the bill or the power of the Congress under the Constitution to enact this particular bill. Nevertheless, Mr. President, I am particularly anxious to put into the RECORD my own views on the validity of this bill under the Constitution, with special reference to section 5 of the bill.

It becomes necessary to make certain general observations and to submit some general authority and specific authority more particularly applicable to other provisions of the bill in order to make clear my view with respect to section 5 of the bill.

If I may be permitted, Mr. President, I should like to read at this point my analysis of the bill—all that it is and all that it undertakes to do.

The bill, in the first place, raises a criminal offense against three or more persons acting together to exercise or attempt to exercise any power of correction or punishment by physical violence unlawfully and for the purpose or consequence of preventing arrest, trial, or legal punishment, of any citizen or person, first, in the custody of a peace officer; second, suspected of an offense; third, charged with an offense; or, fourth, convicted of an offense. Such assembly of three or more persons, for the purposes enumerated, is defined to be a mob, but no punishment, as such, is provided for the members of the mob.

The bill also creates the crime of lynching, if such unlawful violence by a mob, as defined, results either in the death or in the maiming of a victim.

It will be observed, Mr. President, that the extent of injury to the victim, that is, the person who is seized by the unlawful assembly of three or more persons, is not defined except as it may find definition and meaning in the generally accepted law of the land.

The bill raises a criminal offense against, first, any officer, or, second, any employee of a State or subdivision thereof possessing the power of a peace officer or possessing the police power as applied to the subdivision who, first, willfully neglects, or, second, refuses, or, third, fails to make all diligent efforts to protect the citizen or person from, first, a lynching within the meaning of the bill, or, second, a lynching of a person who has been taken into custody by a peace officer, or, third, failure to apprehend, keep in custody, or prosecute the members of the lynching mob.

The punishment provided for this offense by the terms of the bill is a fine of $5,000 or less, or 5 years imprisonment or less, or both, within the discretion of the court trying the case.

Mr. President, I wish to repeat that the second offense raised by the language of the bill is against any officer or any employee of a State or of a subdivision of a State which subdivision possesses police power. It will be noted that a crime, by the terms of this bill, is created as against any officer of the State who possesses the power or is charged with the duty of maintaining the peace or protecting the life and property of the citizen or person within the jurisdiction of the State. It, of course, follows that under the terms of the bill the Governor of a State would be amenable, and so the Governor of a State could be tried and convicted under the terms of the bill of the offense of lynching as defined by this bill, if the bill is held to be an exercise of a valid power of the Congress under the fourteenth amendment to the Constitution.

Mr. President, a humble employee of a State, not merely one of its officers but an employee, someone employed by the State and charged with a specific duty of maintaining the peace or of protecting life in given circumstance, under the terms of the bill, may be prosecuted for his willful neglect or his refusal or his failure—to do what? To use all diligent efforts to protect the citizen or person against the lynching mob before he is taken into custody, or against the lynching of a person who has been taken into custody.

What does the bill mean by the use of the words "all diligent efforts"? There is no use of the words "ordinary care" or "ordinary diligence" or "commcn care" or "common diligence" or "extraordinary care" or "extraordinary diligence." There is no such measure of diligence placed upon the officer or mere employee of a State. He may be a jailer; he may be an assistant jailer of a county; he may be charged specifically with the protection of the jail and of its inmates on a particular occasion, and yet if he does not use "all diligence" to prevent a lynching, as defined in this bill, or to prevent one from being taken from the custody of a peace officer and subsequently lynched, or if he fails by that same extraordinary degree of diligence, to which I shall again refer, to apprehend, and to keep in custody or to prosecute the members of a mob who have engaged in a lynching, under the terms of this bill he is guilty of the offense of lynching and may be punished by 5 years' imprisonment and a fine of $5,000, or both.

What is meant by "all diligence"? It can mean but one thing, and that is that the officer must use every power that he possesses; the citizen charged with the duty of a police officer must use every power, and I dare say that, under the very language of this bill, no valid defense could be interposed by the officer or by the county unless the officer had gone the full length and sacrificed his life or offered to sacrifice it, as a penalty, in order to prevent a lynching, because that is "all diligence," and nothing less is all diligence; nothing less can be said to be "all diligence."

Mr. President, I come now to the third phase of the bill. In the two instances crimes are raised, first, against the mob if it accomplishes a lynching in the meaning of the terms of the bill, and, second, against the officer or any employee of a State or any officer having the power to protect, which, the Governor, of course, has in the highest degree within the State, or being charged with the specific duty of protecting life or protecting a prisoner or protecting a person accused of a crime or of protecting a person suspected of a crime, fails to do so. A crime is raised against the officer and against the employee, and the requirement is the exercise of "all diligence" as the only open defense against this charge in this bill.

The fifth section of the bill is a most extraordinary one. It is difficult to understand how this section could have been inserted by men familiar with our system of law; it is difficult, Mr. President, for me to understand how men eminently qualified as lawyers, learned in the law, could have committed themselves approvingly to the proposition contained in section 5 of this measure.

Section 5 raises an action in tort against every subdivision of a State to which police power has been delegated in all cases (1) where a lynching occurs within its territorial jurisdiction; (2) where a lynching has followed seizure within its territorial jurisdiction, whether such lynching occurs beyond its jurisdiction or within its jurisdiction and whether such lynching occurs beyond the jurisdiction even of the State.

Liability is fixed at not less than $2,000 and not more than $10,000 for any lynching; that is to say, any maiming or any death resulting from the unlawful act for the purposes stated in the bill of three or more persons. The only open defense of the political subdivision of the State is the affirma-

tive proof that the peace officers and citizens used all diligent efforts. Private citizens are included in this extraordinary tort which is raised against a political subdivision of a sovereign State, in violation of the simplest political morality of the English-speaking race. Even citizens may render the political subdivision liable in tort if they have failed to do—what? To exercise "all diligence" and all powers vested in them to prevent the lynching.

I again come to the language of the bill and invite the Senate and invite the American people to contemplate the extraordinary proposal contained in section 5 of the bill. Every political subdivision of a State is made liable in tort, so declared by the Congress of the United States, in all cases if a lynching occurs within that particular subdivision or if a seizure occurs within that political subdivision followed by a lynching elsewhere in the State or beyond the borders of the State.

The only defense open under the bill is affirmative proof by the State or by its political subdivision that its officers, and every person called by the officers to assist them—the bystanders summoned by the officers in an hour of excitement and of pressure and of danger—used all diligence and all power vested in them to prevent a lynching.

Again I say that, under the language of this bill, if it were given effect, the officer and the citizen are called upon practically to offer themselves as a living sacrifice, or else judgment goes against the county for not less than $2,000 and not more than $10,000.

The tort action which the bill by its terms raises against the political subdivision of the State, runs to the aggrieved person—that is, the victim of the mob who is only maimed, but not killed—or to his next of kin, with the rather drastic provision that the cause of action survives if the next of kin passes away after the suit is brought. But, Mr. President, the action is to be brought if some citizen can be found to make an affidavit—and of course he can always be found to make an affidavit and lodge it in the Department of Justice—by the Attorney General for the use of the victim of the mob or his next of kin. The bill barely escapes the eleventh amendment to the Constitution in terms.

Senators who do me the honor to remain in their places and hear my remarks know very well that the eleventh amendment came about as the result of a suit brought against a State by a citizen. When that suit had resulted in judgment the State of Georgia, being the State against which the judgment was rendered, refused to pay it. The eleventh amendment followed, and wrote into the Constitution itself what always had been the law—a positive inhibition against the bringing in a Federal court of a suit by any private citizen, or citizen of a foreign State, against any State of the United States. It could not be done. As I say, the bill barely escapes, if it does escape, that constitutional amendment.

Mr. BORAH. Mr. President, would I be taking the Senator from the floor if I should ask him a question?

Mr. GEORGE. I shall be glad to have the Senator ask the question.

Mr. BORAH. The Senator says that the bill barely escapes the eleventh amendment to the Constitution. As the Senator knows, the Supreme Court has held that a suit against a county or a subdivision of a State is a suit against the State.

Mr. GEORGE. Exactly.

Mr. BORAH. As this bill creates a cause of action in favor of a private citizen against a State, that would be in violation of the eleventh amendment.

Mr. GEORGE. Undoubtedly so, unless it may be contended that technically the fact that the suit is brought in the name of the United States for the use of the person maimed, or his next of kin, takes it out of the eleventh amendment.

I was about to say, if the Senator will permit me to do so, that if the bill escapes the language of the eleventh amendment at all, it barely escapes it; and I think it does not escape it, because the cause of action is in behalf of the individual. The tort action is raised in behalf of the individual. The right of action is given to the individual who is aggrieved, or his next of kin. The right to initiate the suit is vested in a private citizen or person residing in the United States who may make and file an affidavit with the Department of Justice, and the suit is for the use of the private individual, eo nomine.

The real party plaintiff is the usee in such suit. The courts have always looked through the mere form to the substance of the thing. In many States, under rigid pleading laws, another party suing for the use may be substituted, but there can be no substitution for the usee, or the party for whom the action is brought or for whose benefit it is brought, because the court looks through the form to the substance, and says that the real party to the suit is the usee.

Now, Mr. President, I propose to proceed one step further. If this section is not in the very teeth of the eleventh amendment to the Constitution, the Congress of the United States nevertheless has no power to make a State suable in tort at the instance or for the benefit of anyone.

I pass over, without going into the field, the question whether or not, under certain circumstances, suits may be instituted by a private person, or whether the Congress may give to a private person some rights against a State arising out of a contract. We may as well dismiss from our minds, to begin with, all the vast field of law that lawyers and laymen alike know as the law of principal and agent, and the liability of the master for the acts of his servant so far as contracts are concerned.

Mr. MINTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. GEORGE. I do.

Mr. MINTON. The Senator has raised a most interesting question. Am I to understand him to say that the State may be sued for a Federal right growing out of a contract, but may not be sued for one growing out of tort?

Mr. GEORGE. I say, I pass that question by without arguing it. I do not think it may be done, but I can conceive of some circumstances in which it may be possible. But, passing that by, and coming to the real question involved here under the fifth section of the bill, this is an effort to create a tort liability against a State or a political subdivision thereof exercising police power, the highest power of a sovereign; and in its last analysis the police power may be defined simply as the power of self-preservation. That is its all-embracing meaning. This is an attempt by the Congress to raise a tort liability against a State or a political subdivision of a State for the benefit of a private person, when under all the law, ancient and modern, the sovereign never has been subject to suit, especially for tort, except by his own consent.

Is this a fanciful argument? I think not. Long, long ago, in the very beginning of the development of our system of jurisprudence, John Marshall thundered from the Bench of the Supreme Court the doctrine familiar to lawyers and laymen alike that the power to tax is the power to destroy. What did he mean? He meant that looking through and beyond the Constitution, one of the dual governments in a copartnership of governments could not exercise the power to destroy the other through taxation.

Here is the case of Day against the Collector; here are numerous cases in the books, beginning with the case of McCulloch against Maryland, all to one end—that a power wholly outside the explicit language of the Constitution which gave to the Federal Government practically unlimited taxing power, for given purposes at least, a power arising out of the very nature of our system of government, stayed the Federal Government when it undertook to levy a tax upon a necessary instrumentality of the State or stayed the State government when it undertook to levy a tax upon a necessary instrumentality of the Federal Government, an instrumentality exercising governmental functions either for the State or for the Federal Government.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I should be glad if the Senator would let me proceed for just a few minutes.

Mr. President, it should not be necessary, but I will read just one sentence from a well-recognized writer on torts. Says this writer:

> It was thoroughly established at the time of the adoption of the Constitution of the United States that the States could not be sued without their consent. It is also equally well established that the United States cannot be sued without its consent either by a citizen, or by a State. In 1855 the Federal Government established a Court of Claims, with jurisdiction of certain classes of claims against the United States, but cases "sounding in tort" are expressly excluded. Though redress in Great Britain may be had by petition of right, in case of breach of contract, or where real or personal property has found its way into the possession of the Crown, there is no remedy against the Crown for a personal tort committed by the sovereign or by a person in the Government service.

The rule is applicable in all of its force and in all of its vigor when the State or the sovereign is sought to be held liable for a tort action committed by one of its officers or employees or servants. The rule is universal in our jurisprudence that there can be no liability of the sovereign to suit by any person because of the tort of an officer of the sovereign or its employee without the consent of the sovereign. The rule is also universal that the consent must be clear and unequivocal and that the language in which the sovereign consents to be sued must be free from doubt.

Let us look just a little to our own Constitution. The Supreme Court said in the case of *Loan Association* v. *Topeka* (20 Wall. 663):

> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise, is in its very nature unlimited. It is true that express limitations on the amount of the tax to be levied or the things to be taxed may be imposed by constitution or statute; but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the Government.

Yet, speaking of this vast power, in McCulloch against Maryland, involving the power of Congress to charter a bank, and the question of whether the Legislature of Maryland could pass a law taxing a branch of the bank located within the State without violating the Federal Constitution, the Court held that the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government.

Also the Supreme Court has held in a long line of cases that an implied constitutional restriction upon the taxing power is as effectual as though expressed in the Constitution, and such an implied restriction prevents the taxation of an instrumentality of the Federal Government by the States, and of a State agency by the Federal Government.

Mr. President, I take it that no responsible authority can be found which will dare assert that either one of the governments in our dual system may make the other government liable in tort to a citizen or person for an act committed by the officer or agent of the government sought to be held liable, because if that power were admitted, it would follow as certainly as the day the night that one government could destroy the other government by destroying the agencies of the government.

If the Federal Government can, through its Congress, raise a tort against a State or a county because of the mere negligent refusal or failure of an officer thereof to protect another charged with the violation of the law, and in the custody of the officer, or who may be known to the officer as a violator of the law, and if the officer of the State can be subjected to a fine under an act of the Congress of $5,000, or imprisoned for 5 years, it follows that the power is vested in the Federal Government to remove an officer of the State. There is no escape from that conclusion, in my opinion.

For 5 years the peace officers of the State might be incarcerated, and if that power is given under the fourteenth amendment, then the power necessarily extends to the removal of the peace officers of the State. Aye, if the power exists under the fourteenth amendment to imprison a State official or any employee of the State charged with the duties of a peace officer, the Federal Government may make it impossible for the agents of the State to discharge their obligations to the State, and may destroy the States. But it may do more, it may go directly to the question and, by a simple act of the Congress, provide for the removal of the sheriff of county A or county B, or county C, if a lynching occurs in county A, B, or C, if that officer cannot show that he used all diligence and all power, which, as I have already said, calls for the virtual sacrifice of the officer's life or limb or health, because the extraordinary degree of diligence required demands it.

Let me repeat, if under the fourteenth amendment an affirmative power were given to the Federal Government to make criminal the failure of a State officer to act under given circumstances, then undoubtedly that power would be broad enough to authorize the Federal Government to remove the officer of any State or any subdivision of a State upon his failure to protect a prisoner suspected of a crime.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MINTON. The Senator has raised an entirely new question, and a very interesting one. Let me see if I understand his position. He contends that though the Federal Constitution may confer a right, and that Federal right may be recognized by a statute of the Federal Government, it could not be enforced against a State if the State did not consent to be sued. In other words, the mere giving of the right by the Constitution would not carry with it the necessary right to sue. Is that the Senator's position?

Mr. GEORGE. Not merely that, but only in part.

Mr. MINTON. This is what I have in mind. As the Senator knows, the fourteenth amendment provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," and so forth. Suppose a State actually passed a law which clearly abridged the rights of a citizen of the United States, and it was clearly admitted that it did, and the Federal Government took cognizance of that and passed a law to enforce the fourteenth amendment. The State could absolutely nullify the action of the Federal Government by denying the right to sue. Therefore the provision of the fourteenth amendment which gives the right and the right of the Federal Government to enforce it would be nullified by the mere action of the State in refusing to permit itself to be sued.

Mr. GEORGE. I do not think so, Mr. President. The Federal Government could strike down the invalid State act in the first instance; but the Federal Government undoubtedly has the power to tax, yet the Federal Government cannot take a dime of the tax out of the money paid to a State judge for salary. Is that because of anything in the Constitution prohibiting it? No; it is because a consideration of the very form and framework of our Government makes it impossible for that doctrine to prevail, because, as Marshall has said, that power would imply the power to destroy a State.

In my opinion, the fourteenth amendment does not give any affirmative power to raise a crime against a State officer under the circumstances recited in the bill, but assuming that it does, and then proceeding to consider whether or not the Federal Government may raise a tort action against a State or one of its political subdivisions, I say that we come back to a consideration of the fundamental character of the Government itself, known as the American system of dual governments, and that the very concept, the basic, fundamental principle upon which the two governments stand, and under which they complement each other, and without which neither is a perfect government, nor would be able to function perfectly, we come back to the basic consideration, and it must follow that section 5 is unconstitutional. That must follow because there is not even an implication that the State in its ratification of the fourteenth amendment

undertook to consent to a suit in tort for a wrong committed by one of its citizens or by one of its officers, to say nothing of that clear and unequivocal surrender of the right of the sovereign, which all courts have said must be in unmistakable words before it can be inferred that the State has consented to surrender its immunity to suit.

Mr. President, that doctrine is not new. It simply is one that transcends the Constitution, but it is one by which can be understood the very nature of the American Constitution. The doctrine is essential to any understanding of the American Constitution, and, therefore, of any understanding of the fourteenth amendment.

I undertake to say that before the fourteenth amendment, or, let us say, the thirteenth, fourteenth, and fifteenth amendments, which came after the ending of the War between the States, no one would have asserted that the Federal Government had power to define a mob as defined in the terms of this bill, and mob lynching, as defined in this bill, and provide punishment against State officers or employees of the State who had offended against the prohibitions of the fourteenth amendment. In other words, Mr. President, not until the war amendments to the Constitution could anyone assert that the Federal Congress had the power to create criminal offenses against an officer of a State for any mere failure to protect the life or the liberty of anyone within the jurisdiction of the State.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WHEELER. As a matter of fact, by making it a felony for someone willfully to neglect or willfully to fail to make diligent efforts are we not practically changing the whole theory of the criminal law of this country?

Mr. GEORGE. That is true. I expect at a later time to discuss that question.

Mr. President, I return to the fourteenth amendment. While the fourteenth amendment may in effect create certain additional powers in the Federal Government to make effective the prohibitions under the amendment, it ought to be settled beyond all question, beyond the peradventure of a doubt, that the action which the fourteenth amendment of the Constitution prohibits is State action, is action by the State—and, of course, the State has to act through an officer—and it is therefore an action by the State through any of its officers or any person clothed with the power of the State, but it is, nevertheless, State action.

In the Slaughterhouse cases, which came after the War between the States, and after the ratification of the thirteenth, fourteenth, and fifteenth amendments, the Court made the meaning of the fourteenth amendment abundantly clear. The essential principle laid down in the Slaughterhouse cases has remained our law all the while. In other respects the Supreme Court has given an unusual construction to the fourteenth amendment. I do not care to go into it now, but into the word "persons" it wrote "corporations"—artificial persons. I do not care to discuss it now, but it actually found a guaranty of a 6-percent return under the fourteenth amendment. I have never shared very strongly the reasoning upon which the court proceeded in some of those extraordinary cases. But the essential principle laid down in the Slaughterhouse cases was and is that the action prohibited by or forbidden by the fourteenth amendment was State action and State action of a particular kind. Not State action severally, but State action of a particular kind.

As I have said, that has been the doctrine to which the Court has steadily adhered. That must be the sound interpretation of the fourteenth amendment, because if the fourteenth amendment gives to the Federal Government the power against individual citizens, within the State, then it must follow that the Federal Government has by the amendment usurped the whole power of the State if the Federal Government elects to exercise its power.

Mr. President, the Constitution created or dealt with four interrelated but definite entities. First, the United States; second, the States as such; third, the citizens of the United States; and fourth, the citizens of the States as such.

The fourteenth amendment can never be held by the Supreme Court now or at any time to have given power to the Congress to regulate or to prohibit the action of individual citizens, persons within the State, for the protection of the rights of the citizens of the State, because if that power be once conceded to have been conferred by the fourteenth amendment, then it must follow that when the Federal Government desires to do it, it may take possession of the entire field of contract law, of criminal law—of all law—because the fourteenth amendment prohibits any State from depriving any citizen or person within its jurisdiction of life or liberty or property—the whole subject matter for which government may make laws.

Mr. President, in Ninety-second United States Reports, in the old Cruikshank case, the Supreme Court, after the ratification of the fourteenth amendment, again clearly recognized the true meaning of that amendment in all of its provisions.

It reaffirmed the essentially basic doctrine in the Slaughterhouse cases, and reannounced the law as it has remained to this date. I will not read from that case. I merely wish to say that it very clearly enumerates the rights, privileges, and immunities of the citizen, indicates the vast domain in which the State is supreme, emphasizes over and over again the existence of two governments under the American system, and indicates also those special instances and fields in which the Federal Government is itself supreme.

Again in the Cruikshank case the Supreme Court laid down the doctrine without equivocation that it is State action, and State action only of a particular kind, against which the fourteenth amendment is aimed.

In the One Hundredth United States Reports, Mr. President, there were several cases reaching the Supreme Court at the same term, and in some of those cases language may be found that seems to give justification to the proponents of this measure. Although they have not done us the courtesy even to provide us with a brief indicating the authority upon which they propose to base their case in support of the validity or constitutionality of this bill, one must assume that they will lay particular emphasis upon the language of one or more of these cases.

Yet I wish to invite attention to the fact that in this series of cases beginning with the case of *Davis* v. *Tennessee* (100 U. S. 249), and following with the case of Strauder against West Virginia, the subsequent case of Ex parte Virginia, and, indeed, the series of cases considered by the Supreme Court at that time, the majority opinions in all of them were written by one Justice. Even at that time, and even under the rather guarded ruling of the Court in those cases, there were dissents. There was dissent by Mr. Justice Field, in which Mr. Justice Clifford concurred, in all the cases; but the prevailing opinion, or the majority opinion, was written in each case by one Justice. Therefore, it must be assumed that that Justice was aware of what had just been decided, and was aware of what he meant when he used certain broad, general language for the purpose of emphasizing his view, which was different from that of Justice Field on the construction of the fourteenth amendment.

I should like to read, Mr. President, the language from Ex parte Virginia, which I assume will be taken as authority for the validity or constitutionality of this proposed act. I shall not read much of the decision, but only sufficient to indicate to those who want to read it what I have in mind.

The Court:

> We have said that the prohibitions of the fourteenth amendment are addressed to the States. They are:
>
> "No State shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States * * * nor deny to any person within its jurisdiction the equal protection of the laws."
>
> They have reference to actions of the political body denominated a State, by whatever instruments or in whatever modes that action may be taken. A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty,

without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and he acts in the name and for the State, and is clothed with the State's powers, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it.

Mr. President, that and similar language may be found in the language of Justice Strong, who wrote the majority opinion; and the assertion is made by Justice Strong that the fourteenth amendment does carry with it a certain additional grant of power, but he confines it strictly to the power to make effective, as expressly declared in the fifth subsection of the fourteenth amendment, the powers granted to the General Government by the fourteenth amendment.

Mr. President, when we come back to the opinion which was written just before the one I have read, and when we refer to the opinions which were written immediately following the one from which I have read and examine certain other language of the same Justice and certain other views to which he gave unqualified expression, we see that he intended to say, after all, that the fourteenth amendment was to act as a prohibition; that the Congress should have the power to make that prohibition effective, and that that involved the grant of some affirmative power, perhaps not theretofore possessed by the Government, but that the power to make that prohibition effective against State action, and State action of a particular kind, was the extent and limit, the purpose, and the whole effect of the fourteenth amendment.

In the case of Virginia against Rives the opinion in which was written by the same justice, and which precedes, Ex parte Virginia, in One Hundredth United States Reports, and in the following case, some loose language may be found upon which the validity of this act may be asserted, insofar as it raises a criminal offense.

In the case of Virginia against Rives certain defendants sought removal from a State court to a Federal court because of certain facts enumerated in a Federal act then in force and effect. Removal was actually granted, but the State, through its proper officer, entered an appeal in the case. The case came to the Supreme Court, and the Supreme Court remanded the defendants to the custody of the State court.

Perhaps I had better read from the syllabus in Virginia against Rives in order to make perfectly clear the particular provision of the act under consideration, or so much of it, at least, as may be necessary to an understanding of what the Court meant by its ruling:

Section 641 of the Revised Statutes, which provides for the removal into the Federal court of any civil suit or prosecution "commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States," etc., examined in connection with sections 1977 and 1978.

Section 641 was held to be good. But here is the important ruling: It will be noted that the act referred to provided for the removal of the cause if the party against whom the suit was brought could not secure his rights because of any law of a State, or was unable to assert his rights in the State tribunal. Let us go to the language of Justice Strong in passing upon certain allegations and certain contentions made by those defendants who were remanded by the Supreme Court to the State court for trial. He says:

If, as was alleged in the argument, * * * the officer to whom was entrusted the selection of the persons from whom the juries for the indictment and trial of the petitioners were drawn, disregarding the statute of the State, confined his selections to white persons, and refused to select any persons of the colored race, solely because of their color, his action was a gross violation of the spirit of the State's laws, as well as of the act of Congress of March 1, 1875, which prohibits and punishes such discrimination.

He made himself liable to punishment at the instance of the State and under the laws of the United States. In one sense, indeed, his act was the act of the State and was prohibited by the constitutional amendment.

Speaking of the fourteenth amendment, he says:

But inasmuch as it was a criminal misuse of the State law, it cannot be said to have been such a "denial or disability to enforce in the judicial tribunals of the State" (Virginia) the rights of colored men, as is contemplated by the removal act.

Then the Justice goes on to say that, if on the trial of the case this officer had in fact refused to select any colored person for service on the grand jury or trial jury solely because of his race or his color, or previous condition of servitude, and if the courts of Virginia gave validity to his act by approving it and by denying the rights undertaken to be asserted in that court by a colored citizen on trial for a criminal offense under the laws of that State, the court would have the power to relieve him. That is all it means.

Here is the same Justice who wrote the opinion in the West Virginia case, in Ex parte Virginia itself, in Rives against Virginia, in Davis against Tennessee, and in the whole series of cases, using perhaps the only loose language which would tend to give color to the claim that this is a valid or constitutional bill.

Here is the same Justice saying, "You did wrong, Circuit Court, to remove these colored people from the State court down in Virginia to the Federal court for trial, not because the act of Congress is not valid, for we assert its validity, but because you are relying upon an allegation, a charge, the statement of a custom that the officers of Virginia would voluntarily close their eyes to the express commands of the Virginia statute and would decline to select any colored man for service as a juror, either grand or petit." The Court said, "Wait until your rights are denied." It is true he is a State officer—in a certain sense, a sheriff is a State officer when he goes out with his venire and has on it the names of colored people qualified for jury duty and cannot see a colored man but can see a white man; it is true he is a State officer; it is true he is an officer of the State, and, in a certain sense, represents it, but Mr. Justice Strong said:

So long as he is acting in the very teeth of the statute of the State of Virginia, so long as he is violating the laws of that Commonwealth, you cannot predicate your appeal to this Court for the removal of your cause upon his willful and criminal abuse of his power.

In my judgment, that does not afford the slightest ground upon which the proponents of this measure may stand.

But following these several decisions in One Hundredth United States Reports, and in the reports that immediately followed it, we come very quickly to the case of the United States against Harris, reported in One Hundred and Sixth United States Reports. In that case Mr. Justice Woods, in the clearest language, in tones that ring down through the centuries themselves, reaffirmed in all its strength and vigor the essential doctrine in the Slaughterhouse cases, the essential doctrine in the Cruikshank case, the essential doctrine in Virginia against Rives and in Strauder against West Virginia, and in all the other cases to which I have referred. He again said:

It is State action and State action alone of a particular kind against which the fourteenth amendment directs its prohibition, and which the fourteenth amendment gives to Congress the power to prohibit or to strike down.

Now let me read just a little from the body of that decision.

The purpose and effect of the two sections of the fourteenth amendment above quoted were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank*, as follows:

It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform "the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform."

Mr. President, it would be useless to read more of this decision, but it came after the decision in One Hundredth United States Reports; it came after the language which its own author in the case just decided unmistakably meant as a warning against any effort on the part of the Federal Government to interpose and assert power merely because a State officer had willfully, if you please, or negligently, if you please, or deliberately, if you please, violated a plain statute of his own State through which some harm came to some person accused of crime.

But, Mr. President, that is not all. We pass quickly from the cases in One Hundred and Sixth United States Reports to the great Civil Rights cases in One Hundred and Ninth United States Reports, when that great Justice, Mr. Justice Bradley, speaking for the whole Court, there being no dissent on the point, reaffirmed the doctrine to which I have just referred. There was some difference of view in the civil rights cases, but not upon this essential point. So, Mr. President, I think it might be well to read a little of the opinion of Mr. Justice Bradley in the Civil Rights cases in One Hundred and Ninth United States Reports. Said he:

The first section of the fourteenth amendment (which is the one relied on), after declaring who shall be citizens of the United States and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that:

Then the fourteenth amendment is quoted; I omit the quotation.

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with the power to enforce it by appropriate legislation. To enforce what?—

The Court asks; it is not my question—

To enforce what? To enforce the prohibition.

To enforce the prohibition aimed exclusively against State action and State action of a particular kind. Here the Justice is speaking for the Court upon that question as late as in One Hundred and Ninth United States Reports, and that decision has been followed all the way down.

One must assume that those who assert the validity of the pending bill probably take some comfort from some of the later cases that have been handed down by the Supreme Court particularly from the opinion in what is known as the Scottsboro case, which came up from the State of Alabama.

In the case of Norris against Alabama we find a very clear discussion of this whole matter. We find an absolute reaffirmance of the basic doctrine recognized first in the Slaughterhouse cases, followed in the Cruikshank case, and that case was itself expressly reaffirmed and followed in a decision subsequent to the case of Virginia against Rives and Ex parte Virginia, on which those who favor this bill may take some shelter or find some comfort. We find the doctrine of the Cruikshank case down to this time affirmed and reaffirmed by the Supreme Court.

But now it becomes necessary to examine the Norris case to see what that case is, to see if it has any bearing, even the slightest, upon this bill, that is to say, whether it sheds any light upon the validity of this particular measure.

In the Norris case, Mr. President, the defendant, one of a number of possibly nine Negroes, was indicted for the offense of rape. His particular case had been removed from the county or jurisdiction in which the indictment was found or transferred to another county for trial, but upon the trial of the case the defendant, Norris, timely presented his challenge to the array of jurors, both grand and petit, upon the express ground that upon the selection of the grand jury which returned the indictment and in the selection of the trial jury before whom he was called to plead, the officers of the State of Alabama had intentionally discriminated against the colored race, had deliberately violated the prohibitions of the fourteenth amendment in that no Negroes were called to serve upon the grand jury returning the indictment or upon the panel before whom the defendant was called upon to plead.

Mr. President, that objection was timely presented; it was heard by the judge of the trial court.

Motions, both with respect to the quashing of the indictment and with respect to the panel of trial jurors, were overruled by the trial judge. The case came on to the Supreme Court of the United States. The Supreme Court of the United States considered it. Now I am going to read a little for the sake of showing what the Supreme Court did decide, because I apprehend that this is possibly one of the authorities upon which the proponents of the pending measure may base their contention that it is within the power of Congress under the fourteenth amendment.

The Supreme Court, after reciting the facts, said:

A motion was also made to quash the trial venire in Morgan County upon the ground of the exclusion of Negroes from juries in that county. In relation to each county, the charge was of long-continued, systematic, and arbitrary exclusion of qualified Negro citizens from service on juries, solely because of their race and color, in violation of the Constitution of the United States.

Particularly the fourteenth amendment thereof.

The Supreme Court, in considering that case, called attention to the fact that the question was of the application of the long-established principle just quoted by the court to the facts disclosed by the record.

That the question is one of fact does not relieve us of the duty to determine whether in truth a Federal right has been denied.

Proceeding to read from the opinion of the Court:

That testimony in itself—

That is, certain testimony which the Court had recited at length—

made out a prima facie case of the denial of the equal protection which the Constitution guarantees.

Citing the old case of Neal against Delaware.

The case thus made was supplemented by direct testimony that specified Negroes, 30 or more in number, were qualified for jury service. Among these were Negroes who were members of school boards, or trustees of colored schools, and property owners and householders. It also appeared that Negroes from that county had been called for jury service in the Federal court. Several of those who were thus described as qualified were witnesses. While there was testimony which cast doubt upon the qualifications of some of the Negroes who had been named, and there was also general testimony by the editor of a local newspaper who gave his opinion as to the lack of "sound judgment" of the "good Negroes" in Jackson County, we—

Says the Supreme Court—

think that the definite testimony as to the actual qualifications of individual Negroes, which was not met by any testimony equally direct, showed that there were Negroes in Jackson County qualified for jury service.

Mr. President, the court goes on in its opinion, after reviewing certain other testimony offered in support of the motion submitted by the defendant Norris, as follows:

As we have seen, there was testimony, not overborne or discredited, that there were in fact Negroes in the county qualified for jury service. That testimony was direct and specific. After eliminating those persons as to whom there was some evidence of lack of qualifications, a considerable number of others remained. The fact that the testimony as to these persons, fully identified, was not challenged by evidence appropriately direct—

That is, evidence offered by the State—

cannot be brushed aside.

So, Mr. President, the court proceeds to find that, as a matter of fact, as disclosed by the evidence, there were Negroes in that particular county in Alabama who were qualified for service upon the grand and petit juries of the county, and that they had been excluded for no reason except race, or color, or previous condition of servitude of their forbears.

In other words, Mr. President, the Court resolved the matter into a simple question of fact, and said:

The very fact that it has long been the custom to exclude Negroes from jury service in this county, the very fact that the officers charged with the duty of making up the panel, or the sheriff charged with the duty of executing the venire, have habitually left off Negroes, would raise a prima facie case that the officials were discriminating against the race as such.

But the Court did not rest the matter on that statement. They said:

In addition to this prima facie case, and in support thereof, there is evidence which was not overborne or directly contradicted showing unmistakably that those charged with the duty of selecting juries, grand and trial, in Morgan County, Ala.—

If that be the county—

excluded the Negro simply because of his race.

That is not all, Mr. President, but the case is no possible authority for the contention that the mere neglect or even the willful neglect of the officer to put Negroes on the jury list, grand or trial, would authorize the Congress of the United States to make criminal their acts, and to punish them as provided in this bill, and especially to raise an action sounding in tort against the county, against the political subdivision itself exercising the functions of the State; indeed, the necessary agency through which the State must exercise its highest power. Why?

Simply for this reason: At the very beginning of the trial, Norris challenged the grand jurors who served, and who returned the indictment against him, upon the grounds stated; and he challenged the trial jury—that is, the panel put upon him—for the reasons stated.

He went directly into the court established by the State of Alabama, through which, and through which alone, the judicial power of the State as a sovereign could be exercised, and he said:

> I call upon the court of Alabama established under the constitution and laws of Alabama for the protection of my rights as a defendant, and I invoke the prohibitions of the fourteenth amendment, and I ask for the action of the State, I ask for the voice of the State, I ask for the commands of the State, upon my plea and upon my motion now submitted.

When the court of Alabama sanctioned the negligent or willful or purposeful action of the officers charged with the duty of making up a jury list in this county in Alabama; when the court said, "Your rights are not denied, and you have no ground for complaint," that became State action—State action of the highest dignity, State action of the highest character—and then it was the duty of the Supreme Court of the United States to say that the fourteenth amendment reached that situation, and that the State of Alabama would not be permitted to disregard the rights of this defendant, Norris, in the manner in which the court found that those rights had been disregarded.

But, Mr. President, that is not all. Not one of the cases in which the Supreme Court has said that the defendant was deprived of a fair trial as guaranteed him by the fourteenth amendment to the Constitution, not one of the cases in which the court has made that statement upon the basis of the fact that the officers of the State charged with the duty of selecting the grand jury and the trial jury had merely neglected to perform a duty, can be authority for the constitutionality or validity of this particular bill. Why?

In each one of those cases, it mattered not whether the officer of the county was called a jury commissioner, or a registrar, or merely a county officer charged with that particular duty. That is what the court held in the Virginia case—that it did not make any difference if a man happened to be a judge; he was charged merely with the ministerial or administrative duty of the State, and was not discharging a judicial function of the State, and therefore he had to execute the law properly and give protection as guaranteed by the thirteenth, fourteenth, and fifteenth amendments to the Constitution. But whether the State acts through a county commissioner, or a registrar, or some particular official charged with the duty of making up the jury list, that particular official is charged with doing a specific thing. It would be analogous to this bill, and its proponents might invoke the principle, if they now sought to create a criminal offense in a case where the jury commissioner went on about his business, went fishing, and did not make up a jury list.

Even if he had in his heart the purpose to omit to do his duty, flying in the very face of the statute of the State because he did not want to put a Negro on the jury list, that would be a case which might come within the terms, at least within the spirit, of the particular bill which is presented to this body.

In each case of that character, down to the Scottsboro cases, the jury commissioners were tried for the doing of a particular act. They did that act, and the Supreme Court of the United States says that when they did that act they deliberately excluded Negroes from the jury list. That was not a negligent act, it was not a careless act, it was not an act induced by a mob as far as the evidence goes.

The jury commissioners, sitting in the quiet of the courthouse of this Alabama county, fortified by all of the power of the State, charged with the affirmative duty of selecting a certain number of names for the grand jury box and a certain number of names for the petit jury box, made its choice and the court finds as a fact that those commissioners made that choice deliberately and intentionally for the purpose of excluding Negroes who were citizens of the county and who were qualified and who, according to the evidence, which was not overborne, were entitled to serve as jurors, both grand and petit. Therefore, the court said that since the affirmative act of the officer of the State which involved his deliberate judgment, his intent, his purpose, and which constituted a step leading to the ultimate conviction or vindication of every colored man in the county and in the State charged with an offense, and who was called before the court of his county to answer for that offense—since that affirmative act was given validity and approved by the courts of Alabama, by the very arm of the State government, through which the whole judicial power of the State in many cases and particularly in all criminal cases had to be exercised, that was State action.

Mr. President, I wish now to return to the statement, as was held in one of these cases, that while the Congress had and exercised the right to make criminal the deliberate act of the jury commissioner, who excluded Negroes from the jury list and boxes solely because they were Negroes, and for no other reason, and while the power of the Congress to make that a criminal offense, nevertheless, the act which constitutes the gravamen of the offense is a positive act, and the Court has never conceded the power, it has never even blinked in the direction of any assertion of power upon the part of the Congress to make criminal the mere neglect of a State officer to do his duty under a State act. But they have said that when one acts under the authority of the statute and does certain things, he commits a crime, and the Congress has the power to prevent it, has the power to intercept it, and has the power to provide punishment for it.

The mere neglect or the mere negligence of officers of the State who do not undertake to comply with a State statute, but who deliberately violate the law of their own State by commission or omission, is here sought to constitute the essential element in a criminal case against individuals who happen to hold certain official positions in the State, as described in the bill, under certain circumstances occurring as set out in the bill.

As I tried to point out in the beginning, the bill includes not only the officers of the State, that is, the county officers, but it includes even an employee of the State, who might not be anything more than a caretaker of the physical property in which the county housed its prisoners. If he failed to exercise all diligence in the county the sovereign is held liable in a tort action, and hence the caretaker is made liable to trial for a criminal offense created by the Congress of the United States.

Mr. President, let me repeat just a few words. We live in a land of a written constitution, destined partly as a framework of government, but concerning itself largely, if not primarily, against the free and oppressive operation of the mere will of the majority.

The forefathers knew that the tyranny of majorities is often more oppressive than the tyranny of monarchs. Besides, the voice of the people sometimes is simply an echo of some skilled propagandist.

These constitutions were designed and written to perpetuate and extend the principle already developed in England of government by law as contrasted with government by the will of any man or any number of men. Therefore, one man plus the Constitution may outweigh any number of men, "just as in another context one man plus God constitutes a majority."

When our constitutions do not mean this, it is due not to the fault of those who originally framed them, but it is due to the activities and to the efforts and the attempts of those who would abuse them in their administration. The might of the law by which the framers of our Constitution intended us to be governed is "neither emotional nor is it dramatic. It lacks the elegance and the eloquence and the show and the trappings by which kings and dictators and tyrants appeal to the people."

The United States came into existence as a unique and special form of national government, as a national entity, through which the sovereign States which created it could carry on unitedly international affairs, could unitedly deal with foreign nations, could provide for common action in matters of war, in the establishment of diplomatic relationships, in the conclusion of war, and in the declaration of peace. It also was given jurisdiction over some other matters which, if left to individual State action, might and would have led to confusion, to dispute, and perhaps to conflict, particularly commerce between the several States and foreign nations.

Four interrelated entities, four separate entities, are recognized and dealt with by the Constitution of the United States, as I have already said in the course of this address, the United States itself, the several States, the people or citizens of the United States, and the people or citizens of the several States.

The United States is as to the several States and as to the citizens of the States a government of limited power. All sovereignty not granted to it is especially reserved to the States or to the people. The States have every power not denied to them by the Federal Constitution or their own constitutions, which they have not voluntarily delegated to the General Government. The United States has no power except that granted expressly or by necessary implication so far as the States are concerned, and so far as the citizens or inhabitants of the States are concerned.

While citizens of the several States, as well as citizens of the District of Columbia and of the Territories, are citizens of the United States, still, until very recent times, no one would have seriously contended that the citizens of the several States or their daily lives and affairs or their general welfare were subject to the jurisdiction of the United States in any of its departments, except insofar as they connected themselves with those subjects over which the United States is by the Constitution given exclusive jurisdiction. The Constitution of the United States gives to the Congress the power to tax to provide for the general welfare of the United States. It says nothing whatever about providing for the general welfare of the citizens of the United States. The recent decisions of the Supreme Court seem to have overlooked or else broken down this long-recognized distinction between the United States and citizens of the United States.

Failure to observe this distinction to my mind is pregnant with possibilities of a most serious nature. The States under the United States Constitution have imposed on themselves the limitation that no State shall deny to any person within its jurisdiction the equal protection of the law. The Constitution does not impose that limitation upon the United States. Our fathers, I am sure, omitted to put any such limitation upon Congress and other Federal departments because the powers that they thought they had given to the United States related in so small a degree to the lives, liberty, and property of persons as to give but little opportunity for unequal treatment and discrimination, or to deny to those persons due process of law, and the United States itself, is forbidden to deny due process of law.

Mr. President, I think from what I have said I have made my position upon the legal phases of this bill as clear as I can. First, there is no power under the fourteenth amendment in the Congress of the United States to raise a crime against the officers or the employees of a State or its subdivisions exercising governmental functions, for the mere neglect, for the mere failure of its officers to discharge their duties as such State officers under the positive command of a State law, and certainly the power does not exist under the fourteenth amendment to authorize the Federal Government to raise as a crime against an officer of a State the acts committed by him in positive, definite, intentional, and deliberate violation of the law of the State itself.

None of the cases dealing with the action of jury commissioners have any just bearing upon the question that is now before the Senate, because in all of those cases the jury commissioners or other State officers charged with the duty of making a selection were charged with positive duties. They did not commit a crime against the fourteenth amendment so far as the State was concerned until they had discharged a positive duty. They could not themselves be prosecuted by the Federal Government, because the power of the Federal Government under the fourteenth amendment is aimed exclusively at State action, and State action alone, and State action of a particular kind. They did not violate any valid law that Congress has made or can make so long as they merely failed to act. However, when, as in the case of the jury commissioner, there is a positive act which is made the subject of a subsequent examination in the tribunal set up by the State through which it exercises its sovereign power and judges between men and between society and men, that positive act, if confirmed and affirmed and followed by the courts of the State, would give to the Congress of the United States, indeed to the Supreme Court of the United States, power under the fourteenth amendment to intervene in the interest of a fair trial, in the interest of due process, and of equal protection of all citizens under the law.

Let me repeat, Mr. President. The jury cases have nothing to do with it, because the jury cases all involve first a deliberate and conscious and positive act—the selection by the jury commissioner of the men whose names are to go in the box. There is deliberation, there is the wrong, there is the harm, there is the offense against the fourteenth amendment. There it commences in a positive and deliberate act. There is not a case in the books and there is not a doctrine in the books anywhere that will justify the assertion that if the jury commissioner merely runs away from his duty and does not make up a jury list at all, that either he or his State can be reached by the Congress of the United States.

Not only is that a distinction, Mr. President, vital and to be constantly kept in mind, but from that first action of the jury commissioners the question is carried into the courts of the State, through which the State exercises one of the great powers reserved by it as a sovereign, the judicial power, and there decision by the State is invoked, and when the State through its court denies the plea of the colored man, as in Norris against Alabama, then the Supreme Court says rightly that that is the act of the State, and that act, because it does deny the equal protection of the law to the colored man in Alabama who is charged with a criminal offense, and is called into court to meet that charge, brings the case within the prohibition of the fourteenth amendment. Mr. President, all I have heretofore said with respect to other provisions of the bill applies to the tort action which the bill seeks to raise against the sovereignty itself, against the State, or a political subdivision of the State exercising police power. What I have heretofore said applies to the validity or constitutionality of that particular section of the bill.

All that I have said with respect to the provisions of the bill seeking to create the crime of the mob, of lynching, and the crime of the officers for mere failure and neglect to do certain things under the laws of the State—all I have said upon those two provisions of the bill applies equally here.

But there is far more involved than that. Ours is a dual system. Here is a general government, with limited powers, and others arising by necessary implication out of the powers granted, operating in a few great fields, exercising the great power of a national or general sovereign. Side by side with that sovereign is the State. There is the other member in that copartnership or dual government that we know as the

American system. It has been the law always in the English-speaking jurisdictions that no sovereign can be sued in a tort action, particularly, except by his own consent clearly and unmistakably given. That is the right of the State.

It does not rest in any letter of that Constitution; it does not breathe in any line of that Constitution save and except as that Constitution constitutes the great framework of the newly created general government side by side with the framework of the several States that had long been in existence claiming and asserting their right of immunity against actions sounding in tort for any willful or negligent act, for any deliberate or criminal act of any of their officers or agents. It is a doctrine that springs out of necessity; it is on an exact par with the immortal doctrine announced by John Marshall, that the State could not tax a necessary instrumentality of the Federal Government, nor could the Federal Government tax an instrumentality of the State government, because the power to tax would involve the power to destroy.

The power to raise an action in tort against a sovereign State for the negligent or willful act of one of its officers in direct violation of the State's enacted law—that power, Mr. President, is a far more direct power and leads more directly and immediately to the destruction of the sovereign against which it is aimed, because if the power exists to make criminal the act of an officer of a State who merely fails or neglects to discharge, as in the case of a jury commissioner, an intentional, deliberate, positive act, and to raise an action in tort against which practically no defense is open under this act, then, Mr. President, the power to destroy every American State is at hand. It but awaits the opportunity for those of inflamed passions or sinister purposes to call that power into exercise.

It would be no great stretch of the human imagination to say that America certainly must choose between the form of democracy which we know as republicanism, as reflected in our Constitution, in our governments, State and Federal, and either fascism or communism. Indeed, that choice is always present. It is always pressing; but at this time it presses with peculiar force and power all over the world. Contrary doctrines are in a death grapple, and all over the world democracy has suffered ill at the hands of the hostile and sinister doctrine to which I have just adverted.

There is one final hope against the destruction of the General Government exercising power over so vast a territory, with such divergent interests, with such conflicting concerns, driven by such diverse and hostile doctrines and purposes. That final hope is the maintenance of 48 independent States, that government of "indestructible States and an indestructible Union" that was asserted in the language of the court by which the proponents of the bill are seeking to establish its validity.

The dual system of government and the division of our vast territory into States, each with its jurisdiction over the intimate personal affairs of human life and the daily affairs of its citizens, always has been and always will be, if preserved in its integrity, the only certain, final answer against the prevalence of sinister doctrines that have overthrown free governments in other lands within the short memory of men who sit in this body at this hour.

As long as this dual system recognizes the sovereignty of the States, as long as it recognizes that the State cannot be destroyed, we are safe against whoever sits upon the Supreme Court. We are safe against the enforcement of any act of this kind which seeks to raise an action in tort against a sovereign State for a mere negligent omission to act by one of its officers, in the face of a statute that makes it criminal for him to omit to act. We shall be safe, Mr. President, against that kind of an act, because to recognize the power to raise a tort against a State in the circumstances is to deny the existence of a dual system. It is to deny the existence of two sovereignties. It is to strip the one sovereignty of the basic elemental attributes of sovereignty exercised by every civilized state, present in the very beginning of human society, and springing out of the doctrine of necessity.

The sovereign cannot, except when it voluntarily consents, be held liable for an action in tort because of the willful or negligent act of one of its officers, particularly when the officer is violating the law of the State or of the sovereign when he acts or when he refuses to act. The soundness of that contention seems to me, Mr. President, to be too plain for argument. It seems to me that it is fortified, it is impregnably established, by all the reasoning in McCulloch against Maryland, Collector against Day, and a long series of cases that might be read here for a whole month without exhausting the subject.

Think of the inequity of the thing! I am not willing to sit down without speaking of its iniquity. Let us suppose a case, Mr. President. Suppose that down at the forks of the creek and river in a little county in Georgia, Alabama, Tennessee, Virginia, or any other State, there lives a little woman with three or four dependent children. A lynching occurs in that county, and the victim or his next of kin bring suit. Assume that the pending bill is held to be valid, and that suit is brought against the county in the name of the United States, and a judgment is obtained against the county in the sum of not less than $2,000, nor more than $10,000 in a single instance, for a single offense or tort. Then the officers of the Government have the right to invoke all the power of the State to compel the collection of taxes out of the people of the county to pay the judgment.

This is a case in which in the midst of field or forest, remote from human habitation, some man—it matters not whether he be black or white—has committed an unspeakable outrage upon a helpless child, and left her dead at the scene of his crime. The officer was not able to get there, or he did not get there, or, even if he got there, he was not able to stay the hands of a group of men who came in, saw the offense, understood and appreciated the hideousness of the details of that unspeakable crime, and simply took charge of the victim and lynched him.

Here is this little widow down at the forks of the creek and the river, living on a little plot of land, with two or three small children to support and to educate, and having a hard time. The sheriff of the county comes to her and says, "The district court of the United States has found a judgment against this county in the sum of $10,000, and that means that we shall have to raise so much taxes. That means that so much taxes will have to come out of your little property."

The little woman to whom I have referred never heard of the crime. She did not know that an innocent child had been ravished and murdered. She did not know that the officer had gone, or had failed to go. She had no knowledge of the offense or of any subsequent happening. She may never have learned of it until days or weeks or even months after. Perhaps her own husband gave his life in the defense of his country on the battlefields of France. Perhaps her own husband was himself in life a peace officer and gave his life to protect a black or a white criminal against an infuriated mob gathered to take the law into its own hands. Yet that little widow is forced to pay her part of that judgment.

Is that American doctrine? Is that common political or civic morality? Does that commend itself to any man or to any race in these United States? Think of the villainy of it all, Mr. President! The county has no money except as it gets it by a tax out of its people, and it hardly gets sufficient to meet its annual budget, and frequently has to levy an additional tax. Yet here in America, under an act which the Congress of the United States is called upon to pass, the innocent are to be punished when they have not even a chance of being heard except through their county and in a court not of their own selection. Mr. President, it seems to me that the proponents of the bill should strike out this tort action. It is hard to think there can be a doubt in the mind of anyone that the court must strike it out. I am equally clear that all the remainder of the bill will be declared to be unconstitutional.

Mr. President, good men have spoken in this debate, spoken sincerely to the point, that all the States with a mixed population have been doing their level best to eliminate the crime of lynching, and they have shown that rapid, marked, pronounced progress in that direction has been made everywhere. The crime has almost disappeared, while other crimes of every kind are on a very definite, positive increase in all our States. Those who have spoken seriously about these facts have made an earnest plea to the American people, without regard to party, without regard to section, without regard to State, for that tolerant judgment that America always has exercised when America knew all the facts and was able to rise above clouds of prejudice such as have long hung about the whole subject of lynching.

So, Mr. President, I wish to make the further statement that those who seek to pass this bill, those who urge it upon the Congress, who would drive it through and send it up to the President, either in its present form or in the form of conference report made up by a joint committee of the two Houses for the President's signature, are doing a great disservice not alone to the white people but they are doing a great disservice to the colored people in the South.

There is no lack of sympathy with our southern Negroes on the part of responsible white men and women anywhere; there is no lack of understanding; but if this bill should pass, the same spirit that drives it forward will call for more and more legislation moving more and more rapidly toward a social equality as well as a civic and political equality in this Nation. Even if I be wrong in that supposition, Mr. President, if this bill passes, driven by the spirit that lies back of it, it will be misunderstood; it will be misinterpreted by the vicious element, white and black, in every Southern State, and when it is misinterpreted it will serve ill, aye, it will result in irreparable injury to the civilization of the white man and the civilization of the colored man and to the definite, positive, marked, noteworthy progress forward which he has made. It will be misinterpreted by the vicious element in every place where the two races come face to face, where they touch elbows, and where exists the opportunity for the happening of those events and occurrences which enrage men of the opposite race. It will be a definite and decided disservice to a race of people that need all that we can legitimately and properly and rightly do to advance them socially, politically, and civically, to advance them as citizens of our common country.

It will inevitably destroy the very incentive of a people who have been willing, out of their own poverty, to divide the last crust with the worthy men and women of the colored race. It is bound to discourage that effort, and that effort has been worth more to the American Negro than have been the efforts of his political lovers who profess admiration for him for no higher purpose than his vote.

The disposition of self-sacrifice on the part of the white men and white women of the South which has been evinced year in and year out, despite the agitation of the agitators, despite the professions of the holier-than-thou hypocrisy which has pervaded and which has paraded itself up and down this land since the last shot was fired in that memorable war between our American States, is worth more to the Negro than all that those men who frame and drive this kind of a bill in the Congress have ever been worth to the Negro and to his race or to the civilization of the white man or to the civilization of the colored man or to the civilization of both.

I am aware, Mr. President, that I speak very strongly, but I am speaking very seriously. Do not intermeddle when the crime of lynching is rapidly disappearing; do not undertake, through Federal intermeddling, to create a recurrence of conditions against which all honest and good men and women in the South have struggled since the days when Lee handed his sword to Grant at Appomattox and Grant, like the great American soldier he was, handed it back to him.

Mr. President, if we can but be given a few years more, just a little while, and there will be not an idle moment, not a second lost in the time that lies ahead of us—if we can be given immunity against this pernicious intermeddling, we will solve our problem, and we will have achieved the most glorious chapter in the history of a free people, a white race living in peace and understanding side by side with a colored people but lately slaves, and we will have saved the civilization of both that white man and of that colored man. That Mr. President, will be a new page in all the glorious pages of human history.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	O'Mahoney
Andrews	Copeland	Johnson, Colo.	Overton
Ashurst	Davis	King	Pepper
Austin	Dieterich	La Follette	Pittman
Bailey	Donahey	Lee	Pope
Bankhead	Ellender	Lewis	Radcliffe
Barkley	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Lonergan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Smathers
Brown, Mich.	Glass	McCarran	Smith
Brown, N. H.	Guffey	McGill	Steiwer
Bulkley	Hale	McKellar	Thomas, Okla.
Bulow	Harrison	McNary	Thomas, Utah
Burke	Hatch	Maloney	Townsend
Byrd	Hayden	Miller	Truman
Byrnes	Herring	Milton	Vandenberg
Capper	Hill	Minton	Van Nuys
Caraway	Hitchcock	Murray	Wagner
Chavez	Holt	Neely	Walsh
Clark	Hughes	Norris	Wheeler

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Eighty-eight Senators having answered to their names, a quorum is present.

Mr. PEPPER. Mr. President, it is my considered opinion that the bill now pending has the following objectionable characteristics: It is designed as a piece of legislation intended to be and having the consequence of being offensive to the South. It is in violation of the express provisions of the Federal Constitution. It is contrary to the dual system of government established by our forefathers and specifically recognized and provided for in the Federal Constitution. It is contrary to all democratic principles. It is out of harmony with the spirit of that philosophy which has prevailed in the national life of this country since the 4th of March 1933, known under the terminology of the New Deal. It is contrary to the principles of true liberalism. It is a tragic prostitution of the processes of government which ought at this time be employed for the alleviation of suffering and the betterment of the condition of the whole American people.

Believing that this proposal possesses the vices I have named, being a descendant of a family of the South of long before the Revolutionary War; being by my oath bound by the Federal Constitution; being both by inheritance and by inclination a Democrat; being not only an advocate of but a believer in the principles of the New Deal; being concerned about the preservation of the fundamentals of our system; being of a political faith which associates itself with the philosophy of progressive democracy, which may otherwise by called "liberalism," and believing in my heart that the processes of government should not be prostituted to the regard of this measure when matters of national import involving human suffering and human despair are clamoring at the doors of the Government for attention—believing those things and entertaining those sentiments, I am one who has solemnly resolved and covenanted, not only with my own spirit but as well with my colleagues, that the pending bill shall not pass unless the proponents are prepared not only to abolish the right of self-government and to destroy American institutions, as this bill would do, but likewise rob this body of its inalienable characteristic as the last citadel of free speech in the territorial limits of the United States.

I do not suppose anyone could mistake the significance of these utterances. I think it is fair to our colleagues that these thoughts be at this stage of the controversy distinctly known and understood. Did I not feel that the most

fundamental of possible questions is involved, I certainly would never utter such a sentiment upon the floor of this body. I would not be willing to jeopardize my personal fortune and the progress of legislation did I not entertain sentiments of that degree of seriousness. But all of us come to periods in our lives when we have to make decisions, and I believe that the principles embodied in the proposed legislation are so vital to the future of this country that those who have taken the position to which I have given expression have taken a patriotic, yes, an essential course.

No one regrets more than I that we find ourselves in this lamentable situation. No one has tried harder, in his humble and immature way, in counsel, in suggestion, in earnestness of endeavor, to avoid this crucial controversy and contest than have I, and no one regrets more than I the failure of that effort. Likewise no one is sterner in his determination to adhere to the resolve I have just expressed than I.

Mr. President, I have seen my father raise a rifle to his shoulder and look into the faces of an indignant mob clamoring to lynch a Negro man. Everything that was filial in my heart went out in fear for his bodily safety. But he left me an example and a memory of great, patriotic courage, and he saved the life of a Negro in his custody at the jeopardy of his own life.

I have never, directly or indirectly, countenanced the unlawful act of lynching anywhere or at any time. No one appreciates more than I the savage passions which it unlooses in the minds of an inflamed citizenry. No one regrets more than I those temporary reversions which occur from time to time and bring about a condition of anarchy in our civil affairs, and no one would be longer or more earnest in his declaration of opposition to lynching than I am and shall ever be.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. The Senator has just related a very outstanding and heroic accomplishment of an officer in dispersing and overcoming a mob. I suggest to the Senator that there are other examples throughout the South of similar heroic actions. What kind of an answer to the examples of those men does this bill make when it covers them with opprobrium, scorn, and odium in seeking to take away their functions and give them to the Federal Government?

Mr. PEPPER. It is very obvious that the bill in its very nature and from its very pendency here castigates as unworthy every peace officer who has held office in the southland for generations past.

Mr. President, I have before me a telegram from the Governor of my State, which reads as follows:

TALLAHASSEE, FLA., *January 16, 1938.*

Hon. CLAUDE PEPPER,
United States Senator,
Senate Office Building, Washington, D. C.:

Wired Senator MCKELLAR today people of Florida composed of citizens from every State in the Union bitterly opposed to antilynching law. We do not think it wise at this time of international unrest to pass a sectional bill like this, which can do nothing but cause bitter sectional feeling, as everyone knows it is aimed at southern people. You can state to the Senate that Florida has always and always will be loyal to our country and our flag, but we do not want a return of the shackles of reconstruction days upon the backs of our people, and we appeal to you Senators, as loyal American citizens, not to pass this bill.

FRED P. CONE,
Governor of Florida.

I know of my personal knowledge, Mr. President, that that same Governor within the last 4 months has called out the State militia to defend Negroes suspected of crimes against the hazard of lynching. I know from personal conversation with that Governor, had just a few days ago, that there is not any Governor in the whole country more determined in his resolve to prevent lynchings in his State than he is.

There is not any individual anywhere who desires more forcibly and earnestly that there shall never be a lynching within the confines of our State than that Governor, who is a man of conscientious scruples and sentiments, a proponent and a faithful upholder of law and order, who will keep the oath that he solemnly took upon his inaugural day faithfully to observe the principles of the Federal and State Constitutions and to see to it that the laws of his State were faithfully executed.

Mr. President, I also know something of reconstruction days. I had two grandfathers who served in the Confederate Army. I remember the stories that I learned around the family hearthstones at the time when those grandfathers came back to the old homesteads, which were virtually destroyed. I know the sad conditions they found when they placed their feet again upon the sacred hearthstones of home. I know how righteously and how fervently they fought for the cause they deemed just. And yet I know the patriotism with which they acquiesced in the dominance of the stronger cause.

They were ready to accept the results of that catastrophic and disastrous war. They asked only that they be allowed to live again in peace upon their own farms, to operate again without molestation their own places of business. They asked only that they be permitted to come back into the family of citizens of this country as equals, penitent, insofar as they were wrong, not apologetic for the honesty of their motives to anybody. They asked only that they might be permitted to cultivate the beautiful flower of civilization that had grown in the fallow soil of their past. They asked only that they might be given the weapons of economic power with which to mold a new South that, while it retained the beauty of the tradition of the old, had an economic power which the old by untoward circumstances had never known.

They asked only that they be permitted to work out their own destiny in a political and social way and to reconcile into practicality the very delicate problem of living in harmony and legal equality with a race which had just been a slave race and had come to a new-found liberty and an unexpected emancipation. They asked only that there might be sympathetic understanding of this problem and that they, who were in proximate contact with that problem, they who understood the nature of it, they who understood the psychological and emotional factors involved, should be aided and not hindered so long as they made a conscientious effort toward a definite and an honorable solution of that problem.

They thought when Lee laid down the sword at Appomattox, and when Johnson surrendered a little later, when that great, chivalric commander of the armies of the Union forces accepted the pure sword of Lee that they should be able to rely upon a similar spirit in the civil authorities of their erstwhile foe.

It was their tragic discovery, as the years sped away, as passions became inflamed, as emotions became aroused, as lust for power began to make itself disgracefully felt even upon the floors of the American Congress, that there was no civil counterpart for the great, generous, strong, straightforward heart of Ulysses S. Grant. They found that men were willing to build political fortunes upon the enslavement of what had been a proud people. They found that men were willing to crack the lash of party discipline upon the backs of those who had sentiments that made them cherish the traditions and keep alive the flower of southern civilization. They learned that the nonunderstanding heart of conscientious men, far removed from their problems, lent themselves to policies and to practices the like of which the white man had never employed even in dealing with captive inferior races.

But the years sped away and, as will always happen, Mr. President, the small gentle voice of conscience eventually made itself to be heard. There were always those stalwarts, even in times when passion raged unrestrained in the deliberations of the National Congress, who held up the warning hand and pleaded for restraint and reasonableness, and a righteous remembrance of the principles of national brotherhood. Eventually they made themselves heard, and those people in the far portions of the country who had been imposed upon by the propaganda which had come to their attention, mischievously disseminated, began to see, as their eyes and their ears were able to penetrate the labyrinth of mischievous propaganda, that there was a more righteous course, a course more befitting the traditions of our country, and gradually they came to a recognition of the fact that

fratricidal strife could never be the foundation upon which there could be builded this glorious Republic contemplated by those who established the beginnings of our country.

A few years later a national war, another crusade for emancipation, was joined in alike by men who once wore the blue and men who once wore the gray, and captained by the leaders of both forces, the sons of the United States, a united country, marching under the folds of the Stars and Stripes, one country, one citizenry, one national brotherhood. All of us were grateful for the fact that we could forget that there was ever the ignoble chapter of reconstruction in the annals of American history.

I do not believe, Mr. President, that there is a Senator on this floor, from whatever section he may come—certainly not the Senator from New York [Mr. WAGNER], the proponent of this bill—who would not rejoice, even tomorrow, if the memory of it could be obliterated, and if he could feel that the days of reconstruction have passed forever in American history.

I believe that the Senator from Indiana [Mr. VAN NUYS], who is the coauthor of this bill, would rise here to commend that great statesman of his own State in an earlier day, who pleaded with his colleagues against the policy which came to be known as the iniquitous reconstruction policy of the Government in reconstruction days.

It is not a division, therefore, Mr. President, of southerners and northerners with respect to that tragic era.

Old "Fighting Joe" Wheeler, after whom my own father had the honor to be named because my paternal grandfather had followed him for long years in the Civil War, applied the genius that had led the Confederate forces to lead the Union as well as the Confederate sons and veterans during the Spanish-American War. I thought after that day, Mr. President, that surely there would never be any further necessity for the amalgamation of the sentiments of the American people; but another day came when we launched as a Nation upon another crusade. The heart of the world almost stopped in staggered surprise at the heroic unselfishness of this Nation, which, without the prospect of pecuniary reward, without the hope of national aggrandizement, without any aspiration save to alleviate human suffering wherever it existed, threw its colossal power into a world-wide conflict and caused victoriously to emerge the cause of the allied nations in the World War.

When that spectacle occurred, Mr. President, I felt that if any doubt had ever existed before that there was but one heart and one aspiration in the American people; that was a course which should remove all doubt and make possible the working out of the greatest possible destiny for the American people. I knew that there would be differences of opinions, of course; that we would have different ideas; that we would express different points of view; that our variety of experience and representation here would cause a degree of conflict and clash in the presentation of our views. But I never thought, Mr. President, that one section of this country would be arrayed in mortal combat against another section, the purpose of which would be to lay upon the backs of one section the kind of condemnation characteristic of the harrowing days of reconstruction.

We find ourselves here now discussing a piece of legislation which for more than 2 weeks past has occupied the attention of the Senate. It is characterized and publicly known as an antilynching bill. It is said, Mr. President, that it is intended as an effectuation of protection of the civil liberties provided for and guaranteed in the fourteenth amendment. I think it would be well for us to observe whether this is an antilynching bill; whether there is any occasion for an antilynching bill; and whether the effect of this legislation, if enacted, would be only the enactment of an antilynching bill.

I have heard no one on either side of the Chamber champion the cause of lynching. I have heard no one speak who did not denounce that crime. I have heard no utterance upon this floor calculated to give countenance or encouragement to a repetition of that ghastly offense.

Mr. President, the crime of lynching—a homicide which is the result of violently inflamed passions manifesting themselves in physical violence—is not of sufficient importance to justify this legislation and this effort if it is actually an antilynching bill, because, Mr. President, it is common legislative knowledge that when an evil is diminishing, when it has virtually disappeared, that is not the time when you will find the greatest effort made by legislation to obliterate that evil. The intensity of the efforts to eradicate and to obliterate an evil by legislation can always be observed to be in direct ratio to the increase in that evil.

Let us see, Mr. President, whether or not there is anything to justify the Herculean efforts to obliterate the crime of homicide by more than one person in an unlawful manner, which is generally called lynching.

The fact is well known that in the period from 1889 to 1899 in the United States there was an average of 187.5 lynchings per year. In the period from 1900 to 1909 that average had fallen to 92.5 per year. In the succeeding 9 years, from 1910 to 1919, the average had fallen to 61.9 per year. From 1920 to 1924 the average was 46.2 per year. From 1925 to 1929 the average was 16.8 per year. The greatest decline in the era of which I have spoken was contemporaneous with the greatest economic prosperity this Nation has ever enjoyed.

Now, note the tendency thereafter. In the year 1931 the number of lynchings in the United States fell to 13. In 1932 the number throughout the entire United States fell to nine, and that marked the period when we began to reach the pit of the depression and all the social loss which ensued therefrom.

In 1933 the lynchings in the South jumped from 9, in 1932, when the accumulated savings of the people of this Nation had been dissipated and destroyed, and when the national aspiration was at the lowest point then within the memory of this generation, to 29. Then, for the year 1934, the number was 17. In the year 1935 the number was 23, and in 1936, when economic conditions in this country were again on the upgrade under the masterful leadership and guidance of the Democratic Party and its incomparable leader, Franklin D. Roosevelt, the number went down to 10. For the year 1937, at the midpoint of the year, the number was five, and by the end of the year the total number of lynchings in the United States was eight.

Now, Mr. President, when a national crime—if it be a national crime—by the efforts of local people, by the aroused indignation of liberty-loving and law-loving citizens, by the fidelity of our law-enforcement officers the country over, in response to a sensitive social conscience, has diminished from an average of 187.5 in the year 1889 to 8 for the year 1937, I ask you is that a crime which requires the herculean efforts behind this bill to force its enactment?

In connection with the citation of those figures, Mr. President, I mentioned a very interesting fact, I indicated a correlation between the economic condition of the country and the number of lynchings. In a former declaration upon this floor I said that it could be established, factually and statistically, that there was a direct relationship between the price of cotton and the number of lynchings.

I wonder if the full significance of that statement has come to the consciousness of the proponents of this bill. I repeat that the statistics and the facts relative to the crime of lynching unequivocally establish the truth of the statement that the greater the economic depression, the larger the number of crimes which provoke inflamed public passions, resulting in lynchings; and the greater the prosperity of the country, the fewer the crimes committed by the potential lynch victims, and therefore the fewer lynchings in the United States.

Mr. President, if those are facts—and I have heard no denial of them—if that be a true statement, I wonder if not only the consciousness but the consciences of the proponents of this legislation should not be pricked into something that would substantially try to diminish the crime of lynching, instead of dealing with it in this purely arbitrary and tragically prostituted manner.

For example, Mr. President, if it is a fact that the number of lynchings goes up as the price of cotton goes down, I should think the proponents of this bill would say, "Mr. President, let us stop this mimicry. Let us stop this tragic waste of time. Let us stop the expense of these great efforts and employ them in a better cause. Let us try to aid the conference committees in bringing back to this floor the bill recently enacted by this body, designed to increase the price of cotton." They would go down to the Southland and wherever lynchings may occur in the whole wide breadth of the country and examine into the economic factors which bring forth the occasion of lynching. They would say, "Mr. President, let us devote our energies and our efforts to an intelligent and a conscientious effort to help the Southland, so that the occasion for this offense shall never again arise." They would go down there, and they would see our industrial efforts, which have been strangled by a degree of competition, aided by the National Government, which we have hardly been able to break or to cope with. They would see that in the great money centers of New England and New York reposes the real control of the economic power of this Nation. They would see that those interests have not tried to build the South.

In too many instances they have laid their heavy hand upon its intended progress, and held it down until its lips virtually kissed the base soil from which it tried to spring. They would look at a system of freight rates which has been so constructed, by intent and design, as to give favor, encouragement, and preference to that very section of the country. They would shamefully repudiate the declaration of the New England Council of Governors, recently made, that the only way in which New England industry could compete with the South was to preserve the preferential system of freight rates now favoring that portion of the country.

They would not stop there, Mr. President. They would go down to those one-teacher country schools, where, as I have sat, those boys and girls in many instances sit upon rough-hewn benches under the tutelage of one teacher only in the public school, able by virtue of the ad valorem tax facility of many of those communities to have a public school for only 3 months of the year, attributable not to the fact that the people were unwilling or unconcerned or unappreciative—to the contrary, in spite of the fact that those people were paying a larger amount per capita for the support of the public schools than almost any other portion of the country—but on account of the fact that because they had not yet completely survived the tragic days of reconstruction under their impoverishment a generation ago, they have not yet been able to raise themselves to a better power in the education of America's future citizens.

How tragically is that true of the Negro race. It is a fact that there is not an equal division of public-school funds between the white and the colored races. I grant that, Mr. President. I contend that there is a degree of social justification for it. I sometimes marvel that the Negroes have done as well as they have. I honor them for what they have done. It is a question of self-preservation. If there is a Negro child in the community, and a white child in the same community, and you have not enough money to give both of those children an education, I suppose it is only human nature to err a little bit on the side of your own kind, and on the side of the more powerful race. I suppose that is a quality of selfishness which has manifested itself from the beginning of time.

Mr. President I deplore the necessity for that situation. If I had my way, there would not be a child in all the United States who was not able to go for at least 9 months out of the year to a public school well equipped with a teaching staff, well equipped with laboratories and experimental stations, so prepared in atmosphere as to be conducive not only to learning but to the flowering of the cultural sentiments of our people, and adapted to the teaching not only of a general curriculum but of vocational education, the purpose of which would be to fit every single child to be not only a self-supporting economic unit in a complex modern civilization but a human being, a human and spiritual force which should vindicate the hopes of the ancestors, and should raise higher and yet higher, generation by generation, the flag to which we have dedicated our lives, our sacred honor, and all of our hearts' aspirations; and I would include in those categories the Negro children as well as the white children.

As a boy I grew up very near to Tuskegee Institute, in Alabama. One of the great citizens of America was Booker T. Washington, who founded that institute for the education of his own people. There is not any State in the Union which honors Booker T. Washington more, which tried harder to hold up his hands in the great work he was doing, than the people of Alabama, among whom he labored and died, and where he left his everlasting monument. Also, I live, Mr. President, at Tallahassee, Fla., which is the seat of the Negro agricultural and mechanical college of my State. A little while ago the Public Works Administration, upon the application of the board of control which governs the institutions of higher learning of my State, builded additional dormitories at that Negro college even before they were builded at the white college in the State, because of the necessity that appeared more rigorous at the Negro college. I will say, Mr. President, being a resident of that town, that there has not been in years any crime, any disturbance of the peace, or any wrongdoing on the part of either the faculty or the students of that Negro college.

On Sunday evenings the Negro college is the rendezvous of the white people of my city and of my State. It is delightful to go to the picturesque hill upon which this illustrious college stands and see the beautiful discipline that an understanding president and a long-visioned faculty have written into the character of that student body, the courtesy with which visitors are met, the admiration with which the accomplishments of those students and that institution are received by an appreciative populace and citizenry, the good will that exists between the white and the colored races, and the ardent earnestness of the colored students of that institution to fit themselves into an economic and social order wherein they shall worthily perform their part of our cultural development. I know also that the things they learn there make them extremely valuable to the people of the State, so much so that it is almost impossible for one of the graduates to be obtained by the citizens of the State who desire to employ them for one work or another for which they have been trained in that splendid institution.

So, Mr. President, the State of Florida is proud of the relation prevailing between the white and the colored races of the State. Each understands the other. Each is sympathetic with the problems of the other. Each desires to be helpful to the other.

If I may mention a personal illustration, a few months ago a bright-eyed Negro boy came to me at my home and said he wanted to go to that college. I made it possible for him to go to the college, where he now is a student. I paid very little attention to the matter, because it was largely an impulse of wanting to help him that made me participate in the matter at all; but every time I return to my home, almost the first person I see is that boy, who will meet me at the station or meet me at my home or meet me at my office, and have either some vegetables or just a few simple flowers that he has gathered perhaps by the roadside or somewhere upon the grounds of the college. He merely desires to bring something in appreciation of my having tried to help him at a previous time.

We do not sit down together, we do not go to the same public places, we do not participate together in public affairs, we probably do not have the same professional, personal, intellectual, and emotional interests, but I have the highest regard and affection for that Negro boy, the keenest interest in his progress, in his becoming a useful citizen, and I believe he has a degree of pride in being worthy of the friendship which I have tried to bestow upon him. There is no question of jealousy, there is no question of each one sparring with the other about social position, or anything like that. We understand each other so perfectly that that conflict never arises.

Mr. President, that is the situation which prevails throughout the South. I was born in a farm home. I grew up with Negroes. I played with them as a child. Many a dark night, 12 miles from the nearest town, 3 miles from even the nearest farm house, a good Negro woman or a good Negro man was the only company and protection my mother and I had from what might have been the crime of the night marauder. I have never been back to that place. Even now I send clippings, or a letter now and then, or some memoir, to the old Negroes who were my friends and my family's friends in those interesting days.

If there had been in that community one who had been inclined to give expression to his base passions, if there had been one whose beastly instincts had prompted him to invade the sancity of that home, there was not one of them but who knew that the manhood of that community was pledged to vengeance upon what might have been done of violence in the absence of the strong arm of a protecting father. That sentiment and that knowledge, both of love and fear, have so commingled in the hearts of the white men and the colored men of the South that we are getting along all right. All we ask is just to be let alone. It is our own problem, it is our own duty, it is our own privilege to solve that social problem in what we know as the best way to solve it.

It is traditional that the best people to give advice about how to rear children are old maids and old bachelors, because they have not had any and they do not know anything about raising them. One who knows a little about it is inclined to give the father or the mother an opportunity to work out the child's progress in the best possible way.

I do not know whether my friend the Senator from New York [Mr. WAGNER] has ever visited my State or not. I hope he has. I hope he will come many times hereafter. I have a very great personal respect for him and a very great admiration for his liberal philosophy, about which I shall speak later. I do not know that he has ever been to Alabama and resided for a while upon a southern farm, or plantation; has ever sat around a country store, has ever sat during the winter, when men gathered around in the village store and spit tobacco juice upon the stove and discussed, in their own inimitable way, the problems of the country and of their own community.

I do not know whether the Senator has ever employed southern labor or not, whether he has seen southern children at school and at play. I do not know whether he has ever examined our institutions with a view to determining what is the proper relationship of one to another in the working out of a common problem. I do not know how much he knows about this situation. I do know that, having lived in New York and having seen daily the problems which naturally come to his attention, having the background of residence in New York, he is not as likely to be acquainted with the nature of the problem in the South as are the people who have resided there and have, by residence and experience, a full understanding.

I imagine the same is true of the Senator from Indiana [Mr. VAN NUYS]. I do not question the laudableness of the aspirations of these men, but I do question the adequacy and the completeness and the soundness of the knowledge of those who, if this bill were just an antilynching bill, should even dare to disturb the delicate equilibrium of the social balance of the South.

Mr. President, although I have never been to California, I understand there is a racial problem in that great State. I understand that it has to do with certain racial conflicts between the white race and the yellow race. What would the able Senators from California, of both parties, think if I should rise on this floor and say, "Senators from California, I am going to inform you about how you should adjust your social conflict with the yellow race," admitting at the same time that I have never been to California, and that all I had ever seen of the yellow race was just here and there in some American city. What would the Senators from California think of me if I took that position?

I lived for a short period of my life in Texas, although I was so young a lad that I knew very little about what was going on. I do remember seeing on one occasion cowboys ride into a little town and down the streets astride their horses, with a six-shooter blazing from each hand. Suppose that upon that one memory I should say, "Senators, I am not going to worry about the number of people dying of tuberculosis, I am not going to concern myself about the number of deaths from lack of maternal care in this country; I am not going to agitate my mind about our delicate and very challenging international problems, I am not going to concern myself about the betterment of the housing facilities of the people of this Nation, I am not going to try to stimulate the educational advantages of the children of this country until we shall have a better equipped and a more prosperous citizenry; I am going to tell the people of the West how to deal with their problem of drunken cowboys, or, called more appropriately, possibly, 'cattle rustlers.'"

I do not know why it was that the people of the West exhibited a determination at one time in their history—and whether it is gone or not I am not prepared to say—to indicate that the only way to deal effectively with cattle stealing was with the noose and the tree. I do not know whether they were right or not. I know there were some mighty good men in the Western States. I know that they went to a frontier and builded the standards of civilization there. I know that they not only planted the flag of their country, but I know that they set up the standards of law and order and civilization.

I know that a great social order has flowered from the early efforts of those hardy men and those heroic women. Whether or not another course might have been employed in dealing with their intricate and personal problems I do not know, and, not knowing, I would not say; but I would say that if the honorable men of the West felt that it was a local situation, and that only a particular remedy would deal with it, they being honorable men, I have confidence in their judgment and their experience, and I am not going to stand on the floor of the Senate and try to lay down standards for their guidance which are inappropriate to their local conditions. Least of all am I going to try to break down the framework and the fabric of the local institutions which their heroism and sacrifice have built up.

I also understand that there are certain sections of this country where the alien constitutes a problem, a problem in racial unity and solidarity. I understand that there are sections in New York City where there are great groups of people who cannot even speak the English language, who have their own newspapers, their own particular speech, their own particular ways of living, who are no more assimilated into the national life of this country than they were when they dwelt upon foreign shores.

I understand that in latter days, when dictatorships have reached the eminence of breaking down the boundaries of local self-government, and have completely come to dictate the affairs of their nation, those groups have given allegiance to a foreign flag and to foreign national ideals. If that condition exists, that constitutes primarily a local problem, which may better be dealt with by local people who understand the facts and circumstances, and I shall not attempt to tell the Senators from New York how they shall apply their law to this particular problem.

Just a short time ago the pages of the newspapers of this country were almost dripping with the blood of citizens whose lives were taken by the rampaging gangsters of city after city.

There was a time when the name of the great metropolis of the West was almost synonymous with gangster crime. It was a place where gangsters even went to the extent of lining up their opponents in a group, the way the Japanese, thirsting for blood, did to the innocent Chinese recently in that theater of war. These gangsters did not find the use of shotguns and pistols effective enough or fast enough, so in that wholesale killing they used machine guns and mowed down their gangster opponents 8 or 10 at a time.

Mr. President, was that not a national scandal? Was that not a scar upon the national escutcheon? Was that not a matter of the taking of human life? In one massacre in that one city at one time there were more people killed in 10 minutes than were lynched in the whole United States last year.

Did representatives from Florida at that time come up here, frothing at the mouth, and passion in control of all their being, and demand that we stop the program of the President of the United States, of the National Congress; that we throttle the aspirations of the people of this country who want better economic and social conditions, until we could cure the local crime problem of the city of Chicago? We had honorable Senators here at that time from Florida. We had here that grand old man whom I succeeded, Senator Fletcher. There never was a heart which beat with stronger sympathy for the distressed anywhere than the heart which beat in his noble breast. I am sure like sentiments were entertained in the heart of the other Senator, Senator Trammell. The records, however, are bare of any mention of their having entertained the thought, much less raising hand or voice in an effort to break down the power or the privilege or the duty of local self-government in the city of Chicago simply because that city had a particular crime problem.

Mr. President, I remember when I was just a little boy one of the colorful things of which I read, and which stuck in my memory, was of the criminal element in the city of New York, when Gyp the Blood, Lefty Louis, and the police lieutenant—I believe Rosenthal—and others were involved in a national crime scandal; and I dare say that in connection with that single incident and event more people lost their lives than lost their lives last year throughout the whole United States as the result of the crime that is known as lynching. But did the Senators get excited? Did they rush to the forefront here with an antigangster bill? Did they say that the wheels of the Government must stop, that the progress of the Nation must cease, that the legislative program must be stagnated, that the recommendations of the President must be ignored or repudiated, that all the progress of a Nation must be stopped and throttled until we deal with New York City's particular crime problem?

I dare say there is not a city in the country which last year did not have as many as eight murders. What difference does it make whether those murders grew out of one local emotional disturbance or as the result of rival gangs fighting for some illicit supremacy, which is a vicious sort of thing, just as lynching is, or whether some other local situation so aroused the passions of one or two men that they committed murder. Generally, homicides are not conceived of in the mind or breast of one man or executed by one single hand. If more than eight homicides occurred in almost any sizeable American city last year, growing out of a particular crime problem indigenous to that territory, why does not the Congress concern itself with that? Not only that, but if we take any particular kind of crime we will find more than eight homicides growing out of that crime anywhere in the country last year.

Therefore it is not just those homicides which come from lynchings that make up all the national homicides. If eight homicides are only an infinitesimal portion of the total number of national homicides, then why not concern ourselves with the causes of the other homicides and propose national legislation which will deal with that subject?

As the matter is investigated, therefore, Mr. President, and as it is further observed, it must be, as I know it is, obvious to everyone that this bill is not an antilynching bill. It is not a bill the purpose of which is to protect life or to prevent homicides. It is at least not bona fide the result of that kind of an aspiration.

Let me indicate what crimes have been the occasion of lynching in this country. Between 1889 and 1930, lynchings were attributable to the following causes and in the following number: Homicides, 1,399; rape, 622; robbery and theft, 267; attempted rape, 249; felonious assault, 214; insult to whites, 66; miscellaneous, 897.

Mr. President, those are the occasions of lynchings. Is this bill, if passed, going to stop the incentive for lynching? Is anything being done to eradicate the cause for lynching, or are we just making a superficial pretense that we are trying to do something to that end?

Mr. President, look at those crimes. Of course, I know that the old way of an eye for an eye and a tooth for a tooth has been repudiated by every religion, and particularly by the religious sentiments of our people, as well as by the law of our country, and yet it is not altogether an unnatural thing for violence to beget violence. One who lives by the sword probably will die by it. That is almost a scripturally recognized principle. When a man commits homicide it is only natural that an indignant relative or group of friends in their inflamed passions will try to vindicate the wrong that has been done in a manner more speedy than the ordinary dilatory practices of the law.

Yet is anything being done to speed up justice? Is anything being done to make more expeditious the judicial processes? Is anything being done to restore the confidence of the public in the courts? Is anything being done to place in the heart of a relative whose loved one's brains have been beaten out by some crazed criminal, the conviction that in just a reasonable length of time the processes of justice will have wrought a just retribution upon the offender?

Mr. President, I say as a lawyer, and I say it as one who has defended many criminals for many crimes, that if I were going to try to eradicate the crime of lynching, if I set my heart upon that laudable object, I would reach deep down into the lower courts, deep down into the legal and judicial processes, and I would try to sweep away the technicalities which in many cases make the courts of justice merely a place of legal combat, to which come enthusiastic and admiring multitudes to gloat over the heroics of the contending lawyers.

Instead of having the sentiment prevailing which causes people to come to the courthouse to see the battle of legal giants, where a lawyer champions a cause and joins in combat with his fellow lawyers, and makes a mockery of the courts of justice—instead of that I would have the public come solemnly to observe where in the holy atmosphere of a dignified and honorable courtroom justice under God's heaven may be done to everyone.

Instead of letting criminals languish for years in jail, instead of letting a case go from court to court over some foolish technicality, which the lawyer, who may be a highly paid lawyer, may discover, I would provide a criminal law which is not like our present law, which is in many respects, as has been said by one of the eminent judicial lights of this country, a disgrace to the United States of America.

I would employ the genius of my mind and the sensibility of my conscience and the determination of my socially concerned heart with the problem of making more effective and expeditious the administration of the criminal law in the United States, because I know very well that a great many of these 1,399 wound-be lynchers or lynching parties only participated in their disgraceful act after they in many instances had seen the regular processes of the law break down or fail to function, or fail to function in time which would give effective redress for the wrong committed.

Take the case of the 622 would-be lynchers or lynching parties which took into their own hands revenge upon those who had committed the crime of rape. Why was punishment for that crime taken directly in hand by many otherwise reputable and law-abiding people? One reason, of course, was their inflamed and indignant minds, justly aroused at the thought of these heinous crimes. The other, Mr. President, was that they knew if their case went to court that in the first place the little girl, or that wife, or that mother, would have to sit before the gaping eyes of a curious multitude, under the glaring lights of photographers and of yellow newspapers, in some instances, and have her name and her picture spread all over this country.

Then there may be technicality after technicality interposed, delaying the determination of that case until finally

a discouraged and disgusted citizenry takes the law into its own hands—because there is such a thing as a sentiment that demands justice in some fair proximity to the time when the wrong is committed.

I have not heard of anything being done, Mr. President, to improve the judicial process. A little while ago we had a proposal here upon the floor in connection with which the judicial process was under examination. I have been here for a little more than a year. I have not heard very much said about the improvement of the judicial process—not even by the proponents of this bill. As a matter of fact, I have not heard very much recognition that there was the problem of the judicial process, nor the problem of the interminable delays of the law. To the contrary, when even a suggestion to that end is made, there are many who raise their hands in holy horror and say, "You must not remove even a jot or a tittle of these technicalities, because if you do you will be repealing a part of my stock in trade as a lawyer."

That is the reason that I have repeatedly said, Mr. President, that the lawyer, worthy as he is, and honoring his profession as I honor it and what it has done, is not a dependable legislator, because naturally he knows the problem from the professional man's point of view and not from the point of view of the citizen.

I shall be glad to join the Senator from New York or the Senator from Indiana, or any other proponent of this bill in an effort to make the administration of law in this country so expeditious, so honorable, and so above question that no one will want to take the law into his own hands, because he would rather wait for a few days and have the orderly process of the law bring the case to an honorable and proper hearing, and an honorable and proper conclusion, than to bloody his own hands or to soil his own heart with the blood even of a criminal.

I know right now, Mr. President, of a man who has had 60 death warrants issued against him.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. I yield to the Senator from Texas.

Mr. CONNALLY. Under some of the contentions here the Senator cannot be interrupted for a quorum call, because thereby he might lose the floor. Would the Senator mind saying, however, in his remarks, how many Senators are actually on the floor at this time, and who they are?

Mr. PEPPER. Mr. President, it would be more complimentary to the speaker if those who read the RECORD—if there are ever those—might indulge the generous presumption that all the Senators are present than that I should disclose the rather uncomplimentary fact that there are literally only a few present. I know that the Senators who are not today observable on the floor are just outside, but within hearing distance, so they miss nothing of the comments that are made with respect to this matter.

Mr. CONNALLY. Will the Senator yield for another question?

Mr. PEPPER. I yield.

Mr. CONNALLY. Is not just the converse of what the Senator has said true, about it being uncomplimentary to him? Is it not true that the more devastating the argument of the Senator on this bill the fewer men who have the courage and the nerve to stay in here and listen to it? Is not the fact that there may not be a quorum present a great compliment to the Senator? With the exception of the Senator from New York, who happens to be here today, no one else seems to have the courage to stay here and listen to the Senator destroy the pretensions of the proponents of this bill.

Mr. MINTON. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Indiana?

Mr. PEPPER. I yield.

Mr. MINTON. Did the Senator yield for anything but a question?

Mr. CONNALLY. No.

Mr. PEPPER. The reason I expressed in the very beginning of my remarks the sentiments which I did is that it has long ago become obvious to all of us that this matter is not to be settled by argument, although I still hope that it is. It is not to be settled by analysis. It is not to be determined by the righteousness of the issues involved. It seems, Mr. President, that there is some underlying, unexpressed, inexpressible reason for the advocacy of this cause which is not an issuable fact in debate.

The reason I say that, Mr. President, is this: This bill is now before the Senate for the third time. It was first offered in the regular session. As I recall, brief statements were made by one of its proponents, the Senator from New York, my esteemed and admired friend, Senator WAGNER. As I recall, the Senator spoke only a relatively short time in advocacy of the measure. Soon it was displaced. It came up, for the second time, in the special session. At that time I know there were not more than two Senators, at the most, who spoke for the bill, and again very briefly. All the debate in both instances—all the argument—was on the part of the opponents of this bill.

The bill came up again for consideration on the 6th of January, after it was known that provision had been made for it to come up about that time. When it reached the floor again, hardly a comment was made by the proponents of the bill. Now, Mr. President, unfortunately I am a new Senator here. I do not know all the processes of the Senate, but this is the first time in my short tenure here that I have seen a bill come to the floor and reach the calendar by the determined efforts of its proponents and have its constitutionality and its desirability absolutely and very clearly resolved in the negative by honorable, well-intending, and honest-minded opponents, when it is generally admitted that it has no more than a skeleton of a defense behind it, and yet have the overwhelming support numerically of the Members of this body.

I do not understand, Mr. President, that the Senate of the United States in the year 1938 has absolutely lost the just appellation of being a deliberative body.

If Senators standing at the apex of the legislative pyramid of this country, inheriting a tradition than which there is none more honorable in the public life of any nation, past or present, coming with authority from a sovereign people, accredited to another sovereign power, are but minions of an aroused passion, heedless to conscience or argument, how ghastly will be the spectacle of this generation which historians of a destroyed people will hereafter record. If in the greatest deliberative body in this Nation argument is of no avail and reason something that but tears the air with the hollowness of its sound, and if things that would prick the conscience of any man sensitive to the cause of local government fall upon deaf ears, I know not what may be expected to be the issue of the deliberations of this body.

As I have said, I observe that robbery and theft have provoked 267 lynchings; attempted rape, 249; felonious assault, 215; and insult to whites only a mere 66. Mr. President, those figures are for the period from 1889 to 1930. So, what I am pointing out is that white men do not go up and down the length and breadth of their States swaggering like drunken lords, swinging and cracking their whips in scorpion-like fashion over the backs of these recently emancipated blacks just for the purpose of vindicating a so-called and believed racial superiority. I am pointing out, Mr. President, that violence begets violence. One who lives by the sword often dies by the sword.

Southerners, Mr. President, are no different in that respect from other men. If we take violence out of the heart of the criminal, or make the conditions such that it will not express itself, we will not have the violent reaction of a lynching party that may be inspired to vengeance as a more effective way to justice than the dilatory or technical crowded courts may afford.

I say, Mr. President, that statesmanship is manifested by him who will take the sword out of the hand of the slayer. Then there will be no necessity for another sword to take its retribution upon the slayer.

It is interesting, Mr. President, to observe that the crime of lynching is not such as to require this bill or this Herculean effort to establish the doctrine manifested by those who are its proponents.

Do you realize, Mr. President, the choice that has been made? It has been clearly indicated by the proponents of this bill that it is, in their opinion, the most important piece of legislation now pending or soon likely to be pending before this Congress. It is a startling announcement that this bill is to be given priority of consideration at all costs; that the recommendations of the President are to be as sounding brass and tinkling cymbals, or the murmurings of a diseased or a deluded man, because the man who sits in the White House has some reputation for being a humanitarian. The leader of this Nation has quickened the conscience of mankind and aroused its admiration as no other man in this generation has done. Only the immortal Woodrow Wilson lifted higher the banner of this Nation's idealism and more effectively quickened the idealistic impulses of its people than has his protégé and his spiritual heir, Franklin D. Roosevelt.

There was a time when 130,000,000 people hung upon his word, and his every gesture wrote itself into their hearts. He stood out preeminently their leader, both legislatively and spiritually. They have followed him with a unanimity with which they have never before followed any man in the Nation's history, and well has he vindicated their confidence by what he has achieved. The humble child that lives with a twisted limb in a little impoverished cottage now has a smile upon its face because almost directly the hand of Franklin D. Roosevelt reached down and straightened its little limbs, and as the Master did in the days of long ago, said "Walk"; and the little crippled child has walked into a fuller life, walked into a greater life, Mr. President, because of the tender humanity of that man's heart. The man away down in some remote section of the country who lived in a little hovel, who never dreamed of such a thing as a painted house with windows of glass, with a sacred hearthstone and a beautiful mantelpiece upon which might be put the pictures of loved ones, and perhaps in the corner might stand a radio, and into which might come the impulses of a fuller and a new culture—that man now, Mr. President, lives in a home, not a house.

His heart thrills with the heartfelt enthusiasm of one who is the master of a home, and not the inhabitant of a poverty-stricken house. Mr. President, for every one of those glass panes in his window, for every time a little piece of music or a voice comes in over the radio, for the electrical equipment which lightens the burden of toil upon the back of the housewife, for the price which he receives for his commodity, for every one of those things he is indebted to the tender humanity of Franklin D. Roosevelt; and as generations live and gratefully remember his name, they shall say that he incarnated the spirit of the Man of Galilee more perfectly than any other man in modern public life, whatever his traducers may say.

So, Mr. President, mentioning only those few instances, I should say that the proponents of this bill have no monopoly upon the sentiment of humanitarianism; and yet that great humanitarian in the White House has not recommended, as it is his constitutional obligation to do, that the Senate or the House of Representatives concern themselves with this bill in preference to any other piece of legislation. He has not recommended it directly or indirectly in any manner, shape, form, or fashion at all. To the contrary, as clearly as a man could, as distinctly as the English language could couch it, he recommended a course of legislation to this Congress.

Mr. President, there were four points in that program as far back as the beginning of the special session in the middle of November, only two of which we have yet purported to deal with. Then the President came again and stood before us at the beginning of this session, and he enunciated great plans. He opened unto our vision vistas of great legislative possibilities. He told us that here was a nation whose whole prosperity was beginning to totter, perhaps to fall, and he enjoined us to do our share in the preservation of the prosperity we had so laboriously won. And yet, Mr. President, in spite of all of those recommendations, in spite of all that earnest challenge, the greatest deliberative body in the world, heedless of argument, insensible to debate, insists upon cramming a so-called antilynching bill down the throats of an honorable portion of this country!

This, of course, is not the first time this Chamber has echoed to the discussion of a so-called antilynching bill. I read now from Lynching and the Law, a book by Chadbourn, on page 117; and this is what is given as to the history of proposed Federal legislation on the subject of lynching:

> Attempts to curb lynchings by means of Federal action began in the nineteenth century. In the post-war period a Federal bill seems to have been introduced by North Carolina's Negro Representative White. In 1899 the National Afro-American Council of the United States recommended a similar bill. Then, as an aftermath of large indemnities paid to foreign governments because mobs in several States had lynched citizens of these countries, there was agitation for a Federal law to protect aliens.

Did southerners lynch those aliens? I wonder who the proponents of the antilynching bill then were. Let me repeat:

> Then, as an aftermath of large indemnities paid to foreign governments because mobs in several States had lynched citizens of these countries, there was agitation for a Federal law to protect aliens.
>
> Lynching of foreigners became more than a matter of indemnities when a threatened Mexican boycott was reported for the lynching of a Mexican in Texas, and when German reprisals in the form of injury of American prisoners were reported threatened for the lynching of pro-Germans during the World War.

Mr. President, that is the early history of Federal legislation on the subject. Then it seems that the American Bar Association in San Francisco in 1921 said that "further legislation should be enacted by Congress to punish and prevent lynching and mob violence." Was that recommendation based on the fact that Negroes had been lynched since 1890 and long before that time?

In other words, Mr. President, what we see is that it is just recently that people have begun to concern themselves about the matter of Negro lynchings; that lynchings have been going on for a long, long time in our history in a manner much more violent and far more numerous than any Negro category; and yet none of these humanitarian champions had taken up the cause in behalf of the Negro. They waited until the Negro lynchings got down to eight in the year 1937, and then the most determined effort of all time—an effort so determined that it challenges the Congress to enact any other bill before it—is suddenly manifested, and every other kind of lynching becomes obliterated in public importance. The proponents of the bill are not any longer concerned about the aliens, on whose account we used to pay large indemnities to foreign governments. Even the lowly Mexican is not within the scope of their humanity. They have followed the lead of the American Bar Association in taking up the cudgels for an antilynching bill designed to affect no section except the South and no people except the colored people, by intent and design, and have made that the Herculean effort of a very large majority of the United States Senate.

Mr. President, I said I was a lawyer. I finally got to be a big enough lawyer to join, upon sufferance as it were, the American Bar Association; but I know the conscience of the Senator from New York [Mr. WAGNER] must be pricked—I know how sentiments of remorse must creep into his consciousness—to learn that the progenitor of his Herculean effort was the American Bar Association in 1921. So far as I know, this is the only instance in which the American Bar Association and the distinguished Senator from New York [Mr. WAGNER] have ever had the same opinion

about anything; and I say that to the credit of the Senator from New York. I am not even prepared to agree with the American Bar Association upon this matter.

Five years earlier a mass meeting of citizens at Abbeville, S. C., went on record as favoring calling in Federal aid in the event that the State and county government were unable to suppress the local mob violence then prevalent.

This sentiment was crystallized in 1920 by Congressman Dyer, of Missouri. At this time he first introduced a Federal anti-lynching bill designed to protect citizens as well as aliens. In 1922 the bill passed the House but was defeated in the Senate by a filibuster of southern Senators. It provides in brief for jurisdiction of the Federal courts to punish county officers and lynchers, and for the forfeiture to the United States of $10,000 by any county which is the scene of a lynching.

Mr. President, that is the history of the antilynching bill down to the present effort, beginning with the last regular session of the Congress.

Why has there been such unanimity of sentiment on the part of southern Senators with regard to this bill?

Is it because they are unconcerned about human life? It it because they are heedless of the consequence of wrong? Is it because they court anarchy, because they welcome mob violence? Is it because they are in their hearts desirous of wrong for the Negro? No, Mr. President, the whole history of the South effectively denies any one of those assertions.

The real reasons are that this is but an effort to break down the traditional principle of local self-government in this country. Southerners are not Negro haters and Negro killers. They are in their hearts constitutional Democrats, the cardinal principle of whose philosophy is a due respect for and observance of local self-government.

It would not make a bit of difference to me, or to my colleagues who share with me the sentiments I have expressed about the bill, that the people whom it proposes to protect might be white people, or might be women, or might, for that matter, be children.

We would not countenance the Federal Government coming into our State—and I know when they reflect upon it other Senators would share this view—and taking over the exercise of the police power of our municipalities, our subdistricts, our counties, and our States. So, relatively, the importance of the bill is not that it merely is offensive by design to the South—although God knows that is reason enough why it should neither be proposed nor pressed—but just as fundamental as a cause of opposition by us are the other categories which I mentioned, the second of which is that the bill is in direct conflict with the provisions of the Constitution of the United States. So, if I believe in my heart that that is true, I am bound not only by my southern tradition and by my obligation to my own people as a Senator; but I took on the floor of the Senate an oath solemnly proclaimed in the presence of the Senate, administered by that great American, the Vice President of the United States, the presiding officer of this body, that I would faithfully preserve the Constitution of the United States. So I am bound by the sanctity of an oath and the expression of that opinion.

A great many analyses have been made of the bill. I doubt if I am able to add a great deal to the elucidations which have preceded what I have said or shall say, but I should like to make some scrutiny of the bill with a view to pointing out the respect in which it offends the sacred organic law of this Nation. Let us examine the provisions of the bill.

On page 6 of the printed bill I read the first sentence. This is the declaration of purposes which the bill expresses:

That the provisions of this act are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment of the Constitution of the United States and for the purpose of better assuring under said amendment equal protection to the lives and persons of citizens and due process of law to all persons charged with or suspected or convicted of any offense within the jurisdiction of the several States.

Mr. President, we all know that the fourteenth amendment does provide for certain civil rights, and does give the Congress power to protect those rights by appropriate legislation. If the purpose were as stated and were constitutionally appropriate that provision would be all right.

The bill proceeds:

A State shall be deemed to have denied to any victim or victims of lynching equal protection and due process of law whenever that State or any legally competent governmental subdivision thereof shall have failed, neglected, or refused to employ the lawful means at its disposal for the protection of that person or those persons against lynching or against seizure and abduction followed by lynching.

Section 2, after what might be called the declaration of principles, purposes, and objectives, provides as follows:

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act: *Provided, however,* That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched, and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Mr. President, section 2 defines what is known as a mob as being three or more persons who attempt to administer correction or punishment to any person "suspected of, charged with, or convicted of" any offense for the purpose or with the consequence of preventing the apprehension, trial, or punishment by law of such citizen or citizens, person or persons. That is an instance of the Federal power reaching down within the boundaries of a State and county or municipality and defining an unlawful assemblage.

The next provision connotes the consequence of such unlawful assemblage, with one very distinct exception; that is to say, the bill provides that it is not an unlawful assemblage if it is a group of gangsters who set upon another group or another individual to destroy by physical violence that group or that individual.

Mr. President, it is a singular thing that the proponents of law and order do not want to penalize gangsters killing other gangsters or another gangster. It is certainly an extraordinary inconsistency to find humanitarian proponents of a bill like the pending one in the first part of the bill making that conspicuous exception.

A reasonable man could come to but one conclusion after having read this exception—that the proponents of the bill were not great humanitarians, were not striving for law and order, were not trying to suppress crime, but must have had some other purpose in view, some purpose much less laudable or general; that they must have had in mind only a particular crime, the righting of a specific or relatively inconsequential wrong, not for the purpose of establishing law and order and preserving sacred humanitarism but indicating a particular prejudice, attempting to inflict a specific sectional domination upon particular offenders, whether with justification or not.

Mr. President, what would any man say to a legislator who came to him and said, "Mr. Senator, I am not trying

to punish all criminals, but just those criminals who live in Florida," or, Mr. President, just those few criminals who live in my fair city, the beautiful capital of the great State of Florida, with its ancient tradition, which is full of historic monuments, in whose bosom resposes the distinguished remains of the nephew of the great Emperor Napoleon I, and the wife of Napoleon's nephew, the grandniece of the Father of our Country? In that beautiful foliage enshrouded cemetery lie the remains of Napoleon's nephew and George Washington's grandniece, husband and wife, who came for refuge to Florida, and dwelt upon one of our glorious hills in one of the bright cultivated spots in that section, and finally left their historic remains to repose in honor in our hallowed soil.

Suppose, Mr. President, there should be a legislator so ignoble as to say, "I wish to punish the crime that emanates occasionally from that fair city, while I shall let the criminal run rampant throughout the length and breadth of the land elsewhere," would any Senator expect me to stand here docile and submissive to the infliction of that kind of discriminatory legislation?

Yet those who drafted this bill, those who conceived its purpose, those who first expressed its objectives, wrote here in black and white, to be read by all critics, what they had in their minds. So, Mr. President, is anyone surprised that there should come to pass here this determined opposition to that kind of discriminatory legislation?

The proponents of the bill proceeded a little further, to exempt from the saving provisions of this bill, from its humanitarian protection, those causing violence during the course of picketing or boycotting, or in connection with—

Any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

Mr. President, these humanitarians can look upon a spectacle such as that which is said to have occurred—although I sincerely believe the statement of my learned and honored friend, the Senator from Illinois [Mr. LEWIS], that it did not occur—that is to say, the reported occurrence, when some persons purporting to be police officers, wearing the uniforms of honorable policemen, carrying the weapons entrusted to the impartial disposers and observers of the law, were so influenced by employers' thirst for the blood of their employees that they deliberately shot down helpless and defenseless American citizens assembled to remonstrate under the age-old tradition of the right of assemblage against industrial and economic wrong, committing no offense, Mr. President, except to entertain in their hearts the aspirations of historic American freedom and justice and economic liberty.

I say, Mr. President, that if that had not been the fact, and if it did not occur in the State of Illinois, as I hope it did not, yet it has occurred in many States of the Union. So these great humanitarians can see that kind of thing happen; they can see violence emanate from an industrial dispute growing out of labor difficulties, where one man, or five men, or 100 men may in violence set about the destruction of another man or men, maybe a woman or a child, and in cold blood, with cruel purpose and heartless design, accomplish their objective, and yet these great humanitarian proponents can do like the man on the way to Jericho did, who passed by on the other side when the man who had fallen among thieves and robbers lay wounded and bleeding on one side of the road, or else they look upon this ghastly spectacle like Pilate of old, but wash their hands in some fancied water of nonresponsibility, while they concern themselves about the eight lynchings that were committed last year by inflamed citizens when murder and rape and robbery by violence had invaded the sanctity of homes and the rights of citizens.

People are made up with all sorts of emotions. They have all kinds of backgrounds. All of us, Mr. President, are the residuum of innumerable influences which have entered in Time's slow process into the molding of our lives. Back down the line of history there may have begun the impulse that manifested itself in the heroic patriotism of the Father of our Country. It may have been a humble mother generations removed who dreamed the impulses of freedom which spoke in the eloquent words of Thomas Jefferson. It might have been some sturdy ancestor whose fame never spread beyond the boundary of the forest or a rustic community from whom came the courage and the steel that entered into the heroic heart of Andrew Jackson, who made the democracy conceived in the philosophy of Thomas Jefferson and wrought it into the bone and sinew of America. It may be, Mr. President, that influences not quite so laudable as those from time to time express themselves in what we do. From many an honest past has emanated a son who did not live up to the traditions of a great ancestry.

Then, Mr. President, there are some of us who somehow or other have become the victims of design, or of peculiarity, or of some fancied interest more important in our view than in the minds of our fellows. Those people, Mr. President, we say are unbalanced. They are not stable counselors in the affairs of government, if they be in government.

There may be those, Mr. President, who are just as honorable and laudable and noble in other respects, but attach an undue significance to a particular thing. All of us are capable of wrong. As great as is our debt of gratitude to the genii of the past, there have been many men who would not have been safe counselors in the affairs of the Government because of the undue significance they attached to a particular objective.

And now, Mr. President, I ask the Senate—as honorable and as laudable as has been the legislative career of the great, distinguished Senator from New York [Mr. WAGNER], as honorable and as laudable as have been the accomplishments and the expressions of the able Senator from Indiana [Mr. VAN NUYS], can it not be possible that these Senators are capable of error? Can it not be that they have given undue emphasis to a particular situation which the national welfare neither deserves nor permits? Is it not therefore our duty, Mr. President, to determine whether or not the facts, the circumstances, the conditions require or permit the enactment of legislation that will have such a purpose and so discriminate in the punishment for crime which it proposes to impose?

Of course, I know that since the bill has been on the floor, since the searchlight of critical examination has been turned upon it, that the proponents of the bill are ready—yea, anxious—to withdraw this provision which I have just read, which shows in such poor light what was actually within the mind of the authors of the measure. They would rather, like the chameleon, be able to change the color of their bill to the conditions under which it must be examined, and, when one part discloses too well their remote design, to withdraw that proposal, delete it, as it were, and beg of their colleagues that it be obliterated from their memories as not a part of the measure.

So now an amendment impends to withdraw that provision and put again within the protection of the bill those who are engaged in crime, either as gangsters or as participants in a labor dispute. But, Mr. President, I wonder if the authors of this measure really drew it in order to protect against the violence that frequently ensues from a labor dispute, when the passions of men are likewise agitated and aroused?

I look back over the scene of American industrial history and I see the bones of martyrs to industrial liberty bleaching the pages of the Nation's history. I see the emaciated bodies, I see the dynamited houses, I see the wrecked property which lies in the path of industrial conflict and controversy. I see literally thousands of white tombstones in the cities of the dead as silent sentinels to an inglorious chapter in the Nation's history. Yet, Mr. President, I do not see here all of the proponents of this measure bringing those sad pictures to our mind.

They say very little about them. In fact, I am persuaded that they thought very little about them, and therefore indicated that their objectives were far different from those of men who, either like the abolitionists of old or the true liberals of today, fight wrong and alleviate suffering wherever and in whatever color or condition it may be found.

Then I find that section 2 defines a mob and defines the crime of lynching. Those are the first two steps in the iniquitous process.

Section 3, Mr. President, proceeds to make lynching a crime. To make lynching a crime, did someone think I said? Surely one would say, "Is not lynching a crime in the Christian United States? You do not mean to tell me that lynching is not a crime, so that it is necessary for the Federal Government to make it a crime before it is a crime?"

I say to him, "Of course you are right. Lynching is a crime in every State in the American Union—the grossest of crimes; a crime of such heinousness that in almost every State it involves the death penalty."

Then surely it is not necessary for the Government of the whole Nation to step into the National Congress to define for the first time the crime of lynching. But it is made a crime for the first time in the criminal jurisprudence of the National Government.

That fact would make what impression, I wonder, on Thomas Jefferson, could that keen ear and that alert mind of his function in mortal form again? The statement of that fact would make, I wonder, what impression upon the mind of the father of the Constitution, James Madison? The statement of that fact would make, I wonder, what impression upon those heroic men who affixed their signatures in 1787 to the historic statement of American liberties, powers, and privileges?

The statement of that fact would make what impression, I wonder, Mr. President, upon the mind of old Andrew Jackson, if that man, with his penetrating eye and his forthright countenance, could turn the searchlight of his vision upon the Democratic Party and say, "Gentlemen, Democrats, you do not mean that you speak under the mantle of democracy when you make that declaration, do you?

"In the time since life fled from my frail body, in those intermittent eternal seconds since I have been here, has the name of democracy so been transformed that these crimes can be committed in my name, and by a pretense as a part of my tradition?"

The statement of that fact would make, I wonder, what impression upon the mind, not of Jefferson, not of Madison, not of the signers of the Constitution, not of the great Pinckney, of South Carolina, who gave the first true elucidation of American constitutional principle, but upon the mind of Alexander Hamilton, if he lived, if he strode upon the floor of the Senate, or if he sat in the gallery, or if he could attach a mortal ear to his alert mind and sense the significance of that statement. I wonder if any man could stand before the frown of Alexander Hamilton and say that he spake Alexander Hamilton's political philosophy, and countenance the declaration of that fact in the law of the United States.

There was not any doubt in Alexander Hamilton's mind about the demarcation of power, and the separation of authority among and between the various political entities of the United States, much less in the minds of those who espoused the principles which we have called democracy in the generations intervening. And yet section 3 makes a Federal crime of lynching—that is to say, violence by which three or more people attempt to administer correction or punishment to another individual or group of individuals without authority of law, for the purpose of preventing their apprehension of their punishment according to the form of law.

Mr. President, in what court is that crime to be tried? I have read to the Senate section 3. All it does is to define the crime of lynching and to establish the conditions of criminal liability. What are those conditions?—

> Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have—

And shall have done what? Joined the lynchers? Lent aid and encouragement to the consummation of the crime? Become an accessory to the crime? No; not that, Mr. President. It says, "any officer or employee," whether of the status of an officer or not. Lawyers will know what I mean when I speak in terms of definitions of "employee" and "officer"—

> and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching—

It says "willfully neglected." That means, I suppose, willfully, consciously, did not; consciously failed to do; refused or failed.

That is to say, willfully failed? No; just "failed," just "refused" or "willfully neglected" to make "all diligent efforts."

What are "diligent efforts"? Is driving a car toward the scene of the lynching at the rate of 10 miles an hour "all diligent efforts"? Is driving a car in the direction of a lynching party at the rate of 10 miles per hour over a snow-covered, slippery road "all diligent efforts"? Or if, instead of driving the car himself, he waits for his son to come home and drive the car because he is a better driver, is that "all diligent efforts"? There are those whose wives are better drivers than they are. Is waiting for his wife to come and drive the car "all diligent efforts"? Is that diligence, Mr. President, or is it refusal, or is it failure, or is it willful neglect, or is it "all diligent efforts"—if it is any diligence—to prevent the lynching?

Would it also be a failure if the officer went to the point of threatening to shoot the leaders of the mob, but quit before they called his threat and did not shoot them, but clubbed two of them over the head with his rifle?

Is that "all diligent efforts," or should he have shot the leaders of the mob? Suppose he just shot the leader, one man who seemed to be the most prominent. He might say, "Now, I have shot one man. It seems to me that ought to be 'all diligent efforts' in the opinion of anybody."

But suppose later he comes to trial. Has he any protection from the Federal judge, appointed for life, and the Federal jury acting under the scowl and the frown of the Federal judge who, many people think, is just this side of God in his power? Some of them try to exercise a comparable authority. Has he any assurance that that kind of a trier is not going to determine that he did not use "all diligent efforts" when he stopped with shooting the front man and let the rest of them take the prisoner?

I wonder if the zeal of the proponents, Mr. President, would be satisfied with the officer just shooting the leading man or men, or if they insist that he stand back with a machine gun and shoot all the men. There have been employers who have felt that an officer was not doing his duty and was not exercising all diligence unless he took a machine gun, which will shoot about 500 shots a minute, and shot down all the persons in a remonstrating crowd of people who wanted industrial liberty and fair industrial opportunity. What is going to be the measure of official diligence in the trial of these sheriffs who come before a Federal court for supervision of their acts?

Section 3 goes further and says:

> Any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend—

I wonder, Mr. President, if there is any Senator who does not know the limitations upon the power of a sheriff to apprehend a criminal for a crime committed in his jurisdiction. Let me pose this question: Suppose there are lynchers who lynch a man in a certain county in my State. Take the county of Liberty, the least county in my State, or among the least, with only a few hundred people in it—although those people are as good people as God ever blessed with residence in a fair State. Those lynchers may go down to Miami, a distance of at least 400 miles from that sheriff, and take up residence there for the purpose of avoiding apprehension. This sheriff says to himself, "Well, not only am I amenable to the State law, amenable to my oath, and amenable to a Governor who can remove me from

office, but they have passed this Federal law up there in Washington; and it says that I must use 'diligent efforts' to apprehend the criminal, not just a murderer but a lyncher, whatever his provocation, and I suppose that means to apprehend all of them, not just a few of the leaders."

So I start out on my pilgrimage of apprehension. The sheriff is told that they are down in Miami. He goes down there, 400 miles, and 400 miles back, making 800 miles in all. Suppose he gets down there and does not find them. He has traveled 800 miles. Although the law allows him 12 cents a mile, even at 5 cents a mile, which I suppose every one will admit is the lowest cost for which an automobile can possibly be operated, that amounts to $40 expense which he has incurred. He also has some hotel bills while he is away and some food expenses, and he may have some automobile trouble in making such a long trip. After he goes to Miami and comes back, do Senators not know that when he presents his bill to the county commissioners, unless he can show that he apprehended the culprits he does not get any pay from his county?

I do not know whether or not that is the law in the other States, but that is the law in my State. I use Miami because that represents a distance of 400 miles. Let us suppose that the lynchers go not to the beautiful city of Chicago but, we will say, up into the wilds of Wisconsin, in the woods near where Dillinger once retreated. The sheriff finds out that they are up there or hears they are, and he reads this law again. He goes to his lawyer and asks, Have I got to go to Wisconsin and walk all through the woods there trying to find these culprits? Have I got to go up there by myself? Those men may have machine guns for all I know. How far is it to Wisconsin? From Liberty County in Florida I should say it certainly must be at least 1,200 or 1,400 miles.

The sheriff goes there and spends time looking for these criminals. Suppose he fails to find all of them or does not find some of them, and he comes back home without any of them, after all his efforts, and presents a bill on the first of the next month when his county commissioners meet to pass on bills. They may take the bill of the sheriff for the trip to the wild woods of Wisconsin and say to him—and he always stays around during that period in order to get his bills paid, if he can, for they may not have enough money to pay him—"Sheriff, you did not bring these fellows back, did you?" He answers, "No; I did not, but I had to go there, and I did the best I could. Here is the evidence; here is the tip I had. I did not know whether I could rely on the Wisconsin officers to keep me out of the penitentiary; so I myself went. I did not want to get into the Federal penitentiary for 5 years."

They say, "Sheriff, we are sorry as we can be, but you did not take them, you did not arrest those fellows." He says, "I wonder what is meant by all diligence." Do you know, Mr. President, that that sheriff jeopardizes his own liberty, his own office, and his own property by the requirements of this law in the language which I have just read? Yet not even the proponents of the bill can say that they are not asking that that be done. And it is not left to the kindly gentlemen who are the authors of the bill. Their kindly, sympathetic interest may follow it; they have the power to control it on the floor of the Senate; but they do not have the power to control the district attorneys and the Federal grand juries functioning under the district attorney's lash, and they do not have the power to control the Federal judges, who, once confirmed, are not answerable for their conduct to anybody this side of heaven except the superior courts.

Mr. President, the bill reads, who shall fail "to make all diligent efforts to apprehend." I have a great sympathy for peace officers. That may be because I know much about their problems. My father has been a sheriff and a chief of police and a policeman. I know how little they are paid; I know the risks they take; I know the hours they work; I know the hardships they all experience; I know the sinister fingers that are trying to lay their heavy restraint upon the conscientious performance of their duty. I know how often they are arrayed against powerful criminal cliques and how many times they have to carry the burden, sometimes even without public interest, let alone public sympathy. So my heart, perhaps more than the hearts of other Senators, goes out in honor to the peace officers of this country.

If I were writing a law in my Nation, instead of castigating them as sluggards and slothful performers of their duty, I would write upon the statute books of the Nation a pension law; I would write upon the statute books an insurance law that would safeguard the families, the loved ones of the peace officer who lost his life or sustained a permanent injury trying to preserve law and order in his country at a pitiful compensation.

(At this point Mr. PEPPER yielded to Mr. MCKELLAR, who asked and obtained leave to have printed in the RECORD an article on crime from the Washington Evening Star, which appears in the Appendix.)

Mr. PEPPER. Mr. President, reading a little bit further I find that failure or refusal "to make all diligent efforts to keep in custody" the persons suspected or convicted of crime becomes a criminal act. "All diligent efforts to keep in custody." Again I ask, What is meant by "all diligent efforts" on the part of a sheriff to keep a criminal or one suspected of crime in his custody? Must he carry him to a stronger jail in the adjacent county or to the strongest jail of which he knows in the State? What is diligence, Mr. President, in keeping a prisoner in custody? Ah, how soon must he summon a posse comitatus to aid him in keeping custody of his prisoner, or how quickly must he summon aid of the militia and invoke the assistance of the Governor and the military power in protecting his prisoner?

As soon as he has a prisoner should he anticipate the assembling of a mob and immediately summon the military authorities to his aid, or should he depend upon the strength of his own jail and the aid of his posse comitatus? In other words, an obligation to make a decision is imposed upon a peace officer, upon the right determination of which depends his own liberty, his own property, his own office, and perhaps his own life.

Mr. President, if the sheriff had to be answerable only to the people of his county, as uncertain as is that criterion, still he might be able to meet their requirements and demands, because he knows those people and they know him. They know his problem; they know his general reputation; they know either by witnesses or by repute how hard he tries to perform his duties; they know his financial position; they know his sentiments; they know, generally speaking, whether or not he is a faithful officer.

They will pass upon his case according to their knowledge of local conditions, which is the criterion inherent in English law and criminal trials from Magna Carta down to date—a trial of one's peers. I will show later on that this bill would not even let him be tried in his own county. It would give a Federal judge, appointed for life, the right to try him in the most remote county in the Federal judge's jurisdiction, which in my State would mean that for an offense committed in Nassau County, in the extreme northeastern portion of the State, but which is in the southern district of Florida, he could be prosecuted either in Key West or in Fort Myers, and Key West is 500 miles away and across a body of water.

But I say, Mr. President, it would be bad enough if the sheriff were accountable for his conduct only to the people of his own county. Instead of that, he is not accountable to the people of his own county. He is not even accountable to the people of his own State. Even if the Governor of his State were the one to whom he remained answerable, as he is under the constitutions and statutes of the several States, that, bad as it would be, would still be within the bounds of reasonableness, because, after all, the Governor probably has lived in the State all of his life or for a long time. He has a number of personal friends in the county. He himself has been there campaigning, no doubt, a number of times, and probably personally knows the officer in question, and knows his general

reputation for being a faithful officer. He knows the reputation of the county, whether it is a so-called rough county or a county where, generally speaking, there is no excuse for lynching.

He has all that local knowledge in the back of his head. So even the Governor of the State can pass much more favorably in supervision upon the conduct of the sheriff than can the authorities in whose power he must rest his case under this proposed law. Why? Because he is not accountable to his county, to a jury of his peers, of his own electors, in his own county. He is not accountable to the Governor of his State or even to the citizens of his State acting through State agencies. His conduct is made dependent upon the opinion and judgment of the Attorney General of the United States in Washington. Do you realize that? Whether or not a criminal prosecution shall be inaugurated against that officer depends upon the Attorney General of the United States, who makes an investigation and determines whether or not the officer has used all diligence in conforming to the requirements of this proposed statute.

Talk about a dictatorship! Talk about the centralization of government! Talk about the usurpation of power! Speak about vesting in a single hand powers of life and death without review, Mr. President! That is this bill; because far away from little Liberty County, sitting in the great Department of Justice in Washington, the Attorney General acts, not personally, but of necessity through an employee of the Department of Justice not even appointed by the President and confirmed by the Senate. I suppose he acts through the Assistant to the Attorney General, appointed by the Attorney General himself. It may be that he is appointed by the President; I do not know; but at least he is not a Cabinet officer. Obviously, I say, the Attorney General acts upon information and advice furnished him by a subordinate, who, however honorable, is an employee of the Government, not elected by the people nor taking, so far as I know, a constitutional oath. That man in actual practice determines whether or not the sheriff of Liberty County is to be answerable at the bar of a Federal criminal court which has the power of taking away from him the vestments of his office, the characteristics of his honor and his reputation, not to speak of his liberty.

Mr. President, is there no limit beyond which Senators will not go in their zeal? Are they willing to make every sacrifice of principle? Is this matter so incomparably important that they are willing to vest in the hands of one man those extraordinary powers? In order that this vague something that they complain about, and which in many instances is despicable, may be enjoined by a Federal law, are they willing to go to this vast extent?

I say that this bill reposes technically in the Attorney General of the United States, but actually in some subordinate of the Attorney General, the power to hale before a court of Federal criminal justice every peace officer in the United States if in his jurisdiction a lynching happens to occur.

The bill says any officer shall be punished who fails "to keep in custody," and so forth. In other words, the sheriff may be criminally prosecuted, and subjected to imprisonment for 5 years in the Federal penitentiary, if he has failed to apprehend or to keep in custody one suspected of, charged with, or convicted of crime.

Now, let me go a little further. The bill also says:

> Or prosecute the members or any member of the lynching mob.

What does that mean? It means that the bill makes it a Federal felony, punishable by imprisonment in the Federal penitentiary for as much as 5 years or by fine of as much as $5,000, or both, for any State's attorney in any State court to fail to use all diligent efforts to prosecute the members or any member of a lynching mob.

There, Mr. President, is a very interesting fact. Remember that not only the executive officers, the peace officers, but the prosecuting officers of every State court are made criminally accountable to the Federal Government, acting through the Federal machinery, upon a prosecution theoretically initiated by the Federal Attorney General, but practically initiated by a subordinate in his Department, who goes down and makes what? An ex parte examination and investigation of the facts!

Let me pose, if I may, a typical case which might occur under this measure.

Let us suppose, in the first place, that it is a typical lynching case; that the sheriff exercises due diligence, and makes what I may call an honest effort to get to the scene of a lynching, and tries to prevent the lynching. For example, in Jackson County, Fla., about 3 years ago, a Negro attacked a white girl. He ravished her, and left her mutilated and with her throat cut, lying between the rows of a cotton field; and he fled. Her relatives and the indignant citizenry of the county pursued him, but the sheriff took him into custody.

The sheriff spirited him to two successive jails in an effort to protect him against an angry mob. In addition to that, the sheriff even finally took the prisoner over into Alabama and tried to preserve his life there. Eventually, while the sheriff thought the prisoner was safe in an Alabama jail, a mob crossed the State line, took the prisoner out of the Alabama jail—where the sheriff, I am led to believe, was not aware that they knew the prisoner was—brought him somewhere in the nighttime, killed him by shooting him with pistols, and at daybreak next morning his mutilated body was found hanging from a tree in the courthouse yard.

Mr. President, there was the ghastly spectacle of a lynching upon as great provocation as the human mind is able to conceive.

Now let us take that particular case. There was never, so far as I know—and I am confident there was not—any criminal prosecution in that case, attributable perhaps to the opinion of the State's attorney of the district, whom I know to be an able and an honorable man, that he could not secure a conviction in court. Has he failed to exercise "all diligence" because he did not put the county to the expense involved in the grand jury indicting these unknown men, or known men if they were known, and bringing them to trial before a petit jury in the State court, with the certain knowledge that he would not be able to convict them? Is that "all diligence," or is it not? Was he acting as a reasonable officer in the exercise of a reasonable discretion, or, in his accountability to a Federal Attorney General, has he any right to exercise a reasonable discretion of that kind under this bill? What attitude is the Attorney General going to take if, in the honest opinion of the State's attorney, a prosecution would be fruitless and futile?

Now, let us take another case. Let us suppose that the State's attorney goes before the grand jury and presents the case, and no witnesses can be found who will testify that they saw the mob lynch the Negro. The State's attorney does that at one term of court, and there is no evidence upon which the grand jury can indict anybody. "Well," he says, "I know perfectly well that the Attorney General in Washington is going to think I am 'lying down' on this case. It is only natural, perhaps, with their point of view and their remoteness from the situation, that they should think so; so how can I show the Attorney General in Washington, or the Federal investigator who is sent down here, that I am trying to do my duty?" He says, "Well, I will bring the matter before a second grand jury at the next term of court."

The grand jury meets the second time. Again the State's attorney comes before them and says, "Fellows, I will be perfectly frank with you. Not only I but, within the bounds of legal possibility, all of you are going to be haled before a Federal criminal court and criminally prosecuted, and tried in a county other than your own, before a judge appointed for life, not accountable to anybody for his conduct, in the custody of a marshal appointed by the executive branch of the Government and confirmed by two United States Senators, and in a tribunal where the judge may comment on the facts to the jury, if you and I do not convict somebody or indict somebody in the lynching case that occurred here 6 months ago."

With the specter of fear hovering over the deliberations of a grand jury, are they going to live up to their oaths, or are they going to start thinking about their skins? Self-preservation still is the first law of Nature, whether this bill passes or whether it does not pass. What are the members of the grand jury to do? Suppose the evidence is such that they have, perhaps, one or two members of the mob very clearly identified but not all of them. The proposed statute says that it shall be a crime if they fail to prosecute any member of the mob—members, or any member of it. If they prosecute nine of them and leave out the tenth fellow because they say, "Oh, well, he is only half-witted, anyway; the mob just went over and got him and took him along with them," is the Attorney General going to say that the grand jury used all diligence in leaving out old half-witted Bill, or that they should have sent half-witted Bill to the penitentiary, where the rest of them, in the Attorney General's opinion, should have gone?

Then what is going to happen? The zealous proponents of the bill say, "Well we have got to do something about that. We cannot just let a grand jury turn these fellows off." Suppose that instead of indicting anybody the grand jury just says, "The devil with the Attorney General! We are not going to pay any attention to what he wants. We have a right under the law to turn a man loose or to indict him, and no power under heaven has the right to review the action of a grand jury."

Not since away back in the dawn of English history, when the grand jury originated, has anybody had any power to castigate a grand jury for not indicting a man if they did not want to indict him. That is their business. It just goes to show that whatever the law be, we cannot raise the standards of criminal jurisprudence above the standards of morality and citizenship in a community, except in one case—that is, by abolishing the right of a grand jury investigation and a petit jury trial.

That is one way by which the administration of criminal law can be put upon a standard higher than the morality and the civic righteousness of the community in which a crime is committed, or it can be done by destroying the right of a man to be tried at the place where the crime is alleged to have been committed.

I wonder if the zealous proponents of the measure are willing to go that far. They have done so. Let me read this provision to the Senate:

> Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this act may by order direct that such suit be tried in any division of such district as he may designate in such order.

It is nearly 900 miles from Pensacola, Fla., in the western part of my State, to Key West, in the southeastern part of my State. It is almost 500 miles from Nassau County, Fla., in the northeastern corner of my State, to Key West, in the southeastern part of it, or to Fort Myers, in the southwestern corner. The Attorney General or his subordinate in Washington, whose opinion may be relayed to a district attorney in Florida, answerable to the Attorney General here, and relayed further to a Federal grand jury, summoned by and large, under the fear and the impulse of that district attorney's scowl of displeasure, or the Federal judge's displeasure, in the face of whom they stand in almost holy submission, may call the State's attorney in one of the counties of the State to account for an alleged dereliction or delinquency in duty at least 500 miles away, where he does not know anyone, where the citizens of his own State are utter strangers to him. To that jurisdiction he must bring his witnesses, paying their expenses out of his own pocket, and be answerable in a long-drawn-out investigation or petit jury trial as to whether or not he used all diligence to prosecute all the members of a mob in the county in which a lynching, under any provocation, may have occurred.

Mr. President, I wonder if Senators are zealous enough in furtherance of the pending measure to break down our system of criminal law, and to deprive a man of a trial, first, of investigation by a grand jury in the vicinity where his offense was committed; second, a trial by a jury of his peers drawn in the vicinage in which he lives, or in which the crime was committed, and prosecuted by officers who know a little bit about the general environment in which the alleged crime may have been committed, because after all there are varying standards of conduct in different portions of the country. Our law contemplates that, and makes provision for it, and takes recognition of it, by the proviso that a man shall be tried by a jury of his peers, and, in our State law, it is provided it is to be in the county in which the crime may have been committed.

I wonder what United States Attorney General would take possession of so vast a power. I wonder what Attorney General would want the power such a provision carries.

If this were the law, what would be the attitude of mind of the peace officers of this country? I wonder what degree of safety would exist. When a man ran for election as sheriff, what would he say to his constituents and to the voters? Would he say, "I am going to make you a good sheriff of this county. I am going to serve you honorably. I am going to try to enforce the law"?; or would he say, "My friends, I promise you that I am going to so conduct myself that I shall heed the most exacting demand of the Federal power, and if there is ever in my mind a doubt as to whether or not a man is a guilty participant in a lynching, I will resolve that doubt in favor of the Federal authorities, because if I am wrong I will not only subject myself to a possible sentence of 5 years in the Federal penitentiary or to a fine of as much as $5,000, but I will subject you to a personal pecuniary judgment of from $2,000 to $10,000"?

They say, "Surely you don't mean that." Yet the bill so provides.

Mr. President, I spoke about the Attorney General. I am sure that must have seemed an astonishing statement, because surely the people of this country who talk about not making the President a dictator do not want to make the Attorney General an absolute dictator. The President has not any such authority as is proposed to be given the Attorney General. All the President can do is to see that the laws are faithfully executed. The Attorney General has a right to recommend to a district attorney that a criminal investigation in Jackson County be initiated. But listen to the authority proposed to be invented in the United States Attorney General by the pending bill:

> SEC. 4. Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority of such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has willfully neglected, refused, or failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this act.

Talk about the duties of the Department of Justice now being far reaching and laborious! What will those duties become, Mr. President, if by some fortuitous circumstances this bill should ever become law? The Attorney General of the United States is here in Washington, nearly 3,000 miles removed from some sections of this country. He is totally unacquainted with local conditions, not locally responsible to anyone, not accountable to the Senate, not accountable to the House, not accountable to the President, not accountable to the people of the United States, unless his conduct should proceed, perhaps, to the point of an impeachable offense; and yet there is vested in him by this bill the power to supervise and to dictate the administration of the criminal law in this respect to every peace officer, every prosecuting attorney, every constable, and every State judge in the United States.

Heretofore, Mr. President, I have mentioned the sheriff, because I imagine he would be one of the first persons who

would be jumped on. I have mentioned the prosecuting attorney, because I imagine he would be the second one who would be jumped on; but I have not mentioned the judge. I wonder if anyone contemplated that by this bill the judges in the State courts of the United States would become amendable to the bar of the Federal courts of this country for their judicial conduct in the trial of persons charged with lynching? I look around the group of the proponents of this measure, and I think I see some Senators who a little while ago were talking about the disinterestedness and the immunity from interference of the judiciary. I suppose they meant all the judicial system in the United States; not simply Federal judges, but also State judges.

I posed some cases a while ago about a sheriff and a State's attorney. Let us pose a case about a State judge. In my State the judges under the State constitution are supposed to be appointed by the Governor, but the State statute authorizes the State Democratic committee or the State Republican committee to place candidates for judgeships in the primary, and therefore the circuit judges, who are the nisi prius judges who would try lynching cases if they came up in the State courts as homicide cases, are answerable to the members of the Democratic Party or the Republican Party, of whichever party they are the candidates in the primary. Almost without exception, the Governor appoints the nominee of the primary to the judicial position.

A case comes up in which there has been a lynching. A zealous and frightened sheriff has apprehended some suspects, incarcerated them in prison, and required them to make bond. Eventually they have made bond. Finally, at the ensuing term of the circuit court, their cases are brought by a zealous and frightened State's attorney to a zealous and frightened grand jury. That grand jury is perhaps under the lash of threatened criminal prosecution from Washington; and, so far as I know, if it is the duty of the United States district attorney to bring this matter to the attention of the Federal court, it is the privilege of the United States Attorney General to have an investigator watching it, standing right at the door of the grand jury room in one of these cases, to see whether or not the State officers seem to be consciously performing their duty and able to report back to his superior in Washington what he saw down there in that courtroom.

And by hypothesis, if the Attorney General can send one spy, one reporter, one investigator, I assume he may send two. And by further hypothesis, if he may send two, as we would have said in law school, a fortiori he may send three; and if he may send three, as we would have said in law school, a multi pluribus a fortiori, he may send five, and having sent five I suppose that he might send more reinforcements for the first trial, and five more to spy upon the second five to see that they were not contaminated by local influence, either by the pangs of conscience, which they would possibly experience by seeing a degraded citizenry suffering under such lashing, or perhaps they might have gone out and have seen the grave, the humble white headstone that marks the resting place of a ravaged girl, the child of a poor family, and when they came back they might have glossed over a few of the details out of a sympathetic concern for what inflamed passions in such cases may do.

The case proceeds. Perhaps they do not respond to those human sentiments, and the frightened grand jury, perhaps having seen what happened to some other grand jurors, and a frightened State's attorney, perhaps remembering that he is successor to a predecessor who languishes in a Federal jail because he conscientiously went wrong, and a frightened sheriff, who is the successor to a sheriff who vacated his place and who also reposes in a Federal prison because he did not drive his car fast enough over a slippery, water-covered road to prevent a lynching—perhaps all of them together bring a suspect into the courtroom in what has been called a temple of justice.

Honorable men are summoned in the venire. They are asked by an honest judge whether they have any conscientious scruples against the infliction of capital punishment upon a man convicted of first-degree murder. They all answer in the negative, and therefore become qualified as members of the jury. Finally the witnesses are called. They, too, within the terms of this bill may have failed to use all the necessary diligence in the prosecution of a suspect haled before them. The petit jury sits in the box. An honorable judge, gray with the passage of time, whose shoulders are bent with the experience of judicial years, and who has heavily resting upon his brow the weight of judicial honor in the mind of all of his people, sits upon the bench.

The witnesses testify. It may be, Mr. President, that a frightened State's attorney, conscious of the possibility of a United States Attorney General in Washington haling him before a Federal criminal court, may have gotten the witnesses off to one side in the jury room and said, "Fellows, I believe you told me you were not quite sure of the identity of some of the members of this mob. It was at night. You saw them only hastily as they drove past in a closed automobile, and yet the Federal agents down here know that you said you saw the defendant. If you go on the witness stand and start quibbling about this thing, the defense attorney on cross-examination will say, 'Are you sure you could identify the defendant in that closed automobile passing you at 60 miles an hour on a lonely road?' If you say, 'I think it was the defendant,' he will say, 'I don't want to know what you think, and I don't care what you think. I am asking you if you can swear under oath on this witness stand that it was the defendant you saw in that car at that place on that night.' If you say, 'I think it was, yes,' he will say, 'I didn't ask you if you think it was. Will you swear that it was?' "

Normally, the witness would have said, "I cannot swear that it was the defendant. I thought it was. That is my best judgment, but I cannot swear that it was." The defense attorney would say, "Your Honor, I move that the testimony of the witness be stricken."

Take that state of facts, with a witness who would have testified in that way. If the ordinary State's attorney gets such a witness back in the jury room with him, what is he going to say to him? He is going to say, "Mr. Smith, is that your best judgment?" The witness will say, "Yes." Then the State's attorney will say, "You realize that unless you can testify positively as to the identity of these men, the court will probably throw your testimony out. You realize that you are one of the principal witnesses in this case, do you?" The witness will say, "Yes."

In the light of his responsibility, the State's attorney ordinarily will say, "You tell me that you cannot positively identify this defendant?" The witness will say, "Yes." Then the ordinary State's attorney will say, "That is all right. That is your duty. I would not have you change your testimony for a million dollars."

When a case of that sort comes into court, and the witness quibbles, is the State's attorney going to get credit before an investigating Attorney General in Washington, to whom a report may be made by a Federal investigator snooping in the court-room, for using all diligence?

The investigator will report back to the Attorney General in Washington, "Mr. Attorney General, that fellow lays down on the job. I saw him out there talking to this witness. If he had borne down on the witness, the witness would have come through and said, 'Yes; that was the defendant.' He did not do it." So the State's attorney comes before the bar of justice, and is answerable for his so-called failure to use all diligence to prosecute a defendant charged with lynching. That is in the State court, mind you.

What is going to be the result of that, Mr. President? As I said a while ago, regardless of this proposed law, self-preservation is still the first law of nature. A man sometimes tries very hard to get to be a State's attorney. It is an honorable position. It is a recognition of professional distinction and public confidence. The fellow who sits in his office and looks up at the ceiling and who goes home at nights with his eyes restless from fear, thinks of his own professional career and of his aspirations. Perhaps, after being State's attorney, he may become attorney general, then

Governor, and then perhaps a United States Senator, if the Senate remains a deliberative body. The man is full of his own future and plans. Perhaps he has a daughter in college, or a wife in the hospital.

The prospect of a protracted, expensive defense in a Federal court, with the power of the Federal Government exercised against him, is not an attractive one. I wonder if there is going to be any incentive on his part to push that honestly hesitant and honestly uncertain witness further than his conscience and the facts allow. When a representative of the State does that, what has he done? He has prostituted the American judicial system.

I spoke about the State's attorney and I spoke about the judge. There sits the judge on the bench. The case proceeds to a conclusion upon the basis of the testimony of this honestly uncertain witness, corroborated only by the testimony of some more uncertain witnesses. Perhaps the evidence is circumstantial. All the facts seem to make a whole, but men may honestly differ as to whether or not they require a verdict of guilty. The judge sits there with his mind evenly balanced as between the prosecution and the defense.

Perhaps the scale may be tipped a little on the side of the defendant, because a tear may have fallen from the goddess of mercy. The judge, after the conclusion of the testimony, says, "Mr. State's Attorney, you rest." He may feel certain that the testimony is not adequate to sustain a conviction, as the law says in my State, "beyond and to the exclusion of a reasonable doubt." The defense, let us say, offers no testimony, or offers some testimony which tends to throw doubt upon the testimony of the State. The judge says, "Is there any further testimony for the defendant?" The defense says, "We rest, Your Honor."

The judge says, "Gentlemen, would you like to argue the case?" The defense makes a motion for a directed verdict. The State's attorney argues the case in the light of his fear as to what the Attorney General in Washington may do, forgetting the dual obligation that rests upon the State's attorney to be the protector of the innocent and the shield of the guiltless as well as the prosecutor of the guilty. It is his duty to see that justice is done. Forgetting the duality of his obligation, in his zeal he argues only his side of the case. Finally the judge, upon the conclusion of the argument, says, "Gentlemen, I am of the opinion that the evidence does not sustain the State's case. I propose to direct a verdict."

Then what can you imagine the sheriff saying? What can you imagine the State's attorney saying? Can you not imagine them calling the judge aside and saying, "Judge, let us take a little recess now and let us talk to you." On one pretext or another the judge declares a recess of court for 15 minutes. The State's attorney and the sheriff get the judge aside and say, "Judge, did not you see all these investigators in court? We have seen them making notes of the testimony for 2 weeks." The sheriff will say, "I have already heard that these invesigators have said that I did not make an honest effort to apprehend these people, and that I made a dilatory apprehension, and that when I finally did apprehend them I did not bring in all the witnesses who know the facts, and that I refused to examine one of the witnesses whose name they brought to me."

The State's attorney says, "Judge, those fellows have been hounding our office for 2 weeks. I have enough information to know what kind of a report they are going to make. Do not forget your own interest in this case. The evidence is closed. It may be decided either way. Let us just go on and convict some of these fellows. Let us go on and convict old Bill, anyway. That will keep us out of any trouble. I do not mean just to convict old Bill, but let us leave it up to the jury. That is the jury's responsibility. If the jury turns him loose, it gets you out, and it gets me out, and it gets Tom, here, out. I have to run for office again in a little while and so does Tom. You have to run again, too, Judge, and you know what shape you are in financially. If all of us are going to have to go through 6 months' prosecution in the Federal court, where in the name of God are we going to get the money to defend ourselves? Meanwhile our offices will go to pieces. If I were you, I would just let the jury try this case. That is the best way to pass the buck. Let the jury decide it. If the jury wants to go to the Federal penitentiary, it will be they and not you and Tom and I."

There sits the judge on the bench. Honor struggles with self-preservation. Duty engages in mortal combat with self-interest. I suppose no mind is so perfectly adjusted, and so free from the dross of contaminating impurities, that it does not on occasion have to be reprimanded by conscience; and I suppose not even the judicial ermine so clothes the mortal body with the sacraments of honor that those murmuring suggestions of wrong done, in soft and subtle voice, do not creep into the inner consciousness. If they do, I am willing to indulge the presumption that in the majority of cases the judge remains true to his great traditions.

I have seen in my circuit a circuit judge who protected a defendant from lynching, who sent for the sheriff and personally summoned a posse comitatus to his aid, after adjourning court, to the defense of a man charged with a heinous crime in spite of the fact that that judge was pretty soon to contest in the primary the right to his office with a lawyer whose standards were not nearly so high. I am willing to assume that all judges will come to that decision, but, Mr. President, there may be exceptions. Every now and then there may be one who will not, and then again this bill, if enacted, will have prosecuted not only the conscience of an honorable man but the judicial system in whose bosom repose the lives, liberty, and property, not to speak of the safety and honor and the right to the pursuit of happiness of the men, women, and children of America. I wonder if zealots would go that far. Yet there is a distinct possibility if not a probability of that sort of thing occurring. So there again we have the Attorney General of the United States under the Federal system having absolute control over the administration of criminal justice in the State courts of the country.

Mr. President, what else does the bill provide? I read from section 5:

> Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

As Senators heard me read those words, did they note anything that would exempt a municipality? A municipality has police powers. The bill does not specify the particular kind of police power that has the legal right to try an offender for the crime of lynching, but it says to which has been delegated the functions of the police power. So, according to that language, if a lynching occurred in a municipality, the municipality would be liable for the civil fine thereafter imposed, as would the county in which the lynching may have occurred.

> Every governmental subdivision of a State to which the State shall have delegated functions of police—

What about a drainage district? Such districts have police functions, as road and bridge districts have special police functions. A special tax school district in my State also has such functions. A special tax school district has certain very distinct police powers. Very well. The zealots of this bill have contented themselves with that vague provision of responsibility.

It will be noted that every such governmental subdivision shall be responsible. I do not suppose some people would mind being castigated as participants or particeps criminis in a lynching. In instances I know there are certain people who would not mind it. But let us take the head of the Baptist Church in my county. If he were at home praying in communion with his God, conducting himself according to the precepts of his Master, and because of what some ruffians in his county did, he was to be castigated as a lyncher, I have some doubt as to whether or not he would approve of that. I have a great deal more doubt as to whether one who did that could approve of his conscience that let him do it.

There may be a mother in the community who taught her sons obedience to law and order and gave them a high example of civic duty and morality. That mother, in my opinion, would not like to be castigated as a lyncher if she had nothing to do with the lynching party.

Mr. President, I think legal history informs us that away back in the early days of England, immediately after the Norman conquest, there seemed to develop on the part of the Saxons a habit of causing the disappearance of Normans. The habit grew so general that the Normans, who were in control of the Government, decided that they had to put a stop to activities which resulted in good Normans showing up dead from day to day. So they enacted a law under which the "hundreds," as they were then called, which were about as our townships are today, became civilly responsible to pay a fine if a Norman was killed within the territorial jurisdiction of the hundred. The Normans thought that by the imposition of such a law they would give to the inhabitants of the hundred an incentive to prevent that sort of crime and that the crime itself would disappear. But the first thing that happened was a subtle avoidance of the civil penalty.

The people of the hundred began to mutilate the body of the deceased to such an extent that he could not be recognized and, therefore, it could not be determined whether or not he was a Norman, and, being unable to show that he was a Norman, those in control were unable to impose upon the hundred the civil liability for which the law made provision. Then the Government, composed of Normans, decided that they would certainly remove the possibility of subterfuge, and, consequently, they provided that when an individual should be found dead prima facie in law he would be considered to be a Norman. Therefore, as this bill does they put the burden on the hundred of showing affirmatively that it was not a Norman who was killed. But, in spite of that precaution, the years passed, and finally, due to the unsatisfactory nature of that provision, due to the fact that the people at fault escaped civil liability and the responsible citizen not at fault had to pay the fine, so that relatively two or three or four or half dozen responsible people were civilly accountable for the wrongdoing of others, for the conduct of whom they were not responsible, even the Normans in the centuries ago repealed that statute.

Then there came about the abolition of the principle in English law making a man civilly responsible for a crime or for a wrong for which, on some fair basis, he was not legally or morally responsible. Yet ignoring the experience and wisdom of centuries, ignoring the experience of the Normans of centuries ago, the zealots who are the proponents of this bill come here now and say:

> Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction.

Mr. President, listen to this language. The bill not only establishes, in the first place, the principle of civil liability without personal fault, but it goes further and provides—

> Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction.

It is not enough if one is a citizen of the county in which the lynching occurs; he is also apprehended as a lyncher if he is a citizen of a county in which the abduction occurred, regardless of whether that was the county in which the lynching occurred.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. CONNALLY. Has the Senator's attention been called—and I am sure it has been—to the eleventh amendment to the Constitution of the United States in which it is provided that—

> The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.

How can the Congress by statute provide for a suit against a county or State by the heirs of the victim who might reside in other States? Has the Senator had his attention called to that provision?

Mr. PEPPER. I thank the Senator from Texas very much for that suggestion. Every lawyer knows that on account of the case of Chisholm against Georgia, the determination of the Congress and the people of the United States was so strong that a sovereign State should not be haled into a Federal court and suffer the humiliation of being answerable to a Federal tribunal for a civil liability, that the eleventh amendment to the Constitution of the United States was adopted; and it went further than to deny the right of a plaintiff to bring such a suit. It went further than to confer upon a State immunity from suit. It said that the judicial power of the Federal courts should not extend to a case of that sort.

Obviously, therefore, if the plaintiff selects the Federal court, and the defendant even acquiesces in it, the Federal court has no more power to try that kind of a case than a justice of the peace court has power to try a homicide in the jurisprudence of our State laws. Yet the zealots who are the proponents of this bill are little concerned about what may happen to constitutional guaranties in what they endeavor to accomplish by this bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Tennessee.

Mr. McKELLAR. I was very much interested in what the Senator had to say in reference to the sheriffs and judges, and their supervision by Federal authority. My attention was distracted a while ago, and I am wondering if the Senator also considered the power and authority of the Federal Government, in case this bill should be enacted, over the Governors of States. For instance, if the Governor of a State fails to call out the militia in time to prevent a lynching, he, too, is to be prosecuted, indicted, and tried for not calling it out in time, if in the opinion of some Federal officer such as the Senator describes he should have done so.

Mr. PEPPER. Mr. President, I am very grateful to the able Senator from Tennessee for that suggestion. We have just been speaking about the humiliating spectacle of a sovereign State being haled before a Federal court. The able Senator from Tennessee has just imagined another case, which certainly is no less disgraceful or humiliating, the Governor of a sovereign State, the head of one of the sovereign entities of the Nation, standing in his sphere as the chief of the executive branch of the State government, as a parallel with the Chief Executive of the Nation, with all the tradition which there is historically behind the governorship of a great State.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I am interested in the Senator's discussion from the standpoint of law as well as that of government. What would a State have to do in order to deny to any of its citizens the equal protection of the laws, so as to be in violation of the fourteenth amendment? Would it have to enact a statute positively providing against the protection or denying to any number of its citizens the protection that it guaranteed to others; or might it be guilty by refusal to act, by a passive attitude toward a widespread situation which might result in discrimination in the exercise of rights of the people?

What is the Senator's view about that matter? Does he contend that it cannot be a violation of the fourteenth amendment to do nothing, but that the State has to do something which inflicts upon certain of its citizens, or citizens of the United States, a condition or a lack of protection which would be in violation of the law?

I am interested in that phase of the discussion.

Mr. PEPPER. I am very glad the Senator asked that question, because, in the order of my discussion, I was coming first to a consideration of the actual provisions of the bill which, if carried out, would produce certain spectacles which I do not believe the American people would countenance. One of those was making the act a Federal crime, so as to constitute an extension of the Federal jurisdiction into a new field. The next thing was the unsalutary effect of the Federal Government having supervision of State criminal agencies to the degree that this bill would make possible.

Just a word or two more about the actual provisions of the bill, and then, if the Senator from Kentucky will indulge me, I shall come to that point.

These, then, are what are known as the civil provisions of the bill. I have just read the part which deals with the imposition of civil liability upon a county even if the lynching did not occur in the county, but if there was a mere abduction there. Suppose a group of lynchers from one county slipped over into the adjacent county and took custody of a defendant and lynched him. By that act the abductors might have freed their own county from civil liability, and imposed civil liability upon the county to which they went clandestinely for the purpose of abduction.

So, then, we have the eleventh amendment, if I may advert at that point to the provisions of the eleventh amendment; but the bill goes on, although it provides that the governmental subdivision may prove by a preponderance of the evidence an affirmative defense. There, again, the requirement is that the parties must use all diligence, with the requirement that the agency which is alleged to have committed the wrong of inaction must prove by a preponderance of the evidence that there was an exercise of all diligence; and again we have the vague matter of what constitutes all diligence.

Mr. President, that suit is maintained in what manner?

> Liability arising under this section may be enforced and the compensation herein provided for may be recovered in a civil action in the United States district court for the judicial district of which the defendant governmental subdivision is a part.

The civil liability may be enforced where? In a Federal court, perhaps remote from the county or the district itself by hundreds of miles. Here is a little county with 1,500 inhabitants in which a lynching occurs. Thereby it incurs a civil liability of from $2,000 to $10,000, and the necessity of defending itself in a civil suit in the Federal court. It costs money to hire lawyers to defend you in the Federal court, particularly where you have the situation of the power of the Federal Government being asserted in behalf of the prosecution. So the civil action is brought.

> Such action shall be brought and prosecuted by the Attorney General of the United States.

The Federal Government is suing a sovereign State, which has immunity from suit under the Federal Constitution. But it says—

> Or his duly authorized representative in the name of the United States for the use of the real party in interest, or, if the claimant or claimants shall so elect, by counsel employed * * * without free payment of costs.

A sovereign State's county, a sovereign State's municipality is haled into a Federal court charged with a civil wrong which none of the authorized and lawfully constituted officers of that State may have committed.

Mr. President, that makes the people of the county the guarantors of the conduct of the county. Am I to be told that the majority of our people approve of lynchings? No; we do not. It is always a minority which asserts itself. Yet there is to be imposed a civil liability upon everyone—man, woman, and child. It is to be imposed upon the little child which rests with its innocent, red, glowing cheeks in a baby's cradle. It is not immune from the reach of the zealous hand of the proponents of the measure. It provides:

> If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such a governmental subdivision.

The judgment may not only be rendered; it may be enforced. It may be enforced in what way? In the way in which any judgment recovered in a State court may be enforced. What does that mean? It means in my State that the writ of mandamus is available, or a tax may be imposed upon the real and personal property as an ad valorem tax, to enable the State to respond to the civil liability. That means that every piece of property amenable to an ad valorem tax is responsible for the payment of the fine.

There, Mr. President, is liability without fault to an astonishing degree in a court the judicial power of which has been restricted against the entertainment of a suit against a sovereign State.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the junior Senator from Florida yield to his colleague?

Mr. PEPPER. I gladly yield.

Mr. ANDREWS. Has my colleague found any Member of the Senate, lawyer or layman, expressing the view that this particular section of the bill could possibly be constitutional?

Mr. PEPPER. Mr. President, I answer my gracious and esteemed colleague by saying that I remarked just a little while ago that I have not heard anyone, practically, speak for the bill.

Mr. BARKLEY. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I yield.

Mr. BARKLEY. The Senator's colleague asked him if he had heard either lawyer or layman express any opinion as to the constitutionality of this particular part of the bill. If he had heard both lawyers and laymen express views in the matter, for which would he have the greater respect, the opinion of the lawyer or the opinion of the layman?

Mr. PEPPER. Mr. President, there have been times when, in respect to the constitutionality of a measure, I would just about as soon take the opinion of a layman as of a lawyer, because there have been times during the history of our jurisprudence when the matter of constitutionality became a matter of speculation, anyway. As a general rule, I suppose the lawyers have been right more times than the laymen.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. The Senator no doubt knows that the senior Senator from Virginia [Mr. GLASS] is one of the best constitutional lawyers in this body, and he is a layman. I think the Senator from Virginia has a wonderful knowledge of the Constitution. I do not know of anyone who has a better knowledge of it.

Mr. PEPPER. I can sympathize with the difficulty of a constitutional lawyer. I can imagine a lawyer who, by the interposition of the divine hand, has lived to be just partially as old as Methuselah, say; and I can imagine his being alive in the late sixties, and seeing the Civil War concluded, and seeing the zealous desire of the people of the northern part of this country to give civil rights and the rights of suffrage to the Negroes, and to see to it that those rights, so conferred should not be taken away.

I can conceive of that lawyer being thoroughly conversant with everything that went on in the legislative assembly at the time of the proposal of the constitutional amendments following the Civil War, and present at every constitutional convention, or legislature, as the case may have been, which ratified the amendments. I can imagine his being thoroughly versed in the provision of the Constitution which provides that no State shall deprive any person of life, liberty, or property except by due process of law, nor deny to any person the equal protection of the law. Yet, however good a constitutional lawyer this man may have been, I can imagine the astonishment of that constitutional lawyer in having seen the unfolding of the pages of history, and to have seen the word "person," which everybody thought meant an individual, applied with equal force to the totally imaginary entity called a corporation, and the amendment, which was framed and proposed for the protection of the Negro, used more to protect corporate interests in this country than it was ever used for the protection of the Negro.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. BARKLEY. I can imagine, of course, that if a legislature were to enact a law providing that all those guilty of the murder of men should suffer a certain penalty, but that they should not be held guilty of murder or suffer the same penalty if they killed women; or if they killed a person over 21 years of age they should be punished in a certain way, but if they killed anyone under 21 years of age they

should not be punished at all. That would be a positive enactment of the legislature denying to certain classes of people the equal protection of our own laws.

Mr. PEPPER. That is correct.

Mr. BARKLEY. The question on which it seems to me this whole matter hinges is whether the failure of the legislature to enact legislation of a certain sort dealing with certain offenses or conditions, the failure of the State to do that, is a denial of the equal protection of the laws guaranteed to all citizens. I am very much interested in that line of demarcation, because I think the constitutionality of the pending measure may hinge upon that very question.

Mr. PEPPER. Mr. President, I have no doubt on that score. If the Senator will give me just about 1 or 2 more minutes, I should like to proceed to that question logically, and I promise the Senator I will cover that.

Mr. BARKLEY. I beg the Senator's pardon; I thought he had gotten into that.

Mr. PEPPER. I appreciate the Senator asking the question. I wanted to propound an inquiry right at this point. There is no provision of statute under which, if a law officer loses his life in the performance of his duty, his relatives recover from anyone enough to sustain them for a reasonable length of time. Is there any such provision within the knowledge of any Senator? If a man is the victim of an enraged criminal, white or black, and is killed and leaves a widow and nine little children, the law makes no provision for their care, does it?

This is the spectacle we get, to show almost the same thing the Senator has suggested. Between 1889 and 1930, of the lynchings committed, 1,399 were in retribution of homicides committed by the persons lynched. An eye for an eye, a life for a life, live by the sword, die by the sword—a sort of rough kind of justice, after all.

In the case to which I have called attention, the wife and the children or other dependents of the person who is the victim of the wrongdoing of the lynched person gets nothing from anyone. They are left to struggle along as best they can. The little children grow up uneducated, the family moves out of the house, the children go from the schoolroom to the cotton mills, or to some other sort of work. They take up anything they can get. One of these children may be a girl working in one of the stores in my State, making six or seven or eight dollars a week, and expected to live decently on it, because the family has no competence left them from the good husband or father who has gone on beyond.

It may happen that one of the little children grows up into a young man who works in some of the sawmills of my State, run by those fighting the wage and hour bill because they would rather pay their labor 20 cents an hour and work them 40 hours a week, and expect them to live like Americans, and for those people no competence has been provided by a father who went on ahead through someone's wrong.

Mr. President, if the family of the first person killed, the first girl ravished and killed, who might be the sole support of a widowed mother, have no claim upon the charity of the State, I see no reason why the State should compensate and remunerate the dependents and the survivors of the wrongdoer who might have bitten the same dust he put into the lips of another human being. Yet that is what the bill provides.

Let me read from the measure further:

> Any officer of such governmental subdivision or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly.

The tax assessor comes and squeezes the last dime out of the taxpayer to pay the judgment. It makes no difference how heavy the civic burden may be; it makes no difference that the bonds are in default; it makes no difference that they cannot maintain the county hospital but have had to give it up because their bonds are in default; it makes no difference if they have had to fire the county health nurse because they did not have the money to pay her; it makes no difference if they have been unable to continue to make their contributions to our State tuberculosis hospital, which is being sustained partially by the county commissioners of my State—those things make no difference. I say that, whatever the sacrifice may be, the $2,000 or $5,000 up to $10,000 must be paid, and if the tax assessor or if the county commissioners fail to levy the taxes and to exercise all diligence in their collection, are they given a trial? No. In Federal courts people are not tried before a jury when they are charged with contempt. They are haled into Federal courts, and the Federal courts adjudicate whether or not they should be committed for contempt of court.

Mr. President, I wish to digress here to say one thing. Those charged with the crimes provided for in the bill are made amenable, of course, to trial in the district courts of the United States. There is one very great difference between those courts and the State courts, at least the courts of my State, in this respect, that in the Federal courts the judges comment on the facts. The Federal judge can say, "Gentlemen of the jury, it is obvious to any fair-minded man that this defendant is guilty, and I think that if you gentlemen are worthy of the salt that goes into your bread, you should go out and find him guilty."

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. OVERTON in the chair). Does the Senator from Florida yield to the Senator from Washington?

Mr. PEPPER. I yield.

Mr. BONE. I understood the Senator from Florida to read from page 10 of the printed bill where is found the provision:

> If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such a governmental subdivision.

I am rather curious as to what the laws of the Senator's State might provide. In a great many States, if a judgment were taken in a proper court, there would be no way under the law in those States to compel the subdivision to levy the tax and pay it. It would have to be purely a voluntary act on the part of the tax assessors. The court would not step in and compel the assessment of the tax to pay the judgment. Of course, those things follow as a matter of form in such States. But I am rather curious as to whether or not the Senator finds any compulsion in the bill other than in the language indicated.

Mr. PEPPER. Mr. President, I apologize for what is, perhaps, my own error in statement, but I did not give the statute anything like the legal significance which the Senator from Washington does. In my State if there is a judgment against a county, it is possible to go right into another court and file an application for mandamus, and have a tax assessed as an ad valorem tax, as I think my colleague, who is an eminent lawyer, will attest, upon the real and personal property of the county to pay the judgment.

As I construe the pending measure, the holder of the judgment could do either one of two things: He could go into the State court which has jurisdiction over actions in mandamus and apply for a writ of mandamus, and then, if the State judge did not issue it, he would be in contempt of a Federal court.

That is one way to do it. Or he could go into a Federal court and apply for mandamus, and the Federal court could use the process of the State court, jurisdiction being conferred on it by this measure to use the State process, but it is administered in the Federal tribunal, and then, if the State tax assessor upon whom the writ operated failed to make the levy, or if the collector failed to make the levy, he would be guilty of contempt of the Federal court.

Mr. BONE. I am not familiar with the provisions of the law of Florida, but I assume the Senator has served in the State legislature and is familiar with the usual practice in connection with an appropriation bill of providing the funds to satisfy judgments against the State. A sovereignty cannot be sued without its consent, and no State court can compel the sovereignty to pay a judgment. Those things follow

as a matter of form. It may be that in the Senator's State there is ample provision in the State statutes whereby a writ of mandamus could be employed to compel the levy of the tax. I merely asked the question.

Mr. PEPPER. I am interested in the suggestion made by the Senator from Washington. If the Senator is correct, then everyone will know that the bill is simply a futile gesture, that it is simply a pretense. I never knew of anyone in my life who would pay a judgment if he did not have to pay. If this is the theory of the bill, if it is just a pretense, an attempt to arouse the expectations of those who might possibly be beneficiaries because they are relatives of the victim of a lynching, then of course I suppose it is all right, but I think they ought to be told the truth. I am sure we would not contend and labor here upon a nullity for all this length of time. I think the Constitution forbids the enactment of such a statute, and I think the Federal power does not go to the extent of authorizing such a suit. At any rate, I did think that the proponents were conscientious in their belief that it would effectively make the governmental subdivision civilly liable.

As the concluding part of this subsection of the bill, Mr. President, I read:

The cause of action accruing hereunder to a person injured by lynching shall not abate with the subsequent death of that person before final judgment but shall survive to his or her next of kin. For the purpose of this act—

The lawyers in the Chamber should listen to this—

For the purpose of this act the next of kin of a deceased victim of lynching shall be determined according to the laws of intestate distribution in the State of domicile of the decedent.

Laws of intestate distribution. I want some lawyer to tell me what are the laws of intestate distribution. That is a new one on me. I am probably just ignorant, but I did not know there was more than one kind of probate law, which is the local probate law, which determines the succession of property. Yet I am afraid the authors of this bill have exhibited the same knowledge of this phase of the law that they have of certain other phases of it.

For the purpose of this act the next of kin—

The court determines the next of kin, whether it is called a probate court or whether it is called the county court, as in my State. All the law I know in this connection is probate law, and the probate court is the court which determines who is the next of kin, who is the heir.

For the purpose of this act the next of kin of a deceased victim of lynching shall be determined according to the laws of intestate distribution in the State of domicile of the decedent.

Mr. President, that is the first time I ever heard of intestate probate law. I always thought that the reason for conflict between States when a rich man died was the question of residence. Colonel Green, the son of the late Hetty Green, died, but I do not remember where. My State and the State of the distinguished Senator from Texas [Mr. CONNALLY] and, I think, the State of the distinguished Senator from New York [Mr. WAGNER] are contesting for part of the tax.

By what I am saying I do not want to be understood as ridiculing a provision of the bill, but I do say that if the authors of this bill made such a glaring error with respect to such a simple question as probate law, what may we expect with respect to some of the nicer distinctions of constitutional law.

Mr. McKELLAR. Will not the bill be just as good for vote-getting purposes anyway, regardless of any such distinction?

Mr. PEPPER. I suppose its efficacy in that respect would not be impaired by any technical provisions or any errors it might make.

Mr. McKELLAR. I should not think so.

Mr. PEPPER. I read further from the bill:

Any judgment or award under this act shall be exempt from all claims of creditors.

(3) Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this act may by order direct that such suit be tried in any division of such district as he may designate in such order.

What is that designed for? Why is that provision in the bill, Mr. President? The Federal Constitution provides that a person shall be tried in the vicinity where the crime was committed. He must be indicted there. Why is that? It is to give a man whatever advantage there may be from the trial occurring in the vicinity of the commission of the crime. Was there not a rather celebrated historical occurrence in this country in connection with which the trial of a man in the vicinity of the place of the crime had a great deal to do with his conviction of treason and the establishment of a precedent in the jurisprudence of this country on the very vital subject of treason?

So, under this provision of the bill, a man may be deprived of whatever benefits may be derived from being tried by a jury of his peers, because in substance the bill provides that it shall be within the power of the judge to keep the defendant from being tried by a jury of his neighbors.

The concluding part of the bill is section 6, as follows:

SEC. 6. The essential purpose of this act being the furtherance of protection of the lives and persons of citizens and other persons against unlawful and violent interference with or prevention of the orderly processes of justice, and equal protection and due process of law, and against possible dereliction of duty in this respect by States, or any governmental subdivision thereof, or any officer or employee of either a State or governmental subdivision thereof. Therefore if any particular provision, sentence, or clause, or provisions, sentences, or clauses of this act, or the application thereof to any particular person or circumstance, is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. President, that is a very laudable aspiration and declaration. Is that consistent with the provisions of the bill?

The essential purpose of this act—

Says this provision—

being the furtherance of protection of the lives and persons of citizens and other persons against unlawful and violent interference with or prevention of the orderly processes of justice.

Is that the purpose of the bill, Mr. President? If so, why does it not apply to all cases where there is interference with the process of justice, whether in labor disputes, in gangster disputes, or in any other kind of disputes? If the purpose is really to extend the protection of the law and preserve due process of the law, why does it not include all cases involving the denial of equal protection of the law and the denial of the due process of law, and make all violators of those provisions amenable in the Federal courts for criminal and civil liability as the bill in its provisions purports to do as to a particular class?

I have made a little résumé of the actual provisions of this bill, on occasion adverting to the question of constitutionality; but I have spoken primarily of the practical effect of the material provisions of the bill, assuming that every one of its provisions is constitutional.

What have we? In substance, we have a Federal law which makes lynching a Federal crime, punishable in a Federal court, and establishes a civil liability upon the governmental subdivision in which either the lynching occurred, or the omission occurred, which is the culpable act described in the bill, or in which the abduction occurred, although the lynching may not have occurred in that governmental subdivision.

Senators will certainly admit that if the bill is enacted it will be an innovation in the system of American jurisprudence. Let us look a little at the Federal Constitution to see whether or not the provision referred to is within the confines of the organic law of this country.

Let us start with the Constitution as it was prior to the adoption of the fourteenth amendment. It is not really necessary, but in order to make the case clear I want to refer to what I believe to be most, if not all, of the provisions of the Federal Constitution with respect to States prior to the adoption of the fourteenth amendment.

In section 9 of article I it is provided that—

No bill of attainder or ex post facto law shall be passed.

That is a direct prohibition of the Federal Constitution upon the Federal power.

In section 10 of article I it is provided:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

In another paragraph of section 10 of article I it is provided that—

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Those three paragraphs all inhibit affirmative action by a State.

Let us proceed to article II, section 1, the second paragraph. This is something that each State shall do, a mandatory requirement laid upon the State by the Federal Government:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

There is a mandatory requirement by the Federal Constitution that the State shall do something affirmatively.

We proceed further in the Constitution until we come to the second paragraph of section 2 of article IV:

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

That is our fugitive law. That is the predicate in the Constitution for the requirement upon the States that they return an escaped fugitive to the State from which he fled, or the State in which he committed the crime. Of course, I may add parenthetically that it has been established by law that even that provision is not legally mandatory.

The sovereignty of the States has been recognized as such. In spite of that flat provision in the Constitution, if a Governor refuses to honor a request for extradition, what can anybody do about it? Nothing. There is not any Federal power that can do a thing. If the State of New York demands the extradition from my State of a prisoner and my Governor thumbs his nose at the State of New York and says, "We are still a sovereign State here in Florida; I do not think this man ought to be prosecuted anyway, and I am not going to send him back," I do not know who could do anything about it. But we still have this provision in section 2 of article IV:

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

That provision is further buttressed and supported by provisions in the Federal statutes.

The next paragraph is:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

That is another provision imposing upon the States a prohibition and a duty.

We come now to section 3 of article IV:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

That, Mr. President, is a protection for the State.

Section 4 of article IV provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

There are two provisions to that section. The first one imposes a duty upon the Federal Government to preserve intact the independence and the sovereignty of the several States. If a State wanted to cease being a sovereign State, it could not do so. The Federal Government could not permit it to do so and observe its constitutional obligation.

So sincere, therefore, were the forefathers who wrote our organic law in their determination that the States should remain sovereignties, that they imposed upon the National Government the duty to see to it that the States should retain their sovereign integrity as republics.

The States were also given an immunity. They had the vestments of a sacred sovereign immunity laid upon their backs in these words:

and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

What does that mean? That means that the Federal Government is inhibited by the Federal Constitution itself from going into the territory of a sovereign State to suppress domestic violence without the consent of that State. What is proposed here? It is proposed to send the hand of the Federal power into the territories of the several States, to do what? To suppress domestic violence. Lynching is a breach of the peace, domestic violence. Directly in the face of that constitutional safeguard it is proposed that the Federal Government shall send its agents into the several States to suppress domestic violence.

We well remember the debate which occurred on the floor of the Senate during the last session when the whole question of the right or power of the Federal Government to go inside the boundaries of a State and interfere with the administration of the criminal law in that State was aired and discussed.

I think ample authority was presented to prove that the Federal Government, unless one of the conditions has occurred indicating the consent of a representative authority of a State, is just as impotent as was the Crown to cross the threshold of the humblest citizen's home. So, Mr. President, there was a time in the history of Anglo-Saxon law when a man's home was his castle, and even the king could not go across his threshold uninvited.

Now, under the provisions of our Federal Constitution, embodying that principle and incorporating it into our organic law, every State enjoys immunity against the Federal power transgressing its boundaries to suppress domestic violence and, by implication, to interfere in the local affairs of that State, unless it has been invited to such participation by the highest power, either executive or legislative, of that State.

Going further, in article VI, paragraph 2, we find the following:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Then this follows:

And the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

There is a case of the Federal Constitution imposing a distinct duty not upon sheriffs, for they do not have to enforce the Federal law, they do not have any authority to enforce the Federal law, but upon the judges who are obligated to enforce the Federal law.

Mr. President, so far as I am able to find, those are the only provisions of the Federal Constitution prior to the adoption of the fourteenth amendment which may have any bearing whatsoever upon the issues here involved. I wonder if we may not get some help on the question of

whether or not it was the intention of the Constitution as written by the forefathers to extend into the government of local affairs. I read now from a book the title of which is The Republic of Republics, by B. J. Sage, published by Little, Brown & Co., at page 108, where the following appears:

James Madison had previously written in No. 46 of the Federalist: "The Federal and State Governments are, in fact, but different agents and trustees of the people, instituted with different powers * * *. The ultimate authority—wherever the derivative may be found—resides in the people alone." And he explained in the Virginia Convention, as well as in the Federalist, that it is "the people as composing 13 sovereignties" who possess this ultimate authority and "are parties to" the Constitution. * * * In No. 40 of the Federalist he said: "The States were regarded as distinct and independent sovereigns * * * by the Constitution proposed."

Mr. President, the language I have just read was from one of the fathers of the Constitution, James Madison. Another comment from the same author is as follows:

Mr. Madison (whom I have quoted, supra, as saying, with a concurrence of everybody of note, that the Constitution was made by "the people as composing 13 sovereignties" and that "the States are regarded as distinct and independent sovereigns * * * by the Constitution proposed"), declared in reference to the proposed coercion—

This refers to the coercion of the States by the Federal power—

"An attempt to coerce States would be a dissolution of all previous compacts. A union of States, containing such an ingredient, seems to provide for its own destruction." Again: "Any government formed on the supposed practicability of using force against the unconstitutional proceeding of States would prove visionary and fallacious."

Quoting further from page 383 of the same volume from which I have just read is the following:

Hamilton, the advocate par excellence of a strong government, repeatedly expressed himself against such an idea. Said he: "To coerce States is one of the maddest projects ever devised."

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LEWIS. I should like to bring the Senator from Florida back for a moment, anxious as I am not to disturb him, to his statement that it is not in the power of the Federal Government to enter into the States under this proposed act as it is now written.

I ask the Senator does he not recall in the history of his country that the first Cleveland administration, which was Democratic, entered the State of Oregon over the protest of its then Governor, who name was Pennoyer, and justified the action upon the ground that there had been a violation of a Federal statute which the administration was then seeking to enforce, and later, the second Cleveland administration, in my great State of Illinois, because of the charge of offenses in Chicago against the mails, sent the Federal forces into the State of Illinois on the ground that the Federal law was being violated, and it was within the power and the right of the Federal Government to protect those who claimed protection and to punish those who had violated the law? I ask my able friend from Florida, supposing this law should be passed; would it then become an act of Congress, and if any violation should occur under the act in any of the States would not that be a violation of the law of Congress, because of which the Government would enter a given State in order to execute and vindicate it, rather be an interference with the sovereignty of the State?

Mr. PEPPER. Mr. President, in answer to the learned Senator from Illinois, I should say that the answer to his question depends upon the validity of the enactment of the National Congress. The provision of the Constitution to which I just referred does not say that the President's duty is anything less than the full execution of the valid statutory Federal law of the country. It says that the Federal power cannot be extended into the several States to suppress domestic violence, and, by implication and connotation, the powers of the United States cannot be used to supersede purely local law. Distinctly, as the Senator will recall, in the Pullman strike case in Illinois the theory upon which President Cleveland acted, whether rightly or wrongly, was not that of suppressing domestic violence in Illinois, but of insuring the movement of United States mails. Had not that question been related to the exercise of Federal power in that case, there would not have been, to my knowledge, any ground of authority for this action.

Mr. LEWIS. May I ask the distinguished Senator, who seems to have given this subject most commendable investigation, was not that on the theory that the annoyance to the mails was an obstruction of the mails, and therefore a violation of the Federal statute?

Mr. PEPPER. That is correct. The Senator states it more accurately than I did. It is the same thought, but the Senator's statement, with his customary lucidity, is more accurate than mine. In that case the Constitution gives the Federal Government the power to establish a post system and post roads. Therefore it has the right to provide safeguards around the movement of matters passing through the post office and along roads, as it were, selected for the transportation of the mails. That was an instance of legitimate exercise of Federal power. But, Mr. President, where is there any analog in the constitutional provision with respect to the pending measure or any comparable authorization for the enactment of this proposed legislation?

Now, Mr. President, going on a little further, after having discussed the main part of the Constitution, I come now to the amendments. The fourteenth amendment provides as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That merely establishes citizenship. Previously some persons were not citizens; they were slaves; and they were not citizens until their citizenship was provided for by that amendment to the Constitution. Then comes the language of the fourteenth amendment which is relied upon as the basis for this proposed legislation:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Going that far, has any State made or attempted to enforce any law purporting to abridge the privileges or immunities of colored citizens of the United States? At least, if so, it is not involved in this proposed legislation. There have been times in our history when the States have laid down educational tests, when they have laid down qualifications for jurors, when they have attempted to impose restrictions with respect to riding in public conveyances, or with respect to certain persons seating themselves in public terminals or depots, and the like, when the States have passed laws which have been attacked under the first provision I have just read, as laws designed to abridge the privileges or immunities of citizens of the United States; but that is not this case.

Mr. McKELLAR. Mr. President, not at all. May I ask the Senator a question by way of suggestion? Is it not true that between 1884 and 1934—a period of something like 50 years—a great many white persons were lynched in this country? So if lynching in itself was an abridgement of the privileges or immunities of citizens, it was applied to both white and colored citizens; so a question of that kind could not be raised.

Mr. PEPPER. The Senator is exactly correct.

Mr. McKELLAR. The constitutional amendment was directed solely to the States themselves, and not to any individual crime.

Mr. PEPPER. The Senator is entirely correct.

Mr. President, I am taking these clauses one by one. The obvious and clear answer to that question is, as the Senator from Kentucky inquired a while ago, that no statute of any State is involved. What State has passed a law legalizing lynching? What State has provided that Negroes may be lynched with impunity, and without criminal responsibility to the State government? None; so that question is very simply answered by the fact that no one makes any pretense that that provision of the fourteenth amendment is in anywise affected or involved.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. I yield.

Mr. CONNALLY. The Senator from Florida is familiar, is he not, with the statements of Mr. Thaddeus Stevens and Mr. James G. Blaine on that subject?

Mr. PEPPER. Yes, Mr. President; I am coming to those two provisions. I am about to quote them from the speech of the Senator from Texas, where they are very readily available. I wish to go one clause further before doing so.

So that part of the fourteenth amendment, down to that point, does not authorize any such legislation.

Here is the next clause:

> Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, the whole question, then, hinges right upon those two clauses of the fourteenth amendment, and upon them alone are the proponents of this bill, if upon any, entitled to rely for the constitutional validity of this measure.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. PEPPER. I yield.

Mr. BARKLEY. The Senator, of course, differentiates between the two clauses of the fourteenth amendment?

Mr. PEPPER. I do. In the spirit in which I was going to use them, I put them together, because I was proceeding to the statement that each of them inhibits an affirmative act of the State.

Mr. BARKLEY. That raises the question whether a positive, substantive act of the legislature or of the State is necessary in order to deny to somebody something to which he is entitled, or whether that denial may be brought about simply by refusal to take any action at all. I think that is the crux of this whole question.

Mr. PEPPER. The Senator from Kentucky is entirely correct about that. By the way, all this information is collated in a very splendid speech by the Senator from Texas. The Senator quotes from Thaddeus Stevens, who was the mover of the provisions of the fourteenth amendment. This is what he said about it:

> The Constitution limits only the action of Congress, and is not a limitation on the States.

That means that that is what the Constitution did up to the time of the adoption of the fourteenth amendment. Then, speaking about the fourteenth amendment, Thaddeus Stevens said:

> This amendment supplies that defect and allows Congress to correct the unjust legislation of the States so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree.

Mr. President, if anybody should know what the provisions of the fourteenth amendment were designed to effectuate, it should be the father of reconstruction, Thaddeus Stevens, of Pennsylvania.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. PEPPER. Yes, sir.

Mr. BARKLEY. Has the Supreme Court, in interpreting the fourteenth amendment, followed the logic or the philosophy or the intention of Mr. Stevens in proposing it as an amendment to the Constitution?

Mr. PEPPER. Unfortunately not in all respects; but I will say that I do not know of a single case in which mere inaction, mere failure to act, has been regarded as action by the several States in violation of the provisions of those clauses of the fourteenth amendment. I could name case after case in which it will be found that what I say is correct.

Let me give you an illustration of what I mean, if the Senator will allow me; and then I shall appreciate it if he will interrupt me again.

I think it was in the case of Ex parte Virginia, perhaps, that the question of jurors came up. Of course, there were the Slaughterhouse cases and the Civil Rights cases. In the Slaughterhouse cases there were certain municipal regulations in which the State had acted affirmatively, and the question involved was that of the validity vel non of the municipal regulations and provisions.

In the Civil Rights cases, the Federal Congress had passed a statute providing that Negroes must not be deprived by the States of certain civil rights, and so forth; and the Supreme Court held that in those cases there was a negation of the Federal power, because they said the Federal Congress did not have authority to regulate civil rights all down in the States, which indicated that the authority to regulate those rights was in the several States; and it is those regulations of the several States which have come to the Supreme Court of the United States from time to time for examination and review.

Mr. BARKLEY. Mr. President, in that connection, if the Senator will yield further, what interpretation does the Senator place upon the decision of the Supreme Court in 1932 reversing the Scottsboro cases on the ground that a denial to afford counsel for the defendant constituted a violation of the fourteenth amendment?

Mr. PEPPER. I was about to refer to those cases. I am glad the Senator mentioned the subject. I shall use them as an illustration of my point. I meant to come to those cases.

Mr. President, the fourteenth amendment says:

> No State shall * * * deprive any person of life, liberty, or property without due process of law.

What is "due process of law"? In the Scottsboro cases the Supreme Court held that deprivation of due process of law amounted in substance to something which was not a judicial procedure; as, for instance, they decided in other cases where the racial question was involved that a mob in the courtroom intimidating the jury and the court officials kept the trial from being the exercise of the judicial process. Again, there we have an affirmative matter. The States must affirmatively give a man a fair trial. They must not have a mockery of justice. They cannot take out a man and have a hanging bee and say, "Why the judge was there, and the State's attorney was there, and there were enough fellows there for a jury. In fact, we said to 12 of them, 'All right; you 12 stand over here, and you be the jury.'" That is not due process of law. Justice must be administered according to the form and the substance of the judicial process; and in the Scottsboro case the State denied something which kept the proceedings from meeting the requirement of due process of law. The thought was that they attempted to take the defendant's life without adequate justification. In pleading, I should say the State has a right to take a man's life, but it must show justification for it; and it can show justification only by showing that it has observed the judicial process, which means due process of law.

Mr. BARKLEY. Mr. President, if the Senator will yield further, how does the Senator connect that up with the failure of the State court to afford counsel for the defense, and the decision of the Supreme Court that that was a denial of the equal protection of the laws of the State?

Mr. PEPPER. Mr. President, the matter which my friend from Kentucky overlooks is that the defendant was not complaining about having had a trial as the wrong that was done him. He was complaining that the State was about to hang him without sufficient justification. In other words, what the State was doing, and what the man complained about, was the hanging. The man was complaining about an affirmative act.

Mr. BARKLEY. Of course any man would complain of that. I myself should do so. [Laughter.]

Mr. PEPPER. That is correct.

Mr. BARKLEY. But the point is that in discussing the case, the Supreme Court held that the refusal to appoint counsel, to give the defendant the opportunity for counsel and advice and consultation, was a denial of the equal protection of the laws; not merely that the defendant was tried without due process of law. The things linked in together, of course; but the point I am trying to draw the attention

of the Senator to is that the refusal, without any positive law on the statutes of the State, to grant to a defendant or a group of defendants a privilege or a right that is supposed to be accorded to all defendants who have not the ability to employ counsel, itself was held to be a denial of the equal protection of the laws of the State; and upon that, in part, the Supreme Court reversed the case.

Mr. PEPPER. Mr. President, I will state the matter in this way: I wish lawyers would make a distinction between points at issue. I say the analogy would be perfect if the sheriff were about to hang a man as part of an effort to lynch him, as it were. What I am trying to say is that the denial of due process of law was not that the State of Alabama failed to allow a lawyer to do certain things, or, as in other cases, failed to maintain order in the courtroom. The point was that the State of Alabama was about to take the life of a citizen, and they could not show that they were about to do it pursuant to the exercise of due process of law.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. MINTON. What was it in the failure to exercise due process of law, except the neglect and the failure to do something, which made it a lack of due process of law?

Mr. PEPPER. What the Senators overlook is that the sheriff is not trying to hang the victim.

Mr. MINTON. I am not talking about the sheriff, I am talking about the court, and the court's failure to give due process of law in the Scottsboro case. The only reason why it did not comply with the requirement of due process of law was that there was a failure, a neglect.

Mr. PEPPER. That is exactly correct.

Mr. MINTON. It was not some affirmative act; it was a failure to do something.

Mr. PEPPER. Of what was the defendant complaining before the Supreme Court—that he did not have a lawyer, that his lawyer was not permitted to do certain things? No; of course not. He did not care whether the lawyer had those rights or not. What he was complaining of was that they were about to hang him without having granted him due process of law. It is not due process of law to get a mob together and try a man.

Take the case in which Justice Holmes wrote the opinion, the title of which I have forgotten. The courtroom was so full of people with hostile sentiment against the defendant that, although he was convicted according to the forms of law, the United States Supreme Court reversed the case because it held they were taking a man's life without having followed the judicial process in doing it. If a man is convicted by a mob that cannot be called due process of law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. In the case of Howell against Alabama, reported in Two Hundred and Eighty-seven, United States Reports, in the syllabus and in the opinion of the court there is emphasized the fact that the court denied to the defendant the benefit of counsel.

Mr PEPPER. Of course they did.

Mr. BARKLEY. And they commented at length on that and went back even to the law of England in order to build up the background. Of course, the question of due process of law enters into the consideration of the method by which a trial is had, whether it is a criminal or civil trial, if any citizen is deprived of his life or his liberty or his property without due process of law. This case also involved the question whether there had been a denial of equal protection, and the court held that the denial had existed, not because of any statute of the State of Alabama but because of the refusal or failure of the court to do a certain thing which might contribute to affording equal protection of the law.

Mr. PEPPER. Mr. President, let me get this straight. The difference is that in the case from which the Senator has just read, the State was trying to take the man's life, and in the lynching case it is not the State which takes his life but the lynchers take his life, and the State does nothing through its officials.

If the victim of the mob could get access to a judge and present a petition for a writ of habeas corpus, he would be entitled to a discharge, in spite of the fact that this mob had had a solemn mock trial and condemned him, because that is not due process of law. The difference is that in the case about which the Senator has been speaking, and in the Scottsboro case, in all the cases where the jury question has arisen, the State was the one taking the man's life, and the State could not take a citizen's life without showing justification for it, and the only justification for taking a citizen's life is due process of law. Then there is determined, by definition, what is or is not due process of law. So, to my mind, the situation is clear.

In the case involved, the State has not passed any law, the State is not taking anybody's life. All that can be charged to the State, if anything can be charged to it, is a failure to do anything.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. If the State enacted a law of any sort which might be in violation of the fourteenth amendment, how would Congress enforce the right of the people against whom the denial was directed? What would Congress do to punish a State or a county or other subdivision of a State? These are all interesting questions, and the Senator is discussing them in an interesting way.

I am interested in the philosophy of the Senator's theory. This question may arise hereafter in many other cases besides the pending bill, as to any alleged denials of equal protection, because whatever is decided and whatever is regarded as the philosophy and settled policy of the Government in dealing with the fourteenth amendment in this case, may have some bearing on legislation in the future. What could Congress do?

Mr. PEPPER. There may be more than two possibilities, because the Constitution makes provision that Congress shall have authority to enforce the provisions of the Constitution by appropriate legislation. Whether it does or not, if the Constitution confers those rights, the Federal power could vindicate them.

One of the things the Constitution provides is, in the article pertaining to the judiciary, a method of redress, a method of relieving against any penalty which might unlawfully be imposed.

Let us assume that a sovereign State, Texas or Alabama, had gone through what purported to be the forms of law and convicted a man according to what purported to be the forms of law, and there was pronounced the old form, "Let him be hanged by the neck."

Then the man comes in and says, "Wait a minute. The United States judicial code provides that when we are relying on the Constitution in a certain case I can take an appeal and in a certain case get a writ of certiorari to the Federal court for a review of my case, and you cannot hang me. I can get a stay order from the appropriate court. That is provided for by the Federal statute. Then when I go into the Federal court, the constitutional authority, enacted pursuant to the authority which referred to the judicial power, which means a review in a judicial manner, vests the court with jurisdiction to hear the case and authority to decide it in accordance with the provisions of the Constitution."

One of the powers we have exercised for the vindication of the principle is to give a man immunity, to clothe him with protection against the loss of his life, liberty, or property, unless it is accomplished through that narrow channel called due process of law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. Suppose the legislature of some State should enact a law declaring that those who live in cities of the first and second class in the State should be entitled to recover damages against a railroad or any other corporation for injury sustained by a citizen, but that that remedy should not be applicable in behalf of those who lived anywhere else in the State outside of the first- and second-class cities. That

evidently and obviously would be a discrimination among the citizens of the State with respect to their life or liberty, or as to their property, if it should apply to damages to their property.

If they could get to the Supreme Court, undoubtedly the Court would hold that it was a violation of the fourteenth amendment because it did not give equal protection to the people of the State, and was probably a deprivation of property without due process of law. How would Congress enact a law to enforce the fourteenth amendment? What sort of an act could Congress pass to remedy the situation? Would it be necessary for it to pass a law that any person damaged might go into a Federal court, where he was denied opportunity to go into a State court? What could we do?

Mr. PEPPER. I am of the opinion that the constitutional provision does not contemplate the necessity of any affirmative Federal statute, because the constitutional provision was designed only to be an inhibition against affirmative force.

Mr. BARKLEY. What does it mean when it provides that Congress shall enact appropriate legislation to enforce the fourteenth amendment?

Mr. PEPPER. I think one of the cases decisive of that is the one I have just cited. If the Congress, by appropriate review that is permissible in a Federal court, gives a person who is a citizen complete protection from every violation of this article, what other affirmative relief does he need? However, I am willing to go further, and say that there are imaginable cases where there might be a Federal statute, which it might be within the power of Congress to enact, to prevent affirmative action of the State. That is a theoretical possibility, but that would be only in a case where a State law, for instance, might provide that the sheriff of a county could shoot down any colored person he wanted to without being liable to anyone.

Mr. BARKLEY. That would be a violation of the fourteenth amendment.

Mr. PEPPER. Let us assume it is.

Mr. BARKLEY. What could Congress do? Could Congress pass a law providing that the sheriff could not shoot down a colored person?

Mr. PEPPER. It is within the bounds of possibility that the Federal Congress might make something like that a Federal offense.

Mr. BARKLEY. There would be a very great conflict there between the State and the Federal law as to whom the sheriff might shoot.

Mr. PEPPER. That is true; but I have very great doubt that there is any case in which it is contemplated that the Congress shall exercise the affirmative power, because my hypothesis is that all the Constitution, in the fourteenth amendment, does is to inhibit the affirmative action of the State, as is indicated by the statement of Thaddeus Stevens I have just read.

Another statement by James G. Blaine is to this effect:

> Both of those amendments operate as inhibitions upon the power of the State and do not have reference to those irregular acts of the people which find no authorization in the public statutes.

Now, one more quotation:

> The defect in both amendments, in so far as their main object of securing rights to the colored man is involved, lies in the fact that they don't operate directly upon the people.

That is a quotation from James G. Blaine, and he said away back in his day that the chief defect of the amendments was that they did not adequately protect the colored man in all the civil rights he might enjoy, that all they did was to inhibit the State in the passage of a law.

With the Constitution making it the duty of the Governor to execute the law, with it providing that the duties of a sheriff shall be prescribed by statute, with one of the sheriff's duties being defined by statute as the obligation to enforce all the criminal laws of the State, with the criminal law of the State making it a capital crime to commit a homicide, which lynching is, with all those provisions on the statute books, without any legislative cognizance of lynching how can anyone say that the State has caused a lynching when acting authoritatively through its executive or its legislative or its judicial branch?

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LEWIS. I wish to ask a question of the Senator from Arizona [Mr. ASHURST], the chairman of the Committee on the Judiciary.

The Senator from Florida in his very able discussion intimated that mere omission could not be the basis for legal action unless there were some statute upon the subject. The Senator said that the mere omission to perform a duty would not bring one within the law. I ask the Senator from Florida [Mr. PEPPER] if he does not recall in history that a Justice of the Supreme Court of the United States by the name of Field, having rendered an opinion which ran counter to certain interests of some lawyer and his clients out in California, found himself in a dining room in or near the city of San Francisco, and there, without protection, was assailed by a man named Terry, who had been one of the counsel in the case in question, and subsequently, upon investigation of the subject, the Supreme Court of the United States held a marshal and another officer in contempt on the ground that they failed to execute their duty in that in the ordinary discharge of their duties they failed to protect Mr. Justice Field against the personal assault of this gentleman, Mr. Terry. I ask my able friend from Arizona [Mr. ASHURST] if I have recited the history as he recalls it, in view of the fact that his State is geographically near the State in which this incident occurred.

Mr. CONNALLY. Mr. President, I have no objection to these proceedings——

Mr. LEWIS. I did not want to take the Senator from Florida off the floor by my question.

Mr. CONNALLY. But if they operate to take the Senator from Florida off the floor I shall object. The Senator cannot yield except for a question, under the highly technical rule under which we are proceeding now.

Mr. LEWIS. I would not want the Senator to take that risk.

Mr. ASHURST. Mr. President, I have no desire to be drawn into the discussion, because I do not wish to interrupt the uniform argument of the able Senator from Florida, but the Senator from Illinois [Mr. LEWIS] does me honor to presume that I should have knowledge of the event to which he refers.

If I remember correctly—and I have not read the case for many years—the incident occurred in the summer of 1889. At that time the Justices of the Supreme Court of the United States traveled upon circuits. Mr. Justice Field was assigned to the ninth circuit, and California then, as now, was in the ninth circuit. Mr. Justice Field was traveling in the State of California, in pursuance of his duties, accompanied by a man named Nagle, and as the Justice entered the dining room in a town called Lathrop, between Fresno and San Francisco, a celebrated man named David S. Terry, who had sometime been chief justice of the State of California, and who on the 13th day of September, 1859, had shot and killed in a duel David Broderick, a United States Senator from California——

Mr. LEWIS. Against whom he had been a candidate for the Senate.

Mr. ASHURST. Yes. Mr. Terry, who had some alleged or fancied grievance against the Justice, advanced upon the Justice to assault him, or, as he said, to slap his face. When Mr. Terry reached a point a few feet from the Justice, Mr. Nagle fired and killed Mr. Terry. The sheriff of the county—San Joaquin—attempted to arrest Mr. Nagle, but some writ issued which released Mr. Nagle from the custody of the sheriff, or forbade the sheriff from arresting him, I do not remember which. It has been years since I read the case. I believe that Nagle was released from all charges upon the ground that he was accompanying the Justice upon the circuit in the performance of his—Nagle's—duties as an officer of the Supreme Court.

That is the case as I remember it. The State court might have attempted to take jurisdiction, but the Supreme Court held that the State court could not try him for that offense.

Mr. PEPPER. I appreciate it very much. The Senator has very clearly pointed out what I have always understood was the real point involved in that case. There was a sort of application of the unwritten law, that a man was not committing an unlawful act when by shooting another he saved a Justice of the United States Supreme Court.

Mr. ASHURST. Let me say, however, that I believe the Supreme Court of the United States had authorized Nagle to accompany Justice Field on this trip on the circuit.

Mr. PEPPER. That is correct.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK. I do not wish to take the Senator's time, but a situation of very similar character arose in the State of Missouri in the last 4 or 5 years, in which the case of In re Nagle was followed. Some G-men or Federal officers had been informed that gangsters had taken refuge in a certain house, and they attempted to enter the house without a search warrant. They demanded that the door be opened, and when the door was not opened they fired through the door and killed a woman who was asleep in the bed. It turned out that the people who were inhabiting the house were not gangsters, that the attempted entry on the part of the Federal officers was entirely erroneous, and that the killing of this woman was entirely without justification of law whatever. One of the Federal officers involved was arrested by the State authorities, and, by direction of the Attorney General of the United States, the Federal district attorney intervened and took this man away. A State officer sought to prosecute him in the Federal court, but the Federal officer was discharged. That case followed the case of In re Nagle, to which the Senator referred.

Mr. PEPPER. I want to thank Senators for not raising the point of order in respect to what has just taken place, because we all acted in good faith, and, of course, I did not intend to let this discussion break into my first speech. I appreciate the fact that Senators have not raised the point of order relative to the procedure which has just taken place.

Mr. President, I do not see any consolation the Nagle case could give any proponent of this bill, because as the Senator from Arizona [Mr. ASHURST] correctly stated, it was known that some threats had been made against the Supreme Court Justice in question on account of some personal difficulty between the Justice and Terry. Two subjects had caused considerable difficulty—a fair lady and considerable money. Consequently a deputy marshal was sent along to guard the Justice. When Terry approached the Justice in the restaurant the man who accompanied the Justice shot Terry. That raised the question whether Nagle was amenable to the State court or not, and naturally the Supreme Court protected a man who had kept one of its own Justices from being assassinated.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. CONNALLY. I wish to ask the Senator a question with respect to the distinction he has just pointed out so very well. Several Senators have come in since the Senator made the distinction. Is it not true that the distinction between the two sets of citizens is that under the fourteenth amendment, which is purely a prohibition against affirmative State action, the action, in order to come within the prohibition, must be by a State, and in the cases which have been cited in selecting juries and matters of that kind the officers are doing what the State commands them to do as officers, selecting juries to try the accused, and that when they do those things it is the State's power and not their individual power which is being exerted? But in the instant case, the one being cited, the effort is to punish sheriffs and others who are not carrying out the orders of the State government, but are defying the orders of their State government, which requires that they protect rather than turn over their victim to the lynchers. So in the one case it is State power which is exerted and in the other, action is taken by individuals to whom the fourteenth amendment, under all these decisions, has no application whatever.

Mr. PEPPER. Mr. President, I wish the Senator from Texas would follow the comment I am about to make. If the contrary of what we have been saying were true, then it would follow that if a sheriff out of personal vengeance and passion crept around to the window of an enemy and shot him down in cold blood, that would constitute action of the State which would be federally amenable, and the next step would be that any citizen who takes the life of a United States citizen would be amenable to the Federal law. Then the whole jurisdiction of criminal law would have passed over to the Federal Government instead of being in the State, or they would be dually capable of prosecuting.

Mr. ASHURST. Mr. President, until my able friend, the Senator from Illinois [Mr. LEWIS] did me the honor to ask a question I had no intention of entering the debate. But will the Senator permit me to ask him a question? I do not desire to mar the uniform symmetry of his argument. I could not, if I wished to do so, mar the uniform symmetry of the able Senator's argument. The Senator from Kentucky [Mr. BARKLEY] propounded a question. To my mind, his question is unanswerable. We cannot assume that any phrase, or, indeed, any word, in the Constitution is meaningless; and unless and until the question of the Senator from Kentucky is answered we must assume that it was intended that Congress may legislate in effectuating the fourteenth amendment.

The question the Senator asked was with relation to section 5 of the fourteenth amendment, which reads as follows:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Unless and until someone answers that question and explains what the fifth section of the fourteenth amendment means, I am bound to conclude that Congress must have some power respecting the fourteenth amendment. Was that the Senator's question?

Mr. BARKLEY. Yes.

Mr. PEPPER. Let me make an effort to answer the Senator. Would not a statutory provision which gives to a citizen who is about to be hanged under an unconstitutional State law, or an unconstitutional State process, an immunity from that punishment and a restoration to his liberty, be a statutory provision that vindicated the prohibitions of the fourteenth amendment?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. Let me ask this question: Is not that a a clear-cut instance of Congress exercising the power to enforce the immunities granted by the fourteenth amendment?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. When the Congress passes legislation, whether it has previously passed it, and it is then in existence or whether it has subsequently passed it, which permits a review of a case tried in a State court, and permits carrying it to the Supreme Court of the United States, is not that "appropriate legislation"?

Mr. PEPPER. That is one step in that direction. I am willing to go a step further. The Constitution does not define the adequacy of the provisions Congress may make. It merely confers power upon Congress. It does not say how far it may go. That is one step.

There is a second step. If a State, for example, made by law a provision which was clearly in violation of the fourteenth amendment, it would be within the power of Congress to provide redress either in the form of immunity against that affirmative action, or a counter form in the nature of making it a criminal offense for any officer to enforce a statute in violation of the Federal Constitution.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. PEPPER. I yield.

Mr. BARKLEY. Does not the Senator think that in any case where the Supreme Court held that either by the passage of an act of the legislature or by a failure to enact legislation the citizens of a State have been denied the equal protection of the laws, and reversed the case because of that, Congress, under the amendment, would have power to enforce the fourteenth amendment by appropriate legislation?

Mr. PEPPER. I do not.

Mr. BARKLEY. In any case where the Supreme Court held that there was a denial of the equal protection of the law, could not Congress act?

Mr. PEPPER. All of us who know the history of this amendment know that it was not a guaranty that these people should actually enjoy their civil rights. If it had been intended as a guaranty that they should enjoy their civil rights, private citizens should have been prohibited from a deprivation of them. All the decisions of the courts say that Congress does not have power to prohibit private citizens from doing wrongs, even Federal wrongs, to other private citizens, because that is a part of the rough-and-tumble of life. But, Mr. President, the Federal Constitution contemplated that there would be cases where the Southern States, with the newly enfranchised Negroes enjoying citizenship for the first time, would want to pass laws that would discriminate against them, that would deny to them the equal protection of the laws, and that would not give them the benefit of the same police power which protected white citizens.

The amendment did not say, "The Negro's life is more sacred than that of the white man." It merely said to the States, "If you enact a law saying that it is illegal to kill a white man, you cannot say that there is immunity from punishment for killing a colored man." The framers of the amendment were afraid of that kind of a discriminatory statute. They were afraid that the colored race would be deprived of the right of the ballot, which they had studiously conferred upon them as an incident of their citizenship, by intention. They did not contemplate that the States could lay down standards of education or something else which would have the effect of discriminating with respect to the colored man at the ballot box.

Since that time, in Ex parte White and all the cases down to the last year or two, where the Supreme Court reviewed the Texas primary law, they have always looked to see whether the statute—for example, with regard to being a member of a political club—was actually employed to keep the Negroes from voting; and in each of the cases where they found that it was they have stricken down the statute, because it was the organized power of the State attempting to take away from a citizen his constitutional right.

The fourteenth amendment says that persons born or naturalized in the United States shall be citizens of the several States and of the United States. If we go on the assumption that a man is a citizen of the United States and enjoys the protection of the Federal Constitution, the same power would give authority to make a private homicide a Federal offense. If that may be done, what is meant by the differences between local and Federal police powers?

So, Mr. President, I hope the proponents of this bill, in the opportunity they will have in abundance, will come before the Senate and produce a case where the omission per se—not the incident, not the eventual consequence of the omission, but the omission per se, the failure of the sheriff to get into his automobile and hurry to the scene of the lynching, or the failure of the district attorney to prosecute supposed lynchers with sufficient ardor and enthusiasm, or the failure of the judge to exercise all diligence on the bench—has been held to be a Federal offense.

If I should come into this Chamber and lay my hand upon the gentleman who is writing here, I should have no authority to do that. That would constitute a trespass. That would be an assault. But suppose in a certain case that gentleman should be intoxicated and should be misbehaving upon the floor of the Senate. The Sergeant at Arms who sits over there I assume would have the legal and actual authority to go over and lay hands upon that man and take him out of the Senate Chamber. Why? Because in that instance he would be acting upon a situation that would justify official action.

In the States, a man cannot be arrested or hanged without a writ. If the officer has not the proper kind of writ, he cannot hang a man. That is the analogy which I wish to bring to the question asked me by the Senator from Kentucky. He said that the reason why the Supreme Court reversed the case which was referred to was that the State court did not let the lawyer for the defense do something. That was not the thing that was complained of. The Supreme Court said:

> You have not had the regular processes of the law in this case. You might just as well have taken the defendant out and had a mock court martial.

Let me invite the attention of the Senator from Kentucky to a hypothetical case. Let us suppose that certain Army officials thought that a man who had once been in the Army was still in the Army, and they subjected him to a court martial, and after they had convicted him they got ready to hang him pursuant to what they thought was the lawful authority of a court martial, which has jurisdiction over certain offenses committed in the military affairs of the United States.

Suppose that man should come in and say that he was not in the Army; that he had been discharged 6 months previously; he had again become a private citizen. The officers did not know that he had become a private citizen, and they tried him by court martial for the crime which he had committed. What would the court do? On a habeas corpus proceeding, or on any kind of review, the court would dismiss him. He would be granted immunity from that kind of punishment, because the process justifying the taking of his life had not been complied with.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. PEPPER. I yield.

Mr. BARKLEY. The hypothetical case described by the Senator does not come within the provisions of the fourteenth amendment, because it does not involve the denial by any State of due process of law or the equal protection of the laws. It is an assumed jurisdiction by an Army court-martial. That is a Federal institution, not a State institution.

Mr. PEPPER. Very well. I shall perfect the example.

Let us suppose that in a certain county a homicide has been committed, and let us suppose there is a justice of the peace there. Inasmuch as there is no one else around to try the man, and there is no court in session, the justice of the peace concludes that it would be perfectly proper to try the man for homicide in the justice of the peace court. Suppose he tries the man and sentences him to death in his justice of the peace court, without a jury. He adjudicates that the man is guilty, having gone through the form and the ritual of law.

The sheriff of the county goes out one morning and starts to hang the defendant, and in the meantime he has sued out a writ of habeas corpus before a judge somewhere. The law has been complied with in a certain form, and the man is about to be executed. What does the court say? The court says, "You have not given the defendant due process of law—that is, not due process of law for that case—and when you have not given him due process of law, your action is without law." It is unlawful, as it were, because it is without law.

So, Mr. President, I believe that any fair examination of the provisions of the Constitution prior to adoption of the fourteenth amendment and any comment that is contemporaneous with the enactment of the fourteenth amendment——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. It had been the understanding that we would not continue the session later than 10 o'clock tonight.

Mr. PEPPER. Mr. President, I do not want to lose the floor.

Mr. BARKLEY. Before taking the Senator off his feet, I wish to propound a parliamentary inquiry, in the Senator's own protection and interest as well as in order to clear up the situation. Is the Senator now making his first or second speech on the pending question?

Mr. PEPPER. I suggest that I am making my first speech.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that this is the first speech made by the Senator from Florida on the pending bill.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. It is the first time he has addressed the Senate on this bill, and no point of order has been made that he is making a second speech.

Mr. BARKLEY. That point of order would not lie anyway, because the point of order could not be made until the conclusion of his second speech, and the beginning of a third speech.

Simply to arrive at the correct status, for I do not wish the Senator from Florida to lose any rights and I do not want to take any advantage of him, under the rulings that have been made here when a Senator yields for a recess or adjournment, that is the conclusion of one speech—that is the conclusion of the speech he is making at the time—and if he is recognized the next day to make another one, that is the beginning of another speech. If the Senator from Florida is making his first speech, there is no trouble about it; he will be entitled to recognition tomorrow when the Senate resumes its session; but, if he is making his second speech, and anybody should make the point tomorrow when he asks for recognition, then it might have to be passed upon. For that reason I want to clear up the parliamentary situation now.

The PRESIDING OFFICER. The Chair understands the parliamentary situation to be that the Senator from Florida spoke this afternoon for the first time upon the pending bill.

Mr. BARKLEY. Mr. President, just a moment. The parliamentary situation is that Senators are now speaking on the amendment of the Senator from Illinois [Mr. LEWIS] to the bill as reported by the committee. That is the pending question, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BARKLEY. That is a different situation from that which obtains when we have entered into a unanimous-consent agreement to limit debate on a bill and all amendments, in which case the Senator may speak on an amendment for a certain length of time and then on the bill. That does not apply now, and no Senator can speak more than twice on the pending question, which is the amendment of the Senator from Illinois to the amendment of the committee.

The PRESIDING OFFICER. The Chair inadvertently referred to the pending bill. It is the amendment of the Senator from Illinois to the amendment reported by the committee that is pending before the Senate, and the Senator from Florida has spoken only once upon the pending amendment, and that is this afternoon.

Mr. BARKLEY. That is satisfactory to me.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Under the ruling announced by the Vice President 2 or 3 days ago if a Senator yields for the purpose of the insertion of matter into the RECORD during the course of his remarks, does not that constitute the transaction of business and does not the Senator thus yielding thereby lose the floor?

The PRESIDING OFFICER. It does constitute the transaction of business, but the Presiding Officer at the time, being the Vice President, stated that if that question arose he would not determine that the Senator had thereby yielded the floor and upon resuming had begun his second speech, but that he would submit the question to the Senate.

Mr. CLARK. Mr. President, we of course all understand it is impossible to take an appeal from the opinion expressed by the Chair in reference to a parliamentary inquiry, but, in all fairness to the Senator from Florida, I feel that I should reserve the right when the question is again presented to submit that question to the then occupant of the Chair as to whether the third speech has been begun.

Mr. CONNALLY. Mr. President, I desire to propose a unanimous-consent agreement. I ask unanimous consent that the Senator from Florida may proceed tomorrow, since he is now about to be interrupted by a recess, and that it continue to be his first speech.

Mr. BARKLEY. Reserving the right to object to that, I think it is much better procedure to follow parliamentary rules than to violate them by unanimous consent. The other day after the Senator from Louisiana [Mr. ELLENDER] had spoken for 5 days and asked unanimous consent to speak the sixth, I made no objection, but I made it perfectly plain that I would not consider that a precedent by which I would be bound or by which any of us would be bound in the future if unanimous consent were requested that a Senator may make his third speech.

I am satisfied, under the ruling of the Chair, that the Senator from Florida is now making his first speech which would entitle him to recognition tomorrow, and, for that reason, I do not feel that I am at liberty to consent to the request of the Senator from Texas, because I do not think it is necessary.

Mr. CONNALLY. Does the Senator object? I ask unanimous consent, as I have indicated, and if the Senator from Kentucky wishes to object, very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. CLARK. I object.

Mr. BARKLEY. Mr. President, I am making the point that it is not necessary under the ruling of the Chair for the Senator from Texas to make such a unanimous-consent request. If the Senator from Florida is making his first speech, as the Chair holds, then he is entitled to speak tomorrow without unanimous consent.

The PRESIDING OFFICER. The Chair understands the unanimous-consent proposal suggested by the Senator from Texas to be that the Senator from Florida may continue his speech tomorrow and it not be considered as his second speech, notwithstanding the fact that a motion to recess may have intervened.

Mr. BARKLEY. I would not agree that it should not be considered his second speech, because, under the rule, when an adjournment or recess is taken at any time during the day while a speech is in process, that concludes one speech, but the Senator is entitled to be recognized tomorrow for his second speech. He does not have to get unanimous consent in order to do that. For that reason I rose to try to protect the Senator from Florida in the exercise of his rights. I do not want to be in the position of objecting to the Senator proceeding on tomorrow, because I do not object, for he has a right to go on under the ruling of the Chair.

The PRESIDING OFFICER. The Chair understands that there is no necessity for ruling on this parliamentary situation at the present time. The Senator from Florida will be recognized tomorrow to continue his speech. Whether he makes his first speech or second speech, that question can properly be presented to the Chair when the point of order is made that the Senator from Florida can no longer retain the floor in the discussion of the pending amendment.

Mr. CONNALLY. Mr. President——

Mr. BARKLEY. With the understanding that the Senator from Florida will be recognized tomorrow, I wish to move to suspend the proceedings of the Senate at this time.

Mr. CONNALLY. Mr. President, was my unanimous consent put to the Senate? I insist on it.

The PRESIDING OFFICER. The Chair understands the request for unanimous consent made by the Senator from Texas to be that, in the event the Senate takes a recess until tomorrow, when it reconvenes the Senator from Florida shall be recognized, and shall be considered as continuing the first speech made by him on the pending question. Is there objection?

Mr. CLARK. Mr. President, reserving the right to object, the request as put by the Senator from Texas, of course, precludes the question as to whether, under the ruling of the

Vice President announced a few days ago, the Senator from Florida concluded his first speech by yielding to the Senator from Tennessee [Mr. McKELLAR] for the insertion of matter in the RECORD. Therefore, since the request of the Senator from Texas is so all-embracing, I feel constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. PEPPER. Not for the present, Mr. President.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. My understanding now is that if the Senator from Florida yields for a motion for a recess, then, beginning tomorrow morning, if I sought recognition, I would be considered to have begun my second speech.

The PRESIDING OFFICER. The Senator from Florida would obtain recognition tomorrow when the Senate reconvenes. As to whether he would be making his second speech is not a question that now arises.

Mr. BARKLEY. Mr. President, I am trying to protect the Senator from Florida in the only possible way.

The PRESIDING OFFICER. The Chair did not state that it would be the second speech of the Senator from Florida, but stated that the question did not now arise for determination.

Mr. BARKLEY. I agree that the point cannot be made now; but when the Senator from Florida asks the Chair for information, if the Chair can afford the information to the Senator, I think it would probably be in the interest of the Senator to do so.

The PRESIDING OFFICER. It is the understanding of the present occupant of the chair that the precedent of the Senate is to the effect that if a Senator yields for a motion to recess or adjourn then the Senator yields the floor, and when he is recognized when the Senate reconvenes he is then making his second speech on the question pending.

Mr. PEPPER. Mr. President, a further parliamentary inquiry. The pending issue is the amendment of the Senator from Illinois [Mr. LEWIS] to the bill, as I understand.

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. PEPPER. If the Senator from Florida secured recognition tomorrow the Senator from Florida would be making his second speech upon the amendment, which would exhaust his right to speak upon the pending amendment when the next recess intervenes.

The PRESIDING OFFICER. The Senator states the situation correctly.

Mr. PEPPER. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. If the Senator from Florida were to propose an amendment to the amendment, would he be privileged to begin his first speech upon the amendment to the amendment at the time he made that proposal?

The PRESIDING OFFICER. In the event the Senator from Florida should propose an amendment to the pending amendment, the Senator from Florida would then be entitled to make two additional speeches on the amendment proposed by him to the amendment.

Mr. PEPPER. With that understanding of the parliamentary situation, I yield to the Senator from Kentucky to make a motion for a recess.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. In that event the speculative and hypothetical amendment which might be offered by the Senator from Florida should be the pending question, and not the amendment of the Senator from Illinois [Mr. LEWIS]?

The PRESIDING OFFICER. The Senator from Kentucky is correct.

Mr. PEPPER. And in such case the Senator from Florida would have the right to make two speeches on the then pending amendment?

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. PEPPER. With that understanding, I yield to the Senator from Kentucky to make a motion for a recess until tomorrow.

ADDITIONAL PETITION

Mr. SHEPPARD presented the petition of Rev. Paul W. Evans and sundry other citizens of Salado, Tex., praying for the adoption of a constitutional amendment providing a referendum on war, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States, vice Sutherland, retired.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of William B. Fahy, of Missouri, to be United States marshal for the eastern district of Missouri.

Mr. KING, from the Committee on the Judiciary, reported favorably the following nominations:

Daniel B. Shields, of Utah, to be United States attorney for the district of Utah; and

Gilbert Mecham, of Utah, to be United States marshal for the district of Utah.

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the following nominations:

James R. Wright, of Texas, to be United States marshal for the northern district of Texas; and

William R. Smith, Jr., of Texas, to be United States attorney for the western district of Texas.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Paul Morrison Shadel to be postmaster at Ramona, Calif., in place of E. H. Russell, resigned.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 12 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, January 25, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Joe V. Gibson, Esq., to be United States attorney for the northern district of West Virginia, vice Howard L. Robinson, resigned.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Edgar Carl Erickson, Massachusetts National Guard, to be brigadier general, National Guard of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. Forde A. Todd to be a rear admiral in the Navy, to rank from the 1st day of January 1938.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Franklin Van Valkenburgh, December 1, 1937.

Vance D. Chapline, December 1, 1937.
Frank A. Braisted, December 1, 1937.
Mark C. Bowman, January 1, 1938.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

John J. Ballentine, November 1, 1937.
John R. Sullivan, December 1, 1937.
John D. Alvis, December 1, 1937.
Clifton A. F. Sprague, December 1, 1937.
Harold Biesemeier, January 1, 1938.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Franklin O. Johnson, November 25, 1936.
Woodson V. Michaux, June 30, 1937.
George E. Nold, September 1, 1937.
William F. Jennings, October 14, 1937.
Jesse R. Wallace, November 1, 1937.
Bradford Bartlett, December 1, 1937.
Frank R. Walker, December 1, 1937.
John J. O'Donnell, Jr., January 1, 1938.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the dates stated opposite their names:

Henry F. Ripley, June 30, 1936.
William J. Galbraith, June 30, 1937.
Augustus R. St. Angelo, June 30, 1937.
Charles F. Phillips, June 30, 1937.
James A. Adkins, June 30, 1937.
Harvey P. Burden, September 1, 1937.
Gilbert C. Carpenter, September 1, 1937.
Frank B. Miller, December 1, 1937.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the date stated opposite their names:

Joseph L. LaCombe, November 29, 1937.
Denis H. Biwerse, May 31, 1937.
Charles R. Ware, May 31, 1937.

Passed Assistant Surgeon John F. Luten to be a surgeon in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1937.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Murphy K. Cureton, June 3, 1937.
Richard S. Silvis, June 30, 1937.

The following-named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Charles L. Strain, May 1, 1936.
Robert H. Meade, June 1, 1936.

The following-named lieutenants (junior grade) to be assistant civil engineers in the Navy, with the rank of lieutenant (junior grade), to rank from the 31st day of May 1937:

Lewis C. Coxe
William C. G. Church
Richard L. Mann

Chaplain Albert E. Stone to be a chaplain in the Navy, with the rank of commander, to rank from the 30th day of June 1936.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 15th day of October 1937:

Cecil E. Dowling	Frank Guthrie
Wilbur D. Platt	Francis P. Moran
Harvey M. Anderson	John J. O'Brien

Carpenter Jack Seward to be a chief carpenter in the Navy, to rank with but after ensign, from the 15th day of October 1937.

Gunner Samuel W. McGovern to be a chief gunner in the Navy, to rank with but after ensign, from the 15th day of October 1937.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 24, 1938

The House met at 12 o'clock noon.

The Reverend Frederick Brown Harris, D. D., pastor of Foundry Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Our Father God, at the high altar of the Republic, in this shrine of each patriot's devotion we bow in contrition, confessing the sins that so easily beset us. With pure hearts and clean hands may we ascend the hill of the high trust and task which has been committed to us.

In a torn and troubled world we hear bitter, discordant voices, accents of hate, the sound of fearful stupidities which spoil the good earth and mar the beauty of brotherhood. In such a day may we fail not man nor Thee. While millions are being bound by mental and spiritual chains, may America keep on her victorious way of brotherly cooperation without slavish coercion. Save us in days like these from a spineless neutrality which blinds us to the eternal distinctions between right and wrong. Deliver us from an easy belief in statutory substitutes for character. Scorning any compromise of our ideals, may we never adopt shabby and unworthy means even as we aim at high and shining objectives. And thus, not being disobedient to the heavenly vision may we serve the present age. We ask it in the Ever Blessed Name. Amen.

The Journal of the proceedings of Friday, January 21, 1938, was read and approved.

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some questions asked me by a paper in my district together with my replies thereto.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech made by Director of Parks Arno B. Cammerer, on January 21, before the American Planning and Civic Association.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DUNN. Mr. Speaker, I ask unanimous consent to address the House for 20 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DUNN. Mr. Speaker, I hope there will be enacted into law at this session of Congress a wage and hour bill. At the special session of Congress the wage and hour bill was recommitted to the Committee on Labor. As a member of the Labor Committee I want to go on record as saying that I am very much in favor of reporting the bill back to the House and hope it will be enacted into law.

The wage and hour bill is very much needed in this country. According to information I have received—and I believe it to be an absolute fact—there are people employed in different sections of the country who are compelled to work 10 to 12 hours a day and 7 days a week for less than 75 cents per day. This kind of treatment to human beings is damnable, abominable, and vicious. No person should be forced to work long hours for starvation wages. There is not any necessity for it. There is plenty of work for everybody who is physically and mentally able to work.

It has been said by outstanding economists that if we would put into law the present wage and hour measure now being considered by the Labor Committee, several million people would be put to work.

Let us eradicate sweat shops, child labor, and all the other social evils which are responsible for the human suffering that is existing throughout the land. The way to end poverty in our country and in every other country is to pass laws which will give people permanent employment at a living wage and provide adequate pensions for the aged, widows with dependent children, and others who are physically incapacitated. Our natural resources are inexhaustible; therefore there should not be any reason why humanity should be compelled to live in poverty.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, recently I propounded a unanimous consent request, as follows:

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article on the Haitian massacre in connection with a speech I delivered a few weeks ago in which I promised to present this information.

The SPEAKER. Is there objection?

There was no objection.

Mr. Speaker, this was taken out of the RECORD, I believe in accordance with the practice, because the article I submitted was over the two pages permitted by certain rules or practices of the House. I find the article is just a little over the two pages allowed and would cost $56 more than the amount allows.

I asked for consent to insert this article not only because I thought it was useful information for the House, but I was also asked by a very high Government official to include this article in the RECORD. I am not at liberty to give the name of the gentleman, but I will do so to the Speaker and to the majority leader.

Mr. Speaker, I therefore ask unanimous consent to have the article printed although it will cost an additional $56.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I made in Boston last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to address the House today for 15 minutes after the disposition of business on the Speaker's table and at the conclusion of the legislative program in order for the day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. DOUGLAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an article I have written on socialized medicine.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NELSON asked and was given permission to extend his own remarks in the RECORD.

ADDITIONAL NUMBER OF MEDICAL AND DENTAL OFFICERS FOR THE ARMY

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2463, with a House amendment, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

After the word "Corps", at the end of section 1, insert "and the authorized commissioned strength of the Army is hereby increased by 150 in order to provide for the increases herein authorized in the Medical and Dental Corps."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Kentucky explain the Senate amendment?

Mr. MAY. Mr. Speaker, the Senate amendment merely increases the number of dentists and the number in the Medical Corps to correspond to the legislation that was reported in the original bill as well as the appropriation made for 1938.

Mr. MARTIN of Massachusetts. The House reduced the number?

Mr. MAY. No. The Military Affairs Committee failed to state the number. The Senate figured out the number that would be proper under existing legislation and added 50 dentists and 100 medical officers to the Medical and Dental Corps.

Mr. MARTIN of Massachusetts. In other words, the gentleman's committee did not definitely state the number but the Senate did put in the exact number?

Mr. MAY. That is right.

Mr. THOMASON of Texas. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Texas.

Mr. THOMASON of Texas. Does the bill as now amended include veterinarians?

Mr. MAY. I am not sure, but I do not think it does.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendment to the House amendment of the Senate bill was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day.

BARBERS IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the District of Columbia Barber Act.

SEC. 2. When used in this act—

(a) The term "Board" means the Board of Barber Examiners for the District of Columbia.

(b) The term "certificate" means a certificate of registration issued by the Board.

(c) The term "Commissioners" means the Commissioners of the District of Columbia.

(d) The term "barber instructor" means the teaching of the barber profession as provided for in this act.

(e) The term "barbering" means any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of this act.

To shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward, received by the person performing such service or any other person, to give facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

SEC. 3. There is hereby created a Board of Barber Examiners for the District of Columbia. The Board shall consist of three members, two of whom shall be practical barbers who have followed the practice of barbering in the District of Columbia for at least 5 years immediately prior to his appointment. One of said members shall be recommended by the Journeymen Barbers' Union, one of said members be recommended by the Associated Master Barbers of the District of Columbia. The members of the Board shall be appointed by the Commissioners of the District of Columbia, one for the term of 1 year, one for the term of 2 years, and one for the term of 3 years. Thereafter one member of said Board shall be appointed each year for the term of 3 years and shall hold office until his successor is appointed and qualified.

The Commissioners of the District of Columbia shall have the power to remove any member of said Board for incompetency, gross

immorality, disability, for any abuse of his official power, or for other good cause, and shall fill any vacancy thus occasioned by appointment within 30 days after such vacancy occurs. Members appointed to fill vacancies caused by death, resignation, or removal shall serve only for the unexpired term of their predecessors. The Commissioners shall appoint a president, a vice president, and a secretary-treasurer from the members of the Board.

The secretary of the Board shall keep a record of its proceedings, a register showing the name and business and residence addresses of persons to whom it has issued certificates, and the number and date of the certificate of each such person. Subject to the approval of the Commissioners, the Board shall adopt such rules and sanitary regulations as prescribed by the Health Department of the District of Columbia and as are necessary to carry out the provisions of this act. The Board shall report annually to the Commissioners all of its official acts during the preceding year and shall make such recommendations as it deems expedient.

SEC. 4. The Board shall issue a certificate of registration as a registered barber to any person of good moral character and temperate habits who has practiced as a registered barber apprentice for 2 years under the immediate personal supervision of a registered barber, and who passes an examination, conducted by the Board to determine his fitness to practice barbering, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

SEC. 5. The Board shall issue a certificate of registration as a registered barber apprentice to any person who is at least 16 years of age and is of good moral character and temperate habits who passes an examination conducted by the Board to determine his fitness to practice as a barber apprentice, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

SEC. 6. The Board shall conduct examinations of applicants for certificates of registration as registered barbers or registered barber apprentices on the third Tuesdays in January, April, July, and October, at such hours as the Board shall prescribe. Such examination shall include both a practical demonstration and a written examination.

Mr. PALMISANO (interrupting the reading of the bill). Mr. Speaker, I ask unanimous consent that further reading of the bill may be dispensed with.

Mr. O'MALLEY. I object, Mr. Speaker.

The Clerk resumed the reading of the bill.

Mr. LEMKE. Mr. Speaker, I move to strike out the last word of section 6.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein excerpts from public documents.

I also ask unanimous consent, Mr. Speaker, that I may proceed out of order.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to revise and extend his own remarks in the RECORD and include therein certain documents and records. The gentleman also asks unanimous consent to speak out of order for 5 minutes.

Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. LEMKE. Mr. Speaker, I am going to review the processing tax on hogs levied under the Agricultural Adjustment Administration, and types of legislation enacted by Congress to refund processing tax to processors and distributors after the A. A. A. was held unconstitutional by the Supreme Court. Congress acted very promptly to provide legislation to refund taxes to processors and distributors, but to date it has not given the farmers, who it now appears really paid the processing tax, the same just legislation.

I shall, therefore, point out the legislation needed to be enacted to make restitution to hog producers of the unjustly exacted processing tax on hogs. I shall point out the effects of the tax on hog producers. I shall submit evidence showing that the burden of this tax was thrown entirely on the shoulders of the producers and not upon the shoulders of the consumers or the processors. I shall show the justice of the producers' claim for restitution by the Government.

In the collection of the facts that I am now presenting I had the assistance and cooperation of Edward E. Kennedy, of the Washington Farmers' Service. I am sure Members of Congress who are familiar with farm legislation will agree with me that Mr. Kennedy is one of the best authorities and one of the best informed men on farm legislation and the needs of farmers in this Nation.

RESTITUTION OF PROCESSING TAX TO HOG PRODUCERS

SYNOPSIS

The Agricultural Adjustment Act, which was enacted May 12, 1933, provided, among other things, for the collection from the processors of a processing tax on the first processing of live hogs, beginning at 50 cents per hundredweight and graduated up to $2.25 per hundredweight. This tax remained in effect until January 6, 1936, when the United States Supreme Court declared it to be invalid and unconstitutional.

The theory of the A. A. A. and the intent of the Congress was that the burden of the tax would be borne by the consumer and that from the proceeds of such tax a fund would be provided out of which to pay benefits to farmers in consideration of curtailing hog production.

The A. A. A. provided for the collection of processing taxes from three sources: First, a tax on imported hogs; second, a tax on processors' floor stocks at the time the tax first went into effect; and, third, a tax on the first processing of live hogs sold to processors by domestic producers. We are concerned only with this last-mentioned tax, the aggregate amount of which, during the effective period of the tax, was about $361,230,867.47.

The facts now show, beyond every reasonable doubt, that the full burden of this tax was borne by the hog producers. Processors, who were obligated to remit the tax to the Government, deducted the amount of the tax from the prices they paid the farmer for the hogs he marketed for slaughter.

After the Supreme Court of the United States invalidated the processing tax the Congress enacted legislation permitting processors to file claims for refund of such taxes as they had not only paid but the burden of which they had actually borne and not passed on to others. This is known as title VII of the Revenue Act of 1936. It failed, however, to provide for the filing of claims by the producers who had actually borne the burden of the tax.

JOINT RESOLUTION FOR RESTITUTION TO PRODUCERS

Senator LYNN J. FRAZIER has introduced in the Senate (S. J. Res. 202) and I have introduced in the House (H. J. Res. 474) a joint resolution which provides that producers shall have the right to file claims under the provisions of title VII and may have restitution of such tax on proving that it was, in fact, charged to and borne by them; provided that no claimant shall recover any part of such tax "on any hogs that he marketed for slaughter on which he received a benefit payment." Such claims must be filed within 5 years. The joint resolution is as follows:

"Joint resolution making provisions for the refund of the processing tax on hogs marketed for slaughter by the raisers and producers who in fact bore all or part of the burden of such tax

"Whereas it is now generally recognized that the processing tax, under the Agricultural Adjustment Act, which has been held unconstitutional, on hogs marketed for slaughter was in fact charged to the raisers and producers and was deducted from the market price of such hogs; and

"Whereas provisions were made under title VII of the Revenue Act of 1936 for the refund to the processors of such part of the tax that they in fact bore and did not shift to the consumer or the raiser and producer; and

"Whereas the Revenue Act of 1936 made no provision for a refund of such processing tax to the raisers and producers of hogs, who, in fact bore the burden of such tax on hogs marketed for slaughter: Therefore be it

"*Resolved, etc.*, That any person or persons, or their assignees, who raised or produced and marketed hogs for slaughter on which there was collected and paid a processing tax, under the provisions of the Agricultural Adjustment Act, prior to the time that the act was held unconstitutional, may have such tax refunded, provided such claimant or claimants or their assignees show to the satisfaction of the Commissioner, under the provisions of title VII of the 1936 Revenue Act, that all or part of the burden of such processing tax was in fact charged to and borne by the raisers and the producers, and was in fact deducted from the market price of such hogs: *Provided, however*, That no claimant shall be allowed a refund of any part of such processing tax on any hogs that he marketed for slaughter on which he received a benefit payment under the provisions of the Agricultural Adjustment Act. Any such person who raised or produced and marketed such hogs for slaughter may prove his claim under the provisions of title VII of the 1936 Revenue Act. Such claim, however, must be filed and proof submitted to the Commissioner within 5 years from the date that this act takes effect."

INTRODUCTORY DISCUSSION

This legislative proposal seeks the enactment by the Congress of legislation to provide procedure for the filing of claims by hog producers for the recovery of hog processing taxes collected from producers by processors for the Government, such collections being realized by lowering the prices paid to producers for live hogs sold by them for slaughter for market.

In passing the A. A. A. the Congress did not intend to make an unjust or an illegal exaction of money from the pockets of the producers. The processing tax was, by the terms of the act, levied upon the meat packers, the processors. The Congress did not intend that the processors should collect this tax from the producers. But that is what the processors did, as is now conclusively proven and generally admitted. They passed this tax down to the producers. They acted, in fact, as a collection agency and took this money from the hog producers and turned it, or most of it, over to the Government. It is just and right that the Government should make restitution to the producers.

It was undoubtedly the intention of the Congress, in enacting the A. A. A., that the hog processing tax, as well as other processing taxes, should be passed on to the ultimate consumers and be borne by them. That was not done, and in the very nature of things, in the face of the inevitable operation of natural economic law, that could not be done.

INVALIDATION OF PROCESSING TAXES

On January 6, 1936, in the case of *United States* v. *Butler et al., Receivers of Hoosac Mills Corporation*, the Court held these processing taxes to be invalid and their imposition by the Congress to be beyond its constitutional authority. Whether valid or invalid, those hog processing taxes should never have been imposed, and were never intended to be imposed, directly or indirectly, on the producers. From this double cause, first, because the law was invalid, and, second, because the intent of the law was perverted, the hog producers were compelled unjustly and illegally to pay, during the period when these taxes were in effect, the aggregate sum of $361,230,867.47 (Agricultural Adjustment 1933 to 1935, a report of the Administration of the Agricultural Adjustment Act, p. 291, and Refunds of Processing Taxes, S. Doc. 178, 74th Cong., 2d sess., p. 3). This was both an unjust and an illegal exaction of money from the hog producers of the United States, and restitution should be made to them by the Government.

HISTORY OF THE HOG PROCESSING TAX

The A. A. A. went into effect on May 12, 1933. Under its provisions and under the regulations of the Secretary of Agriculture made pursuant thereto, the following schedule of hog processing taxes was established:

Effective November 5, 1933, 50 cents per hundredweight, live weight.
Effective December 1, 1933, $1 per hundredweight, live weight.
Effective February 1, 1934, $1.50 per hundredweight, live weight.
Effective March 1, 1934, $2.25 per hundredweight, live weight.
(See Agricultural Adjustment 1933 to 1935, supra, p. 294.)

Stated in another way, the hog producers paid an unjust and illegal tax on all live hogs sold by them for slaughter for the domestic market at the rate of 50 cents per hundredweight from November 5, 1933, to November 30, 1933; at the rate of $1 per hundredweight from December 1, 1933, to January 31, 1934; at the rate of $1.50 per hundredweight from February 1, 1934, to February 28, 1934, and at the rate of $2.25 per hundredweight from March 1, 1934, to January 6, 1936. That this vast sum of money, aggregating $361,230,867.47, came out of the pockets of the hog producers, there can be no doubt.

THREE TYPES OF TAXES

The A. A. A. provided that this tax should be collected "upon the first domestic processing of the product, whether of domestic production or imported" (sec. 9 (a) of the act), and it further provided for the collection from the processors of a similar tax on floor stocks on hand whenever the processing tax should first take effect (sec. 16 (a) (1) of the act). Thus there were three types of hog processing taxes collected, namely: (1) a tax on the first domestic processing of hogs sold to processors by domestic producers, (2) a tax on the first domestic processing of imported hogs, and (3) a processors' floor stocks tax.

Taking these three types of hog processing taxes in inverse order, it appears that, during the effective period of the tax the processors paid floor stocks taxes in the aggregate sum of $6,321,640.97; import compensating taxes in the aggregate sum of $528,576.45, and processing taxes in the aggregate sum of $263,230,867.47 (Agricultural Adjustment 1933 to 1935, supra, p. 291). In addition to this last-named sum the processors collected from the producers approximately $98,000,000 which, on January 6, 1936, when the tax was declared invalid, they had not paid over to the Government (Refunds of Processing Taxes, supra, p. 3). These two last-named sums, totaling $361,230,867.47, represent the amount the processors collected from the producers in the form of lowered prices paid by them for live hogs.

ENACTMENT OF REMEDIAL LEGISLATION

After the Supreme Court declared the processing tax to be invalid, the Congress did what it thought best to save harmless those whom it supposed had borne the burden of the illegal tax. The Congress never dreamed that the processing tax, in whole or in part, had been passed back to the producers for whose benefit the A. A. A. was supposed to have been enacted. The Congress supposed the tax would be and actually had been passed on to the distributors and by them passed on to the ultimate consumers. So far as hogs and hog products are concerned, that is not what happened.

So the Congress, working on the theory that the processing taxes had, in whole or in part, been passed on by the processors to the distributing wholesalers and retailers, enacted title IV of the Revenue Act of 1936, which provided procedure for the distributors to file claims for refund of processing taxes the burden of which, in whole or in part, they had actually borne. The Congress also enacted title VII of the Revenue Act of 1936, which provided procedure for the processors to file claims for refund of processing taxes the burden of which, in whole or in part, they had actually borne and had not passed on to the distributors in the form of increased prices or had not passed back to the producers in the form of lowered prices.

The wording the Congress used in this latter connection, "through reduction of the price paid for any such commodity" (title VII, sec. 902–a), indicates that some Member of Congress had a suspicion that the processors might attempt to pass at least a part of the processing tax back to the producers. But there the matter ended. It was not seriously supposed by the majority of the Members of Congress that that suspicion was well founded. Had the Congress honestly believed that any part of these processing taxes, on live hogs or on any other commodity covered by the A. A. A., had actually been passed back to the producers, it is incredible that the Congress would refuse to provide procedure for restitution to producers for whose benefit rather than detriment A. A. A. taxes were intended to be levied.

RECOVERY OF REFUNDS BY DISTRIBUTORS AND BY PROCESSORS

The Congress has swung the doors wide open to the distributing wholesalers and retailers to file claims for and to recover refunds of any and every kind of processing tax the burden of which they have actually borne, in whole or in part. The Congress has also swung the doors wide open to the processors to file claims for and to recover refunds of any and every kind of processing tax the burden of which they have actually borne, in whole or in part.

The A. A. A. processing taxes applied not only to live hogs but also to other basic agricultural commodities, such as cotton, wheat, corn, tobacco, paper and jute, sugarcane and sugar beets, peanuts, and rice. Large numbers of claims have been filed under title VII in the offices of the collectors of internal revenue throughout the country by the processors of these nine basic commodities for the recovery of refunds of all three types of taxes paid by the processors. Very few of these claims, comparatively speaking, have been assembled as yet in Washington, D. C. The number of such claims on file in Washington as of June 30, 1937, was 9,409. The time for filing such claims expired on that date. The total number of such claims filed throughout the country within the time allowed is not yet known. At the end of the fiscal year 1937 only 560 of such claims for refund had been allowed by the Commissioner of Internal Revenue, aggregating the sum of $392,983.89 (1937 Report of Commissioner of Internal Revenue, pp. 27, 28). In studying these figures, it must be remembered that these claims have been filed not only by hog processors but also by processors of all of the other basic agricultural commodities above mentioned. It must also be remembered that these claims for refund filed under title VII cover all three types of taxes paid by processors.

It has been estimated that one-twelfth of the total number of claims filed under title VII have been filed by processors of live hogs for refund of (1) floor stocks taxes, (2) import compensating taxes, and (3) processing taxes. In other words, for illustration, about 46 of the 560 claims that have been allowed were claims of hog processors and about $32,750 out of the amount of $392,983.89 allowed was allowed to hog processors. It must be remembered, however, that not all of the processors' claims had reached Washington by the end of the fiscal year 1937.

On referring back to the figures representing amounts of money paid by hog processors as floor stocks taxes, as import compensating taxes, and as processing taxes, and on recalling the fact that the processors probably bore the burden of the floor stocks taxes and of the import compensating taxes so far as the producers were concerned, and on recalling the fact that the processors certainly did not bear the burden of the processing taxes on live hogs sold to them by the producers, it can readily be understood that some of the claims of processors for refund might be allowed and some of them might be rejected by the Commissioner of Internal Revenue, especially as to processing taxes, concerning which the processors would be unable to prove that they had not passed the tax back to the producer.

THE PROCESSORS DID, IN FACT, SHIFT THE TAX TO THE PRODUCERS

The idea of the processing tax did not originate with the New Deal. It had been proposed during the previous administration. The A. A. A. was an outgrowth of legislation previously proposed. On June 15, 1932, Mr. Rainey introduced a processing-tax bill in the House (H. R. 12649). A similar bill was introduced in the Senate (S. 4940). That was in the Seventy-second Congress. The Rainey bill was sidetracked but a similar bill was soon prepared by Mr. Frederic P. Lee, a local attorney, and it was this bill that was under consideration by the House Committee on Agriculture in December 1932 when public hearings were had. At that time many processors, their economic advisers, and also producers testified before the committee that the burden of the hog processing tax would be shifted by the processors to the producers.

That was prior to the enactment of the A. A. A. Nearly 2 years after the enactment of the A. A. A., hearings were again held on the same subject before both Senate and House committees in March 1935. Mr. George E. Putnam, economist of Swift & Co., again appeared and testified. He repeated his prophecy of 1932 and he also testified that the burden of the processing tax had, in fact, been shifted by the processors to the producers, and that the producers had, in fact, been paying the tax in lowered prices received from the sale of live hogs.

TESTIMONY OF J. H. JEFFERSON IN DECEMBER 1932

In December 1932 Mr. J. H. Jefferson, manager of Iowa Producers Co., Cedar Rapids, Iowa, appeared before the House Committee on Agriculture and testified as follows:

"I feel that this cost, the tax, processors' tax, will the day it is put in operation reflect in a lower price back to the farmers, and with the levels we now have it means that instead of having cash to meet his obligations that he will have the market price minus whatever it costs to assess and collect this tax." (Hearings, p. 298.)

In extending his remarks Mr. Jefferson said:

"In reference to the proposed passage of this allotment bill, after thoroughly studying the same, I am satisfied that the intent of the bill to pass the tax on to the consumer cannot be carried

out. I think in the hearings so far the packers have proven that they cannot absorb the cost of this tax, neither can they pass it on to the consumer. Much as I wish this could be brought about, being sure that this is a fact, there is only one place to obtain this tax; that is from the producer." (Hearings, p. 300.)

TESTIMONY OF T. G. LEE, IN DECEMBER 1932

In December 1932 Mr. T. G. Lee, president of Armour & Co., Chicago, Ill., appeared before the House Committee on Agriculture and testified as follows:

"* * * There are only three ways in which the processors and manufacturers can obtain the money with which to pay the tax:

"The first—and presumably the method contemplated—would be to add the tax to the selling price of pork. Incidentally this would be equivalent to a sales tax of from 35 percent to 40 percent on a very important portion of the Nation's meat supply—on that portion, in fact, which is generally regarded as the 'workingman's meat.'

"The second method calls upon the processors to pay the tax out of their own funds.

"The third method would be to deduct it from the price paid for live hogs.

"I am here for the purpose of stating to you from an experience of over 30 years in selling meat products that the proposed tax cannot be passed on to the consumer, and, likewise, that the processors cannot pay it." (Hearings, p. 291.)

TESTIMONY OF OSCAR MAYER, IN DECEMBER 1932

In December 1932 Mr. Oscar Mayer, a meat packer, Madison, Wis., appeared before the House Committee on Agriculture and testified as follows:

"Both the live hog and hog products are highly perishable and come to the market in a supply entirely beyond the control of the processor or packer. The animals must be promptly bought when sent to market by the farmer, and at least one-third of the live weight must be sold within 2 to 4 days after slaughter as fresh pork. Another 30 percent matures in from 20 to 60 days as cured and smoked pork, such as hams and bacon.

"* * * Since the demand for pork products has always been highly sensitive to price, it is axiomatic to a person versed in the pork business that the selling price of a given supply of pork cannot be raised without a part of the supply remaining unsold. * * *

"* * * There have been several years, notably 1921, 1931, and 1932, during which the aggregate of the industry has been a loss, as the records of the packers and stockyards administration will show. Under these conditions any absorption of the tax by the packing industry is clearly impossible and there remains only the final alternative of pushing the tax back upon the farmer in the form of lower prices for livestock." (Hearings, pp. 282, 283.)

TESTIMONY OF THOMAS E. WILSON, IN DECEMBER 1932

In December 1932 Mr. Thomas E. Wilson, president of Wilson & Co., Chicago, Ill., appeared before the House Committee on Agriculture and testified as follows:

"The expense of this tax which is proposed to be put on the manufacturers must land somewhere; it must either be passed on to the consumer, it must be paid by the packer, or it must be borne by the producer." (Hearings, p. 267.)

Mr. Wilson testified further:

"Now, you are talking about passing the tax on to the consumers, and I say to you men that, in my opinion, it is utterly impossible. It cannot be done. We have tried to pass on to the consumers all that they would stand for without cutting down the output, and I will say that it cannot be done without very, very materially reducing the volume of the product, because when the consumer goes off of pork he stays off for a long time. * * *

"In my own company, taking the year 1931, we suffered a substantial loss, and three-eighths of a cent per pound would have been sufficient to put us on the profit side. * * *

"Now, as to the packer being able to pay this tax, there is nothing out of which he would be able to pay it, in his business. As I figure it, this would amount to approximately $300,000,000, the tax as proposed, and the manufacturers cannot take that out of their earnings; the packer has nothing out of which it can come. Therefore, if it cannot be passed on to the consumer and cannot be paid by the packer, it must come out of the producer, in my opinion." (Hearings, p. 268.)

TESTIMONY OF GEORGE E. PUTNAM IN DECEMBER 1932

In December 1932 Mr. George E. Putnam, economist for Swift & Co., Chicago, Ill., appeared before the House Committee on Agriculture and testified as follows:

"Now, with reference to the packer, I can speak primarily of the profit margin which is normally received by Swift & Co., and I can testify very frankly that the profit margin received by Swift & Co., is not sufficient to absorb such a tax of 50 cents a hundredweight on hogs, or a sales tax of any kind. * * *

"Now, as regards the consumer: * * * There is one thing that is peculiar to pork, * * * in the packing house pork is the most perishable product we deal in. Fresh pork I speak of, and fresh pork must be in the hands of the retailer within 7 to 10 days at the most after the hog has been slaughtered. We have no option in the matter. Meat never goes to waste around the packing house. We must get it away promptly in order to get rid of it at all." (Hearings, p. 229.)

Mr. Putnam further testified:

"The second reason is, if any packer attempted to pass along that tax to the consumer, he would find that the consumer would substitute right and left. In other words, the fact of substitute, which is the second feature, makes the passing of the tax along to the consumer in case of pork products impossible." (Hearings, p. 230.)

Mr. Putnam further testified:

"There are a lot of economists who have never analyzed this thing fully. The point I am making is that the man in the street thinks of this business and says, 'What you get for pork products is determined by what you pay for your hog.' That is absolutely untrue. The relation is just the opposite. What we pay for the hog—in other words, the hog cost—is determined by what we can get for the perishables that come from the hog less the expense of processing and distributing it. Now, that is very important for this reason: The packer cannot pay this tax. He cannot pass it on to the consumer. So if the proposed bill, this kind, putting a tax on the packer, is passed, it increases the packer's operating cost by the amount of the tax and the packer has no alternative but to instruct his buyer when he goes into the market to buy hogs to take that tax in account." (Hearings, p. 231.)

SUBSEQUENT TESTIMONY OF GEORGE E. PUTNAM IN MARCH 1935

In March 1935, nearly 2 years after the enactment of the A. A. A., Mr. George E. Putnam, economist for Swift & Co., Chicago, Ill., appeared before the Senate Committee on Agriculture and Forestry and testified as follows:

"The reason I opposed it was twofold: First, it provided for a processing tax on hogs; and I knew at the time, just as I know now, that a processing tax on hogs would automatically have the effect of making live-hog prices lower by the amount of the tax, and I was fearful——

* * * * * * *

"Senator MURPHY. We grant all that; but I want to get the first incidence of this tax.

"Mr. PUTNAM. That is correct.

"Senator MURPHY. It was taken out of the farmer in the lower price paid him?

"Mr. PUTNAM. That is correct.

* * * * * * *

"The CHAIRMAN. The trouble with this proposition is that in all other businesses except agriculture an additional cost to the consuming purchaser comes out of the consumer; but on account of the unorganized condition of the farmer, and everyone being a competitor with the other by necessity, any additional cost that inheres to the raw material is thrown back on the farmer himself.

* * * * * * *

"Senator MURPHY. So in the last analysis the processing tax does come out of the pocket of the producer?

"Mr. PUTNAM. Yes; I would state it this way: If the tax were removed today and the price of hogs is $9.50, which is the current price, the price of hogs would instantly jump $2.25 a hundredweight." (Senate hearings, pp. 183–185.)

MORE SUBSEQUENT TESTIMONY OF GEORGE E. PUTNAM, IN MARCH 1935

In March 1935, nearly 2 years after the enactment of the A. A. A., Mr. George E. Putnam, economist for Swift & Co., Chicago, Ill., again appeared before the House Committee on Agriculture and testified as follows:

"The CHAIRMAN. Are you still of the opinion that the processing fee is charged back to the farmer and that he is getting a less price than he would if there were no processing fee and no adjustment?

"Mr. PUTNAM. I know it. That processing tax automatically reduces the price of hogs by the amount of the tax.

"The CHAIRMAN. Are you sure of that?

"Mr. PUTNAM. I am quite sure of that; as I told this committee in a letter over 2 years ago when I appeared here.

"The CHAIRMAN. Then you think the rise in meat prices has been brought about in spite of anything contained in the adjustment program?

"Mr. PUTNAM. Well, we have had the adjustment program, and we have had a rise in livestock, and we have had the drought; we have had a rise in price, just as we have after every other depression, when we did not have the Agricultural Adjustment Act * * *." (House hearings, p. 253.)

Mr. Putnam further testified:

"The market price is less by the amount of the processing tax. Let me see if I can state that again: If the processing tax were to come off, it would have no influence whatever on the supply of pork—none whatever today—and therefore it would have no influence on the price of pork.

"Mr. HOPE. It might have some influence on the price of pork 6 months from now.

"Mr. PUTNAM. To the extent that it affects the supply of hogs 6 months hence, and therefore the potential supply of pork. The short-time effect and the long-time effect are to be considered." (House hearings, p. 255.)

ARTICLE OF GEOFFREY SHEPHERD, ECONOMIST, MAY 1935

In the May 1935 issue of the Journal of Farm Economics, Dr. Geoffrey Shepherd, of Iowa State College, had an article on The Incidence of the A. A. A. Processing Tax on Hogs. He said:

"The test as to the direct incidence of the tax is relatively simple. It involves determining whether the price or margin is higher or lower after the tax is applied than it would have been if there were no tax. * * *

"The question whether packers are paying the tax out of their own pockets apparently can be answered by direct statistical observation. The Bureau of Agricultural Economics publishes weekly the wholesale value of hog products derived from 100 pounds of live hogs compared with the prices of live hogs. Both series are

based on Chicago prices. * * * The two series therefore do not show the full margin taken by packers. But they do show changes in the margin, and that is what we are interested in here.

"Figure 1 shows that the packers are not paying the tax. Broadly speaking, they have widened their margin by an amount equal to the tax * * *."

Dr. Shepherd then considers whether the retailers or the consumers were paying the tax, as follows:

"The packer naturally charges 'all the traffic will bear'—that is, all the consumer will pay—all the time. If the packer tries to charge more, the consumer eats less pork than the packer has to offer, surpus stocks of meat accumulate, and the price has to come down again. This mechanism works all the time, as well when the packer tries to raise the price in order to pass the tax on to the consumer as when he tries to raise the price for any other reason. The tax cannot be passed on to the consumer, because of the elasticity of his demand for pork, which in turn traces back to the flexibility of consumer habits and the availability of pork substitutes.

"The conclusion that the consumer is not paying the tax, based simply on ordinary economic reasoning, was originally published in this journal in the issue of July 1934. It has been tested and verified by the course of events during 1934. This is shown in figure 2."

Dr. Shepherd then discusses the farmer's fix, as follows:

"But the farmer is in a different fix. He cannot respond as quickly in his production as the consumer can in his consumption. It has been shown that the elasticity of the supply of hogs varies from about 7 in Missouri to about 3.5 in Nebraska. But it takes 1 or 2 years for this response of production to price to show up in the market place. During the first year the elasticity of supply of hogs is practically zero.

"The packer is, therefore, able to pass the tax back to the farmer, in the form of lower prices for hogs, without at once provoking a scarcity of hogs which would soon force him to raise his prices again.

* * * * * * *

"It appears, then, that the farmer 'pays the processing tax' himself. That is the conclusion of economic theory, and that conclusion is confirmed by the evidence of the facts."

RECENT LETTER FROM DR. GEOFFREY SHEPHERD, IOWA STATE COLLEGE

In a recent letter from Dr. Shepherd, dated January 17, 1938, he writes as follows:

"The most recent treatment of the same subject is to be found in An Analysis of the Effects of the Processing Taxes Levied Under the Agricultural Adjustment Act, United States Treasury Department, Bureau of Internal Revenue, published a month or two ago. This is probably the most authoritative analysis yet published. It agrees almost paragraph for paragraph with our original position. This unanimity among economists is startling."

REPORT OF DR. L. H. BEAN, ECONOMIC ADVISER OF THE A. A. A.

On February 13, 1936, Senator NORRIS addressed a letter to the Secretary of Agriculture, requesting information with reference to impounded and outstanding processing taxes not collected. Six days later the Secretary wrote Senator NORRIS and attached to his letter the report of Dr. L. H. Bean, economic adviser of the A. A. A. Excerpts from the Secretary's reply and from the report follow, quoted from Senate Document 178, Seventy-fourth Congress, second session.

The Secretary of Agriculture said:

"The facts show (1) that the impounded and other unpaid processing taxes are far in excess of the annual net earnings of processors; (2) that in the case of cotton, wheat, and hog processors as a group, the accumulated unpaid taxes represent about three and a half times their average prosperity net profits of 1927–29; (3) that in the case of hog processors alone the unpaid taxes are approximately eight times their average prosperity net profits from hogs; and (4) that processors by increasing their operating and profit margins during the period when processing taxes were in effect have collected the equivalent of the impounded taxes from consumers or producers and are therefore being given money that except for the recent court action would have gone to the Public Treasury, where Congress intended it to go." (S. Doc. 178, pp. 1, 2.)

Dr. Bean's report shows the following:

"Meat packers ordinarily charge around 60 cents for processing 100 pounds of live hogs weighing about 200 pounds, and in addition get certain returns for byproducts and gains or losses from curing operations. This 60-cent margin represents the operating and profit margin between the Chicago price of 100 pounds of live hogs and the wholesale value of all edible fresh hog products. The processing tax of $2.25 per hundred pounds is thus nearly four times the usual operating and profit margin. * * * This fact alone is sufficient to indicate how hollow and ridiculous is the argument of processors that they paid the tax out of their own pockets.

"Hog margins during the first half of 1931, 1932, and 1933 were respectively 68, 63, and 56 cents per hundred pounds. During the first half of 1934, when the processing tax averaged $1.93 per hundred pounds, the gross margin was lifted to $2.52. During the first half of 1935, when the tax was $2.25, the gross margin was raised to $2.91; and for January 1936, when the tax was not in effect, the gross margin was almost immediately reduced to its former amount." (S. Doc. 178, pp. 5, 6.)

Thus it clearly appears that the processors did not pay the tax.

STUDY MADE BY THE BUREAU OF AGRICULTURAL ECONOMICS

A most significant document was on May 10, 1937, transmitted by Dr. A. G. Black, Chief of the Bureau of Agricultural Economics, to the Bureau of Internal Revenue of the United States Treasury Department and was subsequently published under the title "An Analysis of the Effects of the Processing Taxes Levied Under the Agricultural Adjustment Act." This is the document which Dr. Geoffrey Shepherd says is "the most authoritative analysis yet published." This work fully proves (1) that the processors did not pay the tax; (2) that the distributors did not pay the tax; (3) that the consumers did not pay the tax; but (4) that the producers did pay the tax. The introduction sets forth certain general summary and conclusions from which it may be well to quote as follows:

"Since the total amount paid for hog products by consumers apparently was no greater with the tax than it would have been if the tax had not been in effect, and since the processors and distributors did not absorb any appreciable proportion of the tax, it follows that the prices received by producers for hogs were lower by the amount of the tax than they would have been if the tax had not been in effect." (An Analysis, supra, pp. 6, 7.)

The hog producers did pay the tax:

"It follows that live-hog prices were lower by about the amount of the processing tax than they would have been if no tax had been imposed but all other conditions had been the same. * * *

"The evidence presented in the foregoing analysis indicates that the direct effect of the hog-processing tax was to cause prices received by hog producers to be lower than they otherwise would have been by approximately the amount of the tax. The evidence indicates, moreover, that processors of hogs and distributors and consumers of hog products were not materially affected by the tax." (An Analysis, supra, pp. 18–20.)

CONCLUSION

In the studies made by economists of the incidence of the hog-processing tax they carefully exclude, and rightly so, two more or less related matters. First, they exclude the matter of the aggregate income of the corn-hog contract signers derived from the sale of live hogs at the lowered market price plus benefit payments received in consideration of production control. These two forms of income were, in theory, derived from two separate and distinct sources. Furthermore, only a comparatively few hog producers were corn-hog contract signers.

In the second place, the economists exclude the matter of the increase of price of hog products which resulted not from the imposition of the processing tax but from reduced production of hogs and increased purchasing power of the public during "recovery" days.

What effect did the receipt of benefit payments have on the economic condition of farmers who bore the burden of the processing tax on hogs? That question is discussed in An Analysis, supra, at page 18, as follows:

"Although it is reasonably clear that the incidence of the processing tax was almost entirely upon hog producers, funds derived largely from the tax were used to make benefit payments to producers for adjusting hog production and corn acreage. Thus the total income of hog producers as a group (income from sales of hogs, plus benefit payments) was approximately the same as it would have been, under the prevailing conditions of supply and demand, if the tax had not been imposed. It should be borne in mind, however, that the supply was substantially modified by the control program, a factor which affected the producer aside from the effects of the tax itself."

Furthermore, only a comparatively few of all hog producers were contract signers. In 1934 and 1935 there were approximately 3,971,122 hog-producing farms in the United States (United States Census, 1935). In 1934 there were 1,155,294 corn-hog contracts "accepted for audit," and in 1935 the number dropped to 989,477 (Agricultural Adjustment, 1933 to 1935, pp. 168–174). It frequently happened that two or more contracts were signed up per farm, covering both landlord and tenants. In 1935 the total number of farms under contract was about 691,942; that is, 17.4 percent of all hog-producing farms. Consequently, 82.6 percent of the hog-producing farms in the United States did not participate in the A. A. A. corn-hog program.

On the other hand, about 85 percent of the hog production marketed for slaughter came from 10 States in the Corn Belt. These States were Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. In these 10 States there were, in 1935, approximately 1,342,477 hog-producing farms. In the same year there were 753,421 corn-hog contracts "accepted for audit" from those States. That is, 40.5 percent of the hog-producing farms in the Corn Belt did participate in the corn-hog program, while 59.5 percent, representing 798,042 farmers, did not participate and did not receive benefit payments.

The unjust imposition of the processing tax upon all hog producers, upon noncontract signers as well as upon contract signers, appears clearly to have been doubly unjust as to the noncontract signers, since "* * * the cash farm income from hogs, including benefit payments in the years 1933, 1934, and 1935, when the tax was in effect, was no greater than it would have been without the tax, assuming that supply and demand conditions would have been the same as they actually were." (An Analysis, supra, p. 19.)

Wholly aside from the question whether or not the processing tax was valid or invalid, the Congress of the United States is under heavy moral obligation to provide for the hog producers legal procedure whereby they may file claims and recover restitution from

the Government of the money unjustly exacted from them under the guise of a processing tax which was intended to help rather than to harm the farmers. This harm to the farmers might have been avoided if the Congress had employed its interstate commerce powers to regulate the minimum price which producers should receive and which processors should pay. There can be no doubt that the Congress, in enacting the A. A. A. and in putting processing taxes into effect, honestly intended that the tax should be passed on to the consumer. It can hardly be supposed that the Congress deliberately intended to place this added burden upon the backs of farmers already grievously distressed. That would, indeed, have been a grim joke on the farmers.

But that is just what has happened. Without intending so to do, the Congress has taken money out of the pockets of the farmers whom it was trying to assist. There has been a gross miscarriage of justice. The purpose of the Congress was perverted not so much by what the Supreme Court has had to say about processing taxes as by the inevitable operation of natural economic law.

It has been well said that for every wrong there is a remedy. The Congress of the United States is the only power that can right this wrong that it has inadvertently wrought upon our farmers.

The Clerk resumed reading of the bill, H. R. 7085, as follows:

SEC. 7. Any person who has engaged in the practice of barbering in the District of Columbia for 1 year immediately preceding the date of enactment of this act shall be granted a certificate as a registered barber without practical examination by making application, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath, and paying the required fee within 90 days of enactment of this act; failing to do so, he must take an examination according to the law; and any other person engaged in the practice of barbering in the District of Columbia on the date of enactment of this act shall be granted a certificate as a registered barber apprentice without examination by making application and paying the required fee, and the time spent engaged in the practice of barbering shall be credited to him as a part of the time required to be spent as a registered barber apprentice for the purpose of qualifying as a registered barber, but must be accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

SEC. 8. The certificate of a registered barber or a registered barber apprentice shall be displayed in a conspicuous place near the work chair of the holder when he is engaged in the practice of barbering.

SEC. 9. Certificates issued by the Board shall be renewed annually upon application to the Board by the holder of the certificate. The Board shall renew or restore certificates which have expired upon application and payment of the required fee, accompanied by a health certificate annually, showing that applicant is free from contagious and infectious diseases.

SEC. 10. The Board may refuse to issue, renew, restore, or may revoke a certificate for habitual drunkenness or habitual addiction to the use of morphine, cocaine, or any other habit-forming drug, or for the violation of any of the provisions of this act, but such action may be taken by the Board only after notice, and an opportunity for a full hearing is given to the person affected thereby.

An appeal may be taken from any action of the Board to the District Court of the United States for the District of Columbia. The judgment of such court shall be final, subject to review by the United States Court of Appeals for the District of Columbia.

SEC. 11. All fees and charges payable under the provisions of this act shall be paid to the secretary-treasurer of the Board. The Board is hereby authorized to refund any license fee or tax, or portion thereof, erroneously paid or collected under this act.

(a) For the examination of an applicant for a certificate as a registered barber, $5.

(b) For the issuance or renewal of such certificate, $5.

(c) For the restoration of an expired certificate as a registered barber, $5.

(d) For the examination of an applicant for a certificate as a registered barber apprentice, $5.

(e) For the issuance or renewal of such certificate, $5.

(f) For the restoration of an expired certificate as a registered barber apprentice, $5.

(g) Fifty dollars for barber school or college, and $25 annual renewal fee.

SEC. 12. The Commissioners are authorized and directed to provide suitable quarters for examinations and equipment to the Board and for the compensation of the members of the Board at the rate of $9 per day for the time actually and necessarily spent in their duties as such members and for the payment of expenses necessarily incurred by the Board in carrying out the provisions of this act and are also authorized and directed to appoint a clerk and three inspectors at such salary as the Commissioners may authorize to assist the Board in carrying out the provisions of this act; said inspectors shall be qualified barbers, each of whom shall have been engaged in the practice of barbering in the District of Columbia for a period of 5 years immediately prior to their appointment, and shall be appointed after a competitive examination held for said positions by the health officer of the District of Columbia: *Provided*, That payments under this section shall not exceed the amount received from the fees provided for in this act; and if at the close of each fiscal year any funds unexpended in excess of the sum of $1,000 shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That no expense incurred under this act shall be a charge against the funds of the United States or the District of Columbia.

BARBER SCHOOL OR COLLEGE REQUIREMENTS

SEC. 13. No barber school or college shall be granted a certificate of registration unless it shall attach to its staff, as a consultant, a person licensed by the District of Columbia to practice medicine, and employ and maintain a sufficient number of competent barber instructors registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum, shall keep a daily record of the attendance of each student, shall maintain regular class and instruction hours, shall establish grades and hold examinations before issuance of diplomas, and shall require a school term of training of not less than 1,000 hours within a period of not more than 8 hours a working day, 2 years as apprentice for a complete course of barbering, comprising all or a majority of the practices of cosmetology, as provided by this act, and to include sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof. In no case shall there be less than 1 registered barber instructor to every 10 students. All barber school instructors must be qualified registered barbers, excepting licensed physicians.

SEC. 14. (a) It shall be unlawful—

(1) To engage in the practice of barbering in the District of Columbia without a valid certificate as a registered barber, except that a registered barber apprentice may engage in the practice of barbering under the immediate personal supervision of a registered barber.

(2) To engage in the practice of barbering while knowingly afflicted with an infectious or communicable disease.

(3) To employ any person to engage in the practice of barbering except registered barbers and apprentices.

(4) To operate a barber shop unless it is at all times under the personal supervision of a registered barber.

(5) To obtain or attempt to obtain a certificate from the Board for money other than the required fee, or for any other thing of value, or by fraudulent misrepresentations. Certificates are not transferable to another person.

(6) That hereafter in the District of Columbia it shall be unlawful for a person to maintain 7 days consecutively any establishment wherein the occupation or trade of barbering, hair dressing, or beauty culture is pursued. All such establishments shall be required to remain closed 1 day in every 7 beginning at midnight or at sunset and no person shall maintain his establishment open to serve the public on the day he has selected it to be closed and has so registered the closing day at the Health Department.

(7) To own, manage, operate, or control any barber school or college, part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering, as hereinbefore defined, is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work therein is done by students exclusively.

(b) Any person violating any of the provisions of this act shall upon conviction be fined not less than $25.

SEC. 15. This act shall take effect 90 days after the date of its enactment.

EXEMPTIONS

SEC. 16. The provisions of this act shall not be construed to apply to—

(a) Persons authorized by law of the District of Columbia to practice medicine and surgery, osteopathy, or chiropractic, or persons holding a drugless-practitioner certificate under the law of the District of Columbia;

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;

(c) Registered nurses;

(d) Persons employed in beauty parlors; however, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard, or cut the hair of any person for cosmetic purposes, except that person included in the subdivision (d) hereof shall be allowed to cut the hair; or

(e) Undertakers and embalmers.

CONSTITUTIONALITY

SEC. 17. Each section, subsection, sentence, clause, and phrase of this act is declared to be an independent section, subsection, sentence, clause, and phrase; and the finding or holding of any section, subsection, sentence, phrase, or clause to be unconstitutional, void, or ineffective for any cause shall not affect any other section, subsection, sentence, or part thereof.

REPEAL OF OTHER LAWS

SEC. 18. The act of Congress of December 19, 1932, and all laws or portions of laws inconsistent with this act are hereby repealed.

SEC. 19. The purpose of this act shall be to prevent the spreading of diseases and promote the general health of the public by promoting sanitary conditions in barber shops and barber schools or colleges in the practice of barbering.

Mr. PALMISANO (interrupting the reading of the bill). Mr. Speaker, I ask unanimous consent that the further reading of the bill may be dispensed with.

Mr. O'MALLEY. Reserving the right to object, Mr. Speaker, for the purpose of making a parliamentary inquiry, I desire to make a point of order against two sections which the Clerk has not yet reached in the reading of the bill. If the further reading of the bill were dispensed with, would I still have an opportunity to make a point of order against such sections?

The SPEAKER. The Chair is of the opinion that if the further reading of the bill were dispensed with the gentleman could make a point of order against those two sections, and the Chair would recognize the gentleman for that purpose.

Mr. O'MALLEY. Then, Mr. Speaker, I will not object.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. O'MALLEY. Mr. Speaker, I make the point of order that sections 11 and 12 provide for an appropriation which the Committee on the District of Columbia, as a legislative committee, is not authorized to do. Section 11 sets up a schedule of fees and section 12 appropriates such fees to the use of the Commissioners, stating that any sums unexpended in excess of a thousand dollars shall revert to the Treasury.

Mr. PALMISANO. Mr. Speaker, this is not an appropriation. This bill simply sets up a board and the board is permitted to collect fees for a particular purpose in connection with the trade covered by this bill. As I understand, the Government has no control over these funds, except that if there is a surplus after the expenses are paid the Government receives the benefit of such surplus. However, as far as an appropriation out of the Federal Treasury is concerned, the Government appropriates not one cent.

The SPEAKER. The Chair may state to the gentleman from Wisconsin the Chair has been unable to find in the section to which the gentleman makes the point of order any direct appropriation of funds out of the Public Treasury. The bill does provide a schedule of fees to be charged the barbers covered by the bill and the manner in which the fees may be used. However, a rather careful reading of the section by the Chair does not disclose there is an appropriation out of the Treasury for any purpose.

Mr. O'MALLEY. Mr. Speaker, the same question occurred in connection with the park-o-meter legislation last year. Section 11 of this bill provides that fees for licenses shall be paid to the Board the bill creates. Section 12 states the Commissioners are authorized and directed to provide suitable quarters and also provide the compensation of the members of the Board at the rate of $9 a day. Section 12 further states that payments under this section shall not exceed the amount received from the fees provided for in this act, and that at the close of each fiscal year any funds unexpended in excess of the sum of $1,000 shall be paid into the Treasury of the United States.

I make the point of order, Mr. Speaker, that the fees to be charged under this bill go to the Commissioners and not to the Treasury, and, therefore, the bill makes an appropriation and provides the manner in which the Commissioners shall expend such sums, yet this does not cover a direct appropriation, and the bill does not come from the Committee on Appropriations.

The SPEAKER. The Chair is ready to rule on the point of order raised by the gentleman from Wisconsin.

The gentleman from Wisconsin makes the point of order against section 12 of the bill that under the terms of the section there is an appropriation of funds out of the Public Treasury.

If, in the opinion of the Chair, the language of the section sustained that position, clearly the point of order of the gentleman from Wisconsin would be good. However, the Chair calls attention to the fact it is stated in a precedent which will be found in the CONGRESSIONAL RECORD, Sixty-seventh Congress, first session, page 3388:

> The term "appropriation" in the rule means the payment of funds from the Treasury.

As far as the Chair is able to read the language of section 12, it provides only the payment of funds into the Treasury under certain contingencies, and does not provide for the payment of funds out of the Treasury.

For the reasons stated, the Chair overrules the point of order made by the gentleman from Wisconsin.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. PALMISANO, a motion to reconsider the vote by which the bill was passed, was laid on the table.

INSPECTION OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland that the bill may be considered in the House as in Committee of the Whole?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That at the time of the registration of each motor vehicle there shall be levied and collected a fee known as the "inspection fee" of $1 for the calendar year 1938 for each motor vehicle registered in the District of Columbia, including electrics, and that during 1939 and each year thereafter inspection fee thus levied shall be 50 cents on each vehicle.

SEC. 2. The inspection fee shall be paid to the collector of taxes and shall be deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia.

SEC. 3. The annual estimates of appropriations for the government of the District of Columbia for the fiscal year 1938 and succeeding fiscal years shall include estimates of appropriations for the construction and/or rental and/or leasing of ground and buildings, the purchase of equipment and supplies, and the payment of salaries of mechanics, laborers, clerks, and other employees to carry out the semiannual inspection of all motor vehicles in the District of Columbia.

SEC. 4. All motor vehicles owned and officially used by the Government of the United States or by the government of the District of Columbia or by the representatives of foreign governments, shall be subject to semiannual inspection, such inspections to be furnished without charge.

SEC. 5. The Commissioners of the District of Columbia or their designated agent may refuse to register any motor vehicle or trailer which has not been inspected as required, or which is unsafe or improperly equipped, or otherwise unfit to be operated, and for like reason they may revoke or suspend any registration already made: *Provided*, That the provisions of section 13 (e) of the Traffic Acts, District of Columbia, shall be applicable in all cases where registration is refused, revoked, or suspended under the terms of this act.

SEC. 6. Any individual, partnership, firm, or corporation found guilty of using or permitting the use of any unregistered motor vehicle or trailer, or who is found guilty of using or permitting the use of the same during the period for which any such vehicle's registration is revoked or suspended under the terms of this act shall, for each such offense, be fined not more than $300.

SEC. 7. The Commissioners of the District of Columbia shall make such regulations as in their judgment are necessary for the administration of this act, and may affix thereto such reasonable fines and penalties as in their judgment are necessary to enforce such regulations.

Mr. DIRKSEN. Mr. Speaker, I offer two amendments relating to the subject matter of the bill and ask unanimous consent that the amendments may be considered together.

The SPEAKER. The Clerk will report the amendments offered by the gentleman from Illinois.

The Clerk read as follows:

Amendments offered by Mr. DIRKSEN: On page 2, line 7, strike out "semi-", and on page 2, line 13, strike out the word "semiannual" and insert instead the word "annual."

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the amendments be considered en bloc?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PALMISANO, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "An act to provide for the annual inspection of all motor vehicles in the District of Columbia."

OWNERSHIP OF FEDERAL RESERVE BANKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HEARINGS ON H. R. 7230, PROVIDING FOR GOVERNMENT OWNERSHIP OF THE 12 FEDERAL RESERVE BANKS, AND FOR OTHER PURPOSES

Mr. PATMAN. Mr. Speaker, the bill H. R. 7230, which was introduced at the first session of this, the Seventy-fifth Congress, has the support of more than 160 Democratic Members of the House of Representatives, and I believe all the Progressive Members of the House, and a large number of the Republican Members.

The chairman of the Committee on Banking and Currency, the Honorable HENRY B. STEAGALL, has promised us a hearing on this bill. The Committee on Banking and Currency will meet next Monday, January 31, and continue to meet from day to day until the hearings on the Goldsborough bill are concluded. Hearings on this bill commenced July 8, 1937. Immediately after hearings on this bill are finished, our bill, the chairman advised me, will be given next consideration, and that full and complete hearings will be permitted.

This bill, H. R. 7230, provides for Government ownership of the 12 Federal Reserve banks; to prevent injurious expansion and contraction of credit and currency; to stabilize and maintain a dollar of uniform purchasing power; to permit all banks, the deposits of which are insured by the Federal Deposit Insurance Corporation, to receive all rights and privileges from the Federal Reserve System, but not compelling banks that are not members to join, but permitting those that desire to join to do so, and to withdraw at will; and to encourage the sound local bank, recognizing the contribution that the local bank makes to the social and financial betterment of the local community.

AMENDMENTS TO BE CONSIDERED

When this bill is considered by the committee I expect to ask the committee to consider certain amendments that should be given consideration in connection with this proposal. They are as follows:

First. That the Federal Reserve Board be charged with the duty of adjusting the purchasing power of the dollar by the necessary monetary policies and measures to attain within the next 12 months the 1926 price level of wholesale commodities, including farm products. This proposal is embodied in Resolution 397, introduced by me January 7, 1938, and which is now pending before the Banking and Currency Committee.

Second. That after 2 years from the date of enactment of the act it shall be unlawful for any corporation to hold in its own right any of the deferred stock, common stock, or other stock of any bank, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act. It is possible that the 2-year period should be extended in order to prevent the possibility of deflation through liquidation of the holding companies. (This proposal is now embodied in H. R. 8890, introduced by me January 10, 1938, and is now pending before the Banking and Currency Committee.)

Third. That all insured banks operating branches shall be required to publish a statement of resources and liabilities at each place where the branch bank is operated, which shall include a separate exhibit setting forth the book value of loans and discounts made by and payable at such branch, and the book value of such branch banking house, if owned by the bank, and the value of other real-estate holdings and the total of all demand and time deposits, both public and private, carried on the books of such branch. I believe that we should exempt a bank that has branches only in the county in which it operates from this provision. (This proposal is embodied in H. R. 8891, introduced by me January 10, 1938, and is now pending before the Committee on Banking and Currency.)

NO BANKERS TO BE ON OPEN-MARKET COMMITTEE

If our bill, H. R. 7230, becomes a law, the open-market committee, which is the most powerful monetary policy-making body in the world today, will be composed solely of officials of the United States Government, who will be charged with the duty of conducting the monetary policies in a way that all the people of this Nation will be benefited, and no one will be on the board who can serve his own selfish interest, or the selfish interest of any corporation.

The Board is now composed of seven members of the Federal Reserve Board and five members who are interested in the largest banks in this Nation. It will be recalled that 24 large banks own 30.88 percent of the resources owned by all the 16,000 banks in this Nation. It is not right that these bankers occupy such positions of power and influence in our Government—positions that will enable them to cause the monetary affairs of this Government to be conducted in a way that their banks will be protected. It would be just as reasonable for us to have an Interstate Commerce Commission composed largely of railroad owners to fix the freight rates that the people must pay, or to have the Federal Communications Commission composed of owners of the broadcasting companies, or to have the Federal Trade Commission composed of the biggest businessmen in the country.

Further, if this bill becomes a law, the directors and officers of each of the 12 regional banks will be composed solely of officials of the Government under oath to protect the people's interest, and not have one banker on the Board. This should be done for the reasons I have heretofore given.

CONTENDED BANKERS KNOW MORE ABOUT MONEY

It is contended that bankers know more about money and therefore should control the monetary policies of the Government. It is true, however, that they naturally weigh these questions from the standpoint of their own interest in view of the fact that they are indebted to their own stockholders, their own depositors, their own associates, and are not under oath or obligation of any kind to promote the general welfare in anyway. They feel obligated to their own interests as people normally feel under such circumstances and conditions. Although bankers possess much knowledge on monetary affairs, they do not have a monopoly on such knowledge; many of them are very ignorant on the subject and take pride in parrying off all questions about money with the parrot phrase "money is a mystery." Money is no more of a mystery than transportation or distribution, or any other function that is important in our economic system.

ENCOURAGE LOCAL BANK

We must encourage the locally owned bank as against the absentee-owned bank. Banking is a business that local people can engage in and successfully conduct, and this privilege should be preserved to them. If something is not done in the near future, this great privilege of banking and the use of the Government's credit will be almost wholly owned and controlled by a few of the so-called wise men from the East.

We must not permit this to happen. The way to avoid it is for the Government to own the Federal Reserve Banking System, the 12 Federal Reserve banks, and permit this great System to serve all banks, the 16,000 instead of only 7,000 that they are serving today. A monopoly of credit is more dangerous than any other kind of monopoly. Our bill, if passed, will have a tendency to destroy this monopoly of credit.

WILL PRESERVE DUAL-BANKING SYSTEM

In conclusion I desire to make it plain that this bill is no threat to the dual banking system. Instead of harming the dual banking system it will help to preserve it, as the State banks will be privileged to join and withdraw from the Government-owned System at will. This proposal is not intended to enforce a unified banking system under the control of a Federal agency and is not intended to serve as a possible entering wedge into the field of Government ownership of the entire banking system.

PRESENT ADMINISTRATION COMMENDED

During the year 1932, 1,456 banks were suspended; in 1931 there were 2,294 bank suspensions; in 1930 there were 1,352. President Roosevelt first took the oath of office March 4, 1933. Immediately, under his leadership, bills were proposed and laws were passed having for their purpose the protection of the banks and their depositors. Recently our very able and distinguished Comptroller of the Currency, Mr. J. F. T. O'Connor, tendered his resignation to the President. In the correspondence between Mr. O'Connor and the President the information is disclosed that from the time President Roosevelt took the oath of office until October 31, 1933, there were only three national bank failures; only one such failure for the year ending October 31, 1934; four such failures during the year ending October 31, 1935; no failure of a national bank during the year ending October 31, 1936; and only four for the year ending October 31, 1937. A copy of a letter from Mr. O'Connor to the President and a copy of a letter from the President to Mr. O'Connor are as follows:

THE COMPTROLLER OF THE CURRENCY,
Washington, January 14, 1938.

MY DEAR MR. PRESIDENT: I desire to relinquish the office of Comptroller of the Currency, to which you appointed me in May 1933, and to return to my home in California to take care of pressing matters there.

The banking crisis confronted you immediately upon assuming office. Not in the entire history of the Nation had the country witnessed such a complete disruption of our financial system. With all the banks closed, your voice went into every home in America and replaced fear with confidence. You recommended a banking bill to Congress which was passed unanimously by both Houses giving wide powers to the Secretary of the Treasury, and to the Comptroller of the Currency.

Upon my taking office you outlined several main objectives: First, immediate distribution to depositors in the closed national banks of all possible dividends; second, the strengthening of the capital structures of national banks to insure greater safety to depositors. When you received the approximate valuation of the assets in closed National and State banks you authorized the Government to loan a billion dollars to relieve distressed depositors, and a pledge of the assets of these closed banks as security for the loan. This placed a burden upon the Secretary of the Treasury to secure this money, upon the Reconstruction Finance Corporation to loan it, and upon the Comptroller of the Currency to disburse that part loaned to national banks.

Of the billion dollars loaned, depositors of closed national banks received almost $400,000,000, which, together with cash on hand and the proceeds of securities and other assets liquidated, has enabled the distribution by this office to depositors since the banking holiday of $893,476,548. Of the amount borrowed from the Reconstruction Finance Corporation all except approximately $7,000,000 has been repaid. It is impossible to estimate in any degree the benefits of this policy to a distressed nation. Computing the difference in the rate of interest between what the Government paid and charged, the Government will make a profit of approximately $10,000,000.

With reference to your second objective, namely, the strengthening of the capital structures of our National and State banks, you will recall that upon the recommendation of the Secretary of the Treasury, you approved the purchase of preferred stock in the national banks of approximately $500,000,000. This not only made the banks liquid but relieved the banks of the necessity of pressing debtors, and gave greater security to depositors. The national banks have repaid $220,000,000 and in my judgment there will be a handsome profit to the Government in this transaction.

Your great interest in the depositors of all banks and your desire to avoid a repetition of the tragedy of 1932 and 1933 is again evidenced in your support of Federal deposit insurance. I recall our conversations when the bill was under consideration in Congress, and particularly the conference in your office of leaders of both Houses when you requested their cooperation in passing the bill. Seldom has there been such united opposition as there was against the insurance feature of the Bank Act of 1933.

Immediately after the passage of the act you wrote a personal letter to the Governor of each State suggesting that it might be necessary in some instances for legislative action to take advantage of the benefits of the bill. It was no small task to lay the foundation and set in motion the machinery which would examine some 9,000 State banks which theretofore had never been under the jurisdiction of the Federal Government. Step by step as the details were worked out you suggested changes and approved the plans in general, and when the two other members of the Board were appointed by you in September 1933 the organization was instantly completed, the plans officially approved, and deposit insurance was assured of success.

Only the extraordinary and new duties and work of this Bureau have been mentioned. The regular work has been omitted. As a result of the policies which you outlined and which have been carried out during the past nearly 5 years, the following conclusions are of interest:

First. The highest total deposit figure ever reached in the national banking system has been reached during your administration.

Second. Fewer national banks have closed than in any administration over the same period of time. Beginning with the close of the banking holiday to—

October 31, 1933, failures numbered 3.
For the year ended October 31, 1934, failures numbered 1.
For the year ended October 31, 1935, failures numbered 4.
For the year ended October 31, 1936, failures numbered 0.
For the year ended October 31, 1937, failures numbered 4.

October 31 of each year is used, as that date represents the close of the fiscal year of the Comptroller's Office. In the nine national banks which failed in the years 1934 to 1937, inclusive, 98.7 percent of the depositors were fully protected by Federal deposit insurance.

In conclusion, permit me to say that the banking structure of the Nation was never on a more solid basis than it is today. Our banks have ample funds either on hand or temporarily held under Federal Reserve requirements to meet any and every legitimate demand of business. The results which have been obtained could not have been accomplished without the most cordial cooperation and sympathetic understanding on the part of both of your Secretaries of the Treasury—Mr. Woodin, who served during the banking crisis, and Mr. Morgenthau, who has served during the reconstruction period. These fine public servants are due a debt of gratitude for their earnest and intelligent support of this Bureau in the many involved problems which have confronted it.

It has been a great honor to have served you during this period. Your kindness to me is a memory which I shall cherish in the years to come. With deep gratitude, I am,

Very cordially yours,

J. F. T. O'CONNOR, *Comptroller.*

HON. FRANKLIN D. ROOSEVELT,
President of the United States,
The White House, Washington, D. C.

J. F. T. O'CONNOR, *Comptroller.*
Washington, January 19, 1938.

MY DEAR JEFTY: Your letter of January 14 requesting me to relieve you of your duties as Comptroller of the Currency of the United States is on my desk.

I must regretfully accede to your request; but, in view of the fact that there remains important unfinished work in connection with the payment of dividends to depositors in closed national banks requiring at least your part-time attention, I shall ask you to withhold your resignation until April 1. In my opinion this course of action will enable you to take care of pressing matters in your home State of California and yet gives you an opportunity to return here as often as necessity requires during the interim.

The review in your letter of the work accomplished since I asked you shortly after the inauguration in 1933 to leave your law practice and come to Washington as Comptroller of the Currency is ample evidence of a job well done. The Nation, as well as you and I, remembers those first days in 1933, but much of their stress and strain has been forgotten, and it is my firm belief a strong contributing cause for forgetting has been the achievement of the objectives outlined in your letter. The strengthening of the capital structure of our banking system is attested by the few failures of national banks in the last 5 years, a record, as you have pointed out, surpassing that of any previous administration.

This record would be a satisfactory achievement for the lifetime of most people, but I know that the same faithful and intelligent service which you have rendered the Nation as Comptroller of the Currency will be cheerfully and successively given to whatever task you may assume.

Although your return to California will bring to an end our pleasant conferences of the past years, I am sure that our friendship is to continue even stronger in the years ahead.

Cordially yours,

(Signed) FRANKLIN D. ROOSEVELT.

HON. J. F. T. O'CONNOR,
Comptroller of the Currency,
Treasury Building, Washington, D. C.

Mr. PATMAN asked and was given permission to extend his own remarks and include therein a letter from the Comptroller of the Currency, Mr. O'Connor, to the President and the President's reply thereto.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. WOODRUFF] is entitled to recognition for 15 minutes.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that I may proceed for 15 minutes tomorrow, after the legislative program has been disposed of, instead of today.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain correspondence written by me on the present business and financial condition of the country.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Michigan [Mr. WOODRUFF] on tomorrow, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FLAHERTY, indefinitely, on account of death in family.

ECONOMY

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker, I did not intend imposing myself on the House again at this particular time, but there is a very intelligent- and agreeable-looking audience present, and as we are about to run out of someone to exhort and regale the Members of it for a little bit, I ask your indulgence while I speak on the usual subject of economy.

Mr. O'CONNELL of Rhode Island. What is that?

Mr. WOODRUM. The gentleman from Rhode Island asks me what that is, and he has asked a very timely question. The other day in one of our committee hearings one of our colleagues was asked whether he believed in the merit system, or civil service. He said yes; I believe in it in theory, but not in practice. I think we believe in economy in government in theory, but not in practice, especially if in putting it into practice it happens to come a little close home. When the party to which I belong, and of which I am proud because of its achievements, came into power in 1932 our platform makers in a moment of enthusiasm and extreme optimism promised the people of America that we would reduce the Government expenses 25 percent. As a party we have been taken on the carpet for that many times. Of course, no party could have reduced Government expenses 25 percent without wrecking the country.

In the first place, conditions arose that could not have been foreseen at that time, and to reduce expenses 25 percent was an impossibility. Regularly since then you and I, my colleagues on this side of the aisle, and our great leader, have promised again and again to try to reduce Government expenses and get the Budget in balance. And just as regularly we come back with increased Government expenses and a continuing deficit. The President tells us that the deficit will be something like $900,000,000 in 1939. I know that he hopes it will not be any more than that, but I equally know that it will be over a billion dollars, and so do you. Why? Because we will continue to do in the future as we have so far in this session, increase Government expenses at every step of the road. Where are we going to quit? Are we of the opinion of several of my colleagues on this side of the aisle? The other day when we were increasing Budget estimates one of them, a distinguished, fine gentleman whom I respect, but with whose philosophy I do not agree, said to me:

> I propose to vote for an increase of every expenditure that I can, and to put the Budget and the public debt in as bad shape as I can, in order to enforce inflation in this country, because that is what we should have.

Do we share that philosophy? Do we really mean what we say when we go home and speak to our constituents about it and promise them to try to do that thing? Let us follow it through for just a moment. Too often when one speaks of trying to balance the Federal Budget we are looked upon as trying to bring about some device that will in some way inure to the benefit of the so-called big taxpayer; we are accused of trying to shield him and help him and prevent the tax collector from knocking on his door and collecting taxes from him.

Too often some feel that if we can have increased spending, just dish it out, projects here and projects there, it is not costing our constituents anything, because it is coming out of the Federal Treasury, and it is helping the workingman. Let us examine that for a moment. We are told that we are having a business recession. I do not care what you call it, but something is happening. Many economists tell us that there is really no great basic reason for it; that, on the other hand, there is every reason why the gradual, healthy advance and expansion of business and industry should have continued on through the fall and this winter, but something happened. As a result of the thing that happened—whatever you choose to call it—relief demands have increased, factories have shut down, added millions have gone into the army of unemployed, all because of this thing that has happened to us. I want to advance this theory to you—and I do not pose as an economist, but I do it as a practical observation. I speak to you, my colleagues, who are so much interested in the workingman, in the laboring man, in seeing him get a job, in seeing him retain his job, in seeing him have the security of regular employment; and I say that there is no one thing that the Congress could do that would make that dream true so quickly and so fast as to make some deliberate, positive, earnest, emphatic gesture toward trying to bring about a balanced Federal Budget.

Mr. TAYLOR of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. TAYLOR of South Carolina. The gentleman is making an enlightened speech and I am in accord with him. I ask the gentleman if he does not think that the outstanding way to impress on the country what is taking place, and the remedy for relief is to put part of the responsibility for relief back on the local communities.

Mr. WOODRUM. Undoubtedly the gentleman is correct.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the distinguished gentleman from Kentucky.

Mr. MAY. I think the gentleman will agree with me that taxes are always an item to be included in the cost of production?

Mr. WOODRUM. Of course.

Mr. MAY. And that all taxes or most of the taxes, at least a large percentage of the recent corporate-surplus tax paid, is going into the cost of production of business this year, and the consumer pays it.

Mr. WOODRUM. Right. Now, let us follow that thought for a moment. When a man rises in the Well of the House and talks about balancing the Federal Budget or trying to cut expenses, immediately gentlemen who are interested, for instance, in Federal employees, will be on their guard. They will read into his efforts some design or some hidden motive to do something that will hurt Federal employees and their salaries. Usually the net result of it is that instead of cutting expenses they raise the salaries of Federal employees.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. KENNEY. I know where we can get a billion dollars without taxation. [Laughter.]

Mr. WOODRUM. I have been expecting to hear my friend from New Jersey make his famous speech on the method he has to raise money and balance the Budget, and, gentlemen, I am almost coming to the point where I will embrace anything or anybody who will do that. [Applause and laughter.]

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the distinguished gentleman from Missouri.

Mr. COCHRAN. The gentleman from South Carolina [Mr. TAYLOR] by his question would leave the inference that

the local communities are not doing much with the relief problem, or that the Government is assuming the entire burden. The gentleman from Virginia knows that is far from being true. For instance, in my own State we first had a 1-cent sales tax. Now we have a 2-cent sales tax. That money is all to go for the social-security program. We put a 10-cent tax on a free city bridge in St. Louis for the purpose of securing money to aid the local relief organization. I do not think anyone who is fully informed can contend the local communities are not doing their share, and some of them, including my own city of St. Louis, are quite badly pinched as a result of the aid being extended to the unfortunate. Of course, we are going to continue to help. It is the duty of the community to help, but they cannot assume the entire burden as it is too great.

The SPEAKER pro tempore (Mr. GINGERY). The time of the gentleman from Virginia has expired.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to proceed for 15 additional minutes. We seem to have plenty of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. GIFFORD. Mr. Speaker, reserving the right to object, I would ask the gentleman if he will allow me to ask for 15 minutes following his remarks?

Mr. WOODRUM. I yield to the gentleman from Massachusetts to make his request.

Mr. GIFFORD. I ask unanimous consent that after the gentleman's remarks I may be allowed to proceed for 15 minutes.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield for a moment?

Mr. GIFFORD. I yield.

Mr. O'CONNOR of New York. If the gentleman would permit, I would like to speak for 3 minutes following the gentleman from Virginia [Mr. WOODRUM].

Mr. GIFFORD. The gentleman from New York would like to intervene between the gentleman from Virginia and myself?

Mr. O'CONNOR of New York. Yes.

Mr. GIFFORD. The reason I wanted to follow the gentleman from Virginia is because, being a member of the Committee on Expenditures, I wanted to speak on the same subject.

Mr. O'CONNOR of New York. Mr. Speaker, in view of the gentleman's statement, I shall not press my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TAYLOR of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. TAYLOR of South Carolina. I may state for the benefit of the gentleman from Missouri that in my inquiry of the gentleman who now has the floor I did not have any intention of discrediting anything which was being done by any community over the country. I meant merely to emphasize the fact that regardless of what they are doing, it is nothing in comparison to what they will have to do if we do not balance the Federal Budget or get the Federal house in order.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman from Virginia yield for an observation?

Mr. WOODRUM. I yield.

Mr. O'CONNOR of New York. Mr. Speaker, the gentleman mentioned the matter of relief, a measure in which a number of us are very much interested, especially those of us from the cities.

The House by this time is, no doubt, tired of hearing me talk about the discharge petition and particularly its direction at the Rules Committee. But one of the strangest anomalies has just happened. You will remember that in the cases of the antilynching bill and the Ludlow petition, attempts were made to discharge the Rules Committee from matters with which they had nothing to do. Now, one of my colleagues, the gentleman from New York [Mr. LANZETTA], who is a very close personal friend of mine and for whom I have an abiding affection, is interested in House Joint Resolution 440, pending before the Appropriations Committee, pertaining to relief funds. Mr. LANZETTA has been most diligent in his efforts to procure adequate funds for relief. In that effort I concur and shall do all I can. Just the other day the gentleman from New York [Mr. LANZETTA] filed a rule with the Rules Committee. If the Rules Committee does not act on that rule within 7 days—and it is, of course, most unlikely that the Rules Committee would reach into the Committee on Appropriations, or any other legislative committee, and yank out a bill that the committee in question has not considered or reported—a petition will undoubtedly be filed at the desk to discharge the Rules Committee and bring on the floor this appropriation bill for relief funds.

The Rules Committee will never have the bill before it. It could not consider the bill if it wanted to.

I therefore hope the Members will consider twice before they sign such a petition, because a new element enters into this particular procedure. Most reports from the Committee on Appropriations are privileged matters anyway, with which the Rules Committee has nothing to do. So to file a rule with the Rules Committee to discharge the Appropriations Committee on an appropriation bill is about the last stretch to which this anomalous parliamentary method can be brought.

I merely wanted to make these few remarks to bring this matter to the attention of the Members, so they may consider before they sign this anomalous petition directed against the Rules Committee.

Mr. ALLEN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. ALLEN of Illinois. Little business is dependent on big business, because little business buys goods from big business and little business sells goods to big business. Does the gentleman think we can attack big business without hurting little business?

Mr. WOODRUM. It depends on what the gentleman means by attack on big business. I am not sympathetic, of course, with a wholesale attack on every businessman; but we are told that 4 percent of the so-called big business are the ones that come under the condemnation about which we have heard so much, and that perhaps the other 96 percent are controlled by the 4 percent. So you can follow on into a very complicated field. I do not want to go into the ramifications of that question now. I am interested in helping little business and in helping big business; I am interested in helping all business; and by helping all business we help the unfortunate unemployed; and we shall help all business if we get Federal finances straightened out.

Mr. ALLEN of Illinois. Does not the gentleman believe that when an attack is made on big business it hurts the little businessman, because the little businessman buys from big business and sells to big business?

Mr. WOODRUM. I am not attacking business in any way whatever. I want to help all business. Stabilized business means security for the workingman.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield for a question.

Mr. FISH. The gentleman is always an interesting and entertaining talker and has several good stories about stupefying, argufying, and so forth. Will the gentleman not be specific and tell us wherein we can cut down appropriations so we can balance the Budget?

Mr. WOODRUM. Yes; I will.

Mr. FISH. I thought the gentleman was going to get down to doing that.

Mr. WOODRUM. In the first place, we should certainly cut the appropriations under Budget estimates, which we have not done in the bills so far. The independent offices bill was cut, but some items have been reinstated in the other body. The Treasury-Post Office bill was above Budget

estimates, I think. At least it was above the committee figures. Budget estimates on all bills are $220,000,000 under what the Departments requested. There, of course, you get into the problem of expanded governmental activity. That is the danger—you cannot expand governmental activity on the one hand and cut down expenses; you cannot reduce expenses and still set up new bureaus and new departments.

The President has said that if he can have the power and the authority to do it he can balance the Federal Budget and that he will do so. President Hoover said that if we gave him the power and the authority to reorganize the governmental Departments he would do so in the interest of economy and efficiency.

Congress gave him that power. I voted along with other Members to give him that power. In 1932 we gave the same power to President Roosevelt.

With all deference to my colleagues, and I am one of you and I take my share of all of the blame I put on you, I am of the opinion that Congress will not reduce public expenses for the reason that in late years we have got to the point of measuring the value of a Congressman's service to his constituency by his ability to take back some funds out of the Public Treasury under the misapprehension and under the illusionment you can take money from Washington back to Virginia without Virginians having to pay it back into the Federal Treasury. So far as I am concerned I would rather see my people in Virginia pay the money into the Virginia treasury and spend it in Virginia as it may be needed than take the circuitous route of paying into the Public Treasury, coming up here, getting it, and taking it back again.

With reference to the question of relief, may I say that there is a relief problem that many of the cities and localities cannot cope with themselves. They must have help. On the other hand, there are many localities, many of the States, may I say, that do not need any help at all from the Federal Government. No business concern on the face of the earth would have such a complex organization set up in all the local communities as we have. We were told last year that in one State the relief administrator came to town and inserted his ad in the paper that he was coming there on a certain day and for the people to come into the office. When they did not come in he got mad and lambasted them in the press because, as he said, they did not cooperate with the Federal Government.

A very serious relief problem does exist, perhaps; but I want to hold it down this year, as I wanted to hold it down last year. I think the billion dollars that was appropriated last year could have been stretched a great deal further than it was.

Mr. STARNES. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Alabama.

Mr. STARNES. I understand full well the gentleman's position on economy in government. Last year the gentleman's subcommittee reported a bill carrying $1,000,000,000 for relief. Where did the pressure come from which added a half billion dollars, which made that much more of an unbalanced Budget?

Mr. WOODRUM. It came from everywhere. Of course, I understand that.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. Will the gentleman subscribe to the statement that relief ought to be the last thing in which a cut is made? Why does he start there? Let us assume it is needed.

Mr. WOODRUM. I started there because someone brought up the subject of relief.

The first thing we should do is to view with skepticism any expansion of Federal activities at the present time. You are borrowing the money to do these things. Suppose your wife needed a new fur coat. Would you go out and borrow the money to buy it for her? There are many things we want to do, but every nickel you spend you are borrowing, and every time you borrow a nickel you prejudice and put a stumbling block in the way of these millions of men who are trying to get work and cannot get work, who will not have work and the security of regular employment until business and industry opens up its heart and expands. They will not do it until they have confidence that the Congress is going to leave them alone and that we are back to earth in the matter of public expenditures.

Mr. SHEPPARD. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. SHEPPARD. I would like to ask the gentleman a question. I appreciate the gentleman has an extensive knowledge of appropriations and the reasons for having appropriations granted by the House. What yardstick is used by the Committee on Appropriations with reference to the respective Departments to justify these appropriations? In other words, is it merely the proposition of taking figures presented to the Bureau of the Budget and then sent up here? What yardstick is used to justify the appropriations that we make?

Mr. WOODRUM. It is the best guess we can make.

Mr. SHEPPARD. Is that a real guess and an honest way to balance the Budget?

Mr. WOODRUM. Sometimes it is a bad guess, but it is the best guess we can make with the facilities available. At the time there was a billion-dollar Budget, there were seven and eight committees handling the appropriations for the various Departments and members could spend days and months figuring the thing out. Let us take the independent offices appropriation bill at the present time. There are involved 39 separate and distinct governmental activities carrying appropriations of over a billion and a half dollars. We do the best we can with such scant facilities. If we can get some smart, sophisticated Budget officer in a corner and get something out if him, maybe we can make an intelligent cut here and there. That does not happen often.

Mr. LUCAS. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. LUCAS. Has the gentleman any recommendation to make in order to cure this defect?

Mr. WOODRUM. The gentleman has made recommendations but so far without avail.

Mr. ALLEN of Illinois. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. ALLEN of Illinois. In 1932 the national income was $38,000,000,000, based on 100-cent dollars. In 1936 it was $68,000,000,000, based on 59-cent dollars. Now they talk about a national income of $100,000,000,000. You could have that income by having 39-cent dollars, but would the gentleman be in favor of doing that?

Mr. WOODRUM. I am not in favor of that, of course, as the gentleman knows. I believe the Members of this Congress should do as they promised their constituents they would do. They should try to hold down and cut down public expenditures until business can adjust itself and our financial house gets in order. [Applause.]

I am going to keep on singing that song. I am going to make my record on that proposition, and if I have any influence in the body of which I have the honor to be a humble Member, I shall try to exert it.

Mr. DUNN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. DUNN. We speak about putting people to work, but in almost every business establishment when a man attains the age of 45 years he is not considered. How are we going to take care of this situation?

Mr. WOODRUM. The gentleman has asked me a question I cannot answer. I do not know what you are going to do. One solution of it is the social-security program we have put on the statute books, which is another instance of a demand of over a quarter of a billion dollars annually out of the Public Treasury.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Oregon.

Mr. MOTT. In connection with the matter of relief, does not the gentleman believe it would be an improvement and would make for economy if we should discard our present system and furnish relief to the States and communities which actually need it on a percentage basis, the same as we have done in the matter of Federal aid to highways and Federal aid in connection with old-age pensions?

Mr. WOODRUM. I believe there is quite a good deal of merit in what the gentleman states. I do not subscribe the whole way to his statement that the present system should be discarded. However, I do believe from now on we should put an added responsibility, not only a supervisory but a financial responsibility, upon localities and upon States which can afford to bear it. I know there are many localities in America which, if they had the responsibility of helping to pay the bill out of their own taxpayers' pockets, would take a great many people off the relief rolls who are now on them and who discredit the need of a great many people who really and honestly need help.

Mr. MOTT. Of course, that would make for economy.

Mr. WOODRUM. Of course it would make for economy.

Mr. MOTT. The gentleman will recall that when the last relief appropriation bill was under consideration the Republicans offered a motion to recommit, which had for its object the change of system I have suggested to the gentleman.

Mr. WOODRUM. Yes; I recall it.

Mr. MOTT. However, we received no support from the majority side of the House.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Texas.

Mr. MAVERICK. Since last August there has been an increase in complete unemployment of 3,200,000 persons and in partial unemployment of 3,200,000 persons. We have appropriated sums for the construction of two battleships, and I understand we are going to be asked for funds for three more battleships. Does not the gentleman believe that when we begin to reduce expenditures we must think of the excessive increase in naval appropriations which is desired and also the very large increase in unemployment? What does the gentleman believe we ought to do about the increased unemployment and the desire for increased naval appropriations?

Mr. WOODRUM. I believe the way to help the people in whom the gentleman is interested is not by giving them relief but by letting them build the battleships which we need, because this puts them to work and gives employment to thousands of men, not only the mechanics who build the ships but the men who fabricate the material, and it goes all the way down the line. People are put to work, and it is real, honest employment.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MAVERICK. The gentleman does not really believe that giving employment in building battleships is either a permanent or a good economic cure?

Mr. WOODRUM. I do not believe this is the ideal way to have public improvement, but we are told the battleships are needed. I voted for building the battleships. I am one who believes America should have an adequate defense, and I voted for the construction of the battleships.

Mr. MAVERICK. Everybody believes in having an adequate national defense.

Mr. WOODRUM. I am not a Navy expert, and I have to take the judgment of the President, the Secretary of State, and the people in the Navy Department. God grant the day may never come when the American flag is hauled down and somebody points his finger at me and says, "You were not willing to give us defense materials when the world was on fire and America was threatened from without." This is the reason I voted for that appropriation, and because I believe that such construction would give men honest employment.

Mr. MAVERICK. The gentleman is not going to follow the President blindly if he comes in here and wants two, three, or five battleships? The gentleman is not going to vote for whatever number of battleships the President wants?

Mr. WOODRUM. Not blindly. I will give the matter every consideration, I may say to the gentleman.

Mr. MAVERICK. The gentleman should give the same consideration to unemployment he gives to battleships.

Mr. WOODRUM. Of course.

Mr. BOLAND of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. BOLAND of Pennsylvania. The gentleman is recommending a change in the entire relief set-up and reduction in the relief appropriation. Does not the gentleman understand thoroughly that if the relief appropriations are reduced there will again be bread lines in all the industrial cities of the country?

Mr. WOODRUM. The gentleman has misunderstood me. I was not recommending any change in the relief set-up. The question of relief came in incidentally. I do not know what the budget for relief is going to be.

Mr. BOLAND of Pennsylvania. Would it not be the inevitable result if we do reduce relief appropriations to a minimum that there will again be bread lines in all the industrial cities?

Mr. WOODRUM. We have to take care of the relief situation, I know, but I want to hold down the amount of the appropriation and put more responsibility on localities. I was not offering any suggestion to change the plan, I may say to the gentleman.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. FISH. I have been listening to the very able remarks of the gentleman on economy. Will not the gentleman get down to brass tacks, as we say, and tell us just what we can cut, where we can cut, and how much we can cut? I want to listen to the gentleman's answer, and I am going to sit here while the gentleman answers this question.

Mr. BUCK. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. BUCK. In the hearings now going on before the Committee on Ways and Means on tax reduction witness after witness has appeared before us and suggested we should take into consideration the question of spending, about which the gentleman is speaking today. The gentleman realizes our committee obviously is not the committee to do this. Does the Committee on Appropriations offer any opportunity for witnesses from the outside to appear before the committee and make concrete suggestions which may be in line with what the gentleman from New York has in mind?

Mr. WOODRUM. There is plenty of opportunity for witnesses from the outside to come before our committee and say just what they say to the gentleman about cutting expenditures, but this does not answer the question the gentleman from New York [Mr. FISH] asked me, Where are you going to cut expenditures? If the gentleman was sufficiently interested to follow the remarks I have made, he understands I do not believe you can hope to get below a $7,000,000,000 Budget in this country. I believe we will have to fight to hold it to seven or eight billion dollars, because of the increased governmental activities which no administration is going to discontinue. No administration is going to wipe social security off the boards.

No administration is going to take away the financial assistance that has been given to home owners, farmers, and agriculture and many other things. These things are here to stay. They are desirable, humanitarian expansions of Government functions. Then how are you going to cut the total Budget?

In the first place, if you can increase taxes a little and pull expenditures the other way somewhat, that is desirable, and I think the President is on absolutely sound ground,

although I notice my friend from Oklahoma is sitting here, listening to me, when he asks us to go back to predepression appropriations for public highways. That is one of the President's proposals.

I have had a great many letters from people in my State who are very much alarmed because they are afraid the Government is going to pull in somewhat on these large expenditures for highway construction, but I think $100,000,000 a year, which I believe is what the Federal Government contributed before the depression, is a very liberal amount for the Federal Government to expend toward the highway construction. I believe such expenditures are justified, but I think you can pull that in a little, and I am absolutely for the President's recommendation in that regard.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Texas.

Mr. SOUTH. I will ask my distinguished friend in this connection if careful consideration should not be given to the fact that the motorists in the gas tax and the other taxes on automobiles are now paying more than any other group of our citizens on a similar investment and under similar circumstances?

Mr. WOODRUM. I think, undoubtedly, there is very much merit in what the gentleman says about that.

Mr. CARTWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. CARTWRIGHT. What the gentleman from Texas [Mr. SOUTH] has said with respect to automobiles is absolutely true. That is one thing that absolutely pays for itself, and it is also a proven fact that 80 percent of the money goes into labor, either directly or indirectly, and is a most substantial form of relief.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Michigan.

Mr. HOOK. Does the gentleman subscribe, in the matter of national defense, to larger appropriations for more battleships and less highways?

Mr. WOODRUM. The question of national defense is not involved here and I believe I have stated my position on that.

Mr. HOOK. Are not the highways just as necessary to national defense as the battleships?

Mr. WOODRUM. I think so, and I believe $100,000,000 will build a good many miles of roads in the States, and I believe that is a liberal appropriation for that purpose at this time.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. MASON. I want to call the gentleman's attention to the fact that the Government-aid money which is spent in the building of hard roads produces more labor than the Government dollar spent for any other purpose, and that instead of 80 percent going to labor, according to the best opinion of the Federal engineers in charge of this work over a long period of years, 91 cents out of every dollar goes to labor when you spend it for building hard roads.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I may say to the gentleman that I voted for the battleships and have always voted for every dollar of naval appropriations that has come before the House, but I cannot help feeling that it is a very localized benefit to labor and a very expensive benefit to labor, perhaps, reflecting nothing, for instance, out in the hinterland to speak of, and that it is only through such things as road appropriations and works progress projects that we really get an equitable distribution of Federal funds for work relief purposes.

Mr. WOODRUM. Now, Mr. Speaker, I want to proceed for the remaining 3 minutes without interruption if I may be permitted to do so, because I do not wish to ask for a further extension of time.

I want to say a word about the amendment on the independent offices appropriation bill which is pending in the Senate and which has been so steadfastly and so persistently referred to as the item veto.

In the first place, it is not under any circumstances or by the wildest stretch of the imagination an item veto. It does not in any way seek to enlarge or affect the President's right to veto a bill as set out and described in the Constitution of the United States. All that it does and the sum total of its effect on appropriation bills is this: It enables the President, after he signs the bill, to reduce or to eliminate items in appropriation bills, reporting his action back to Congress, and the Congress has 60 days within which to take action, if it desires to do so. This is not a revolutionary power. Thirty-nine States have given their Governors this power. We voted this specific power to President Hoover, and no later than the 13th day of last August we voted this power to President Roosevelt in the Warren bill that passed the House, in which we not only gave him power to reduce expenditures but regroup and discontinue Federal agencies which had been set up by the enactments of Congress. There is no question on earth about its constitutionality.

My amendment was put in the bill upon my own responsibility with the hope it would help to bring about the result I have spoken of, and which I think Congress should be in favor of—to hold appropriations within the Budget and cut where possible. If the Chief Executive states he can make curtailment of public expenditures, I am going to vote for that wherever I can, because I believe by doing this we will bring more substantial permanent relief, not only to the people I represent but to the people all over the country. I do not believe we can bring about such reduction if we insist on simply cutting something that does not affect us personally. Of course, it is going to hit some propositions we like; it is going to hit some propositions we are devoted to; but unless this Congress becomes conscious of the fact it must balance the Budget, then certainly troublesome days are ahead of this Government. [Applause.]

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that following the gentleman from Massachusetts [Mr. GIFFORD] I may address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 10 minutes.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to extend my remarks, and I ask unanimous consent to proceed for an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I am greatly appreciative of the change of viewpoint on the part of the gentleman from Virginia [Mr. WOODRUM], whom we have appointed to be the watchdog of our Treasury. For 5 long years I have suffered the economy pains by membership on the Committee on Expenditures in the Executive Departments. Often have I taken the floor in criticism of waste and extravagant spending. What a picture we have presented today in comparison with 3 to 5 years ago, when $3,300,000,000 and $4,480,000,000 was appropriated without conditions as to how it should be spent, and done with the entire approval and defense of the gentleman from Virginia.

At that time I was forced to object and received the verbal spankings which naturally would follow such objection. And today we hear from our delightful friend that many municipalities are receiving assistance which should not have it. He must recall that checks were sent, without any inquiry at all as to necessity, to every municipality in the country for one-half its relief fund, and one-half the money to be spent for work relief; Christmas donations without regard to need. At that time the gentleman made no objection to this. It produced fine political results for the Democratic Party.

Now, after 5 long years, we hear that it is time to desist from these pure largesses. They have just learned that certain municipalities really do not need the money.

I intended to ask for just 3 minutes today, because I desired to place in the RECORD a resolution passed at the annual meeting of the town fathers held in my State about a week ago. First, let me call attention to the President's message of this year. He said:

> What present expenditures would you reduce or eliminate? The invariable answer has been that "it is not my business. I know nothing of the details, but I am sure it can be done." On only one point do most of them have suggestions. They think that the relief for the unemployed by the giving of work relief is wasteful, and when I pin them down I discover they are in favor of substituting the dole in place of useful work.

And he goes on to say:

> I would not think of it and no legislator would dare suggest it.

He was most emphatic in that assertion, was he not? The selectmen who run our municipalities in the State of Massachusetts held their convention in the statehouse in Boston and passed a resolution on the subject that I shall shortly read into the RECORD. Unemployment insurance is idleness insurance. Substitute those words for "a dole" and the problem is solved.

This made work is getting to be a stench in the nostrils of many citizens who refrain from expressing their real views because the President says even from this rostrum that no legislator would dare suggest direct relief, which he calls a dole in one breath and unemployment insurance at another moment. I deeply appreciate the courage of the chosen officials of the Commonwealth of Massachusetts, for by a large majority these selectmen of practical experience in W. P. A. passed this resolution:

> That the Association of Massachusetts Selectmen in annual meeting assembled do most earnestly recommend that all W. P. A. work in the United States cease as of June 1, 1938, and that a decreasing scale of direct payments to the various States for redistribution to local welfare departments be substituted therefor; said payments for the first year not to exceed in total one-half the sum expended on W. P. A. during 1937, and to cease entirely within a 4-year period.

Often have I made the appeal on the floor that the Committee on Expenditures meet and investigate expenditures. A majority party I presume will never critically examine its own expenditures, but the committee was set up for that purpose. What a difficult job it is to investigate without witnesses. Often have I presented you the conditions, as indicated by the Treasury of the United States in connection with its claims as to recoverables and the lack of proper audit. When you assigned $4,480,000,000 and $3,000,000,000 to the Executive to spend as he pleased we should be interested really to learn what there may be to show for it. I wish to say to the chairman of the Committee on Appropriations that I endeavored to investigate junkets to Europe. As you recall, seven resolutions were presented here and sent to seven different committees. They were thrown back in my face without any particular investigation, as was probably to have been expected. No, they did not want even junkets to Europe investigated.

But by investigating one of these junkets, as you will recall, the Comptroller General, whom some of you wish to dispose of, finally ruled that all expenses of that particular junket were illegal, even though made at the express request of the President of the United States. They took relief money and sent a junket to Europe—a large junket. Clerks and stenographers and our embassies in the foreign countries were put to the trouble of entertaining and watching over them. They probably had a glorious time. The Comptroller was courageous in ruling that the money spent on this junket was illegally expended and in demanding that it be returned to the Treasury and that they pay their own expenses.

I now yield to the gentleman from Virginia, from the Committee on Appropriations, to answer this question which I will ask him: When a bill comes in here to forgive them and reimburse them, will he favor it?

Mr. WOODRUM. Forgive whom, reimburse whom, for what?

Mr. GIFFORD. The people who went on the junket to Europe, who are now ordered to pay back the money. Will the gentleman vote to appropriate money to reimburse them?

Mr. WOODRUM. I do not know what the gentleman is talking about. I do not know the trip he is talking about, or the circumstances.

Mr. GIFFORD. I will explain to the gentleman that it was one Jacob Baker who apparently importuned the President of the United States to send a junket trip to Europe to study cooperative methods, and the President requested the Commodity Credit Corporation to use money for that purpose, which money the gentleman knows could not be used outside the United States. Now, what is the gentleman going to do when the President sends in a message possibly, or if by any other route there comes a request to us to appropriate the amount? Here is one case where a member of the Committee on Expenditures was able to ferret out the facts without any help from the committee. What would the gentleman do in a case like that?

Mr. WOODRUM. I will answer the gentleman, and I hope I will have his cooperation. I think that a serious matter of that kind should be referred to the gentleman's committee, the Committee on Expenditures, to investigate the facts and report them to the House. The gentleman is an intelligent and active member of that committee. I think his committee should look into that.

Mr. GIFFORD. I am very doubtful and perplexed as to whether I may accept the gentleman's compliment. I hope I am active. Intelligent—I do not know. I see so many other people gone mad that I doubt my own mind at times.

Mr. WOODRUM. I can understand how the gentleman feels.

Mr. GIFFORD. However, I am still active; but here is the chairman of the Expenditures Committee. He will answer you.

Mr. COCHRAN. Will the gentleman yield?

Mr. GIFFORD. I yield to the chairman of my committee.

Mr. COCHRAN. Will the gentleman advise the House when he in writing ever asked the Committee on Expenditures to make the investigation to which he refers?

Mr. GIFFORD. Perhaps not this particular one in writing, but, oh, so often in committee, in the presence of the committee, have I begged to have these spendthrifts called in for examination. The gentleman knows that. Oh, the gentleman himself is the best inquisitor and the best examiner we have in the House. [Laughter.] If they would only let him go.

Mr. COCHRAN. Will the gentleman yield further?

Mr. GIFFORD. Yes; I yield.

Mr. COCHRAN. Does the gentleman recall the other day a member of the minority rose here and said there was a scandal in connection with the T. V. A. that was worse than Teapot Dome, and I asked him to please send the information to the committee? I am still waiting. He said he was going to send it. It has not arrived.

Mr. GIFFORD. If I were chairman of that committee and the newspapers and others uncovered wrongdoing, such as that C. C. C. stealing, do you think I should wait for a written request?

I think the gentleman knows me pretty well, and my own leaders surely know that if my party was in power I would not yield to a leadership request not to examine into its expenditures.

Mr. COCHRAN. Does the gentleman know that the man responsible for that theft has gone to the penitentiary, and there is absolutely no one at fault in connection with the steal but the individual who was convicted?

Mr. GIFFORD. A pretty smart individual.

Mr. COCHRAN. Smart in the manner he carried on, but a fool in the penitentiary in the end. I asked the General Accounting Office, I asked the Interior Department, and I asked the War Department if they could recommend any

change in the law that would prevent a recurrence of this affair. They said they could not. We might have occasion to look into that question in the near future.

Mr. GIFFORD. I am glad the gentleman found the whitewash for the lax conditions of accounting in that department.

Mr. HOFFMAN. What would be the use of sending that case to the cemetery?

Mr. GIFFORD. Exactly. It has been a cemetery for 5 long years and it will continue probably to be a cemetery.

Mr. KNUTSON. Would the gentleman call it a cemetery or a receiving vault?

Mr. GIFFORD. We have not had any meetings this year. I do not know how it would smell now—whether it has a vaulty smell or not.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. PATRICK. I am on that committee; I happen to be sitting at the foot of the table and my name is still in green ink; I have not yet got one of those silver plates with my name on it; but what is the purpose of the gentleman's remarks and efforts this morning if this is a cemetery and there is nothing to be gained? What is the purpose of spreading this sort of thing on the RECORD?

Mr. GIFFORD. I have experienced very often the "weariness of futility." [Laughter.]

Mr. PATRICK. The gentleman means that he enjoys that kind of suffering?

Mr. GIFFORD. Futility does not mean that I shall keep silence, does it? The gentleman reminds me of the lady who could not suffer in silence, because that took all the pleasure out of it. [Laughter.]

Mr. PATRICK. So the gentleman is enjoying bad political health today?

Mr. HOFFMAN. The gentleman has hopes of resurrection—a reawakening of the dead?

Mr. GIFFORD. I do not know where hope lies today, in our distressed political condition and leadership.

Mr. KNUTSON. The day of miracles is over.

Mr. GIFFORD. I thank the gentleman from Virginia for speaking of economy. He said the deficit this year undoubtedly will be $1,000,000,000, but we know it will probably be $2,000,000,000. It has been so placidly referred to each year. That little deficit! I saw this jingle the other day:

> Hush little deficit, don't you cry,
> You'll be a crisis by and by.

[Laughter.]

The gentleman from New Jersey made a remark about his lottery tax this morning and the gentleman from Virginia said, "I do not know but what I will have to come to agree with the gentleman." Perhaps even I may be forced to accept that sort of a revenue measure. We must raise taxes from some source. I have been thinking much about it. We have confiscated and robbed people to the full extent of our ability, and taken now the very capital which is needed to employ men and women. However, we are apparently retracing our steps since whisperings from the Ways and Means Committee "go so." We hear that they now acknowledge the error of their former views on confiscation. This takes me back to the first days of my study of the subject of taxation. The old verities were, "Taxes, like the atmosphere, should press equally on everybody"; and our forefathers used the word "proportional" in the Constitution.

Also that taxes must never be imposed on the evil things of a community lest they take a foothold on such community from the very necessity of securing revenue. That we should not tax rum and similar evils lest the license fees constitute too large a part of the revenue and create toleration of the evil.

But when we have exhausted all reasonable revenues we can think of nothing else. We have drained off most of the forms of indirect taxation; and as we look around we find nothing to fall back on but the so-called cheerful taxpayer, the smoker, the drinker. We could even place more tax on tobacco, for people would still pay. The gasoline taxpayer is fairly cheerful about it, but we have about reached the limit with him. There are some other things that are rather on the border line of evil, which would be freely indulged in if permitted by law merely to obtain revenue.

Mr. PATRICK. Will the gentleman be a little more specific right there?

Mr. GIFFORD. I should not wish to do so.

I leave that to the gentleman's imagination. Has he not an imagination?

Mr. PATRICK. I believe all the gentleman has left us is our imagination.

Mr. GIFFORD. That is all that is left for all of us, and worrisome days are with us. Nonchalance seems to obtain in the Executive offices only.

Mr. KNUTSON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Minnesota.

Mr. KNUTSON. When all sources of revenue have been exhausted, we might scrape the gilt off the Library of Congress.

Mr. GIFFORD. I read somewhere that when all was exhausted, we would have to live like the prodigal son, on the food of the swine. But the question was asked, "After the food for the swine is exhausted, what will you live on?" He said, "We will then eat the swine." We shall have to do that. We are living off the capital structure even now.

Mr. PATRICK. The gentleman does not mean to eat crow, does he?

Mr. GIFFORD. Certainly it seems that some of you are eating just that today. Shall we join hands in yielding to that plan of raising taxes from any source where there is a cheerful taxpayer? What do you think?

Mr. WOODRUM. I do not know why the gentleman honors me with his interrogations.

Mr. GIFFORD. The gentleman opened the discussion.

Mr. WOODRUM. I want to reduce expenditures. It is up to the gentleman's Committee on Ways and Means to raise taxes.

Mr. GIFFORD. Anything else?

Mr. WOODRUM. From anywhere we can get it. I will join with the gentleman in cutting down anywhere.

Mr. GIFFORD. The gentleman is the one to start. I will join him.

Mr. WOODRUM. Where would the gentleman suggest we start cutting?

Mr. GIFFORD. Where would you suggest?

Mr. WOODRUM. I suggested roads. How about one from the gentleman?

Mr. GIFFORD. Cut the C. C. C. camps down, as I stated on the floor of the House, and save $100,000 on every $240,000 by having the boys in school 5 days a week, with 20 instructors to every 200. Pay the $25 a month to the family. Have all the work done by a contractor just the same. I showed you where you could save $100,000 out of every $240,000, with far better effects on the young men we wish to save.

Mr. WOODRUM. That would be a dole instead of giving the boys work.

Mr. GIFFORD. Far from it. Train them every day in a school under competent instructors. Do not put them out in the woods pulling stumps, away from their homes where they have but little surveillance.

Mr. WOODRUM. Does the gentleman seriously believe we can make any further cut in the C. C. C.?

Mr. GIFFORD. I showed you a $100,000 cut on every $240,000, and it would do twice as much for the boys as we are doing for them now. But, no, you laugh out of court any suggestions made by any of us on this side.

Mr. CRAWFORD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. In view of the fact the gentleman is a member of the expenditures committee, I would like to ask this question which has been running through my mind: Let us assume the Government launches into a large program of Government ownership of utilities, including telephones, electric light, railroads, and so forth, thereby gathering from

the people day in and day out millions, tens and hundreds of millions of dollars over a period of months. Under our form of government, what is there which gives the people a check on the expenditure of those incoming funds to see that they are used for the purpose of maintaining plants to render service in the future to the people, and prevent the funds being diverted to purposes other than maintenance of plant and providing for the service of the people?

Mr. GIFFORD. Of course, the answer is the Congress. I think the Congress today could prevent social-security funds being taken and used for current expenses, with the issuance of new I. O. U. paper. The people are waking up to that method of doing business. If the Government would take over all of these instrumentalities which the gentleman has cited, certainly under present methods, without the Appropriations Committee earmarking those funds as it should have done during the last several years, the money could be diverted for any other purpose.

The gentleman rises today and tells us what economies he would pursue, but let us look at the specter of the last 5 years, due to lack of earmarking funds, and at his own approval and defense of the handing out of large sums to spendthrifts.

This may be a tirade, as you suggest, but it seems necessary. Forget the mannerisms in which I sometimes indulge. It is because I feel so intensely our present unfortunate situation. I hold in high regard the gentleman from Virginia. He belongs to a great party which elected a President of the United States by such a tremendous majority that he seemingly assumes that he has absolute authority to do anything he pleases. Behold his pleasure and satisfaction as the army of businessmen parades before him.

I wonder if the gentleman from Virginia still thinks the President of the United States believes he has such authority from the people that he is given the right to do all things as he pleases, and that we do not dare stand against him? I will have to remind the gentleman from Virginia that he stood here one day so enthusiastic to carry out the wishes of his President that he said:

> If you do not vote for it, tomorrow morning do you know what will happen? The RECORD will be read and those who do not stand by the President will be noted down. You know what I mean.

He said that to you boys on this side of the aisle. Do you forget? And you fell in line, too. Can we expect him to attempt economies not approved by the President? I rather doubt it.

Some of us have suffered, as I stated, "the weariness of futility." However, our memories are somewhat green. We had a little period of prosperity. I read only this morning this statement and ask you to ponder it:

> Some people attribute recovery to New Deal reform measures, but actually it was due to only one thing, the spending of borrowed money.

The gentleman from Texas [Mr. MAVERICK] interrupted the gentleman several times. If you have not already read his speech of Saturday, which will be in the RECORD tomorrow, do so. You will find that he advocated on Saturday the spending of many, many billions of dollars more.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. That gentleman is faithful to the desires of his President, even to rushing to father the Supreme Court rape measure. Much as I appreciate the great ability of the gentleman from Texas, he must not be too liberal. I do think a great deal of him and have been interested in him from the day I saw him, recognizing his ability and patriotism. But, in the recent words of Dr. Santayana, I may say to him and some other liberals here, "Watch your own liberalism lest it be only fanaticism watered down." At this moment, however, conservatism, the attitude of one who counts the cost, is, above all things, greatly to be desired. [Applause.]

Having received permission to extend my remarks, I waive the reading of a most pertinent address delivered at the Massachusetts selectmen's meeting by Mr. Victor F. Adams, of the town of Barnstable, as follows:

> When in 1933 the Federal Government put itself in the welfare and relief business by instituting its C. W. A. program, experienced selectmen all over Massachusetts looked with apprehension on this "noble experiment." Our worst fears have been justified. W. P. A., gentlemen, is a sugar-coated, candy-covered poison. It looks good. The first taste is good. But the result is disastrous. No such painful paradox as W. P. A. and its kindred was ever foisted on the American people. Under the guise of work relief, apparently in itself a worthy program, either intentionally or unintentionally, a tremendous political machine has been built up, countless executives at high salaries have been hired, while the man for whom the program was primarily designed has worked at far less than subsistence wages; countless workmen have been hopelessly spoiled by the inefficiency of this type of work; millions of people, previously self-respecting and honest, have been taught to seek relief and live improvidently during periods of employment; millions have been led to depend upon the supposedly inexhaustible resources of Government to care for them through any and all emergencies; and in 4 years through this and similar programs our national debt has mounted to the point of approximately $300 for every man, woman, and child in our country.
>
> We all well know that as soon as we oppose the W. P. A. openly we are going to be accused of biting the hand that feeds us, of saying one thing and doing another. But no matter how heartily we may disapprove of W. P. A. and its methods, we must in justice to the taxpayers of our towns fight for our share of the money spent. If our Congress and President see fit to throw the taxpayers' money into the street, we must scramble for it with the crowd and salvage what we can. It will be pointed out that countless people have been benefited and saved from complete discouragement by the W. P. A., but you and I know only too well that for every person so saved there have been a half-dozen completely ruined and demoralized. It is going to be many years before the influence of W. P. A. can be removed from the minds of our welfare people and the resulting tax burden removed from the shoulders of the taxpayer.
>
> To explain my attitude regarding direct payments to relief agencies as against work relief, I would like to quote a portion of my 1935 town welfare report, written over 2 years ago, but truer today than ever.
>
> "The E. R. A. and W. P. A. were organized solely to administer relief. This board has long maintained that the Government's method of putting these relief schemes into operation was radically and basically wrong. There is, in every town and city in the Commonwealth, an already established and functioning board of public welfare, whose duty it is to care for those in need of assistance. If the Federal Government wished to aid in administering relief, if they deemed the financial loads on the various municipalities too great for the local taxpayer to directly shoulder, there was but one fundamentally sound way to assist and that was to give each town and city its proportionate share of the money raised, under the condition that it be expended for relief under the direction of the already existing welfare departments. Instead of this, however, Mr. Hopkins and his assistants set up an organization so huge, so complicated, and so hopelessly entangled in red tape and inflexible regulations that it could scarcely function at all. In spite of the immensity of this machinery, it merely paralleled the established welfare departments, and for various self-evident reasons it could not efficiently cope with the local welfare situations. In the first place, it necessarily employed persons who had little or no previous experience with welfare problems. Secondly, many of those in administrative offices were not acquainted with local conditions. Thirdly, whatever good might have been accomplished in spite of other handicaps was further greatly minimized by inflexible regulations which by the very reason of their universal application must necessarily be frequently deficient when applied to local conditions. As compared with this fearsome and complicated administrative machinery set up for the W. P. A., the scheme of direct payment to local welfare boards would have been simple in the extreme and would have required relatively few administrative employees. It would have diverted hundreds of millions now spent for administration into relief channels or into a direct saving to the Federal Government."
>
> Gentlemen, for 4 long years W. P. A. workers and other wards of the Federal Government have received at the expense of the taxpayer an intensive and complete course in "Relief and How to Get It." They have learned their lesson well. Next June when hundreds of thousands are being graduated all over the country, I suggest that all W. P. A. workers be given their diplomas and be sent out into the world to find a job. No disparagement is intended of the honest and earnest worker who has really been benefited by the program but, I repeat, for every one of these there have been a half-dozen demoralized.
>
> I realize that it is quite hopeless to continue to oppose work relief. But when we know we are right, we must "keep on keeping on." Our remarks and our action here may be destined for immediate oblivion, but we must fight although ours is only a voice howling in the wilderness we can't quit. Someone, sometime, somewhere will start the ball rolling in the right direction;

others seeing at last the light will keep it moving until it rolls right through the Halls of Congress, and W. P. A. and its cousins are "thrown out of the window."

When that day comes and not before, in my opinion, you will see the beginning of the revival of American business and, far more important, the beginning of the revival of the American people. It is going to be then our task as local public officials, over a long period of years, to salvage what we can from the wreckage of the welfare situation.

PERMISSION TO ADDRESS THE HOUSE

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day previously entered I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 10 minutes at the conclusion of the remarks of the gentleman from Missouri [Mr. COCHRAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Michigan [Mr. HOFFMAN], I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that, following the special orders for today previously entered, I may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me before the Mississippi Valley Flood Control Association in the city of Washington on last Wednesday, January 19, and also an address delivered by me before the Rivers and Harbors Congress on last Thursday, January 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement on fats and oils by Professor Gramlich, of our State Agricultural College.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a national long-range planning agency, and include therein an article by Dr. Aikman in the New York Times on the same subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia [Mr. COX] is recognized for 10 minutes.

Mr. COX. Mr. Speaker, at Miami, Fla., this week momentous decisions must be taken by the executive council of the American Federation of Labor that will tremendously affect the destiny of the organized labor movement in America. The executive council is to decide whether or not the American Federation of Labor shall yield to the tremendous pressures being exerted upon it to accept into its ranks the C. I. O. and its affiliated unions on the basis of the proposals for amalgamation offered by the spokesmen of the C. I. O., or whether the American Federation of Labor shall continue to insist that the conditions proposed by its spokesmen shall be observed if a coalition between this old and great labor democracy, the American Federation of Labor, and the new labor autocracy, the C. I. O., is to result in one great labor organization.

Mr. Speaker, I have never been the spokesman for any organized minority during my career in the Congress. I do not speak today as the advocate of any organized minority. I speak out of my deep and abiding interest in the welfare of all those in America who labor.

While it is true that I have never been the spokesman in the Congress for any organized minority, I have never hesitated, nor do I now hesitate, to voice my approval and to give my support to the principles advocated by any organized minority which I believe to be true principles of freedom and true principles of Americanism.

The depression which began in 1929 and which has extended to this hour in 1938 has brought forth vast problems concerning industry and labor, which means to say concerning the Nation as a whole. The problems of America, the peace of America, the security of America, the prosperity of America are inseparable from the problems, the peace, the security and the prosperity of both industry and labor in America.

We have seen arise over the period of more than 50 years a great organization known as the American Federation of Labor which, under the guidance of Samuel Gompers, the most unselfish, the most able, and the most brilliant labor statesman the world has ever produced, has become a great democracy of labor. Its officers are elected by the rank and file; its economic and legislative policies rest upon the approval of the rank and file; its financial affairs are dictated by and reported to the rank and file, and its officials are at all times responsible to the rank and file. The American Federation of Labor has established a record over the years for the discipline of its membership, the integrity of its promises, responsibility for its signed contracts, and regard for its pledged word.

Samuel Gompers, for 50 years, preached and demanded not warfare but cooperation between labor and industry, between employers and employees, between labor, industry, and government. Samuel Gompers, for 50 years, stood like a rock in the face of all pressures and under the stress of all persuasions for that type of cooperation.

I had occasion recently, in this Chamber, to raise my voice in a plea for enlightened cooperation between labor and industry and between labor, industry, and government. Samuel Gompers, for 50 years, stood like a rock against all pressures and under the stress of all persuasions to the contrary for that kind of cooperation.

More recently there has arisen in the labor movement a new organization admittedly infiltrated with Communists and other subversive radicals whose philosophy is diametrically opposed to that of Samuel Gompers. Today pressures are being exerted against the American Federation of Labor for an amalgamation with the C. I. O., which will mean not cooperation between these two labor organizations but will mean absorption of the American Federation of Labor by the C. I. O. under the time-honored name of the American Federation of Labor. Those pressures, Mr. Speaker, are greater than we know. The attempt to thus engulf the ideals and principles and the democracy and cooperative philosophy established in the American Federation of Labor by Samuel Gompers into the opposite philosophy of the C. I. O. movement threatens at this hour to be successful.

Samuel Gompers believed "My country 'tis of thee, sweet land of liberty" were more than mere idle words. To him they meant literally "land of liberty." With all the ardor of his intense nature, as his confidential secretary for 25 years before his death, said of him:

He unremittingly denounced that which savored of unfreedom, of restriction of liberty.

He attacked, opposed, not government but those who in high places would subvert the tremendous power of office to ignoble ends.

I am at this moment reminded of the words spoken after his death by a former Member of this body, who said of him:

Mr. Gompers was a forceful personality, aggressive in his methods and unbending in his allegiance to principle. He had power because he did not attempt to dictate—because he did not attempt to compel. He won cooperation and earned the confident following of the wage earners of the United States. He had power and influence because he was the voluntarily chosen spokesman of millions of independent working men and women of our great Republic. The secret of his power was his unalterable allegiance to the principle of voluntarism. * * * That he could not be tricked or beguiled from allegiance to principle was demonstrated time and again in the most grilling hearings before committees of the Congress and public commissions. Never could he be fooled into accepting a proposal for compulsion, whether compulsory arbitration, compulsory investigation, or laws curtailing the freedom of voluntary organizations by State regulation, State control, or State ownership. To him the principle of voluntarism was the key to human freedom. In his championship of this principle he was a great apostle for a cause fundamental for human welfare.

Mr. Speaker, there has come into the affairs of the labor movement the threat of legislation which will, if passed, introduce the principle of Government control, compulsion and regulation of wages and hours and working conditions of labor—that compulsion which Samuel Gompers for 50 years abhorred, which he for 50 years warned against, and which he for 50 years fought with every ounce of his energy.

That there should be, if not amalgamation, certainly cooperation between the two organized labor movements now existing in this country, is obvious. But a prerequisite of any such amalgamation and cooperation must be, for the safety of the labor movement itself, and for the safety of this Nation, that the taint of communism and subversive radicalism shall be purged from both of these organizations.

Samuel Gompers once said:

I do not know that I am entitled to very great credit, because I am not a Bolshevik. With my understanding of American institutions and American opportunities, I repeat that the man who would not be a patriot in the defense of the institutions of our country would be undeserving of the privilege of living in this country.

Samuel Gompers believed that American organized labor occupied a middle place between extreme capitalistic selfishness and the I. W. W. and kindred movements of what he termed "irresponsibles" and "irreconcilables."

He said:

It is a question of dealing with such a movement as represented by the American trade-unions—the American Federation of Labor—or dealing with a body of irresponsibles or irreconcilables. If we are not on the right track, then those who represent the wildest orgy of destruction with no consideration for the rights of individuals will come to the front. It is a matter of choice between dealing with such elements or dealing with the constructive forces of the organized labor movement in our country.

Those, Mr. Speaker, were the ideals of Samuel Gompers. Those were the principles implanted by him and now deeply imbedded in the American Federation of Labor. Those are the strong ties of American principles which all these years have bound the American Federation of Labor together in a powerful and articulate champion of the rights and welfare of all workers.

It is my hope and my confident belief that those who now control the decisions of the American Federation of Labor will guard well the ideals of their illustrious leader; that they will suffer no abandonment of the principles which his wise counsel and leadership implanted so deeply into the American Federation of Labor. I hope and I am confident that the executive council now sitting amidst the palm groves of Florida will withstand the pressures being brought against them and that they will not permit the results of Samuel Gompers' 50 years of loving labor to be perverted and destroyed by the infiltration of subversive theories and a yielding to dictatorships which would make, for the working men and women of this country, a hollow mockery of those words which were to Samuel Gompers a living ideal, "My country 'tis of thee, sweet land of liberty." [Applause.]

EXTENSION OF REMARKS

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in regard to a bill I am introducing today on conservation of forests and the like in California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders for today heretofore entered I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders for today heretofore entered I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under previous special order of the House the gentleman from Missouri [Mr. COCHRAN] is recognized for 15 minutes.

Mr. COCHRAN. Mr. Speaker, under existing law the Secretary of the Treasury is required to report to the Congress a list of all refunds made by the Bureau of Internal Revenue during the fiscal year. As usual, this report came to the Congress at the opening of this session and was referred by the Speaker to the Committee on Expenditures in the Executive Departments. As the chairman of this committee, and acting under a standing order of the committee, I consulted with the standing committee of the press gallery and then announced the information would be released as of January 26.

While the law provides the Secretary of the Treasury must make the refunds public through the Congress, the law prohibits the Secretary of the Treasury from giving out any statement of figures which will offset the refunds the Government is required to make. It so happens, however, the Committee on Appropriations, through the subcommittee on the Treasury appropriation bill, secured this information, and I believe it is only fair the public should know the amount the Bureau of Internal Revenue collected in the way of additional assessments, penalties, and so forth. Therefore I desire to call your attention to the fact that on page 503 of the hearings on the Treasury Appropriation bill you will find the amount of refund of taxes illegally collected during the last fiscal year was $32,253,803, but, in addition to this, credits and abatements were allowed the taxpayers in the amount of $170,442,611, or a total of $202,696,414. Another table found on this same page shows the amount of additional assessments resulting from office audits and field investigations, and this amount is $399,448,703. Using round numbers, the Bureau of Internal Revenue collected during the last fiscal year approximately $200,000,000 more than it refunded or allowed in credits or abatements—in comparison with past years, an excellent report.

If this statement were not made the general public would have a right to believe everything is going out and nothing is coming in.

It is also interesting to note the total receipts for the Bureau of Internal Revenue during the last fiscal year were $4,653,195,315. The hearings further disclosed the administrative expenses were but $58,000,000. If there is one Government agency which I feel should have an increase in force—and you all know I am not strong for voting for increases—it is the Bureau of Internal Revenue, because for every dollar you appropriate they will bring back hundreds into the Treasury before they get through.

I think it is sound business to appropriate one dollar when you can get hundreds in return.

Mr. CROWTHER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York, a member of the Ways and Means Committee.

Mr. CROWTHER. I think the gentleman is correct, and the recommendation was made by the collector in his district to the subcommittee of the Ways and Means

Committee having this subject in charge that they are able to go over only a very small portion of their returns due to a lack of experts in their department. I believe the gentleman is correct in stating that one dollar invested in employees of this kind brings a large return to the Government.

I also want to call attention to the criticisms that were leveled a number of years ago at the refunds made under a Republican administration when the amount of money that was collected by the experts in the department, where errors had been made overran the amount that had been paid out in refunds by as large a percentage as the one the gentleman now states they overrun at this time.

Mr. COCHRAN. The figures on page 503 of the hearings, which were not available during the period the gentleman speaks of, disclose that during the big years, for instance take 1929, there were refunds of $190,000,000-plus and credits and abatements amounting to $228,000,000, making a total of over $400,000,000, but the collections during that same period were practically the same amount, according to the table. There are other years where the amount collected far exceeded the refunds and credits.

A number of the refunds are due to decisions of the Supreme Court that revert back to old cases, but the job is being well done, and as the gentleman from New York, who has long been a member of the Ways and Means Committee, well knows, if we will give them a sufficient force there will be more money coming into the Treasury from those who, under the laws that the gentleman's committee is responsible for, should pay more to the Government.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes, with pleasure, to another member of the Ways and Means Committee.

Mr. McCORMACK. What the gentleman means is that the man who now escapes paying taxes through evasion—not avoidance, but evasion—would have his returns examined if there were additional men in this department, and would be compelled to pay the taxes which under the law he rightly should pay the Government.

Mr. COCHRAN. Absolutely. If they had sufficient trained personnel, which is selected through the civil service, men who are required to show experience in accounting, auditing, and so forth, it is my opinion that many, many people in this country who are evading taxes today would be required to pay the taxes they should pay under existing law. You gentlemen on the Ways and Means Committee study this question with care and when you say the Bureau should have additional personnel I know I am right in advocating it.

You have the intelligence unit in the Bureau of Internal Revenue. I have made several speeches about the intelligence unit. Up to a short time ago this unit received an appropriation of $600,000. It has been gradually increased to one million. For 6 consecutive years this unit averaged $33,000,000 a year to the Government. Remember this is on an appropriation of $600,000, and these were fraud cases where they had to go out and dig up the facts, working on cases for several years before being able to get the necessary information.

Mr. McCORMACK. And where people escape paying the taxes they should pay, a heavier burden is thrown upon the taxpayer who is making a proper return and paying the taxes he should pay.

Mr. COCHRAN. There is no doubt about that. The gentleman is correct. We would be helping those who make an honest return, and we should help them. Many who are well able to pay still escape paying what they should pay, and additional personnel means they will be made to pay.

Mr. McCORMACK. I think the gentleman's argument is absolutely consistent with his firm stand on economy.

Mr. COCHRAN. This is real economy. It is more than that; this expenditure will pay dividends. My main purpose, Mr. Speaker, in rising today was to give the information to the country, so that on January 26, when the returns are announced, the people will likewise know that the Government has received over $200,000,000 more than the amount of the refunds plus the credits and abatements; but I also want to say something about those administering these laws.

Therefore, Mr. Speaker, I want to say a word about the Bureau of Internal Revenue and some of its work, as well as accomplishments. First, let me get back to the Intelligence Unit I was speaking about when interrupted.

This Unit investigates evasions of income-tax applications; also, attorneys and agents to practice before the Treasury Department, and anyone who seeks an appointment in that Department. It is the Unit where the fraud cases are developed. It is the Unit that started the Federal Government's campaign against crime in the United States. It assumed jurisdiction under the income-tax law, and while investigating evasions of income tax developed evidence which was passed along to the local authorities throughout the United States, resulting in thousands of gangsters being placed in the penitentiaries of the country. It was this Unit that destroyed the power of Al Capone and sent him and his henchmen to the penitentiary. This was long before the G-men came into being. We had no kidnaping or extortion laws then.

After I had made several speeches on the floor in support of increased appropriations for this Unit, the amount was gradually raised from $600,000 to $1,000,000. Their average collections for the last 10 years have amounted to $25,000,000. This amount does not reflect the great increase in revenue that comes to the Government by reason of its activities. Wide publicity is given to the prosecution in income-tax cases, and as a result of that prosecution and the conviction of those who evaded their legal income-tax payments residents of that community are more careful in filing their income-tax returns in future years, and there is reflected the great increase in the amount of taxes that comes to the Government as a result of their work.

Eight hundred and forty-four cases were made by this Unit of evasions of income tax in the last fiscal year. Prosecution was recommended in 202 cases where 295 individuals were involved. So far 62 have been convicted and 6 have been acquited, while the other cases are pending. Aside from this it was necessary to investigate 3,934 applications of attorneys and agents who desired to practice before the Treasury Department. Charges were filed against 84 agents and attorneys who had been admitted to practice. Applications of 62 were rejected. Eight were disbarred, four suspended, and six reprimanded. Every case where a charge is placed against an employee of the Internal Revenue Bureau receives the attention of this Unit, and in the last fiscal year 126 cases were looked into. One hundred and three employees were discharged, 11 prosecuted, 10 convicted, and 1 indictment dismissed.

Aside from this, 3,751 cases of a miscellaneous character, which included investigations for the Bureau of Narcotics, Customs Service, Comptroller of the Currency, and the Procurement Division, were investigated. Just think of such activities with an overhead of only $1,000,000, which, of course, includes travel pay and per diem allowance when the agents are sent from their post of duty.

It might be well to mention that last year the expenditure authorized by the Congress of this $1,000,000 resulted in assessments of additional taxes and penalties in the amount of $26,702,728. My contention is if this Unit had another million dollars for additional agents to do nothing but investigate evasions of the income-tax law they would bring in an additional $25,000,000. Due to a lack of sufficient personnel many are now escaping not only the payment of taxes that are due the Government but prosecution which would result when direct fraud is shown in making the returns.

The Intelligence Unit is in charge of Mr. Elmer L. Irey, who has been in the Government service for many years. Due to his efficient work, he is also at the present time Coordinator of the Treasury Law Enforcement Service, which includes the law-enforcement agencies of the various branches of the

Treasury Department, such as the Secret Service, Narcotic Service, Customs Service, Coast Guard, and Federal Alcohol Administration.

The Commissioner of the Bureau of Internal Revenue is Hon. Guy T. Helvering, a former Member of this House. During the years that he has been at the head of this Bureau no criticism has been directed at his management. One of the outstanding reasons for his success was the selection of his assistant, Hon. Charles T. Russell, who is also the Deputy Commissioner in charge of the Income Tax Unit. Russell's service to the Government shows the value of placing career men in responsible positions, especially in the departments where they are trained. For nearly 20 years Mr. Russell has been connected with the Bureau of Internal Revenue, and it so happens that he is a former resident of my State, Missouri, and was for a number of years the revenue agent in charge in St. Louis. He brought to the headquarters a thorough knowledge of income-tax laws, as well as sound suggestions that would assist in improving the administration of those laws. As a result of the recommendations to the Congress, for which he is in a large way responsible, there has been a great increase in the amount of income-tax returns. He took a prominent part in advising the Ways and Means Committee of the House, as well as the Senate, which resulted in the closing of loopholes through which the rich escaped the payment of taxes which were due the Federal Government.

I do hope that Congress will recognize the necessity of giving sufficient personnel to the Intelligence Unit, as well as the various other units under the Internal Revenue Division, and if it does I predict a large increase in the amount of taxes which that Bureau is charged with enforcing. [Applause.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, in a case entitled "United States of America, Before the National Labor Relations Board, in the Matter of Clover Fork Coal Company and District 19, United Mine Workers of America, Case No. C–213," decided November 27, 1937, the Board has made an order, the second section of which requires the Clover Fork Coal Co. to—

> Cease and desist from contributing to, cooperating with, or assisting, through membership therein or otherwise, the Harlan County Coal Operators Association or any other organization engaged in interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, as guaranteed in section 7 of the National Labor Relations Act.

While to the uninitiated this order seems fair enough and directed only to the prevention of efforts to interfere with membership in, and activities of, union organizations, if construed with that purpose in mind, construed in the light of the facts as they exist, the order may have a far different effect, one entirely unjustified by any rule of law.

The Harlan County Coal Operators Association was formed about the year 1916 by the coal operators of Harlan County for several purposes, but two of which are pertinent here:

> (b) Securing efficient enforcement of State and Federal laws relating to mines and mining, and encouraging all proper movements having in view the safety and welfare of the men employed in and about the mines.
>
> (h) The establishment and maintenance of cordial and peaceful relations between the employer and employee, but resisting with all its power and influence all movements to force the coal operators to recognize or adopt the so-called closed-shop policy or practices.

For a time practically all of the coal-mining companies of the district were members of the association. At the hearing held by the Board, the Clover Fork Coal Co. established that it was no longer an active member of the association; that it did not pay regular dues, but that it did remit to the organization each month a sum which was designated as a "safety assurance" fee, the payment of which entitled the employees of that company to protection against certain hazards of their occupation and to the service which might be furnished by the safety equipment of the association, in the event of a disaster occurring at the mines of the Clover Fork Coal Co.

While the order of the Board requiring the company to cease and desist from contributing to any organization which interfered with union activities might be perfectly proper, if justified by the facts, there can be absolutely no excuse for preventing the company paying the fee which would secure to the miners employed by it the protection furnished, in the event of disaster, by the Harlan County Coal Operators' Association.

The first major mine disaster in Harlan County occurred in 1928, when eight men lost their lives and an untrained rescue crew became overcome and had to be themselves taken from the mine.

The Harlan County Coal Operators' Association, starting with an initial purchase of some $6,000 worth of safety equipment shortly after the county had partially recovered from the shock of the 1928 disaster, has steadily increased in efficiency and has been actively engaged in the development of a safety program and a safety department which now ranks with the best in the United States.

The association now has on hand thousands of dollars' worth of equipment and supplies. In the last 10 years it has purchased something like $20,000 worth of equipment and replacements. There is some $3,000 worth of equipment in the Harlan General Hospital, which is owned by the association. This consists in part of oxygen tents, special bone-treatment equipment, special beds for mine-accident cases.

Three of the oxygen tents are always available and two smaller ones are ready to be rushed to the mining camps in the event of an emergency. An HH inhaler is used for cases where suffocation is threatened and in cases of drownings. The miners receive first-aid training and the Harlan County Safety Department, under the direction of a safety expert, puts on safety meets each year. In 1930 they won first place in the national safety meet which was held in Louisville, Ky.

Experts in the mining research and safety fields have been brought to Harlan to talk before many first-aid groups, which are functioning in every camp, and regular classes are held by Mr. Bryson, in which he introduces and lectures on new methods and equipment in the safety field.

As all know, an explosion in a mine needs immediate attention. The association maintains an automobile for service. The nearest safety and rescue station is 60 miles from Harlan, which is in isolated and mountainous country, and the loss of life which might occur because of this order of the N. L. R. B. no one can estimate.

Nor is there any way of estimating the damage and the suffering which might result if the Clover Fork Coal Co. had to depend solely upon the safety and rescue station which is 60 miles away.

Mr. DICKSTEIN. Is there any reason why the Board should make an order of that kind? On what authority do they do it?

Mr. HOFFMAN. They assume the authority, and God only knows why they do it, unless they are drunk with power. Some of them lack experience. There is a provision in the law which permits the introduction of all sorts of evidence. I wish more southern Representatives were here at the moment so that they could hear the following excerpt from a letter which I received this morning from the capital of a Southern State. I read:

> I am engaged now in a hearing which will soon enter into the fourth month, with the probability of the hearing extending for many months in the future. The record has now passed the ten-thousandth page, a large portion of it consisting of evidence which has been admitted under the provisions of the act providing that the rules of evidence shall not prevail. Any finding of facts made upon this record will necessarily be largely based upon evidence which, in any court of law in reference to any property rights in any jurisdiction, would be considered illegal and improper. It would be impossible for any reasonably full and fair finding of

facts to disclose as to what part of the findings was based on illegal evidence and what portion was based on legal evidence. When any conclusive presumption is applied to such a finding of facts, the case has been determined on evidence which, at least in part and probably for the greater part, was illegal and improper in the first instance.

There is nothing in the law which would justify the making of a decision which would interfere with the safety-first campaign; which would prevent preparation to meet the needs of disaster in the mines, the treatment of those who might be injured.

The ruling, if so construed, is arbitrary, unjustified by the facts, without warrant of law; it is inhuman. If enforced, it will, in the end, result in the loss of life; most assuredly in unnecessary suffering.

It is another example of duplicity on the part of the Board, of its failure to state clearly and fairly the limits of its decision; of the ambiguity of its orders and of the harmful results which its orders bring.

The amendment which I offered the other day would permit the courts to review the conclusion reached by the Board and which, in far too many instances, may be founded upon improper testimony, upon hearsay, upon rumor, upon conjecture.

There are not 10 men in this House who have given the subject consideration, but who know that the Wagner Act must be amended; that there must be a radical change in the manner of its interpretation, if it is to promote industrial peace. We have been remiss in our duty, in that we have so long permitted this monstrosity to remain unchanged upon the books.

The SPEAKER pro tempore. Under previous order the Chair recognizes the gentleman from Michigan [Mr. WOODRUFF] for 15 minutes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that Mr. WOODRUFF's time be transferred to the gentleman who is to follow him.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order the Chair recognizes the gentleman from New York [Mr. DICKSTEIN] for 15 minutes.

Mr. DICKSTEIN. Mr. Speaker and my colleagues, last week, I think, I asked you to see the March of Time now being shown in the District of Columbia, dealing with subversive propaganda in the United States.

I am not so much concerned about the part dealing with Germany, but I am concerned with that portion of the film which presents the so-called Nazi Bund in the United States. I am concerned with the movement of fascism that is creeping into almost every section of our country. When you see that film and the living exhibits of that group, you will tell me that I have underestimated my case 50 percent, as compared with what is actually going on in this country. There is no other country in the world that would tolerate any foreign uniforms.

Mr. HOOK. Mr. Speaker, I think the gentleman is making a very important statement, and I am going to make a point of no quorum.

The SPEAKER pro tempore. The Chair will count.

Mr. DICKSTEIN. Mr. Speaker, I do not think the gentleman, under the rules, can take me off my feet in that way.

Mr. HOOK. Mr. Speaker, I will withdraw the point of order.

The SPEAKER pro tempore. The gentleman from New York will proceed.

Mr. DICKSTEIN. As I said a moment ago, Mr. Speaker, I do not like to appear on this floor every day and call attention to what is going on. I do not want to quarrel with my colleagues. I am simply calling attention to these facts because I see them daily and constantly. In the last 4 years I do not believe any steps have been taken by any Member of this body to devise any cure for destroying subversive activities within our borders.

Mr. BREWSTER. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield briefly.

Mr. BREWSTER. Does the gentleman feel that when the President expressed sympathy for the conditions, he failed to use the executive power he possesses for checking the situation?

Mr. DICKSTEIN. I do not know that I want to lay it at the door of the President. I think we are just as much responsible for it as any other administrative body. I think it is the duty of Congress to know who these people are, what they are doing here, how they are being financed, what their purpose is here, and what their reason is for having 26 camps in this country which are foreign to our philosophy of democracy. That goes for all subversive groups. I am not giving any of them a bill of health. They are all bad.

I noticed at the convention of the State Bar Association in New York all the fine lawyers of the country have warned this country about communism. Why did they not warn about all the other "isms"? One is just as bad as the other. The question is, What are we doing to stop it? Nothing at all.

I hope that when the time comes and a report is made by the Department of Justice, which I hope will be very soon, it will cover the whole subject. I do not know what the report will be. I have not made any inquiry, but my investigation definitely shows a very strong organization in this country, which organization is being financed, supported, and aided by foreign governments for the purpose of substituting fascism for democracy.

Only this morning I stated to one of my colleagues that I have underestimated my case, because every day wherever you go you will find the preaching of undemocratic principles right in this country, with the aid and help of foreign money. I have made that charge a number of times. Some of my colleagues try to laugh me out of court, but I do not think they can do it any longer.

You will recall that I made charges about camps creeping into our communities, and you will recall the charges I have made about goose-stepping and drilling and wearing foreign uniforms. Many Members have told me it cannot happen here; that we will not tolerate it. But it is here with us, and we have done nothing by way of action to put the searchlight upon all of these groups, to determine some way by which we can actually rid this country of them by law. It is very easy to say "Introduce a bill to get rid of them," but you cannot do it that way. I had a bill before this Congress a year ago, if you will recall, in which I sought to deport all propagandists who came here as visitors but who, in reality, are seeking to spread propaganda. You will remember that for one whole day we debated the question. The liberals of this House thought it would be a punishment to deport an alien who comes here for the sole purpose of spreading foreign propaganda in this country. If you will remember, I was forced to send that bill back to the committee so as not to hold up the proceedings of this House.

So I warn you, my colleagues, and I do it with all the sincerity of my heart, that we must keep this country free from any and all forms of propaganda, for the safety of our American people. We must stop the smuggling of uniforms, the drilling of men and women in foreign uniforms, who no more believe in the principles of this democracy than I do in the principles of Hitler or Stalin.

We must, once and for all, face the facts; we cannot avoid the responsibility. I say to you right now, as I said to you 4 years ago, that you will see greater damage done to this country unless something is done by which we can focus the spotlight upon subversive activities within the United States.

The statement was made by a few of my colleagues that I was afraid of a bugaboo under the table. Someone else said they cannot do any harm. That is all right for a little bugaboo story, but the fact of the matter is that the problem has been with us now for 4 long years and we have done nothing to clean house. Others, and some of my friends, said that I was trying to have set up an investigating committee with an appropriation of $100,000 to go around the

country and have a good time. If this gentleman were a real colleague he would apologize for that statement.

The Committee on Un-American Activities of 1934 was given an appropriation of $30,000, but it did not even scratch the surface. For the gentleman's information—and I believe you know whom I am talking about—I have not even spent one dollar of that $30,000 for my own hotel bills or any expense—and my associates will bear me out—that we have not even spent a dollar, nor have I a voucher in that particular budget, although I worked at times 20 hours a day in the examination of aliens and spies for the purpose of determining how far they have gone. The committee was not continued for reasons I have explained on the floor heretofore.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. STEFAN. Is the gentleman's committee still alive and active?

Mr. DICKSTEIN. Our power terminated in 1935. We did not ask for further power at that time because we—and a similar investigating committee in the other branch of Congress—found that the law we were working under was wrong; in other words, we had to correct the law before we could go on. The only hope I had was on April 8, when I offered a resolution—a constructive resolution—which was voted down by a standing vote.

Mr. STEFAN. Mr. Speaker, will the gentleman yield further?

Mr. DICKSTEIN. I yield.

Mr. STEFAN. The gentleman will recall that he yielded to me sometime ago when he was making a speech on this subject. I asked him at that time whether or not the Department of Justice had power to make this investigation that he desired his committee to make. The gentleman then told me that they did not have that power, but since then an investigation has been made and a report has been made. Will the gentleman state whether that investigation went as far as the investigation he wants to make?

Mr. DICKSTEIN. The Department of Justice has no power to subpena witnesses or to put them under oath. All the power they have is such as the gentleman or myself possesses; for instance, the gentleman might send one of his clerks to my office to find out whether we were having a committee meeting that morning and what we were doing there. They can just report what is actually visible to their eyes as to what is going on in this country. The investigation they made in the last year was simply checking the camps in the country as best they could. I am sure that the Department of Justice could not force Mr. Fritz Kuhn to give testimony, or to give his membership in different organizations, or facts about anything.

I am not asking for any personal power. I do not care whether I am chairman of any committee that might be created; as a matter of fact, I do not care to be on the committee; I do not care who is chairman; but it is the duty of Congress to ferret out the enemies within.

Mr. STEFAN. Mr. Speaker, if the gentleman will yield further I will be a little more specific. I think the gentleman is sincere in what he is doing. A little while ago the gentleman referred to some criticism of himself to the effect that he was calling these things to the attention of Congress because he had some prejudice against some particular race and that he referred more particularly to the German Nazis. I believe the gentleman would be equally willing to investigate all races. The gentleman is not really directing his attack against the German people only, is he?

Mr. DICKSTEIN. No; no. I have nothing against the German people. As I have said on this floor on other occasions, my investigations have disclosed that the German-Americans are 100 percent American. They hate this ideology. I am not talking about these people. I have no hatred against any race, color, or religion. I do not care who they are, if they are doing something wrong we certainly ought to do something about it.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. JENKINS of Ohio. I have listened to the gentleman's discussion of this question on several occasions. During the course of one of his statements he was asked by a Member with reference to the participation of the Department of Justice. I was told a few days ago that the Department of Justice had made a report on these things. Does the gentleman know what that report is or who made it?

Mr. DICKSTEIN. All I know is that the report was made by J. Edgar Hoover and the Department of Justice. A 1,000-page report was sent to the Attorney General, including about nine volumes of exhibits of propaganda in this country, including racial questions and others. This report is now being studied by assistants in the Attorney General's office, who will make recommendations to the Attorney General the moment they can.

Mr. JENKINS of Ohio. An article came to me—I do not know from what source—which stated in effect that J. Edgar Hoover had said that there was no such great upheaval in this country.

Mr. DICKSTEIN. Yes; of German aliens. I mean the aliens of Kuhn's type—the Nazis. I am not talking about the German people. They have spread in headlines across the front of their paper, the Deutscher Weckruf und Beobachter:

Department of Justice clears all camps and bunds—

And so forth. Here is what happened.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, certain Members of Congress had written letters to find out whether ammunition was being smuggled from one camp to the other. I had nothing to do with that. Insofar as the transportation of ammunition or guns from one State to another is concerned, the Attorney General or someone in his office made the statement that they found no such condition to exist. That is as far as that statement that was released from the Department of Justice went. It had nothing to do with the un-American activities, and it has nothing to do with other activities because the report by Mr. McMahon on the report by Mr. Hoover has not been submitted to the Attorney General as yet. I hope one will be made very soon.

Mr. JENKINS of Ohio. The gentleman stated a minute ago that a report had been made to the Attorney General but the Attorney General had not digested it. Is that the status?

Mr. DICKSTEIN. That is right.

Mr. JENKINS of Ohio. Has the gentleman any inside information as to when that report will be made?

Mr. DICKSTEIN. I was informed, after conversation with Mr. McMahon, of the Criminal Division, who is examining the report, that a report for the public and most likely for the Congress, will be made within the next 2 or 3 weeks. This is due to the voluminous record in the matter.

Mr. JENKINS of Ohio. For whom did the Department of Justice assume this task or responsibility of making a report?

Mr. DICKSTEIN. I believe certain letters were written by Members of Congress to the Attorney General.

Mr. BOILEAU. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman is talking about subversive propaganda. Does the gentleman mean this investigation

should be only with reference to the activities of aliens or of American citizens too?

Mr. DICKSTEIN. Of all subversive groups in this country.

Mr. BOILEAU. Whether they are American citizens or not?

Mr. DICKSTEIN. If they are carrying on subversive propaganda, or if they are aiding and assisting these alien groups in carrying on this subversive propaganda, we should know something about them.

Mr. BOILEAU. If it should develop that it is American citizens entirely who are responsible, does the gentleman feel we should investigate their activities also?

Mr. DICKSTEIN. If their activities are such that they warrant no criticism, there is nothing wrong.

Mr. BOILEAU. The term "subversive propaganda," of course, is broad. I know people who believe that advocating New Deal policies is subversive to the best interests of this Government.

Mr. DICKSTEIN. I am not going along that line of attack.

Mr. BOILEAU. I know the gentleman is not. I am trying to clarify the issue.

Mr. DICKSTEIN. The gentleman has asked me a number of questions, and I have tried to answer them in the best way possible. I am after these subversive groups, namely, these aliens or persons who are citizens but do not believe in our form of government, some of whom hold certificates of citizenship and carry on propaganda that is not for the best interests of America.

Mr. BOILEAU. Who is going to make the determination as to what is for the best interests of America?

Mr. DICKSTEIN. The committee that may be appointed by the Speaker of this House. This committee may subpena witnesses. There are thousands of witnesses on the list to be subpenaed. These persons are advocating propaganda which is not for the best interests of this country. Some of these people hold citizenship certificates and are carrying on propaganda for a philosophy of dictatorship. They are bringing into this country the teachings of fascism in place of democracy.

Mr. BOILEAU. Does the gentleman recognize the right of an American citizen to freedom of speech and freedom of assembly and the freedom of the press?

Mr. DICKSTEIN. Yes.

Mr. BOILEAU. And that he may advocate any form of government he may desire?

Mr. DICKSTEIN. Yes; but I have a very distinct thought as to what constitutes free speech and freedom of the press.

Mr. BOILEAU. I should not want to put a deadline on the right of an American citizen to speak his views. May I ask the gentleman whether or not this committee would have defined for it by Congress in the resolution what constituted subversive practices? In other words, I respect all of the Members of this House, but there are some Members of this body whom I would not want to have define the jurisdiction of the committee in that respect, some of whom would go in an entirely wrong direction, while there are others in whom I would feel absolutely free to trust their judgement with reference to carrying out this policy. Will the resolution which the gentleman is sponsoring or which he endorses itself define what are subversive practices?

Mr. DICKSTEIN. No.

Mr. BOILEAU. It would be left up to the committee to make this determination.

Mr. DICKSTEIN. The resolution would authorize the Speaker to appoint a committee for the purpose of investigating subversive and un-American activities; in other words, activities that we as Americans do not approve of, something we do not stand for. I mean activities which would destroy our Constitution, or activities which advocate destroying our everyday life. Those are the things I am after.

Mr. BOILEAU. I am opposed to communism and I am opposed to fascism.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. I oppose those forms of government; but I recognize the right of an American citizen, if he wants to take it upon himself to advocate a different form of government than we have, to do so, although I would oppose him politically. I would oppose his views; however, I would defend his right as an American citizen to freedom of speech. Does the gentleman agree with me?

Mr. DICKSTEIN. I agree with the gentleman.

Mr. BREWSTER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Maine.

Mr. BREWSTER. The gentleman has had a discussion in the last 5 or 10 minutes with the gentleman from Wisconsin, but may I ask him, in giving the committee the definition which the gentleman has laid down, is it going to be possible to distinguish that from an inquisition?

Mr. DICKSTEIN. I think the question answers itself.

Mr. BREWSTER. The gentleman opposes anything which would undermine the Constitution of the United States?

Mr. DICKSTEIN. The gentleman is correct.

Mr. BREWSTER. The gentleman knows millions of Americans thought the Supreme Court proposal was calculated to destroy the Constitution.

Mr. DICKSTEIN. I am not talking at this moment of American citizens.

Mr. BREWSTER. The gentleman asked you about that.

Mr. DICKSTEIN. The gentleman asked me whether I believed in the principle laid down in his question, and I say I believe in that very principle. I believe in every man's having the right of free speech and free press.

Mr. BREWSTER. No; the gentleman stated there were certain limits.

Mr. DICKSTEIN. However, there is a dead line beyond which I would not go. My point is that an alien who comes here as a visitor, who is not a citizen of this country, and who seeks to substitute his ideology for democracy by preaching un-Americanism, has no right to the protection given by the right of free speech.

Mr. BREWSTER. The gentleman's resolution does not confine itself to alien activities.

Mr. DICKSTEIN. In the first place, it is not my resolution. The resolution simply provides for a committee to study any activities which are un-American, that is, all movements, whether directed from within or from without, and to investigate the fact that money is coming into this country for such activities. The gentleman does not want to stop the committee from finding out who is financing these movements?

Mr. BREWSTER. For instance, there are millions of Americans who believe England is having a good deal of influence on our foreign policy right now. Should this committee investigate that question?

Mr. DICKSTEIN. No.

Mr. BREWSTER. Why not?

Mr. DICKSTEIN. It is entirely up to the Members of the House what power the committee is given.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Michigan.

Mr. ENGEL. The gentleman from New York and the gentleman from Wisconsin, of course, advocate the right of free speech, to the extent of permitting one to advocate the overthrow of this Government by force and violence.

Mr. DICKSTEIN. That is what I am opposed to. The gentleman did not put the question in that way.

Mr. ENGEL. The gentleman from Wisconsin made the statement, but the gentleman did not accept it.

Mr. DICKSTEIN. I agreed with the gentleman as he put the question, and the question was whether I believed in free speech and free press and free assemblage.

Mr. ENGEL. But not to the extent of advocating the overthrow of this Government by force and violence.

Mr. DICKSTEIN. If there are any conspirators, whether they are citizens or aliens, who seek to overthrow this Government by force and violence, they ought to be exposed to the

American people, and adequate laws should be passed to protect this Nation against them.

Mr. ENGEL. The ballot box is the proper place for a change of Government.

Mr. DICKSTEIN. Yes.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. I do not know if the gentleman from Michigan was asking me a question or not.

Mr. DICKSTEIN. He incorporated the gentleman's question in his question to me.

Mr. BOILEAU. If the gentleman will permit, I should like to make my position clear. I recognize the right of every American citizen to speak his mind freely on a change of government. As to those who would advocate the overthrow of government by force, I would oppose force on my own part, but I recognize their right to advocate any change in this Government they see fit. The moment we do not permit American citizens to speak their minds freely and fail to protect minority groups in their right to speak their minds freely, we no longer have a democracy.

Mr. DICKSTEIN. I agree with the gentleman. That is exactly what I have been preaching.

Mr. BOILEAU. The way to prevent the encroachment of communism in this country is to make this country such the people will want to preserve democracy, and make democracy effective by carrying out the principles outlined in the Declaration of Independence.

Mr. DICKSTEIN. The gentleman is correct. Let us go a little step further. Would the gentleman give the same protection to one who has a certificate of citizenship, but who conspires with foreign groups to overthrow this Government in one way or another?

Mr. BOILEAU. I would give him the right to advocate a change in our form of government, but not the right to advocate such change by force. I may say to the gentleman that when Congress tries to define "advocating by force" you are destroying democracy.

Mr. DICKSTEIN. We do not disagree on that.

[Here the gave fell.]

The SPEAKER pro tempore (Mr. KENNEY). Under previous order of the House, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 10 minutes.

Mr. ENGEL. Mr. Speaker, the gentleman from Michigan has informed me he does not care to address the House at this time.

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered before the Rivers and Harbors Congress on last Friday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I take this time to call your attention to the fact that in the Buenos Aires Convention of 1935 this Government, along with the other republics in this hemisphere, went on record as opposing interference by any nation in the internal affairs of any other nation. I think everybody takes this for granted. In addition, the nations all agreed in formal language that they would try to eliminate all oppressive barriers in tariff discrimination, and I believe everybody approves of that, too.

Only yesterday I heard with some alarm and apprehension that our sister Republic, Mexico, has erected probably the highest tariff barriers we have ever encountered on the part of any American republic. This action affects us, because 70 percent of their trade is with us. It affects us not because we intend to interfere with the internal policies or philosophy of that country, but because we have a solemn pledge with it.

When we talk about China we are talking about a land that is thousands of miles away, a land in which, in reference to Mexico, I am told, the ratio of investment is as 1 to 6—for every dollar we have in China we have $6 in Mexico. So because we have this understanding I think we should view the situation with alarm.

[Here the gavel fell.]

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein the two sections from the Inter-American Congress at Buenos Aires to which I have referred.

The SPEAKER pro tempore (Mr. KENNEY). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 2 additional minutes, as I would like to ask him a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BREWSTER. The gentleman stated that 70 percent of our foreign trade is with Mexico——

Mr. SHANLEY. No.

Mr. BREWSTER. The gentleman did not mean to say that. The gentleman meant to state that 70 percent of Mexico's trade is with us.

Mr. SHANLEY. Yes; if I made the other statement, I shall correct it.

Mr. BREWSTER. Did the gentleman read within the last 2 weeks where we had completed an agreement with the Mexican Government by which we would buy very large quantities of silver from them?

Mr. SHANLEY. I certainly did; and I think the very fact we did that out of mutuality or for the concessions they might make us, and because of the philosophy of the Buenos Aires Conference as well as the Montevideo Conference, this ought to make us more apprehensive over the fact they are taking advantage of our good will and our willingness to fulfill our obligations.

Mr. BREWSTER. Does the gentleman understand that this commitment on silver is enduring? Are we bound by it?

Mr. SHANLEY. We are bound, as I understand, mutually, as long as they take no discriminatory action against us in our trade.

Mr. BREWSTER. We are bound by the silver commitment?

Mr. SHANLEY. I understand so.

Mr. BREWSTER. What about this tariff barrier?

Mr. SHANLEY. As I understand it, that tariff barrier would be a repudiation and give us grounds for repudiation of the silver agreement.

Mr. BREWSTER. Would the gentleman agree that if we are committed to this silver policy in spite of this tariff barrier, they are making monkeys out of us?

Mr. SHANLEY. Well, not if we demand our rights in emphatic language. We are not just going to ignore it.

Mr. BREWSTER. Well, what does the gentleman think of such an arrangement, by which we are going ahead and buying $500,000,000 of silver to save Mexico, and then within a week Mexico erects a barrier that it is impossible for us to overcome?

Mr. SHANLEY. I think the gentleman states the reason for my apprehension, though I think we have the means to overcome it. I wish to take advantage of my extension and revision to include the paragraphs from the Inter-American Conference for the Maintenance of Peace, at Buenos Aires, December 1936, which seem most apposite and reflect the opinion of the delegates to that great conference:

Whereas the governments of the American republics meeting in Buenos Aires are convinced that the growth of international trade can serve to strengthen greatly the foundations of peace by improving the material welfare and contentment of nations;

That the governments of the American republics reaffirm the statement enunciated by the Seventh International Conference of

American States that the principles of equality of treatment stands and must continue to stand as the basis of all acceptable commercial policy;

That each government declare its determination to bend every effort, having in mind the different national economies, toward the objective of enforcing in all the phases of its general commercial policy the peaceful and equitable principle of equality of treatment, and recommends that the governments of all countries adopt this principle in their commercial policies, and in accordance therewith suppress as soon as possible all discriminatory practices, including those arising in connection with import license systems, exchange control, and bilateral clearing and compensation agreements.

(With the reservation by El Salvador to the effect that due to its special geographic and economic situation, it cannot comply immediately with the doctrine contained in the above recommendation while the factors obtain which require it to maintain the existing dispositions and organization. See minutes of the fifth committee, meeting of December 17, and published in the Diario of the Conference December 21, 1936.)

I think that the world agrees that we came handsomely to the aid of Mexican finances, which were in a bad plight. Our aid consisted of the purchase of their silver reserves at high prices, and the promise to buy 5,000,000 pounds of silver per month through the present year. It is my understanding that because of this Mexico promised not to raise tariff barriers. I have confidence that the State Department will handle this situation to the satisfaction of every reasonable person in this House. Certainly they are not going to permit this change of attitude on the part of Mexico to wreck or in anyway interfere in our splendid efforts at both Montevideo and Buenos Aires.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Tuesday, January 25, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 25, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will continue his statement.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will start hearings on H. R. 8690, granting a pension to widows and dependent children of World War veterans on Tuesday, January 25, 1938, at 10 a. m.

The Committee on Pensions will hold a hearing at 10 a. m., Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, January 25, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia, will meet Thursday, January 27, 1938, at 10 a. m., in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m., Tuesday, January 25, 1938, to resume hearings on H. R. 9016, Washington Airport. Caucus room, House Office Building.

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs in room 1310, New House Office Building, at 10:30 a. m., Tuesday, January 25, 1938, for the consideration of H. R. 8453, to provide for a commissioned strength of 14,659 for the Regular Army.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1013. A communication from the President of the United States, transmitting two supplemental estimates of appropriation for the fiscal year ending June 30, 1938, for the Treasury Department, to provide for payments to Federal land banks and to the Federal Farm Mortgage Corporation on account of reductions in interest rates on mortgages under the provisions of the act of July 22, 1937, amounting to a total of $19,700,000 (H. Doc. No. 486); to the Committee on Appropriations and ordered to be printed.

1014. A letter from the Secretary of War, transmitting a draft of a bill to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes; to the Committee on Military Affairs.

1015. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Railroad Retirement Board for the fiscal year 1938, amounting to $500,000 (H. Doc. No. 487); to the Committee on Appropriations and ordered to be printed.

1016. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the fiscal year 1937 and prior years in the sum of $57,996.44, and supplemental estimates of appropriations for the fiscal years 1938 and 1939 in the sum of $9,855, amounting in all to $67,851.44, and draft of a proposed provision to existing appropriations for the Department of Justice (H. Doc. No. 488); to the Committee on Appropriations and ordered to be printed.

1017. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, amounting to $4,720,826.44 (H. Doc. No. 489); to the Committee on Appropriations and ordered to be printed.

1018. A communication from the President of the United States, transmitting record of judgments rendered against the Government of the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, and which require an appropriation for their payment, amounting to $18,112.73 (H. Doc. No. 490); to the Committee on Appropriations and ordered to be printed.

1019. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to existing appropriations for the National Labor Relations Board for the fiscal year 1938 (H. Doc. No. 491); to the Committee on Appropriations and ordered to be printed.

1020. A communication from the President of the United States, transmitting schedule of claims allowed by the General Accounting Office, as shown by certificates of settlement forwarded to the Treasury Department for payment covering judgments rendered by the United States District Court for the Southern District of New York against the collector of customs, amounting to $14,941.92 (H. Doc. No. 492); to the Committee on Appropriations and ordered to be printed.

1021. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, United States Senate, for the fiscal year 1938, in the amount of $30,000 (H. Doc.

No. 493); to the Committee on Appropriations and ordered to be printed.

1022. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1938 amounting to $99,150, and two drafts of proposed provisions pertaining to existing appropriations, for the Department of State (H. Doc. No. 494); to the Committee on Appropriations and ordered to be printed.

1023. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for $850 to provide for payment in full of all claims authorized by Private Act No. 355, approved August 25, 1937 (H. Doc. No. 495); to the Committee on Appropriations and ordered to be printed.

1024. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1938, for protective works and measures, Lake of the Woods and Rainy River, Minn., amounting to $73,270.97, and three drafts of proposed provisions affecting existing appropriations of the War Department (H. Doc. No. 496); to the Committee on Appropriations and ordered to be printed.

1025. A letter from the Acting Secretary of the Interior, transmitting a copy of a letter from the Commissioner of the General Land Office dated January 11, 1938, transmitting report of withdrawals and restorations contemplated by the statute; to the Committee on the Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McLAUGHLIN: Committee on the Judiciary. H. R. 9043. A bill to amend an act to provide for the retirement of Justices of the Supreme Court; without amendment (Rept. No. 1709). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on Irrigation and Reclamation. House Joint Resolution 543. Joint resolution to authorize an appropriation for the survey for the transmountain diversion of waters for irrigation, domestic, and industrial purposes, in the State of Colorado; with amendment (Rept. No. 1710). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOCKWEILER: A bill (H. R. 9121) providing for an appropriation for reforestation and water conservation through the retardation of water flow and the control of erosion on watersheds as contemplated by section 2 of the act of June 22, 1936 (49 Stat. 1570), section 701b, title 33, United States Code, and for other purposes; to the Committee on Appropriations.

By Mr. KRAMER: A bill (H. R. 9122) to amend section 23 (e) (2) of the Revenue Act of 1936, as amended, providing for deduction of loss on account of abandonment of real estate; to the Committee on Ways and Means.

By Mr. ANDREWS: A bill (H. R. 9123) to authorize the Secretary of War to lease to the village of Youngstown, N. Y., a portion of the Fort Niagara Military Reservation, N. Y.; to the Committee on Military Affairs.

By Mr. COSTELLO: A bill (H. R. 9124) to establish a military veterans' retired list; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 9125) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Fayetteville, Ark.; to the Committee on World War Veterans' Legislation.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9126) to authorize the erection of an administration building at the Veterans' Administration Facility, Lincoln, Nebr.; to the Committee on World War Veterans' Legislation.

By Mr. WILCOX: A bill (H. R. 9127) to extend the boundaries of the Fort Jefferson National Monument, in the State of Florida, and for other purposes; to the Committee on the Public Lands.

By Mr. PIERCE: A bill (H. R. 9128) authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath business committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 9129) granting an increase of pension to Sarah E. Ayers; to the Committee on Invalid Pensions.

By Mr. ALLEN of Louisiana: A bill (H. R. 9130) for the relief of Marshall Carver; to the Committee on Claims.

By Mr. BOEHNE: A bill (H. R. 9131) for the relief of Louis Bender; to the Committee on Claims.

By Mr. CASE of South Dokata: A bill (H. R. 9132) for the relief of Celia Koehler; to the Committee on Claims.

Also, a bill (H. R. 9133) for the relief of William Monroe; to the Committee on Claims.

Also, a bill (H. R. 9134) for the relief of the Black Hills Methodist Hospital of Rapid City, S. Dak.; to the Committee on Claims.

Also, a bill (H. R. 9135) for the relief of Emmond Wolfer; to the Committee on Claims.

Also, a bill (H. R. 9136) for the relief of John Quaal; to the Committee on Claims.

By Mr. DREWRY of Virginia: A bill (H. R. 9137) granting a pension to Gordon R. McKinney; to the Committee on Pensions.

By Mr. DUNN: A bill (H. R. 9138) for the relief of George Modran; to the Committee on Military Affairs.

By Mr. HENDRICKS: A bill (H. R. 9139) granting a pension to Augusta I. Hazelwood; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 9140) for the relief of Walter Petersen; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 9141) for the relief of Hubert J. Cuncannan; to the Committee on Claims.

By Mr. O'NEAL of Kentucky: A bill (H. R. 9142) for the relief of J. J. B. Hilliard & Son, of Louisville, Ky.; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 9143) granting a pension to Louise Kerner; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 9144) granting an increase of pension to Alice A. Tyrrel; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 9145) extending patents Nos. 1397600, 1397601, and 1397602; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3866. By Mr. CARTER: Petition of plan of Clay C. Blough, Oakland, Calif., for a Government lottery or sweepstake; to the Committee on Ways and Means.

3867. Also, petition of the Contra Costa County Democratic Central Committee of California, recommending the passage of Senate bill 2403 prohibiting interstate transportation of strikebreakers; to the Committee on the Judiciary.

3868. Also, petition of the Contra Costa County Democratic Central Committee of Martinez, Calif., recommending the enactment of Senate bill 2215 to make permanent the Agricultural Bankruptcy Act; to the Committee on the Judiciary.

3869. Also, petition of the Contra Costa County Democratic Central Committee, recommending the enactment of Senate bill 3055 amending the Housing Act; to the Committee on Banking and Currency.

3870. Also, petition memorializing Congress to provide for the continuance of Federal-aid highway funds by providing that the Highway Act of June 16, 1936, remain unchanged; to the Committee on Roads.

3871. Also, petition of the Oakland Post, No. 5, of the American Legion, endorsing furtherance of Oakland naval supply depot project and pledging cooperation of the post; to the Committee on Naval Affairs.

3872. By Mr. EATON: Resolution of the New Jersey State Planning Board, adopted January 5, 1938, opposing the enactment of House bill 7365 and Senate bill 2555 on regional planning legislation, and suggesting in lieu thereof a national planning board, which would best serve conservation and development needs of the country; to the Committee on Rivers and Harbors.

3873. By Mr. LAMNECK: Resolution of the Franklin County Council, the American Legion, Columbus, Ohio, urging the passage of the Sheppard-Hill universal service bill; to the Committee on Interstate and Foreign Commerce.

3874. By Mr. LUCE: Petition of residents of Massachusetts, urging consideration of House bill 4797, to provide for grants to States for relief of needy incapacitated adults; to the Committee on Ways and Means.

3875. By the SPEAKER: Petition of the Akron Council for Peace Action, Akron, Ohio, petitioning consideration of their resolution dated January 19, 1938, with reference to the Ludlow bill; to the Committee on the Judiciary.

3876. Also, petition of the Regular Veterans Association, Washington, D. C., petitioning consideration of their resolution dated January 5, 1938; to the Committee on Military Affairs.

3877. Also, petition of the National Guard Officers' Association of Alabama, Montgomery, Ala., petitioning consideration of their Resolution No. 3, dated January 16, 1938, regarding the Ludlow amendment; to the Committee on the Judiciary.

SENATE

TUESDAY, JANUARY 25, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate of yesterday be approved without reading.

Mr. CONNALLY. I object.

The VICE PRESIDENT. Objection is made by the Senator from Texas.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2463) to authorize an additional number of medical and dental officers for the Army, and it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Having the floor myself, and not having yielded, is it in order to make a point of no quorum?

The VICE PRESIDENT. The Senator from Kentucky made a motion and the motion was agreed to; and, after it was agreed to, the Senator from Texas made the suggestion of the absence of a quorum. If the Senator from Kentucky wishes to follow it up, he may do so.

Mr. BARKLEY. I will not insist on the point.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lee	Radcliffe
Bailey	Donahey	Lewis	Reynolds
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gerry	McAdoo	Smathers
Borah	Gibson	McCarran	Smith
Bridges	Glass	McGill	Steiwer
Brown, Mich.	Guffey	McKellar	Thomas, Okla.
Brown, N. H.	Hale	McNary	Thomas, Utah
Bulkley	Harrison	Maloney	Townsend
Bulow	Hatch	Miller	Truman
Burke	Hayden	Milton	Vandenberg
Byrd	Herring	Minton	Van Nuys
Byrnes	Hill	Murray	Wagner
Capper	Hitchcock	Neely	Walsh
Caraway	Holt	Norris	Wheeler
Chavez	Hughes	O'Mahoney	
Clark	Johnson, Calif.	Overton	

Mr. LEWIS. I announce that the Senator from Iowa [Mr. GILLETTE] and the Senator from Rhode Island [Mr. GREEN] are absent because of illness.

The Senator from Maryland [Mr. TYDINGS] is detained on important public business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting the nominations of sundry postmasters, which were referred to the Committee on Post Offices and Post Roads.

(For nominations this day received see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of sundry officers for appointment or promotion in the United States Public Health Service.

Mr. HATCH, from the Committee on the Judiciary, reported favorably the nomination of Clinton R. Barry to be United States attorney for the western district of Arkansas.

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Kinloch Owen, of Mississippi, to be United States marshal for the northern district of Mississippi.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

MEMBERS OF BOARD OF DIRECTORS OF THE R. F. C.

Mr. WAGNER. From the Committee on Banking and Currency, I report back favorably the nominations of Jesse H. Jones, of Texas; C. B. Merriam, of Kansas; Charles B. Henderson, of Nevada; Emil Schram, of Illinois; and Howard J. Klossner, of Minnesota, to be members of the Board of Directors of the Reconstruction Finance Corporation for terms of 2 years from January 22, 1938 (reappointments).

The VICE PRESIDENT. The nominations will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state, in order, the nominations on the Executive Calendar.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The legislative clerk read the nomination of Stanley Reed, of Kentucky, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney, western district of Texas.

Mr. CONNALLY. Mr. President, I should like to have that nomination go over.

The VICE PRESIDENT. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Daniel B. Shields to be United States attorney, district of Utah.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES MARSHALS

The legislative clerk read the nomination of James R. Wright to be United States marshal, northern district of Texas.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Gilbert Mecham to be United States marshal, northern district of Utah.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William B. Fahy to be United States marshal, eastern district of Missouri.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Paul Morrison Shadel to be postmaster at Ramona, Calif.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

That completes the nominations on the Executive Calendar.

RECONSTRUCTION FINANCE CORPORATION

Mr. WAGNER. Mr. President, a few moments ago I reported from the Committee on Banking and Currency, with favorable recommendation, five nominations for the position of director of the Reconstruction Finance Corporation. All the nominees are now serving and, I am sure everyone will agree, with credit. I wonder if there is any objection to their immediate confirmation.

Mr. McNARY. Mr. President, what is the——

The VICE PRESIDENT. Is there objection to the request of the Senator from New York that the Senate now consider the nominations of five members of the Reconstruction Finance Corporation, the nominations having been reported by the Senator from the Committee and Banking and Currency this morning?

Mr. WAGNER. They are all reappointments.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

Mr. McNARY. Just a moment, Mr. President. What is the emergency which prompts this unusual request?

Mr. WAGNER. There is not any emergency; and I did not know it was an unusual request in a case in which there are reported for confirmation the nominations of men who have served for a number of years with distinction and credit to themselves and to the administration. I assumed that every Member of the Senate was agreeable to immediate consideration of the nominations. However, if the Senator from Oregon has any objection, I shall withdraw the request.

Mr. McNARY. Mr. President, I think it well for me to inform the Senator from New York about the rule. It is very unusual to ask for confirmation immediately after a committee has acted upon a nomination. It must go to the Executive Calendar. Otherwise, there is no use for the Executive Calendar, and no information is given by it.

I have no objection to these nominees; but in view of the rule, and the desire to maintain the status of our Executive Calendar in its integrity, and knowing that these gentlemen are on the job, I object at this time.

Mr. WAGNER. Very well.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative session.

REPORT ON OIL AND GAS LEASES

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior reporting, pursuant to law, relative to the continuance of certain oil and gas leases, or portions of leases, extended beyond the original 20-year periods by reason of the inclusion of such leases or portions thereof in the approved unit plans, in accordance with the act approved August 21, 1935 (49 Stat. 674), amending sections 13, 14, 17, and 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended, which was referred to the Committee on Mines and Mining.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a memorial from Sherman H. Dalrymple, president of the United Rubber Workers of America, South Bend, Ind., remonstrating (in the name of over 5,000 members of the organization, citizens of New Jersey) against the seating of Mr. MILTON as Senator from the State of New Jersey, which was referred to the Committee on Privileges and Elections.

He also laid before the Senate a resolution adopted by the Board of Supervisors of the city and county of San Francisco, Calif., favoring the enactment of House bill 6972, known as the Dingell bill, authorizing the Government to appropriate moneys to assist cities in the development and maintenance of their airports which was referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted by the council of the city of Cleveland Ohio, favoring the enactment of legislation to carry forward a program for increasing the C. C. C. camp enrollment, which was referred to the Committee on Education and Labor.

He also laid before the Senate a letter in the nature of a petition from Mrs. Lillian Herbette, of Derby, Conn., praying for the enactment of legislation excluding foreign-made goods from the United States, which was referred to the Committee on Finance.

He also laid before the Senate a telegram in the nature of a memorial from a meeting of sundry citizens at Madison Square Garden, New York City, N. Y., held under the auspices of the Communist Party, signed by James W. Ford, New York State committee, remonstrating against alleged filibustering in the Senate in connection with consideration of the so-called antilynching bill, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from the executive board of the Teachers Union of New York City, N. Y., signed by C. J. Hendley, president, remonstrating against alleged filibustering in the Senate in connection with consideration of the so-called antilynching bill and favoring the enactment of legislation to protect minority groups from mob violence, which was ordered to lie on the table.

Mr. WAGNER presented letters in the nature of petitions from several citizens of New York City, N. Y., praying for the enactment of the bill (H. R. 1507) to assure to persons

within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which were ordered to lie on the table.

Mr. HOLT presented a paper in the nature of a petition stating that the chamber of commerce; the Russian Orthodox Mutual Aid Society; the Weirton "R" Club; Protection of St. Mary's Altar Society; the Polish Roman Catholic Union, Lodge Group No. 791; United Russian Orthodox Brotherhood of America; Assumption of the Blessed Virgin Greek Catholic Church; and the Weirton-Cove Kiwanis Club, all of Weirton, W. Va., were praying for a congressional investigation of the National Labor Relations Board, which was referred to the Committee on Education and Labor.

REPORT OF COMMITTEE ON THE JUDICIARY

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the bill (S. 3145) to provide for the appointment of an additional district judge for the southern district of California, reported it without amendment and submitted a report (No. 1313) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3312) to add certain lands to the Ochoco National Forest, Oreg.; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON of Colorado:

A bill (S. 3313) granting an increase of pension to Francis E. Searway; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3314) for the relief of Charles Edwin Doyle; to the Committee on Naval Affairs.

By Mr. HARRISON:

A bill (S. 3315) to authorize the purchase and distribution of canned oysters and other canned sea foods; to the Committee on Agriculture and Forestry.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 247) authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of the Order of Orange Nassau bestowed by the Government of the Netherlands; to the Committee on Foreign Relations.

By Mr. POPE:

A joint resolution (S. J. Res. 248) to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

HOUSE BILL REFERRED

The bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

VIVISECTION—AN ADDRESS BY DR. WILLIAM HOWARD HAY

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an address by Dr. William Howard Hay, delivered on June 25, 1937, before the Medical Freedom Society, the Humane Education Society, and the Anti-Vivisection Society of the District of Columbia.

The VICE PRESIDENT. Just a moment. The Chair recognized the Senator from North Dakota upon the theory that he had a unanimous-consent request to prefer. The RECORD shows that when the Senate took a recess last evening, the Senator from Florida [Mr. PEPPER] had the floor; and the Chair then agreed to recognize him today. Under a gentlemen's agreement of that kind the present occupant of the chair feels that he should recognize the Senator from Florida. If the Senator from Florida will permit the Chair to do so, the Chair will recognize other Senators for the introduction of bills, unanimous-consent requests, and so forth. Otherwise, the Chair will ask the Senator whether he will yield.

Mr. PEPPER. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PEPPER. Would the effect of the Senator from Florida yielding for such requests be for the Senator from Florida to lose the floor?

The VICE PRESIDENT. It would; and so far as the RECORD shows, the Senator from Florida has already made two speeches on the amendment offered by the Senator from Illinois [Mr. LEWIS], and is not entitled to the floor unless he has some other amendment to offer.

Mr. PEPPER. Mr. President, in that case, and because of that announcement by the Chair, it will be impossible for the Senator from Florida to yield to Senators who are seeking recognition, regretting it as the Senator from Florida does.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Kentucky will state it.

Mr. BARKLEY. Under the ruling of the Chair that the Senator from Florida has already spoken twice on the pending question, and that in order to get the floor again he must offer some amendment, is it not true that the Senator from Florida would lose nothing by allowing Senators to introduce bills or put in the RECORD anything they wish?

The VICE PRESIDENT. The Chair had just stated to the Senator from Florida that he would recognize other Senators, and then would recognize the Senator from Florida after they concluded their unanimous-consent requests; so the Senator from Florida will not lose anything. The Senator from North Dakota is recognized.

Mr. FRAZIER. Mr. President, I repeat my request that there be printed in the RECORD an address delivered by Dr. Hay, of Pennsylvania, before several organizations in Washington, on the antivivisection bill.

The VICE PRESIDENT. Without objection, it is so ordered.

REORGANIZATION OF EXECUTIVE DEPARTMENTS—DEBATE BETWEEN JAMES ROOSEVELT AND REPRESENTATIVE PETTENGILL

Mr. BYRD. Mr. President, I ask unanimous consent to insert in the Appendix of the RECORD a very interesting debate which occurred in New York City on January 24 between Hon. James Roosevelt and Representative SAMUEL B. PETTENGILL on the subject Shall the President's Plan for Reorganization of the Executive Branch of the Government be Adopted?

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRISON. Mr. President, does not the Senator think the debate is so interesting that the Senate ought to hear it?

Mr. BYRD. It is very interesting.

Mr. HARRISON. Would the Senator have any objection to having it read to the Senate?

Mr. BYRD. I think it would be very informing to the Senate to hear it.

The VICE PRESIDENT. In good faith, the Chair thinks the Senator from Florida [Mr. PEPPER] did not yield for the purpose of an extended debate or an extended consumption of time. The Senator from Florida agreed to suspend his remarks temporarily for the purpose of permitting brief action by Senators.

Mr. HARRISON. If the Chair will permit me, I myself do not wish to object, or to have the speech of the Senator from Florida [Mr. PEPPER] marred, because it is a wonderful speech. He has already convinced the Senate and the country that his position is the correct one, so I want to have him proceed.

RELATION OF WESTERN RECLAMATION TO NATIONAL PROGRESS—ADDRESS BY SENATOR HAYDEN

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an address delivered by Senator HAYDEN before the Thirty-third Annual Meeting of the National Rivers and Harbors Congress at the Mayflower Hotel, Washington, D. C., on the 21st instant, which appears in the Appendix.]

THE TENNESSEE VALLEY—EDITORIAL FROM ALABAMA JOURNAL

[Mr. BONE asked and obtained leave to have printed in the RECORD an editorial from the Alabama Journal of Tuesday, January 18, 1938, entitled "A Word to Mr. Willkie," which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. PEPPER. Mr. President, I send to the desk an amendment which I offer to the pending amendment, as modified, of the Senator from Illinois [Mr. LEWIS].

The VICE PRESIDENT. The amendment offered by the Senator from Florida to the modified amendment of the Senator from Illinois [Mr. LEWIS] will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following words to the pending amendment:

Under such conditions as to constitute a felony under the law of the State in which the offense occurs.

Mr. PEPPER. Mr. President, in beginning my remarks yesterday I stated that what I should say would be divided into a few brief and clear propositions.

The first one was that the pending bill, as it is drafted and pending before the Senate, is not only offensive to the South, and therefore deserving of opposition, but that it is a futile, vain, and ill-considered attempt to realize the objective which the proponents of the bill possibly had in mind.

In the second place, the measure is plainly contrary to the Federal Constitution.

In the third place, the measure in its present form is plainly contrary to the recognized principles of democracy.

In the fourth place, the bill as it is now drafted is distinctly out of harmony with the whole program of legislation proposed, advocated, and sponsored by the present administration.

In the fifth place, the measure as now drafted is contrary to the true principles of what all of us designate as liberalism or progressive democracy.

Believing that the measure, in the form in which it now is before the Senate, is in contravention of those principles, I deem it my duty to oppose the legislation with all the vigor of which I am capable.

I addressed myself yesterday in some measure to the first proposition—that the bill is not only offensive in its provisions to the southern part of the United States, but particularly that the bill will not accomplish the purpose which its proponents have in mind; that the crime of lynching which all of us deplore, which all of us oppose, which all of us are trying to stamp out, which all of us bitterly castigate is a disappearing offense, as evidenced by the statistical fact that there were an average of 187½ lynchings in the 9-year period succeeding 1889, whereas in the calendar year 1937 there were only 8 lynchings in the entire United States. The record contains the affirmation, given since the bill has been pending before the Senate by the governors of the Southern States, that they, too, are bitterly and strenuously opposed to the crime of lynching, that they have been doing all they could to stamp it out, and that they will continue to do so in the years to come.

Therefore, Mr. President, I was of the very earnest opinion that the enactment of this measure would do more harm than good toward the accomplishment of the objectives, worthy in an idealistic way, which the proponents of the measure have in mind.

The next category to which I addressed some attention was that the pending bill is plainly contrary to the provisions of the Federal Constitution. I took up all the provisions of the Federal Constitution relating to the States prior to the adoption of the fourteenth amendment, pointed them out seriatim, made some comment upon them, and attempted to indicate to my colleagues that none of those provisions gave any comfort or solace in a constitutional way to the proponents of this measure.

On the contrary, I indicated very clearly that there was a very distinct implication, if not a very clear-cut provision in the Federal Constitution, to the contrary of the constitutionality of this measure; to wit, the provision of the Federal Constitution which guarantees to the several States a republican form of government, and which contains the following language:

And shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence.

I said by way of comment, Mr. President, that that language constitutes a very clear-cut recognition and affirmance on the part of the National Government that it would not intervene in the affairs of a State which were mere instances of domestic violence, even for the suppression of such domestic violence, unless the intervention of the Federal Government was invoked by the highest executive or legislative authority of the State.

Mr. President, I said that that was a very clear-cut meaning of the Federal constitutional provision. I reminded Senators of the fact that a little while ago, when this body was agitated by very serious labor conditions prevailing in certain parts of the United States, there were some people who declared it to be the duty of the President and the obligation of the National Government to intervene in a matter of domestic violence, and to suppress that domestic violence by the exercise of the strong power of the Federal Government.

There sits in the White House a man who undertook solemnly before the American people an obligation to enforce the Federal law. Do Senators believe that if he had thought it was within the domain of the Federal power, within the scope of the Federal duty, to suppress that kind of domestic violence, he would scrupulously have abstained from sending the Federal troops to suppress that domestic violence? The very negation of interference evidenced an understanding on the part of the executive authorities of the Federal Government that that was a matter of domestic violence of general concern to everybody, but of no particular concern, technically, to the Federal Government, and this body did not indicate or do anything to the contrary.

I remember the resolution we adopted. We castigated both sides, to a degree. We said that we did not favor sit-down strikes, and that we did not commend the occupancy of another's property, but we said also that we did not lend our stamp of approval to the employer who openly flaunted the enacted law of the United States guaranteeing to employees the civil right of collective bargaining; and I say all honor, many honors, to that great man who sits in this body, the Senator from New York [Mr. WAGNER], who has given, has sacrificed, has labored, and has expended patriotic effort to bring into reality legislatively the protection, in a statutory way, of the civil right of collective bargaining.

The Constitution of the United States does not contemplate that the Federal Government, even for the suppression of domestic violence, shall interfere within the territory of the sovereign States of this country. That may not have been a wise provision of the Federal Constitution. I have no doubt that in numerous instances the strong power of the Federal Government, in some instances with a better personnel, with more money to spend, with a greater power, would be able to enforce local law, perhaps to enforce a law which would prevent domestic violence, more effectively, than could the weak municipalities, the counties, or even the States, which do not have the money to spend and the personnel for law enforcement available to the Federal Government.

I submit, therefore, that if the question involved were merely the enforcement of the law, the suppression of domestic violence, I have no doubt that the Federal Government would be more capable of suppressing domestic violence than are the State governments, the county governments, or the municipal governments. But I am satisfied, in my mind, and I believe Senators from every State are, regardless of whether those States are north or south of that

unfortunate line which was once drawn and remembered, called the Mason and Dixon's line—I am satisfied and I believe my colleagues are, whatever be their residence, that in spite of the fact that it might be possible for the Federal Government more effectively to enforce the law so as to suppress domestic violence, there are yet other considerations which are so strongly against that course that even for the laudable objective of suppressing domestic violence, we would not give the Federal Government the power to interfere in the local police affairs of any State, except by the consent of the State; that is, when the State, through its executive or legislative authority, invites the participation of the Federal Government.

Mr. President, I wish to make it very clear that I do not make that statement as a resident of Florida; I do not make that declaration as a native-born son of Alabama; I do not make that statement because I have any particular feeling either for or against lynching or for or against the colored man. I do not regard those issues as being involved in the expression of the opinion. I just do not believe as a citizen, I do not believe as a Democrat, that even for the laudable purpose of suppressing domestic violence we should be willing to invest the Federal Government with the power to intervene, in spite of the will of the States, in the active suppression of domestic violence within the several States of the Union, because I know that whenever we do that we break down the last vestige of demarcation between the States and the Federal Government; I know that the counties cease to exist; and I know that here in Washington, far removed from the actualities and the practical considerations which enter into all these problems, the Federal Government will be trying to administer the local law; and I do not think that is a salutary policy for the National Government to assume.

We concerned ourselves a little while ago with the question of enforcing a local police regulation when the prohibition amendment was a part of the organic law of this Nation, and our experience with that was such as to indicate that to secure any effective enforcement of such a law there must be a vast horde of Federal agents, who must literally honeycomb the country, drawing down great salaries, snooping in every man's home, sticking their noses into every man's business, spying upon every citizen's activity, all of it together constituting a situation which the American people, even for a very noble experiment, and even for a very laudable objective, were not willing to approve. So they have withdrawn the one experiment of the Federal Government actually going out into the police business in the local spheres of the political subdivisions of this country.

I stated that I thought the Federal Constitution had negatived not only the right and power of the Federal Government to undertake the suppression of domestic violence within the confines of the several States without the invitation of the highest executive or legislative authority in the several States. I had proceeded to the declaration that the fourteenth amendment very clearly in my humble opinion did not justify the enactment of this proposed legislation. I pointed out as justification for that statement that the fourteenth amendment merely prohibited certain affirmative action on the part of the States. I said that I would invite any Senator to produce before the Senate a decision of the United States Supreme Court in which it was shown that mere negation, mere failure to act on the part of a State officer in violation of a State law and that officer's duty under his local law, would constitute a Federal offense.

I have heard no Senator indicate to us the existence of such a decision. I am therefore constrained to believe that there are no decisions of the United States Supreme Court which are inconsistent with the very clear-cut declaration which the Supreme Court made in the Slaughterhouse cases, in the Civil Rights cases, in Barbour against Connally, in Ex parte Virginia, and in all the series of cases dealing with this general subject whenever the subject has been presented to that very high tribunal.

I have said that although the Constitution does contemplate that there are certain civil rights which a State cannot violate, and although the Constitution gave authority to the Congress to protect those civil rights by appropriate legislation, yet those provisions of the Constitution did not go so far as to vest in the Congress the power or the duty to protect all those civil rights. It merely gave the Congress the power to prevent the States from affirmatively destroying those civil rights, by appropriate legislation. In other words, it gave to the Congress a power to negative an affirmative deprivation of a civil right by any one of the States. Put in another way, it provided that when the several States shall in a lawful way, in an organized way, in an expression of their sovereignty as sovereign States, endeavor to deprive a citizen of a civil right conferred by the Federal Constitution, there must be some power to negative the exercise of that forceful deprivation.

No other State can do it. Therefore the Federal Government must do it. This constitutional provision then gave to the Congress by appropriate legislation the power to negative an affirmative act of a State exercising its sovereign power to deprive a citizen of one of the civil rights recognized by the Federal Constitution.

Mr. President, if I am correct in the statement of that principle, then we maintain our existing line of demarcation between the Federal power and the State power. We allow each to be sovereign in its sphere and we give a very considerable measure of protection and vindication to civil rights which are conferred by the Federal Constitution.

What does the contrary argument lead us to as a logical conclusion? The arguments made by my learned friends who are the proponents of this bill inevitably must be upon the line of reasoning that, first, the Constitution vested citizens with certain civil rights. Those civil rights must be enjoyed by the citizens upon whom they are conferred. The Federal Government therefore has the power, yea, the duty, to see to it that they do enjoy those civil rights.

Where does that argument lead us? That argument leads us inevitably to the enactment of the very legislation which the Congress did enact to protect in and to assure to the citizens the enjoyment of those civil rights which came before the United States Supreme Court in the Civil Rights cases. In the civil-rights statute the Congress provided what citizens could do in the enjoyment of their civil rights. It gave them the right to social equality and to equality in the enjoyment of public facilities, et cetera.

In other words, it laid down rules and regulations protecting the enjoyment of civil rights, as such legislation must do if the argument of the proponents of this bill is constitutionally sound. Either Congress has or has not the authority to secure a citizen in the enjoyment of his civil rights. If Congress has that power it has the duty to exercise it, and if it must exercise it, it can exercise it honorably only in one way, and that is by providing adequate protection for enjoyment of such rights. That is what the Congress tried to do. The civil-rights statute was just as logical as the syllogism.

Right at that point came the crucial decision which established the unconstitutionality of that measure. The Supreme Court of the United States said in substance, "True, these are civil rights. True, the Constitution has vested them in the citizen. True, they cannot affirmatively be destroyed in a way that is not due process of law, and is a denial of equal protection under the law by the sovereign States." But, Mr. President, that is the end of it. The Congress cannot lay down a system which will guarantee that the citizen who has those rights shall always enjoy them without molestation, because the Congress has power to prevent molestation and interference from only one source, and that is from the sovereign State. If a group of citizens destroy those rights, Congress can do nothing about it.

Let me ask a question. Can Congress pass a law providing that I must invite Japanese or Chinese to my home as guests? Certainly not. That is a private matter. Can Congress pass a law that if a white man kills a Chinaman that is a Federal offense? No. That is a private matter. That is a private wrong cognizable only by the local law.

I would be just as much against the pending measure as I am today if the question of the white man and the colored man were not in any way involved in the whole issue. I am trying to speak as intelligently as I know how about a principle of constitutional government, and I say that under the existing Constitution Congress cannot make it a Federal offense for three Chinese in this country to hunt up one Japanese and kill him, or for four Japanese to hunt out one innocent Chinese and slay him. That is not a Federal offense, and we do not have the power to make it a Federal offense.

However, Mr. President, if the State of California passes laws which discriminate against one yellow man and take away from him civil rights which are accorded to white men and black men and other yellow men, we can do something about that.

Someone may ask, "What can we do?" We can set up a judicial process which will protect that yellow man from the effect of such a law, or what purports to be such a law. In other words, we can keep it from ever being a law, because there is a very solid wall of constitutional prohibition which such an effort on the part of a State to make such a thing a law will encounter. That is the principle contained in the pending measure. If the proponents of this measure are constitutionally right, then we can make it a Federal offense for one man to kill another and all criminal law will become Federal law.

Someone may ask, "Can we do that?" Yes; we can. "In what instances?" Where the crime is committed on Federal property, upon an Indian reservation in certain cases, in a United States post office, or upon a United States military or naval reservation. Yes; it is a Federal offense for one man to kill another in such a place. It is a Federal offense for one man to kill another man upon Federal property.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. ANDREWS. I should like to ask my colleague a question. If this proposed bill should be enacted into law, and if it were to be held constitutional, then, in view of the fact that it undertakes to punish a crime which is committed by individuals or groups within the borders of a State, would there be any prohibition against Congress in the future passing an act, which would also be valid if this measure should be held valid, which would provide for punishment and imprisonment for any offense committed in any State, even down to the point of breaking and entering, or stealing a chicken, if we wish to put it down to that low level?

Mr. PEPPER. I cannot escape the conclusion that my colleague is correct, Mr. President.

Mr. ANDREWS. Is it possible that this right has ever been granted to the United States under our Constitution?

Mr. PEPPER. I do not so understand.

Mr. ANDREWS. Then, we are simply fooling away a great deal of time, are we not, in discussing the measure? I do not mean to say that it is not proper for my colleague to do just what he is doing now. What we are trying to do, as I understand, is to let the people of the United States know exactly what confronts us constitutionally. We are going to save State rights if we have to spend a year to do it.

Mr. WAGNER. Mr. President, may I inquire whether the Senator from Florida will yield to me so I may ask the Chair a question?

Mr. PEPPER. I yield only for a question.

Mr. WAGNER. The Senator who asked the question of his colleague continued to make an address. I do not want to raise the point of order now, but I was going to inquire of the Chair whether that would not result in the Senator who now has the floor losing the floor.

The PRESIDENT pro tempore. Under the rule the Senator who is speaking may yield for a question. The Chair takes it that the Senator having the floor cannot tell whether the Senator who asks him to yield is going to ask a question or make a statement. However, the Chair would hold that if a Senator who has the floor yields for a question, it would be his duty to stop the Senator to whom he has yielded if he observed that that Senator was making a speech.

Mr. WAGNER. That was the point of my inquiry.

Mr. PEPPER. Mr. President, I thank the Chair and the Senator from New York. I want to make it very clear that I wish to be courteous to every Senator, but I do not wish to yield to a Senator who is not going to ask a question, and I am sure every Senator will be good enough to aid me in that regard, because Senators saw what happened yesterday when, without there being any such intention whatever, the Senator who had the floor lost certain rights.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield for a question.

Mr. WAGNER. Does not the fourteenth amendment provide for equal protection of all persons within a State?

Mr. PEPPER. No; it does not. It merely says that a State may not deny equal protection. It does not guarantee equal protection. There is a very great difference.

Mr. WAGNER. In the cases involving this question, which I hope at some later time to bring to the attention of the Senate, is it not a fact that the courts have sustained the entire function of the Federal Government in instances where a State official, acting on behalf of the State, has acted in a way to deny equal protection?

Mr. PEPPER. I will answer my friend the distinguished Senator from New York in this way: I invite the Senator from New York or anyone else to show any case in which affirmative action on the part of the State has not been the occasion to uphold Federal interference. In continuation of what I said to the able Senator from Kentucky yesterday, in every such case the State acted affirmatively, either through a statute or through a State official. When the State attempts to act affirmatively in the exercise of its sovereignty and the effect of such action is to deny a civil right, the Federal power can negative the assertion of that power on the part of the State.

Mr. WAGNER. The Senator will concede, will he not, that in addition to this guaranty in the Constitution there is a further provision in section 5 of the fourteenth amendment, that the guaranty may be effectuated by "appropriate legislation" by Congress?

Mr. PEPPER. I answer "no" to that question.

The Senator, as he uses the word, has in his mind that the Federal Constitution "guarantees" a person in the enjoyment of a civil right. It does not. It gives the Congress the power to legislate effectively to prevent a State from affirmatively denying the enjoyment of a civil right, but the Civil Rights cases have adjudicated that the constitutional provision does always protect the citizen in the enjoyment of a civil right. There is a very great difference.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield gladly to the Senator from Indiana.

Mr. MINTON. The Senator has repeatedly said that he knows of no case where negative action on the part of a State has been held to violate constitutional rights under the fourteenth amendment.

I wish to advert again to the Scottsboro cases and point out to the Senator the fact that there was nothing but negative action on the part of the State in those cases; that was condemned by the Supreme Court. In the Norris case the question of a jury was involved. Is it not a fact that the evidence showed that in Morgan County, Ala., there had been eligible Negro jurors for 30 years and no Negro had ever been called for jury service? Is it not a fact that the evidence showed that there was no discrimination against the Negroes? In fact, the jury commissioners took the stand and testified that they never discriminated against Negroes; that they never thought about it when they made up the jury lists, as to whether the names on the list were those of white men or black men. But, notwithstanding that fact, the court said that the course of conduct of the State, extending over a period of 30 years or more, whereby Negroes had never gotten on the jury, amounted to a denial of due process of law.

That was simply negative action on the part of the State which denied them their constitutional right to due process under the fourteenth amendment, which provision, of

course, protected them in their life, which the Senator discussed last night?

Mr. PEPPER. The Senator is only asking a question, is he not?

Mr. MINTON. The Senator is correct.

Mr. PEPPER. I am yielding only for a question.

Mr. MINTON. I have predicated my question upon the findings of the court in that case. The court found those things which I have mentioned.

Mr. PEPPER. That is correct.

Mr. MINTON. The court also found that the action of the State, through its State officers, amounted to a violation of constitutional rights under the fourteenth amendment, and there was nothing but a failure on the part of the State officers to do certain things.

Mr. PEPPER. Let me see if I can make a lawyerlike answer to that question, for it is a well-put question. If a mob went out and took the life of a citizen the Federal Government would have no jurisdiction under the fourteenth amendment to make that a Federal offense. That would be a case of a civil right, namely, a life, being taken away but by the kind of an agency which the Federal Government is powerless to effect, except in a very limited number of cases, such as those arising on Government property, and that sort of thing.

In such a case, although the civil right would be lost by reason of a wrong, the Federal Government would have no power to act in the redress of that wrong. Even if a defendant, pursued by criminally intentioned fellow citizens, rushed into the presence of a Federal court, so far as I know the Federal judge would have no legal authority to grant a writ of habeas corpus to that man to protect him from the mob that was about to lynch him. That is my second point. All that is outside the scope of the Federal law. That is not State action. That is private action.

However, if, pursuant to what is intended to be the form of the law, in harmony with what purports to be the substance of the law, the State, purporting to act as a sovereign, is about to take the life of a citizen and therefore deprive that citizen of a civil right, the State, in effectuating that purpose, is accountable to the Federal Government, to show—what? To show that it has acted with justification or excuse, just as the private citizen, under private law, may show justification in a case of self-defense. The State must show that it has adjudicated the death of that man and the deprivation of that constitutional right by due process of law. In other words, due process of law is a sort of affirmative defense to the State as against the sovereign Federal Government, which challenges the reason for the deprivation of the civil right.

If the shield of the State is not adequate, if the justification is not complete, if the excuse is not legally sufficient, then the State may not lawfully take the life.

But the wrong that is the offense is not the negative act of having a mob sentiment in the courtroom, or of denying the lawyer for the defendant the right to do certain things. That circumstance is a defect in the justification. It is an inadequacy in the excuse. It is a stain upon the escutcheon of defense on the part of a sovereign State, when called to account by the justly inquiring Federal power.

I say that it is within the scope of the Federal power to inquire as to the cause for which a State may deny a civil liberty or deprive one of a civil right; but I likewise say that it is outside the scope of the Federal power to make merely the denial to a lawyer the right to make a speech in a courtroom, without more, a Federal offense.

When we separate the negation or the omission from the consequence, I say that to make the mere omission, a Federal crime is outside the scope of the Federal power.

Mr. GEORGE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Florida yield for a question?

Mr. PEPPER. I yield for a question only, Mr. President.

Mr. GEORGE. May I ask the Senator if it was not true in the Scottsboro case that the proof of long-continued failure on the part of the jury commissioners to include the names of colored persons in the jury lists was considered by the Supreme Court as only prima facie evidence when the issue was submitted to the court of Alabama for determination?

Mr. PEPPER. The Senator is exactly correct.

Mr. MINTON. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield further to the Senator from Indiana.

Mr. MINTON. Did not the Supreme Court hold that that was not only prima facie but that it was sufficient to overcome the positive testimony of the jury commissioners themselves that they had not discriminated against Negroes?

Mr. PEPPER. We are talking about the principle, and the question which the Senator propounds is a question of evidence, whether it is by presumption or by prima facie showing of evidence.

Mr. MINTON. Will it not always be a question of evidence under the proposed law which is under consideration as to whether or not constitutional rights under the fourteenth amendment have been violated?

Mr. PEPPER. No; I am talking about the matter of substantive law and not the matter of evidence.

Mr. MINTON. It will always be a question of evidence, will it not?

Mr. PEPPER. Of course, in a certain sense.

Mr. MINTON. The question is whether or not the State is particeps criminis to the lynching. It is necessary to show that before the State can be held.

Mr. PEPPER. It might be a question of evidence as to whether the State is particeps criminis. If the premise be admitted that the State is a party to the lynching, there is a right to the exercise of the Federal power. But what evidence is adequate to show that the State is a party to the lynching? I say that the only evidence that is adequate to show that fact is evidence showing that the State has acted in its sovereign capacity.

How does a State act in its sovereign capacity? It acts by law. It acts by constitutional authority or constitutional statutory provision. If a sheriff in the State of Florida shoots his enemy down, is it the State of Florida that is doing it? I say it is not. But if the State of Florida says, "The sheriffs shall hereafter shoot down all colored men they see on the streets," that is an instance of the State acting as a sovereign, and then the Federal Government has a right to show that the State is acting, and not the sheriff.

Mr. MINTON. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. MINTON. How did the State act in the Scottsboro cases?

Mr. PEPPER. Mr. President, the State acted in such a way as to be, in the opinion of the Supreme Court, not exercising due process of law. In other words, I will answer the Senator by saying that all he is talking about is the definition of due process of law; that is all.

Mr. MINTON. Mr. President, let me ask the Senator if it is not a denial of due process of law that gives the right to come into court?

Mr. PEPPER. It is; that is correct.

Mr. MINTON. What he is trying to protect when he goes into court, is it not, is, of course, his life or his property?

Mr. PEPPER. That is correct.

Mr. MINTON. In this instance it is his life, but the constitutional right that he is always talking about is his right under the Constitution to equal protection of the law, or due process of law; and if the State is particeps criminis in taking from him either one of them, may not the State under the fourteenth amendment be held accountable?

Mr. PEPPER. I answer the Senator "yes," provided he shows the State is particeps criminis. Of course, the fourteenth amendment says that a State cannot take away a life or deprive a citizen of a civil liberty without due process of law, and if the State is doing it, yes, the Senator is right; but

I ask what evidence is necessary to show that the State is doing it? I say that it is necessary to show that the State exercised sovereignty or claimed sovereignty in doing it before the power to review is vested in the Federal jurisdiction.

Mr. MINTON. Mr. President, or may it not fail to exercise sovereignty, as it did in the Scottsboro cases?

Mr. PEPPER. No.

Mr. MINTON. That is all the State did in the Scottsboro case; was it not? It failed to exercise its sovereignty in the protection of the rights of the colored man.

Mr. PEPPER. No; it only failed to exercise due process of law.

Mr. MINTON. Is not that failure to exercise sovereignty?

Mr. PEPPER. The Constitution says the life of a citizen cannot be taken except by due process of law; that is all there is to it.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. Will the Senator defer his question for just a moment?

Mr. WAGNER. Very well.

Mr. PEPPER. Mr. President, everybody knows the difference between a State purporting to act and an individual purporting to act. Everybody knows the manner in which a State can be bound. Let us take civil liability in the ordinary commercial sense. Everybody knows the difference between one member of a board of five county commissioners meeting a man on the street and saying, "Hello, Bill," "Hello, Tom." Bill says, "I would like to sell your board a thousand pounds of cement," and the county commissioner individually says, "I think you are a friend of mine; surely we will buy a thousand pounds of cement from you. I am glad to help you in every way I can." The alert agent goes down the street a little further, and meets another member of the board of county commissioners and says the same thing to him. The second commissioner says, "Surely, Bill, we will buy your cement gladly. You have the best cement around here, but, whether you have or not, you are my friend and we are going to buy cement from you—a thousand pounds."

Bill meets the third county commissioner down on the creek where he is fishing. The commissioner sticks his fishing pole in the river bank and the agent says, "Ed, I want to talk to you a little about buying some cement from me. I want to sell to your board a thousand pounds of cement at a certain price"—the same price he mentioned to the other two county commissioners. "I want you to buy a thousand pounds of cement from me for so many cents a pound." The third county commissioner says, "Oh, boy, we are going to buy the cement from you all the time." The same thing happens in the case of the fourth county commissioner, and the same thing happens with the fifth one. In my State there are five county commissioners, constituting a county board. Is there anyone who would say that the county is bound by that sort of a transaction? That is the difference between individual action on the part of the officials and State organic action that binds the sovereignty itself. Does not the Senator see what I mean?

What I am saying is that, in order to make the county liable, the county commissioners must meet, in regular session, pursuant to notice given with a fair opportunity for all the county commissioners to be present; someone has to propose a resolution; the county commissioners have to vote on that resolution, perhaps after a fair opportunity for discussion has been allowed. Then a majority of the board of county commissioners must affirmatively vote for the proposal to buy the cement, and then the terms of the contract must be definite and sufficiently certain to be enforceable in a court. When that is done, there occurs sovereign action.

In the Scottsboro cases—and I was going to cite those cases myself yesterday—let me see if I can point out the distinction that I very earnestly entertain in my mind between those cases and the bill that is now pending.

The fourteenth amendment says "no State." It does not say individuals; it does not say any group of individuals; it does not say any theater; it does not say any railroad; it does not say any bus line; it does not say any church; it does not say any political party; it does not say any fraternity; it does not say any lodge; it says no State—shall do what? No State shall deprive. What does the word deprive mean? Is that a negative word or an affirmative word? If I deprive you of something do I merely fail to act or do I affirmatively withdraw something from you? I deprive; I take away something. No State shall take away—what? Life. What? Liberty. What? Property, except upon a certain condition. What is that condition? Except upon due process of law.

What is meant by due process of law? It means the orderly way provided by our institutions by which a State may deprive a person of life, liberty, or property. Does that mean a fake court or a sham trial, a pretended justiciable adjudication, a mockery of justice? Does that mean a trial by one juror, by three jurors? Does that mean a trial without a judge on the bench? Does that mean a trial without benefit of counsel, without benefit of counsel's argument, without counsel having a right to cross-examine, without the defendant having a right to offer testimony, without the defendant being confronted with the witnesses who are his accusers, and without his having the right to cross-examine his accusers? Of course not, because the genius of Anglo-Saxon law is such that when those things that are held to be the essentials of a public trial do not exist, there is not due process of law.

Mr. President, can I not state it clearly enough to make it understandable that the wrong of a State which will give the Federal Government the power to act is the State reaching out and taking hold of civil rights, life, and liberty and extinguishing them without justification? Let me ask this question: Have I a right to kill a man? The lay answer perhaps and the moral answer would universally be "no"; yet the lawyer would say, "Yes; upon certain conditions." What are those conditions? I will mention two of them. If I am the sheriff of a county and there has been a public trial and an adjudication of guilt and a proper judgment entered and a writ of execution placed in my hands, signed by the proper authorities and probably under the seal of the court—although anciently all the judge had to do, under the common law, was to make a little memorandum on the minutes of the court saying, "sus. per col.," "let him he hanged by the neck," and with no other record the sheriff took the prisoner and hanged him—I can take citizen A, the defendant, into a public place and break his neck with a noose.

Can the sheriff in such case cut the defendant's throat with a pocket knife? Suppose the sheriff, having a prisoner who has been condemned by the court to be hanged, takes the prisoner to the jail-house yard and tries to erect a hanging device as in the old days before, as in my State, electrocution was substituted for hanging, and he takes him to the State penitentiary, and the rope breaks or the sheriff finds that he does not have a rope, or the scaffold breaks or he finds he does not have a scaffold, and he says, "What difference does it make? They told me to hang the guy; all the law meant was to kill him, and so I am just going to cut his throat," and he takes out his faithful barlow and slits the prisoner's throat and says, "Take him to the paupers' cemetery; the judgment of the court is executed." Would that sheriff be acting with lawful justification? Of course not. He would be a murderer. Why? Because he did not, in a lawful way, take the life of the prisoner he was supposed to execute.

What I am trying to say is just this: I said there were two cases in which I could kill a man. God forbid the necessity of the case ever arising. One of them is if I were a sheriff—and by that I mean to include all officers of the law who have proper legal authority to take a man's life, although I would not have the job—I would be legally justified if I did it under those circumstances. There is another case when I can kill a man with impunity and am not criminally answerable, although a court may call upon me to show whether or not I had justification: I am walking down the street. I am unarmed. A man meets me. He starts to rob me and I try to defend myself. Then he takes

out his gun and threatens to shoot me. I reach out for my gun and get it, or some friend comes to my aid and lets me have his gun, and to keep that man from shooting me I shoot him and he falls dead upon the street. Am I a criminal? No. Yet what have I done? I have taken the life of a citizen. I have destroyed a civil right. I have deprived one of a civil liberty; but am I criminally responsible? No. Yet I am answerable. I am accountable for what I did. The grand jury may indict me; they may put me on my showing; and that is exactly analogous to the Scottsboro case, in this way: The petit jury is empaneled. The judge is on the bench. The lawyers are in court, and so are the witnesses and the defendant. They may call upon me to show that I acted in legitimate self-defense.

If I cannot show that, I have no justification for the deprivation of a right that another citizen has; but if I can show justification, I go scot free. If I cannot show it, I go to the penitentiary.

In the Scottsboro cases the State had exactly the same obligation. Not even a sovereign State has a right to kill a man without justification. The time when the monarch had the lives of his subjects in his facetious hands, the time when Peter the Great could take his visitor to the new death device which he had erected and call several men out of the crowd and have them put on the rack for the entertainment of his visitor—thank God, by reason of the patriotism of men who sacrificed themselves for civil liberties, that condition no longer exists! So even the State cannot take the life of a subject without justification; and when the State attempts to do it, the Federal Government has a right to make the State show that it has done it by due process of law. That seems to me clear.

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. PEPPER. I gladly yield for a question.

Mr. WAGNER. Preliminary to the question, may I read a brief extract? There are two questions which I should like to ask the Senator.

Mr. PEPPER. Since the Senator states that he is only asking a question I yield.

Mr. WAGNER. On the question of the State acting through its officials, and also on the question which has been raised here as to whether, under the fourteenth amendment, a State could be held to have denied due protection of the laws where the State officials had defied or violated a State law, I should like to read an extract from an opinion which I hope to read again later on in whatever legal argument I may present.

Mr. PEPPER. In the form of a question; I yield for the purpose of having it read.

Mr. WAGNER. It is preliminary to the question.

This is the case of Des Moines National Bank against Bennett. The court said that acts "done by virtue of a public position under a State government * * * and in the name and for the State" are not to be treated as if they were acts of private individuals, although in doing them the official acted contrary to an express command of the State law. When a State official, acting under color of State authority, invades, in the course of his duties, a private right secured by the Federal Constitution, that right is violated—and this, by the way, involves the fourteenth amendment—even if the State officer not only exceeded his authority but disregarded special commands of the State law. So it is rather all-embracing.

The question I desire to ask the junior Senator from Florida is, first, whether he has not a misapprehension of this entire proposal when he speaks of individuals participating in a mob lynching being made subject to prosecution by the Federal Government and asks whether or not that is permissible under the Federal Constitution. I will answer by saying that it is not permissible, and the bill does not attempt to do any such thing; so that in his radio speech and in his utterances here I am afraid the Senator does misapprehend the provisions of the pending bill.

Secondly, I desire to say to the Senator that I cannot see any distinction between the case of a judge presiding at a trial under a State law in which he is directed to give protection to the defendant and to see that he has all his rights under the due process of the State laws as well as protection under the Federal laws, but who fails to do so, and the case of a sheriff who is directed under the law to apprehend and retain custody of criminals, but who surrenders one of them to a mob who intend to lynch him. In the case of the judge, let us assume that he as an individual but representing the State—because he holds a State office—so conducts the trial as to deprive the defendant of the equal protection of the laws, which I will say is guaranteed by the Constitution, because many of the decisions of the court, as I shall show the Senator later on, also use the word "guaranteed." In such cases the Supreme Court has said, "You have denied the equal protection of the laws under the Federal Constitution and therefore you have violated the provision of the Federal Constitution; and that is our justification for intervening, and reviewing the trial, and granting a new trial."

I fail to see any difference between that case and the case of a sheriff, let us say, also a State official, who is directed under the law to apprehend criminals or those charged with crime or those who have been convicted of crime, but who, while a sheriff and having in custody an individual, say, charged with a crime, deliberately gives up the individual to a mob who intend to lynch him without a trial. They are both State officials. They both have obligations under the State and Federal law to give equal protection to the citizens of the State. What difference is there between the offense committed by one and the offense committed by the other?

Mr. PEPPER. That is a fair question Mr. President, and I shall try to make a fair answer to it.

There is a very great, a very deep, and very fundamental difference. In the first place, the Constitution, through the fourteenth amendment, says:

> No State shall * * * deprive any person of life, liberty, or property without due process of law.

Mr. WAGNER. Mr. President, will the Senator yield at that point?

Mr. PEPPER. I yield.

Mr. WAGNER. The Senator will concede, will he not, that the State can act only through its officials?

Mr. PEPPER. That is true.

Mr. WAGNER. So when we speak of State acts we speak of the acts of the officials of the State.

Mr. PEPPER. The Senator is right. Now let me state the matter again.

The fourteenth amendment says:

> No State shall * * * deprive any person of life, liberty, or property without due process of law.

That is a prohibition against the action of the State. The State law, let us suppose, says that if a homicide is committed, the one responsible for the homicide, if it is committed under such conditions as to make it murder in the first degree, shall suffer the death penalty. Suppose, further, that pursuant to the State law a defendant charged with the commission of such a crime is brought before a court for the adjudication of his guilt or innocence.

If the court adjudicates him guilty, then under the provisions of the State law the man shall forfeit his own life. But an essential element in the due process which the State must follow all the way down the line, from the apprehension of the man to the final act of snuffing out his life, is the judge; and if the judge fails to do his duty in a justiciable manner, so that the whole proceeding is something less than due process, the State has no authority under its own law even to take the life of the citizen. So the conduct of the judge becomes important in deciding whether or not the whole proceeding is due process of law—right, appropriate process of law. In that case the Federal power may exact a showing by the State power before it pulls the switch, that all the steps along the line were regular, and the process was due—proper.

That is the case of the judge, Mr. President. The Federal statute which gives the Federal judicial power a right first to take jurisdiction over that controversy, secondly to examine into it, and third to adjudicate its merits, is an action of the Congress to enforce or appropriately to protect the citizen in the immunity against the loss of his life by the State power except by due process of law.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. Yes; I yield for a question.

Mr. WAGNER. I am sure the Senator will agree that without any Federal statute, under the provision of the Constitution, the Supreme Court would have and would exercise authority to intervene in a case of that kind, because it is a violation of a provision of the Constitution.

Mr. PEPPER. Mr. President, it is a long story in the law as to whether the rule-making power of the court extends to all procedural points or not. I question very seriously whether all the provisions of the Federal Constitution could be appropriately enforced by the Federal courts without the necessary enabling statutory legislation. But that is an incidental point.

To answer the second part of the Senator's question, about the sheriff, let us suppose that a crime has been committed, let us not say by a colored man, but let us say by a white man; and there have been many lynchings where white men have been the victims of the mob's indignation. Let us suppose that a white man commits such an offense that the aroused and indignant citizenry of the community determine to lynch him. The sheriff hears about it. Instead of trying to prevent the lynching, the sheriff takes off his badge, puts it in his pocket, and says, "Boys, by golly, I am with you. Let us get him and lynch him." Is the State responsible for the lynching? Is not that sheriff a murderer? How can it be said that the State did that?

Mr. WAGNER. Suppose he keeps the badge right on him?

Mr. PEPPER. Very well; suppose he keeps his badge on. Is it the State doing it?

Mr. WAGNER. Yes; exactly.

Mr. PEPPER. The Senator is a lawyer, and he has answered "yes" to that question. Let me ask the Senator from New York, If the sheriff refuses to give adequate support to his wife and children, can the county be held liable?

Mr. WAGNER. He is not acting there as the sheriff of the county. I hope that the Senator in his effort to defend a defenseless cause will not get into the arena of metaphysics, where he will talk about the sheriff at home and the sheriff performing his official duties. I am talking about the sheriff having the custody of an individual charged with an offense. The only reason why he has him in his custody is that he is a State official. Otherwise he would have no right to apprehend him, to put him in prison, and to keep him there at all. While acting in his capacity as a sheriff he deliberately gives up that individual to a mob, which proceeds to lynch him. What I am asking is whether there is any difference between that officer acting as a State official and the judge who conducts a trial and does not give equal protection of the law to the defendant, to such an extent that he is convicted upon a charge of murder and his life is taken, without evidence, except that they go through the pretense of legal process.

I can see absolutely no difference, and if the Senator will in the calmness of his home reflect seriously upon this question, I am sure he will discover that these distinctions are hair-splitting, and are not real.

Mr. PEPPER. Mr. President, I appreciate the very splendid attitude of my friend the Senator from New York, but I was never more serious in my life, in the argument of a constitutional question, and I wish to put another case to indicate the point I have just suggested.

In my State the hunting season opens on a certain date. Suppose a sheriff, 2 days before the opening of the hunting season, goes hunting. Is the State liable for that offense? Yet he is the sheriff.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. HARRISON. It all depends. In my State the State is not able to buy the sheriff a badge. I do not know whether the sheriffs in Florida wear badges or not. They do wear badges in New York and Brooklyn and up in that vicinity. Would not the whole thing hinge on whether or not the sheriff had on a badge or did not have on a badge, according to the argument of the Senator from New York?

Mr. PEPPER. I will answer the question in the negative, because, of course, the symbol would not determine the character of the officer.

Mr. President, I put two cases, one where the sheriff refused to support his wife and children, which is a criminal offense by omission in my State.

Mr. WAGNER. Mr. President, will the Senator yield right there?

Mr. PEPPER. I yield.

Mr. WAGNER. Suppose the judge who presided at the trial which the Supreme Court said was a travesty upon justice, and deprived the defendant of due process and equal protection of the law, refused to support his wife. Does the Senator contend that he would be acting in his judicial capacity, and would be representing the State, when he refused to support his wife?

Mr. PEPPER. The Senator from Florida would contend to the contrary that he would not be.

Mr. WAGNER. Of course, and so do I. It is an analogous case to the situation with regard to the sheriff.

Mr. PEPPER. Yes. The ideo consideratum est is that the analogy works against the proposition of the Senator, because I say that when the sheriff goes out and participates in a mob he is not acting as an official; he is acting as a criminal, and he is amenable to the criminal law as a murderer. But unless the law of the State commands him to do it, he has no right to reflect upon the fair name of the Governor and the legislature and the courts of his State by his wrongdoing.

Mr. WAGNER. What is the judge doing if he deliberately so conducts a trial as to bring about the conviction of presumably innocent men? What is he doing? The Senator concedes he is acting for the State, and if, as a result of his action, the defendants, innocent men, were sent to the gallows because of his act as an official of the State, how does the Senator characterize his act? Is he an official or is he a murderer, or what is he?

Mr. PEPPER. Mr. President, it is possible for him to be either one. It is possible for a judge to go out and murder a man with a pistol, it is possible for a judge to murder a man from the bench. Old Jeffreys, in the common-law days, tried that, as the Senator well knows. But the difference is—and the Senator, being the able lawyer that he is, I know can detect the distinction—that the judge's conduct is a part of the process of law, which is a condition precedent to a State taking away a man's life. That is the respect in which the judge acts as a part of the sovereignty.

Mr. WAGNER. Will the Senator deny that when a sheriff apprehends a man charged with an offense he is acting as an official?

Mr. PEPPER. Of course he is, if he was acting pursuant to legal authority.

Mr. WAGNER. In the judicial case the Senator goes all the way through, and is willing to concede that, although the man is really murdered if he is sent to the gallows by an unjust trial, nevertheless the judge is acting for the State. On the other hand, while the sheriff is acting under the authority of the law of a State when he apprehends the criminal, the Senator says that the moment the criminal is released to the mob by him he is no longer acting for the State. As the Supreme Court said, it does not matter even if he is acting under the color of authority, whether he is defying the laws of the State or the commands of a State official, nevertheless the State is responsible in that case. I want to be as fair and as impartial as I can be in approaching any question of this nature, but I cannot see the distinction.

Mr. PEPPER. Mr. President, let me put another suppositious case. Let us see what are the duties of a sheriff.

When is he acting as a sheriff? The Senator says he is not acting as a sheriff when he fails to support his wife and children. He says he is not acting as a sheriff when he violates the hunting law. Let us see when he is acting as sheriff.

The constitution of my State provides for a sheriff, and it says that his duties shall be prescribed by law. When does he act as a sheriff? When he is acting pursuant to the prescription of his duty by law. Is there anything wrong with that logic? When he acts other than pursuant to the duties prescribed by law he does not act as a sheriff, as, for instance, when he fails to support his wife, when he goes hunting out of season, when he refuses to pay his debts, when he meets a neighbor on the street and assaults him with his pistol. A sheriff has an excuse for using his pistol sometimes; but suppose he meets an enemy on the street and strikes him down with his pistol. Is he acting as a sheriff? Is that a duty prescribed by law? Let me put a more glaring case.

Mr. WAGNER. May I put a case?

Mr. PEPPER. I yield for a question.

Mr. WAGNER. Take the case of the judge. When he proceeds to vary from State law and from Federal law, and continues on, is he acting as a judge?

Mr. PEPPER. He is acting as a judge, yes; when he is sitting on the bench.

Mr. WAGNER. He continues to act as the judge?

Mr. PEPPER. That is right.

Mr. WAGNER. So the sheriff, when he has this man under his authority bringing him to prison, is acting as the sheriff.

Mr. PEPPER. I will ask the Senator to stop right there, and let us analyze that. Let us see if that is correct.

Mr. WAGNER. Very well.

Mr. PEPPER. The statutes of the State say the judge shall sit on the bench and try a case and when he is sitting there trying a case he is acting pursuant to the statute. Do the statutes of the State provide that the sheriff shall turn loose the prisoner who is attacked by the angry mob?

Mr. WAGNER. Does the law provide that the judge shall give a partial trial, and submit to mob sentiment, and permit defendants to be convicted without evidence?

Mr. PEPPER. No.

Mr. WAGNER. But he continues.

Mr. PEPPER. It provides he must act as a judge, and he is a part of the due process, which is either "due" or is not "due," and his conduct is called into account according to that criterion.

Mr. WAGNER. So it is with the sheriff. He acts as sheriff. In one case the man violates his duty and denies equal protection of the law when he permits mob sentiment to control the verdict of the jury. In the other case the man violates his duty as a State official when he releases an individual under his control because he is sheriff so that a mob may lynch him.

Mr. PEPPER. Does not the Senator see that distinction? The judge is not put in jail when he rules incorrectly. When he lets the mob atmosphere permeate the courtroom, he is not penalized by reason of his adjudication. The Federal Government says to the State in such case, "You have not provided due process, and therefore you cannot hang the defendant." What the Senator is trying to do is to put the judge in the penitentiary for ruling incorrectly.

Mr. WAGNER. I may say to the Senator that I shall later on cite a case in which a judge in connection with the selection of certain members of a jury violated a Federal statute, and he was indicted for violating that Federal statute.

Mr. PEPPER. Who was indicted?

Mr. WAGNER. The judge was indicted because he violated a Federal statute.

Mr. PEPPER. Was he sitting on the bench then?

Mr. WAGNER. Yes. I will find the case for the Senator. The judge was acting as a judge at the time, and he violated a statute passed in pursuance of the Federal Constitution. In that case he was charged with an offense and was indicted.

Mr. PEPPER. Let us consider that case. Let us say that the judge is actually sitting on the bench in the trial of the case. Suppose he has some narcotics and sells them to one of the lawyers in the courtroom. Of course, he has then committed a Federal offense. But I say to the Senator that the time has not come when under the Constitution of this country the Federal Government can put a judge in the Federal penitentiary simply because he ruled erroneously, even though intentionally, in the trial of a criminal case. I admit that the Federal Government can say to the State, "When you have that kind of a judge on the bench, that kind of a modern Jeffreys, to condemn a man you cannot hang the defendant." But I also say that the Federal Government does not possess the power to put that judge in the Federal penitentiary because the Attorney General of the United States might have thought he ruled improperly in a case.

Mr. President, I ask those who are the friends of labor, I ask religious minorities and racial groups the country over, I ask every man who wants to protect the enjoyment of civil rights, Do you want to pass a law which will put the judge in a Federal penitentiary because he may have ruled improperly in such a case?

Mr. WAGNER. We are not asking that.

Mr. PEPPER. Let me put another case to my friend the Senator from New York. I should like to ask the Senator, Is it a criminal act to push a man in the river and let him drown? I suppose the Senator will say yes.

Mr. WAGNER. Yes.

Mr. PEPPER. Let us assume that there was a deep pool right in front of me, and I take a little child that I am holding by the hand and in my cruel, inhuman character, I drop the little child over into the pool and the child drowns. Am I a murderer? I do not suppose anyone would deny that I am.

Let us now suppose the following case: At exactly 2 o'clock I walk into the room where that pool is located. The instant before I walk into the room the little child falls in the pool, and is drowning, and I am the only person near. Now, suppose that instead of rescuing that child I let it drown. However morally reprehensible, however fiendish I might be, I challenge any court in the country to subject me to any legal criminal liability. That is an act of omission, and I cannot be held criminally liable when I had no legal duty to act.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I am sure the Senator will recognize the clear distinction between a case where a judge rules wrongly in the trial, and the only case in which this measure becomes effective. If a State official deliberately hands over a man charged with an offense to an infuriated mob, so that that man may be lynched instead of being given a trial under our due-process clause and under our Anglo-Saxon conception of justice, we would have a case which would certainly present a clear distinction, and we are making that distinction in this proposed legislation. I think, however, I have annoyed the Senator too much by my questions.

Mr. PEPPER. Not at all. I appreciate the queries. I wish to say to the Senator from New York, and I wish it made very clear, that if I am wrong on this constitutional question I am certainly conscientiously wrong.

Mr. WAGNER. I certainly believe that. I know the Senator is as sincere as any one of us on the other side in contending for what he believes to be the correct interpretation of the Constitution. I hope the Senator will never think that I have any other attitude toward him.

Mr. PEPPER. I appreciate that, and I want the Senator from New York to know that I am one of those who honor him for his patriotism and his sincerity in advocating this measure.

Mr. WAGNER. The Senator knows in what high esteem I hold him.

Mr. PEPPER. I do; yes. However, I think the Senator is a little inadequate in the statement of what this bill does. I read section 3 of the bill:

SEC. 3. Whenever a lynching of any person or persons shall occur, any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching and shall have will-

fully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, having the duty as such officer or employee, shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Mr. President, the thing penalized here is not an affirmative act but a negative act. I say that unless the State, in a lawful way, in the exercise of sovereignty, required or indicated the requirement to the State officer to conduct himself in a certain way, then the omission is not within the terms of the fourteenth amendment.

A moment ago I said that this bill was not an antilynching bill. If there was any way to pass a law here in Congress today that would stop the crime of lynching, I would defy anyone to find a Senator who would vote for it quicker than I would vote for it. If the Senator from New York will write a civil-liberties bill to protect every single liberty and right in the way that it may be protected under the Constitution, I will vote for it every time my friend the Senator from New York does. But I say that we cannot do that sort of thing in this way.

I say, Mr. President, that this proposed legislation is not an appropriate way of reaching what the proponents have in view. It cannot be done under the Constitution, and to do it this way will break down our whole system of distinction between State and Federal Governments.

In a few minutes I am going to discuss the question of civil rights, of what can be done to protect them, and indicate that I am willing to help protect them if it is done in the proper way.

If it is possible to do this in the way that is now proposed, let me show what it is also possible to do. It is possible for the Congress to pass a law providing that if a sheriff should permit some strikers to destroy or injure the property of a corporation, that sheriff would have committed a Federal offense. Listen to that statement, if you will, friends of labor and oppressed minorities. I say that if this proposed legislation is constitutionally valid we here, under the impulse of corporate stimulus, can pass a law putting in the Federal penitentiary every sheriff who permits a striking group to injure or destroy corporate property. Why? Because the fourteenth amendment says, in section 1:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law.

If it can be made a Federal offense for a sheriff not to prevent a mob from lynching a Negro, thereby depriving the Negro of a civil liberty, namely, life, it can also be made a Federal offense for a sheriff to fail to prevent a group of more than three striking labor men, struggling for their just rights, from injuring the property of a corporation that denied them those rights.

If I am correct about that, does labor want that kind of a Federal law?

Mr. President, it is one of the tragic phases of American history that the Federal courts, in purporting to protect property rights, have, by the process of injunction and the exercise, in many instances, of the criminal power, thwarted and throttled the laboring men of this country in their efforts to realize a fair opportunity to work. And yet Democrats, friends of labor, friends of oppressed minorities, racial and religious, against whom I have not even a suggestion of a prejudice, would try to set a precedent of this sort for the exercise of the Federal power.

I hope that the constituency of the Congress at the present time is such that if that power existed it would not be abused. The Senator from New York [Mr. WAGNER] is a friend of the laboring man, a Senator who has labored more nobly and patriotically than any of the rest of us to give the laboring man his just rights. He has done that in a constitutional way, as I shall point out. In all his efforts heretofore in that direction the Constitution was observed, because he acted within the authority that the Congress has to regulate interstate commerce, which authority does not exist as a basis for this proposed legislation.

If the power to pass this kind of a measure had existed, would the Senator from New York, who is a friend of labor, have been willing, back through the years, to have entrusted the rights of laboring men to the United States Senate as it has at times been constituted, or to the House of Representatives as it has at times been constituted? Would he have given the Congress, as it has at times been constituted, the power to put peace officers in the Federal penitentiary because they did not stop laboring men from striking to get their just rights?

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. WAGNER. A moment ago the Senator spoke about punishing judges for violating a provision of the Federal statute, which was passed pursuant to section 5 of the fourteenth amendment, authorizing "appropriate legislation." The Senator asked me whether I would go so far as to suggest that a judge could be punished criminally for violating the statute. I simply wish to invite the attention of the Senator to a case in the Supreme Court for his further examination and study on that point. I refer to the case of Ex parte Virginia, in One Hundredth United States Reports, page 339.

Mr. PEPPER. That is the jury case.

Mr. WAGNER. The Court squarely held that Congress may enforce by a criminal penalty the provisions of the fourteenth amendment against State officers. The judge of a Virginia county court was indicted and held in custody under a Federal statute making it a crime to discriminate against Negroes in the selection of jurors in either the United States or the State courts.

I have a number of quotations from the opinion of the Court which I do not want to take the time of the Senator to read, but because of his inquiry to me, I thought it appropriate to invite his attention to this particular case.

Mr. PEPPER. I am familiar with that case. That is, perhaps, one of the ways in which the Congress may prevent the affirmative exercise by the State of a sovereign power, the effect of which is to discriminate against a particular person in violation of the fourteenth amendment. But that is a very different thing from an act of omission. If I, in the exercise of my judicial power, deliberately eliminate from the jury panel a list of persons who happen to be of the yellow race, the white race, or the colored race, or who happen to be tall people, short people, or men, or women, what does such action constitute? It constitutes the affirmative exercise of a sovereign power to the deprivation of a civil right. What is the civil right?

[At this point Mr. WAGNER spoke in an undertone to Mr. PEPPER.]

Mr. BYRNES. I cannot hear the Senator.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. WAGNER. I hope the Senator may not lose the floor, but inquiry has been made as to what I said to the Senator from Florida. I shall be very frank. What I said to the Senator from Florida was that, because of medical direction, I was required to be absent from the Chamber for about an hour. I wanted the Senator from Florida to understand that my leaving was not intended as any disrespect to him. I am sorry, but I am not in as perfect health as is the Senator from South Carolina [Mr. BYRNES], who apparently found some criticism in what I said.

Mr. PEPPER. I ask for a unanimous-consent understanding that I do not lose the floor, or have another speech counted against me.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BYRNES. Before the Senator from New York [Mr. WAGNER] leaves the Chamber I wish to say that if the Senator had in mind that anything I said was intended as any criticism of him, he evidently did not hear what I said. I merely stated to the Presiding Officer that I could not hear what was being said on the floor.

Mr. WAGNER. I did not think anybody else was interested in my statement.

Mr. PEPPER. Before the Senator from New York leaves I should like to say that I am going to discuss, in the concluding portions of my argument, parts of the Democratic platforms, and I shall also discuss certain statements of Jefferson, Madison, Jackson, and Hamilton. I shall discuss the platforms from 1840 down to date and show that this kind of legislation is in violation of the Federal system and in violation of Democratic principles. I shall include the 1932 and 1936 platforms.

Mr. WAGNER. Very well. I will remain.

Mr. PEPPER. I do not want to force the Senator from New York [Mr. WAGNER] to remain here against the advice of his physician. I merely wanted the Senator to know that I was going to discuss those phases, so that if he cared to know the subjects without reading the RECORD he would know that those are the ones I propose to discuss. I should like to have it very distinctly understood, Mr. President, that I want to excuse my friend the Senator from New York because he has been ill. There is no more gracious and kindly gentleman in this Chamber than is the distinguished Senator from New York, and no fairer Senator.

I was discussing the exercise of judicial power in eliminating from the jury panel classes of persons, and I had said that such action constitutes an affirmative exercise of the sovereign power to the deprivation of a civil right.

What is the civil right? The civil right is not the right of a Negro to be on the jury. The civil right is not the right of a woman to be on the jury. The civil right protected is not the right of any person to be on the jury. The civil right protected is not the right of the short men or the tall men to be on the jury. The civil right protected is the right of a defendant not to have his life or his liberty taken away from him except by due process of law. When we discriminate against a class we do not merely hurt the class. We impair the sufficiency and the perfection of the judicial process, which action takes away from the State the cloak of justification for the taking away of the civil right. So, Mr. President, I conclude that this measure is not authorized by the fourteenth amendment or any part of the Federal Constitution.

Now, Senator, I submit that this bill violates the principle of the dual system of government—National and State—which is a part of our organic plan of government.

I have here a book, Mr. President, called States' Rights, by Beman, which contains what I believe to be a fair summary of this very difficult question of the line of demarcation between the States and the Federal Government. I realize that it is a difficult question. I realize that all of us are troubled about how far the Federal power should go to accomplish good, and how far the State power should be preserved, also to accomplish good; and to what extent we may accomplish good by the extension of the Federal power without doing at least as great harm, if not greater harm, by breaking down the power of the States. Later I shall try to point out the distinction, but I think this book states the whole subject fairly well and fairly reasonably. Everybody knows that our Constitution is based upon what is called the dual system of government. The Federal Government is supreme within its sphere. The State government is supreme within its sphere.

The difficult problem has been to define the sphere of each, the legitimacy of the boundaries. In some instances the boundary is not distinct and clear. It is not black becoming white or white becoming black. It is a thin, vague, gray line that shades white into black or black into white.

Here is what Mr. Beman, the author of the book State's Rights, on page 20, says:

> In our zeal for centralization and efficiency there has been a tendency to lose sight of the fact that the States do have rights. Expediency has quite overshadowed the principle of federalism. The steady development of nationalism and the unfortunate history of States' rights due to the futility and insincerity of their assertion has created the notion that the doctrine of States' rights is a dead issue. Though the States have declined in power they have not fallen, and recently the trend of events has awakened a new interest in the position of the States in the Federal system.
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> The first quarter of the twentieth century has been a period of unprecedented extension and complication of social and economic relations in the United States. Commercial and business organization, having already overstepped local limits, has become regional or national in scope. With better facilities for communication, disease spreads more readily so that public health has become a national problem. Industrial unrest likewise has no respect for State lines. A national consciousness has developed which has swept within the purview of the National Government objects for regulation that have hitherto been regarded as exclusively local in character. In 1907 a committee of the House of Representatives reported that the Congress had no jurisdiction over child labor, yet within a decade just such legislation was enacted, although later declared unconstitutional by the Supreme Court. In the same manner the National Government has set up standards of purity of food, has presumed to settle industrial disputes, has tried to prevent combinations in restraint of trade, has prohibited the manufacture and sale of intoxicating liquor, and in respect to regulation of the railroads has practically ignored the existence of the States and paused just short of denying them even the power of taxing common carriers.
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> All of this extension of national authority has been under the guise of a paramount necessity and in the name of good government. By and large the results have been beneficial. Everyone has recognized the need of action, and since the efforts of the States have been ineffectual the people have naturally turned to the National Government. In the language of Theodore Roosevelt, the national power should be invoked "with absolute freedom for every national need," and he conceived of the Constitution as "the greatest document ever devised by the wit of man to aid a people in exercising every power necessary for its own betterment, and not as a strait jacket cunningly fashioned to strangle growth." In Alexander Hamilton's time nationalism was based upon distrust of the people; now it seems to have become the favorite channel of expressing the popular will.
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> The crux of the situation is that socially and economically the States are antiquated political areas, they are no longer social and economic units. A particular industry has its own regional bounds, and industrial problems are either of municipal concern or exceed State competence. It is significant that the National Government in the Federal Reserve Act, the Federal Farm Loan Act, and the Transportation Act has frankly recognized the artificiality of State lines and organized on a regional basis. An Iowa farmer does business with the Federal farm loan bank in Omaha, not in Des Moines, and the Illinois farmer must go to St. Louis instead of Chicago. Even the States have found it necessary to make treaties among themselves in order to handle such domestic affairs as irrigation.
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> Recent tendencies are not all in the direction of centralization however. During the World War a number of the States made discouragement of enlistments in the United States military forces a grave offense involving severe penalties. In the case of *Gilbert* v. *Minnesota*, Chief Justice White and Justice Brandeis thought that the act of Congress on the subject of discouraging enlistments occupied the whole field and left no room for State legislation, but the Supreme Court decided that the subject was within the jurisdiction of the States. Two other instances in which the Supreme Court has recently leaned heavily in the direction of States' rights are better known. In 1918 the first national child-labor law was declared unconstitutional because the subject was solely within State authority, and in 1922 a tax upon the products of child labor was also held to be beyond the competence of Congress.
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> Nor is the Supreme Court alone in defending States' rights. The reaction against the increasing authority of the National Government is widespread. As reflected in newspaper comment and periodical literature, there seem to be two outstanding causes: First, the national control of State activities through the system of Federal aid; and, second, the character of the eighteenth amendment and the proposed child-labor amendment.
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> The current practice of subsidizing the States began in 1862, when public lands were granted to several States, including Iowa, to be used for the establishment and maintenance of colleges of agriculture and mechanic arts. That measure raised a storm of protest at the time. "It is using the public lands as a means of controlling the policy of the State legislatures," declared a Senator from Virginia. "It is an unconstitutional robbery of the Treasury for the purpose of bribing the States." But the policy prevailed. It was a short step from land grants to cash payments. Gradually the subsidies were increased, and the National Government assumed greater supervisory powers.
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> During the past decade the States have faced a terrific demand for better schools, better roads, and more protection of the health

and property, and at the same time an equally insistent demand for tax reduction. In this dilemma the United States Treasury was discovered to be one of the most prolific and painless sources of revenue. No State is legally compelled to match dollars with the United States Government, but the prospect of having $2 to spend for every $1 appropriated is too alluring to resist, while the thought of contributing revenue for Federal aid in other States without sharing in the windfall is intolerable. So the States have readily agreed to the terms of national supervision.

The high standards imposed have been commendable, but the Government at Washington has not been slow to use this weapon of enhancing its power and establishing national policies in local fields over which the Constitution denied it any measure of control. And now the reaction in the name of States' rights has set in. Probably the realization that Federal aid in the fiscal year of 1924 cost nearly 5 percent of the total expenditures of the National Government—approximately $145,000,000 (more than half of the disbursements for purposes not connected with past or future wars) has as much to do with the reversal of popular opinion as any sincere resentment at the invasion of State jurisdiction. When President Coolidge noticed an item of $109,000,000 for Federal aid in the Budget for 1926 his economical instincts impelled him to tell the Congress of his conviction that this expenditure could be curtailed, that "the broadening of this field of activity is detrimental both to the Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies," he declared.

The revolt against national prohibition has been most effective as expressed in terms of Federal usurpation. A great many people who have no sympathy for intemperance and no taste for alcoholic beverages are nevertheless bitterly opposed to the eighteenth amendment.

Mr. President, if I may be permitted to digress for a moment, let me ask if every person who voted against the eighteenth amendment is an alcoholic? Is he in favor of alcohol and intoxicating liquors being sold? Is he in favor of the use of alcoholic beverages? I know that no Senator would say that is true of all people who voted against the eighteenth amendment. Why? Because they thought and they believed that experience proved that, however laudible national prohibition as an ideal was, the subject was not appropriate for Federal action. But, Mr. President, remember that legislation to enforce the eighteenth amendment by statute was not proposed until after the adoption of the eighteenth amendment to the Constitution.

Mr. President, I happen to belong to a particular church. It makes no difference what it is. Naturally, I think it is a good church. It is the church to which my mother belongs. It is the church of my fathers. It is the church into which I came in early infancy. I love it; I cherish it; I respect it; I unfortunately regret that only poorly do I live by its precepts. But, Mr. President, would I be a good American, would I be a good Democrat, would I be a good Senator, if I should try by Federal law to impose my faith upon anybody? The people of the United States found out that in the case of the eighteenth amendment we could not impose our moral standards upon other persons. There are certain things we can do, yes; but unfortunately there are certain things that nothing but time, tolerance, education, civic and personal righteousness, the precepts of Him who went upon the top of Golgotha and died vicariously upon a Roman cross, can ever accomplish; and, Mr. President, what the bill now before us attempts to do is a bad way of trying to accomplish one of the most laudable of possible objectives.

Quoting again from the author from whom I have read:

A great many people who have no sympathy for intemperance and no taste for alcoholic beverages are nevertheless bitterly opposed to the eighteenth amendment.

May I paraphrase those words, and say that many Senators who in their hearts are conscientious, who have no sympathy for lynching and no taste for anarchy, are nevertheless strenuously opposed to the enactment of this bill?

Quoting again from the same author, he says:

They regard it as a dangerous encroachment upon States' rights—the entering wedge for further interference by the National Government.

Oh, labor men—and I am one of those who had tried to be faithful to your cause, as my record will show—do you want this to be the entering wedge whereby the United States Congress may put a sheriff in the penitentiary because he fails to suppress a strike? And yet do you realize that no possible benefit from this bill can go to labor unions and persons engaged in labor disputes, for the very good reason that the bill expressly exempts them from its protecting folds?

The language to which I refer is found on page 7 of the printed bill:

Provided, however, That "lynching" shall not be deemed to include * * * violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932.

Senators, do you realize what that proviso says? A sheriff in Cook County, Ill., or in one of the boroughs of New York, may see a group of corporation-paid thugs jump upon a picket line and crush into lifelessness a man who is honorably protesting in the picket line against industrial injustice, and the sheriff commits no offense if he fails to arrest the offenders; but the sheriff who fails to prevent the lynching of a black man in the South for ravishing a white woman is a Federal criminal. Is that fair legislation, Senators? Is the man who proposes that a friend of labor? Ought not sheriffs, in the enforcement of the law, to protect the rights of laboring men, of yellow men, of brown men, of women, of children, wherever they are and whatever their circumstances may be?

But, Mr. President, if this bill should become a law, and minorities the country over should think they had experienced a victory, they would be wrong. The whole force of this legislation, the whole purpose of this legislation, if it should completely accomplish every possible objective that it has, would be this: While literally hundreds of men and literally hundreds of women lost their lives last year in the United States in labor disputes when they did not get fair protection of law, they would have no redress; they would have no protection, but the eight lynchings that occurred in the whole United States would be the recipients of the entire force of these idealistic proposals.

Mr. President, friends of civil liberty, friends of labor, friends of life, is this a fair civil-liberties bill? Remember, Mr. President, that whenever anyone—whether it be the Senator from New York [Mr. WAGNER] or the Senator from Texas [Mr. CONNALLY], or anyone else—proposes a fair civil-liberties bill which protects all oppressed minorities, whether racial, economic, cultural, educational, or any other kind, as long as I occupy a seat in this Chamber I shall be found voting "yea" on the passage of the bill, but I will not countenance legislation which not only does not achieve that purpose but is not even designed for that purpose.

I was reading from a book, from what I suppose is a respectable author. I do not know anything about him, other than what he says. What he said was that there were a great many persons who were opposed to the eighteenth amendment because they regarded it as a dangerous encroachment upon States' rights, the entering wedge for further interference by the National Government.

They predict that the precedent will be followed by other amendments of similar character until the States will have dwindled into insignificance and purely local, domestic affairs will be handled at long range by an unsympathetic and misunderstanding bureaucracy.

Mr. President, I wonder if the Senate will indulge me to read that sentence again. Speaking about those who opposed even the meritorious eighteenth amendment, the author says:

They predict that the precedent will be followed by other amendments of similar character until the States will have dwindled into insignificance and purely local, domestic affairs will be handled at long range by an unsympathetic and misunderstanding bureaucracy.

They witness the multiplication of bureaus, clerks, agents, and inspectors, and they are tempted to quote the Declaration of Independence in reference to King George III: "He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out our substance." In the pending child-labor amendment and the proposed marriage and divorce amendment they think they see the vindication of their fears.

The income tax, prohibition, and child-labor amendments are essentially different from any of the others in that they distinctly

extend the powers of Congress. Other amendments, such as the thirteenth, fourteenth, fifteenth, seventeenth, and nineteenth, clearly detract——

Listen, Mr. President:

Other amendments such as the thirteenth, fourteenth, fifteenth, seventeenth, and nineteenth, clearly detract from the powers reserved to the States in the original Constitution, but they expand primarily the rights reserved to the people rather than the authority delegated to the National Government, albeit enforcement has naturally been vested in the National Government.

Here is an author who agrees with my interpretation of the fourteenth amendment, that it deals only with a power prohibited to the States.

It limits the reserved powers of the States. In other words, to make it clear, prior to the adoption of the fourteenth amendment, under State law the State could cut off the heads of all of the children of the State when they reached 14 years of age, and the Federal Government could not do anything about it. Do Senators deny that prior to the adoption of the fourteenth amendment, under the reserved powers of the States, without any right of redress in the Federal Government, the States could have had every 10-year-old child slain pursuant to law, as the Spartans did, with the infants exposed upon a hillside, and the Federal Government would have had no right to interfere? But after the fourteenth amendment was adopted the Federal Government did acquire the right to make the State show, when it threatened to take away life, liberty, or property, that it was doing it by due process of law. That ought to be clear to anyone.

The prohibition amendment, however, not only thrusts national control into the sphere of State jurisdiction but it invades the realm of individual liberty as well. The same would be true of the child-labor amendment if it is ever ratified. The recent action of the States in rejecting the amendment has been caused more by opposition to expanding the power of Congress into the province of State jurisdiction and the rights reserved to the people than by any defense of child labor. The action of the people of Massachusetts in recommending rejection by a two-thirds majority vote cannot be construed as favoring repeal of the State legislation on the subject.

Here are the conclusions of the author, and I submit these as sensible lines of demarcation and distinction:

So the old problem of reconciling centralization with self-government remains a puzzle. The framers of the Constitution assigned to the National Government power commensurate with national functions in 1787 and left to the States the affairs which seem to be so domestic and so personal in character that only local agencies thoroughly familiar with conditions would be competent to govern. Their ideal was to solve the problem by centralizing control of national affairs and maintaining self-government in local matters. Now the force of circumstances has placed the States in a false position. Affairs that were local, and thus properly subject to State jurisdiction, have become regional or national; and while the States still have the legal power of control, their action is ineffectual—a plight that has pleased the seekers of privilege.

The remedy would seem to lie in a reapplication of the formula of the fathers: Render unto the National Government the things that are national and leave with the States the things that are local, even though the power of the National Government be magnified greatly. The aggrandizement of the central Government need not be at the price of autonomy. Centralization is not necessarily incompatible with self-government, but if it were the bulk of governmental activities will always remain local in character and thus peculiarly adapted to autonomous regulation.

The transfer of a power from the States—power which they are unable to use effectively—is not inimical to our Federal system or to republican institutions, whether accomplished by judicial interpretation or by formal amendment. Amendment, of course, has the advantage of silencing charges of usurpation. It is not the original division of particular powers in the Constitution that is important but the principle which determines the division. The difficult part is to decide when a problem has overleaped State boundaries and become of national concern.

Was there ever a fairer statement than that?—

The difficult part is to decide when a problem has overleaped State boundaries and become of national concern. Alfred J. Beveridge (a former Senator) proposed the rule: "When an evil or a benefit is so widespread that it affects so much of the country as to be called national, the Nation's power should be equal to end that evil or secure that benefit to the American people." James Wilson, than whom there was no abler statesman in the Constitutional Convention, declared: "Whatever object of government is confined to its operation and effects within the bounds of a particular State should be considered as belonging to the government of that State; whatever object of government extends in its operation or effects beyond the bounds of a particular State should be considered as belonging to the Government of the United States."

A satisfactory decision in each instance would seem to depend upon several considerations:

Is local autonomy vital to equitable regulation?

Is the matter commonly beyond effective State control?

Would uniformity of State laws be sufficient?

Is the matter so definitely regional as to be handled by treaty relations among the States concerned?

Is public opinion crystallized in favor of national action?

When answers to these queries clearly point to the desirability of national jurisdiction, let States' rights be modified to meet the needs of the times.

Mr. President, I doubt if there is any Senator in this body who has received more criticism at home for being willing to extend the national power than I have. Senators will recall that I was the only member of the Florida delegation in the House or the Senate who voted for the wage and hour bill, and I am critized for that action within the confines of my State. The people say to me, "Have you forgotten the doctrine of States' rights? Have you forgotten the principles of self-government and local government? Have you gone to Washington and become but a cat's-paw for those who would extend for its aggrandizement the reaches of the Federal power?" I answer to them, "No; I have not."

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. I yield.

Mr. CONNALLY. Does not the wage and hour bill by its express terms limit its action to interstate and foreign commerce?

Mr. PEPPER. Exactly.

Mr. CONNALLY. Which is within the Federal power.

Mr. PEPPER. Exactly so.

Mr. CONNALLY. Whereas the pending bill is undertaking to deal, not with interstate transactions but with the internal, local police powers of the States.

Mr. PEPPER. The Senator has, better than I could have stated it, pointed out the distinction. The author from whom I have just quoted has pointed out the distinction. I will answer the question as I will soon have an opportunity to answer it on the stump at home.

Let us take the question of agriculture. Some people say that the Federal Government was wrong when it tried to deal with agriculture, that that is a purely local matter. I do not think so. I did not agree with the United States Supreme Court when it so held. I will give a practical illustration, not a theoretical one. When I was home in my State during the last recess of the Congress the tobacco growers of the State, representing all the tobacco-growing sections of my State, invited my distinguished colleague and me, and the Member of the House of Representatives in whose District their farms lay, to meet them at one of their meetings. We did not summon them; they summoned us.

We did not tell them we were going to bring them under control; they told us, by a resolution they adopted in 5 minutes after they convened, that they were in favor of crop control, and that they wanted that crop control effectuated by the Congress in Washington, because, they said, what good would it do for Florida to reduce its tobacco acreage in the hope that it might be reduced approximately to the demands of the trade, and leave Georgia, South Carolina, North Carolina, and Virginia to increase their yield to take up whatever we might save in our own restriction of acreage?"

I came here, therefore, Mr. President, and so did my colleague, obedient to those requirements of our citizens, and voted and helped as best we humbly could in the enactment of a farm bill to give those tobacco growers the kind of protection which they wanted, literally the only kind of protection which would do them any good.

Anyone who says that agriculture is a local problem in this country is, in my humble opinion, blind to the actualities of the situation. He does not want to see. He sees as one is said to have seen in Scriptural days, "as through a glass darkly," because, Mr. President, in certain phases it has literally become a national problem, and it shall be and it must be so recognized. The Democratic platform so stated in 1936.

There was another bill before the Congress, the so-called wage and hour bill. In spite of the contrary views held by my distinguished colleagues in this body on the Democratic side of the Chamber, men whom I revere, esteem, and respect, men who speak and have always spoken with authority from the South whence I come—I say, in spite of those distinguished Senators having a contrary view and voting and acting in a contrary effort, I supported in committee and on the floor the wage and hour bill which the Senate passed. Why did I do so? Because I agreed with the National Democratic platform which in 1936 said that not only was agriculture a national problem, but so was the question of fair wages and hours to the men and women who labor, the God-blessed laboring men and women of America.

I think that Democratic platform was right. Why do I think so? Because as the author, Mr. Beman, from whom I have read, said State control had ceased to be effective. What do I mean by that? I mean that today commerce is not confined within the boundaries of a particular State. I mean that every manufacturing enterprise has to depend for a market upon the channels of interstate commerce, on the market of many States other than the one in which it may chance to be physically located.

I know that if the State of Florida has a manufacturing plant which finds its market in the markets of the country through the channels of interstate commerce, and the State of Florida passes a minimum-wage and a maximum-hour law and the other States do not contemporaneously pass such a law, the manufacturing plant in Florida will be handicapped as a competitive factor in the interstate channels of trade, and that in such a case, humanitarism and idealism, and a desire for a fair chance for the man or the woman who earns his or her recompense by the sweat of his or her brow, will be but the agency which in the long run will thrust the worker out of his job, because a competitor in another State with long hours and low wages will undersell the Florida manufacturer in the market.

Therefore I say that often the man who says the States are capable of passing sufficiently and adequately upon the question of wages and hours does not face the problem fairly, and, as a matter of fact, sometimes uses that argument simply in order to defeat a proposal which has the objective that the workers shall have fair wages and fair hours.

I have some such persons in my State. We have some people down there in the sawmill business. I know them very well, because I was in the legislature in 1929. They came to me and threatened to defeat me for reelection if I did not vote against a workmen's compensation law. They said, "It will ruin us. It will destroy our business." They sent me word the way they send word to a Negro water boy to obey their commands.

I did not obey their commands, because I thought a workmen's compensation law was right. Most of the other States of the country had passed such a law because they thought it was right. I thought it was fair, and I said, "Gentlemen, you have bookkeepers and you have accountants and you have experts. Send them up to give me the reason why this is a bad bill, and I will listen patiently and I will listen sympathetically." But that is not what they wanted. They wanted a water boy to take orders, and they sent me some more orders when the wage and hour bill came up for consideration here. Some of them came up themselves, and they pointed their fingers and gave some more orders.

I do not think the difference between them and me was that they were trying to protect local self-government. I think they were trying to keep on paying their men and women a wage which would not enable them to live decently under modern conditions. And again I did not take orders, and as a result of that I now have a pretty aggravated campaign going on down there.

What I am trying to say is that when it is a matter which comes within the proper scope of the National Government, if I can see it that way, I want to help, because I want to see the job done. But when it is not a matter within the proper scope of the Federal Government, I would be a traitor to my State, I would be a traitor to my conscience, I would be delinquent to my traditions and my convictions if I did not state, just as earnestly and just as strongly and with as much intelligence as I am capable of, that I entertain those sentiments.

So I say to the Senator from New York, who is as honorable, as distinguished, as laudable, as idealistic, as philanthropic, as statesmanlike as he was in connection with the passage of the Labor Relations Act and in proposing the United States housing measure, both of which are within the proper scope of the United States Government—I say to him that as strongly as I stood by his side on those measures, so strenuously will I hold up his hands on similar measures that come within the proper scope of the regulation of commerce, or the stimulation of trade, or the circulation of money. I will help the Senator in every way I can, both by vote and by such other efforts as he may consider helpful to him.

But, Mr. President, do you not see what my critics will say if I support this measure? I voted for the wage and hour bill. I believe in the National Government protecting the public health, aiding in the public education. I introduced a bill to provide for Federal aid in the education of the underprivileged children. I am for the Harrison-Black bill and favor appropriating as much money as possible to the public schools of the States in order to advance the cause of public education. I think that a contribution from the Federal Treasury is a proper exercise of Federal aid and Federal help, and I may add that I do not agree with Mr. Beman, from whose book I read, about the child-labor amendment. I think that child labor should be abolished by a Federal law, because that touches white children, black children, yellow children, girl children, boy children, children of rich people, children of poor people, children of native-born, and children of immigrants. But I would not be in favor of a child-labor law that merely protected yellow children, that merely protected the children of native-born and not of aliens, that merely protected the children of the South and did not protect the children of the North, or vice versa.

I am in favor of a fair bill to abolish child labor. As I said a while ago, I was in favor of a fair bill to protect all civil rights, whatever they are, wherever they are, and whatsoever they are in this country.

Mr. President, I started to ask my Democratic friend, Does he not see what the enemies of democracy will say to us? They will say "Why, you have broken down and in your foolish, misplaced zeal you have destroyed the essential qualities of local self-government in this country. Do you not see that you have out-Hamiltoned Hamilton? You have forgotten and you have forsaken every precept of democracy by breaking down the boundaries of local self-government in police matters for the suppression of domestic violence."

Take, for example, any of the large cities of the country. The Federal Government could send the Army and police those cities perhaps better than some of the police do it. Why does it not do so? Because we shirk such a terrible responsibility on the part of what this author says is a remote bureaucracy in Washington. It is not that we could not in that way have more peaceful cities, not that we could not save lives; for I will make it as a considered statement that if that splendid Chief of Staff of the United States Army, Gen. Malin Craig, were ordered to take over the policing of

any city in America and were given the United States Army to do it and the Federal Treasury to back him up, if he could not prevent more than eight murders in that city in a year's time I think I should be willing to sink in the quagmire of disgrace until I was lost in oblivion. Is anybody proposing to take the United States Army and put it in charge of the police officers of either Chicago or New York?

And yet, because there were eight deaths last year in the United States due to domestic violence which may in some instances—although not accurately in all—be called lynching, it is proposed by this bill to give the Federal Government police power, which it has never before had, to stamp out that domestic crime.

There are those who denounce me for voting for the wage and hour bill, for voting to abolish child labor, for introducing a bill providing Federal aid to pay the difference between the cost of educating in the public schools a normal child and the cost of educating an underprivileged child. There are those who denounce me for introducing a bill to provide Federal aid for hospitals the country over; for being in favor of the Harrison-Black bill providing aid for public-school education; and for wanting to protect all civil rights, wherever and whatever they are, by fair legislation.

There are critics of democracy, and critics of the Congress, who say that we have gone crazy here, that we have lost our balance, that we are mad, like Nero, who was thrown into ecstatic joy at the sight of his own city burning.

There are those who say that we are mad for power. I do not want any such illustration as this to be available to them. They will castigate our whole program with this one perfidious exception. They will say that there never was a monster so hungry as the Federal Government in Washington; there never was a monster that opened its great jaws with such ghastly hunger to devour all that came within its reach as our National Government. Let us not therefore destroy the duality which the Constitution provides in the Federal system.

Mr. President, I said I oppose this bill because it was not democratic. I am speaking for democracy and democracy's reputation, and democracy's creed. I am going to show that there never has been a democratic sentiment uttered by a responsible Democratic leader in accord with this kind of a proposal.

I think it is generally recognized that Thomas Jefferson was a great Democrat, and that what he says about democratic principles has the mark of authenticity and character. Let me read what he said in a letter dated February 2, 1816, to Joseph C. Cabell.

> No, my friend, the way to have good and safe government, is not to trust it all to one, but to divide it among the many, distributing to everyone exactly the functions he is competent to. Let the National Government be entrusted with the defense of the Nation, and its foreign and Federal relations; the State governments with the civil rights, laws, police, and administration of what concerns the State generally; the counties with the local concerns of the counties, and each ward direct the interests within itself. It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under everyone what his own eye may superintend, that all will be done for the best.
>
> What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian senate. And I do believe that if the Almighty has not decreed that man shall never be free—and it is a blasphemy to believe it—that the secret will be found to be in the making himself the depository of the power respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical.
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> The elementary republics of the wards, the county republics, the State republics, and the republic of the Union would form a gradation of authorities, standing each on the basis of law, holding everyone its delegated share of powers, and constituting truly a system of fundamental balances and checks for the Government. Where every man is a sharer in the direction of his ward republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte.
>
> How powerfully did we feel the energy of this organization in the case of embargo? I felt the foundations of the Government shaken under my feet by the New England townships. There was not an individual in their States whose body was not thrown with all its momentum into action; and although the whole of the other States were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. What would the unwieldy counties of the Middle, the South, and the West do? Call a county meeting, and the drunken loungers at and about the courthouses would have collected, the distances being too great for the good people and the industrious generally to attend.
>
> The character of those who really met would have been the measure of the weight they would have had in the scale of public opinion. As Cato, then, concluded every speech with the words, "Carthago delenda est," so do I every opinion, with the injunction, "divide the counties into wards." Begin them only for a single purpose; they will soon show for what others they are the best instruments. God bless you, and all our rulers, and give them the wisdom, as I am sure they have the will, to fortify us against the degeneracy of one government, and the concentration of all its powers in the hands of the one, the few, the well-born, or the many.

That, Mr. President, was from a letter dated February 2, 1816, from Thomas Jefferson to Joseph C. Cabell, Esq., found in the Works of Thomas Jefferson, volume 6, page 543.

Mr. President, James Madison was a good Democrat who more than any other man left his impress upon the Federal Constitution and has become known to history as the Father of the Constitution. Here is what he said:

> "An attempt to coerce States would be a dissolution of all previous compacts. A union of States containing such an ingredient seems to provide for its own destruction." Again: "Any government formed on the supposed practicability of using force against the unconstitutional proceeding of States would prove visionary and fallacious."

Here is another man who was not even a Democrat and yet he, Alexander Hamilton, expressed this sentiment:

> To coerce States is one of the maddest projects ever devised.

That occurs in The Republic of Republics, by B. J. Sage, at page 383.

Mr. President, a word now from another Democrat, Andrew Jackson:

> But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers of Government. The foundations must be laid on the affections of the people, in the security it gives to life, liberty, and property in every quarter of the country, and in the fraternal attachments which the citizens of the several States bear to one another as members of one political family.

That was from page 67 of The Republic of Republics, by B. J. Sage.

I think it would be pertinent to take a cursory glance at the Democratic platforms.

> Prior to 1840 there was only one document that had been considered a true platform. On December 12, 1831, the National Republican Party held a convention in Baltimore and nominated candidates for President and Vice President. This convention did not, however, draw up a platform. On May 11 following a gathering of so-called young men of the party met in Washington, D. C. They went through various ceremonies, visited the tomb of Washington, conducted a "solemn procession," and adopted a list of resolutions that have been called the platform of the National Republican Party. A contemporary account of this meeting is to be found in Niles' National Register.
>
> Aside from this document, which is not exactly a true platform, no platform, in the proper sense of the term, was adopted in this year or in 1836. The National Republican Party had by this time become the Whig Party.
>
> Under these circumstances it is fair to assert that the real business of platform making did not begin until 1840. And in that year the Democrats alone drew up and adopted a platform in their national nominating convention. It is presented in this volume as the first national party platform.

What I have just read is from the National Party Platform, by Porter, page 1.

Beginning with 1840, therefore, we find the following in the first Democratic platform:

> *Resolved*, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the depart-

ments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

Here is another declaration. This is section 9 of the Democratic platform of 1840:

Resolved, That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the present privilege of becoming citizens, and the owners of soil amongst us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute book.

I have read from pages 1 to 3 of the volume to which I shall refer repeatedly, National Party Platforms, by Porter.

In 1844 the Democratic platform resolved:

That the American Democracy place their trust not in factitious symbols, not in displays and appeals insulting to the judgment and subversive of the intellect of the people, but in a clear reliance upon the intelligence, patriotism, and the discriminating justice—

Of whom?—

of the American masses.

Resolved, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world, as the great moral element in a form of government springing from and upheld by the popular will, and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

* * * * * * *

1. That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

Again, Mr. President, in the same volume we come to the Democratic platform of 1848:

Resolved, That the American democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

Then follows the same plank which I just read from the platform of 1844, announcing the same principle—

That the Federal Government is one of limited powers derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

Being a good Democrat, Mr. President, I oppose this proposed legislation, therefore, even if its constitutionality is doubtful.

We pass on to the Democratic platform of 1852, and we again find the same words:

That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the Departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

We pass on to the Democratic platform of 1856, and again find the exact words:

That the Federal Government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the Departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

Then we come to the Democratic platform of 1860, in which the party reiterates the principles adopted by the Democratic convention at Cincinnati in the year 1856, believing, as the platform says, that Democratic principles are unchangeable in their nature.

In 1864 the Democratic platform:

Resolved, That the direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware was a shameful violation of the Constitution, and a repetition of such acts in the approaching election will be held as revolutionary, and resisted with all the means and power under our control.

Resolved, That the aim and object of the Democratic Party is to preserve the Federal Union and the rights of the States unimpaired, and they hereby declare that they consider that the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution—the subversion of the civil by military law in States not in insurrection; the arbitrary military arrest, imprisonment, trial, and sentence of American citizens in States where civil law exists in full force; the suppression of freedom of speech and of the press; the denial of the right of asylum; the open and avowed disregard of State rights; the employment of unusual test oaths; and the interference with and denial of the right of the people to bear arms in their defense—is calculated to prevent a restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

Next comes the Democratic platform of 1868:

The Democratic Party, in national convention assembled, reposing its trust in the intelligence, patriotism, and discriminating justice of the people, standing upon the Constitution as the foundation and limitation of the powers of the Government and the guaranty of the liberties of the citizens—

Recognized in unequivocal terms the same principles and the same point of view.

Again, in 1872, the Democratic platform says:

We recognize the equality of all men before the law, and hold that it is the duty of government, in its dealings with the people, to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.

I am still for that. We have no difference in our law. The Democratic platform is still just as unequivocal as it was then; and here is another part of the platform of 1872:

Local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power.

That is an expression of faith, Mr. President, that civil rights in the long run will be safer and more secure when guarded by local self-government, with impartial suffrage, than when reposed in any centralized power.

Again, in the platform of 1876 the Democratic Party said:

We the delegates of the Democratic Party of the United States, in national convention assembled, do hereby declare the administration of the Federal Government to be in urgent need of immediate reform;

* * * * * * *

In absolute acquiescence in the will of the majority, the vital principle of republics; in the supremacy of the civil over the military authority; in the total separation of church and state, for the sake alike of civil and religious freedom; in the equality of all citizens before just laws of their own enactment; in the liberty of individual conduct, unvexed by sumptuary laws; in the faithful education of the rising generation, that they may preserve, enjoy, and transmit these best conditions of human happiness and hope—we behold the noblest products of a hundred years of changeful history; but while upholding the bond of our Union and great charter of these our rights, it behooves a free people to practice also that eternal vigilance which is the price of liberty.

In its platform of 1880, the Democratic Party said:

We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic Party, as illustrated by the teachings and example of a long line of Democratic statesmen and patriots, and embodied in the platform of the last national convention of the party.

* * * * * * *

Home rule; honest money—the strict maintenance of the public faith—consisting of gold and silver, and paper convertible into coin on demand; the strict maintenance of the public faith, State and National, and a tariff for revenue only.

In the platform of 1884, amongst other things, the Democratic Party said:

The preservation of personal rights, the equality of all citizens before the law, the reserved rights of the States, and the supremacy of the Federal Government within the limits of the Constitution will ever form the true basis of our liberties, and can never be surrendered without destroying that balance of rights and powers which enables a continent to be developed in peace, and social order to be maintained by means of local self-government.

That was in 1884.

Next comes the Democratic platform of 1888. In that platform the Democratic Party endorses the views expressed by President Cleveland in his last message to Congress, endorses the platform adopted by its representatives in the convention of 1884, and expresses its devotion to a plan of government regulated by a written Constitution, strictly specifying every granted power and expressly reserving to the States or people the entire ungranted residue of power.

That was in 1888.

In 1892 the Democratic convention reaffirmed its allegiance to the principles of the party as formulated by Jefferson and exemplified by the long and illustrious line of his successors in Democratic leadership, from Madison to Cleveland, and said:

We believe the public welfare demands that these principles be applied to the conduct of the Federal Government, through the accession to power of the party that advocates them; and we solemnly declare that the need of a return to these fundamental principles of a free popular government, based on home rule and individual liberty, was never more urgent than now, when the tendency to centralize all power at the Federal capital has become a menace to the reserved rights of the States that strikes at the very roots of our Government, under the Constitution, as framed by the fathers of the Republic.

Next, Mr. President, comes the great platform of 1896, when, under the magnetic spell of a great Democrat, the principles of modern democracy were finding their first modern adequate and eloquent expression. I read from the platform:

We, the Democrats of the United States, in national convention assembled, do reaffirm our allegiance to those great essential principles of justice and liberty upon which our institutions are founded, and which the Democratic Party has advocated from Jefferson's time to our own—freedom of speech, freedom of the press, freedom of conscience, the preservation of personal rights, the equality of all citizens before the law, and the faithful observance of constitutional limitations.

Then it proceeds to compliment the Democratic tradition of the past and to say:

Under its guidance and teachings the great principle of local self-government has found its best expression in the maintenance of the rights of the States and in its assertion of the necessity of confining the General Government to the exercise of the powers granted by the Constitution of the United States.

Mr. President, that was Bryan speaking, than whom there was never a greater Democrat or a greater friend of the common man. That is what Bryan believed, and that is what the Democratic convention said and pledged to the people of this country.

Again, in 1900 the Democratic platform contained this plank:

We declare again that all governments instituted among men derive their just powers from the consent of the governed; that any government not based upon the consent of the governed is a tyranny; and that to impose upon any people a government of force is to substitute the methods of imperialism for those of a republic.

I wish I had time to read some of the other eloquent passages from these great public documents, to show how clearly they stated our cause, and how early we were pledged to it.

I read from the Democratic platform of 1904:

Under these principles local self-government and national unity and prosperity were alike established—

Referring to a rededication of the party to the Democratic principles and faith of the past.

Again, in 1908 the platform provided:

Believing with Jefferson in "the support of the State governments in all their rights as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-Republican tendencies," and in "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestion now frequently made that the powers of the General Government should be extended by judicial construction. There is no twilight zone between the Nation and the State in which exploiting interests can take refuge from both.

Mr. President, that is an interesting comment. A great Democratic President, in 1935, I believe, was declaring that there must be no no-man's land, as had been judicially prescribed, with respect to the regulation of fair wages and minimum hours of labor. Yet that very principle was declared as long ago as 1908 by the Democratic national platform. It continues:

And it is as necessary that the Federal Government shall exercise the powers delegated to it, that it is that the State Governments shall use the authority reserved to them; but we insist that Federal remedies for the regulation of interstate commerce and for the prevention of private monopoly shall be added to, not substituted for, State remedies.

Time marches on to 1912, and there is a caption in the Democratic platform that year, "Rights of the States":

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of the Federal Government—the executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

Believing that the most efficient results under our system of government are to be attained by the full exercise by the States of their reserved sovereign powers, we denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and magnify by indirection the powers of the Federal Government.

It proceeds then to quote the provisions which I last read from the Democratic platform of 1908.

I have just read from the Democratic platform of 1912. What memories that brings back to us! That was when Woodrow Wilson came into the national leadership, and the quickened conscience of the Nation stirred into an awakening under his idealistic leadership, and soon the heart of the world beat in tremendous approval of his great humanitarianism. Yet Woodrow Wilson never proposed, nor has Franklin D. Roosevelt ever proposed, such legislation as the bill now pending before the Senate.

Then came 1916, and the Democratic platform of that year contained this statement:

We endorse the administration of Woodrow Wilson. It speaks for itself. It is the best exposition of sound Democratic policy at home and abroad.

Mr. President, I wish I were disposed to take the time to refresh the minds of Senators upon the accomplishments at home, in domestic policy, of the troubled administration of Woodrow Wilson, of how he tried to strike down monopoly; of how he tried to accomplish industrial and social justice for the oppressed; of how he throttled a dangerous money power; of how he, with CARTER GLASS, took the currency of this Nation out of the hands of a few Shylock bankers and put it to its legitimate purpose of serving the business needs of an industrious people; of how he lightened the burden of toil on the back of labor and gave to this Nation an idealistic stimulus which has never been excelled or equalled save when his protégé, his spiritual descendent, his Elisha, upon whom his Elijah-like mantle descended, Franklin D. Roosevelt, came to the leadership of the same spiritual crusade for individual and social justice.

So this platform also recognizes the distinction between local government and National Government, and asks that each be restricted in its own proper sphere.

We pass on then to 1920. Our idealism is dead then. We are then going back to "normalcy." There is no more fighting for the rights of the oppressed, no more concern about the downtrodden. We want to be rid of government. There is then the feeling that we should turn the Government over to the sound people, the big, the gigantic business interests of the country, and let them run it because they can be depended upon, while government is an undependable source of regulation. So the impulse of idealism that once beat so warmly and so nobly in America's heart, sleepeth in its National Government in 1920; and soon having sown the wind we reaped the whirlwind, until not only did we fail to live up to our governmental obligation but even personal integrity sank even in high places to disgraceful depths. But there was still a Democratic platform; unbroken as had been the Democratic tradition in the past, it was still unbroken in 1920.

The Democratic Party, in its national convention now assembled, sends greetings to the President of the United States, Woodrow Wilson. * * *

Woodrow Wilson, broken in body, invalid in physique, yet his great spirit depended not upon the survival of his mortal form. It depended not even upon the majestic casket in which he sleeps in that grand Cathedral here in Washington.

So long as the hearts of men shall beat, so long as they shall pulsate, they shall beat in rythmic and pulsating grati-

tude and admiration for Woodrow Wilson and for what he gave to the world, and well did Democrats send him greetings in his Job-like affliction. This document says:

The Democratic Party, in its national convention now assembled, sends greetings to the President of the United States, Woodrow Wilson, and hails with patriotic pride the great achievements for country and the world wrought by a Democratic administration under his leadership.

It salutes the mighty people of this great Republic, emerging with imperishable honor from the severe tests and grievous strains of the most tragic war in history, having earned the plaudits and the gratitude of all free nations.

It declares its adherence to the fundamental progressive principles of social, economic, and industrial justice and advance, and purposes to resume the great work of translating these principles into effective laws, begun and carried far by the Democratic administration and interrupted only when the war claimed all the national energies for the single task of victory.

Mr. President, the Democratic Party, to which I belong, the wing of the Democratic Party which opposes this measure—are we barren of idealistic impulses? Is our past devoid of humanitarian sentiment? Have we been the party of the social oppressor, of minority groups, racial or religious? Has our history placed emphasis upon the distorted figure of the dollar mark or upon the warm heartbeat of men, women, and little children? What is our past? If we have never embraced this particular proposal is it because we do not love humanity or is it because it violates a principle so fundamental that we cannot consistently do it under our political faith and our belief in what is preeminently for the best interest of all groups, minorities or otherwise?

I could well understand a party that had exhibited a lack of regard for human rights being castigated as unsentimental in its opposition to a measure such as this. I can understand how such a course deserves condemnation as being cruel-hearted opposition. But, Mr. President, I maintain that the Democratic Party from time immemorial has in principle opposed a violation of the integrity of local self-government, however laudable, however noble, however idealistic may be the purpose for which such destruction might be desired.

That was in 1920 that the Democrats in convention assembled remembered to send a greeting to Woodrow Wilson.

The years passed, and still the people were tired of idealism; they still wanted normalcy, the kind of normalcy that will let men yield to the impulse either to have a house on K Street or rob their fellow citizens through monopoly.

The Democratic platform of 1924 says:

We, the representatives of the Democratic Party, in national convention assembled, pay our profound homage to the memory of Woodrow Wilson—

For Woodrow Wilson was but a memory now—

Our hearts are filled with gratitude that American democracy should have produced this man, whose spirit and influence will live on through the ages; and that it was our privilege to have cooperated with him in the advancement of ideals of government which will serve as an example and inspiration for this and future generations. We affirm our abiding faith in those ideals and pledge ourselves to take up the standard which he bore and to strive for the full triumph of the principles of democracy to which he dedicated his life.

DEMOCRATIC PRINCIPLES

The Democratic Party believes in equal rights to all and special privilege to none. The Republican Party holds that special privileges are essential to national prosperity. It believes that national prosperity must originate with the special interests and seep down through the channels of trade to the less-favored industries, to the wage earners and small-salaried employees. It has accordingly enthroned privilege and nurtured selfishness.

The Republican Party is concerned chiefly with material things; the Democratic Party is concerned chiefly with human rights. The masses, burdened by discriminating laws and unjust administration, are demanding relief. The favored special interests, represented by the Republican Party, contented with their unjust privileges, are demanding that no change be made. The Democratic Party stands for remedial legislation and progress. The Republican Party stands still.

That Mr. President, is a splendid document. I think a considerable portion of it would have appropriate reference to the present occasion. I thank God that the Democratic Party is still a crusading party, that it still emphasizes human rights, and it still desires human betterment, and that it still thinks that Government is capable of running the country.

Time passed until 1928—not 100 years ago, but 1928. This is what the Democratic platform of 1928 had to say about the rights of the States:

THE RIGHTS OF THE STATES

We demand that the constitutional rights and powers of the States shall be preserved in their full vigor and virtue. These constitute a bulwark against centralization and the destructive tendencies of the Republican Party.

We oppose bureaucracy and the multiplication of offices and officeholders.

We demand a revival of the spirit of local self-government without which free institutions cannot be preserved.

In 1932 Democracy again assembled, and it was a heroic time. Long will live the influence of what that Democratic national convention not only said but did. The Democratic platform of 1932 had this to say:

We advocate the repeal of the eighteenth amendment. To effect such repeal we demand that the Congress immediately propose a constitutional amendment to truly representative conventions in the States called to act solely on that proposal, we urge the enactment of such measures by the several States as will actually promote temperance, effectively prevent the return of the saloon, and bring the liquor traffic into the open under complete supervision and control by the States.

We demand that the Federal Government effectively exercise its power to enable the States to protect themselves against importation of intoxicating liquors in violation of their laws.

In conclusion it says:

In conclusion, to accomplish these purposes and to recover economic liberty, we pledge the nominees of this convention the best efforts of a great party whose founder announced the doctrine which guides us now in the hour of our country's need:

Equal rights to all, special privileges to none.

Then we come to the platform of 1936, which had this to say:

We hold this truth to be self-evident—that the test of a representative government is its ability to promote the safety and happiness of the people.

We hold this truth to be self-evident—that 12 years of Republican leadership left our Nation sorely stricken in body, mind, and spirit; and that 3 years of Democratic leadership have put it back on the road to restored health and prosperity.

We hold this truth to be self-evident—that 12 years of Republican surrender to the dictatorship of a privileged few have been supplanted by a Democratic leadership which has returned the people themselves to the places of authority, and has revived in them new faith and restored the hope which they had almost lost.

We hold this truth to be self-evident—that this 3-year recovery in all the basic values of life and the reestablishment of the American way of living has been brought about by humanizing the policies of the Federal Government as they affect the personal, financial, industrial, and agricultural well-being of the American people.

We hold this truth to be self-evident—that government in a modern civilization has certain inescapable obligations to its citizens among which are:

1. Protection of the family and the home.
2. Establishment of a democracy of opportunity for all the people.
3. Aid to those overtaken by disaster.

These obligations, neglected through 12 years of the old leadership, have once more been recognized by American Government. Under the new leadership they will never be neglected.

FOR THE PROTECTION OF THE FAMILY AND THE HOME

1. We have begun and shall continue the successful drive to rid our land of kidnapers and bandits. We shall continue to use the powers of government to end the activities of the malefactors of great wealth who defraud and exploit the people.

There was an extension of the Federal police power in the establishment of the Federal Bureau of Investigation. "Ah!" someone may say, "Your democracy has forsaken its ancient landmarks. It has now become the police agency for the whole country. It has set up a Federal bureau for that purpose."

The only time the Federal Bureau of Investigation has authority to act is when the matter involves the crossing of State lines—interstate crime.

The kidnaping problem had grown to such a great extent and had become so organized in its character, so well directed, so well financed, and so aided by modern weapons and modern means of communication and travel that no power but the national power was adequate to cope with it.

I should have voted for the establishment of the Federal Bureau of Investigation, because it was a legitimate example of the extension of the Federal power, and because local authority was incapable of meeting adequately this great national hazard.

That is not our situation in connection with the pending measure. There are no State lines involved to give jurisdiction in the pending proposal. There is no great national problem challenging the whole Nation. The situation is quite the contrary. The proposed law has to do with the suppression of domestic violence. The Constitution says that the intervention of the Federal power may not be invoked in the suppression of domestic violence unless the highest executive or legislative authority of the State requests it.

Again the 1936 platform has a plank "for the establishment of a democracy of opportunity." It mentions, first, agriculture. I have already commented upon that. The Federal Government reached out for the first time to take jurisdiction of agriculture. Why? Because it had become a great, challenging national problem, not a mere local problem. In the same way the Democratic platform for 1936 likewise made this very clear-cut announcement of policy.

> The Republican platform proposes to meet many pressing national problems solely by action of the separate States. We know that drought, dust storms, floods, minimum wages, maximum hours, child labor and working conditions in industry, monopolistic and unfair business practices cannot be adequately handled exclusively by 48 separate State legislatures, 48 separate State administrations, and 48 separate State courts. Transactions and activities which inevitably overflow State boundaries call for both State and Federal treatment.

Is this such a case, Mr. President? We have drawn the same line, therefore, of demarcation that was drawn by Mr. Beman in his treatise from which I read a moment ago. The line of distinction is as was set by the Master a long time ago. One day a man brought to him a coin. It was shown to him, and the question was asked, "Master, what are our obligations toward Caesar?" And the Master, that humane man of Galilee, said to the questioner, "Whose image is this?" He was told that it was Caesar's, and then he said, "Render unto Caesar the things that are Caesar's and unto God the things that are God's."

There is a spiritual world above the affairs of mortality. It reaches into the remote recesses of the spheres. Only the hand of eternity can encompass its scope; only the immortalized can penetrate its reach. It is an unseen and unreal world, but it is a kingdom no less true than was Caesar's kingdom in Christ's day. So the Master said: "When you are speaking about political authority, when you speak of the gathering of taxes at Matthew's gate, when you speak about the exercise of police power to incarcerate men's physical bodies, your majesty is Caesar, because that is his realm; but, my friend, young rich man, if you want a richness not represented by your gold and your silver, if you want treasures laid up elsewhere, if you want to lay down the standards of the spirit as a criterion of excellence, if your heart reaches out to enjoy some satisfaction that mortal hands cannot bring, then, my kind, gentle young man, render your regards to the God who lives beyond the skies."

That is the same thing we have been talking about all the way through. Whatever is national, let it be national; whatever is local, let it be local. Sometimes there will be a gray line between the black on the one hand and the white on the other, but there will always be, by honest effort and fair intelligence and candor, a way of finding, as emergencies present themselves and changing conditions confront us, a way of finding that fine line of demarcation.

So, Mr. President, as I read the Democratic platforms from 1840 down to 1936, as I read the declarations of Thomas Jefferson, of James Madison, of Andrew Jackson, even of Alexander Hamilton, there is no justification for this particular kind of legislation, and as a Democrat I oppose it, although it may be laudable in purpose and its objectives as fine as ever human heart has been able to conceive.

I said, first, that I thought that this legislation was unnecessary and futile; that I thought it was unconstitutional; that I thought it was in violation of the Federal system; and, finally, that it was in violation of Democratic principles.

I contend also, Mr. President, that this bill is out of harmony with the New Deal. I have before me the legislation which has been enacted since the present Democratic administration came into power, based upon the Democratic platforms of 1932 and 1936. I have here statements of the Democratic platform pledges and their fulfillment, made by that noblest Roman of them all, that lamented and honored manly man, Joseph T. Robinson, of Arkansas. Joe Robinson, speaking in the seat now occupied by his worthy and splendid successor [Mr. BARKLEY], took the Democratic platforms and told his colleagues on Saturday, the 20th of June 1936, how the Democratic administration had fulfilled the platform pledges of the party enunciated in 1932 and 1936. Read, Mr. President, that list, and you will find pledge and fulfillment.

Under the first pledge, reduction of governmental expenditures, and the like, he cites the Economy Act of 1933, the Central Statistical Act, the Appropriation Reform Act, the resolution to investigate and coordinate executive departments, and the President's committee to coordinate departments.

Under the pledge, the maintenance of the national credit and the maintenance of sound currency, he cites the Revenue Act of 1934, the Revenue Act of 1935, the Revenue Act of 1936, the gasoline tax, the Postage Rate Act, the Excise Tax Act, the expansion of the Federal Reserve credits, the gold repeal joint resolution, the Silver Purchase Act, the Gold Clause Act, and the Gold and Silver Act.

Under the pledge, "we advocate a comparative tariff for revenue," the fulfillment is shown by the enactment of the reciprocal-tariff law, and the Free Trade Zone Act, and the activities of the Department of State under the Reciprocal Tariff Act.

Under the pledge "We advocate the extension of Federal credit to the States to provide unemployment relief" we find the fulfillment in the deficiency relief appropriation act, R. F. C. loan, to construct levee and drainage districts; the Work Relief Act, the Public Works Act, the Civil Works Emergency Relief Act, the extension of the R. F. C., the Wagner-Lewis $500,000,000 Emergency Relief Act, the Civilian Conservation Corps Act, the Flood Control Act, the Mississippi Flood Control Act, the Federal Aid Highways Act.

Under the pledge "We advocate the spread of employment by a substantial reduction in the hours of labor, the encouragement of the shorter week by applying that principle of governmental service, and the planning in advance of public works" we find the National Recovery Act, the Guffey Coal Act, the Wagner National Labor Relations Act, the Roads Employment Act, the Wagner National Employment System Act, the kick-back racket labor law, the labor disputes joint resolution, the Prison-Made Products Act, the McKellar-Mead 40-hour Mail Act, vacation and sick leave in the civil service, the Dill-Crosser Railway Labor Act, the Air Transportation Labor Act, the Walsh-Healey Government Contracts Act.

Under the pledge, "We advocate unemployment and old-age insurance under State laws," we find that a study of old-age insurance was made resulting in the Social Security Act and the Railroad Retirement Act.

Under the pledge affecting agriculture, we find the Soil Erosion and Domestic Allotment Act, the Grazing Act, the Farm Mortgage Refinancing Act, the Crop Loan Act, the Jones-Connally Farm Relief Act, the Jones-Costigan Sugar Act, cotton-, cattle-, dairy-relief resolution, the Farm Mortgages and Foreclosure Act, the Livestock Bankruptcy Act, the Farm Mortgage Act, the Homestead Settlers' Act, the Farm Credit Act of 1933, the Farm Credit Act of 1935, the Tobacco Inspection Act, the Farm Research Act, the Soil

Erosion Act of 1935, export debenture (section of A. A. A. amendment act), and the Homesteaders' Relief Act.

The pledge:

An adequate Navy and an Army adequate for national defense.

Fulfillment:

The National Guard Act, 1933.
Vinson Naval Parity Act.
The Marine Corps Personnel Act.
The Navy Promotion Act.
The Foreign Station Act.
The War Department Supply Act.
The Wilcox Air Base Act.
The National Guard Officers Act.
The Naval Supply Act.
The Naval Aviation Cadet Act.
Honor student appointments for the Naval Academy.
Preservation of domestic source of tin.

The pledge:

Strengthening and impartial enforcement of the antitrust laws.

Fulfillment:

The Department of Justice has, since March 4, 1933, handled 1,322 cases under the antitrust laws, an increase of more than 1,100 over the previous administration. The Federal Trade Commission has issued 391 orders to cease and desist from unfair trade practices, while the Department of Agriculture has proceeded similarly against 40 packing houses. The evil of price discrimination has been met by the Robinson-Patman Act and the Petroleum "Hot Oil" Act.

The pledge:

The conservation, development, and use of the Nation's water power in the public interest.

Fulfillment:

The projects being carried to completion in the Tennessee Valley, at Grand Coulee, and Casper-Alcova testify to the fulfillment of this pledge. The power generated is being made generally available in the public interest.

Laws enacted include the following:

The Tennessee Valley Authority Act.
The Tennessee Valley Act.
The Work Relief Act.
Columbia River project.
Rural Electrification Act.

The pledge:

The removal of Government from all fields of private enterprise except where necessary to develop public works and natural resources in the common interest.

Fulfillment:

The demoralization and break-down of private enterprise during the period between 1929 and 1933 forced the administration to provide credit relief in many forms. Government loans to private enterprise exceed in amount funds made available to any class, and were urgently solicited by the borrowers. The Government stands ready and willing in every instance to withdraw from any field in which private enterprise is prepared to take over its normal functions.

The pledge:

Protection of the investing public.

Fulfillment:

The Securities Act, 1933.
The Securities Exchange Act, 1934.
Unlisted Securities Trading Act.
The electric rate investigation.
The Telephone Inquiry Act.
Holding Company Act.
The Communications Act, 1934.
The Emergency Railroad Transportation Act.
The Motor Carrier Act.
The Railroad Reorganization Act.
The Commodity Exchange Act.

The pledge:

Quicker methods of realizing on assets for the relief of depositors of suspended banks.

Fulfillment:

The Emergency Banking Relief Act.
The Bank Deposit Insurance Act.
The Banking Act of 1933.
The State Bank Aid Act.
The Collateral Security Act.
The Glass Banking Act, 1935.
Extension of the Deposit Insurance Act.

The pledge:

Justice and generosity for all war veterans.

Fulfillment:

Free hospitalization.
Extend time for naturalization of alien World War veterans.
Clarify section 19 of the Veterans' Act of 1924.
Payment of adjusted-service certificates.

The pledge:

A firm foreign policy, including peace with all the world and the encouragement of arbitration.

Fulfillment:

Prohibitions on sale of arms.
The Neutrality Act.
The Neutrality Act of 1936.
Naval Treaty of 1935.

The pledge:

International agreements for reduction of armaments, and cooperation with nations of the Western Hemisphere to maintain the spirit of the Monroe Doctrine.

Fulfillment:

Rio Grande Treaty.
Equal Rights Nationality Treaty.
Cuban Treaty.
Trade in Arms Treaty.
Antiwar Treaty of Nonaggression.

The pledge:

Opposition to the cancelation of the debts owed to the United States by foreign governments.

Fulfillment:

Consistent and repeated efforts looking to the collection of war debts have been made by this administration.
The Johnson Debt Defaulting Act.

The pledge:

Independence for the Philippines; ultimate statehood for Puerto Rico.

Fulfillment:

Philippine independence has been brought about under this administration. Legislation looking to a change in the status of Puerto Rican relations is pending in Congress.
The Tydings-McDuffie Philippine Independence Act.
The Philippine Currency Reserve Act.

The pledge:

The employment of American citizens in the operation of the Panama Canal.

Fulfillment:

Efficient operation of the Panama Canal, with Americans employed in all but the lowest unskilled grades, has been maintained.

The pledge:

Simplification of legal procedure and reorganization of the judicial system to make the attainment of justice speedy, certain, and at less cost.

Yesterday I said to the Senator from New York [Mr. WAGNER] that if he really wanted to stop lynchings he would make just what the Democratic platform says come into reality—simplification of legal procedure and reorganization of the judicial system to make the attainment of justice speedy, certain, and at less cost.

Fulfillment:

The Department of Justice, in cooperation with the Chief Justice of the Supreme Court of the United States, has

conceived and put into effect many reforms in judicial procedure which have promoted the attainment of justice.

The Public Utilities Reviewing Act.
Additional clerk to courts.
The Six Federal Crime Control Acts.
The Crime Prevention Compact Act.
The Arrest Facilitation Act.
The National Stolen Property Act.
The Federal Marshals Act.
The Poultry Racket Act.
Act penalizing holder of ransom money.

The pledge:

Continuous publicity of political contributions; strengthening of the Corrupt Practices Act and severe penalties for misappropriation of campaign funds.

Fulfillment:

Full publicity has been demanded of all organizations already in or which have entered the field of politics. Violations of the Corrupt Practices Act have been vigorously prosecuted. Also, the investigation actually made of campaign expenditures under Senate Resolution 225 in the Seventy-fourth Congress.

Pledge:

Repeal of the eighteenth amendment, with safeguards for the States.

Fulfillment:

A constitutional amendment repealing the eighteenth amendment was proposed by Congress after President Roosevelt was elected, and ratified by the required number of States before the end of 1933. For the protection of dry States, existing statutes were left intact, and legislation was enacted by the National Congress legalizing the sale of beer with a certain alcoholic content. The twenty-first amendment was passed and ratified; the Liquor Taxing Act, 1934, was enacted; the Federal Alcohol Control Act, the Anti-smuggling Act, and the Beer-Wine Revenue Act were enacted.

Pledge:

Continuous responsibility of Government for human welfare, especially for the protection of children.

Fulfillment:

Through the Home Owners' Loan Corporation more than a million families were aided in keeping the title to their homes. The Resettlement Administration has placed 14,310 destitute persons in better homes with an opportunity to make a living; while the Public Works Administration has provided sanitary low-cost housing for 2,850 low-income families. Child labor was eliminated by N. R. A. and is today far less prevalent than prior to the Roosevelt administration. I may add to that, Mr. President, the numerous other humanitarian acts, such as the building of hospitals with many thousands of additional beds available to indigent people, and the maintenance through the Works Progress Administration of public-health nurses in counties where they could not have had any such aid otherwise.

The Insurance Company Loan Act.
The Corporate Bankruptcy Act.
The Home Owners' Refinancing Act.
The Home Owners' Loan Act.
The National Housing Act.
Direct loans to industry.
The Home Mortgage Relief Act.
The Disaster Loan Act.
Vocational aid.

Pledge:

We condemn the improper and excessive use of money in political activities.

Fulfillment:

The Democratic Party organization has functioned without the use of large sums of money, repaid the debts which it inherited, and obtained the majority of its funds in small amounts.

Pledge:

We condemn paid lobbies of special interests to influence Members of Congress and other public servants by personal contact.

Fulfillment:

Investigations of the activities of lobbyists have been conducted by Congress, and legislation to curb the abuses was submitted to both Houses.

Investigation of lobby activities on holding-company bill.

Pledge:

We condemn action and utterances of high public officials designed to influence stock-exchange prices.

Fulfillment:

Officials of this administration have refrained from making such utterances as were common during the Coolidge and Hoover administrations, when they were but advertisers for a bullish stock market.

Pledge:

We condemn the open and covert resistance of administration officials to every effort by congressional committees to curtail the extravagant expenditures of the Government and to revoke improvident subsidies granted to favorite interests.

Fulfillment:

Administration officials have cooperated with congressional committees on expenditures of the Government in every possible way consistent with the emergencies which had to be faced. Air- and ocean-mail subsidies have been either curtailed or eliminated.

Laws enacted:

The Emergency Air Mail Act (Public, 140, 73d Cong.).
Air Mail Act of 1934 (Public, 308, 73d Cong.).
Air Mail Contract Act (Public, 12, 74th Cong.).
Investigation of air- and ocean-mail contracts (S. Res. 349, 72d Cong.).
Ship Subsidy Act (Public, 835, 74th Cong.).

Pledge:

We condemn the extravagance of the Farm Board, its disastrous action which made the Government a speculator of farm products, and the unsound policy of restricting agricultural products to the demands of domestic markets.

Fulfillment:

The existence of the Farm Board ended almost immediately after President Roosevelt took office. Crop restriction has been undertaken only to prevent the depression of farm prices below the cost of production, to restore soil fertility, and to eliminate the tremendous surpluses which destroyed the farmers' purchasing power.

Laws enacted:

Farm Credit Act (Public, 75, 73d Cong.).
Executive Order 6084.
Emergency Farm Mortgage Act of 1933 (title II, Public, 10, 73d Cong.).

Pledge:

We condemn the usurpation of power by the State Department in assuming to pass upon foreign securities offered by international bankers as a result of which billions of dollars in questionable bonds have been sold to the public upon the implied approval of the Federal Government.

Fulfillment:

Under the fine gentleman from Tennessee, Cordell Hull, the distinguished Secretary of State, who was in the Senate Chamber for a little while this afternoon, the State Department has scrupulously refrained from any action of this character.

Pledge:

We condemn the Hawley-Smoot tariff law, the prohibitive rates of which have resulted in retaliatory action by more than 40 countries, created international economic hostilities, destroyed international trade, driven our factories into foreign countries, robbed the American farmer of his foreign markets, and increased the cost of production.

Fulfillment:

The administration has approached the tariff question through the Reciprocal Trade Agreement Act which has

done much to restore American foreign markets destroyed by the Hawley-Smoot tariff law.

Laws enacted:

Reciprocal Trade Agreement Act. (See tariff provision.)

R. F. C. exports resolution (Public Res. 17, 73d Cong.).

Mr. President, that statement was made for a period ending the 20th day of June, 1936.

I have before me now a comparable statement made on the 21st of August 1937 by the illustrious leader of Democracy in this body, one of Democracy's great stalwarts, who himself stated the legislative accomplishments of the administration in power upon the basis of the Democratic platforms of 1932 and 1936. These are some of the accomplishments the Senator from Kentucky [Mr. BARKLEY] pointed out:

AGRICULTURE

To authorize cooperation in the development of farm forestry in the States and Territories.

Insect control.

Bankhead-Jones Farm Tenant Act.

Soil Conservation Act.

Cotton classification.

Seed loans to farmers.

Agricultural marketing agreement of 1937.

Farm Credit Act of 1937.

Conservation in arid and semiarid areas:

Through water storage and utilization, carries out recommendation of President's Great Plains committee.

Construction of small storage reservoirs to prevent floods and aid in drought periods.

Sugar Act of 1937.

Aid to the States in wildlife-restoration projects.

Coal industry: To regulate interstate commerce in bituminous coal, and for other purposes.

Commerce and navigation: Foreign-trade agreements.

Coast Guard:

For the protection of the northern Pacific halibut fishery.

Seamen Discharge Act.

Distribution of products of fishing industry.

Rivers and Harbors Act.

Communications: To amend the Communications Act. To amend the Communications Act of 1934.

Flood control: Flood protection for Ohio and other river basins.

Housing: Housing Act. Guaranty of Federal housing debentures.

Judicial:

Reform of judicial procedure. To prohibit certain agreements in fixing fees.

Amendment to antitrust laws.

Retirement of Supreme Court Justices.

Municipal bankruptcy.

Monetary:

Monetary stabilization fund.

Security for Federal Reserve notes.

National defense: Auxiliary vessels for the Navy.

Neutrality: Neutrality Act of 1937.

Power: Bonneville Power Dam project.

Relief:

Emergency Relief Appropriation Act of 1937.

Reconstruction Finance Corporation.

Disaster Loan Corporation.

Extension of authority of Disaster Loan Corporation to include disasters in 1936.

Revenue:

Tax Loophole Revenue Act of 1937.

To provide revenue and for other purposes.

Tax evasion and avoidance committee.

Social security and welfare:

Railroad Retirement Act.

Tax to raise funds for railroad retirement fund.

Civilian Conservation Corps.

Extending benefit of retirement to certain employees in legislative and judicial branches of the Government.

National Cancer Institute.

Health and sanitation in flood areas.

Free transportation of "seeing-eye" dogs to accompany blind persons on trains.

Authorizes an increase in the annual appropriation to the Library of Congress for the adult blind.

Additional aid for the blind.

To provide for the prevention of blindness in infants born in the District of Columbia.

Unemployment census.

Veterans:

To amend the provisions of the pension laws to include Reserve officers and members of the enlisted Reserves.

World War veterans' benefits.

Insurance benefits for disabled veterans and their dependents, Gold Star Mothers and American War Mothers included.

Miscellaneous:

Personnel of Naval Reserve officers.

National Gallery of Art.

Marriage clause.

Deportation of aliens.

Boy Scout jamboree.

Conservation of helium gas and regulation of its uses—its exportation authorized for medicinal, scientific, and commercial—but not for military—purposes.

Legislation extending the time within which powers previously granted may be exercised.

Reconstruction Finance Corporation.

Federal Reserve notes.

National Housing Act.

World War veterans' insurance policies.

Petroleum.

Homesteads.

Suspension of assessment work on mining claims.

Federal Surplus Commodities Corporation.

Soil Conservation and Domestic Allotment Act.

Federal land bank and Commissioner's loans.

To provide revenue and for other purposes.

Foreign-trade agreements.

Federal-housing debentures.

Safety devices for seagoing vessels.

Continuing interstate oil compact.

Since those acts were passed we have had a special session of Congress, at which the President made recommendations for the enactment of four measures, two of which the Congress has considered, one of them the farm bill, now pending in conference, the other the amendment of the Housing Act, also pending within conference.

Practically simultaneous with the beginning of this session the bill now before us was thrust upon the Senate, and that brings us up to date in considering the national legislative accomplishments of the Roosevelt administration.

I stated that the pending bill was offensive to a section of the country, and vain and futile, and not so designed as to accomplish the laudable purposes which its proponents may have entertained. For that reason I oppose it.

I said also that it violated the plain terms of the Federal Constitution, and for that reason, having taken an oath to uphold the Constitution and believing that anything enacted or proposed to be enacted in violation of it would be futile, I oppose it.

I said that this bill was out of harmony with Democratic doctrine, and to prove it I quoted declarations from Jefferson, Madison, Jackson, even Hamilton, and the Democratic national platforms, from the first one promulgated in 1840 down to the last one enunciated in 1936. Being a Democrat, believing in my heart in Democratic doctrine, believing in what the Democratic platform has repeatedly said, I said that while it may not achieve in the very instant all that may be desired, yet in the long run it is the best for everyone.

I remember one time reading in a book something like this:

> And that is the fundamental of human progress—the ability to hold the attention to that which at present exists only as an aim to be realized or as an ideal to be achieved.

Democracy has the vice and the virtue of the tolerant man, of the man who says that it were better to wait a while for the accomplishment of a great good rather than that in one fell stroke to destroy the instrumentalities by which only good can be achieved. So Democracy says to me, "You have declared yourself to be a Democrat. Leave out the fact that you were nurtured in its satisfying cradle; forget the fact that you were tutored in its beneficent doctrine and atmosphere; that the gentle hand of a Democratic mother touched your cheeks in your infancy, and that her own smile brightened your countenance into a childish adulation and affection. Forget that, and you still must say that if you learned Democracy even after you became an adult, if you were converted to it after you reached the age of discretion, if you had learned it only like the one who is penitent and remorseful because of newly discovered wrong, you still should know enough, even if you have only read of it, to know that you cannot consistently with democratic doctrine, either old or new, favor this particular piece of legislation."

Agreeing with that argument, I said that I could not favor the bill.

Then I said another thing, that this bill is out of harmony with the dominant current political philosophy, if it be a distinctive philosophy, called the New Deal, and to corroborate that I have referred to the words of the leaders themselves, and to every single bill which has passed the Senate and become a law since this administration has been in power. I have heard the New Deal castigated as destroying the boundaries of the States, of breaking down the territories of local self-government; but, Mr. President, although honest, honorable, and able men, earnestly afraid and frightened men, have so declared, when I look carefully into those laws, when I see each one of them in relation to the problem it was designed to combat, I do not find anything other than what the Democratic national platform said, that its framers find certain things to be of such national significance, to be so much a national problem as to require that they be dealt with in a national way.

So I do not find that the New Deal has violated that truly Democratic principle in any bill which heretofore has passed the Senate. I think it has reached out in a number of instances in response to a national demand to combat with the only power which adequately could meet it, a national problem such as kidnaping, such as agriculture, even such as wages and hours. But, Mr. President, as yet, so far as I know, no New Dealer, no "brain truster," if that be a mark of castigation—which it is not in my mind, because I wish earnestly that we had a great deal more intelligence and skill justly applied to the science of government than modern times allow—no one that I know of has proposed to us that because of the fact that the cities, that some of the counties, that some of the States are not handling their local police matters perhaps in the way they should be handled the Federal Government should arrogate unto itself the power to right every wrong, to redress every grievance, to prevent every crime, to punish and apprehend every offender.

If the Federal Government can do that when three persons kill one person they can do it when one person kills one person. If the Federal Government can supervise the official conduct of the sheriff in one case it can supervise his official conduct in every case. If it can send one State judge to the penitentiary for judicial error it can send every judge to the penitentiary for like alleged cause. If it can make it a Federal offense to fail to protect a person, who is thereby deprived of his life, it can make it a Federal offense not to prevent injury to property, and this good thing, this product of high impulse, with a noble objective, would in more corrupt hands, or in the hands of those who have more selfish hearts, those with less charitable impulses, be used as the agency literally to destroy all that this good Senator [Mr. WAGNER] would preserve.

So, Mr. President, I say that this measure is out of harmony with what I like to call progressive democracy as it has been given expression and application in later days by the great humanitarian of our generation, Franklin D. Roosevelt.

So saying that, I say also that it does violence to the liberal tradition and I oppose it on that ground. What do I mean by the liberal tradition? I do not know whether I remember it or not, but I think Sir John Morley described a certain kind of a conservative with what he called "his inexhaustible patience for abuses that only torment others; his apologetic words for beliefs that may not be so precisely true as one might wish, and institutions that are not altogether as useful as some think possible; his cordial attitude toward progress and improvement in general, yet his coldness or antipathy to each proposal for progress in particular; his pygmied hope that men may somehow become somewhat better punily shivering alongside his gigantic conviction that it might have been infinitely worse." Morley in those words was describing a certain type of political mind with which those of the liberal tradition are not in accord.

There are those whose hearts may be a little too warm, whose hands may be a little too ready to strike, whose minds may be a little bit too active and alert in their reach for something that may be done, whose hearts, perhaps, may be a little too sensitive to the sting of wrong, perhaps too easily heavied with the sight of suffering. These are those who have been the crusaders. It is they who have made better the lot of man. They have lightened the burden of toil upon the back of labor. They have lifted up the enslaved of every race. They have removed the heavy, galling yoke of oppression from the neck of every creed. They have torn asunder the shackles of prejudice and smitten down the swords of bigotry wherever they were. They have held aloft the light for man's footsteps through the labyrinthine passages and course of human progress, always laboring—though not always well—for a better day tomorrow than today is or yesterday was; refusing to admit defeat, never stopping, never turning their backs upon a single objective.

People who have felt that way, people who have acted that way, are a part of the great tradition of liberalism from generations back into the oblivion of antiquity down to the end of generations yet to come.

I know of no more noble thing that a public man may do than worthily to associate his name with the traditions of that attitude. I would rather lay down the honors and emoluments of the senatorial office and retreat to the humble farm home in which I was born than to surrender the consciousness of belonging to that spiritual fraternity. If I could not administer to that cause I would forsake the sham and pretense of public service.

So, Mr. President, that tradition is worth saving. I think Napoleon once said to one of his soldiers that all he had to do was to say that he was at Austerlitz and the world would know what it meant to have been with Napoleon at Austerlitz.

I want the world to know what the liberal tradition means and how worthy it is; that its name is so fair, its character so perfect, its reputation and its memory so pure and undefiled, that we regard it with the same tenderness that Shakespeare had one of his characters express when he spoke of another and said that he loved her so much that he would not even permit "the winds of Heaven visit her face too roughly."

I say to my liberal comrades, in the name of a great past, let us not impair the reasonableness or the nobility of the liberal tradition.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. MINTON. I make the point of order that no business has been transacted since the last roll call.

Mr. RUSSELL. I desire to point out that since the last roll call two matters have been offered for the RECORD.

The PRESIDING OFFICER (Mr. MILTON in the chair). The last quorum call having been made in executive session, the point of order is overruled. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lee	Radcliffe
Bailey	Donahey	Lewis	Reynolds
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gerry	McAdoo	Smathers
Borah	Gibson	McCarran	Smith
Bridges	Glass	McGill	Steiwer
Brown, Mich.	Guffey	McKellar	Thomas, Okla.
Brown, N. H.	Hale	McNary	Thomas, Utah
Bulkley	Harrison	Maloney	Townsend
Bulow	Hatch	Miller	Truman
Burke	Hayden	Milton	Vandenberg
Byrd	Herring	Minton	Van Nuys
Byrnes	Hill	Murray	Wagner
Capper	Hitchcock	Neely	Walsh
Caraway	Holt	Norris	Wheeler
Chavez	Hughes	O'Mahoney	
Clark	Johnson, Calif.	Overton	

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LEWIS. I again announce that the Senator from Vermont [Mr. GREEN] and the Senator from Iowa [Mr. GILLETTE] are detained from the Senate because of illness, and the Senator from Maryland [Mr. TYDINGS] is necessarily absent.

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, I am about to raise a question which will be clothed in the form of a parliamentary inquiry, because this time is not to be taken out under the cloture rules that the Senate has imposed on this particular discussion.

We are about to go into another very extended night session, I presume. I judge that to be the case from the facial expressions of certain Senators. Of course, we are all delighted to stay here, but some of us like it better than others. If we have to go into a competition which will involve sapping the physical strength of the old and the young—and I put myself in the middle group—we may just as well know about it, and not be conservative and stop at 10 o'clock, but go on to the wee small hours of the morning.

We have been talking in this discussion about extending equal rights to all and not showing any favoritism; so if we are going to have night sessions, and really deliberate, and consider the intricate parts of the very important and momentous issue embodied in the proposal of the Senator from New York [Mr. WAGNER], it seems to some of us that we ought to stay here, and that no favoritism should be shown. Some Senators should not be punished by having to stay here and work while other Senators are invited to some of the embassies, or to mansions on Sixteenth Street, and are given time to dress in their own kind of paraphernalia, and stay there as long as they desire to do so, and others who may desire to sleep a little in the early part of the night and get up early in the morning, as I do, go their way.

Let us have some equality of treatment in this matter. If we are going to stay here, there is only one arm of the Senate which can compel Senators to come here or to remain here, and that is a call for a quorum.

The Vice President the other day made a ruling to which I wish to advert for a moment. I have known him for a long time. I have never known him to be wrong except on one occasion, and it is very strange that that one occasion should be the one which permits this discrimination, this favored treatment, this inequality in the consideration of this bill. I cannot believe that the Vice President meant what he said on that occasion, and I doubt if any Senator correctly interpreted his remarks. The Vice President always speaks forcefully, and says everything succinctly and pleasantly, but I think we got the wrong interpretation of what he said; namely, that if a quorum should not be present, and if a Senator who had the floor should yield twice, that would constitute business, and he would be taken from the floor, and could not further discuss this all-important piece of legislation.

It did not make any difference that the President of the United States last November thought it was wise to call the Vice President back from the shades of his Uvalde Valley, and call some of the rest of us back from the banks of the Pascagoula or the Chickasawhay or the Leaf. We had to come, and we did come. We came because we heard the clarion voice ringing out that it was imperative, that it was absolutely necessary; that the farmers had to have some kind of legislation; that labor had to have legislation; that the housing question was all-important. It may be that that inspiration came from the distinguished Senator from New York [Mr. WAGNER] who is now just whittling his life away in an attempt to secure the passage of this legislation.

I looked at the Senator from New York today. I am very fond of the Senator from New York. He is so faithful to the cause he represents here that he gets out of a sick bed and comes here.

Because someone applies the whip and spur to him and makes him stay here, not from 11 o'clock in the day until 5 o'clock, the usual hour of adjournment, he forces Senators to remain until 10 or 11 o'clock at night.

I know the Senator from New York cannot stand it. He is willing, of course, to offer himself as a living sacrifice on the altar of this great cause he represents, but it is not fair to him, and, for my part, I am not willing to impose that responsibility on him. There are others who are perhaps physically in just as bad shape as is the Senator from New York. They do not look it, but they may be. [Laughter.]

I beg of Senators to keep their feet on the ground. Let us not lose our heads about one piece of legislation which is offered. We all know what Senators are up against when they are forced to go out to this or that delegation of 60 or 90 or perhaps more such as that representing the National Association for the Advancement of the Colored People and have them ply the whip and spur, and listen to their promises as to what they will do if the legislation shall be passed and their threats should it not pass. But let us not kill ourselves about it. "This, too, will pass." It will be gone like a zephyr in time.

There is other important legislation to be worked out. I understand that the conference report on the housing bill is ready. When that measure was suggested by the President it was received with acclaim throughout the country. It was stated it would give employment to millions of people; that it would add to the purchasing power of the country; that it would steam up some of the industries which furnish the heavy materials going into construction. I do not think I ever heard a more eloquent speech or have even seen a greater devotee for a piece of legislation, except for the pending bill, than the Senator from New York, who spoke and worked for the housing legislation.

In November the President asked the Congress to pass the housing bill; it was passed in both Houses and sent to conference, and I understand the conferees have finished their labors and that the report is ready. Yet it is not deemed to be as important as the proposal before us, which the President has never suggested to the Congress.

Senators know this so-called antilynching bill is a sham and a pretext. Of course, no Senator wants to have a colleague's health broken, but such a course as is being pursued in an endeavor to have the pending bill passed will shorten the life of every Senator, and I could prove it by my friend the senior Senator from New York [Mr. COPELAND] if he were here.

Why do the unusual thing of keeping us here from 11 o'clock in the morning to 10 or 11 o'clock at night in order to pass the bill, which has been before us now from time

whereof the memory of man runneth not to the contrary. I do not know how long it has been here. I am dizzy when I think of it.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BURKE. Does the Senator from Mississippi mean to say that the conferees on the housing bill are ready to report, and that the only reason that very constructive measure is not enacted is that the Senate is engaged in discussing the so-called antilynching bill?

Mr. HARRISON. I do not know why the conference report is not brought forward. I have been in the Senate a long time, and I know that when a conference report is ready the conferees call it up and ask for action on it. I understand the report on the housing bill is ready; that it is signed and is in the hands of the Senator from New York; yet it is not brought up.

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. HARRISON. I yield.

Mr. BURKE. As one Member of the Senate, I wish to say that if the conference report on the housing bill is ready for action in the Senate, I am ready at this time, or shall be at any time, to vote to lay aside the pending bill in order to take up that report.

Mr. HARRISON. I think there are a great many Senators who share the view of the distinguished and broad-minded Senator from Nebraska.

Mr. CLARK. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. CLARK. I should like to ask my distinguished friend from Mississippi whether in the whole course of his long and very distinguished service in both the House of Representatives and the Senate he has ever been willing to lay aside any bill which he has had in charge, an important measure, and have it supplanted with another measure.

Mr. HARRISON. I think that has occurred many times. I think I have done it many times.

Mr. RUSSELL. Mr. President, the Senator from Mississippi is, of course, familiar with rule XXVII, which provides that the presentation of reports of committees of conference shall always be in order.

Mr. HARRISON. Yes.

Mr. CLARK. There is no dispute about that.

Mr. HARRISON. I do not think the report has ever been presented. If it were taken up, it would merely suspend consideration of the pending bill. It would not result in having the bill laid aside, as I understand the parliamentary rules.

Mr. BARKLEY. Mr. President will the Senator yield to me?

Mr. HARRISON. I yield.

Mr. BARKLEY. Of course the Senator from Mississippi knows that a conference report on the housing bill, like any other conference report, is privileged.

Mr. HARRISON. Yes.

Mr. BARKLEY. It may be taken up and considered without displacing the pending bill except temporarily.

Mr. HARRISON. Yes.

Mr. BARKLEY. But it is debatable.

Mr. HARRISON. Yes; and it ought to be.

Mr. BARKLEY. Will the Senator from Mississippi guarantee that if the conference report on the housing bill is taken up it will be promptly disposed of and not used as a vehicle for another filibuster because of the fact that this particular measure is pending?

Mr. HARRISON. I cannot guarantee a thing in the world. That is why I do not go on anyone else's notes. I do not know what will happen when the conference report is submitted, but I know it ought to be here, and I know we ought to proceed in an orderly way. We are doing nothing in the world except sapping the lives of Senators and causing a disruption that is bad and adding to confusion in the Senate.

Mr. BARKLEY. If the Senator will yield further, most of the sapping is at night, not much of it is in the daytime.

Mr. HARRISON. That may be, but I am willing to remain here in the evenings.

Mr. BARKLEY. We have a better attendance at night, and have had so far, than we have had in the daytime, during the consideration of the bill, and it is almost always true that at night sessions we have more Senators present than in the daytime.

Mr. HARRISON. That is all right; I am willing to stay, but other Senators ought to stay also.

Mr. BARKLEY. I agree with the Senator, but there is no way to make Senators stay here, and, of course, the Senator knows that when some Senator makes a point of no quorum, if 49 Senators answer, that ends that. There is no way to send out for the 47 who have not answered.

Mr. HARRISON. The Senator and I agree——

Mr. BARKLEY. I agree with the Senator that Senators ought to stay here day and night.

Mr. HARRISON. I am going to submit a unanimous-consent request, that it shall be in order for any Senator, when there is not a majority of the Senate on the floor, to make the point of no quorum, that the roll shall be called to get a quorum, and it shall not take from the floor any Senator who is speaking.

Mr. BARKLEY. Mr. President, we, of course, can change the rules by unanimous consent. Will the Senator couple with that the request that when the point of order is made that no quorum is present, the Chair may count in order to determine whether a roll call is necessary?

Mr. HARRISON. Yes; I will couple that with the request. Now I submit the unanimous-consent request.

The VICE PRESIDENT. The Senator will state the unanimous-consent request so the clerk can get it.

Mr. HARRISON. I ask unanimous consent that during the discussion of the so-called antilynching bill—it ought to be called a lynching bill, because that is what it is doing to some [laughter]—a point of no quorum may be raised at any time when there is not a majority of the Senators on the floor, and that the Presiding Officer may count in order to determine, without a roll call, whether a quorum is present; and if a quorum is present, he can so announce; otherwise, there shall be a roll call, without taking the Senator who is occupying the floor from the floor.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent that during the consideration of the pending bill the rule of the Senate shall be that if any Senator rises for the purpose of making a point of no quorum while another Senator has the floor he shall be recognized by the Chair, and if the Chair by count ascertains that there is no quorum present he will order a roll call. Is there objection?

Mr. BARKLEY. Reserving the right to object, I understood that the request contemplated that the Senator who had the floor would yield for the purpose of having the count made. I did not understand that any Senator could take a speaking Senator off the floor.

The VICE PRESIDENT. Unless a Senator having the floor gives unanimous consent, there is no power on earth that can take him off the floor. He has the floor until he yields, except when he violates the rules of the Senate.

Mr. BARKLEY. And the Senate cannot by unanimous consent take him off the floor unless he yields.

The VICE PRESIDENT. The Senator is mistaken about that. If the Senate changes the rules sufficiently to take a Senator off his feet, then he can be taken off his feet, because that would change the rule.

Mr. BARKLEY. I do not understand that the request contemplated that if a Senator were speaking some other Senator could rise and, without the consent of the Senator speaking, make a point of no quorum, which would of course mean taking him off the floor.

Mr. HARRISON. I expressly stated that it should not take the Senator occupying the floor off the floor. That was coupled with my request.

The VICE PRESIDENT. The Chair will submit the unanimous-consent request.

Mr. CLARK rose.

The VICE PRESIDENT. The Senator from Mississippi has the floor. Does he yield to the Senator from Missouri?

Mr. CLARK. I did not request the Senator from Mississippi to yield. I understood the Chair was submitting a unanimous-consent request, and I desire to reserve the right to object, and then make some observations. If the Senator from Mississippi still has the floor, I do not wish to ask him to yield.

Mr. HARRISON. I would like to have the request submitted.

The VICE PRESIDENT. The Chair has stated the unanimous-consent request. Will the Senator from Mississippi more accurately state his request so that the clerk may report it to the Senate?

Mr. HARRISON. The unanimous-consent request I make is that while any Senator has the floor, if another Senator desires to make a point of no quorum because there is not a quorum present, he can make it without taking the Senator from the floor, and the presiding officer can look over the Senate and, if there is a quorum present, by count, there need not be a roll call. If it should be determined that there is not a quorum present, the roll call must ensue in order to develop a quorum.

Mr. McNARY. Mr. President, if less than a quorum is present because some have absented themselves, then the roll would be called, under the suggestion made by the Senator from Mississippi?

Mr. HARRISON. If there is not a majority of Senators on the floor, I think a quorum ought to be obtained.

Mr. McNARY. Consequently, there would have to be a quorum present all the time, and if less than a quorum were present, then automatically the roll would be called by the clerk.

Mr. HARRISON. Not unless some Senator made the request for a quorum. I will even modify the request so as to ask that there shall not be a quorum called except within a reasonable time after a quorum has been developed.

Mr. BARKLEY. Mr. President——

Mr. HARRISON. I do not like to add that, but I have confidence in the Presiding Officer. I want Senators to remain here.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield the floor?

Mr. HARRISON. I yield the floor.

Mr. McNARY. Mr. President I shall defer to the Senator from Missouri, because he was trying to gain recognition.

Mr. CLARK. Mr. President, I understood that the request of the Senator from Mississippi had been submitted; and if so, reserving the right to object, I should like to have an opportunity to observe that I have always believed that the Senate practice regarding the ascertainment of a quorum was a very erroneous practice, as distinguished from the practice in the body at the other end of the Capitol, where a quorum is a physical fact. Nevertheless, the practice of the Senate is a practice of many years' growth. It is part of the rules of the Senate. If that practice is to be now changed, it should not be changed with reference to one particular bill, and particularly in furtherance of an acknowledged filibuster. It ought to be changed having in mind all the practice of the Senate with regard to the ascertainment of a quorum.

So far as I am concerned, I should be very glad to have the rule established in the Senate which I believe to be the constitutional rule, that the presence of a quorum is a physical fact, to be ascertained by the Chair through a count, but I am not willing to have this practice put into effect with regard to one particular bill in furtherance of an acknowledged filibuster.

I shall be glad to withhold objection if the Senator from Mississippi and others in consonance with him in this matter are willing to change the rules of the Senate to a further degree with regard to the pending bill by providing that a motion may be made to limit debate.

Mr. HARRISON. I did not understand the suggestion of the Senator.

Mr. CLARK. Since the Senator from Mississippi is attempting to change the rules of the Senate in one particular, I shall be glad to agree to that, provided the Senator from Mississippi and other Members of the Senate who are acting with the Senator from Mississippi, will be willing to agree, so far as the pending bill is concerned, to another modification of the rules of the Senate, that a motion to limit debate shall be in order. Otherwise, I object.

Mr. CONNALLY. Mr. President, will the Senator from Missouri yield before he takes his seat?

Mr. CLARK. I yield.

Mr. CONNALLY. The Senator is an authority on the rules. Does he think it is fair or just that the Senate should have one set of rules for the ordinary transaction of business and another set of rules when the majority wants to impose it, as was suggested by the Vice President the other day, when he said, as appears in the RECORD:

> It seems that the Senate has, in effect, two sets of rules—one for the ordinary transaction of business, the other when the Senate desires to restrain the transaction of business, by a minority or otherwise.

In all fairness, the Senator from Missouri is the one who invoked the rule that supposedly when a Senator yields for a quorum call he loses the floor. I ask the Senator from Missouri to strip himself for a moment, if he can, of his prejudice, of his feeling, and of his rancor on the pending bill, and as a parliamentarian, sitting on the bench, state whether he thinks it is fair for the Senate to have one set of rules in ordinary business and another set of rules in a case such as this?

Mr. CLARK. Mr. President, the Senator from Texas is very well aware of the fact that 2 or 3 days ago, when I made a point of order based on the rules of the Senate, the Senator from Texas himself was the one who insisted that it was not fair to enforce the rules of the Senate unless previous notice had been given that the rules would be enforced.

I answer the question of the Senator from Texas by saying it has never seemed to me that it was proper for the Senate to have one set of rules for ordinary circumstances and another set of rules for others. It has always seemed to me that whenever any Senator rose in his place on his own responsibility and made a point of order under the rules of the Senate, it was improper for the parliamentarian of the Senate to advise the Chair that there had been a gentleman's agreement, and that the rules of the Senate could not be enforced unless previous notice had been given. That is my own personal opinion. Just 2 or 3 days ago the Senator from Texas insisted on exactly the contrary position, and the Senator then occupying the chair agreed with that conclusion.

Since I have the floor, still reserving the right to object, I desire to say that the observation of the Chair, the great Vice President of the United States, the other day, that there ought to be a complete recasting of the rules of the Senate in order to let Senators know what are their rights, and that the rules ought to be enforced, if they are to be enforced, ought to be carried into effect; but in the meantime, much as I agree with the fundamental proposition of the Senator from Mississippi with regard to the Senate rule as to a quorum call and the ascertainment of a quorum, I am not willing to have the rules changed during the progress of the game in pursuance of an acknowledged filibuster. Therefore, I object to the request of the Senator from Mississippi.

Mr. HARRISON. Mr. President, I stated that I thought that either the Vice President's interpretation of the rule the

other day was wrong, or that Senators did not correctly interpret what the Vice President had said. In 1935 a Senator was on the floor, and he was conducting a so-called filibuster. I rose and asked the Presiding Officer, who is the present Presiding Officer:

> If the Senator yields for a point of no quorum to be made, does the Chair rule that he can continue his speech under the rule of the Senate that no Senator can speak more than twice on the same subject matter on the same day?

The present Vice President was the Presiding Officer at that time, and that was the query that I made to the present Presiding Officer back in 1935. The Vice President replied to me by asking:

> Is there a parliamentary question before the Senate?
> Mr. HARRISON. I made a parliamentary inquiry, Mr. President.
> The VICE PRESIDENT. The Senator will state it.
> Mr. HARRISON. The inquiry is, If the Senator yields for the point of no quorum to be made, will that be construed, under the rules of the Senate, as not coming under the rule which provides that a Senator cannot speak more than twice on the same subject in the same day?
> The VICE PRESIDENT—

This is Vice President Garner answering this inquiry—

> Under the practice of the Senate, a Senator yielding for the purpose of giving another Senator an opportunity of raising the point of no quorum does not yield the floor. That is the universal practice of the Senate.

Those were wise words. I remembered them. We have followed them since. We had followed that practice before. But it has been contended throughout the legislative history of the Senate, so far as I know, that the question of a quorum was a question of a constitutional right that a Senator had when he was speaking. He had a right to have a quorum. Why not? Does a Senator have to take the floor and speak and have no one listen to him?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BARKLEY. May not any Senator who has the floor, and finds himself without a quorum, make the point of no quorum himself if he wants one?

Mr. HARRISON. Yes, he could do it, but under the peculiar interpretation of the rule by the Senator from Kentucky and by some other Senators, if he did so he would lose the floor, and if he yielded twice for that purpose he would lose the floor entirely.

Mr. BARKLEY. That does not bring about quite the same situation as comes about when a Senator yields to another Senator to make a motion of any sort, because two Senators cannot occupy the floor at one time. If the Senator who has the floor makes the point of no quorum he would not be yielding to any colleague by reason of which he would lose the floor.

Mr. HARRISON. May I get that correctly, because the Senator is the leader on this side? Do I understand from the Senator from Kentucky that he contends that a Senator who has the floor, and seeing that there is no quorum present, may say, "Mr. President, I make the point that there is not a quorum present," and then the roll is called? Does the Senator say that he can do that, and even do that twice without losing the floor?

Mr. BARKLEY. I was asking the Senator from Mississippi whether he thought that a Senator could do that.

Mr. HARRISON. I think he can. That is what I am contending for.

Mr. BARKLEY. There is a difference between a Senator himself making a point of no quorum while he himself has the floor, and yielding to some other Senator to make the point of no quorum, by which he thereby technically loses the floor.

Mr. HARRISON. I understand from the Senator from Kentucky that if a Senator who has the floor yields to some other Senator to make a point of no quorum, if that is done twice it takes the Senator from the floor. But if the Senator who has the floor is speaking, and he sees that there is not a quorum present, he himself can make the point of no quorum and he would not lose the floor?

Mr. BARKLEY. He would not lose the floor by making the point of no quorum himself. The question then would arise whether the calling of the names of Senators for the ascertainment of the presence of a quorum would make him lose the floor. There is a difference between yielding to a Senator to do a thing and doing it yourself.

Mr. HARRISON. May I ask the Senator from Kentucky a question? He says there is a distinction between making the point of no quorum and yielding to another Senator to make the point of no quorum, and that the calling of the roll to ascertain whether a quorum is present might take a Senator off the floor. What is the Senator's opinion as to that?

Mr. BARKLEY. As to whether the calling of the roll to ascertain if there is a quorum present, upon the suggestion of no quorum on the part of the Senator who has the floor, would automatically take him off the floor I am frank to say that I am not certain. But the making of the point itself would not make the Senator lose the floor.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BURKE. Could not the Senator who occupies the floor, and who observes that a quorum is not present, raise the point himself of no quorum and not lose the floor?

The VICE PRESIDENT. The Chair would like for the Senate to pass on that. The Senator from Mississippi [Mr. HARRISON] rose for the purpose of making a parliamentary inquiry.

Mr. HARRISON. I was about to state it.

The VICE PRESIDENT. The Chair has not yet gotten the parliamentary question. He does not think that the Senator from Nebraska should make a parliamentary inquiry until the Chair has answered the Senator from Mississippi.

Mr. HARRISON. I was just getting to that point. I was also going to ask the Senator from Kentucky a question. The Senate has passed on that very question raised by the Senator from Kentucky. The Senate passed on it some years ago, when the distinguished Senator from Washington, Mr. Jones, had the floor. The Senator from Florida, Mr. Fletcher, raised the question of order, that there was not a quorum present, and asked if the Senator from Washington would yield. The Senator from Washington said, "I will not yield, because it is my constitutional right to have a quorum, and I do not lose the floor if such a point is made." Someone had raised the question that he might lose the floor if he yielded.

He said, "I cannot lose it. It is my constitutional right to have a quorum." So the roll was called, and a quorum was obtained, and then Mr. Reed, of Missouri, raised the point of order that the Senator from Washington was taken from the floor because a roll call, such as pointed out by the Senator from Kentucky, had been had by the Senate.

The Vice President said, "I overrule the point of order. I do not think it takes the Senator from the floor at all. I think it is his constitutional right to have a quorum."

So Mr. Reed appealed from the Chair, and the Senate, by an overwhelming vote of 47 to 2, sustained the Chair in his ruling that the calling of the roll for the purpose of ascertaining the presence of a quorum did not take a Senator from the floor.

If the Chair has any doubt about it I can read that whole colloquy with respect to that matter. However, I am sure the parliamentarian, whom we all trust, who knows the rules of the Senate, will bear out what I have said, because I happened to recall the matter, and asked him to get up this record for me, so I know that what I said happened.

That is the only time that the Senate has passed upon the proposition of whether or not a roll call takes a Senator from the floor when he is making a speech. I am sure that that had not been called to the attention of the presiding officer, or he never would have made the observation which

he did the other day. I am sure that the action which I have cited here, when the Senate by vote of 47 to 2 held in a manner which accords with the opinion of the Senator from Kentucky, will clarify this matter pretty quickly.

Mr. BARKLEY. May I ask the Senator a question? In that instance the Senator from Missouri [Mr. REED] asked the Senator from Washington to yield in order that he might make a point of no quorum, and the Senator from Washington did not yield. Did the Senator from Washington make the point himself that he had no quorum while he occupied the floor?

Mr. HARRISON. No.

Mr. BARKLEY. I have not looked up that question.

Mr. HARRISON. I should like to read this colloquy. It throws considerable light on the question. The question is an important one. The colloquy is not long, but it will show the Senate exactly what happened.

Mr. NEELY. Mr. President, I make the point of order that the Senator from Mississippi is not propounding a parliamentary inquiry. I urge that point of order.

The VICE PRESIDENT. There is always considerable liberality allowed in the matter of making a parliamentary inquiry. The Senator from Mississippi, as the Chair understands, is elaborating somewhat on the parliamentary inquiry.

Mr. HARRISON. Mr. President, my parliamentary inquiry is that tonight and tomorrow night and on other nights this bill will be here, and there will not be a quorum present; that then a Senator may raise the question of no quorum, and even though the Senator occupying the floor yields for the purpose of obtaining a quorum and he does it twice, yet that does not take him from the floor. I ask the Chair if that is the correct rule?

Mr. CLARK. Mr. President, I make the point of order that that is not a parliamentary inquiry. It relates to the rules of conduct of the Senate. A ruling in response to a parliamentary inquiry is not a proper subject of appeal, and the only way in which the matter can be properly determined is for the Chair to make a ruling on a point of order in a proper case, which if the Chair chooses, can be submitted to the Senate, or if the Chair does not choose, any Senator has the right to take an appeal from the decision of the Chair, and it is not a matter to be determined in response to a parliamentary question.

Mr. HARRISON. If the Chair will permit I wish to say that I agree with the Senator. I knew the proper way to get at it. I have been here long enough to understand that proposition so the Senator is not telling me anything I do not know about it. But some Senators perhaps have engagements and desire to leave. Therefore I thought it was a very good idea to clarify this matter before 6 o'clock tonight.

Mr. WAGNER. Mr. President will the Senator yield?

Mr. HARRISON. I will yield in a moment. But if we want to be obstreperous about it when we are trying to harmonize things and get things settled here then I want to serve notice that during the evening while Senators are occupying the floor there will be some quorum calls and we will just work this thing along the best we can and some time this evening or tomorrow we will raise the question that I proposed here which might now be settled without that kind of controversy.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WAGNER. Before the Senator takes his seat, may I ask him the question, if he would be willing to submit again his proposed unanimous-consent agreement, and couple with that a much more liberal proposal than was made by the Senator from Missouri [Mr. CLARK], namely, that unlimited debate upon the proposal before us now pending shall continue until February 15? That thereafter no Senator may speak more than 10 minutes upon any amendment proposed, and not more than 15 minutes, and only once upon the main proposition before us. I am doing that to show that so far as we are concerned we are prepared at any time to have the Senate decide this whole question, and whatever the majority says, so far as I am concerned, I will accept it readily, without any complaint.

Mr. HARRISON. Mr. President, with the country in the situation it is in, with the legislation that is pressing at our door for enactment, and appropriation bills on the calendar that might be taken up and passed, the Senator from New York is willing to wait until the 15th of February to impose a limitation on the rule, and that this whole matter shall stay before the Senate in the meanwhile?

Mr. WAGNER. I am quite willing to terminate the whole thing tomorrow by having a vote on the bill. I want the country to understand that so far as I am concerned and any of those who favor this legislation, we are not delaying the consideration of other matters before the Senate, because we are prepared at any time to have the Senate vote on the proposition. I should be willing to make it an earlier day than February 15, but I thought that was a liberal proposal.

Mr. HARRISON. I am sure that some of the Senators would want an earlier day. Does the Senator want to stay here and work every night in helping to furnish us a quorum? If he will do that, very well. We will stay here and wear curselves out fighting off the passage of the antilynching bill.

Mr. WAGNER. I am certainly not responsible for that.

Mr. HARRISON. I will stay here with the proponents of the bill.

Mr. WAGNER. The proponents of the legislation are certainly not responsible for either the night sessions or the daily sessions being devoted to this debate. We are prepared at any time to have the Senate cast its vote upon the proposition and determine the question.

Mr. BURKE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York, who now has the floor, yield to the Senator from Nebraska?

Mr. WAGNER. I yield.

Mr. BURKE. I just wish to ask a question. I am interested in the housing bill, and there has as yet been no satisfactory answer given why we cannot take up the conference report on the housing bill and have that passed. Can the Senator from New York, who is in charge of that bill—it bears his name—tell me any reason why the Senate now cannot take up the conference report on the housing bill and have action on that measure regardless of this dispute about another matter that is pending?

Mr. WAGNER. Does the Senator think we are going to gain time if the housing bill is to be used for the same purpose for which the pending bill is being used, for a further filibuster, without reaching a vote upon the matter?

Mr. BURKE. I do not know for what purpose it will be used. I am ready to vote in favor of the conference report right away. I can speak only for myself.

Mr. WAGNER. I am sure the Senator is; and so am I. I am prepared to vote now upon the antilynching bill.

Mr. BURKE. I am not yet ready to vote on that question.

Mr. WAGNER. I am.

Mr. ADAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Colorado?

Mr. WAGNER. I yield.

Mr. ADAMS. I should like to make an inquiry of the Senator from New York, if he will permit it at this time.

Mr. WAGNER. I shall be glad to answer it if I can.

Mr. ADAMS. The Appropriations Committee yesterday, following emergent action in the House, reported an appropriation joint resolution for the purpose of meeting an obligation undertaken by the United States Government during the past session of Congress, under which the growers of sugar beets and sugar cane were assured certain benefit payments. The sugar legislation was not signed until after Congress adjourned. The appropriation of the necessary amount has been deferred until this time. Two days ago the House recognized the emergency. The beet farmers have

raised their crops and marketed them, and they are dependent upon the returns from the Government finances.

This appropriation measure is a mere joint resolution containing only two parts. Its consideration ought not to take 15 minutes; and I am wondering if the Senator from New York and those who are interested with him in the antilynching bill would be willing at some time to enable us to take up this other measure and dispose of it so that the farmers in the West may be able to get their beet money without becoming involved on either side of the controversy over this bill.

Mr. WAGNER. Mr. President, that matter will have to be disposed of when the proposal is actually made to the Senate. So far as I am concerned, I am only one humble Senator. I shall oppose any new legislation, however, to displace the bill which is now pending until it shall have been disposed of.

Mr. ADAMS. The Senator, then, would make the farmers the victims of a controversy over the antilynching bill?

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. The Senator from Kentucky.

Mr. BARKLEY. The bill referred to by the Senator from Colorado, while having merit, as we all agree, is not a privileged matter.

Mr. ADAMS. It is not.

Mr. BARKLEY. And in order to take it up it would be necessary, unless it could be done by unanimous consent, for a majority of the Senate to vote to proceed with its consideration, which, of course, would result in permanently laying aside the antilynching bill.

Mr. ADAMS. Why does the Senator say it would result in permanently laying it aside? Is it not possible to pass a motion that it be laid aside only temporarily, and that the other bill be considered, and that immediately thereafter we resume the consideration of the antilynching bill?

Mr. BARKLEY. I doubt that, because it is not privileged; and I doubt whether we can, by a bare majority, vote to displace a bill that is pending, and then have consideration of it automatically resumed after the bill which displaces it is taken up and disposed of.

As we know, conference reports are privileged. Any Senator at any time—and especially the Senator from New York, in charge of the housing bill conference report—may move to proceed to consider that conference report; but if it is considered it does not displace, except during its consideration, the pending legislation. Of course, as I indicated a while ago, the conference report is debatable. Therefore I am now prepared to ask unanimous consent that tomorrow, when the Senate convenes, it proceed to consider the conference report on the housing bill, and that at an hour not later than 6 o'clock tomorrow afternoon the Senate proceed to vote on the conference report on the housing bill.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. BARKLEY. I yield.

Mr. BORAH. Will the Senator restate his request?

Mr. BARKLEY. I ask unanimous consent that when the Senate resumes its session tomorrow, it take up and consider the conference report on the housing bill, which has already been adopted by the House, and that at an hour not later than 6 p. m. tomorrow the Senate proceed to vote on the conference report.

Mr. HARRISON. Mr. President, reserving the right to object, why does not the Senator merely ask for unanimous consent to take it up at 12 o'clock? We may get through with the conference report in 2 or 3 hours. I understand that there is only one controversy involved in it.

Mr. BARKLEY. I will say to the Senator from Mississippi that it is not necessary to ask unanimous consent to take up the conference report. It may be taken up on motion as a privileged matter, and it will not displace the pending business. But if we are desirous promptly to act upon the conference report—as I assume every Senator is—I see no objection to allowing 6 hours' debate, hoping, of course, that it will take much less. Certainly, that will bring it to a vote not later than 6 o'clock tomorrow.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Texas?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Some of the Senators interested in the housing report are not present, and I know they want to debate the housing measure.

Mr. BARKLEY. I will say to the Senator from Texas that I have conferred with some of the Senators on the other side, especially the Senator from Massachusetts [Mr. LODGE], who desires, as he stated to me, to make a very brief statement with reference to the conference report. He has indicated that it would be satisfactory to him to take it up at any time when he could be given as much as one day's notice.

Mr. CONNALLY. I shall have to say to the Chair and to the Senator from Kentucky that since the report is privileged, and since it may be brought in at any time that the leadership of the Senate or the Senator from New York desires to bring it in, I see no reason for entering into a unanimous-consent agreement with respect to the matter, and I therefore object.

Mr. HARRISON. Mr. President——

Mr. BARKLEY. The request was not put.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. RUSSELL. I object.

Mr. CONNALLY. I object.

The VICE PRESIDENT. Objection is heard.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. The Senator from Oregon.

Mr. McNARY. The able Senator from Mississippi attempted to propound a parliamentary inquiry. Has the Chair entertained that inquiry?

The VICE PRESIDENT. The Chair has not had a parliamentary inquiry submitted. He has had a unanimous-consent request submitted, which was objected to. The Chair has not had a parliamentary inquiry submitted by the Senator from Mississippi.

Mr. HARRISON. I will submit it tonight as we go along, Mr. President. It will come up again.

Mr. McNARY. Mr. President, I avail myself of this opportunity to express disagreement with the able leader of the Democratic Party in connection with the ruling that if a Senator who has the floor asks for two roll calls he will have ended his two speeches, and will lose the floor entirely. That is not within the rule or the meaning of the rule. It makes no difference who makes the point of no quorum. It is usually made by one who does not have the floor; but to apply the rule so as to abrogate it by entertaining such a motion or suggestion from one who has the floor would destroy the rule. It is not a question of who makes the point. It is a question as to whether business is transacted; and calling the roll constitutes the transaction of business.

So I want to express my disagreement with the Senator from Kentucky, in order that there may be no misunderstanding along that line.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. I do not think the Senator from Oregon caught precisely the point that I made. I made the suggestion that if the Senator who had the floor did not himself yield to some other Senator, he did not thereby lose the floor; but I left open in my own mind the question whether the calling of the roll upon the point being made by the Senator who had the floor automatically took him from the floor. I pass no judgment on that question.

Mr. McNARY. I do pass judgment on it so far as I am concerned, Mr. President. There is no significance whatever in who raises the point of the absence of a quorum. The

rule operates whether the notice is given by the one who has the floor or by someone who asks the Senator to yield. I have no doubt about that.

Now just one word regarding the proposal of the Senator from Mississippi [Mr. HARRISON]. I hoped that his inquiry would find lodgment in the mind of the Vice President, who might make a ruling on it.

There may be reason to change the rule, but it must never be done by unanimous consent in the middle of debate upon a question which may be unfinished business. That is fundamental as a question of practice and proper presentation of argument.

I think the Vice President gave the matter full consideration. I am in some doubt as to whether the suggestion of the absence of a quorum is the transaction of such business as would take a Senator from the floor on one legislative day, which may extend over a number of calendar days. It is worthy of consideration, however.

I have no fault to find with the Vice President's ruling. In fact, I should vote to sustain the ruling; but it does work a hardship at times upon one who has the floor to observe so many absentees and vacant seats. I suggest to the Senator from Mississippi and the able Senator from Kentucky that the proper thing to do is to change, amend, and alter some of the rules, but not to try to do it by suggestion, or by an effort to bring about a unanimous-consent agreement to correct a matter which should be cured by amendment of the rules.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield the floor, Mr. President.

Mr. BARKLEY. Mr. President, I am inclined to agree with the general observations of the Senator from Oregon. No Senator is compelled to yield the floor to any Senator for any purpose unless he is willing to do so. Whenever a Senator obtains the floor, under the rules of the Senate he is master of the situation, and no Senator may make a point of no quorum unless the Senator having the floor yields for that purpose. Any Senator who is willing to speak to less than a quorum, of course, ought to be permitted to do so. Unless he desires Senators to sit and listen to him, certainly no other Senator has the right to complain that they are absent. So in the interpretation of the rule with respect to yielding the floor and losing the floor on points of no quorum, the Chair must keep in mind that the Senator having the floor always has it within his control to determine whether he loses or retains the floor.

I agree that the rules of the Senate are the most archaic conglomeration of contradictory decisions that ever prevailed in any parliamentary or legislative body. There is no other parliamentary body in the world in which what we have been witnessing here during the past 2 or 3 weeks could occur. It has been brought to the attention of the Senate and of the country time and time again. In the Democratic platform of 1916 there was a plank in which there was a demand that the Senate of the United States so amend its rules as to permit it to transact business. That was over 20 years ago, and the Senate still is unable to transact business.

I think the rules of the Senate ought to be revamped. They ought to be modernized. They ought to be so changed as to make the Senate a self-governing body, which it is not now. We cannot close debate or limit debate here except by unanimous consent, or by a vote of two-thirds. I realize that there is a sort of tradition, or fetish, or something here that nothing less than a two-thirds vote ought to be permitted to limit debate; but there is another branch of Congress which has the power, by a majority, to limit debate on bills. The Vice President and I and many other Members of this body have served in that other body; and I do not recall that any great injustice has ever been done to the American people by reason of the ability of the House of Representatives to control its debate and transact its business.

I am prepared to join any group here and go before the Committee on Rules in an effort to modernize the rules of the Senate so as to make it a self-governing body and enable it to transact business.

Mr. KING. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Utah.

Mr. KING. Does not the Senator know that the Senate of the United States, by and large, year in and year out, has passed more bills than the House of Representatives has passed, and that it has discharged with fidelity the duties and responsibilities coming to it as a legislative body?

Mr. BARKLEY. I think on the whole, by and large, the Senate can pass more bills in a day, when it takes a notion to do so, than the House of Representatives can pass in a week; and that leads me to make a comment on the present legislative situation in the Senate.

There is really no great press of business in the Senate. We all desire to secure the adoption of the conference report on the housing bill at as early a date as possible; and when the conference report on the farm bill comes in, we desire to secure its adoption so that the farmers of the Nation may understand what it is, and what they are expected to do, and how it is to operate on the crops of 1938.

So far as appropriation bills are concerned, however, and the other bills that are now on the calendar and will be on it in the next few days or the next few weeks, the appropriation bills are for the fiscal year 1939, beginning the 1st of July 1938; and the money made available in the appropriation bills, with few exceptions, will not be available or necessary until the first day of July. However desirable it may be that we pass the appropriation bills with all speed, as well as all other legislation that comes before us, and adjourn as early as possible, it is not essential that any appropriation bill among the general annual appropriation bills should be passed this week, or next week, or any other week.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Colorado.

Mr. ADAMS. If the Senator restricts himself to the term "general appropriation bills," his statement perhaps is correct; but the appropriation measure which came from the House of Representatives, and which I mentioned a few moments ago, contains a provision which does not look only to 1939. During the past fiscal year a sum of money was appropriated for loans to farmers. An appropriation of $50,000,000 was made for feed and crop loans. By the terms of that bill, no loans could be made after the 31st of December of last year. There remains in that fund $34,000,000, and it is the desire of the Farm Administration to use that money; and in the joint resolution to which I refer is a provision extending the power to make those loans beginning as of the 31st of December of the past year, which, besides the necessity of carrying out the obligations of the Government in the matter of the sugar-beet payments, adds two things of importance primarily and immediately to the farmers of the country; so they do not come within the Senator's exception.

Mr. BARKLEY. I stated that there were one or two exceptions, and that would be one of the exceptions.

Mr. ADAMS. Is the Senator from Kentucky willing to help get those exceptions out of the way?

Mr. BARKLEY. I am willing to cooperate to the extent that I may in getting them out of the way. Does the Senator from Colorado mean by that to say that he wants to bring in a separate bill dealing with the matters to which he refers?

Mr. ADAMS. The measure is on the calendar. It has passed the House, has been considered by the Appropriations Committee of the Senate, and is on the calendar.

Mr. BARKLEY. Yes; I am aware of the fact that the measure is on the calendar; and it can be taken up only by unanimous consent or by a majority vote of the Senate.

Mr. ADAMS. That is correct.

Mr. BARKLEY. But when a majority vote comes on that question, if such a motion were made and carried, it would

displace the pending business, as the Senator from Colorado knows.

Mr. ADAMS. Of course, two bills cannot pend at the same time.

Mr. McNARY. Mr. President will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BARKLEY. I yield to the Senator from Oregon.

Mr. McNARY. Let me suggest to my affable friend that by taking an adjournment tonight we should have a morning hour tomorrow when routine business could be transacted and bills on the calendar considered at which time disposition could be made of the measure to which reference has just been made without any attempt to embarrass the status of the unfinished business.

Mr. BARKLEY. I am satisfied that the Senator from Oregon in making his suggestion doubts in his own mind whether under the same circumstances he would follow his own suggestion.

Mr. President, I wish to propound another unanimous-consent request.

The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. Mr. President pending that I ask the Senator to yield for a question.

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Texas?

Mr. BARKLEY. I yield to the Senator.

Mr. CONNALLY. The Senator from Kentucky has complained that the Senate could not do business, and could not shut off debate. He is not ignorant, I know, of rule XXII, which provides that at any time 16 Senators may sign a motion to close debate, and if two-thirds of the Senate vote in the affirmative the debate may be closed.

Mr. BARKLEY. I am familiar with that rule, and I said earlier in the day that it would take a two-thirds vote to bring about that result.

Mr. CONNALLY. Exactly.

Mr. BARKLEY. I was speaking of the fact that in the House of Representatives debate may be limited by a majority vote, and a two-thirds vote is not required.

Mr. CONNALLY. Does the Senator favor, in the Senate, cutting off debate by a majority of one vote?

Mr. BARKLEY. Bills pass here by a majority of one. I do not think any greater harm can come to the country by limiting debate by a majority of one vote than by passing legislation by a majority of one vote.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes; I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator cited the Democratic platform of 1916, I think.

Mr. BARKLEY. Yes; I think it was 1916.

Mr. HARRISON. It was 1916.

Mr. BARKLEY. It was about 20 years ago.

Mr. HARRISON. In that platform, the Democratic Party complained about the rules of the Senate. The cloture rule to which reference has been made by the Senator from Texas was passed in 1917.

Mr. BARKLEY. That is correct.

Mr. HARRISON. Before that time, there was no so-called cloture at all.

Mr. BARKLEY. The Senator is correct.

Mr. HARRISON. So the Senate did follow the platform pledge of the Democratic Party.

Mr. BARKLEY. It did. Of course, the platform did not specify what particular kind of rule should be adopted; but in compliance with the general provisions of the platform a cloture rule was adopted 20 years ago. It has been applied, however, in only a very few instances.

Mr. President, I ask unanimous consent that on Thursday, when the Senate convenes, it proceed to consider the conference report on the housing bill, and that at an hour not later than 6 p. m. on that day a vote be taken upon that conference report.

The VICE PRESIDENT. Is there objection?

Mr. McNARY and Mr. RUSSELL addressed the Chair.

The VICE PRESIDENT. The Senator from Oregon.

Mr. McNARY. Mr. President, I am in general agreement with the proposal. The able Senator from Massachusetts [Mr. LODGE] is very much interested in the so-called prevailing-wage amendment to the housing bill. I suggest to the Senator from Kentucky that he defer making his request until the Senator from Massachusetts returns to the Chamber, which will be in a short time.

Mr. BARKLEY. I shall be glad, of course, to do that; but I have consulted the Senator from Massachusetts about the matter.

Mr. McNARY. Very well. With that statement, I have no objection whatever to the proposal.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, as I understand the rules, a conference report is a privileged matter and may be laid before the Senate at any time. So far as I am concerned, while the attitude reflected by the remarks of some Senators is shown here, I shall not consent to any unanimous-consent request to limit debate on any subject; and I therefore object.

The VICE PRESIDENT. Objection is heard.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BURKE. When a conference report is pending before the Senate, and the chairman of the Senate conferees for any reason that may seem to him sufficient does not move to take up the matter, is it in order for any Senator to move, without conditions, to proceed to the consideration of the conference report?

The VICE PRESIDENT. A motion may be made by some Senator who has the report. Unless a Senator has the report he cannot present it to the Senate.

Mr. HARRISON and Mr. KING addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. May we ascertain where the housing report is?

The VICE PRESIDENT. The Chair understands that the Senator from New York [Mr. WAGNER] was chairman of the Senate conferees. Where the report is located is a matter which the Chair has not investigated and therefore cannot give the Senator the desired information.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. CLARK. What is the business before the Senate?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment offered by the Senator from Illinois [Mr. LEWIS], as modified.

Mr. HILL. Mr. President, I desire recognition on that amendment.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. WAGNER. Has the Senator from Alabama the floor?

The VICE PRESIDENT. The Senator from New York has the floor if he desires it, because the Chair feels that he ought to recognize, in the order of precedence, first the Senator from Kentucky [Mr. BARKLEY] when he desires recognition, next the Senator from Oregon [Mr. MCNARY], and then the Senator in charge of the bill. The Senator from New York may always have recognition when he desires it.

The Senator from New York is recognized.

Mr. WAGNER. Mr. President, I am not sensitive of criticism. I think this debate has established that fact; but I think the senior Senator from Colorado [Mr. ADAMS] is slightly unfair to me when he charges to my action any delay in the particular legislation in which he is interested.

I think I have convinced every Senator here, and the country, that I am in no way delaying the consideration of a

bill which the Senate itself has made the business of the Senate. So I think the Senator from Colorado ought to look elsewhere for responsibility for delaying the consideration of his legislation. In spite of what he says I shall, of course, in any way that I can, cooperate with him upon the matter which he said would take so brief a time for discussion.

Mr. KING. Mr. President, a parliamentary inquiry.

Mr. WAGNER. I have stated what I care to say, Mr. President.

Mr. ADAMS. Mr. President, will the Senator yield to me for just a second in response to what he has said?

The VICE PRESIDENT. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. I yield to the Senator from Colorado.

Mr ADAMS. I desire to say that I think the Senator from New York misunderstood my situation. I inquired of the Senator from New York, as the author of the pending measure and the man to whom the Senate looks and to whom the Vice President has just said he looks for control of the legislation, whether he would be willing to allow an emergency matter affecting all the States of the West to be presented to the Senate for very brief consideration. The Senator said he would not; that he would object. I did not say the Senator was delaying the legislation. I merely pointed out the fact that his position would result in penalizing a great army of millions of farmers by reason of his unwillingness to lay aside this bill for even so much as 15 minutes.

Mr. WAGNER. The Senator from Colorado has not even mentioned any Senator who is helping to delay a final vote upon the bill which is pending. That was my complaint. There are other Senators here who are considering this legislation, and it is at least by some Senators conceded to be a filibuster. The Senator from Colorado makes no complaint of any kind of that, but he does complain of a Senator who is ready at this moment to vote on the pending legislation.

I do not want to get into a controversy with the Senator from Colorado.

Mr. ADAMS. I said I had made inquiry of some of those who are on the other side of the controversy, and they had indicated a willingness to allow the matter to be brought up. That is the reason why I was inquiring.

Mr. BARKLEY. Mr. President, will the Senator yield at that point? Would it be possible to secure a limitation of debate on the bill in which the Senator from Colorado is interested?

Mr. ADAMS. I shall be very glad to have a limitation of 30 minutes or an hour put on the measure.

Mr. BARKLEY. Does the Senator refer to the independent offices appropriation bill?

Mr. ADAMS. No, Mr. President. It is an emergency appropriation, limited to two subjects.

Mr. BARKLEY. By itself?

Mr. ADAMS. By itself.

Mr. BARKLEY. A joint resolution?

Mr. ADAMS. It is a joint resolution—House Joint Resolution 571—which came across from the House of Representatives not long ago.

Mr. BARKLEY. I am satisfied that neither the Senator from New York nor any other Senator would have any good ground for objecting to the consideration of that joint resolution, provided there can be a limitation upon the time its consideration is to occupy. I think, in all fairness, that the Senator from Colorado ought to receive the cooperation of all Senators in an effort to secure the enactment of that emergency measure without delay.

Mr. ADAMS. Would the Senator from Kentucky be willing at this time to fix a time when we may have an hour set aside to take up that measure?

Mr. BARKLEY. I am willing to go into its consideration now.

Mr. ADAMS. Will the Senator from New York agree to that course?

Mr. WAGNER. For a half hour?

Mr. BARKLEY. For a half hour.

Mr. WAGNER. I desire to propose something which perhaps will be agreeable to everyone concerned. I was about to suggest another unanimous-consent agreement; namely, that we take up the housing bill tomorrow upon convening.

The VICE PRESIDENT. What is the request of the Senator from New York?

Mr. WAGNER. I propose, as a unanimous-consent agreement, that upon convening tomorrow the Senate take up consideration of the housing bill conference report, and that not later than Thursday at 6 o'clock p. m. we vote upon the adoption of the report. That will leave 2 days for the consideration of a report which I am sure will not take more than an hour.

Mr. CONNALLY. I object, Mr. President.

Mr. WAGNER. There you are.

Mr. BARKLEY. Mr. President, I ask unanimous consent that at this time the pending business be temporarily laid aside, that the joint resolution referred to by the Senator from Colorado [Mr. ADAMS] be taken up for consideration, and that at not later than 7:30 o'clock p. m. this evening a final vote be had upon the joint resolution.

Mr. CONNALLY. Mr. President, reserving the right to object, I wish to accommodate the Senator from Colorado about this matter so far as I am personally concerned; but I am not at liberty to do anything of this kind without consulting some of my associates. I should much prefer that the Senator from Kentucky defer until tomorrow the presentation of this matter. I do not think he will lose anything by waiting until tomorrow.

Mr. BARKLEY. It is entirely satisfactory to me to wait until tomorrow, but I thought while we were talking about the matter I would suggest that agreement.

Mr. CONNALLY. The suddenness with which the various moves in behalf of unity and harmony are made has rather taken the Senator from Texas aback.

Mr. ADAMS. Mr. President, would the Senator be willing to fix the time, say, at 12 o'clock, and vote at 1:30?

Mr. CONNALLY. I suggest that the request be presented tomorrow.

Mr. BARKLEY. I will not present the request now, but will present it upon the convening of the Senate tomorrow.

Mr. CLARK. I call for the regular order.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the modified amendment offered by the Senator from Illinois [Mr. LEWIS].

Mr. HILL. Mr. President, a few days ago, in addressing this body in opposition to the pending measure, the distinguished Senator from Idaho [Mr. BORAH] said:

> Notwithstanding anything that has been said or that may be said to the contrary, this is a sectional measure. It is an attempt upon the part of States practically free from the race problem to sit in harsh judgment upon their sister States where the problem is always heavy and sometimes acute. It is proposed to condemn these States and the people in them because it is claimed that they have failed properly to meet and adjust this most difficult of all problems. No more drastic condemnation could be offered by a measure than that which is offered by the measure now before the Senate.

The Senator from Idaho continued:

> It proposes to authorize the National Government to enter into the States and to take charge of and prosecute as criminals the duly elected officials of the States, from the Governor down. It proposes that the Federal Government shall be the sole judge of the guilt or innocence of State officials. * * *

Then the Senator added these words:

> The measure now before the body embodies the same principle upon which those measures (reconstruction measures) were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.

These words come from one of the foremost men of our time, whose name is a household word in the land. For over a quarter of a century he has been recognized throughout the

length and breadth of our country as one of its greatest authorities on the Constitution and one of its greatest liberal leaders.

I opposed and voted against the measure when it came up for consideration in the House of Representatives last April, but if any Senator had any doubt as to what his position should be on the measure, if any Senator had any doubt as to where his loyalty lay, these words alone should challenge him to use every effort at his command to prevent the passage of the measure.

I abhor lynching. The people whom I have the honor to represent in this body abhor lynching, but I feel, and they feel, that the passage of this measure would be, as the distinguished Senator from Idaho has said, "A drastic condemnation of them." They feel, and I feel, that it would be visiting an indignity upon them and placing a brand of shame upon their brow. They have labored and struggled through the long hard years to solve the problem. They have done their best to this end. They have asked no outside help in the matter and they have received none; and now, just at the time when their efforts are about to burst into fruition and lynching is about to become as much a thing of the past as the torture chamber or the scalping knife, they are threatened with the passage of this bill and this drastic condemnation of them.

The cruel injustice of the bill is that those who have made no contribution to the solution of the problem should attempt to condemn the people of the South just when they, through their own efforts, have about solved the problem. The solution of the problem has not been an easy task; it has been one of difficulty and of travail, and, as the Senator from Idaho said:

> Southern people have met the problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history dealing with a problem of similar nature.

Figures compiled by the Tuskegee Institute in my own State of Alabama, and cited on this floor again and again, show conclusively that if the same progress in the solution of the problem is made during the next 5 years that has been made during the past 10 years lynching will be entirely ended.

The distinguished Senator from Idaho referred briefly to the reconstruction period in our history. I regret that he did not find it feasible to discuss the legislation enacted during that period and to present in his masterful fashion a picture of the effect that that legislation has had upon the political and economic life of the Nation.

I wish that he might have traced that effect upon the well-being, the happiness, and the fortunes not only of the people of the South, but of the people of the entire country. We recall that it was during that period that the fourteenth amendment was added to the Constitution. Those who favored the amendment felt that it was necessary for the protection of the colored people. It was upon this basis, and this basis alone, that the amendment became part of the Constitution. Yet, upon examination of the record, we find but few, very few, of the cases that have arisen under the amendment have had anything at all to do with the colored people or any protection for them. Out of some 529 cases decided under the amendment, 509 have been decided in a way to protect corporate interests in the enjoyment of certain privileges in this Nation. Instead of the amendment serving primarily as a bulwark and a shield for the colored person, it became the citadel and the city of refuge for those great corporate interests that in many instances have exploited the masses of the people.

The laws passed during the reconstruction period brought such bitter division among our people; such chasms of resentment and let loose throughout the land such whirlwinds of hate and tragedy that for years the passions and prejudices, the backwash of that period, largely dominated the American political scene. Too often political orators of the North waved the bloody shirt to advance their own political fortune, or that of their party, while, perhaps, we of the South were too slow to forget and forgive the bitter wrongs of the period. As a consequence, up until 1932 the minds of the people of the Nation were too much persuaded and too much guided by the memories and deep-rooted prejudices of the period rather than by more immediate and more vital political and economic questions dealing with economic and social justice and the happiness and welfare of all our people.

As a result of this condition the Nation and her people suffered and selfish interests were able to retain control of the Government for the larger part of the time. It is perhaps not too much to say that even much of the misery and the heartache of the depression can be traced in its final analysis to this condition.

Fortunately for the country, in 1932 the old prejudices and the old memories seemed to be forgotten. The rank and file of the American people rallied under a great leader and moved forward with a great program based upon the recognition of the continuous responsibility of government for human welfare. That program recognized that we had to extend the traditional democratic process to our economic life. It recognized that we had to hold fast to the sacredness of the individual but also comprehend that we had become a mature nation with abundant means of production. It recognized that we had to obey economic traffic lights and drive social machines on the right-hand side of the road. The keynote of the new day had to be cooperation even as that of the old day had been individualistic competition. There had to be cooperation between government and business, labor and industry, farmer and industrial worker, professional man and layman. We had to think more in terms of social invention and less in terms of mechanical invention; more in terms of security, peace, and the good life for all. We had to make the surveys, mark the trails, and lead the way to economic freedom and social justice.

Under the program we saw the great and distinguished Senator from Nebraska, Senator NORRIS, a brother of a Union soldier killed in battle, fight to successful conclusion his plan for the development of the Tennessee River and the Tennessee Valley. We saw this brother of a Union soldier untiringly and tenaciously carry on the fight that the people of Alabama, of Tennessee, and of the South might primarily enjoy the untold benefits of this great development. Hand in hand the liberal-minded people of the country, irrespective of sections, fought to lead the Nation out of the depression, to place it upon a sound basis of prosperity, and to give the men, women, and children of the country more to live on and more to live for. Are these liberal-minded people now to be divided? Are we to have a return to the conditions in the country that followed the "tragic era" in the South? Is the great human-welfare program to be forsaken and shattered upon the cruel stubbornness of the pending measure, which so threatens it? Are the liberal-minded Members of this body to give such comfort and aid to the enemies of the program? Are they to make it possible for these enemies of the program to once again sit in the seats of power and control the Government? What is there about the pending measure that would dictate or warrant the payment of such a price for it?

If we are to subject the Governor of a sovereign State and all of its law officials to becoming felons at the hands of a Federal court, there may be some reason for the passage of the measure.

If we are to strike down the sovereignty of the State and destroy the indissoluble union of indestructible States; if we are to destroy the cornerstone of all democratic government, local self-government, there may be some reason for the passage of the measure.

If, after a patient and long-suffering people, through their own efforts and struggles, have practically solved the problem, we are to force upon them a new, an alien and insulting procedure for the solution of the problem, there may be some reason for its passage.

If we are to deliberately punish innocent American citizens and to depart from the fundamental principles of justice upon which our American system is founded, there may be some reason for its passage.

If thousands of innocent citizens of a county are to be punished because, perchance, one of their law officers fails

to do his full duty in protecting a criminal, there may be some reason for its passage.

If we are to do violence to the Constitution in an effort to punish a crime that has steadily decreased almost to the vanishing point, while we fail to meet our responsibilities under the Constitution to punish and to put an end to other crimes of all kinds which steadily increase and flourish at our very doorsteps, there may be some reason for its passage.

If we are to consult political expediency, then I protest. All too often have we seen the Negro crucified upon the cross of political expediency by demagogues both North and South. As one who has been a friend of the Negro from the day that I was rocked in the tender arms of my old black mammy, and lulled to sleep by her soft croonings to this good hour, I protest with all of the power at my command.

Those of us who live in the South, who were born and raised in the South, and know the South, her conditions, her habits, her people, and her problems, know that the passage of this measure would be futile; it would bring only disappointment and worse still, perhaps, even heartache, and tragedy. The lobbies of the Capitol Building have been filled in these recent days by lobbyists who have called from this floor many distinguished Members of this body, urging them to vote for cloture and destroy free speech in this body, urging them to do anything possible to speed the final enactment of this measure.

I wish to read to the Senate the testimony on this measure, not of a white man but of a black man from the State of the Senator from Mississippi [Mr. BILBO]. I have here the Decatur Daily of recent date, a splendid daily newspaper of the State of Alabama, containing the letter of a well-known Negro preacher in the South, named J. G. Robinson. He writes the editor of the Decatur Daily, as follows:

I have just finished reading your editorial in your paper of November 30, under heading "Time to Tell the Truth," and I wish to make the following statement:

I was born and raised in Arkansas. Forty years ago I came to Mississippi, and was appointed pastor of the A. M. E. Church in this the city of Columbus, Miss. * * *

I have had the fortune to be sent to Washington, in the interest of the Negro race, and have spoken to Presidents Harding, McKinley, Hoover, Coolidge, and Wilson. Thus, I think, I know some things that are needed for the best interests of the Negro race.

I think your editorial is one of the best I have ever read. I wish I had a way for that editorial to get in every paper—white and Negro—in this country. I said in a speech in Alabama last week that the passage of the so-called antilynching bill will be the greatest menace to real American principles ever enacted.

Mark these words:

It will breed more race strife than anything that has happened in the United States since the Civil War. It was proposed for no other purpose than to secure the votes of Negroes who live in States above the Mason and Dixon's line, and only to help politically men who have not one-half as much real good will for the advancement of the Negro race as do men who live in the South. In fact the southern men hold sentiments for the advancement of the Negro far superior to many who live in the North. Lynching is decreasing annually, so much so that all southern people are helping to wipe it out. But let Congress pass a national antilynching bill and show that the North is trying to "whip the South" in line, you will see more race strife than ever before.

That, as I have said, Mr. President, is the testimony not of a white person but of a colored person, speaking from long and intimate knowledge of the life and conditions of the South. This colored preacher knows that during all the 75 years since the War between the States it has been the southern people who have given protection to his people, who have given educational and many other opportunities for the development of his people; and he knows that it is because of the encouragement, the help and the friendship of the white people of the South that the colored race has been able to make such remarkabe advancement in so brief a period of time.

Are the States of the South to be told by the passage of this measure that they are incapable of local self-government, and that they no longer have any responsibility for the protection of the colored people? If the colored people cannot look to the protecting arms of the States of the South, where can they find their protection? Can they look to Washington?

I tell you tonight that the measure, if it should pass, will be as futile and as abortive as were the reconstruction laws and as were the eighteenth amendment and the Volstead Act.

As the colored preacher well says, and as he well prophesies, there can be but one result from the passage of the measure, and that result will be the breeding of strife among the races in the South. The passage of the measure "to whip the South into line" will but arouse deep-seated resentment and open up old wounds. Need I remind this body that whenever there is strife between two races it is always the weaker race that suffers the more? History is full of proof that it is a sad day for any minority when that minority must look beyond the borders of the sovereign State in which it lives to find its protection.

So, Mr. President, the Senate stands here today, while measures of vital meaning and profound consequence to the American people are held up, attempting to pass this unreasonable, unconstitutional, unjust, and un-American bill.

The Attorney General of the United States on yesterday, in delivering an address in the city of Washington before the Washington Criminal Justice Association at the Willard Hotel, denounced as a national disgrace the crime conditions in the District of Columbia. No Member of this body can rise and deny the Senate's responsibility for these conditions. The Attorney General Said:

The crime situation in the District of Columbia amounts to a national disgrace. Washington should be a model city. It should stand first in law enforcement and last in the number of crimes committed.

We like to think that the people of this country, the citizens of this great land, and the youth of America, can look to this city, the Nation's Capital, for inspiration and for hope. And yet the Attorney General of the United States says that instead of the Nation's Capital being a model of law and order it is a national disgrace. The Attorney General further states:

Authentic statistics, covering the period from July to September 1937, inclusive, indicate that out of 93 cities with a population of over 100,000, Washington ranks in the 10 percent of cities with the most crime, and that Washington is tenth from the top of a list in the number of murders and nonnegligent manslaughters. In the number of aggravated assaults, it is eighth from the top of the list. In the number of automobile thefts, it is seventh.

One can make all the allowances he may wish for differences in assembling statistical information and the peculiar problems of a capital city and other differentiating factors, but the bold fact remains that Washington is far too near the top in the list of ill-ordered communities.

This statement comes from the occupant of the highest law office of the land, the head of the great Department of Justice of the United States, telling of shocking, unwarranted conditions of crime in the District of Columbia. While lynching has been steadily decreasing and has decreased almost to the vanishing point, gentlemen sit here trying to pass the pending measure and do nothing as crime goes on a veritable rampage in the District of Columbia.

The Attorney General further states:

The dockets of the courts, both civil and criminal, are way behind, and while strenuous efforts are being made by the United States attorney and his staff to reduce the number of pending cases, the fact remains that we shall never catch up until additional personnel and judges are secured.

Who has a greater responsibility to provide this personnel and these judges? Who has a greater duty under the Constitution to meet this situation than the Senate of the United States? And yet, while people are being robbed and kidnaped and are hardly able to walk upon the streets of the Nation's Capital City without the fear and the threat of assault, we while away our time on an unjust and miserable bill dealing with a crime that is now almost nonexistent.

The Attorney General states further:

At the present time the relationship between the Federal Government and the District is in a state of confusion.

Why? Because proper laws have not been passed and because the necessary personnel and facilities have not been provided; and who has a greater duty in the matter than this

body? What arm of the Government is more responsible for the confusion than this body?

Mr. President, when we weigh the pending measure, when we look beyond and behind it and see the real reason that brings it here, when we consider all the unfortunate and, perhaps, tragic possibilities that might grow out of its passage, and its absolute futility to in any way do what its authors claim for it, I would ask all true friends of the Negro, I would ask all liberal-minded Members of this body who believe in the great human welfare program and who would save that program, all who would heal wounds rather than open them, all who would help people rather than condemn them, all who would save our American institutions rather than destroy them, all who would forget the dark, bitter days of the past and would lead mankind into the sunlight of a new day, with its hope and its promise, to join hands and send this measure down to the tongueless silence of dreamless dust.

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Observer of Greenville, S. C., in regard to the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. WAGNER. I object.

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Atlanta (Ga.) Constitution with regard to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. WAGNER. I object.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lewis	Pittman
Barkley	Donahey	Lodge	Pope
Bridges	Duffy	Logan	Radcliffe
Brown, N. H.	Ellender	McGill	Russell
Bulkley	Frazier	McKellar	Schwellenbach
Bulow	George	McNary	Sheppard
Burke	Hale	Maloney	Smith
Capper	Harrison	Miller	Steiwer
Chavez	Hatch	Milton	Townsend
Clark	Hill	Minton	Truman
Connally	Hitchcock	Neely	Wagner
Copeland	La Follette	Pepper	

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN] is unavoidably detained.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators; and Mr. BAILEY, Mr. BYRNES, Mrs. CARAWAY, Mr. LONERGAN, Mr. THOMAS of Utah, Mr. VANDENBERG, and Mr. VAN NUYS answered to their names when called.

Mr. LEWIS. Mr. President, I reannounce the absence of Senators, and the reasons therefor, as stated by me on previous calls of the roll.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment offered by the Senator from Illinois [Mr. LEWIS], as modified.

Mr. RUSSELL addressed the Senate. After having spoken, with interruptions, for about 1 hour, he said:

Mr. President, I observe that at the present time there are present on the floor of the Senate only five Members, the Senator from Tennessee [Mr. BERRY], the Senator from Ohio [Mr. BULKLEY], the majority leader [Mr. BARKLEY], my colleague from Georgia [Mr. GEORGE], and the Senator from Arkansas [Mr. MILLER]. I submit, as was stated here earlier in the evening, under the Constitution of the United States it is essential that a quorum of the Senate be present in order that business may be transacted. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MINTON in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lewis	Pope
Barkley	Duffy	Lodge	Reynolds
Berry	George	Logan	Russell
Bone	Gibson	Lonergan	Schwellenbach
Brown, N. H.	Guffey	McGill	Sheppard
Bulkley	Hale	McNary	Smith
Bulow	Harrison	Maloney	Steiwer
Capper	Hatch	Miller	Thomas, Utah
Chavez	Hayden	Minton	Townsend
Connally	Hill	Neely	Truman
Copeland	Hitchcock	Pepper	Vandenberg
Davis	La Follette	Pittman	Wagner

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from North Dakota [Mr. FRAZIER] are unavoidably detained.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BAILEY, Mr. BILBO, Mr. BYRNES, Mr. REYNOLDS, and Mr. VAN NUYS answered to their names when called.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. RUSSELL resumed his speech. After having spoken with interruptions for about 2 hours,

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. BARKLEY. Does the Senator desire to finish his remarks tonight?

Mr. RUSSELL. I do not want to be at all meticulous or "choosy" about the matter. I am willing to proceed tonight or go on tomorrow.

Mr. BARKLEY. If the Senator desires to conclude his remarks tonight, we can continue for a while.

Mr. RUSSELL. I have no desire to tax the patience of the Members of the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield for a request for unanimous consent?

Mr. RUSSELL. I shall be perfectly willing to yield, but I do not know what effect such a request would have on my right to continue tomorrow. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BULKLEY in the chair). The Senator will state it.

Mr. RUSSELL. What effect would it have on my right to hold the floor if I should yield to a Senator to propound a request for unanimous consent?

The PRESIDING OFFICER. The present occupant of the chair is in doubt about the Senator's right to hold the floor further. As the Senator may remember, a quorum was called for in the course of his remarks; and it has not yet been finally determined whether or not his remarks up to that time constitute one speech.

Mr. RUSSELL. If there is any doubt about it, I think I had better proceed tonight for a while longer.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Mr. President, I object. I have the floor.

The PRESIDING OFFICER. A parliamentary inquiry will not take the Senator off the floor.

Mr. RUSSELL. I am glad to know it. I am delighted to let my friend from Texas propound a parliamentary inquiry.

Mr. CONNALLY. If a unanimous-consent request should be made that the Senator from Georgia may be allowed to yield for a motion to take a recess without that action taking him off the floor, would not that preserve the right of the Senator from Georgia to proceed tomorrow?

The PRESIDING OFFICER. The Chair thinks it would.

Mr. CONNALLY. I make that request.

Mr. RUSSELL. I do not understand what effect that would have on my right to continue my remarks tomorrow.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the Senator from Georgia may

be permitted to yield for the purpose of a motion to recess tonight, and resume the floor tomorrow.

Mr. CONNALLY. With his present rights unimpaired.

The PRESIDING OFFICER. With his present rights unimpaired.

Mr. BARKLEY. Mr. President, a parliamentary inquiry. That would not compel the Senator from Georgia to resume the floor tomorrow unless he wanted to do so?

Mr. RUSSELL. Of course, it would not compel me to resume the floor; but I have been so heartened and encouraged by the interest of the Senator from Kentucky that I feel sure I am making great progress, and that the indefensibleness and iniquity of this bill will be realized by the Senator from Kentucky as soon as his arduous duties as leader enable him to read the bill and study it.

Mr. BARKLEY. I make no prediction as to the effect of the Senator's argument. It has been very interesting, and I have enjoyed it immensely.

Mr. RUSSELL. I thank the Senator; but I yield only for a question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas [Mr. CONNALLY]? The Chair hears none.

[Mr. RUSSELL'S remarks are printed entire in the RECORD of January 26, p. 1098.]

AMENDMENT OF FEDERAL TRADE COMMISSION ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its power and duties, and for other purposes.

Mr. BARKLEY. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WHEELER, Mr. WAGNER, and Mr. DAVIS conferees on the part of the Senate.

ASSOCIATE JUSTICE STANLEY REED—NOTIFICATION TO PRESIDENT

Mr. BARKLEY. Mr. President, as in executive session, I ask unanimous consent that the President be notified of the confirmation earlier in the day of the nomination of Associate Justice Stanley Reed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. NEELY. Mr. President, I send to the desk a privileged motion.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. I did not know that the Senator from Kentucky was going to interject other business. I assume that that has been done with the understanding that it will not take the Senator from Georgia [Mr. RUSSELL] from the floor.

Mr. BARKLEY. Oh, no; it will have no effect on the Senator from Georgia.

The PRESIDING OFFICER. Unanimous consent has been given that the Senator from Georgia shall be recognized at the beginning of the next session of the Senate, without prejudice to his rights, having the same rights that he has at this time.

Mr. McKELLAR. Mr. President, may the motion be read by the clerk?

The PRESIDING OFFICER. The Senator from West Virginia presents a privileged motion, which the Chair will state:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Apparently, the motion is signed by a sufficient number of Senators.

Mr. HARRISON. Mr. President, let us have the names of the Senators who have signed the motion.

Mr. McKELLAR. Let the names of the Senators be read.

The PRESIDING OFFICER. Without objection, the clerk will read the names of the Senators.

The LEGISLATIVE CLERK. The motion is signed by Messrs. NEELY, LA FOLLETTE, WAGNER, CLARK, VAN NUYS, MINTON, BROWN of New Hampshire, MCGILL, SCHWELLENBACH, TRUMAN, BONE, BULKLEY, HITCHCOCK, COPELAND, THOMAS of Utah, GUFFEY, and MCADOO.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. Under the rule, the motion must lie over 1 day. Is that correct?

The PRESIDING OFFICER. One calendar day. It will be laid before the Senate 1 hour after the convening of the Senate on the next calendar day but 1.

Mr. HARRISON. Mr. President, a parliamentary inquiry. When will we vote on this matter? I am not a mathematician.

The PRESIDING OFFICER. Apparently, day after tomorrow.

Mr. HARRISON. Can the Senator from Kentucky tell us about what time, so that we will be advised?

Mr. BARKLEY. I think the rule prescribes the time.

Mr. HARRISON. The rule prescribes that the motion shall be voted on 1 hour after the meeting of the Senate.

Mr. BARKLEY. One hour after the meeting of the Senate on the second calendar day.

Mr. HARRISON. Then, if we adjourn until 12 o'clock tomorrow and the following day we will vote at 1 o'clock. I should like to know the day when I am going to be sentenced to be lynched. That is why I have asked.

Mr. BARKLEY. Not being the executioner, of course, I am not able to tell the Senator.

Mr. HARRISON. The Senator from Kentucky is one of the executioners.

Mr. BARKLEY. Under the rule, it is my understanding, in accordance with the statement of the Chair, that the motion will be voted on day after tomorrow, which will be Thursday.

The PRESIDING OFFICER. That is correct.

Mr. McNARY obtained the floor.

Mr. BYRNES. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Oregon. The Chair understands that the Senator from Kentucky has yielded the floor; and if so, the Senator from Oregon is recognized.

Mr. McNARY. Mr. President, the unusual procedure which invokes this rule prescribes an interval of 2 days and prescribes the hour of voting as 1 o'clock.

The PRESIDING OFFICER. That is correct.

Mr. McNARY. The hour of voting was stated as 12 o'clock, but in fact it will be 1 o'clock.

The PRESIDING OFFICER. It will be 1 hour after the convening of the Senate.

Mr. McNARY. That will be 1 o'clock.

Mr. BARKLEY. Provided the Senate shall convene at 12 o'clock.

Mr. McNARY. I assume that we shall convene at 12 o'clock. We usually do.

There is no mystery about this matter. It involves only what everyone knows. When 16 Members of the Senate sign a motion invoking cloture, to which I shall be opposed, it requires 2 days' notice, and can be voted on only at 1 o'clock on the second day following the notice.

That answers the question of the Senator from Mississippi.

Mr. HARRISON. I thank the Senator.

I desire to inquire of the Senator from Kentucky whether it cannot be agreed that when the Senate adjourns tomorrow it shall adjourn until day after tomorrow at 12 o'clock, so that we may know definitely that at 1 o'clock on Thursday the lynching is to occur.

Mr. BARKLEY. I will say to the Senator that, regardless of lynchings, it is my purpose to recess each day until 12 o'clock until this matter shall be disposed of.

Mr. BYRNES. Mr. President, if the Senator will yield to me, the Senator from Mississippi is wrong in his question. No lynching will occur.

Mr. McKELLAR. Absolutely not.

RECESS

Mr. BARKLEY. Mr. President, inasmuch as that matter has been settled, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 26, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 25 (legislative day of January 5), 1938

POSTMASTERS

ALABAMA

Wade Hampton Royston to be postmaster at Lafayette, Ala., in place of L. F. Walton, resigned.

Ruby E. Page to be postmaster at Woodville, Ala. Office became Presidential July 1, 1937.

ARIZONA

Virginia Gay to be postmaster at Clemenceau, Ariz., in place of E. L. Gay, deceased.

ARKANSAS

William E. Carpenter to be postmaster at Cave City, Ark. Office became Presidential July 1, 1937.

Elizabeth Horton to be postmaster at Washington, Ark. Office became Presidential July 1, 1937.

CALIFORNIA

John E. White to be postmaster at Banning, Calif., in place of H. J. King, removed.

Dina M. Tobin to be postmaster at Butler, Calif. Office became Presidential July 1, 1937.

Chester W. Seely to be postmaster at Hamilton Field, Calif. Office became Presidential July 1, 1937.

Charles D. South, Jr., to be postmaster at Santa Clara, Calif., in place of J. R. South, deceased.

Robert H. Frost to be postmaster at Sausalito, Calif., in place of R. H. Frost. Incumbent's commission expired April 12, 1936.

John E. Johnson to be postmaster at Weott, Calif. Office became Presidential July 1, 1937.

COLORADO

Willard A. Teller to be postmaster at Littleton, Colo., in place of E. B. Jackson, resigned.

FLORIDA

Harry S. Alexander to be postmaster at Grand Crossing, Fla. Office became Presidential July 1, 1937.

GEORGIA

William Roy Conine to be postmaster at Hapeville, Ga., in place of R. L. Jackson, deceased.

Clarence B. Cooley to be postmaster at Sandersville, Ga., in place of E. H. Lawson, removed.

HAWAII

Ralph M. Haitsuka to be postmaster at Kahuku, Hawaii. Office became Presidential July 1, 1937.

ILLINOIS

Ernest J. Kruetgen to be postmaster at Chicago, Ill., in place of E. J. Kruetgen. Incumbent's commission expires January 31, 1938.

Oscar E. Bantz to be postmaster at Fithian, Ill. Office became Presidential July 1, 1937.

Frank J. Clark to be postmaster at Hines, Ill., in place of C. L. Neely, appointee not commissioned.

INDIANA

Ray Long to be postmaster at Bristol, Ind., in place of R. H. Zeigler, resigned.

KANSAS

William E. Gallanaugh to be postmaster at Gardner, Kans., in place of J. M. Cramer, removed.

LOUISIANA

Joseph M. Blache, Sr., to be postmaster at Hammond, La., in place of A. I. Wilcombe, transferred.

Charles W. Carson to be postmaster at Pitkin, La. Office became Presidential July 1, 1937.

MICHIGAN

Anna G. Kindelan to be postmaster at Dollar Bay, Mich. Office became Presidential July 1, 1937.

MISSISSIPPI

Annie K. Mauldin to be postmaster at Water Valley, Miss., in place of A. K. Mauldin. Incumbent's commission expired June 28, 1936.

NEBRASKA

Louis F. Kreizinger to be postmaster at Bellwood, Nebr. Office became Presidential July 1, 1937.

NEW HAMPSHIRE

Joseph W. Hazeltine to be postmaster at Contoocook, N. H., in place of J. E. Bean, removed.

NEW JERSEY

Mahlon F. Drake to be postmaster at Highlands, N. J., in place of J. P. Adair. Incumbent's commission expired February 9, 1936.

Robert T. Lentz to be postmaster at National Park, N. J. Office became Presidential July 1, 1937.

Edward R. Smith to be postmaster at Pitman, N. J., in place of S. P. Clark. Incumbent's commission expired May 28, 1933.

Maurice F. Kiely to be postmaster at West Norwood, N. J. Office became Presidential July 1, 1937.

Kathleen R. McCabe to be postmaster at West Trenton, N. J. Office became Presidential July 1, 1937.

NEW YORK

Eva Purcell to be postmaster at Barryville, N. Y. Office became Presidential July 1, 1937.

Grace S. G. Davies to be postmaster at Lake Kushaqua, N. Y., in place of G. S. G. Davies. Incumbent's commission expires January 31, 1938.

Clarence T. Cahill to be postmaster at Palisades, N. Y. Office became Presidential July 1, 1937.

Edward G. Watts to be postmaster at Silver Bay, N. Y. Office became Presidential July 1, 1937.

OHIO

John A. Drew to be postmaster at Lyndhurst, Ohio. Office became Presidential July 1, 1937.

Wilbur H. Sutliff to be postmaster at Wellington, Ohio, in place of R. S. Coates, removed.

Alvin W. Craver to be postmaster at Youngstown, Ohio, in place of J. J. Farrell, deceased.

PENNSYLVANIA

Tena M. Neely to be postmaster at Baden, Pa., in place of D. F. Scobie, resigned.

William H. Heacock to be postmaster at Marcus Hook, Pa., in place of J. G. B. MacDade, removed.

Emily V. Homsher to be postmaster at North Hills, Pa., in place of A. C. Young. Incumbent's commission expired February 10, 1936.

Lewis R. Hackling to be postmaster at Noxen, Pa. Office became Presidential July 1, 1937.

James E. Franklin to be postmaster at Slickville, Pa. Office became Presidential July 1, 1937.

SOUTH CAROLINA

Fore J. Watson to be postmaster at Kingstree, S. C., in place of F. J. Watson. Incumbent's commission expired January 25, 1936.

TENNESSEE

Lillian Gladys Stone to be postmaster at Leoma, Tenn. Office became Presidential July 1, 1937.

TEXAS

James Curtis McKenzie to be postmaster at Alba, Tex., in place of Kenneth McKenzie, resigned.

Gleason Frank Purdue to be postmaster at Groveton, Tex., in place of Z. F. Devine, resigned.

Della Roberts Mason to be postmaster at Gulf, Tex. Office became Presidential July 1, 1937.

UTAH

Telma I. Sorrell to be postmaster at Fort Douglas, Utah., in place of N. L. Abbott. Incumbent's commission expired December 8, 1932.

Paul G. Johnson to be postmaster at Grantsville, Utah. Office became Presidential July 1, 1936.

VIRGINIA

Carrie F. Patterson to be postmaster at Greenwood, Va., in place of Harrison Waite, Jr., resigned.

WEST VIRGINIA

Mabel M. Messinger to be postmaster at Branchland, W. Va., in place of R. E. Snodgrass, removed.

WISCONSIN

Howard F. Vanda Hei to be postmaster at West De Pere, Wis., in place of J. H. Arent, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 25, (legislative day of January 5), 1938

ASSOCIATE JUSTICE OF THE SUPREME COURT

Stanley Reed to be an Associate Justice of the Supreme Court of the United States.

UNITED STATES ATTORNEY

Daniel B. Shields to be United States attorney for the district of Utah.

UNITED STATES MARSHALS

James R. Wright to be United States marshal for the northern district of Texas.

Gilbert Mecham to be United States marshal for the district of Utah.

William B. Fahy to be United States marshal for the eastern district of Missouri.

POSTMASTER

CALIFORNIA

Paul Morrison Shadel, Ramona.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 25, 1938

The House met at 12 o'clock noon.

Rev. Dr. Stewart P. MacLennan, D. D., minister, First Presbyterian Church, Hollywood, Calif., offered the following prayer:

Almighty and Eternal God, our Father who art in heaven, we acknowledge our dependence upon Thee. Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God.

It is by Thy grace we attain unto holiness, and it is in Thy light we find wisdom. We humbly pray that Thy grace and light may be given unto us, so that we may come into the liberty of purity and truth. Impart unto us a deep dissatisfaction with everything that is low and mean and unworthy.

Create in us such pure desire that we may appreciate the things that Thou hast prepared for those that love Thee. Give us holy courage that we may not be daunted by any fear or turn aside from our appointed task.

Give us strength to fight the good fight of faith. Grant unto this body of men wisdom that cometh down from above that is first pure and then peaceful. Establish our great country in the strength of God; make her strong to do Thy will and to lean upon the everlasting arms of Almighty God.

Teach us to remember the promise of our God: "If my people, which are called by my name, shall humble themselves, and pray and seek my face, and turn from their wicked ways, then will I hear from heaven and will forgive their sins, and will heal their land."

This we pray in the name that is above every name, even the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that at the conclusion of other speeches on the calendar today I may address the House for 20 minutes, and if I am not reached today, that I might have the same privilege tomorrow.

The SPEAKER. The Chair will put the first request. The Chair does not think he should put it in the alternative. The gentleman from Texas asks unanimous consent that at the conclusion of the legislative program today and the special orders heretofore made he may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by John Temple Graves at Jackson Day dinner at Richmond, Va.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address made over station WJAS.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a personal letter from Hon. John J. Fitzgerald, a former Member of this House.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I delivered before the Virginia-Tennessee Bar Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. DREW of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address delivered by my colleague the gentleman from California [Mr. LEA].

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. The other day we had some controversy on the floor about the method of selection of officers in the United States Navy. An agreement was worked out whereby

we might correct some of the difficulties that exist at the present time. I am today introducing a bill that I think meets the objections I raised to the present method of selection.

I ask unanimous consent to extend my remarks and to include therein two tables showing the effect on the personnel of the present method as compared with the method that I am proposing.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, the aim and object of this bill is to give the Navy a satisfactory system for promotion and retirement of the officer personnel, keeping in mind at all times the efficiency of the Navy.

This bill was drawn up for the benefit of the Navy and not for the benefit of any special group of officers or for the special benefit of the officers as a whole.

However, in the long run every officer who performs his duty in a creditable manner will be amply rewarded for his services while on the active list and when he is placed on the retired list.

The first consideration in drawing up the bill was the officer personnel in the various grades necessary to operate the Navy in an efficient manner, both ashore and afloat.

The bills offered to date have given consideration for the personnel rather than the needs of the Navy in that the increase in personnel comes in the grades of captain, commander, and lieutenant commander. The Navy, on the other hand, needs officers in the grades of ensign, lieutenant (junior grade), and lieutenant. The combatant ships in the fleet, in general, have a crying need for officers in the lower ranks, but have an ample number of officers of the higher ranks.

As the auxiliary service officers were discontinued several years ago, it is assumed that no officers who are restricted to duty on auxiliary ships are required or desired by the Navy.

The Navy needs no "shore duty only" line officers. When a line officer ceases to go to sea he ceases to be a naval officer.

From an inspection of the Navy Directory it will be noted that at the present time there are approximately 2,150 out of 6,500 line officers ashore. If the present system of rotation is continued when the total number of line officers reaches 7,200 there will be about 2,350 officers ashore.

While the Navy is building more ships and needs additional officers at sea, the requirements for additional officers ashore does not increase in proportion. Therefore, if we build up a large group of shore-duty-only officers, it is obvious that it would be impossible to properly rotate the officers who are capable of going to sea.

In view of the above facts I am offering a system which will give an increase in the number of officers in the lower grades without materially increasing the number of officers in the upper grades.

The second consideration was the safeguarding of the retired list. If the Navy places a large number of officers on the retired list yearly who are in the prime of life—about 43 years old—with comparatively little service and admittedly competent officers, it is obvious that the retired list will break down of its own weight.

This bill disposes of the undecided and the obviously unfit early in their career. At regular intervals a small percentage are plucked. Others are retained on active duty until they have completed 30 years' service before being placed on the retired list.

The third consideration was to improve the efficiency of the Navy by giving more security to the officer personnel.

Competent officers should not be made to feel that they have temporary employment for 21 years, when the majority of them, under the present system, will be forced to retire from the Navy. At the age of 43 they are forced to change their profession and method of making a livelihood when the family burden is greatest.

The Navy now offers neither security nor average chances of great rewards, the two economic mainsprings of a man's endeavor; consequently the morale of those officers already inexorably attached to the Navy is found to suffer as well as the officer material the Navy will attract in the future.

The fourth consideration was the elimination of the passed-over officer from active duty. Any system that plans to pass over officers and still retain these officers on active duty in any capacity, reduces the efficiency of the Navy as a whole.

If an average officer is maintained with his class in good standing, maintaining his self-respect, he will produce to the best of his ability. If you take this same officer and pass him over, he loses face, his self-respect, and his desire to carry on. It is even passed on to his wife and children. They can no longer join in wholeheartedly in all the functions of the Navy. The officers and men under his command also feel the effects of his misfortune. The officers who command him treat him in a condescending manner.

At first the officer is terribly hurt and loses his self-confidence. He hides out, trying to justify in his own mind why he was passed over and someone else was selected. Gradually he is able to face people and assumes an indifferent air, while deep in his soul he continues to suffer. He no longer has anything in common with his former comrades in the wardroom.

If we harbor these officers in our midst, we are carrying a cancerous sore which will be continually weakening the whole.

Therefore, it is proposed that we adopt a system where only the unfit are passed over and eliminated. Others are retained in their regular position until they have served for at least 24 years as commissioned officers. From that time on it is not elimination of the unfit, but the termination of an honorable career in the Navy as a commander or captain with 29 or 30 years of commissioned service.

The bill is divided into three subjects:

General law.

The system to be used.

Necessary special cases to be taken care of during the transition period. This section will eliminate itself in a few years.

This bill, unlike the legislation on this subject in the last few years which has required an annual change, will improve with age. Using this system as a basis the number of officers may readily be reduced to 6,500 or increased to 7,800 by controlling the number to be commissioned in the new classes.

In conclusion I wish to state that a detailed study of the bill will disclose the following features, which any Navy personnel bill should have:

First. Provides a sufficient number of officers in their regular order in the lower grades.

Second. Provides for the orderly promotion of a large percent of each class to the higher grades.

Third. Provides for the elimination of the present "humps" and forms no new "humps."

Fourth. Provides for the security of all competent officers until they have completed more than 24 years of honorable service.

Fifth. Provides for the minimum use of extra numbers and includes them in the total allowance.

Sixth. Provides for the minimum employment of passed-over officers.

Seventh. Prevents the list from becoming top-heavy.

Eighth. Provides for the promotion of all members of a class at the same time, giving each member the same amount of sea service with equal responsibility.

Ninth. Eliminates waiting lists.

Tenth. Provides for the elimination of the unfit, the selection of the outstanding for promotion to the top of the class, the promotion of the average naval officer by seniority.

Eleventh. Provides for standard number in each class to be permanently commissioned.

Twelfth. After the system is stabilized it will show an appreciable reduction in the cost of the retired list, the cost of the active list remaining about the same as at present.

It is my humble opinion that there are only two groups of officers in the entire Navy who will not favor my bill.

The first group consists of the small number of officers who do not study and understand thoroughly what it offers, expecting the annual change in the law before the time for their disposal arrives.

Second the self-nominated genius who feels as though he is being held back, but who in reality, if others think as highly of him as he thinks of himself, will reach the zenith of his chosen profession 2 and possibly 3 years earlier than he would under the present system.

PROPOSED

Years of commissioned service	Number of officers
	420 graduate—25 to U. S. M. C.
1	395
2	386—12 discharged.
3	330—35 to staff.
Ensigns	1,111
4	323
5	315
6	307
7	300
8	293
9	286
Lieutenants (junior grade)	1,824—14 discharged with 2 years' pay.
10	265
11	259
12	253
13	247
14	241
15	235
16	229
17	224
18	219
19	213
Lieutenants	2,385—8 to 21 retire.
20	200
21	196
22	191
23	186
24	182
Lieutenant commanders	955—27 retire minus no. designated for (e. d. o.).
25	150
26	147
27	143
28	140
Commanders	580—46 retire.
29	90
30	88
31	40
32	39
33	38
	45 retire.
	31 retire.
Captains	295

PROPOSED—continued

Years of commissioned service	Number of officers
34	6 rear admirals.
Rear admirals	60
Total	7,210
Total retired	157
Honorably discharged	28
Total	185

PRESENT

	420 graduate—25 to U. S. M. C.
1	395
2	386
3	359—18 to staff.
Ensigns	1,140
4	345
5	338
6	331
7	323
Lieutenants (junior grade)	1,337
8	316
9	311
10	305
11	299
12	294
13	289
14	284
Lieutenants	1,993
Passed over lieutenants (junior grade)	105
Lieutenants and passed over lieutenants (junior grade)	2,098—5 lieutenants (junior grade) retired.
15	Lt. C. 154–278–124 Lt. (p. o.)
16	151–272–121
17	148–266–118
18	145–260–115
19	142–254–112
20	139–248–109
21	136–242–106
Passed over lieutenants	805
Lieutenant commanders	1,015
Lieutenant commanders and passed over lieutenants	1,820—158 lieutenants and lieutenant commanders retire minus no. designated for (e. d. o.).
22	79
23	78
24	76
25	73
26	72
27	69
28	68
Commanders	515—31 retire.
29	36
30	35
31	35
32	34
33	34
34	33
35	33
Captains	240—27 retire.
36	6 rear admirals.
Rear admirals	60
Total	7,210
Total retired	221

From the above comparison it can be readily seen that the present system loads up the retired list with comparatively young men while the proposed system retires fewer members of a class and at a much advanced age. If you plot the above figures in the form of pyramids it is more impressive, especially if you color the retired part. The proposed system employs a class on active duty more than 600 additional man-years. It saves more than 1½ million dollars yearly on the retired list.

A forecast of the effect on Navy personnel of the Scott selection bill

	Extra numbers	Number graduated per class	Class	Number on July 1, 1937	Class	Number on July 1, 1938	Class	Number on July 1, 1939	Class	Number on July 1, 1940	Class	Number on July 1, 1941	Class	Number on July 1, 1942	Class	Number on July 1, 1943	Class	Number on July 1, 1944	Class	Number on July 1, 1945	Class	Number on July 1, 1946	Class	Number on July 1, 1947	Class	Number on July 1, 1948	Class	Number on July 1, 1949	Class	Number on July 1, 1950	Class	Number on July 1, 1951	Class	Number on July 1, 1952	Class	Number on July 1, 1953	Class	Number on July 1, 1954	Class	Number on July 1, 1955
Admirals	6			58		63		64		64		60		60		60		60		60		60		60		60		60		60		60		60		60		60		60
Captains		49	'03	14	'04	9	'05	27	'06	28	'07	48	'08	26	'09	28																								
	3	61	'04	10	'05	28	'06	29	'07	49	'08	27	'09	29	'11	38																								
	7	113	'05	35	'06	36	'07	62	'08	34	'09	36	'10	37	'12	39	'12	38	'13	29	'14	38	'15	37	'16	38	'17	38	'18	38	'19	38	'20	38	'21	38	'22	38	'23	38
	2	115	'06	37	'07	64	'08	35	'09	37	'10	38	'11	39	'13	31	'13	30	'14	39	'15	38	'16	39	'17	40	'18	40	'19	40	'20	40	'21	40	'22	40	'23	40	'24	40
	9	208	'07	66	'08	36	'09	38	'10	39	'11	40	'12	40	'13	32	'14	40	'15	39	'16	40	'17	40	'18	40	'19	40	'20	40	'21	40	'22	40	'23	40	'24	40	'25	40
	13	200	'08	37	'09	39	'10	40	'11	53	'12	56	'13	53	'14	55	'15	40	'16	55	'17	56	'18	61	'19	59	'20	93	'21	93	'22	93	'23	93	'24	93	'25	93	'26	93
	3	173	'09	40	'10	41	'11	55	'12	57	'13	33	'14	55			'15	41	'16	56	'17	66	'18	63	'19	60	'20	90	'21	90	'22	90	'23	90	'24	90	'25	90	'26	90	'27	90
Number of captains retired					13 fr. '03		9 fr. '04		26 fr. '05		28 fr. '06		47 fr. '07		25 fr. '08		27 fr. '09																						
Number of captains in grade				239		237		286		297	13 fr. '11	278	15 fr. '12	258	30 fr. '10	231	31 fr. '11	204	31 fr. '12	219	22 fr. '13	235	31 fr. '14	237	30 fr. '15	266	31 fr. '16	300	31 fr. '17	300	31 fr. '18	300	31 fr. '19	300	31 fr. '20	300	31 fr. '21	300	31 fr. '22	300
Commanders		130	'10	43	'10	18	'12	59									14 fr. '14		14 fr. '16		16 fr. '17		20 fr. '18		19 fr. '19		54 fr. '20		54 fr. '21		54 fr. '22		54 fr. '23		54 fr. '24		54 fr. '25	
	5	193	'11	60	'11	59	'13	35	'13	34	'14	58	'16	60	'16	59	'17	60	'18	67	'19	64	'20	143	'20	51	'21	58	'22	53	'23	50	'24	62	'25	58	'26	56	'27	52
	3	165	'12	61	'12	60	'14	60	'14	59	'15	43	'17	62	'17	61	'18	69	R1	24	R2	19	R3	8	'21	151	'22	146	'23	143	'24	155	'25	152	'26	150	'27	150	'28	118
	3	138	'13	37	'14	61	'16	62	'16	61	'17	63	R1	24	R1	24	'19	66	'19	66	'20	145	'21	154	'22	149	'23	146	'24	159	'25	156	'26	154	'27	154	'28	116	'29	97
	3	153	'14	62	'15	46	'17	65	'17	64	'18	72	'19	70	'19	69	R2	19	R2	19	R3	8	'22	152	'23	149	'24	167	'25	164	'26	162	'27	162	'28	120	'29	99	'30	134
	3	178	'15	47	'16	63	'18	74	'18	73	R1	24	R2	20	R2	20	R2	20	'20	148	R3	8	'22	155	'23	152	'24	167	'25	164	'26	162	'27	162	'28	120	'29	101	'30	137	'31	155
	3	176	'16	64	'17	66	R1	25	R1	25	'19	71	'20	150	'20	149	R3	8	'21	160	'22	155																				
	2	181	'17	60	'18	70	'19	73	'19	72	R2	20	R3	8	R3	8	'21	162																						
Number of commanders retired				2		2		2		2																														
Number of commanders in grade				434		479		498		432		411		507		460		559		492	2 fr. '17	548	4 fr. '18	609	4 fr. '19	647	46 fr. '20	677	53 fr. '21	677	48 fr. '22	681	45 fr. '23	646	57 fr. '24	581	53 fr. '25	558	51 fr. '26	553
Lieutenant commanders	2	181	'17	36	'17	29	'17	28	'17	27	'18	40	'19	25	'20	14	'21	24																						
	4	198	'18	119	R1	93	R1	63	R1	60	'19	29	'20	14	'21	186	'22	180	'22	176	'23	172	'24	190	'25	187	'26	184	'27	184	'28	132	'29	103	'30	156	'31	176	'32	182
	12		R1	98	'19	105	'19	31	'19	30	R2	28	R3	8	'22	184	'23	180	'23	176	'24	194	'25	191	'26	188	'27	188	'28	138	'29	105	'30	160	'31	180	'32	186	'33	157
	1	198	'19	106	R2	52	R2	51	R2	50	'20	164	'21	190	'23	184	X3	46	X4	46	'25	195	'26	192	'27	192	'28	138	'29	107	'30	164	'31	184	'32	190	'33	160	'34	180
	6		R2	53	'20	169	'20	167	'20	165	R3	16	'22	188	X4	47	'24	198	'26	196	'27	196	'28	140	'29	109	'30	168	'31	188	'32	194	'33	163	'34	183	'35	206
	5	459	'20	171	R3	16	R3	16	R3	16	'21	194	'23	188	X2	46	'24	202	'25	199	'27	270	'28	72+70	'29	111	'30	172	'31	192	'32	198	'33	166	'34	187	'35	210	'36	127
			R3	17	'21	204	'21	202	'21	198	'22	192	X1	46	X3	47	'25	202	'26	200																				
	3	544	'21	208	'22	200	'22	198	'22	196	'23	192	X2	47	X4	48	'26	204																						
	3				'23	200	'23	198	'23	196	X1	47	X3	48	'24	207																								
					X1	50	X1	49	X1	48	X2	48	X4	49	'25	207																								
							X2	50	X2	49	X3	49	'24	212																											
									X3	50	X4	50	'25	212	24 fr. '19																										
Number of lieutenant commanders retired											'24	216	37 fr. '18		26 fr. R2		14 fr. '20 8 fr. R3		46 fr. X3		46 fr. X4																		
Total lieutenant commanders in grade				808		1162		1096		1127	26 fr. '17		50 fr. R1		46 fr. X1		46 fr. X2		18 fr. '21		18 fr. '22		17 fr. '23		19 fr. '24		19 fr. '25		18 fr. '26		20 fr. '27		10 fr. '28		10 fr. '29		16 fr. '30		18 fr. '31	
Total 3 top grades				1481		1878		1880		1856		1330		1255		1131		1085		995		1027		911		818		791		787		787		807		876		915		852
Lieutenants, total			X	360	X	290	X	293	X	234	X	71	'26	239	'26	233	'27	308	'27	300	'28	80	'29	126	'30	196	'31	218	'32	225	'33	189	'34	213	'35	239	'36	143	'37	183
	538	'22	240	'22	63—16	=47			'24	246	'25	243	'27	323	'27	315	'28	84	'28	82	'29	129	'30	201	'31	224	'32	231	'33	199	'34	219	'35	244	'36	146	'37	188	'38	219
	411	'23	221	'23	80—15	=21			'25	249	'26	245	'28	89	'28	87	'29	135	'29	132	'30	206	'31	229	'32	237	'33	194	'34	219	'35	250	'36	149	'37	193	'38	224	'39	224
	521	'24	264	'24	258		'24	252	'26	251	'27	331	'29	142	'29	139	'30	216	'30	211	'31	235	'32	242	'33	204	'34	229	'35	257	'36	152	'37	198	'38	229	'39	229	'40	229
	447	'25	267	'25	261		'25	255	'27	339	'28	91	'30	228	'30	222	'31	247	'31	241	'32	248	'33	209	'34	235	'35	263	'36	156	'37	203	'38	235	'39	235	'40	235	'41	235
	456	'26	269	'26	263		'26	257	'28	93	'29	146	'31	259	'31	253	'32	260	'32	254	'33	214	'34	241	'35	269	'36	159	'37	208	'38	241	'39	241	'40	241	'41	241	'42	241
	580	'27	365	'27	356		'27	347	'29	149	'30	234	'32	272	'32	266	'33	224	'33	219	'34	247	'35	276	'36	163	'37	213	'38	247	'39	247	'40	247	'41	247	'42	247	'43	247
	170	'28	100	'28	98		'28	95	'30	240	'31	265	'33	236	'34	259	'34	253	'35	282	'36	167	'37	219	'38	253	'39	253	'40	253	'41	253	'42	253	'43	253	'44	253
	239	'29	161	'29	157		'29	153	'31	272	'32	278	'34	265	'35	297	'35	289	'36	171	'37	224	'38	259	'39	259	'40	259	'41	259	'42	259	'43	259	'44	259	'45	259
	400	'30	75	'30	250		'30	246											'36	175	'37	230	'38	265	'39	265	'40	265	'41	265	'42	265	'43	265	'44	265	'45	265	'46	265
Total number of lieutenants				2322	'31	2293		2177		2073		1904		1788		2010		2030		2156		2042		2180		2271		2289		2283		2278		2304		2307		2284		2355
Number of lieutenants retired											101 fr. X		39 fr. X																											
Number of lieutenants (junior grade) in grade											23 fr. '24		23 fr. '25				23 fr. '26				25 fr. '27		8 fr. '28		13 fr. '29		20 fr. '30		22 fr. '31		22 fr. '32		19 fr. '33		21 fr. '34		24 fr. '35		14 fr. '36	
Lieutenants (junior grade)		Ex. No. 38		Dis. 38 X		1265		1445		1690		1681		1715		1717		1687		1786		1824																		
			'30	181	'32	315	'33	267	'33	261	'34	293	'35	328	'36	192	'37	254	'38	293	'39	293																		
	438	'31	307	'33	274	'34	307	'34	300	'35	336	'36	197	'37	260	'38	300	'39	300	'40	300																		
	423	'32	323	'34	315	'35	352	'35	344	'36	202	'37	266	'38	307	'39	307	'40	307	'41	307																		
	431	'33	281	'35	361	'36	212	'36	206	'37	272	'38	315	'39	315	'40	315	'41	315	'42	315																		
	462	'34	323	Dis. 15 fr. '31				'37	279	'38	323	'39	323	'40	323	'41	323	'42	323	'43	323																		
									15 dis. fr. '32		13 dis. fr. '33		14 fr. '34		15 fr. '35		9 fr. '36		12 fr. '37		14 fr. '38																		
Ensigns	441	'35	372	'36	217	'37	286	'38	330	'39	330																													
	261	'36	222	'37	293	'38	365	'39	513	'40	305																													
	325	'37	300	'38	375	'39	525	'40	375	'41	375																													
Total ensigns			894		885		1176		1218		1070																													
Total number of officers					6384		6742		6901		6734		6653		6679		6695		6778		6806		6891		6956		7011		7006		7000		7011		7018		7011		7017
Number of officers retired each year					21		17		34		199		219		159		171		123		157		100		96		141		184		181		165		179		184		174

Stabilizes at 1070 ensigns

Total number to complete 19 years=2735

NOTE.—"Fr." contraction of "from." R=Non-Academy lieutenant commanders. X=Passed over lieutenants, 1919–23, non-Academy. NOTE.—There are 100 extra numbers on July 1, 1937, not included in total officers.
Stabilizes at 1824 lieutenants (junior grade). Extra numbers have been included in order that a true picture of the situation may be given. Bureau of Navigation attrition tables used. Total will stabilize at 7220.
Stabilized yearly retirements, 163. Discharges of lieutenants (junior grade), 14. Average yearly retirements during this period, 140.

HENRY WADSWORTH LONGFELLOW

Mr. OLIVER. Mr. Speaker, February 27 is the one hundred and thirty-first anniversary of the birth of the great poet, Henry Wadsworth Longfellow. In this connection I ask unanimous consent to extend my remarks and to include therein a proclamation recently issued by the city of Portland, as well as a résumé of the activities that took place on the last anniversary, and including also the poem entitled "My Lost Youth."

The SPEAKER. Is there objection?

There was no objection.

THE PRESIDENT'S BIRTHDAY

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MEAD. Mr. Speaker, on Saturday of this week the President's birthday celebrations will be held throughout the Nation. Of course, everyone knows the purpose of the celebrations, which is to raise a fund to combat the dread scourge of infantile paralysis. In that connection I ask unanimous consent to include in my remarks a statement made by Mr. William Green, indicating the part which labor will take in that celebration; also an article on the dread disease by Janet Mabie, as well as a brief statement as to the part taken by the postal employees in furthering the worthy cause in the past.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

"Labor is going to break all previous records this year in its participation of the President's birthday celebration," said President William Green, of the A. F. of L., today, reporting on labor's participation.

"We have organized a labor division of the national committee, representative of organized labor throughout the country, and practically all of our international unions are participating actively. This brings a force of 4,000,000 American workers into energetic support of the war against infantile paralysis, which is the purpose of the celebration of the President's birthday.

"Again I have called upon two faithful officials, who have shouldered the burden of similar celebrations in past years, and they have volunteered to give freely of their time and effort. They are Matthew Woll and Gilbert E. Hyatt. Mr. Woll, who is a vice president of the A. F. of L., is secretary-treasurer. Mr. Hyatt, who is editor and legislative representative of the National Federation of Post Office Clerks, is executive secretary. They are doing splendid work, as they have done in the past.

"Through our international unions and through our directly affiliated Federal and local unions, we are rolling up a great birthday greeting to the President. Indications are it will contain thousands of names, each signer contributing to the war against infantile paralysis. Then, too, our city central bodies throughout the country are either cooperating with local committees in the holding of birthday parties or they are holding parties of their own in support of the same splendid cause for the future protection of our children.

"I am gratified at the response from labor everywhere in this magnificant undertaking."

[From Scribners Magazine for July–December 1936]

(By Janet Mabie)

We think of infantile paralysis as a strictly modern disease. On the contrary, it is a strictly ancient disease. It appeared in the case notes of Hippocrates. Sir Walter Scott was lame all his life from a paralysis suffered in the right leg when he was a baby. No treatment ever completely dissipated the paralysis, but he brought to bear on himself what he described as "the fine impatience of childhood," with such success that the infirmity didn't blight his life.

It isn't possible to make a geographic prophecy about infantile paralysis. In 1934 it struck hardest in California; in 1935 in North Carolina and Alaska. We never know where it is going to strike next. But if, as, and when the public is justified in feeling that, giving proper treatment time to do so, it can and will do away with the majority of possible deformities, increasing fine recoveries will be made. More people will be enabled to catch up and hold their own with their fellow men in active and useful fields. And almost no victim of the disease need become a public charge.

Though the origin and some aspects of the nature of the disease will continue to be classed as one of the major mysteries of medicine until the germ is isolated and its specific behavior analyzed, this does not mean at all that physicians are in the dark about what to do to repair a considerable part of the damage that can be done by it. The fight for complete knowledge and control of poliomyelitis has taken on a national character. * * *

For the practical knowledge of the layman, infantile paralysis can be simply defined. It is an infection which strikes at the motor nerves of the spinal cord. Since it is these nerves which transmit impulses of movement from the brain to the muscles, any inflammation which injures or destroys them weakens or completely paralyzes the connecting muscles, which become useless.

The disease fastens on more children than adults. But maturity is no guaranty of immunity. The disease can be caught by one person from another as measles and scarlet fever can be caught. Many people, however, must be naturally immune, as they are to other infections, because it has often been found that only one individual out of several presumed to have been exposed in common will have caught the disease.

Observation and exhaustive records have revealed a general space and time association between cases; but though diagnosticians often literally fly at all hours of the day and night at the call of local physicians, it has been the exception rather than the rule to be able to connect absolute exposure and an onset with a previous case, and an even more elusive matter to relate groups of cases to a common source of infection.

Speaking of Mr. Roosevelt, there is no better proof that fine recoveries can be made and the individual returned to useful work in the world. As a document of sheer human interest, it is a telling item with which to inspire the attitude of mind desirable in the public with respect to infantile paralysis.

In itself, infantile paralysis is a short-term disease. A week or two of sickness, 3 weeks of quarantine, a convalescence of a few weeks more, and the disease itself is over and done with, leaving a greater or lesser amount of mechanical wreckage in its wake.

What is needed is a wide public cultivation of an informed and unhysterical point of view based on well-substantiated findings.

Mr. MEAD. As chairman of the Post Office and Post Roads Committee of this body, I take a warranted pride in the fact that one of the postal groups, the National Federation of Post Office Clerks, has led the entire field of organized labor in contributions to this splendid cause. The postal employees have also been recognized by the fact that the legislative representative of the N. F. P. O. C. has been the executive secretary of the labor division of the President's birthday celebration for several years.

RELIGIOUS RIGHTS OF JEWS IN RUMANIA

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks and to have the Clerk read a resolution which I have sent to the desk.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department showing that the economic, civil, or religious rights of the Jews in Rumania have been seriously impaired or denied;

(2) What information, if any, is in possession of the State Department that proscriptive edicts have been issued or recently enforced against the Jews in Rumania;

(3) Whether the Department of State is in possession of any facts that establish a Rumanian policy of repression and persecution of the Jews of such character as to have caused the Department to take action looking to amelioration or reversal of such policy;

(4) Whether the Department has been advised that the Jews of Rumania have been ordered to leave that country; and

(5) If the Department of State is in possession of the facts or information before mentioned, has the Department taken any action, and if so, the form thereof, protesting against such repression and persecution of Jews in and their banishment from Rumania.

Mr. FISH. Mr. Speaker, I trust that the President or Secretary Hull will comply with my request and furnish the House with the information asked for in the above resolution. It is difficult to ascertain the facts from reading the reports in the newspapers. If the Congress is to consider any resolution of protest against the racial persecution of minorities in Rumania it should have all the available facts before it. We are familiar with the situation in Germany, where the Jewish people were outlawed and declassed; but in Germany there were only 600,000 Jews to a population of 60,000,000 Germans. It is claimed that there are one

million or possibly a million and a half Jews in Rumania out of a population of 19,000,000 in that country.

The alleged inhuman and brutal treatment of the Jews in Rumania has shocked the American people. They are opposed to all forms of racial and religious persecution in the interest of humanity, justice, and world peace. I am anxious to find out whether the Rumanian policies of repression and persecution of the Jews are "so enormous as to impart to them an international character in redress of which all countries, governments, and creeds are alike interested." These are the identical words used by my grandfather Hamilton Fish in 1872, when, as Secretary of State in the Grant administration, he protested the outrages and intolerance practiced against the Jews by the Rumanian Government at that time.

In view of the recent newspaper reports it appears that the property of Rumanian Jews will be confiscated and they will be practically driven out of that country. In view of this tragic development which is the most inhuman governmental act that has occurred in our day and generation—it is an example of man's inhumanity to man at its worst—the Congress should, after it gets all the facts, seriously consider asking the President to make an appropriate protest and urge that the civic and economic rights of the Jews in Rumania be protected and that racial and religious persecution be stopped.

THE LATE STEPHEN BRUNDIDGE, JR.

Mr. DRIVER. Mr. Speaker, I take this opportunity to announce to the House the death of a former distinguished Member of this body. Hon. Stephen Brundidge, Jr., ably represented the Second Congressional District of Arkansas for 12 years, and at the time he voluntarily retired from service was a member of the Committee on Appropriations of the House of Representatives. Prior to his service in this body he efficiently served in the capacity of prosecuting attorney of the first judicial district of his State.

Stephen Brundidge was a conservative in thought. He was progressive. He loved the institutions of his country and cherished the ideals of its citizens, and he brought to play without stint his splendid mental faculties in order to further and perpetuate those institutions and to make secure the ideals of its people.

Nature was generous to my friend. He lived to the ripe age of 81 years. He resumed the practice of his profession when he retired from the public service, but at all times gave to his State and his community the benefit of his sound counsel and advice and furthered the cause of good citizenship in every possible way.

I expect he will be remembered in his home State for the formulation and enactment into law of what is regarded as an ideal primary election law. In a State of the one-party system the primary election is all important, and the electors who participate in this method of selecting their officials have found this law to be most satisfactory, and it remains on the statute books without impairment.

There are but few Members of this body who served with Steve Brundidge when he retired in 1909, but I dare say those who had contacts with this splendid citizen of my State cherish a recollection of the good qualities of that most able and devoted representative of the people. In his death Arkansas lost a distinguished citizen and the Nation a patriotic son.

EXTENSION OF REMARKS

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a brief biography of the late Andrew Furuseth.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ITEM VETO

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, yesterday the gentleman from Virginia [Mr. WOODRUM], in closing his extended argument, defended his resolution before the House by saying this:

> The Congress has 60 days within which to take action if it desires to do so.

That is not in the Woodrum resolution.

He further said:

> Thirty-nine States have given their Governors this power.

This is not true in any State. Not a State in the Union has anything but the veto power, where a Governor can veto before he signs a bill, not the power contained in the Woodrum resolution to eliminate items after signing.

The gentleman said we voted this specific power to President Hoover. This is entirely inaccurate. The Hoover resolution provides an absolute way in which Congress can override a veto item.

Mr. WOODRUM further says:

> This is not an item veto.

Yet he says this is the same as the Hoover resolution.

I solicit the gentleman from Virginia to read his own resolution.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

MEETING OF THE COMMITTEE OF THE JUDICIARY

Mr. RAMSAY. Mr. Speaker, by authority of the Committee on the Judiciary, I ask unanimous consent that that committee may sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CALL OF THE HOUSE

The SPEAKER. Pursuant to the special order heretofore made by the House, the Chair recognizes the gentleman from Maryland [Mr. KENNEDY].

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that a quorum is not present. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. KENNEDY of Maryland. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Amlie	Dingell	Johnson, L. B.	Sabath
Bates	Disney	Keller	Sadowski
Bell	Ditter	Kelly, N. Y.	Scrugham
Biermann	Drewry, Va.	Kniffin	Sirovich
Brewster	Evans	Knutson	Smith, Maine
Brooks	Ferguson	Lesinski	Smith, Okla.
Buckley, N. Y.	Flaherty	Lewis, Md.	Smith, Wash.
Bulwinkle	Ford, Calif.	McFarlane	Somers, N. Y.
Carter	Frey, Pa.	Mitchell, Ill.	Taylor, Colo.
Celler	Fulmer	Mouton	Terry
Chandler	Gamble, N. Y.	Norton	Tinkham
Citron	Gasque	O'Brien, Mich.	Tobey
Cole, Md.	Harrington	O'Connell, Mont.	Transue
Cooley	Hart	O'Connor, Mont.	Vinson, Fred M.
Crosby	Holmes	Peterson, Fla.	Wene
Crowe	Houston	Peterson, Ga.	Whelchel
Deen	Imhoff	Phillips	White, Idaho
Delaney	Isac	Rankin	Wood
Dempsey	Jarrett	Rich	

The SPEAKER. On this roll call 354 Members have answered to their names, a quorum.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

BOARD OF VISITORS, UNITED STATES NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of title 34, section 1081, United States Code, the Chair appoints as members of the Board of Visitors to the United States Naval Academy the following Members of the House of Representatives: Mr. CULLEN, New York; Mr. WALTER, Pennsylvania; Mr. HAMILTON, Virginia; Mr. CROWTHER, New York; Mr. REECE, Tennessee.

OMNIBUS PRIVATE CLAIMS BILL

Mr. KENNEDY of Maryland. Mr. Speaker, pursuant to the special order of the House heretofore made, I call up the bill (H. R. 7199) for the relief of sundry claimants, and for other purposes.

The Clerk read the title of the bill.

NICK GRUYICH

The Clerk read as follows:

Title I—(H. R. 520. For the relief of Nick Gruyich.) By Mr. MEAD

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Gruyich, of Lackawanna, Erie County, N. Y., the sum of $1,000, in full satisfaction of his claim against the United States for the loss of a bond in that amount to secure the appearance of an alien, one Dusan Petrovich, which bond was declared breached and forfeited by the Department of Labor, although the said alien was in fact delivered at Buffalo, N. Y., on June 21, 1929, in accordance with its terms, by the said Nick Gruyich: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Beginning on page 1, strike out all of title I.

Mr. HANCOCK of New York. Mr. Speaker, title I is an attempt to recover $1,000 which was deposited as security for a forfeited bail bond in a deportation case. The facts as revealed by the report are as follows: In the summer of 1928 a gentleman living in Yugoslavia named Petrovich decided to come to America, leaving a wife and child behind. He did not follow the usual route, but took a rather circuitous journey and eventually found himself on the Niagara River at a point several miles north of Buffalo. He entered the country in a rowboat at a place that was safely remote from any customs or immigration authorities. The reason he took this unusual mode of travel was because he had no visa which permitted him to enter the United States. Within 4 or 5 months the immigration officials apprehended him. He was given a hearing and released in $1,000 bail furnished by the United States Fidelity & Guaranty Co. of Baltimore.

As is usual in such cases, the surety company indemnified itself by requiring a deposit of $1,000. The security was supplied by a gentleman named Gruyich, who was no party to the transaction between the immigration authorities at Buffalo and the surety company. He was a complete stranger to the Government. His dealings were with the surety company alone.

The report of the hearing was sent to Washington and Mr. Petrovich was ordered deported. On May 2 the authorities in Buffalo notified the surety company to produce Mr. Petrovich at a certain time and place on May 14 for deportation. The alien failed to make an appearance, whereupon the Commissioner of Immigration in Washington was notified and the bond was declared forfeited.

A few days later somebody representing the alien applied to the Chief of the Immigration Service in Buffalo for 6 months' extension, claiming that if he could remain in this country for 6 months he could make some money and pay some debts. That application was denied, and notice of the decision was given to the representatives of this alien on June 21. Several things happened on June 21. His application for an extension was denied, and he voluntarily surrendered to custody. The reason for this becomes apparent when the next step is known, that his attorney immediately served a writ of habeas corpus on the immigration chief at Buffalo. Obviously, if he hoped to escape custody by writ of habeas corpus he would have to be placed in custody first.

It seems that the attorney for this man Petrovich had discovered what he regarded as a fatal defect in the order of deportation, and he thought he could secure the man's release on a writ of habeas corpus on the ground that the order of deportation was signed by the Assistant Secretary of Labor instead of the Secretary of Labor himself.

Gruyich seeks to recover his $1,000 because the Government failed to notify him to produce the alien on May 14. There was no duty resting on the Federal agents to do so since Gruyich was not a party to the bail bond and the Government had no knowledge of his interest. If the surety company was at fault in this regard, Gruyich has his remedy against the company.

His attorney claims in a letter to the gentleman from New York [Mr. MEAD], which the latter quoted in a letter to the Claims Committee, that the forfeiture would be rescinded if the alien Petrovich surrendered. The only evidence of this is the unsupported, self-serving declaration of a lawyer whose name is undisclosed. Evidently the gentleman from New York has mistaken the statements of the unknown lawyer for the words of the United States judge who handled the case.

Both the claim of Gruyich and that of his lawyer are negatived by the fact that an action was commenced to recover the forfeiture and dismissed by consent.

The habeas corpus proceeding was likewise dismissed, and Petrovich was eventually deported.

There can be no dispute that the alien's entry was illegal, and deliberately so. It is also apparent that he made every possible effort to escape deportation, and it is a fair inference that he would not have surrendered after being released on bail if he had not thought he could escape through habeas corpus.

This matter has cost the Government a considerable sum of money in deportation proceedings and in defending two lawsuits. The claim is utterly without merit, and title I should be stricken from the bill.

In handling the Gruyich case the immigration officials in the Buffalo office did their full duty. They enforced the law as we expect them to do it, and their actions are entitled to our support.

[Here the gavel fell.]

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore (Mr. WOODRUM). That cannot be done under the rules.

Mr. MEAD. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this is the case of a party who put up $1,000 of his own money that is now resting in the Treasury of the United States. The purpose for which he provided the money was to insure the presence of an alien when he was notified to present him. The alien has been presented, the case has been tried, and the alien is now back in his fatherland.

The difficulty arises from the fact that the United States immigration officer at Buffalo notified the surety company and failed to notify the individual who put up the money; and the surety company, in turn, failed to notify him.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. MEAD. As soon as I have finished my statement.

Regardless of the opposition to the payment of this just claim, regardless of the argument advanced by my distinguished colleague from New York, and regardless of the attitude of the Department of Labor up until that time, this is an essential point that we must have in our minds before we can vote on the merits of this proposal.

At this juncture of the proceedings, when the Department could not deliver the alien for deportation, the official representatives of the Government called on this man, Mr. Gruyich, and arranged with him, with the sanction of the Secretary of the Department, that if he presented the alien on that date he would be given back his money. On that day the alien was presented; and when on that day an attorney for the alien appealed to the United States Federal judge in a habeas corpus proceeding the alien was again released on bond.

The entire case was presented to the judge, the Honorable John R. Hazel, who said that he resented the Department's activity in acting contrary to the jurisdiction of the court in this case. In other words, he said that—

> This court has the right to review cases of that kind and to grant the plea of the applicant who sought under a habeas corpus proceeding the release of his client.

He further said—and this is in the record—

> The Government cannot have the man and the money, too.

He intimated that, while he did not have jurisdiction to review the case, because of the good intention and the honesty of the man who put up the money, that the man should have his money back, and the Government of the United States should not profit at the expense of its poor who as patriotic citizens were discharging their obligations.

Mr. Speaker, the comment of the judge is in the record in a letter which I sent to the Department of Labor dated November 15, 1930. It indicates that the judge, in reviewing the facts in this case, believed the claimant should have his money back. The Government has lost nothing. The money belongs to an individual. The alien has been deported. It does not make any difference what nationality the poor fellow may be, or from what country he came, or whether he came in a rowboat or a luxurious liner. That has nothing to do with this case. We do not wish to create a sentiment by which an individual might be denied his just right. We are interested in the facts; and the facts, in my judgment, indicate this man ought to have his money back. The Government has its man.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. KENNEDY of Maryland) there were—ayes 33, noes 60.

So the amendment was rejected.

Mr. KENNEDY of Maryland. I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. KENNEDY of Maryland: Page 1, line 7, after the word "to", insert "estate of"; and amend the title to read: "For relief of the estate of Nick Gruyich."

Mr. KENNEDY of Maryland. Mr. Speaker, this is merely a perfecting amendment, and I move its adoption.

The amendment was agreed to.

RELIEF OF JOSEPH PETHERSKY

The Clerk read as follows:

> Title II—(H. R. 734. For the relief of Joseph Pethersky, of Port Deposit, Md.) By Mr. GOLDSBOROUGH
>
> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Pethersky, of Port Deposit, the sum of $360 in full satisfaction for his claim against the United States Government for loss of 9 months' rent at $40 per month, from October 12, 1933, when a marine truck destroyed his building, to July 24, 1934, the date of the receipt of a check for $623.02 from the Navy Department in payment for loss to his building.

With the following committee amendment:

> Page 2, line 21, after the word "Deposit", insert "Maryland."
>
> Page 3, after line 2, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."
>
> Amend the title so as to read: "A bill for the relief of Joseph Pethersky."

Mr. RAMSPECK. Mr. Speaker, I rise in support of the committee amendment.

Mr. Speaker, I want to explain to the Members of the House who may not have been here when we adopted the present procedure on private claims bills just how these bills which we are now considering are handled.

In the first place, each one of these bills originally came here on the other private calendar, where two objections without any discussion whatsoever, recommits them to the Committee on Claims for further consideration. When these bills go back to the Committee on Claims we have a special subcommittee headed by the gentleman from Maryland [Mr. KENNEDY] as chairman, which very carefully considers each one of these claims.

We throw out a great many of the claims on this reconsideration where the objectors have made out a case.

The gentleman from Maryland is to be commended on the policy which he has adopted with reference to the consideration of these claims. When the subcommittee meets, the objectors are invited to come and present to the committee their reasons for objecting in the first instance. A record is made of those statements as well as statements in support of the bill by the author, after which time the subcommittee holds a second meeting and very carefully considers all of the facts, including the objections made by the official objectors.

Mr. Speaker, I have no criticism to offer of the official objectors. They are doing a job to which they are assigned, one which is very onerous and which none of us would seek. I think they are conscientious. But I want Members of the House to understand that these bills have had not only the consideration of the whole Committee on Claims in the first instance but have been reconsidered in light of the objections made, then put back on the calendar under this proceeding after reconsideration and adoption by the special subcommittee. They are then presented to the full Committee on Claims for its approval. I therefore hope the Members of the House may be disposed, unless some good reason appeals to your judgment, to back up the committee in this job which we are doing to give justice to our citizens who have valid and meritorious claims against the Federal Government.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Will the gentleman explain the procedure under which we are operating? In other words, under this rule there can only be two motions entertained, one to strike out the entire paragraph, which kills the bill, and the other a motion or amendment altering the amount. Very often there is confusion when a motion to strike out the entire paragraph is offered. A great many Members vote "aye," thinking they are voting with the committee. As a matter of fact, a vote of "no" is a proper vote for the committee. That confusion existed a moment ago.

Mr. RAMSPECK. The gentleman is correct. This procedure was adopted after years of study in an effort to give a real chance on the merits of these claims which our various constituents have against the Federal Government. From my 8 years' experience on the Claims Committee, I say very frankly that many, many times our citizens are denied their rights simply because we have not the time to go into these

matters thoroughly. We cannot take the time on the floor for full discussion.

I therefore urge the membership, unless they are thoroughly convinced to the contrary, to back up the committee.

Mr. McCORMACK. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Is it not fair to argue that the report of the committee carries with it a prima facie case in favor of the bill?

Mr. RAMSPECK. I think that is true. Under the splendid leadership of the gentleman from Maryland, the committee has given due consideration to these questions, and we are not being swayed and should not be by personal considerations or anything of that sort.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. Speaker, there was a time when I gave a great deal of consideration to the Private Calendar. Many nights I worked until 1 or 2 o'clock in the morning. I briefed claims I thought should be defeated, and placed the statements in the RECORD just prior to the consideration of the bills. That proved to be too much for me and it was necessary that I discontinue. I have not lost interest in private claims, nor in the rule under which we are operating today. As I have stated on several occasions, in my opinion, it is a bad rule and should be changed.

I commend the Committee on Claims for the work it has been doing. I realize the task before them, with hundreds of Members appealing in behalf of constituents to report claim bills. However, I believe the outstanding service the Committee on Claims could render would be to prepare legislation which would set up in this Government some kind of a tribunal where claims against the Government could be submitted on affidavits, if necessary. This would take this job off the shoulders of Members of Congress, who now are working longer hours than some people realize.

Under our form of government, it must be remembered, provisions are made whereby claims, either for personal injury or property damage, can be taken to our courts for adjustment. This, however, is confined to suits against citizens, partnerships, or corporations, but what do we do when the Government is responsible? As we all know, the Government cannot be sued without its consent. In recent years thousands of Government automobiles and trucks are on the streets of our cities and on the highways. There is hardly a day that an accident does not occur. We have provided in some instances where claims can be settled by a Government department, but there is a limitation as to the amount that can be recovered. Generally speaking, that amount is limited to $500. If the department decides the Government is not at fault, the only appeal is to the Congress, through you gentlemen on the Committee on Claims. If you do not want a court, set up a division in the General Accounting Office that now passes on certain claims, especially those growing out of Government contracts. I would make provisions to eliminate some claims—those commonly referred to as ancient claims. There is no reason why cases already passed on by the Court of Claims should be considered, as well as other classes of claims which my time will not permit me to enumerate, but which have had their day in court.

We have had several bills considered in the House setting up such a procedure but we never did succeed in getting any of the bills enacted. One I recall passed the House but not the Senate.

I have taken the position that when cases have been sent to the Court of Claims by the Congress, or when war claims have been considered under the old Dent Act and later been heard by the General Accounting Office and the Court of Claims, and it has been decided the Government does not owe the money sought, should be defeated. In this bill today we have claims which you are not sending to the Court of Claims but for which you appropriate money directly out of the Treasury and in one case the Court of Claims has stated we do not owe the money. In this instance the Court decided the claimant owed the Government instead of the Government owing the claimant. Still the bill provides for an appropriation of $129,000. I am opposed to that bill.

We have no time to discuss the cases as they should be discussed, especially claims involving large amounts of money, or one setting up a dangerous policy, so I repeat what I said a moment ago. I believe the outstanding service the Committee on Claims can render, a difficult task, I admit, would be to work out a bill which would set up some kind of an organization or a court to consider the cases and give every citizen an opportunity to be heard, either by attorney or by affidavit, and thus take this job off the shoulders of Members of Congress, who, regardless of what some critics might say, have enough to do without considering matters of this character.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Maryland, the chairman of the Committee on Claims, with whom I always sympathize.

Mr. KENNEDY of Maryland. I realize the gentleman very often tries to save money for the Government, but we have some evidence of what would happen under the gentleman's plan. For instance, the Committee on Claims in practically every instance will allow only $5,000 on a death claim. In several instances we have given jurisdiction to a court to hear and determine claims on the facts as presented to the court. In every instance the amount the Government has been required to pay has been from two to three times the amount that would have been allowed by this committee. Therefore, it would cost the Government, under the gentleman's plan, a great deal more money than it does under the present plan.

I may say to the gentleman these claims are gone into very carefully. This committee does try to do as conscientious a job as it knows how. I believe under the present rule, and as the committee is now constituted, these claims are being handled in a manner that is satisfactory not only to the Government but to the people who have claims against the Government. I am certain the gentleman will find, if he will look into the jurisdictional bills which have been passed by the House, a larger amount of money has been awarded in each case than the committee would have allowed.

Mr. COCHRAN. I commend the gentleman from Maryland for the work he has been doing. I may say frankly that before I would accept his job as chairman of the Committee on Claims I would resign from the Congress. I know very well what he is up against.

The objection to my suggestion by the gentleman from Maryland can easily be overcome by the Congress placing a limitation on certain class of claims.

Now let us take the bill before us today. Millions of dollars in bonds have been forfeited to the Government because of the failure of the surety to deliver the one bonded either to a court or a Government department. Thousands of cases are involved. The President has vetoed many bills of this character, still the House passes such a bill today. The amount, I admit, is small, but it opens the way to others. I recall the time when the committee would not report such a bill. Then again in title III you confer jurisdiction on the Court of Claims to hear, determine, and render judgment in a claim against the United States for damages alleged to have been sustained by a corporation as the result of the failure or delay of the Government of the United States in the settlement and adjustment of a strike of the carpenters' union during the construction of the foundations of the annex to the Library of Congress. To me it appears you are getting on dangerous ground when you confer jurisdiction on the Court of Claims to hear, determine, and render judgment on such claims. So far as I

know I am not aware that such cases have heretofore been sent to the Court of Claims. Under the rule only 5 minutes can be used in opposition to the bill and 5 minutes by those favoring it. I say a matter of that kind that sets a precedent that can be referred to in the future is far too important to dispose of in 10 minutes.

If the taxpayers of this country—and they are the ones that pay the bill—are going to be held responsible when the Government does not settle a labor controversy on a public building, just for a moment consider the ultimate cost.

I appeal to the chairman of the Committee on Claims and the members of that committee to give serious consideration to the suggestion I advanced.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the first title of this bill in order that I may complete the story.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Title III—(H. R. 906. For the relief of John McShain, Inc.) By Mr. DALY

That jurisdiction be, and hereby is, conferred upon the United States Court of Claims and the said court is hereby directed to examine the claim of John McShain, Inc., against the United States for damages alleged to have been sustained by the said John McShain, Inc., as the result of the failure or delay of the Government of the United States in the settlement and adjustment of a strike of the carpenters' union during the construction of the foundation of the Annex to the Library of Congress in the District of Columbia, dating from May 1, 1934, to July 5, 1934, and the said court is directed to determine and adjudge whether any and, if any, what damage was sustained by the said John McShain, Inc., and to enter judgment against the United States for such amount as the said court shall determine to be due the said John McShain, Inc., as a consequence of said failure or delay.

With the following committee amendments:

Page 3, strike out lines 13, 14, and 15 and insert "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of McShain Co., Inc."

Line 19, strike out the words "John McShain" and insert in lieu thereof "McShain Co."

Page 4, beginning after the figures in line 2, strike out the remainder of the bill.

Amend the title so as to read: "A bill for the relief of McShain Co., Inc."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title III.

Mr. COSTELLO. Mr. Speaker, this title would authorize the McShain Co. to go to the Court of Claims in an effort to collect damages amounting possibly to $30,000 against the Federal Government. This $30,000 is the amount of additional cost to the contractor and his subcontractors sustained on account of a carpenters' strike which occurred while an addition to the Library of Congress was being built.

The contract provided that in the event of a strike which could not be satisfactorily adjusted by the contracting officer, namely, the Architect of the Capitol, the matter should be submitted to the joint commission, namely, the Joint Congressional Committee on the Addition to the Library of Congress. The contractor, the McShain Co., made the point the Architect of the Capitol did not submit this matter of the carpenters' strike to the joint commission. However, the Architect did not so submit the matter because to have done so would have been a useless gesture. The question of the strike was being handled throughout the city of Washington by other governmental agencies, particularly by the Board of Labor Review, hence a submission of this matter to the joint commission also would have been absolutely unnecessary.

In settling the contract with the McShain Co., although the construction was delayed some 153 days in completion, the General Accounting Office allowed the 69 days additional caused by the strike, so no damages were assessed against the contractor for that period.

It appears to me if we pass this title in the bill we are in danger of establishing a precedent for other claims arising out of other contracts which have been executed in a standard Government form, and this would render the Government subject to numerous claims where there may be strikes on Government buildings which have not been properly settled.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that under the contract the Architect was required to report this situation to the joint commission and failed to do so, because, as the gentleman states, it would be simply a gesture? Nevertheless, that was the condition of the contract, and he, the Architect, failed to comply with it.

Mr. COSTELLO. As I stated, that was a provision in the contract.

Mr. KENNEDY of Maryland. And that was no fault of the McShain Co.

Mr. COSTELLO. But nothing would have been accomplished if it had been so submitted. The purpose in submitting it was to expedite a settlement of the strike, provided the Architect of the Capitol himself could not satisfactorily settle the strike. However, this strike was general throughout the city and all carpenters were on strike and the Board of Labor Review was handling the entire matter for all building operations throughout the city.

Mr. KENNEDY of Maryland. And there was nothing that McShain & Co. could do to prevent this loss to themselves.

Mr. COSTELLO. There was nothing they could do and, as a matter of fact, the strike should never have been called, because the carpenters' union had entered into a very definite agreement under which they were to receive $1.10 an hour and under the terms of the agreement there should not have been a demand for an increase in wages during the construction period for this building.

Mr. KENNEDY of Maryland. Is it not true that McShain & Co. were the innocent sufferers from a condition over which they had no control?

Mr. COSTELLO. That is quite true and so were the subcontractors and likewise the Federal Government would be an innocent sufferer if these damages are to be referred back to the Federal Government, just the same as an independent person or an individual owner putting up a building. If such a cost is to be levied against the owner of a building, then such owner becomes an innocent sufferer.

Mr. KENNEDY of Maryland. But was it not the duty of certain Federal agencies to settle the strike?

Mr. COSTELLO. I would not say it was their duty. It was their obligation to make an effort to settle the strike, and I contend that to pass a bill of this sort would set up a dangerous precedent.

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment.

I may say in answer to the gentleman from California that McShain & Co. did nothing of their own accord to cause this loss. They are innocent sufferers on account of the failure of certain Government agencies to perform their duty. I do not contend it was possible for the Government agencies themselves to prevent this loss, but the loss resulted from a condition that existed, and this is merely a jurisdictional bill that authorizes this company to go into the Court of Claims and have the court hear and determine what damages, if any, they are entitled to.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from New York.

Mr. HANCOCK of New York. If bills like these are passed, is it not a tacit admission on the part of the House that a claim exists, and in this particular case is it not an invitation

to other contractors all over the District who were affected by the same strikes to enter claims?

Mr. KENNEDY of Maryland. No; I would not say that. I would say it would be a matter for the Committee on Claims to take up and consider. The House must bear in mind that this committee has about 3,000 bills before it every Congress, and the only ones the House sees are the bills we report out favorably. They fail to see the bills that do not get out of the committee and on which we report adversely.

I will also say to the gentleman that as long as I am chairman of the committee, and I am sure the other members of the committee feel the same way, if there is any attempt of a general raid on the Treasury, we, the members of the Committee on Claims, would be the first to object and see to it that such legislation would be promptly and decisively defeated.

We believe this is a meritorious claim. It has been before the committee for quite a long while, and as the gentleman from California [Mr. COSTELLO] practically admits in his statement, it is a claim of merit. These people are innocent sufferers. They are reputable and responsible contractors. I have no personal interest in the matter except to see that they have their day in court, and that is all this bill does.

Mr. Speaker, I hope the amendment will be voted down.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California to strike out the title.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 26, noes 37.

So the amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 1099. For the relief of the New York & Baltimore Transportation Line, Inc.). By Mr. KENNEDY of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York & Baltimore Transportation Line, Inc., a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in New York City, the sum of $129,000 in full satisfaction of its claim against the United States for damages arising out of the frustration of a certain contract of sale for its vessel, *The Baltimorean*, resulting from the requisition by the United States Government for public use of two other vessels, the *Chesapeake* and the *Manna Hatta* both the property of the said New York & Baltimore Transportation Line, Inc.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BARDEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: Page 4, line 9, strike out all of title IV.

Mr. BARDEN. Mr. Speaker, I shall not personally insist upon the adoption of this amendment, but I felt this item to be of sufficient importance for the House to know the facts in order to be properly considered by the House.

There is involved in this bill $129,000, and the committee charged with looking after bills on this calendar at this time felt we should have and the House have additional information about it. I shall try in the brief time I have to give the House the facts as I see them in connection with this claim.

In 1918 this shipping concern had a bona fide contract and had made a sale of three ships for the sum of $825,000. Just following this and before the sale was carried through and after they had made application to the Shipping Board for the transfer of these vessels the Government took two of the ships and left the third one. The Government took the two largest ships, and their appraisal on these two ships amounted to $350,000.

The shipping concern filed an objection and demanded a reappraisal. The Navy Department denied the reappraisal. Subsequent to that the board of directors of the shipping concern met and decided to accept the $350,000, which was done, and the Government paid the $350,000, plus, I think, about $2,000 for supplies that were aboard the ships. Following that the shipping concern sold the remaining one ship for $71,000. They contended that the three ships comprised an operating unit and were much more valuable than the one ship by itself, and that whereas they had previously agreed to sell the ship for $200,000, they were able to get only $71,000 for that. Following that—and I am having to jump back rather rapidly—and following the close of the war, the Government sold the two ships for which it paid $350,000 for $625,000 at auction. The Government had made some repairs to them, but, according to the facts that were undisputed, those repairs did not enhance the value of the ship as a commercial ship.

Mr. COCHRAN. As a matter of fact the Government put $658,968 worth of repairs on those ships, so the total cost to the Government was over a million dollars.

Mr. BARDEN. Mr. Speaker, if the gentleman will follow the statement I made, he will see, I think, that he is mistaken. I think the amount was about five-hundred-and-some-odd-thousand dollars.

Mr. COCHRAN. I took it from the Court of Claims report.

Mr. BARDEN. But those improvements consisted of sounding devices and instruments of warfare for the protection of the ship and did not inure to the benefit of the ship or enhance the value of the ship as a commercial ship. I am trying to be fair in presenting both sides of the case. Then they went to the Court of Claims. The Court of Claims, of course, said the Government had nothing to do with the one ship they did not attach, and they would not allocate these unliquidated damages.

Mr. HALLECK. And is it not true that the Court of Claims ruled that the Government of the United States was not liable for consequential damages?

Mr. BARDEN. I was just about to read that. Here is the decision of the Court of Claims:

In this view of the matter there can be no recovery on the plaintiff's claim for the consequential damages to its business, and for its loss on the sale of the third ship, the *Baltimorean*, inasmuch as the transfer of these vessels was its voluntary act under a contract, and any damage it suffered was due to its own act and not any act of the Government.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. RAMSPECK. Mr. Speaker, I rise in opposition to the amendment. On behalf of the committee I made a very careful study of this bill, which was introduced by the gentleman from Maryland [Mr. KENNEDY], and the claimants in which reside, as I understand it, in Baltimore and in New York. As the gentleman from North Carolina [Mr. BARDEN] has said, he objected to this bill, but afterward made a very careful study of it, and I think he would say to the House now that he thinks there is merit in the bill, and I call attention to the fact that he said in presenting this amendment that he did not insist upon its adoption.

The facts briefly are these. This company had three ships, two large ones and one small one. It executed a contract of sale and the money was put in the bank for $825,000. Under the law they could not consummate that deal without the consent of the Shipping Board. We were at war. The Shipping Board would not give its consent, but on the contrary took the two larger ships and paid $350,000 for them.

Mr. KENNEDY of Maryland. That particular contract the gentleman referred to was a private contract.

Mr. RAMSPECK. Yes; a private contract between this company and somebody who wanted to buy the ships. The Government paid them $350,000 for the ships, which the Court of Claims says are worth more than that. After the Government had made them available for war services and had used them as such, it reserved the property put on the ships and sold them for $318,000 more than it had paid these claimants.

That is the language of the Court of Claims. In addition to that, this company lost the sale of the third ship at $200,000 and was forced to take $71,000 for it by itself, thereby

losing $129,000 on that ship. A bill originally was introduced for $404,000. The committee cut it down to $129,000 upon the theory that the claimants had a legal remedy for the loss on the two large ships, which, through bad legal advice, they failed to avail themselves of; but they had no legal remedy for the loss on the third ship and no way to go into court on that proposition, and therefore, as a matter of justice and equity, this committee feels that this is a valid and just claim and ought to be paid.

I call the attention of the House to the fact that the Government got back $318,000 more than it paid for the two ships it took and deprived these people of the sale of its fleet of three ships at $825,000, and occasioned them a loss of $129,000 on the small ship.

Mr. SUMNERS of Texas. And did the Government reserve to itself and take over the instrumentalities, whatever they were, they put on the ships that cost $610,000?

Mr. RAMSPECK. The Government did, and the Court of Claims recites that and says that the improvements made on the vessels had no value for commercial purposes.

Mr. COX. And the claimants appealed to this tribunal, as the only one having jurisdiction, to give them justice?

Mr. RAMSPECK. The gentleman is correct. This is the only place they have any chance of getting justice. That is what this Committee on Claims is for. It is to give a remedy to people who have no legal remedy, who cannot get into court either on a case at law or at equity, but who have only one recourse, and that is to appeal to their legally elected representatives for justice.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. KENNEDY of Maryland. Is it not true that if we pass this bill, which will pay to these claimants $129,000, there will still be a loss to them of $275,000 that the committee refused to allow?

Mr. RAMSPECK. The gentleman is exactly correct. They have lost that. This bill will not give it back to them. They had a sale, which the Court of Claims said was a valid sale and the money was in the bank. The only reason the sale was not consummated was because the Government took over the two large ships and arbitrarily fixed the price, which must be less than the value, because the Government 2 years later sold those ships, after using them, at a profit of $318,000.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes, I yield.

Mr. COCHRAN. The gentleman is fair when he says the Government did sell them for $318,000 more than they paid the owners.

Mr. RAMSPECK. Yes.

Mr. COCHRAN. But they sold them for $350,000 less than it cost the Government after reconditioning them.

Mr. RAMSPECK. But they took off that equipment and the court says so, and says also that it was of no commercial value.

Mr. COX. And they sold the ships for salvage purposes?

Mr. RAMSPECK. Yes.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BARDEN].

The amendment was rejected.

The Clerk read as follows:

Title V—(H. R. 1249. For the relief of L. M. Crawford.) By Mr. THOMASON of Texas

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. M. Crawford, of Wichita, Kans., the sum of $15,281.60 in full satisfaction of his claim against the United States for the loss of 382 acres of land in the Rio Grande Valley about 10 miles northwest of El Paso, Tex., title to which he obtained under a patent issued by the United States to his predecessor in title, and the loss of which resulted from the fixing of the boundary line between the States of New Mexico and Texas by the decision of the Supreme Court of the United States in the case of *State of New Mexico* v. *Texas* (275 U. S. 279, 48 Sup. Ct. 126): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Title VI—(H. R. 1476. For the relief of Mrs. W. E. Bouchey.) By Mr. WOODRUFF

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. W. E. Bouchey, of Bay City, Mich., the sum of $295 for injuries sustained on May 25, 1933, as a result of a fall down the steps on the northwest end of the Federal Building, Bay City, Mich.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 6, line 14, after the figures, insert the words "in full settlement of all claims against the United States."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On Page 6, strike out title VI.

Mr. HANCOCK of New York. Mr. Speaker, I was one of those who objected to this bill when it was first reached on the Private Calendar, much to the disgust of my friend from Michigan [Mr. WOODRUFF]. I objected to it because I did not see any negligence in the case on the part of the Government. I do not believe, under the same circumstances, a case could be made out against a private individual. This claimant fell down the front steps of the post office at Bay City, Mich., and injured her knee. She had lived a great many years in Bay City and undoubtedly had used the post office time after time. There is no claim that there was any defect in the stairs or that they were slippery or that there were any obstructions of any kind. It seems to me to have been just a plain accident. In the original hearing it was claimed as negligence that there was no rail there. If the absence of a rail is negligence, then we had better make haste to put them on the building that we now occupy. I do not know of any building in the world that has as many steps as the Capitol. You can look all over the city of Washington and you will find very few buildings that have hand railings.

On the rehearing the gentleman from Michigan adopted another theory of negligence. On that hearing he stated that the platform or stage between the front door and the top step was so narrow as to be dangerous. My contention is that the woman was entirely familiar with that post office, and if there was any negligence it was her own.

We know that we sometimes fall down stairs ourselves. Sometimes we lose our balance; sometimes we turn an ankle; sometimes we slip, and sometimes we do not look where we are going. Women especially, are likely to trip and fall by reason of catching their heels in the hems of their garments.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. HANCOCK of New York. I yield.

Mr. KENNEDY of Maryland. Is it not true that the evidence submitted to the committee shows that there were several accidents of this same kind at this particular location?

Mr. HANCOCK of New York. I recall that the gentleman from Michigan said he had fallen down these stairs himself, but he did not explain under what circumstances. [Laughter.]

Mr. KENNEDY of Maryland. And since that time they have placed a guard rail there.

Mr. HANCOCK of New York. Since that time they have placed a guard rail there, but I claim that does not make a stairway without a rail a dangerous condition. If it is so, we should immediately place railings on the steps of all post

offices and buildings that the Government owns all over the United States in the interest of economy. To pass this bill, as I look at it, is an invitation to go to the post office and fall down stairs. That would cost us a lot of money.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Speaker, I rise in opposition to the amendment. I would like to read the testimony of the author of this bill, given at the rehearing, that bears upon this particular point to which the chairman of the committee has called attention:

Mr. WOODRUFF. I would be glad to give the gentleman from New York an explanation as to why this accident happened. And I am in position to make an authoritative statement upon this, because I had exactly the same accident at exactly the same place myself. My injuries, while they were exceedingly painful, were not permanent. I pitched headlong down the steps. The reason for it was that in coming out of the post office, in the designing of the post office—and in addition to other accidents, I believe there are other things about that particular building that would lead us to believe a fairly inexperienced novice of the Architect's Office of the Treasury Department was responsible for designing that particular building. Several people have fallen down during the year. When you come out of the door, the revolving door, you step right straight down, and often it is not very light there, and you cannot see where you are going.

Mr. HANCOCK. You mean there is no platform?

Mr. WOODRUFF. No platform outside there at all. And Mrs. Bouchey, the lady involved, and myself are not the only people who have had that experience; and the Treasury Department has since that time, I understand, taken steps to remedy the trouble, and we have had no more difficulty since then.

The responsibility of the Government, so far as I can see it, is due entirely to the fact that it was improperly designed in that particular part of the building, which made a dangerous situation.

These are the considerations which led the committee to submit the bill in the first place and to resubmit it in this omnibus bill: That a person could, at the top of a flight of steps, step directly down from the revolving door without there being any platform. I hope the amendment offered by the gentleman from New York to strike out the title will be voted down.

Mr. KENNEDY of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KENNEDY of Maryland. Will the Chair advise me what the pending motion is?

The SPEAKER pro tempore. The pending motion is the motion offered by the gentleman from New York to strike out the title.

Mr. WOODRUFF. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOODRUFF. Would it be in order for me to offer an amendment to the suggestion of the gentleman from New York?

The SPEAKER pro tempore. There is pending a motion to strike out the title. The Chair thinks that should be acted on first.

The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

MARIE B. NEALE

The Clerk read as follows:

Title VII—(H. R. 2940. For the relief of Marie B. Neale.) By Mr. GAMBRILL of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie B. Neale, of Issue, Charles County, Md., the sum of $500, which sum shall be in full satisfaction of all claims against the United States for damage to property of said Marie B. Neale as the result of the firing of guns at the Dahlgren Naval Proving Grounds, Dahlgren, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 7, line 11, strike out "$500" and insert in lieu thereof "$350."

Page 7, line 13, after the words "United States", insert "past or future."

The committee amendments were agreed to.

Mr. HALLECK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: Page 7, line 6, strike out all of title 7.

Mr. HALLECK. Mr. Speaker, while the amount involved in this particular claim is not great, it seems to me that it presents an issue and a precedent which the Members should very carefully consider.

The claimant owns a house in the town of Issue, Md. She claims that in 1927 and prior thereto the firing of guns at the naval proving station at Dahlgren, Va., damaged the plaster in her home, damaged the structure generally to the extent of four hundred and some dollars. After that claim was made the Navy Department, by its inspectors, inspected the property two or three different times and came to the conclusion, and so reported, that they could find nothing to justify the claim; that there was nothing to definitely establish that the damage to the house was caused by the firing of the guns. They further pointed out the structural weaknesses in the building itself. A part of the house was 80 years old.

The issue presented is whether or not the firing of these guns set up such a concussion in the air or vibration in the ground as to crack the plaster or the other materials in the house. The report does not disclose how far the house is situated from the point of firing, but somewhere along the line it runs in my mind that it developed that it is several miles.

I believe that in a claim of this kind the burden of proof is upon the claimant to establish by a fair preponderance that the Government caused the damage. The report on this bill indicates no such prcof of this claim. I contend that it is absolutely impossible, as indicated by the reports of the naval officers, that any concussion in the air or vibration set up in the ground cculd injure a house that far away. I have had some little experience in matters of this sort, and I say to you that before you can crack plaster, destroy or break any other material in the house, you must set up a vibration that reaches the elastic limit of the material damaged.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield at that point?

Mr. HALLECK. I yield.

Mr. KENNEDY of Maryland. Is there not a statement in the report to the effect that somebody said that walking across the floor would crack the plaster in that building?

Mr. HALLECK. There is something in the report to that effect. If that house is so weakly built that walking across the floor would crack the plaster, then I would say that the damage was caused by structual weakness rather than by the explosion of guns.

Mr. ALLEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. ALLEN of Pennsylvania. Were any other houses in the neighborhood affected the same way?

Mr. HALLECK. I think there is one letter in the report that says something about plaster that is cracked in other houses. I have had some experience along this line, as I say, and I have found the tendency of people is to accentuate and overemphasize the effect of blasting, firing explosions, or whatever it may be that sets up vibration. On the state of the record before us I cannot see that the Government is liable.

Of course, there are other houses around there. There are other houses in close proximity to these necessary operations of the Navy and Army. Certainly the matters involved herein are susceptible to scientific proof. It can be determined as a matter of practical certainty whether or not the vibration set up in the ground or the concussion going through the air is sufficient to reach the elastic limits of the building materials in the house to such an extent that it will break or crack them.

Mr. Speaker, in the absence of that proof it does not seem to me that the Congress of the United States should put itself on record as approving this sort of action and admitting liability as far as the Government is concerned in situations of this sort.

[Here the gavel fell.]

Mr. GAMBRILL of Maryland. Mr. Speaker, I rise in opposition to the amendment.

The distinguished gentleman from Indiana has tried to emphasize that in this report there is a statement by the naval officers to the effect the gunfire did not crack the walls of this house. If you will read the record closely, you will find, as a matter of fact, that the naval officers stated they were unable to determine whether the defects now found in the house were due to the firing of the guns or due to the structural condition of the house.

I want you to pause just for a moment and consider that this report speaks of the structural defects of that house. The structural defects, it seems to me, would go back to the inception of the building of the house. This house in 1927 was 80 years old. It has been occupied since that time and will be occupied for years to come. Manifestly a frame house that has stood for almost a century cannot have very many structural defects. As a matter of fact, these guns at Dahlgren fire down the river and in some cases the shells explode in the vicinity of the peninsula on which this house is located. You have the statement in this record of a builder of 25 years' experience to the effect that in this little settlement on the peninsula known as Issue most of the houses have suffered from the same effects of the firing of these guns. The estimate given for repairs, $409.50, is considered by him to be a reasonable and fair charge. As a matter of fact, we have reduced the amount to $350, and I therefore ask the Members to defeat the amendment offered by the gentleman from Indiana.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. HALLECK.]

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 31, noes 22.

Mr. GAMBRILL of Maryland. Mr. Speaker, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

The Clerk read as follows:

Title VIII—(H. R. 3734. For the relief of Zoe A. Tilghman.)
By Mr. Hill, of Oklahoma

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Zoe A. Tilghman the sum of $5,000 in full settlement of all claims against the United States for compensation for the death of her husband, William M. Tilghman, caused by his being shot by a Federal prohibition agent, at Cromwell, Okla., on November 1, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 8, strike out all of title VIII.

Mr. HANCOCK of New York. Mr. Speaker, I want to take just a few minutes to explain this title of the bill, the purpose of which is to make an award of $5,000 to the widow of a peace officer in Oklahoma who was killed in a fight with a prohibition agent.

Just exactly what occurred is rather hard to determine. It does appear from the record, however, that the prohibition agent, Lynn, approached a concert hall in a small town in Oklahoma accompanied by two drunken women and one drunken man; that as he approached the concert hall, for some reason which is not explained, he shot his pistol into the ground; whereupon the peace officer there, Tilghman, attempted to put him under arrest. Some hard words were exchanged and some ugly names used. A struggle ensued, and in the struggle the peace officer was killed.

The prohibition agent was brought to trial in the State court of Oklahoma and a former attorney general of the State was employed as a special prosecutor in the case. Nevertheless, the prohibition agent was acquitted by the jury.

We are asked in effect to reverse the decision of that court and find that the man Lynn was guilty. His defense was that he shot in defense of his own life, and the jury found that to be the fact. I do not see what right we have to go behind the verdict of the Oklahoma jury.

There are a great many affidavits in the record made by friends of Mrs. Tilghman to the effect that Mr. Lynn was a bad man. I cannot dispute that. There are affidavits to the effect that her husband was a very good man, and I do not doubt that. But in the murder trial the jury found that Tilghman was the guilty party. If the good people of Oklahoma feel that there was a miscarriage of justice in the case and that one of their own peace officers was killed in the proper fulfillment of his duty, I believe the State should be asked to make an award to the widow. A court of competent jurisdiction has found the Federal agent to be the innocent party. On what ground should the Federal Government make an award to the widow of the guilty man?

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the facts in this case are substantially as stated by the gentleman from New York. The situation was that a lawless condition existed in Cromwell, Okla., about this time. Mr. Tilghman was a retired officer who was asked to come there and serve in this particular community as a town marshal. He lived in another part of Oklahoma. He was asked because of his good reputation as a peace officer in that part of Oklahoma to come in order to break up this lawlessness which existed there.

While it is true this case was tried in court and a verdict was rendered in favor of the Federal prohibition agent charged with killing Mr. Tilghman, I would like to read a statement of the presiding judge, the Honorable Frank Matthews, contained in a letter written to the Honorable Fletcher Swank, former Member of the House and the author of the original bill in this case.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from New York.

Mr. HANCOCK of New York. Will the gentleman state how many years after the trial that letter was written and whether the gentleman in question was still a member of the court when he wrote it?

Mr. KENNEDY of Maryland. I do not know. I cannot say. However, I am certain Judge Matthews is a responsible person. The mere fact of the expiration of time would not preclude him from making this statement. He was still a judge at that time, I have been told since the inquiry of the gentleman from New York [Mr. HANCOCK].

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Texas.

Mr. DIES. I understand this prohibition agent was indicted, tried, and acquitted by a jury in Oklahoma?

Mr. KENNEDY of Maryland. Yes. Let me quote the language of Judge Matthews:

After hearing the evidence in the trial there was created a lasting impression in my mind that Tilghman was murdered, and it amounted to practical assassination.

Practically all of the witnesses who saw the killing were criminals of the lowest type, and their sympathy was against Bill Tilghman and in favor of Lynn, who was the Federal prohibition agent.

They were prejudiced not only against Tilghman but against any law-abiding and enforcing officer.

In other words, in the opinion of the judge this man was assassinated by a lawless crowd because he was brought into that community on account of his previous good reputation in order to see if he could establish law and order there.

Mr. HANCOCK of New York. May I state that the first paragraph of the judge's letter reads as follows:

I beg leave to state that as it has been quite a while since I tried the Lynn murder case, many of the facts have escaped me.

Mr. KENNEDY of Maryland. Yes; that is true. This is a very notorious case. I believe some stories about it have been published in certain magazines of Nation-wide distribution. All of them have been in sympathy with Tilghman.

With regard to the State of Oklahoma reimbursing his widow, these people of Oklahoma were required to go to the expense of putting some one there to keep a lawless Federal official from himself violating the law. There is evidence to the effect that this drunken, lawless prohibition agent without any good reason at all shot down this decent, efficient law officer.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Texas.

Mr. DIES. Is there anything in the record to explain why a jury in Oklahoma would acquit this man? My observation has been that jurors in those prohibition times were generally against prohibition agents. I cannot explain in my own mind how a jury of Oklahoma people would lean toward the one who was killed.

Mr. KENNEDY of Maryland. The jury did not lean toward the man who was killed but toward the prohibition agent on trial. The judge stated the people who were the witnesses were lawbreakers and that the jury itself was in sympathy with Lynn, the prohibition agent. They were all of a low type.

Mr. DIES. The jury was of a low type?

Mr. KENNEDY of Maryland. I would say so. The judge says all the persons involved were of a low type and in sympathy with the prohibition agent.

Mr. DIES. That is rather a reflection upon the State of Oklahoma.

Mr. KENNEDY of Maryland. The gentleman can draw his own conclusions about that if he is acquainted with the Commonwealth of Oklahoma. I am not. Perhaps such a condition could have existed there at that time.

Mr. DIES. I know that if a jury was of a low type the jurors would be inclined to be against the prohibition agent and not in favor of him.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield.

Mr. KENNEDY of Maryland. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. May I call the attention of the chairman of the committee to the fact Judge Hill of Oklahoma, who was a Member of the House during the last session but has unfortunately since passed away, was himself somewhat familiar personally with the facts in this case. He introduced this bill and was very much in favor of its passage. He believed it was only fair the United States Government should step in here and reimburse the widow to a certain extent. Judge Hill himself was personally acquainted in some measure with the facts.

Mr. KENNEDY of Maryland. Is it not true the evidence showed the prohibition agent was accompanied by two women and a soldier and there was a half a gallon of liquor in the car at the time, and that all had been drinking?

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 28, noes 29.

So the amendment was rejected.

The Clerk read as follows:

Title IX—(H. R. 3954. For the relief of Milo Milliser.) By Mr. HULL

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Milo Milliser, of Barron, Wis., the sum of $5,000 in full settlement of all claims against the United States for permanent personal injuries received at the hands of a Federal officer of the Lac du Flambeau Reservation on October 9, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 9, line 4, strike out "$5,000" and insert in lieu thereof "$1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title IX.

Mr. COSTELLO. Mr. Speaker, this particular title provides for the payment of $1,000 to the claimant by reason of the fact he was shot in the arm by a policeman on an Indian reservation. At the time there was at large a certain Dekorah, who was wanted by the police. This police officer, believing Dekorah was possibly in the car, went up to the automobile, put one foot upon the running board, and ordered its occupants to stop. Instead the car immediately started to move and the driver attempted to get away from the police officer. The officer retained his hold upon the car and the driver went through various curves and twists in an effort to throw the officer off the car. In an effort to protect himself, as well as to force the arrest of the driver of the car, the officer smashed a window and fired a shot into the car, believing, of course, that Dekorah was in the car. The car stopped and the officer discovered neither of the two men in the car was the Indian, Dekorah, whom he sought. However, it was discovered that in the car, upon an Indian reservation, there was liquor, in violation of existing Federal law. In addition, there were in the car the carcasses of two deer, which had been shot out of season in violation of the State law. It was for this reason the driver of the car tried to get away from the officer, in the hope he might dispose of the evidence against him and so avoid arrest.

In other words, here was a lawbreaker being accosted by an officer of the law and resisting arrest, and now he asks the Congress to pay him $1,000 because he was injured in resisting lawful arrest by a regularly constituted police officer. I do not believe he is entitled to receive any benefit whatever. The committee report shows his doctor bills amounted to only $300. It also appears some ankylosis of the arm has set in. It seems to me certainly that where one unquestionably a lawbreaker, being accosted by an officer and ordered to stop, resists arrest, he is not entitled to come to the Congress and seek relief. I am quite sure the Congress is not going to condone anyone's resisting arrest by giving him $1,000.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Texas.

Mr. MAVERICK. Was he convicted of resisting arrest?

Mr. COSTELLO. I do not know what the subsequent facts were. The question before us is whether he should be given $1,000 for receiving an injury when he refused to stop at the request of the officer.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. O'MALLEY. Was the arrest at night and was the officer in police uniform and in a police car?

Mr. COSTELLO. He announced to the occupants of the car at the time who he was when he told them to stop. I do not know that it is necessary for an officer to do more than that.

Mr. O'MALLEY. It appears to me this officer was pretty free with a gun. He did not know who was in the car, because it is admitted he did not find in the car the man he thought was there. He was very free with a gun, as a good many Federal officers, and particularly prohibition officers, always were at that time.

Mr. COSTELLO. I may state to the gentleman that very often Federal officers in going out seeking one criminal run upon another, and that is what happened here. They were seeking an Indian who had been breaking the law, and in doing so found another lawbreaker instead. The gentleman states that the officer was free with his gun, but the officer did not fire until these people refused to stop and made a very definite effort to throw him off the car and do bodily injury to the officer.

Mr. O'MALLEY. Does the gentleman contend that refusing to stop is resisting arrest and constitutes an offense which would warrant firing a gun?

Mr. COSTELLO. The fact is the officer was standing on the running board of this car when it was moving and an effort was being made by the driver of the car to throw him in the road and do him bodily harm.

Mr. O'MALLEY. That is according to the testimony of the officer.

Mr. COSTELLO. I will admit there is some dispute in the testimony before the committee, but I think these facts have been reasonably proven.

[Here the gavel fell.]

Mr. HULL. Mr. Speaker, this is a meritorious claim and the amount is extremely small, considering the nature of the injury inflicted and the manner in which it was done.

Mr. Milliser was a strong, able-bodied man who had gone some 60 or 70 miles from Barron to look at a piece of land he wanted to buy. He was on his way home with his friend Ralph Kepp on October 9, 1933, between the hours of 7 and 10 o'clock at night, in the dark, on a long, lonesome road through a wilderness. Their way was through the Lac du Flambeau Reservation. They arrived at a point near where a former resident of Barron, Jake Quaderer, had a cabin, having married an Indian wife, and who resided on the reservation. They stopped their car at that point, thinking they had gone by the byroad leading in to his house, and they intended going back and calling on that old neighbor.

As Milliser stopped his car, the man Thayer drove up in a car. Instead of the Milliser car being in motion when Thayer stopped, it had stopped alongside the road to let Thayer's car pass.

John Thayer, an Indian policeman, in his blustering manner, got out, and at that hour of the night, and in that lonesome place, jumped on the running board of the car that had already stopped. Naturally, Mr. Milliser not being familiar with the country and not knowing what kind of people had drawn alongside his car, put the car in motion in an endeavor to get away from Thayer.

Thayer's story is—and it is a peculiar story, I am surprised that the department should submit to the committee an incongruous statement like the one made by Thayer in connection with this case—Thayer testified that Milliser started up and ran the car from one side of the road to the other in an endeavor to throw him off. Milliser's testimony is that he put the car in motion not knowing Thayer was an officer, Thayer having said nothing to him about it, and in a short time Mr. Thayer reached around through the back window and shot Mr. Milliser in the arm.

Immediately the car went into the ditch. Milliser asked the officer why he had shot him and Thayer said, "It was a mistake; I thought you were another party."

As a matter of fact, Thayer was seeking a certain Indian named Decorah, who had been robbing some of the summer cabins in that country. He confessed his error. In his statement Thayer tries to cover up his mistake and his wrongful shooting, his attack on this innocent man, by stating that when he jumped on the running board of the car he saw a case of moonshine in the bottom of the car and the carcasses of two deer under a lot of blankets. What more testimony is needed from an officer who will make the absurd statement that in the dark of night, without a searchlight, he looked into the rear of a small car and saw all of that at a glance, and then pulled his gun and shot the man? It is a ridiculous story.

Now, what happened afterward? Mr. Milliser was taken to the jail at Winter, laid on the floor on a dirty mattress and his wounds became infected. Two days later he was taken to the hospital on the Indian reservation and from there to the hospital at Barron, where he was laid up for 2 months.

His arm became permanently disabled not only on account of the wound but from the infection which resulted from his incarceration in the jail.

There was no warrant issued afterward for Mr. Milliser so far as the State of Wisconsin was concerned. Thayer claims that Milliser killed deer out of season, which was a State offense. The sheriff of Sawyer was with Thayer in the car. The sheriff made his statement in this case, but he made no mention in his statement of any moonshine or deer carcasses being in the car. In fact, the statement of the Indian policeman is unsupported in many particulars in this whole matter.

Some 3 months later a Federal warrant was issued for both Mr. Milliser and Mr. Kipp, for introducing liquor on an Indian reservation. That action was dismissed as to Milliser upon the motion of the district attorney more than a year later.

Mr. Milliser has been seriously handicapped by his injuries, and the amount allowed in this bill is small compensation for him.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Title X—(H. R. 4258. For the relief of Barbara Jean Matthews, a minor.) By Mr. TOLAN

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen Matthews, guardian of Barbara Jean Matthews, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement against the Government for injuries received when her hands were crushed by a falling piano at Yosemite National Park Camp, No. 15, July 24, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Title XI—(H. R. 5104. For the relief of the Acme Wire & Iron Works.) By Mr. RABAUT

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $3,547 to the Acme Wire & Iron Works, of Detroit, Mich., in payment of its claim arising under a contract with the Veterans' Administration.

With the following committee amendments:

Page 10, line 19, strike out "$3,547" and insert "$990."

Page 10, line 21, strike out "arising" and insert "for liquidated damages assessed."

Page 10, line 22, after "contract," insert "VBc-785."

Page 10, line 23, after the word "administration", insert the following: ", executed November 18, 1930, for the construction and finishing complete of certain window and radiator grills at the Edward Hines, Jr., Hospital, Hines, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 10, strike out all of title XI.

Mr. COSTELLO. Mr. Speaker, this bill proposes to pay the sum of $990 to the Acme Wire & Iron Works, as liquidated damages in the contract for the building of the Edward Hines, Jr., Hospital, for the Veterans' Administration. The contract called for installing window and radiator grills. Their work was to be done within a period of 95 days of the date of the notice to proceed. A delay of 43 days occurred, and under the contract damages were to be assessed at $30 a day. The claimant asserts that due to an ambiguity in its contract and due to delays on the part of the Government in approving samples, it was delayed this period of 43 days in completing their work. I contend that if there was any ambiguity whatsoever in the contract, it was up to the contractor to have those ambiguities taken care of prior to the time that he signed the contract. In other words, it was up to him to know what the contract called upon him to do in the construction of this veterans' hospital. The contractor submitted to the Government blueprints of the wire grills he was going to install in this hospital, but he asked that the Government approve of those blue prints, because the samples which he was required to furnish under the contract were not yet ready to be submitted. The blueprints were promptly O. K.'d and returned to the contractor, and approximately 2 weeks passed before he submitted a sample of the grills. When it arrived it was found not to be in conformity with the blueprint which he had submitted. The Government then returned those grills and demanded an exact specimen, identical with the blueprints, and it was on account of the delay of the contractor in submitting the proper sample that the delay occurred on which the damages of $30 a day were assessed against the contractor. The Government did allow the contractor relief on a matter of 10 days, but in regard to the 33 days' delay in submitting these samples, he was not given relief, and was assessed the sum of $30 which makes the amount of this bill $990.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KENNEDY of Maryland. This bill originally was for $3,547. The committee reduced it to $990. Does not the gentleman believe that there must be some merit in the claim when there was evident dispute and the Government did allow 10 days? Of course, the claimant says that he is entitled to more than that, but there was a question of dispute, and the Government did grant part relief only. The committee reduced the claim from $3,547 down to $990, which we think is the proper amount. I might also ask the gentleman if it is not true that this bill passed the House during the last session of Congress.

Mr. COSTELLO. It is true that the bill did pass the House during the Seventy-fourth Congress. However, in regard to the 10 days which the Government remitted, I call to the attention of the gentleman the fact, appearing on page 5 of the committee's report, which shows there was a delay on the part of the Government of 10 days in approving the drawings, and for that reason, due to the fact that the contractor was delayed 10 days in having the drawings approved, the Government has remitted the penalty for the 10-day period. For the 33 days' delay occasioned by the contractor failing to submit a proper sample, the Government contends that he is not entitled to relief.

Mr. RABAUT. Mr. Speaker, I rise in opposition to the amendment. This claim grows from a difference that comes about through a misunderstanding of the plans and specifications in a contract between the Acme Wire & Iron Co. of Detroit and the Government, in connection with certain work done at the Edward Hines Hospital.

The Acme Iron & Wire Works deals specifically in metal construction—radiator grilles and window grilles. In the heating section for example of the plans and in the specifications it is usually enumerated in the caption of the section what specific kind of work is to be done in the section. The Iron & Wire Works discovered afterward one little single line in the specifications, whereby they were to install some woodwork, which is quite contrary to general procedure in metal construction. Over and above that, they were to paint this woodwork. The Iron & Wire Co., not being familiar with that kind of work, of necessity, had to do some corresponding with the Government. This necessitated a delay. Incidentally, if the entire amount which is claimed here, $3,547 over and above the price, were to be added to their contract, they would still be the lowest bidder, by far.

Yielding to an error that they have admitted, by not making further claim and in not discovering this difference, this oddity in the specification, this claim of $990 accounts for 33 days of liquidated damages at $30 a day, which we feel should be given to them.

This bill has been passed by the House, but it was passed at a late date in the Seventy-fourth Congress. It was passed too late to be passed by the Senate.

I hope the House will give consideration to the request.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The SPEAKER pro tempore. The question recurs on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. KENNEDY of Maryland, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, permission to revise and extend their own remarks was granted to Mr. COCHRAN, Mr. HULL, Mr. KENNEY, and Mr. KENNEDY of Maryland.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein some communications I have received from my State Highway Commission.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order heretofore granted, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 15 minutes.

ORGANIZED LABOR

Mr. WOODRUFF. Mr. Speaker, the crucial test of the American labor movement is at hand. It has reached that point in its history and development when it must make a choice of one of two roads—continued solution of labor's problems by labor itself or surrender to a directing force outside the ranks of labor. This test has come, as it might have been expected to come, after a long depression which has tried the courage and the patience of the people, and which has taxed the ingenuity of the best thinkers of America to find the way out.

In such times as these there is always a very great, sometimes an overwhelming, tendency of the masses of the people to turn for guidance to the Federal Government; to shift to the shoulders of the Government the burden of responsibility and the task of providing the means and the methods of escape from those distressing pressures incident to every depression. And that tendency to reliance upon the authority and the resources of the Federal Government has been invited, fostered, and encouraged during the last 5 years as it has never been before.

Such a course, however, carries with it inevitable regimentation and regulation of the activities of the citizens of all classes—of industry, of agriculture, of labor—which, if pursued, must finally merge into an authoritarian form of Federal control. The only safeguard against that drift is for the spirit of independence, of personal and individual initiative, to be kept alive and fanned into the flame of self-confidence and aggressive effort.

Over the years the American Federation of Labor has been building up the confidence of the Nation in the constructive and sound policies of the labor movement founded by Samuel Gompers and for half a century wisely led by him. It has consistently urged the doctrine of protection and betterment for labor and the advancement of all wage earners' interests regardless of membership in any given organization.

Under the leadership of that great labor statesman, Samuel Gompers, and under the guidance of his disciples since the death of the old master, that movement has culminated in the public and legal recognition in America of the right of self-government in labor relations, the right of collective bargaining, and the realization that the welfare of the laboring classes is inseparable from the welfare of the Nation as a whole.

Meanwhile, opportunism has found its expression in another labor movement, the C. I. O., which has not been characterized by the constructive democratic policy which distinguishes the American Federation of Labor. Instead, that new organization has expressed the philosophy of a labor despotism. Self-appointed and self-perpetuating leaders have assumed control of the movement. It is shot through and through with communism and radicalism. It has behind it a record of industrial disorder, lack of discipline, irresponsibility for pledged word, and disregard for signed contracts—those earmarks of lawlessness and lack of due regard for the good of the whole. There is no question but that the whole labor movement has greatly suffered from the irresponsible actions and the lawless excesses of the C. I. O.

Now we find that powerful influences are being brought to bear to compel the American Federation of Labor to abandon those principles and those ideals for which Samuel Gompers so long labored and fought, and to submit to being swallowed up by the supposed numerically more powerful C. I. O.

On January 5 the newspapers carried this account of a Presidential press conference. I quote:

> Meantime, pressure is to be brought on William Green, president of the A. F. of L., and John L. Lewis, C. I. O. chieftain, to bury the hatchet. This failing, the President plans to recommend legislation to cure the problems of the labor factions for them.

And it is to decide whether or not the American Federation of Labor is to submit to this program of coercion that the executive council of that time-honored and stable democratic labor organization is now meeting in Florida

The vital points on which the American Federation and the C. I. O. are in fundamental disagreement, as I understand it, are these: The C. I. O. claims now to have a book membership exceeding in numbers that of the A. F. of L. A majority of that C. I. O. membership, it is reported, is not paying dues. Many Communists and other radicals infest the membership.

The American Federation of Labor counts as members only those who carry out all the obligations of membership, including dues payments and strict observance of contracts between the A. F. of L. unions and employers.

The C. I. O. leaders want their entire book membership taken in by the A. F. of L. regardless of those who pay dues and those who do not, and regardless of those who violate solemn agreements and those who do not.

The C. I. O. leaders evidently want to carry with them into the American Federation of Labor Communists and other radical elements which the A. F. of L. always has excluded from membership within its ranks. The leaders of the C. I. O. are engaged in the organization of a radical political labor party which is determined to sweep labor problems from the economic field, where they property belong, into the political field, where such problems would become the pawns of dangerous partisan and political forces and feuds.

The American Federation of Labor has always clung to the policy of keeping these economic questions entirely within the economic field.

These, Mr. Speaker, are, I think, the fundamental differences between the two organizations which now prevent any amalgamation.

It is fitting—perhaps I should say it is vital—at this time to recall some of the ideals, some of the principles, for which Samuel Gompers gave a lifetime of energy and devotion to establish as the fundamental philosophy of the American Federation of Labor. Hear his words, as quoted in 1924 in the Senate of the United States—long before this new movement arose to challenge the supremacy of Gompers' philosophy of integrity and responsibility in the organized labor movement. I quote:

> Freedom is not a condition, nor is democracy a condition. Freedom is the exercise, the functioning of freedom, the practice of freedom, the practice of democracy. All that society can give, all that government can give, is the opportunity for freedom. It depends upon the people to be intelligent and to grow into the feeling, the exercise, and the practice of the function of freedom. It was because the principles of freedom and democracy were menaced by the system of autocracy and militarism that the people of our country, and the peoples of other countries, and of other democracies of the world rallied around their banners and declared and made good their willingness to make the supreme sacrifice for the principles, the institutions, and the practice of freedom which were threatened to be overwhelmed and crushed.

Samuel Gompers never permitted fine-spun theories and impracticable political panaceas to control his movements or change his convictions. Hear again his words of warning against intrusions of government into the field of voluntary collective adjustment of hours and wages and labor conditions. I quote:

> The field is littered with the whitened bones of those who have gone seeking salvation through laws. This (fact) the American labor movement has recognized, and there is no immediate danger that this (our) philosophy will be deserted in favor of whims and caprices of similar portent. In the realm of political life there is always present the great personal necessity for remaining in political life. In the realm of industry there is only the necessity of going forward with the tasks and battles of industrial life, out of which we cannot emerge even if we should wish to. The facts are inescapable; the battles must be fought where they are. Industry is real, as real as the tools, the iron and coal, and wheat. Men can lay their hands on the things of industry and get the feel of them. There is a definiteness in industry, a great, all-enveloping, all-enfolding definiteness that comes as natural to mankind as life itself, because we go through life by the feel of these things of industry.
>
> There is nothing fixed and definite in the realm of abstraction, in the realm of politics. It lends itself to a false understanding of things that are real. When men depart from the fundamental productive process of the life of the world there is no power on earth that can guarantee the accuracy of the course they will pursue. Look back upon the record of falsity made by these movements of abstraction in the war. Against such error the American labor movement in its loyalty to the cause of mankind sets its face and must continue to set its face.

Contrast this statement of a profound philosophy worthy of a Jefferson or a Lincoln or a Wilson with the public declarations of the promoters of the Communist-Labor political party movement, Mr. Speaker, and see who towers as the sound exponent of truth and progress.

> Under the leadership of Samuel Gompers the American Federation of Labor has achieved its political and legislative success through a political policy distinctively the product of American traditions—
>
> Said a former Member of this House—
>
> Samuel Gompers refused to be beguiled by alluring propaganda from foreign countries and maintained steadfastly a practical and constructive political policy within the American labor movement. He held that the issues involved concerned not only a group but the whole Nation, and he refused to let the federation be forced into a position of class partisanship.

This, Mr. Speaker, is a brief outline of the fundamental policies of the American Federation of Labor up to this hour of crisis.

Were not the welfare and the security and the prosperity of the whole Nation involved in these decisions which must be reached at Miami, Fla., by the executive council of the American Federation of Labor this very week, we, as legislators, would, perhaps, be little concerned as to those decisions. But since the very economic life and destiny of this Nation are involved, it is our duty to interest ourselves in them.

The American Federation of Labor has risen to its high and honored place in the economic affairs of the Nation by reason of its undeviating adherence and devotion to the

ideals and the philosophy of Samuel Gompers. It has merited and has received the confidence of the Nation because of the course it has pursued and because of its record established over the years. With that great confidence reposed in it by the Nation has come a responsibility of which the executive council of the federation cannot at this time be insensible and to which it cannot be unresponsive.

It is the duty of the American Federation of Labor, through its executive council, to continue to merit the confidence reposed in it by the American people, and while it is most desirable that amalgamation of these two great organizations shall take place, this ought not be done until the C. I. O. is freed of every communistic, radical, lawless, and irresponsible element—until its purposes and policies are on a par with those of that great leader of labor.

Those charged with responsibility for the decisions in the federation should stand with that same courage which made Samuel Gompers one among the great humanitarians and leaders of the civilized world, against all the influences that could be brought to bear by those who would maneuver the federation into any alliance which would destroy the policies which Samuel Gompers gave a lifetime of effort to establish in the labor movement. It would be tragic if a final defeat should come to the life work of so great a man.

Mr. Speaker, I firmly believe that the executive council of the federation will preserve the confidence reposed in it by the Nation as the greatest democratic organization of workers the world has ever seen. [Applause.]

The SPEAKER pro tempore (Mr. THOMASON of Texas). Under the previous special order of the House, the gentleman from Texas [Mr. MAVERICK] is recognized for 15 minutes.

TENNESSEE VALLEY AUTHORITY

Mr. MAVERICK. Mr. Speaker, we hear slurring charges and rosy praise of the T. V. A. Whatever is true, this is the most important phase of the Democratic administration; its enemies want to break it down, and its friends want to build it up.

With the charges by the enemies of the T. V. A. are also demands for investigations, and so I, as one of the friends of the T. V. A., not fearing the result, have also demanded an investigation. These demands for investigations are based on charges of the T. V. A. selling power at less than cost, intimidation of utilities, sales to monopolies—also at less than cost—wrangling of the directors, and the usual ones of inefficiency and waste. One of the critics says, "The revelations of T. V. A. will be more scandalous than Teapot Dome."

POWER THE BIG ARGUMENT—RAMIFICATIONS OF T. V. A.

But the real argument, the big argument, is on the sale of power. By the sale of power the Government can help pay for the vast project; and private power companies oppose the idea because they either believe or imagine they will make the money collected by the Government if they can force the Government out of the field. Personally, I can see no reason why the American people should not have cheap power made by their own Government; and it seems the entire judiciary, up through the Supreme Court, is in agreement.

The power companies are willing, of course, for the Government to spend as many millions as T. V. A. pleases on other activities, if there is no profit in it. That is the reason the main purposes are now being subordinated. These purposes include the general welfare of the people, in the form of prevention of soil erosion, tree planting, navigation, flood control, production of cheap fertilizer, and national defense. Because there is money in it, the fighting outside the T. V. A. has been bitter and long.

POLITICAL STINK BOMBS OR AN HONEST INQUIRY?

But inside the T. V. A. has been some fighting, too. For that reason I joined in the effort to obtain an investigation; but I do not favor a mere investigation in the usual sense, where there is a publicity stunt for the throwing of political stink bombs. I hope a study is made of the project in all of its ramifications and that it will be fair and unbiased.

Those who oppose Government ownership have a right to know whether the T. V. A. is being properly managed, or whether money is being wasted; the friends of T. V. A. want to know the real truth, too, so that if there are faults, they can be corrected. No government, whatever theory it is based upon, can countenance inefficiency, waste, or corruption.

So let me start inside the T. V. A. and work out. It is run by three directors, a sort of Roman triumvirate. Theoretically, the work is divided and they should get along with each other; but the directors fight and yell at each other in public. The more famous triumvirate, composed of Pompey, Caesar, and Crassus, all died violent deaths; and the three directors of the T. V. A. run the chance of having political deaths, but will save their own skins. The T. V. A. is the one which will really suffer.

For that reason we should investigate, study, inquire, by a proper committee, and find out what the fuss is. For members of a great board like that, a board handling the most important work of the Government, to fight like cats and dogs in public, is poor business. No one ever heard of the directors of the Steel Trust, the Chrysler Corporation, or other big businesses putting on an African battle royal for the public.

HILLBILLIES, FOLK DANCES, FERTILIZERS, AND RESIGNATIONS

A brief resume of the directors is worth while. Chairman Arthur Morgan, a well known and distinguished engineer and college president, got on the job first. He was full of idealism, which was not to his discredit.

He made up his mind to get the Tennessee hillbillies to making colorful pottery, singing beautiful songs, and doing folk dances in quaint costumes.

But the Tennessee mountain boys did not take to it. They really wanted groceries and jobs instead.

Dave Lilienthal arrived, an able, La Follette-trained lawyer, specialized in power; Harcourt Morgan, of the University of Tennessee, got busy and took as his specialty fertilizer and most anything concerning agriculture. Chairman Morgan, originally the dominant member, soon worked himself into a minority. He demanded Lilienthal's resignation. It is reported the President would accept no resignations; and the result is the fight has been much worse ever since.

This Caesar-Pompey-Crassus or ordinary yowling-yelping cat-and-dog act should be stopped by Congress. Afterward it may be necessary to change the law to provide for one administrator, but that would have to be determined by the results of the investigation. I believe we should have one administrator instead of three directors, but we cannot tell, according to the present facts, whether we should or not.

WENDELL WILLKIE AUTHORIZED TO SELL BY POWER WORLD

The other reason Congress should inquire into or study the situation is the question of public power. This has been brought to the forefront for the whole Nation because Mr. Wendell L. Willkie has asked the Government to purchase the properties of the Commonwealth & Southern. In submitting this suggestion, which is in effect an offer to sell this utility and his subordinate utilities, Mr. Willkie has undoubtedly discussed this with the leaders of the power world.

It is, therefore, evident that the leaders of the power world have decided that Government ownership is here to stay, as certainly as the Post Office, the Army, the Navy, schools, and other public functions. They know the courts have decided that way, as well as American public opinion. Since the utility world has thus in effect offered to sell and get out of the field, we, as the representatives of the people, must make the inquiry and study necessary to understand these questions, and so we may act intelligently as their representatives.

FOUR METHODS SUGGESTED TO HANDLE POWER QUESTION

Mr. Willkie, on behalf of his holding corporations and other utility interests, has offered four suggestions to the T. V. A.

First. Divide up the territory.

Second. Pool with interests such as Commonwealth & Southern.

Third. Sell power to Commonwealth & Southern for resale.

Fourth. The latest—purchase of the Commonwealth by the T. V. A.

In connection with this and other relations of the T. V. A. and the power companies, especially the Commonwealth, it can be truthfully said the T. V. A. has been continually double-crossed by these power companies. While the power companies have talked compromise and settlement, they have been out doing the double-crossing.

WIDESPREAD, SUBSTANTIAL INTERESTS OF AMERICAN PEOPLE

Now they are ready to settle because the courts have acted fairly with the T. V. A.; the dilatory and unfair tactics of the power companies are to be stopped—simply because they cannot get away with it any more. But as I said in the first place, there are numerous other features of the T. V. A. of widespread, important, and substantial interest to the American people.

Take just one—fertilizer. That is of fundamental national importance, and upon that activity may depend the life of this Nation.

This is true in relation to the necessity for it in soil preservation; and of its part in national defense, or the creation of explosives. Fertilizer is hard to dramatize. You can always picture water rushing over a dam, but a picture of someone throwing fertilizer is just a picture, and a funny picture at that; all you can think of is the smell.

Tree planting, prevention of soil erosion, flood prevention, navigation—all are vitally necessary in our life, but those activities, too, are hard to visualize. Planting a tiny sapling seems ridiculous, and there you have, as in many sensible activities, someone making idiotic and superficial remarks about boondoggling.

Concerning all these activities, anyone could spend a month talking. T. V. A. is a big question; in fact, it is the biggest domestic question facing America, for the principles involved concern the saving of our natural resources, and hence our human resources.

As I said in the beginning, the power question is the big one, because there is money in it. But the Supreme Court has held the United States Government can lend all the money it pleases to American cities for power projects, and may do so whether the money is used to run private plants out of business or not. T. V. A. in effect has already been held constitutional; but again a three-judge circuit court has held it constitutional beyond a doubt, and again whether its existence puts private companies out of business or not.

The law there seems as sound as the Government or subdivisions of it building schools, even though such building puts private schools out of business. With the law well accepted by the people and the courts, and the future of at least a large measure of public ownership in utilities, it is positively necessary that we should study the subject faithfully.

HOWLS OF "SOCIALISM," BUT WE MUST FACE FACTS

I know, of course, that the T. V. A. gives its opponents an opportunity to howl about socialism, but whatever the "ism," the subject is before us for settlement. And as for being socialism, we have but to turn to Scandinavian countries where the power industry is operating successfully by a combination of all the methods of pools and combinations of ownership both by the State and by private ownership.

The use of electricity in this country is extremely low in comparison to our resources and possibilities. Many other much poorer countries have far better and more widespread facilities for the people.

METHODS OF INVESTIGATION OFFERED BY HOUSE OR TRADE COMMISSION

Concerning the investigation, I have offered one simple House resolution providing for an investigation by the House itself. The other is a bill, exactly the same as offered by Senator GEORGE NORRIS, which provides for an investigation by the Federal Trade Commission. This bill has already been reported out of a Senate committee and will probably be passed by that body and sent over to this House for approval or disapproval. The Trade Commission already has the set-up to go ahead at once; some believe it is a better method than the investigation provided in my House resolution.

Personally, I do not care which method is pursued. But that we should make a careful, studious, honest, and courageous investigation of the Tennessee Valley Authority seems evident. Whether we are Republicans, Democrats, Progressives, or Farmer-Laborites, we owe the Government efficiency.

Whether we are enemies or friends of the T. V. A., we want to know the truth.

Let us have the investigation and find out. [Applause.]

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. GIFFORD. The gentleman used a trio of famous names in a certain sequence. I wanted to ask the gentleman which was Caesar, which was Pompey, and which was Crassus, for I assume that he must, by his sequence, have wished the inference drawn that Morgan, by reference of his relation to position, was Caesar. Does not the gentleman fear that a Mark Anthony might arise to arouse the people to do away with Caesar?

Mr. MAVERICK. I consulted the encyclopedia this morning. To make a frank confession, I had supposed that the third member of the triumvirate was Cassius, but the encyclopedia said it was Crassus. I do think Morgan has been acting like a Caesar. I think he needs a little bit of a lacing down. That is only my personal opinion. I should like to see a fair investigation to ascertain the truth.

Mr. GIFFORD. He is the one the gentleman would like to see nonsupported in the contention?

Mr. MAVERICK. I do not quite understand the gentleman.

Mr. GIFFORD. The gentleman rather feels, does he not, that Mr. Morgan is the one who should receive the punishment? The gentleman is rather favorably inclined to the others, is he not?

Mr. MAVERICK. I am favorably inclined toward Lilienthal and Dr. Harcourt Morgan, yes; but, as far as I am concerned, if the members of a great and important Government body cannot get along with each other, all their heads ought to be cut off right even with their shoulders.

The people are entitled to efficiency and unity. They ought not to have to listen to quarrels.

Mr. GIFFORD. My question is: Knowing the temper of our people, does not the gentleman feel that a Mark Antony might arise to arouse the people against doing away with the activities of Mr. Morgan?

Mr. MAVERICK. Yes; I think that is possible, but I did not go far enough back into Roman history to say. They say Shakespeare's version is not historically correct, anyhow. The point is, I want to see an honest, impartial, full investigation. Then let the chips fall where they may; let them hit any or all of the triumvirate, the power companies, Wendell Willkie, or anyone else, whatever toga he may wear.

Mr. GIFFORD. I rose only for enlightenment. While formerly I was a teacher in high school, I had forgotten some of these things.

Mr. MAVERICK. Well, I at least once was a student in high school. [Laughter and applause.]

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. WOODRUM in the chair). Under the previous special order of the House, the gentleman from Michigan [Mr. HOOK] is recognized for 15 minutes.

THE FARM BILL

Mr. HOOK. Mr. Speaker, I understand that we are to have very shortly a conference report on the farm bill. You will remember that as the bill passed the House of Representatives and as it passed the Senate it contained what is known as the McNary-Boileau amendment, concerning grasses and legumes.

Had this bill been enacted into law as originally proposed, we would have given the farmers of America a farm bill so shackling in its regimentation that the dairymen who took part in our great agricultural conservation program could

not have fed their dairy cows and other livestock producing for the market on the pastures, hay, and other soil-conserving crops encouraged under the program.

In case of drought they could not have received the much-needed awards under the agricultural conservation program if they fed any livestock producing for the market even to keep their famished stock alive under the drastic terms of the Boileau-McNary amendment as at first proposed. Drought threatens us again, with the fall and early winter rain in Iowa, Nebraska, South Dakota, and Kansas only a little more than half normal, and a serious shortage of fall and winter rain reported for Wisconsin, Minnesota, North Dakota, Colorado, Oklahoma, New Mexico, and Arizona. The Weather Bureau's release of January 12 states that "next year's crops, with but little reserve moisture to draw upon, must depend largely on spring and early summer rains." In other words, unless unusually copious spring and summer rains fall, another great drought is apparently in the offing which will involve many States.

The Secretary of Agriculture, on January 11, in addressing the Senate on rural relief needs, stated:

> A particularly acute situation exists in approximately 10 counties of northeastern Wisconsin, as a result of unusual drought conditions confined to that area. A detailed investigation revealed that approximately 6,500 destitute farm families in these counties will require monthly subsistence grants for the remainder of the fiscal year.

Does not my estimable colleague, the gentleman from Wisconsin, know even now that 7 of the counties in his district are among the 10 indicated by the Secretary of Agriculture as receiving drought relief, and needing more?

The effect of the McNary-Boileau amendment on the large number of destitute constituents in his own district would be to add immeasurably to their misery by keeping from them awards for taking part in the agricultural conservation program, and preventing them from selling any livestock products or poultry produced on crops benefited, much as they need this income. These people need both the assistance of the agricultural conservation program and the money from such products as they may have to sell from their livestock and chickens.

Only Congress, in case drought continues, could tell these good farmers of Wisconsin of drought-affected areas of the West that they could feed their crops. No means were provided to administer this program in order to adjust to the calamity of drought, as was found necessary in 1934 and 1936. Hoard's Dairyman and the Wisconsin Agriculturist, and the leading authorities of the dairy industry, have repeatedly stated that any program built to advance the dairy industry must include the improvement of pastures and the increase in the growing of legumes.

That venerable dairy authority, the late Governor Hoard, stated that "The cow is the foster mother of the human race." We in Congress and the people of America, in general, look upon the dairy industry as the foster mother of American citizens. We would not for a moment see this industry injured in order to forward other interests. It is most regrettable that misinformation spread by lobbyists representing selfish interests, it is said, at the instigation of the "fats and oils" and manufactured concentrated feed interests, has placed the dairy industry in a selfish light. The facts are that the dairy industry in 1937 had its best year since 1930, aided, not injured, by 5 years of the agricultural-adjustment program. The outlook for 1938 is for an even better year. An amazing thing is that the cooperative dairy and livestock associations, appealed to by Washington lobbyists to support the Boileau amendment, are now sending wires, letters, and representatives to Washington, urging Congresssmen and Senators of their districts to undo the harm done by the passage by the House and Senate of this obnoxious legislation—the Boileau-McNary amendment—and that Mr. Charles Holman, secretary of the Milk Producers' Association, is reported to be, himself, asking the same ones whom he requested to pass this shackling feature to modify it.

It is an outrageous situation when earnest Congressmen and Senators, working in special session to pass a much-needed farm bill for the benefit of agriculture and the Nation, are caused to lose much valuable time by what appeared to be honest appeals from their constituents, but which later turned out to be the result of letters and telegrams sent on the instigation of a Washington representative. Is there not some way to protect Congress in the future from this type of lobbying? Many of these Washington representatives, after a number of years' service in Washington, no longer represent the real interests that they are sent to Washington to serve, but frequently come under the influence and in the pay of other interests opposed to the true interests of dairymen, livestockmen, or the farmers. The lobbyist nuisance has achieved such a menace that I recommend that Congress institute an investigation into the status of any lobbyist that attempts to influence legislation either by direct lobbying in Washington or by appealing to individuals, farm organizations, private companies, or other interests throughout the Nation. This in no wise prevents the free interchange of ideas by letter, word of mouth, telegram, or in the press, or personal presentation by earnest individuals who think they have just cause, but, we as Congressmen, must know when inimical interests pay for such service, who they are, and what their objectives are. When a Washington lobbyist fans sectional feeling, stirs up discord, misrepresents facts, and gets telegrams and letters sent to Congressmen and Senators urging the support of unwise and ridiculous legislation, we, in Congress, apparently have at present no adequate defense.

As a Congressman from the great dairy State of Michigan I am interested in advancing the interests of dairymen, both for the good of the industry and for the general public welfare. It is conceded that great numbers of our people, particularly underprivileged children, are not getting enough milk. It is also conceded that the best way to constructively help the dairy industry is to increase the consumption of milk. I intend again to introduce in Congress a bill whose primary purpose is the increase in the use of milk by children of school age and underprivileged children throughout America. This bill, first introduced as an amendment to the Federal farm bill, failed to pass in Congress by a few votes. I am confident that with the passage of a few weeks the House and Senate will give it a more favorable reception when next introduced.

After 3 years of the emergency Agricultural Adjustment Administration, the agricultural interests, including the dairy interests, of this Nation have been advanced remarkably from the depression period of 1932. And, as indicated by the Secretary of Agriculture in his New Year's Day message to the Nation, the total production of 52 leading crops, including our bread grains, cotton, fruits, and vegetables, was higher than at any time in the history of the Nation. A campaign of political carping against the administration's effective program to benefit agriculture and national prosperity harped on scarcity and destruction. The facts belie these false charges. The program is one of balanced adjustment which aims at plenty for all and at the same time aims to prevent the farmer from the debacle of the low price levels. Great progress has been made in the democratic planning and execution of an agricultural program within the general lines indicated by Congress. More than 4,000,000 farmers have cooperated. The effect of the Boileau-McNary amendment as it first was introduced would have been to present to this Nation a type of regimentation not known heretofore. If left in the farm bill, it will undo 5 years of progress and democratic development; it would have brought suffering both to the dairy interests and to drought-ridden people wherever drought might again occur; it would have reduced the amount of milk and meat available for the public; it would have given the dairy and livestock interests a great set-back, because they need more roughage and pasturage feeds in order to produce meat and milk cheaply and effectively, and to protect the health of their herds and flocks.

Thank God our committee of conferees is attempting to find a way to save us, in part at least, from committing this gigantic legislative blunder. The original Boileau-McNary

amendment was a legislative "bull," sired by chicanery out of misunderstanding, and nursed by lobbyists skilled in steering. One of the most vicious lobbys ever experienced by Congress put this monstrosity over. Regardless of what we, as Congress, may be able to do to control such lobbying, should such a lobbyist slip through my door, I intend to throw him out without ceremony or loss of time.

Mr. Speaker, I hope the conference committee will wipe out this obnoxious amendment from the bill, because the very men who misled the Members of this House are now going over to the Senate and asking them to modify the amendment in order to save their own faces, but in the meantime putting you men and women directly on the spot. It is about time we rid ourselves of such vicious lobbying.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I agreed with the gentleman some weeks ago in connection with an amendment he offered in favor of better milk and additional production of milk for the American people. I agree with the gentleman with regard to lobbying and the pernicious effect of it. I am particularly interested in what he said about the Boileau amendment. I believe it is the most vicious kind of legislation I have witnessed in my brief stay here. I agree with the gentleman that it ought to be eradicated. At the present time, as I understand, it is in conference. Having been in the House bill and in the Senate bill, what are the prospects of a modification of the Boileau amendment? I think quick action will be necessary before the conference report is submitted. If there is no chance of getting it out, I do hope it can be made harmless.

Mr. HOOK. I understand it is in conference. I would suggest that there be inserted on page 171, after the fourth word, the following:

That if the interests of established dairy and livestock producers are shown to be injured, the Secretary of Agriculture is authorized to hold public hearings to determine the extent of such injury and, if deemed advisable by the Secretary, he shall require—

And then follow that with the wording of the Boileau amendment. That will give the dairy and livestock industry protection if and when it may be needed, but will not regiment the farmer.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. O'DAY. Mr. Speaker, once before I called attention to the Mooney case. Mooney is now rounding out his twenty-second year in San Quentin Prison.

I have in my hand a copy of the suppressed report issued by the Wickersham Committee, which deals with this particular case. This was suppressed when the reputedly full report of the entire committee was given to the public.

This report proves the shocking miscarriage of justice in this particular case.

Mr. Speaker, this is being taken up again by a committee in the Senate headed by Senator O'MAHONEY, who is chairman of the subcommittee. Hearings are going to be held very soon. I hope every Member will secure a copy of this little booklet from the Library and see for themselves the conclusions reached by the Wickersham Committee after experts studied the conditions existing with reference to law enforcement.

Mr. Speaker, for 21 years Tom Mooney has been held in a California prison in spite of the fact that an aroused public is painfully aware that his conviction was a shameful miscarriage of justice.

All but one of the surviving jurors in the case have testified that post-trial revelations had convinced them that he was innocent of the crime for which he was convicted.

In his pre-war trial, Mooney was charged with first-degree murder of Hettie Knapp, who was killed by the explosion of a bomb during a preparedness parade in San Francisco. In 1917, he was declared guilty and sentenced to death.

In spite of the war fever which ran high in those days, there were many who believed the testimony upon which he was convicted was too flimsy and contradictory to justify such a sentence and at the intervention of President Wilson, it was commuted to life imprisonment.

In 1933, he was tried on an indictment not used in the original trial. He was charged with the murder of Arthur Nelson, another victim of the bombing and at this trial, on instructions from the presiding judge, he was acquitted. Obviously, Mooney could not be guilty of the one crime without being guilty of the other, yet this same presiding judge refused to admit the introduction of new evidence designed to clear Mooney for all time.

A subcommittee of the Wickersham committee was charged with the study of lawlessness in law enforcement and selected the Mooney case for study. The conclusion of the experts on this subcommittee pointed so clearly to the shocking miscarriage of justice that their findings were suppressed by the administration in power and did not appear in the supposedly complete report of the National Commission on Law Observance and Enforcement issued to the public. It is now available.

Meanwhile, the Mooney case has aroused international interest.

National interest was first roused and kept alive by two devoted and loyal women, Mother Mooney, whose efforts to obtain justice for her son ended only with her death, and Rena Mooney, his wife, who still carries on her heartbreaking fight for his release.

Today, a congressional committee is acting on the case, and a subcommittee under Senator O'MAHONEY is scheduled to hold early hearings. The committee has the support of labor in the effort to bring the matter to the Supreme Court of the land in order that justice may right this wrong that stands in the eyes of the world as an indictment of American jurisprudence.

EXTENSION OF REMARKS

Mr. DALY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an amplification of a statement I made before the House last spring regarding trade agreements that have been entered into between the Secretary of State and various foreign countries.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WILLIAM GREEN AND HIS POSITION ON WAGE AND HOUR LEGISLATION

Mr. McFARLANE. Mr. Speaker, while the wage and hour bill was pending before the House, we received telegrams from Mr. Green asking us to vote against the wage and hour legislation. In reply to this telegram I referred to Mr. Green's Dr. Jekyll and Mr. Hyde gymnastic attitude on this question. On yesterday I received a letter from him apparently resenting my remarks.

On November 23 I wrote Mr. Green and Mr. Lewis the following letter, urging them to compromise their differences in the interest of the rank and file of labor:

Hon. WILLIAM GREEN,
President, American Federation of Labor, and
Hon. JOHN L. LEWIS,
Chairman of the Board, Labor's Nonpartisan League,
Washington, D. C.

GENTLEMEN: I have your letters of November 22 with enclosures regarding petition to discharge the Rules Committee on the fair labor standards bill, giving your views regarding same. I signed this petition to discharge the committee last Wednesday. It seems to me that the A. F. of L. and the C. I. O. should get together and

bury the hatchet in the ground rather than in each other, so that you can fight the common foe that, right now, seems to have you hopelessly divided, thus destroying the effectiveness of your organizations. Grant's remarks concerning the Democratic Party, I think, are equally applicable to your organizations. Why can't both of you see that capital has and is driving a strong wedge between you and the opportunities you now have of really cooperating and doing something constructive for labor? Besides, you are crucifying the friends of labor in Congress who desire to do something worth while for labor.

Very truly,

W. D. MCFARLANE.

On November 26 I received the following letter from Mr. Green:

WASHINGTON, D. C., *November 26, 1937.*

Hon. W. D. MCFARLANE,
Member, United States House of Representatives,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I cannot understand why you would address a letter to me such as you did under date of November 23. You must know that the American Federation of Labor had nothing to do with the set-up of the C. I. O. The group who set up this organization withdrew and left the house of labor and created a dual union. What is the reasonable thing to do when those who are with you leave you and set up a dual movement? Should the original movement be dissolved and surrender or should those who left be required to come back?

No good purpose can be served in a situation such as now exists in the ranks of labor through the delivery of such a lecture as you submitted in the communication you sent me.

Sincerely yours,

WM. GREEN,
President, American Federation of Labor.

To which letter I replied on November 29, 1937, as follows:

NOVEMBER 29, 1937.

Hon. WILLIAM GREEN,
President, American Federation of Labor, Washington, D. C.

DEAR MR. GREEN: Yours of the 26th is just before me. I am, as you know, the friend of labor; my record shows it.

I recognize the responsible position you hold, and if labor is led aright it must look to you for leadership. We in the trenches must look to that leadership for results. On the outside we must not, cannot, attempt to assess the blame for lack of harmony. The division, the lack of harmony, would indicate that someone had erred. That labor is now divided into two almost equal camps would indicate the probability that both sides had erred. A genius would discover the cause of the division and use every means to remove it. Most real progress is brought about by compromise, not of principle but methods. I have high regard for you personally and the position you occupy. If the matter is to be remedied, you certainly are one of the men to whom we must look to bring it about. The friends of the cause are very hopeful that your genius will find the way to bring the very desirable result about.

With highest personal regards, I am,

Very truly,

W. D. MCFARLANE.

On December 16, Mr. Green sent me the following telegram, urging me to vote against the wage and hour bill, as follows:

WASHINGTON, D. C., *December 16, 1937.*

Hon. W. D. MCFARLANE,
Washington, D. C.:

Because the pending wage and hour bill is highly objectionable to membership of American Federation of Labor I respectfully request you vote to recommit to the appropriate committee for revision, study, and necessary changes in order to make it a practical and constructive measure.

WILLIAM GREEN,
President, American Federation of Labor.

To which I replied on December 17, asking him to explain why he had changed his position:

DECEMBER 17, 1937.

Mr. WILLIAM GREEN,
President, American Federation of Labor,
708 Fourteenth Street NW., Washington, D. C.

DEAR MR. GREEN: I have your telegram of December 16, stating the wage and hour bill pending is highly objectionable to the membership of the American Federation of Labor.

I will appreciate your advising me promptly what provisions of this bill are objectionable and what amendments you recommend to correct same.

I am in a way familiar with the Dr. Jekyll and Mr. Hyde attitude on this legislation and am wondering just what your gymnastic position on this matter means.

Will you kindly let me have a specific reply to the questions raised, without beating the devil around the stump?

Kindest regards.

I am yours truly,

W. D. MCFARLANE.

On Janary 21, 1938, I received a reply to my letter of December 17, 1937, as follows:

WASHINGTON, D. C., *January 21, 1938.*

Hon. W. D. MCFARLANE,
Member of Congress, House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter dated December 17, the American Federation of Labor acquainted you with the features of the wage and hour bill which were objectionable to the American Federation of Labor and with the amendments it offered. We proposed a definite foundation for wages and a ceiling for hours.

The bill which was pending provided that a single administrator could fix wages geographically, which meant there could be a series of different minimum wage standards and hours for the Nation. That feature of the bill was highly objectionable to labor.

I do not know what you mean by referring to the American Federation of Labor as Dr. Jekyll and Mr. Hyde or your quotation "gymnastic position." If it is what I think it is, I resent it.

Very truly yours,

WM. GREEN,
President, American Federation of Labor.

To which I replied, giving volume and page, as follows:

JANUARY 24, 1938.

Hon. WILLIAM GREEN,
President, American Federation of Labor,
Washington, D. C.

DEAR MR. GREEN: I have your letter of January 21, 1938, replying in part to my letter of December 17, 1937.

In the last paragraph of your letter you state:

"I do not know what you mean by referring to the American Federation of Labor as Dr. Jekyll and Mr. Hyde or your quotation 'gymnastic position.' If it is what I think it is, I resent it."

Since you do not seem to understand what I mean by the last two sentences of my letter of December 17, I will simply quote from the records to diagram your Dr. Jekyll and Mr. Hyde performances and the gymnastic positions you have been taking before Congress. The two sentences in my letter referred to are: "I am in a way familiar with the Dr. Jekyll and Mr. Hyde attitude on this legislation and am wondering just what your gymnastic position on this matter means. Will you kindly let me have a specific reply to the questions raised, without beating the devil around the stump?"

Let us refer to the record. The gentleman from Missouri [Mr. WOOD] on December 14 had this to say regarding your attitude concerning wage and hour legislation (p. 1485) of the CONGRESSIONAL RECORD):

"William Green, president of the American Federation of Labor, advised the Members of the Senate to vote for the bill with the hope of getting the bill so amended in the House committee that it would overcome the objections of the American Federation of Labor and make the measure acceptable to labor. When the bill came over to the House, the House committee worked on it nearly 3 weeks. Practically every amendment suggested by the president of the American Federation of Labor was accepted by the House committee."

"In the latter part of the last session I personally worked many days with the president of the American Federation of Labor, two attorneys of the American Federation of Labor, and two attorneys of the administration, in an attempt to work out amendments which would make the bill acceptable to the American Federation of Labor. We worked out seven amendments, and six of the amendments, which were the principal ones, were accepted by the committee.

"After these amendments were accepted and placed in the bill, on August 9, I received the following letter from President Green, and I suppose every other Member of the House received it:

"'The wage and hour bill, as reported by the House Labor Committee, is reasonably acceptable and fairly satisfactory to labor. For that reason I am taking the liberty of writing you requesting you to support this proposed legislation when it is presented to the House of Representatives for final passage.

"'It occurred to me that you wish to know the attitude of the American Federation of Labor toward the wage and hour bill. In fact a number of Members of Congress have made inquiry as to the position the American Federation of Labor assumed toward this important measure. I am, therefore, writing you this letter, advising you of the American Federation of Labor's endorsement and approval of the wage and hour bill as reported by the House Labor Committee.

"'I sincerely hope you may find it possible to vote for the enactment of the wage and hour bill into law without any substantial change in the form and character in which it is reported to the House for passage by the House of Representatives. Wm. Green, president, American Federation of Labor.'"

And further in the issue of the American Federation of Labor, Weekly News Service, of August 7, you are quoted as follows:

"In a statement concerning the action taken by the House Labor Committee, Mr. Green said:

"'The House Committee on Labor accepted certain provisions embodied in the wage and hour bill passed by the Senate, but it also adopted amendments submitted by the president of the American Federation of Labor which reduced the specific limits of the Board's jurisdiction over wages and hours to slight significance.

"'Thrugh the adoption of these amendments the wage and hour bill is made a practical and constructive measure.'"

Thus it will be seen from the above-quoted letter and your above-quoted statement in your own publication you favored the wage and hour bill as reported by the House Labor Committee.

But, in spite of your actions of record as above quoted concerning this legislation, you had the unmitigated gall to send me and all other Members of the House of Representatives the following telegram on December 16:

"Because the pending wage and hour bill is highly objectionable to membership of American Federation of Labor, I respectfully request you vote to recommit to the appropriate committee for revision, study, and necessary changes in order to make it a practical and constructive measure. William Green, president, American Federation of Labor."

So this is what I had in mind when I referred to your Dr. Jekyll and Mr. Hyde attitude on this legislation and your gymnastic position concerning same.

I have tried to appeal to you and the rival organization to bury the hatchet and compromise your differences. This attitude has been shown in both of my previous letters to you of November 23 and November 29, 1937.

I still hope that it will be possible to compromise the differences and reform the ranks of labor into a united front before it is too late.

Sincerely yours,

W. D. MCFARLANE.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein the letters that have passed between Mr. Green and myself on the wage and hour legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very brief article.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SABATH, for 10 days, on account of death in family.

To Mr. PETERSON of Georgia (at the request of Mr. BROWN), indefinitely, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2463. An act to authorize an additional number of medical and dental officers for the Army.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 26, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, January 26, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will continue his statement.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10 a. m. Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Wednesday, January 26, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia will meet Thursday, January 27, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Wednesday, January 26, 1938, to resume hearings on H. R. 9016, Washington Airport. Caucus room, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1026. A letter from the Acting Secretary of the Interior, transmitting a report of leases or portions of leases extended beyond the original 20-year periods by reason of the inclusion of said leases or portions thereof in the approved unit plans listed hereinafter as provided under the act approved August 21, 1935 (49 Stat. 674), amending sections 13, 14, 17, and 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended; to the Committee on the Public Lands.

1027. A letter from the Acting Secretary of Agriculture, transmitting a copy of a private bill which this Department desires to have submitted to the Committee on Claims, for the relief of Raymond Pledger; to the Committee on Claims.

1028. A letter from the Acting Secretary of Commerce, transmitting, in accordance with recommendation of the Joint Committee on the Disposition of Executive Papers, contained in House Report No. 1620, Seventy-fifth Congress, first session, a report that papers described therein weighing approximately 581 pounds have been sold, and the revenue derived therefrom amounted to $1.92; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HEALEY: Committee on the Judiciary. S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned; with amendment (Rept. No. 1711). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 9146) to repeal the acts empowering the President to fix the gold content of the dollar, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BOYLAN of New York: A bill (H. R. 9147) to provide for the general welfare by establishing a system of Federal aid to the States for the purpose of enabling them to provide adequate institutional treatment of prisoners and provide improved methods of supervision and administration of parole, probation, and conditional release of offenders; to the Committee on the Judiciary.

By Mr. ARENDS: A bill (H. R. 9148) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Dwight, Ill.; to the Committee on World War Veterans' Legislation.

By Mr. CALDWELL: A bill (H. R. 9149) to appropriate funds for the establishment of new air-mail routes; to the Committee on Appropriations.

By Mr. CULKIN: A bill (H. R. 9150) to appropriate $5,000,000 for the relief of the Chinese civilian population in the war-torn area of China; to the Committee on Appropriations.

By Mr. FORAND: A bill (H. R. 9151) to create a commission to study and make a report on the establishment of a Merchant Marine School on Dutch Island, West Narragansett Bay, R. I.; to the Committee on Merchant Marine and Fisheries.

By Mr. MOUTON: A bill (H. R. 9152) providing for an examination and complete survey of Bayou DuLarge, La.; to the Committee on Rivers and Harbors.

By Mr. SCOTT: A bill (H. R. 9153) to increase the efficiency of the Navy by adjusting certain provisions for the selection, promotion, and retirement of line officers of the Navy; to the Committee on Naval Affairs.

By Mr. McREYNOLDS: A bill (H. R. 9154) to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DEMUTH: A bill (H. R. 9155) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9156) to authorize the erection of an administration building at the Veterans' Administration Facility, Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. RANDOLPH: A bill (H. R. 9157) to regulate the hours of duty in the Federal service, and for other purposes; to the Committee on the Civil Service.

Also, a bill (H. R. 9158) to amend the Classification Act of 1923, as amended, and to adjust the rates of compensation of civilian employees in the field service in accordance therewith, and for other purposes; to the Committee on the Civil Service.

By Mr. EDMISTON: A bill (H. R. 9159) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth birthday of the State of West Virginia; to the Committee on Coinage, Weights, and Measures.

By Mr. BINDERUP: A bill (H. R. 9160) to correct the growing menace of farm tenancy in the United States; to promote patriotism, peace, and happiness on the part of those who till the soil; to promote home ownership; to enable tenant farmers and others who are bona fide engaged personally or who intend immediately to become bona fide engaged personally in farming to become the owner of farm homes; to the Committee on Agriculture.

By Mr. MAAS: A bill (H. R. 9161) to amend section 300 of the World War Veterans' Act, 1924, as amended, so as to provide Government insurance protection for Reserve officers and members of the Enlisted Reserves ordered to active duty for training purposes; to the Committee on World War Veterans' Legislation.

By Mr. RANKIN: Resolution (H. Res. 408) authorizing the Committee on World War Veterans' Legislation to make a comprehensive survey and inspection of soldiers' hospitals and other Veterans' Administration facilities; to the Committee on Rules.

By Mr. FISH: Resolution (H. Res. 409) requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania; to the Committee on Foreign Affairs.

By Mr. MERRITT: Joint resolution (H. J. Res. 573) to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939"; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULLEN: A bill (H. R. 9162) for the relief of Umberto Tedeschi; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9163) for the relief of Maria Virginia Ippolito; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9164) for the relief of Agostino Ippolito; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9165) for the relief of Mario Cellai; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9166) for the relief of Bartolomeo Anselmo; to the Committee on Immigration and Naturalization.

By Mr. DOWELL: A bill (H. R. 9167) granting an increase of pension to Ida M. Sims; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 9168) for the relief of Giovanni Galliano; to the Committee on Immigration and Naturalization.

By Mr. FLEGER: A bill (H. R. 9169) for the relief of Mr. and Mrs. Charles O. Nevel; to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 9170) granting a pension to Ernest Francis White; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 9171) directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States; to the Committee on the Judiciary.

By Mr. LAMBERTSON: A bill (H. R. 9172) for the relief of E. J. Heeney; to the Committee on Claims.

By Mr. LEWIS of Colorado: A bill (H. R. 9173) granting a pension to Lewis I. Montgomery; to the Committee on Pensions.

By Mr. LORD: A bill (H. R. 9174) awarding the Distinguished Service Cross to Pvt. Charles B. Terrell; to the Committee on Military Affairs.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9175) for the relief of Loren J. Zook; to the Committee on World War Veterans' Legislation.

By Mr. PETERSON of Florida: A bill (H. R. 9176) granting a pension to Elizabeth Johnson; to the Committee on Pensions.

By Mr. PLUMLEY: A bill (H. R. 9177) for the relief of Griffith L. Owens; to the Committee on Claims.

By Mr. SIMPSON: A bill (H. R. 9178) granting a pension to W. Grant Mellott; to the Committee on Invalid Pensions.

By Mr. SHAFER of Michigan: A bill (H. R. 9179) for the relief of August Schaller; to the Committee on Military Affairs

By Mr. TEIGAN: A bill (H. R. 9180) for the relief of the heirs of John Booren, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3878. By Mr. CURLEY: Petition of the Department of New York, Military Order of the Purple Heart, regarding the Stars and Stripes fund distribution; to the Committee on Military Affairs.

3879. By Mr. JENKINS of Ohio: Petition signed by sportsmen and citizens of Toledo, Ohio, protesting against the passage of the Cummings firearms bill; to the Committee on Interstate and Foreign Commerce.

3880. Also, petition of 32 prominent business and professional men of Middleport and Pomeroy, Ohio, protesting against the passage of Senate bill 69, the train-length bill; to the Committee on Interstate and Foreign Commerce.

3881. Also, petition signed by a number of citizens of Ohio, protesting against the passage of the train-limit bill; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, JANUARY 26, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday and the Journal of the proceedings of the previous day, which has not been approved, be now approved without reading.

Mr. CONNALLY. I object.

The VICE PRESIDENT. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 520. An act for the relief of the estate of Nick Gruyich;

H. R. 734. An act for the relief of Joseph Pethersky;

H. R. 906. An act for the relief of McShain Co., Inc.;

H. R. 1099. An act for the relief of the New York & Baltimore Transportation Line, Inc.;

H. R. 1249. An act for the relief of L. M. Crawford;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchey;

H. R. 3734. An act for the relief of Zoe A. Tilghman;

H. R. 3954. An act for the relief of Milo Milliser;

H. R. 4258. An act for the relief of Barbara Jean Matthews, a minor; and

H. R. 5104. An act for the relief of the Acme Wire & Iron Works.

CALL OF THE ROLL

Mr. CONNALLY. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Donahey	Lee	Reynolds
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Bone	Gerry	Lundeen	Smathers
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McGill	Steiwer
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	O'Mahoney	
Clark	Hughes	Overton	
Connally	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Maryland [Mr. TYDINGS] are absent because of illness.

The Senator from Tennessee [Mr. BERRY] and the Senator from Nevada [Mr. MCCARRAN] are detained from the Senate on important public business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

REPORT OF THE AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate the report of the American War Mothers, submitted pursuant to law, for the period from October 4, 1936, to October 2, 1937, which was referred to the Committee on Military Affairs.

REPORT OF UNITED STATES MARITIME COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the United States Maritime Commission, transmitting, pursuant to law, the report of the Commission for the period ended October 25, 1937, including a summary of the operating-differential agreements entered into as of January 1, 1938, and new construction undertaken as part of the Commission's long-range program, which, with the accompanying report, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a memorial of several citizens of the State of Iowa, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a petition from Local Union No. 848, Brotherhood of Painters, of New York City, N. Y., praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a memorial from Eleanor Blakeney, of Woodhaven, N. Y., remonstrating against the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of sundry citizens of Beloit, Kans., remonstrating against the enactment of legislation requiring registration and imposing taxes or otherwise restricting law-abiding citizens in the possession or carrying of firearms, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a resolution adopted by directors of the Brookline (Mass.) Taxpayers' Association, favoring the reduction of taxes and the balancing of the Budget by retrenchment in expenditures rather than by the imposition of further taxation, which was referred to the Committee on Finance.

Mr. WALSH presented resolutions adopted by directors of the Brookline Taxpayers' Association, of Brookline, and the Home Owners and Taxpayers' Association, of Chelsea, both in the State of Massachusetts, favoring the reduction of taxes and the balancing of the Budget by retrenchment in expenditures rather than by the imposition of further taxation, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

NAVAL APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. BYRNES, from the Committee on Appropriations, to which was referred the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes, reported it with amendments and submitted a report (No. 1314) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LOGAN:

A bill (S. 3316) to amend the National Housing Act; to the Committee on Banking and Currency.

By Mr. GEORGE:

A bill (S. 3317) to permit the filing of a suit by a claimant under a contract of Government insurance within 1 year from date of denial of claims; to the Committee on Finance.

By Mr. SCHWELLENBACH:

A bill (S. 3318) to authorize certain payments to the American War Mothers, Inc.; and

A bill (S. 3319) to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to

the Disabled American Veterans of the World War, Inc.; to to the Committee on Military Affairs.

By Mr. McADOO:

A bill (S. 3320) to amend title VI of the Merchant Marine Act, 1936; to the Committee on Commerce.

A bill (S. 3321) to amend the Panama Canal Act; to the Committee on Interoceanic Canals.

A bill (S. 3322) granting a pension to David Smith (with accompanying papers); to the Committee on Pensions.

By Mrs. CARAWAY:

A bill (S. 3323) to liberalize effective date of claim for reimbursement for burial and funeral expenses contained in Veterans' Regulations; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 3324) to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on Civil Service.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 520. An act for the relief of the estate of Nick Gruyich;

H. R. 734. An act for the relief of Joseph Pethersky;

H. R. 906. An act for the relief of McShain Co., Inc.;

H. R. 1099. An act for the relief of the New York & Baltimore Transportation Line, Inc.;

H. R. 1249. An act for the relief of L. M. Crawford;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchey;

H. R. 3734. An act for the relief of Zoe A. Tilghman;

H. R. 3954. An act for the relief of Milo Milliser;

H. R. 4258. An act for the relief of Barbara Jean Matthews, a minor; and

H. R. 5104. An act for the relief of the Acme Wire & Iron Works.

APPROPRIATIONS FOR SUGAR CONTROL ACT AND CROP PRODUCTION AND HARVESTING LOANS

The VICE PRESIDENT. Last evening when the Senate took a recess it was agreed by unanimous consent that the Senator from Georgia [Mr. RUSSELL] should continue his remarks today on the pending bill. Under that agreement the Chair is impelled to recognize the Senator from Georgia.

Mr. ADAMS. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. ADAMS. Mr. President, yesterday I asked that an emergency appropriation measure of interest to the farmers of the West might be considered. I wonder if the Senator will yield in order that I may submit a request for unanimous consent which will provide that the Senator from Georgia will not in any way lose his right to the floor.

Mr. RUSSELL. I yield for that purpose, provided that the submission of the unanimous-consent request will not have the effect of taking me off the floor.

The VICE PRESIDENT. The Senator from Georgia yields provided that his yielding for the submission of the unanimous-consent request does not take him off the floor or impair his right to continue his remarks. Is there objection to that request? The Chair hears none, and the Senator from Colorado will propound his unanimous-consent request.

Mr. ADAMS. Mr. President, the unanimous-consent request is that the Senate proceed to consider the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937, and for crop production and harvesting loans, with the understanding that the consideration of that measure at this time shall not in any way cause the Senator from Georgia [Mr. RUSSELL] to lose the floor or impair any right to the floor which he now has.

The VICE PRESIDENT. Is there objection?

Mr. WAGNER. Mr. President, reserving the right to object, may I suggest to the Senator from Colorado that he provide some limitation—I do not care what it may be—as to the time which shall be taken.

Mr. ADAMS. I may say to the Senator from New York I am convinced that the joint resolution will be disposed of within not more than a half an hour. If it is not disposed of promptly, I will be perfectly willing to withdraw the request for consideration, because I have no disposition unnecessarily to take up the time of the Senate.

Mr. WAGNER. Very well; I make no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. McNARY. Mr. President, let it be stated by the clerk, please.

The VICE PRESIDENT. The clerk will state by title the joint resolution for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937, and for crop reduction and harvesting loans, reported from the Committee on Appropriations with amendments.

Mr. McNARY. Mr. President, what, in substance, is the request made by the Senator from Colorado?

The VICE PRESIDENT. The request is that the Senator from Georgia yield without yielding his right to the floor after the joint resolution is considered, and that the Senate now consider the joint resolution.

Mr. McNARY. Is any definite time proposed for its consideration?

The VICE PRESIDENT. None has been suggested.

Mr. ADAMS. Mr. President, I will say to the Senator from Oregon that if it should develop that there is any extended debate on the joint resolution I will withdraw it. I do not think it will take any extended time.

Mr. McNARY. That is satisfactory.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop-production and harvesting loans, which has been reported from the Committee on Appropriations with amendments.

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to insert the heading "Legislative."

The amendment was agreed to.

The next amendment was, on page 1, after line 3, to insert:

SENATE

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1938, $160,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, United States Senate, fiscal year 1938, $30,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert the heading "Executive."

The amendment was agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed, as follows:

Resolved, etc.—

LEGISLATIVE

SENATE

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and

Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1938, $160,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, United States Senate, fiscal year 1938, $30,000.

EXECUTIVE

DEPARTMENT OF AGRICULTURE

Sugar Act of 1937: That for an additional amount to enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (50 Stat. 903–916), including printing and binding, and the employment of persons and means in the District of Columbia and elsewhere, as authorized by such act, there is hereby appropriated for the fiscal year ending June 30, 1938, out of any money in the Treasury not otherwise appropriated, the sum of $39,750,000: *Provided*, That from this appropriation and the appropriation of $250,000 for this purpose in the Third Deficiency Appropriation Act, fiscal year 1937, there shall not be obligated during the fiscal year 1938 for the following respective purposes sums in excess of the following amounts: For personal services in the Department of Agriculture in the District of Columbia, $115,000; for personal services in the Department of Agriculture in the field, $350,000; for miscellaneous administrative expenses (other than personal services) in the Department of Agriculture in the District of Columbia and in the field, $160,000; and for transfer of funds to the Office of Treasurer of the United States, Division of Disbursement (Treasury Department), and the General Accounting Office, $25,000; but the limitations set forth in this proviso shall not include expenses of local committees under the provisions of section 305 of such act.

FARM CREDIT ADMINISTRATION

Crop production and harvesting loans: That the appropriation for crop loans made under the heading "Farm Credit Administration" by the First Deficiency Appropriation Act, fiscal year 1937, together with all collections heretofore or hereafter made under the act of January 29, 1937, of the character specified in section 7 (b) of such act, shall be available until June 30, 1939, for making and collecting crop production and harvesting loans under such act of January 29, 1937, regardless of any limitation to the calendar year 1937 or the fiscal year 1938 in such appropriation or such act: *Provided*, That loans under the foregoing appropriation shall only be made to borrowers, who, in the opinion of the Governor of the Farm Credit Administration, will undertake in good faith to repay such loans in accordance with their terms, and no such loan shall be made in any State unless the Governor of the Farm Credit Administration has reasonable assurance that State and local authority will take no action which will encourage the borrower residing therein to evade payment of such obligation.

ORDER OF BUSINESS

Mr. RUSSELL, Mr. THOMAS of Utah, Mr. CAPPER, Mr. HARRISON, and other Senators addressed the Chair.

The VICE PRESIDENT. The Chair will give ample opportunity to the Senator from Georgia [Mr. RUSSELL] to resume his remarks. He is not going to impair the right of the Senator from Georgia to the floor because the Senator temporarily suspended his remarks for the consideration and passage of the joint resolution.

Mr. THOMAS of Utah. Mr. President——

The VICE PRESIDENT. The Senator from Georgia has the floor. Does he yield for a question or otherwise?

Mr. RUSSELL. I yield for any purpose that will not impair my right to the floor.

Mr. THOMAS of Utah. Will the Senator yield in order that I may have something inserted in the RECORD?

The VICE PRESIDENT. If the Senator from Georgia yields to the Senator from Utah to ask unanimous consent to have something inserted in the RECORD, the Senator from Georgia will lose the floor, because that would be the transaction of business by the Senate.

Mr. RUSSELL. Mr. President, in view of that statement by the Chair, I regret exceedingly to be compelled to decline to yield to the Senator from Utah.

The VICE PRESIDENT. Let the Chair make a statement. If the Senate last night had not ordered the Chair to recognize the Senator from Georgia today, the Chair would have recognized other Senators, with the understanding that they desired to insert matter in the RECORD or to ask unanimous consent for the introduction of bills; but the Chair has no discretion today except to recognize the Senator from Georgia.

Mr. RUSSELL. Mr. President, I do not think the fact that the Senate may grant unanimous consent to permit the introduction of matter in the RECORD can possibly affect the parliamentary situation, inasmuch as the Senate has just transacted business. I therefore ask unanimous consent that Senators having matters which they desire to insert in the RECORD, or bills which they wish to introduce, may be permitted to do so at this time without their action in any wise impairing my right to the floor.

The VICE PRESIDENT. The Chair thinks he can put the request so that if the Senate desires to grant unanimous consent for that purpose, it may do so.

The Senator from Georgia asks unanimous consent that the Chair may recognize various Senators for the purpose of introducing bills or inserting matters in the RECORD without impairing the right of the Senator from Georgia to the floor. Is there objection? The Chair hears none.

RESOLUTIONS OF KANSAS STATE BOARD OF AGRICULTURE

Mr. CAPPER. Mr. President, I desire at this time to call the attention of the Senate to action taken at the sixty-seventh annual meeting of the Kansas State Board of Agriculture, held in Topeka this month. The delegates to this annual meeting, several hundred in number, as provided by the laws of Kansas, represent local units of organized agriculture in the counties of Kansas. Resolutions adopted by these legally named representatives of the farmers of their communities cover a wide range, local, State, and national.

I intended to ask unanimous consent to have these resolutions printed in the RECORD as part of my remarks, but before doing so I want to call the attention of the Senate to several of the resolutions because they embody what, in my opinion, is a constructive and desirable farm program.

The Kansas State Board of Agriculture went on record in opposition to increased transportation rates at this time.

Asked that administration of relief be turned back to the States.

Urged continuance of the 3½-percent interest rate on Federal land-bank loans, and 4 percent on commissioner loans.

Declared for continuation of the present soil-conservation program.

For congressional legislation to balance agricultural production.

For the ever-normal-granary principle to protect both producers and consumers of agricultural commodities.

For Government action to preserve parity income for agriculture, with processing taxes if needed to finance this program.

For commodity loans on surpluses stored at the point of production.

For establishment of marketing quotas in emergencies for wheat, cotton, and corn upon the vote of two-thirds of the producers.

For adjustment of the tariff when there is a deviation from parity price of more than 10 percent upward or downward.

Mr. President, I ask unanimous consent to have the resolutions, a copy of which I send to the desk, printed in the RECORD at this point as a part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY THE SIXTY-SEVENTH ANNUAL MEETING OF THE KANSAS STATE BOARD OF AGRICULTURE, JANUARY 14, 1938

We the official delegates assembled, as authorized by law, in this sixty-seventh annual meeting of the State board of agriculture, representing local units of organized agriculture throughout the State of Kansas, express ourselves on certain questions of National and State import, and particularly as the same relate to the farming industry and its welfare, in the adoption of the following resolutions:

AGRICULTURAL POLICY

Agriculture has never asked special favors and, in its recent efforts for equality, has been insisting only on a parity with other groups which enjoy special privileges and advantages under the sanction of government. If these privileges and advantages are to continue for any or all other groups of our population, we ask that the same recognition be extended to agriculture. If all other groups are willing to relinquish these artificial aids, then agricul-

ture will no longer require or need similar governmental support, as it feels it is thoroughly qualified to stand on the basis of its own efforts provided all other groups should do likewise.

We believe that every industry should be encouraged to stand on its own merits and make its own way on the basis of efficient and economical operation. There is no economic justice in artificially increasing the cost of living regardless of the ability of the consumer to pay. A policy of "live and let live," on a lower parity of prices, free from artificial manipulation, would permit the functioning of natural economic laws that are safe and sound and fair to all.

Agriculture is governed by Nature, and attempts to control this factor are disturbing and demoralizing, for Nature is not subject to man-made laws. But quarantines, quotas, subsidies, wages and hours, and prices of goods and services the farmer must buy are under human control. As the one industry essential to life, agriculture in a country such as ours should be the base or foundation of our national economic structure, from which to develop an equitable relation between agriculture and other industries to the enduring benefit of our Nation's growth and stability and to the prosperity and happiness of our democracy.

INTERSTATE FREE TRADE

We believe that the principles underlying the growth and development of this country can be perpetuated only by a maintenance of the policy of interstate free trade, and are decidedly in favor of free exchange and free movement of agricultural products between the various States, including their transportation by truck. We feel that any barriers set up, other than those for compliance with necessary and recognized sanitary regulations, should be removed.

WATER RESOURCES

Kansas should, without further delay, proceed to work out a systematic general plan for the complete development of the water resources of each watershed in the State in order to properly provide for flood control, water conservation, the prevention of stream pollution, and the protection of the underground water supplies from oil and salt water contamination. Legislation should be enacted definitely requiring all oil companies and others responsible for this condition to dispose of their waste in a satisfactory manner, and further to provide for the orderly construction of the necessary works in cooperation with the Federal Government.

EXPENDITURE OF PUBLIC FUNDS

We favor rigid economy in the operation of State and Federal affairs, but feel that sufficient appropriations should be made for the Department of Agriculture and its subdivisions, including highway construction and maintenance, Bureau of Animal Industry activities, dry-land experiment stations, land-grant colleges and extension divisions, and other State and governmental activities affecting agriculture, sufficient to sustain efficient operation.

TRANSPORTATION RATES

We urge that no advance be made in transportation rates until opportunity has first been had for a thorough study of our different types of transportation, with a view of providing a sound and comprehensive basis on which to build an equitable rate structure.

MONOPOLIES

We favor rigid laws and regulations to protect against the development of harmful monopolies and monopolistic practices. We call particular attention to the practice in connection with the sale of hog-cholera serum and virus and the so-called Resale Price Maintenance Act.

GASOLINE TAX EXEMPTION

We affirm that the exemption from tax on gasoline used for agricultural purposes is fair and just, and we urge that this exemption be saved to farmers under methods that will eliminate abuses and dishonest practices.

RELIEF

Until discontinued, all Federal funds for relief should be allocated to the States on the basis of need and be expended under direction of local and State relief agencies. Responsibility for relief work should be turned back to the States and their respective subdivisions at the earliest practical date.

AGRICULTURAL PROTECTION

We oppose any movements, legislative or otherwise, that result in increasing the cost of commodities farmers must purchase, unless compensating safeguards are devised to place and maintain agriculture on a parity with labor and industry.

MARKETING

We recommend a State marketing law for greater efficiency in the marketing and distribution of agricultural products and to enable cooperation with the Federal Government in grading and standardization work.

WORLD PEACE

We reiterate our devout wish that the dream for world peace may come true and encourage all efforts leading to that realization.

RECIPROCAL TRADE TREATIES

We favor open public hearings before the conclusion of reciprocal trade treaties and urge the reduction of excessive industrial tariffs as a means of providing larger outlets for farm products. Countries enjoying wide outlets in the American market of commodities on the free list should be required to take in exchange commodities of the United States which they need.

RURAL CREDIT

We favor a continuance of the 3½ percent interest on Federal land-bank loans and 4 percent on commissioner loans and reiterate our former request that farm-credit policies be liberalized in connection with farm-home loans.

IMPORTED AGRICULTURAL SEED

We urge that the United States Department of Agriculture require agricultural seed imported into this country to be free from noxious weed seed.

IMPORTED PLANTS

We favor such strict regulations by the United States Department of Agriculture on foreign plants coming to this country as will prevent the further importation of dangerous plant diseases and pests.

SEEDS BY PARCEL POST

We urge that postal regulations be amended so as to permit the rejection of parcel-post seed shipments by inspection officials, owing to the presence of noxious weed seeds as impurities.

SOIL DRIFTING

We urge payment sufficient to pay operating expenses of listing or chiseling as a means of controlling the Dust Bowl wind erosion; that all damming machinery or attachments equivalent to damming machinery be included with the basin lister; that in order to draw payment for compliance under the soil-conservation administration, the first practice on summer fallowed land be completed prior to a date set by the county committee of each respective county within the Dust Bowl areas.

FOREST TREES

We urge that every available means be employed to make effective the Cooperative Farm Forestry Act, passed by the Seventy-fifth Congress, to the end that our forestry resources shall be restored and expanded, farm wood lots and timbered pastures be increased in numbers, slopes protected against erosion, and unproductive land be made profitable.

CHEMURGIC PROGRAM

We endorse the farm chemurgic program to advance the industrial use of American farm products through applied science.

REAFFIRMATION

We reaffirm the positions taken in our 1937 meeting upon:

The necessity for soil surveys for the State of Kansas.

The coordination and cooperation of all agencies with a view to avoiding conflict in the administration of agricultural policies and programs.

The protection of the dairy industry and its products from unfair competition by so-called substitutes.

The stabilization of the purchasing power of the dollar based upon the wholesale commodity index.

The control and eradication of livestock diseases and the continuance of the quarantine against the foot-and-mouth disease.

The belief that a bureau of poultry industry should be created in the United States Department of Agriculture in order to advance this important and fast-growing agricultural activity.

The conservation and protection of wildlife.

The extension of electricity to the farms of Kansas, and urge cooperation with all agencies, public and private, in expediting the movement.

AGRICULTURAL PROGRAM

We favor a permanent agricultural policy that restores and maintains for agriculture an equitable basis with industry and protects our natural resource, the soil.

For immediate effect, we favor a continuation of the present soil-conservation program.

We approve necessary congressional legislation in order to provide an adequately balanced supply and flow of agricultural commodities.

An ever-normal granary for the protection of both producer and consumer and to assure the American farmer the American market.

We demand a parity for agriculture and favor a processing tax, if necessary, to cover the cost of such a program.

We favor the establishing of marketing quotas, if needed, to prevent burdensome surpluses from demoralizing the market of wheat, cotton, and corn after two-thirds of the producers of the several commodities have voted in favor of the same.

We favor commodity loans on surplus commodities stored at the point of production.

A compulsory adjustment of the tariff when there is a deviation from parity price of more than 10 percent upward or downward.

LEAGUE OF NATIONS—ADDRESS BY CLARK M. EICHELBERGER

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address delivered on January 12, 1938, by Clark M. Eichelberger, national director, League of Nations Association, which appears in the Appendix.]

WORKS PROGRESS ADMINISTRATION—ARTICLE BY BEN WHITEHURST

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Ben Whitehurst, former Chief of Correspondence Division, F. E. R. A. and W. P. A., entitled "Skulduggery in the W. P. A.," which appears in the Appendix.]

LETTER FROM THE PRESIDENT OF THE UNITED STATES TO MARVIN H. M'INTYRE

[Mr. CLARK asked and obtained leave to have printed in the RECORD a letter addressed by the President of the United States to Marvin H. McIntyre on January 21, 1938, on the occasion of a banquet given in honor of Senator BARKLEY held at Louisville, Ky., which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. BARKLEY. Mr. President, as many Senators have asked me whether or not it is contemplated to hold a night session this evening, I wish to make a statement.

Inasmuch as a motion for cloture has been entered, to be voted on tomorrow, I see nothing to be gained or lost by either side by holding a session tonight. Therefore I wish to advise all Senators that at sometime in the neighborhood of 5 o'clock this afternoon the Senate will recess until 12 o'clock tomorrow.

Mr. SMATHERS. Mr. President, I ask unanimous consent that my name be added to the petition asking that the cloture rule be invoked.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey that his name may be entered in the RECORD as one of the petitioners for cloture?

Mr. CONNALLY. Mr. President, reserving the right to object, why did not the Senator from New Jersey sign the motion before it was presented?

Mr. SMATHERS. The Senator from New Jersey was not present last night. He was not feeling well and went to bed early, and therefore was not in the Senate Chamber.

Mr. CONNALLY. Does the Senator think it is good parliamentary practice to allow the RECORD to be altered and changed when the Senator was not even in the Chamber or in attendance on the session? I think that is going pretty far, Mr. President. I do not want to be inconsiderate or lacking in courtesy.

Mr. BURKE. Mr. President, will the Senator from New Jersey yield in order that I may ask the Senator from Texas a question?

Mr. SMATHERS. Yes; I yield.

Mr. BURKE. If the Senator from New Jersey was not feeling well last night, and feels that putting his name on this motion will restore him to good health, does not the Senator from Texas think he ought to withdraw his objection? [Laughter.]

Mr. CONNALLY. If I believed that it would, in fact, do that, I should be very glad to withdraw the objection. As a matter of fact, however, I feel that on reflection it may add to the Senator's feeling of remorse and shame, and therefore I shall have to object. [Laughter.]

The VICE PRESIDENT. Does the Senator from Texas object?

Mr. CONNALLY. I do; because I think it is bad parliamentary practice to have the RECORD changed.

The VICE PRESIDENT. Objection is heard.

Mr. SCHWELLENBACH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SCHWELLENBACH. I ask whether or not it is necessary to have unanimous consent to enable the Senator from New Jersey to add his name to the motion.

The VICE PRESIDENT. It is; because the motion has already been filed, and appears in the RECORD today.

Mr. SMATHERS. I understand that the Senator from Texas objects.

The VICE PRESIDENT. That is the status of the matter.

Mr. DIETERICH. Mr. President, I ask that my name be affixed to the motion for cloture.

Mr. CONNALLY. Mr. President, reserving the right to object, where was the Senator from Illinois when the motion was filed?

Mr. DIETERICH. The Senator from Illinois, unusually, was ordered by the doctor—the Capitol physician—to remain at his home because of a bad cold which he had contracted, and therefore was not able to be here on account of his health.

Mr. CONNALLY. Is that the doctor who is in the employ of the Senate?

Mr. DIETERICH. Yes.

Mr. CONNALLY. And who, therefore, is, of course, under some duress from Senators? [Laughter.]

Mr. DIETERICH. Yes.

Mr. CONNALLY. I object, Mr. President, not on personal grounds, but because I think it is wrong to "doctor" the RECORD. [Laughter.]

The VICE PRESIDENT. Objection is heard.

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Senator from Georgia is recognized.

[Mr. RUSSELL resumed and concluded the speech begun by him on yesterday, which entire is as follows:]

Tuesday, January 25, 1938

Mr. RUSSELL. Mr. President, today marks the twenty-second calendar day since the Congress of the United States convened in regular session to transact business affecting the general welfare of all the 130,000,000 people of this Republic.

Upon the convening of the Congress the President of the United States, in accordance with the Constitution and the unbroken tradition and custom in this country, appeared before the two Houses of Congress convened in joint session and emphasized many matters of legislation which he regarded as of the utmost importance. But a few days had elapsed since the adjournment of an extraordinary session of the Congress, assembled upon proclamation issued by the President of the United States. During the extraordinary session the President had seen fit to present to the Congress a program of legislation which was in accord with the principles of the Democratic Party, which principles were embraced within the mandates of the electorate of this Nation at the last general election.

Some features of that program have passed either the House or the Senate. Other features have received careful and conscientious and painstaking consideration of various committees of either the House or the Senate. They have been reported and are now found upon the calendars of business, awaiting consideration by both Houses of Congress.

The Senate has met for long hours since we convened in regular session on the 3d day of January. We have met for longer hours than is the practice of the Senate upon the opening of a Congress because much of the work of the Congress is done in the various committees. Some of the most effective Members of this body scarcely ever raise their voices in debate on the floor of the Senate. Some of the most valuable contributions that are made in legislation which this body considers, and which is of far-reaching importance to all the people of the United States, are made in the quietude of the committee room, where legislation is actually framed.

It has therefore been the custom of the Congress at the opening of a session not to meet for long hours but rather to allow the Members time to attend to the all-important and painstaking work of the committees as legislation is prepared to be brought before the Houses of Congress for consideration.

However at this session the Senate has met for long hours, committee work has of necessity been somewhat neglected, and the efficiency of the committees has been impaired. Even now we are engaged in night sessions, something which is very extraordinary at this period in the life of a session of Congress. The entire time and energy of this body have been directed to the consideration of this misnamed but so-called "antilynching bill." The President's program has been laid aside; bills which he emphasized in the historic campaign of 1936 in general principles, and which he had presented in definite form to this body for its consideration, have been pigeonholed or neglected. Some of them have all but been forgotten.

Mr. President, public sentiment in this country of necessity is reflected in this body. Unfortunately, in laying aside the President's program at the behest of one organization, we are frittering away if not dissipating that great wave of sentiment which was in support of the President's program as he had announced it to this body.

We have here practically adjourned statesmanship, we have laid aside matters which would affect all of the people of the United States, for the consideration of the pending measure, a bill unnecessary and uncalled for, one which is supported only by political expediency, and a measure which no one has undertaken to defend in his own right and in his own time on the floor of the Senate.

It has been pointed out here time and time again, in the addresses of those who are seriously and conscientiously fearful of the dire consequences of enacting legislation of this sort, that lynching is the only crime which is on the decrease in the United States. It is not even contended by the authors of the measure and its most devoted sponsors that more than eight lynchings occurred in the United States last year. They lost sight of the fact that in the United States last year there were 12,000 murders. Murder in all of its other forms is constantly increasing, gangsters are terrorizing innocent people and striking down all who might stand in their path. The sponsors of the bill lose sight of the fact that all other crime is on the increase, and come here presenting to the United States Senate a measure of such paramount importance that even the voice of the President of the United States cannot be heard, a so-called antilynching bill, to which it is necessary for us to devote all of our time and all of our energies.

Mr. President, this has been a most remarkable proceeding. For the first time in legislative history, so far as I am advised, a measure has been presented to the Senate which is controversial in its nature, a measure which has been assailed as unnecessary, a measure which has been assailed as being detrimental to those whom it is designed to aid, a bill which the ablest constitutional lawyers in this body have said was in the teeth of the Constitution of the United States, and not a single supporter of the measure has as yet taken the floor to defend its constitutionality, to point out any reason for the enactment of the measure, or even to explain the provisions of the bill.

It is a remarkable proceeding. The supporters of the bill propose in the name of an antilynching measure to lynch those of us who are opposed to the enactment of the bill, by sheer weight of numbers. Merely because in the heat of campaigns, perchance, merely because as a result of false propaganda Senators have committed themselves to the bill, they propose to bring it here to the floor of the Senate, run roughshod over the arguments of those who conscientiously and sincerely believe that they serve all the people of their State, both black and white, with no other argument than to say they have the votes to pass the bill. But not one of them takes the floor and undertakes to defend the constitutionality of the bill, or to have the bill measured by the standards which are usually applied to any bill presented to this body.

Mr. President, it has been well said that in the clash of mind with mind the truth scintillates. Truth has been obscured in the consideration of this bill because those who are supporting it have reserved their discussion of it until they invoke the very unusual parliamentary procedure which has now been applied.

It has even been proposed that the Senate destroy its reputation as a deliberative body in order to restrict debate on this measure. It has been said by some of those who are so anxious to have the measure immediately voted upon that those of us who are opposing it are filibustering against it.

I submit, Mr. President, that so long as a measure of this kind is brought forward without its sponsors having the courage or the temerity to take the floor and explain its provisions and defend it, it is the duty of those of us who see great harm in this bill, not only by reason of the provisions contained in the measure itself but as a step in the program which the supporters of this measure are advocating, to make clear to the people of the country just what this measure means. It is difficult, Mr. President, even to keep a quorum here on the floor of the Senate. The Constitution of the United States provides that the Senate shall transact no business without a quorum being present. Yet those of us here who seek to bring the supporters of this measure to the Senate in order that we may indulge in full and free debate on this measure find all kinds of unusual and specially reserved rules invoked to prevent the summoning of a quorum to the floor of the Senate in order that the Senate might proceed in accordance with the provisions of the Constitution.

An interesting parliamentary question was raised this afternoon by the distinguished leader of this body, the able Senator from Kentucky [Mr. BARKLEY]. The question has been discussed here on the floor. It is a subject that has been much touched upon in the cloakrooms and corridors, where most of the Senators seem to keep themselves at this hour of the evening, as to whether or not a Senator who yields to another Senator to suggest the absence of a quorum would thereby lose the floor. This question has not yet been decided by the Senate. I hope that when it is submitted the Senate will free itself from the atmosphere of partisanship and prejudice, from the hysteria that surrounds the efforts of those who wish to rush this bill through, and that the Senate shall vote upon the matter on its merits and consider that it will probably be a future standard to guide the actions of the Senate.

At the present time, in spite of the fact that the Constitution of the United States requires a quorum to be present on the floor of the Senate, very few Members are actually present. The distinguished majority leader [Mr. BARKLEY] does me the honor to sit upon the floor and listen to my remarks. The senior Senator from Tennessee [Mr. MCKELLAR] is present. The minority leader, the able Senator from Oregon [Mr. MCNARY], is present on the other side, as is the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. STEIWER], and the Senator from Delaware [Mr. TOWNSEND]. My esteemed and distinguished colleague [Mr. GEORGE] is present. The President pro tempore, the senior Senator from Nevada [Mr. PITTMAN], is present. The able Senator from Ohio [Mr. DONAHEY], one of the most beloved men in public life in the United States, is present, as is also the able Senator from New Hampshire [Mr. BROWN].

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. BARKLEY. I congratulate the Senator on the number of those who are listening to his address. The number now present is larger than the average attendance which has been here during former addresses, which is a great compliment to the Senator from Georgia. [Laughter in the galleries.]

Mr. RUSSELL. I appreciate the compliment paid me by the Senator from Kentucky. I have been on the floor constantly during the consideration of this measure, and I have observed that at times there were not so many Senators present. The fact that there are, perhaps, more Senators now present than at other times is not to be considered as being a tribute to me, Mr. President, for my feeble efforts in behalf of my position on this bill. It is merely due to the fact that Senators are listening here in anticipation that perhaps I might try out the new wrinkle in parliamentary practice suggested by the Senator from Kentucky, that the Senator who is occupying the floor might perchance procure a quorum, as guaranteed by the Constitution if he himself made the request for a quorum call. Perhaps later in the evening I shall undertake to have that new application of the rules of the Senate tried out in order that we may find whether or not it is possible for a quorum to be assembled here.

Mr. President, as I was saying, all kinds of parliamentary rules have been devised to prevent this measure from having that full, free, and unlimited discussion which the people of the United States expect of the Senate of the United States.

I had occasion to look into the old precedents and rulings of this body on the subject of procedure. I found that in the old days, when the Senate was recognized as a deliberative body, when the Constitution of the United States was really respected and considered to be the charter of American liberties and American Government, that then it was considered proper for any Member of this body representing here a sovereign State, to secure the presence on the floor of the majority of the Members of the Senate when some business was being considered and transacted.

I recall that on one occasion it was disclosed by the RECORD that the senior Senator from Wisconsin, Mr. La Follette, the father of the present Senator from Wisconsin, in the course of his remarks one evening yielded from 20 to 25 times in order that the absence of a quorum might be suggested. In those days Senators in this body considered as being worthy of consideration the constitutional provision affecting the highest dignity of the Senate, demanding that a quorum be present. In times past Members of the Senate have stood here on the floor and discussed matters affecting their States for hour upon hour, and day after day, in order that they might fully analyze legislation that was pending, and in those days some of those men were considered to be statesmen. Of course, in the present era if any Senator were to address himself to any subject longer than 30 minutes he would immediately be charged with conducting a filibuster.

Mr. President, I wish to say again that in my judgment if the pending bill is passed it is not going to be any burden on the people of the State I have the honor to represent here. I do not believe there will ever be a single peace officer who will be convicted under the terms and the provisions of this bill, or who will serve one day in the Federal penitentiary, or pay any part of this fine of $5,000 which it is sought to assess against him. I do not believe that the people of a single county in my State will ever be called upon to respond to an action for damages under this measure.

I say that for several reasons. In the first place, lynchings have all but been eliminated. I sometimes think that is the reason why this bill is being rushed here so vigorously at this time. I think that is perhaps one reason why the President's program is being laid aside, why it is being pushed into the discard, into the background, at the behest of the organizations which are back of this bill is because Senators see that if they do not rush this bill through immediately it will soon be apparent to all the people of the United States that lynchings have been entirely eliminated in this country and that the bill was a political fraud. The bill apparently had but one purpose to serve, and that was to solidify certain groups in certain sections of the United States, and it was not offered here as a measure that would prove beneficial to the people of the United States.

I do say, Mr. President, that in addition to my opposition to the bill on the ground that it is clearly unconstitutional, as has been pointed out in the magnificent argument advanced by my distinguished colleague and by others, I am opposed to this bill also because it is an unjust reflection on the people of the South and because it is but the opening wedge here for other legislation of this type that we know will certainly follow.

I object to it because I know that if the Senate of the United States should permit itself to become committed to a measure of this nature at the behest of a Negro organization in the United States other bills will follow, and Senators who will be unwittingly caught in the snares of this unnecessary bill will commit themselves to other measures that will strike vital blows at the civilization of those I seek to represent.

Mr. President, it has been sought by some of those who are sponsoring this bill to make it appear here that any man who is speaking against this measure is in favor of lynching. Of course, that argument is unfair and untrue. It would be fairer for us opposed to the bill to charge that because no other forms of murder than lynching are included in this bill, because the proponents of the bill drafted it so as to reach only the crime of lynching, demonstrates the proponents of the bill are in favor of other forms of murder. We could argue with equal ardor and far more strength, that those who have brought this measure here are in favor of gang killings, burglary, or violence in all of its forms, because when they started this great "holier than thou" drive to have the Federal Government clean up crime in this country they saw fit to apply it to crime in one form, the only form in which it has all but been eliminated.

Of course no one who is opposed to this bill is opposed to lynching. We are opposed to the Constitution being lynched. We are opposed to the lynching of what is left of States' rights. We are opposed to the program that lies behind this bill, and which no Senator who is sponsoring the measure has denied is to follow the passage of this measure. We have seen that some of our friends who are also members of the Democratic Party from other sections of the country, have not hesitated to sell the Democrats of the South "down the river," without a hearing, when it comes to considering legislation of this kind and bartering for the colored vote in the centers of population in the East and in the West.

If we are "sold down the river" on this bill, when the remainder of the program, which I shall undertake to show lies back of this bill, is brought forward, we have no assurance whatever that we will not again be made the objects of other special legislation, just as the South has had to undertake to protect and defend itself against special legislation, economic and political, that has been leveled at it by the dominant party in the Congress of the United States practically ever since the War between the States.

It has been pointed out on this floor time and time again that this bill is but the first step of this program to which I referred, a program which, if it were adopted in its entirety, would destroy the white civilization of the South if it did not undermine and destroy the entire civilization of the United States.

It has been charged on the floor of the Senate repeatedly that this bill is the forerunner of a measure which will permit the Federal Government to take charge of the election machinery of the several States. It has been charged here repeatedly—and not a single proponent of this bill has denied it on this floor—that following the pending measure efforts will be made to take from the sovereign States of this Republic the power to prescribe the qualifications of voters and to have some little commission in Washington with representatives to sit at every ballot box and say who can and who cannot vote.

Every Senator on the floor of this body knows that if a measure of that kind were passed there would be one or more States of the Nation where there would be Negro Governors and where there would be Negro United States Senators. There are many States where two or three or four or five Members of the House of Representatives would be Negroes, and no white man would have a chance to be elected. This means that there would be county after county where every officer and every official would be members of the Negro race.

I have no prejudice against the Negroes. I was born and reared in a section where they are very numerous. I am glad that the Negroes with whom I have come in contact have called me their friend.

As a public servant in my State, and as one who has served as Governor of my State, I have always tried to deal fairly with the Negro and I am sure that there are no members of the Negro race in my State tonight who would say that any official or personal act of mine had resulted in any unfairness to the Negroes.

Certain interests have sought to make it appear that the opposition to this bill was generated merely from a desire to oppress and to bear down on the colored population of the South. That is wholly untrue. We can see the danger of the legislation that is to follow, which threatens our civilization in the South. That is the reason that we are fighting this bill to the last gasp, so long as one of us

can stand or see. Those Senators who are from States which do not have the problem that we have, and who can have no comprehension or understanding of it, should remember that if their sections were the target at which any such arrows as this were aimed, and they did not stand here and fight until they could no longer open their mouths and protest, they would be not only unworthy of their seats in this body but unworthy to be called men.

As I say, it has been charged that this bill is but the forerunner of other legislation which would not only take over the election machinery of the States, but would strike down the relations between the whites and the Negroes in the South, relations which have been evolved painfully through 70 years of trial and error, suffering and sacrifice, on the part of both races.

Mr. President, we hear talk to the effect that little has been done in the past 70 years. Any fair-minded critic, or any man who approached this subject without vicious partisanship or prejudice against the people of the South would be the first to commend us and congratulate us on the record we have made. In a short space of time the crime of lynching has been reduced from 250 in a year to 8. In a short space of time the race that had known only savagery and slavery has been brought into a new day of civilization, where education and opportunity has been provided for them.

Merely because the whites and blacks alike in our section have learned that it is better for the races to live apart socially, we are condemned here and are sought to be made the target for all kinds of legislation of this sort. I say that the South should be commended for what it has done for the Negro.

I have heard men say, "What about the Negro schools?" In my State recently there has been a program of educational expansion, but for years I could take you to one pathetic little white school in the South for every Negro school of that character. We have been impoverished by war and legislation. I think it was not until the year 1900, 35 years after the close of the War between the States, that the tax values of my State reached the figure at which they had stood in 1860. It took us from 1860 until 1900 to get back the taxable values that we had known.

What can be said for the rest of the Nation? After the Civil War the rest of the Nation flourished like the rose. There was a new day, a new industrial order. States which, in 1860, had about the same taxable values as the State of Georgia, by 1870 had doubled or trebled the taxable values of their property while we were being borne down by the policy of reconstruction. We have been impoverished, but we have shared our poverty with the Negro and have done it cheerfully.

Now we find ourselves berated by those who shackled us with that poverty because we did not have more poverty to share. It is unfair to raise any such argument as that here. It can only be done by those legitimate successors of the wavers of the bloody shirt following in the footsteps of Sumner, Stevens, and Ben Wade.

I should like to proceed further with the discussion of the program which, it has been charged on the floor of this body, is to follow in the wake of the pending bill. I have said that it has been stated, and undenied to this good hour, although this bill has been under discussion for several days, that those who are supporting the pending measure will also support legislation to take over the election machinery of the several States. Not a Senator here has taken the floor in his own right to deny that charge. Those of us here who are opposing this measure can only say that that plea of nolle contendere means that when some group comes along and says, "We will deliver the votes," the proponents of this bill will support such legislation.

Let me take up now the next step in the program, the so-called equal social rights side.

We already have pending in the House a bill, which is an amendment to the Transportation Act, to do away with any segregation of the races on railroads and in public places in the United States. The pertinent provision of that bill is as follows:

> It shall be unlawful to segregate any persons traveling as interstate passengers on any carrier subject to the provisions of this act, or in railroad stations, waiting rooms, rest rooms, lunchrooms, restaurants, dining cars, or in any other accommodations provided for passengers traveling interstate, on account of such passengers' race, color, or religion; and any such discrimination or attempted discrimination shall subject the offending carrier, its officers, agents, servants, and employees, to the penalties hereinafter provided for violations of this act.

I ask leave to have printed as a part of my remarks the bill to which I have referred. It is H. R. 8821.

The PRESIDING OFFICER (Mr. MINTON in the chair). Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

> A bill to amend the Transportation Act (title 49, No. 3, (1) U. S. C.) so as to prohibit the segregation of interstate passengers on account of race, color, or religion
>
> *Be it enacted, etc.*, That the Transportation Act (title 49, No. 3, (1) U. S. C.) be, and the same is hereby, amended by adding a subsection to be known as subsection (a), which shall read as follows:
>
> "(a) It shall be unlawful to segregate any persons traveling as interstate passengers on any carrier subject to the provisions of this act, or in railroad stations, waiting rooms, rest rooms, lunchrooms, restaurants, dining cars, or in any other accommodations provided for passengers traveling interstate, on account of such passengers' race, color, or religion; and any such discrimination or attempted discrimination shall subject the offending carrier, its officers, agents, servants, and employees, to the penalties hereinafter provided for violations of this act."

Mr. RUSSELL. Mr. President, that shows the trend of the times. That shows the program which those who are sponsoring and fostering this bill are now bringing forward to follow in the wake of the pending legislation if it shall ever be passed. It shows that we will soon be confronted with another alleged civil-rights bill which will embrace all those provisions of the statutes read by the Senator from Louisiana [Mr. ELLENDER] and others in the course of their remarks. It has been charged repeatedly that those who are supporting the pending so-called antilynching bill will also support legislation of a character similar to H. R. 8821. No Member of the Senate who is supporting the pending bill has yet stated that he does not favor and would not support legislation of the character indicated. I say that if a Senator, for political reasons or otherwise, would support the pending bill, he would fall a victim to the same organizations when they come to him and ask for his support of similar legislation.

There is also legislation pending in the Congress to give the Federal Government authority over all the marriage laws of this Nation. It has been charged on the floor of the Senate by several speakers who are opposing this bill—and not a sponsor of the pending bill has denied it—that this bill which we are considering is but the forerunner of legislation which would strike down the laws of any State in the Union that now prohibit the intermarriage of whites and blacks and would permit, if not encourage, miscegenation of the races and the intermarriage of whites and blacks in this country. As yet no Senator who is sponsoring or supporting the pending bill has taken the floor in his own right and denied that he is willing to go through with the entire program advanced by the forces that are sponsoring the pending bill.

We, therefore, Mr. President, have this as the program that is confronting those of us from the South in this body, if and when the pending bill shall be passed:

The first step in the program is this unnecessary and uncalled-for antilynching bill that is aimed at a crime that has all but been extinguished in this country, in order to solidify political favor in certain sections and to serve as a gratuitous insult to the South.

Second on the program are bills taking over the rights of the Southern States and the other States of the Union to control the requirements of suffrage and the qualifications of voters and to transfer from the States to the

Federal Government the supervision and control of the election machinery of the several States.

Third, bills to enforce social equality between the races, which include wiping out all segregation of the races in schools and colleges and churches and hospitals and in homes and in every public place.

The fourth plank in this program is a bill which will strike down the laws of the several States which prevent the intermarriage of whites and blacks.

Mr. President, in the course of my remarks I wish to read from certain documents to establish the fact that the four points in this program of those who are supporting this bill are identical with the program of the Communist Party in the United States, a program which the Communists are now advancing to the Negroes of the South in an effort to stir up discord and racial feeling and to destroy the harmonious relations which exist between the races in the South. The pending bill is the first step in the Communist program and has the hearty support of the Communist Party and every organization affiliated with the Communist Party. For several years representatives of the Communist Party have insidiously worked in the South and sought to propagandize the Negroes of the South with the same promises that it has been charged will follow this bill. Those who are supporting this proposed legislation, whether unwittingly or not, are contributing to a horrible and sickening situation and are encouraging this nefarious movement of the Communist Party in the South.

(At this point Mr. RUSSELL suggested the absence of a quorum, and the roll was called.)

Mr. RUSSELL. Mr. President, when the effort was made to comply with the constitutional requirement and secure a quorum I was discussing the fact that the program which it has been repeatedly charged on the floor of this body will follow in the wake of the pending bill, if it should, perchance, ever be enacted into law, was the program of the Communist Party, which is being disseminated now throughout the length and breadth of the South; and, whether wittingly or not, this Afro-Democratic Party, aided by Walter White and others, was lending aid and comfort to the efforts which have been made by the Communist Party to organize the Negroes of the South into that party.

Mr. President, I say that it is a fine tribute, better than any I might pay to the colored people of the South, that they have not been susceptible to this Communist influence. It is a tribute to their judgment and to their common sense. It should be sufficient to convince any person that these uplifters are not going to catch the votes of the Negroes in the South or anywhere else with a trap that has not any bait except this nefarious and uncalled-for and iniquitous antilynching bill.

It is not possible to fool the Negroes with any such measure as this, and I might say to Senators who feel that the success of their political future requires their support of the pending bill that they are not going to catch the Negro vote with any such measure. In my own State in the last Presidential election the majority of the Negroes voted the Democratic ticket, and they did not do that in the expectation of getting any such hand-out as this at the hands of the Congress.

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield for a question.

Mr. REYNOLDS. I wonder whether the Senator knows that a great many of the leading colored people of the South are opposed to the bill.

Mr. RUSSELL. I have heard that statement made, and I have no reason to believe that the colored people of the South are agitating for this measure.

Mr. REYNOLDS. I know that some——

Mr. RUSSELL. I yield for a question only.

Mr. REYNOLDS. I know that some of the leading colored people of the South are opposed to the bill.

The PRESIDING OFFICER. The Senator can yield only for a question.

Mr. LEWIS. Mr. President, may I address an inquiry to the Senator from Georgia?

Mr. RUSSELL. If it is in the form of an interrogation, I shall be glad to yield.

Mr. LEWIS. Did I understand the Senator from Georgia correctly when I assumed that he said there was an organization by the name of the Afro-Democratic Party which was espousing the principles of the Communists in his home in the South?

Mr. RUSSELL. The Senator from Illinois evidently did not follow me with his usual acuteness. I stated that this organization, the Communist Party, was advocating before the people of the United States a program which contained as four of its component parts the measures which are affecting the right of the States to control and regulate elections, the right of the States to pass laws prohibiting the intermarriage of the races, and the Federal legislation affecting what are generally known as civil rights, to follow in the wake of the pending bill, and that those four primary planks are what the Communist Party is offering the Negroes of the South, in addition to the further plank that they promise them the entire southland as the soviet Negro republic, and assure them that they will be permitted to liquidate at will all of the white people of the South who, perchance, may have had any part in the administration of Government heretofore, and to expropriate and confiscate, without compensation, all of the land that is now held in fee simple, or to which the whites of the South hold title in any form.

Mr. LEWIS. Did I understand my able friend correctly to state——

Mr. RUSSELL. I yield for a question.

The PRESIDING OFFICER. The Senator can yield for a question only.

Mr. LEWIS. I will insist on only a question. Did I understand the Senator to state that the organization went by the name of the Afro-Democratic Party?

Mr. RUSSELL. Mr. President, that was merely descriptive. I was seeking in my own way to describe some of the forces which are back of the pending bill. That was my method of identifying them.

As I was stating, the Negroes of the South who vote for any party or any man who stands for progressive principles, who is advocating measures which will benefit all of the underprivileged of the United States without regard to their location, for men and parties who stand for equality of economic opportunities in this country, are not interested in all of these vote-catching devices, such as the pending bill, and these others which promise them all kinds of social equality. They are looking for an opportunity in life to accumulate a little property, to own some land, and to have economic opportunity in this country.

Mr. President, I shall now undertake to read some of the literature I have obtained which reflects the propaganda system the Communist Party has applied and the promises they have held out to the Negroes of the South in an effort to create unrest and racial disturbances and conflicts, in fact, a bloody race war in the South. I shall undertake also to show that the first plank in the Communist platform is the bill which is pending before this body at the present time.

The pamphlet from which I read is entitled "The Road to Liberation for the Negro People." The first paragraph of it is as follows:

> During the last 10 years a great change in the outlook of the Negro people in the United States has taken place. The Communist Party has helped to start this rebirth in the life of the Negro people, the like of which has not been seen since the great abolitionist and emancipation movement prior to the Civil War. The leadership of the Communist Party and its organization of struggles for equal rights and opportunities for cultural advancement are bearing results.
>
> The Communist Party by its program and uncompromising stand on the problems facing the Negro people in the United States has created a new outlook for the Negro people, both among the Negro people themselves and in the ranks of labor and the progressive population as a whole.
>
> The Communist Party brought the message of hope and showed our people the road to freedom and liberation. The Communist Party fearlessly, against seemingly insurmountable obstacles, began

to blast the many lies and slanders against the Negro people. The Communist Party blazed a path of struggle against economic and social inequalities. The Communist Party brought to the Negro people a fundamental understanding of their conditions. It showed us clearly our relation to the economic and social set-up in American life. It taught us to see the real sources of discrimination.

It goes on then, Mr. President, to set out what it sees as these sources of discrimination.

Segregation, denial of civil rights and liberties, lynching, terror, and general exploitation. It taught us to know our enemies and where to find our allies.

It would seem that the Communist Party does not confine its program entirely to the South. Its complaint is not entirely against the alleged mistreatment of the Negroes in the South. It seems that it also reaches into Harlem, because it says:

The great unemployed struggles led by the Communist Party have been of material aid to the Negro people throughout the past years of economic crisis. In crowded, congested, and disease-ridden Harlem, Communists have forced the inclusion of thousands of Negro families on the relief rolls.

Turning to page 10 of this document entitled "The Road to Liberation for the Negro People," and which is printed by the Workers Library Publishers, Inc., which I understand is some publishing company identified with the Communist Party, we find the following statement, which briefly states the position of the Communist Party in relation to this question:

The Communist Party stands squarely for the Negro people. We do not say that the Negro is all right "in his place." We say that any place open to whites must be opened for the Negroes.

That embraces most of the philosophy of the Communist Party in a few words.

We also find that in the last election, in an effort to build up a Negro soviet republic in the South, the Communist Party nominated for Vice President a member of the Negro race, and before the convention which was enunciating the principles of the party on which it was to go before the people of the United States, and at which its candidates were nominated, in placing in nomination this Negro for Vice President the speaker said:

We will never rest until the Negro and white workers, shoulder to shoulder, win final emancipation of the Negro people.

The fifth plank in the platform of the Communist Party in 1933 was as follows:

For equal rights and resistance to all forms of oppression of the Negroes and for the right of self-determination for the Black Belt.

I propose to develop, by literature which has been disseminated by the Communist Party, the fact that the four parts of the program which I have heretofore discussed are the first four promises that are being offered the Negroes of the South, and that the fifth portion would result in destroying the civilization of the South, in driving the people of the South from their homes and farms, without compensation, in order that this so-called Negro soviet republic might be established.

I shall now read from a pamphlet entitled "The Reds in Dixie," which has on its cover this question:

Who are the Communists, and what do they fight for in the South?

On page 29 we find the following amazing statement, after several pages have been devoted to attacks on the capitalistic form of government, seeking to excite hatred against those whom they label as the bosses, who include anyone who employs one or more persons in the United States, and after several general arguments which present to the colored people of the South the promise of this Utopia, where none shall be compelled to work and all shall live on the fat of the land:

This fairy tale of "white superiority" is false from top to bottom; a lie carefully cultivated and drilled into the minds of the white workers for just one purpose—to split the ranks of the working class and weaken the fighting power of the workers.

Just as the Communist Party fights any other antiworking class policy of the bosses, so, too, it fights the idea of "white superiority," and it fights it in the only practical way it can be fought—by organizing and leading the daily struggles of the Negro people for full equality in every field of life and, above all, by drawing the white workers into the forefront of these battles.

Only the Communist Party has called for the organization of defense groups of white and Negro workers to protect the Negro people from the lynch mobs of the bosses and demands the death penalty for all lynchers. Only the Communist Party openly defies the Jim Crow laws and regulations of the southern ruling class and smashes these bars between black and white wherever possible.

I read that, Mr. President, and emphasize the fact that, due to all this propaganda which has been so widely disseminated throughout the South, if this bill should pass, the Communist Party would seize upon the fact that the Congress had passed it and would seek to mislead those who do not have a great understanding of our form of government into the belief that the Communist Party had been powerful enough to secure the passage of this measure through the Congress of the United States, and seek to lead thousands into the Communist Party by painting the picture of this Utopia of the soviet Negro republic embracing the entire Black Belt.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Do I understand the Senator to take the position that the Communist Party of the United States has endorsed this bill?

Mr. RUSSELL. Mr. President, the Communist Party of the United States has not only endorsed this bill but the Daily Worker, the daily periodical of the Communist Party of New York, has devoted page after page, during the entire discussion of this bill, to assailing the Senator from Texas [Mr. CONNALLY], and holding him up to public scorn because he is opposed to the bill. I shall later read from newspaper and magazine articles which pay tribute to those in favor of the bill and assail those who for any reason are opposed to it.

Mr. CONNALLY. I did not have an opportunity to conclude my question. The Senator says the Communist Party is advocating the bill and condemning those who oppose it. Is it not also true that the Communist Party is in control of Russia, and that under the Russian system the highest authorities in that Government are lynched from time to time at the dictation of Mr. Stalin? They are tried one night by military court and executed the next morning without the right of appeal, the right of habeas corpus, certiorari, or any other process before any court. Does the Senator mean to say that the advocates of this bill, or at least the Communist Party of the United States, who advocate the passage of this bill, are of the same party and the same political beliefs as the Communist Party which dominates Russia, and which officially adopts the policy of shooting men without any trial in a court of justice, or any appeal to anybody on earth?

Mr. RUSSELL. Later in the course of my remarks I shall read an editorial from the Daily Worker, the official organ of the Communist Party in the United States, wherein the superiority of the soviet form of government over our democratic institutions is asserted, because it states that Mr. Stalin would not permit any filibuster against such a bill as this if it were introduced in the parliamentary bodies of the Soviet Republic, or alleged republic.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question only.

Mr. McKELLAR. The Senator from Texas, in his question, asked what the advocates of this bill were doing or saying. I have not heard the advocates of the bill do or say anything up to date. Has the Senator known of any advocates of this bill on the floor of the Senate, or anybody who has been willing to stand up here and fight for the bill?

Mr. CONNALLY. Mr. President will the Senator yield?

Mr. RUSSELL. I may say that since the bill has been pending in this body over a period of several weeks not a single supporter of the measure has taken the floor in his own right at any time to undertake to defend this indefensible monstrosity. Since all these peculiar rules have been invoked and since freedom of full debate in this body has been destroyed, I assume now that perhaps it will be safe

for some of the advocates of the bill to take the floor and hide behind the parliamentary situation that was created by the very skillful, eminent, and able parliamentarian, the Senator from Missouri [Mr. CLARK], who invoked these rules, not that we might be permitted to engage in free, full, and open debate, but in order that the truth might be obscured from the country for some time. The situation that has developed is making it very difficult for those of us who are opposed to this bill, because, as I stated earlier in the evening, only in the clash of mind with mind does the truth scintillate, and we have been unable to generate any clashes between the minds of those who are opposed to the bill and those who support it, because not one of its supporters has taken the floor in his own right, in his own time, as a Senator of the United States, to undertake to explain the bill, or to show that it is consistent with the Constitution of the United States, or that it can possibly be declared valid by the courts under the Constitution of the United States.

Mr. McKELLAR. Mr. President——

Mr. RUSSELL. I yield first to the Senator from Texas. Then I shall be glad to yield for a question from the Senator from Tennessee.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I ask the Senator from Georgia, in connection with his statement, if it is not true that no argument has been made in support of this bill by its proponents? Is it not true that the only argument or citation of legal authorities or speech in favor of the bill by the proponents thereof has been a point of order from time to time?

Mr. RUSSELL. Mr. President, points of order have been made, and this parliamentary barbed-wire entanglement was laid down when the forces supporting the bill finally prodded the Senator from Missouri [Mr. CLARK] into action, and got him to go out and put up concrete "pill boxes" and barbed-wire entanglements behind which they might safely look out upon the vista of the Senate, and support the bill by rising in their own places, in their own right, to defend it. Now no general debate can be had. But until this unusual rule was invoked, not a single supporter of the bill took the floor in his own right to attempt to defend the bill. It is very easy to understand why any man should be reluctant in attempting to defend an indefensible proposition, such as the measure before us.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question from my friend the Senator from Tennessee.

Mr. McKELLAR. Mr. President, the Senator from Georgia has been here for a number of years. The names of two Senators are attached to this bill as its proponents. Did the Senator from Georgia ever know, in all his experience in the Senate, of any bill being introduced and being reported from a committee when the Senator or Senators who introduced it were not willing to get up and tell what was in it, and defend what was in it?

Mr. RUSSELL. The Senator from Tennessee has been most diligent in his efforts to enable the entire country to know the many iniquities contained in the bill. He has been very diligent in his attendance on the sessions of this body; but evidently he had stepped out to refresh the inner man when I stated, at the outset of my remarks this evening, that while my experience in this body was comparatively brief, I had made some study of parliamentary history, and, in my opinion, never before in the history of the United States, from the time the first Senate met to consider measures that were introduced, had any bill that was at all controversial in its nature been presented to the Senate of the United States without one word of explanation or one word of defense.

I pointed out that the sponsors of the bill, while they are claiming that they have a bill here to prevent or to punish the crime of lynching, are undertaking to lynch without trial those of us who are opposed to the bill, because they are depending merely upon brute force and the sheer weight of numbers to pass the bill, putting themselves on record not by their explanations of it but merely by their votes.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield for a question.

Mr. McKELLAR. Mr. President, as I understand, I am forced to put my remarks in the form of a question.

Mr. RUSSELL. I ask the Senator from Tennessee please to be most careful and most meticulous in placing his remarks in the form of a question, because of the fact that we have here those who will spring to their feet and say, "A point of order, Mr. President," in an effort to cause opponents of the bill to lose the floor. That has been the extent of their addresses so far in favor of the bill.

Mr. McKELLAR. Would it surprise the Senator if I were to tell him that in a service of 21 years in the Senate, this is the first bill of any importance with respect to which an explanation was asked and with respect to which the proponents of the bill were unable or unwilling to stand before the Senate like men and fight for it and explain it?

Mr. RUSSELL. Mr. President, not only is the Senate of the United States entitled to have an explanation made of any measure of a controversial nature that is presented here by its authors, but the people of the United States are entitled, in common honesty and decency, to have some supporter of this bill stand on the floor of the Senate and attempt to defend its constitutionality and produce reasons for its enactment at a time when full and free debate is the order of the day, and not after someone has brought in these "holiday" rules which seek to curtail and limit debate. I presume it might be said that they are attempting to stage a Roman holiday here by cutting down those of us who oppose the bill and taking us from the floor before we conclude our remarks.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Just a moment. I want to say to the Senator from Tennessee that those who see him might doubt the fact that he had served as long as 21 years in this body. However, I have gone back of that period. So far as I have been able to discover, never before in the entire parliamentary history of the United States Senate has any bill been presented to the Senate without an explanation, and without anything to commend it save the fact that an organization has gone around and corraled, as it is claimed, 73 votes pledged to its passage.

I now yield to my friend from Texas for a question.

Mr. CONNALLY. Mr. President, how can the proponents of this bill successfully defend it on the floor?

Mr. RUSSELL. Mr. President, the question which the Senator from Texas is asking me is a question that has addressed itself to the able authors of this bill since the first time the bill was presented, 3 years ago. How on earth can I answer the question when the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS] have been looking for an answer for 3 years, and have not found it? They have not taken the floor to defend the bill. As I stated a few minutes ago, it is impossible to defend an indefensible proposition.

For that reason we are confronted with the necessity of talking about this bill until the people of the United States understand it. When the people of the United States understand it, and when they see how, under the guise of a bill to punish the crime of lynching, this kind of a proposition has been brought forward, the supporters of the bill will find, if ever, perchance, the bill should happen to pass, that instead of its being an asset to them, it will prove to be an "old man of the sea" that will be around their necks for many, many years after the Senator from Texas, the Senator from Tennessee, and others who are opposed to it have passed into the Great Beyond, and can no longer protest against it.

As I have said, this bill is misleading. It is the most remarkable proposition that has ever been presented here.

This is the first time, so far as I am advised, that it has ever been proposed in any civilized country to punish the innocent people of a county because a crime has been committed in that county.

The proponents of the measure say that its purpose is to punish the crime of lynching. There is not one word in the bill that would permit the punishment of any member of a lynching mob.

As I have said on previous occasions on this floor, men could go out and lynch a man, swing him to a tree and take his life, and come here to Washington and present themselves to Mr. J. Edgar Hoover and tell him that they had just lynched someone. Even if this bill were on the statute books he would have to say, "Gentlemen, get out of my office; I have not time to see you." The reason the authors of the bill have used such a circuitous approach is simple—if it were undertaken to legally define the crime of lynching and to make the culprits directly amenable to Federal procedure, literally hundreds of the constituents of the authors of this bill would be thrown into jail and prosecuted in the Federal courts. So they undertake to punish the innocent people of the counties where the crime of lynching may be committed. Oh, the enormity of it, the awful injustice of it, the shocking iniquity of it!

The difference between a lynching in many instances and a gangster killing in New York or some other city is just in calling it a gang killing in New York and a lynching if it happens to occur in the South. This bill has been so worded that the constituents of its authors cannot be possibly brought into the jurisdiction of the Federal court, but they propose to sally forth into sections where, perchance, lynching might occur, though the crime of lynching has all but been abolished, and say, "We are going to punish the innocent along with the guilty."

Mr. President, lynchings do not occur in wealthy counties and in thickly populated areas. They usually occur, when they occur at all, in the rural sections, in sparsely populated communities, in the poverty-stricken areas of the United States. They usually occur in counties where there is a large Negro population. Under this bill, if three men were to band themselves together and go out and shoot down a man charged with a horrible crime, who might be in the custody of the sheriff or the bailiff of the county, the Federal Government would then go into the Federal court and seek to have imposed upon the county a fine of $10,000 for the benefit of the relatives of the man who had been stricken down.

If this bill were passed, it would work an awful hardship on the good Negroes of the South. Of course, it does not mean anything to the Senator from New York; it does not mean anything to the Negro organizations in the East that are supporting the bill; but it does mean something to me, because I believe in fair play for all classes, for all our people, for every race that lives within the confines of the United States. Suppose a lynching occurred in the dead of night, three men going out and shooting down another who was in the custody of the sheriff, and a verdict of $10,000 was found against the county; how would the county raise the $10,000? It is, perhaps, a small rural county whose population is not over five or six thousand, and the only property in it that is subject to taxation are the farms, the mules, the cows, the pots and pans, the bedsteads, and the skillets of the people that live in the county. The county has no other source of revenue. In some counties many Negroes own farms. Many Negroes have a mule or a cow and a little household and kitchen furniture. Then what happens? The Federal Government goes down there and says, "Here is a judgment which has got to be collected." The only sources from which it can be collected are the bedsteads and pans and mules and cows and farms of the people who live there. Do you think, Mr. President, they are going to exempt the Negro who owns property in the county? No; he will be taxed just as will the whites. Perhaps living at the far side of the county, on the forks of the creek, is a good old Negro who has a little farm which he has acquired after years of arduous toil; perhaps he has worked and stinted and slaved to acquire a little piece of land, 40 or 50 acres. He sees the tax collector and the sheriff coming down upon him. They say, "John, you heard about this nigger that the sheriff had in his custody getting killed, didn't you?" "Yes; I heard about it; but I didn't know him; I didn't have nothing to do with it, boss; I didn't even know that nigger." "Well, judgment has been secured against the county for $10,000, and your share of that judgment is $22.50; that is the tax on your farm."

Mr. President, in my State many of these poor people, both white and black, do not handle over two or three hundred dollars in cash during the whole year, due to the economic system that has been saddled on the South and which has borne us down through a long period of time. Where is the poor Negro farmer to get the $22.50? He cannot get it, to save his life, because the meager credit facilities of the county have already been dried up by the white people who have borrowed money with which to pay their share of the fine against the county.

Of course, the people living in the great rich States cannot realize, Mr. President, that there are counties in States in this country that do not have in excess of ten or twelve thousand dollars' revenue for an entire year; and here it is proposed to levy against them, at one time, a tax amounting to their entire annual revenue, their entire annual budget. Those who are supporting this bill do not know what they are doing and they do not seem to care what they are doing. They come here in the name of the Negro race and advocate a bill that will result in selling out some poor little Negro farmer in my State who will have had absolutely nothing to do with the offense. The farm that he has worked for 10 years to acquire will be sold at the sheriff's block. He will not raise his hands to the heavens and say, "Glory be to my saviors, the Senator from New York and the Senator from Indiana, as the champions of the Negro race," when he sees his little farm or his cow or his last sole possession sold from under him on account of this device that has been projected here and which has been framed in such a way that it cannot possibly apply to the States of its authors who only want it to apply to other States.

Mr. McKELLAR. Mr. President, under those circumstances, could not the people take out some insurance against having to pay the tax rate suggested by the Senator? I should like to ask the Senator another question. Did he see in the Washington Evening Star of January 20, 1938, an advertisement about insurance against crime? I will read it to him as a part of the question.

Mr. RUSSELL. Mr. President, I hope the Senator will put it in the form of a question.

Mr. McKELLAR. It is a question, and a question mark will be at the end of it. [Laughter.]

Mr. LEWIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEWIS. Mr. President, I know the occupants of the galleries do not understand the rules, but I feel it to be my duty to bring to the attention of the Chair that the constant interruptions by the occupants of the galleries of the dialogue between able Senators makes it impossible for other Senators to hear. I beg the Chair to announce to the occupants of the galleries that, while the Senate is glad to have them, they ought to know that the rules compel them to be quiet and to avoid demonstrations of any kind. So I am compelled to make the point of order against the disorder in the galleries.

The PRESIDING OFFICER. The occupants of the galleries will understand that by the rules of the Senate, quiet is required in the Chamber.

Mr. McKELLAR. Mr. President, I hope the interruption will not interfere with my question. I did not object and the occupants of the galleries are not annoying me at all. I do not want to be put in the attitude of complaining. I now present my question. Did the Senator see in the Washington Evening Star of January 20, 1938, the following advertisement?—

HOLD-UP AND BURGLARY INSURANCE

Protect yourself and your home with our combined residence and hold-up policy.

Adequate and inexpensive, and certainly demanded by local crime conditions.

See your daily paper.

NATIONAL SURETY CORPORATION.

If such a bill were passed, would the Senator suggest, inasmuch as we turn these conditions over to the Federal Government, that an insurance of some kind might be provided by the Congress so as to help the poor taxpayers of whom the Senator has been speaking?

Mr. RUSSELL. Mr. President, I scarcely think it would be necessary, although it might be possible to do so. I was interested to note the location of the company which was advertising hold-up and burglary insurance. I notice from the advertisement the Senator from Tennessee has handed me that it is located in the District of Columbia. Of course, we have heard something about criminals and crime conditions in the District. The Senator from Tennessee has made one or two statements on that subject. I do not want to go into that question at this time, but I was interested to see that the company was not located in New York City, because from articles which I read to the Senate on another occasion, when I was addressing the Senate, unless a prohibitive premium were charged on any insurance against hold-ups or burglaries in New York City, such insurance would be destined to bankrupt the companies unless they charged enormous premiums, because burglaries and hold-ups are so frequent there that they would certainly lose all their money unless an enormous premium were charged the policyholders.

Mr. President, I have been discussing the enormity of the pending measure which would impose a fine on some little county of $10,000 because of the action of three of its citizens. All the citizens of the county except three might be home peacefully in bed, and yet the proponents of this bill propose to reverse the traditional Anglo-Saxon maxim that a defendant is presumed to be innocent unless he is found guilty by not only putting the burden on the county to show that every citizen of the county is innocent but by providing that the innocent shall suffer for the acts of the guilty by being taxed.

Mr. McKELLAR. Mr. President, if the Senator will yield——

Mr. RUSSELL. I yield only for a question.

Mr. McKELLAR. I am going to ask a question. If three citizens of another county came over into such a little county as the Senator has described and committed an outrage while every good citizen of the particular county where the crime was committed was asleep, those innocent ones would still be liable, would they not?

Mr. RUSSELL. Mr. President, all the citizens of the county could be gathered in a church on their knees praying that another crime would never be committed in that county, but under this iniquitous bill those poor people would be taxed and fined; they would be sold out of house and home and their little household chattels would be sold in order to raise the $10,000 fine, thus punishing the innocent for the act of a few.

Never has such an outrageous measure been submitted to any parliamentary body that entertained any ideas of fairness and decent treatment to people in whose behalf they were professing to serve as this proposal under which a fine of $10,000 may be assessed against innocent people in a county. They might all be at home in bed; they might even be in churches at prayer; they might be in another county attending a meeting of some kind; and yet under this measure it is proposed to tax them.

Mr. President, as has been so ably pointed out, not only does this proposal strike at the Constitution of the United States but it wipes out the constitutions of the several States. Suppose a judgment for $10,000 is obtained against a county. There are many States of the Union where the purposes for which taxes may be levied are specifically enumerated in the constitution of the State. I challenge anyone to show me a provision in the constitution of any one of some two or three States, including my own, which would permit the levy of a tax for the purpose of raising $10,000 to pay such a judgment.

Suppose a judgment of $10,000 is obtained against a county. A proceeding is brought in the Federal court to undertake to enforce it by a mandamus against the officials of the county. Say that it is necessary to levy a tax for $10,000. The officials say, "Under the State constitution, we have no right to levy a tax for $10,000." Then what is to be done? I assume that under this bill the Senator from New York, representing the plaintiff in the action, or somebody in the Department of Justice, would go up to the statehouse. He would see the Governor of the State and say, "Governor, you will have to amend the constitution of your State so that by levying taxes on your people we may collect this judgment." The Governor might say, "I have not authority to amend the constitution. The general assembly would have to submit a proposed amendment by a two-thirds vote, and I cannot make them do it." The reply would be made, "Well, there is going to be a session of the legislature, and the legislature might consider a bill to amend the constitution to permit the levy of this tax," to pay the fine that is provided in this measure. Suppose the legislature should vote down such a bill, who would be arrested and put in jail for contempt of court under this bill?

This is what the bill provides:

> Any officer of such governmental subdivision, or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly.

In some States, where the purposes for which counties may levy taxes are set forth in the constitution of the State and are limited by those constitutional provisions, we might have the picture of some little Federal deputy marshal leading the legislature, headed by the Governor and the Treasurer of the State, and putting them in jail for refusing to adopt a constitutional amendment; or would the matter go further than that? Would it extend to all the people of the State?

Suppose the legislature should propose a constitutional amendment, and the Governor should authorize its publication on the ballot in the next general election, and the matter should be submitted to the people, and the people should vote down the amendment: Who would be punished then, and how would the matter be gotten at?

What I have stated shows the absurdity of attempting to pass a measure of this kind, which is so foreign to our American system of government; which smacks so much of the Soviet form of government in Russia, which is shot through and through with the principles of communism.

For myself, I do not see a great deal of difference between communism, if that is what the Government of Russia is, and the Governments in Germany and in Italy, which are usually referred to as Fascist governments. It seems to be merely a matter of names, except that in Russia, Stalin is just a little more vigorous in rubbing out all of those whom he suspects than Hitler is in Germany or Mussolini is in Italy. There is no substantial difference.

The other day there was what was called an election in Russia. Thousands of Russians went to the polls and voted, and later it was reported that they all voted in favor of Stalin; and that is given as a fine illustration of the democratic process in Soviet Russia. Mr. President, if a man had voted against Stalin, or opposed anything that he favored, in that election, of course, he immediately would have been "liquidated." He never again would have voted on any matter on earth. He might have cast his vote in the great hereafter, somewhere in eternity, but he would have been stood before a firing squad and shot down and blotted out; or, as the Russians call it, would have been "liquidated."

What was the difference between the election held in Russia and the one held in Germany a while back? An election was held in Germany on the question whether or not the German people approved of what Hitler was giving them. Of course, when the election was held and the ballots were counted it was reported that some enormous percentage of the German people—I have forgotten just what the percentage was, perhaps 99½ percent—had voted in favor of Hitler's program. Of course they voted in favor

of it. They voted for it for the same reason for which the people of Russia voted for Stalin's program, namely, because they knew that if they did not they would be exiled or killed.

So, Mr. President, we find on this bill some of the earmarks of communism, communism and fascism having much in common, both having an absolute disregard for any dual form of government, and concentrating all the powers of government in one man or one central government. I should not have been surprised to see this bill come fresh from Germany. If it had been brought here as a proclamation of Der Fuehrer, it would have been very much in order as a German proclamation; but when we come to measure it by the yardstick of the Constitution of the United States, when we consider it in connection with our dual form of government—48 sovereign, indestructible States in an indestructible union—it must fall, and it will fall.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Will the Senator, in the discussion of the principles of communism and Hitlerism and Stalinism, and other "isms," explain what defense or explanation the authors of this bill, according to the Senator's supposition—for that is all we have—make of the portion of the bill on page 7, beginning in line 10, and reading as follows:

> That lynching shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

Is that carrying out the defense of their own Communistic principles, of racketeers and lawbreakers and hijackers and all sorts of criminals? Is that in conformity with the Communistic idea which dominates the Communist Party in officially endorsing this bill? What defense will the proponents of the bill make of it? Can the Senator tell us what explanation there is of it? Why was that provision put in the bill? What are the motives back of it? Is that the voice of Lenin or Stalin or Hitler, or the highwayman who stands behind the corner of a building in a dark alley, and with a slingshot awaits his victim, to strike him down and shed his blood in order to take his property?

Mr. RUSSELL. Mr. President, I may say to the Senator from Texas that it has been suggested that that provision was dictated as much by the voice of experience as by any other voice. The proponents of the bill knew that if they were not able to cull out and segregate the 8 murders out of the 12,000 murders committed each year in the United States in order to make this bill apply only to one section of the country and to one class of murders, if they could not exclude gang murders from the provisions of this bill, the States and counties they represented would soon be bankrupt by reason of paying damages of $10,000 for every gang murder or killing that might take place within their States. So they come in here attempting to define a crime, only eight instances of which happened last year, in such a way as to protect the public exchequer in their own States, and to keep their own gangster constituents from becoming involved in the toils of Federal law.

Mr. President, a few moments ago, when I was so pleasantly diverted by the interrogatories of the Senator from Texas [Mr. CONNALLY] and the Senator from Tennessee [Mr. MCKELLAR], I was discussing some of the communistic aspects of this measure, and attempting to show that this bill is the number 1 bill on the Communist program, to be followed by legislation which would strike down the State laws of the South which prevent the intermarriage of the whites with the blacks, which would strike down the social order of the South which segregates the races, which would take charge of the election machinery of the 48 States and strike down every constitutional provision and every statute in the 48 States which seeks to regulate elections, and would result in the election in States having a majority of the colored race of Negro Governors, Negro United States Senators, Negro Representatives, and bring us back to the period of reconstruction, hailed by the Communist Party as the most glorious age of American history, as I shall read from some of these articles before I conclude my remarks.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. MCKELLAR. And yet, notwithstanding all that, is it not true that not a single Senator favoring the bill is willing to stand up here and say he is in favor of it?

Mr. RUSSELL. Mr. President, they intend to say it only with votes, and with fingers crossed, asking forgiveness for having permitted themselves to be committed to any such legislative monstrosity as this measure.

Mr. POPE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. POPE. Is the Senator going to read from the Communist platform that the reconstruction period in the South was a glorious page in our United States history?

Mr. RUSSELL. I intend to show that this Communist organization, which has as No. 1 on the agenda this so-called antilynching bill, proposes to change over the Southern States, as they say, from the Eastern Shore of Maryland to the center of Texas, into a soviet Negro republic, and as an illustration of their determination to make that a Utopia where all shall live happily, they say they will bring them back to that glorious period of reconstruction, when the Negro Governors and the Negro legislatures showed what able statesmen they were, and how skilled they were in Statecraft.

I shall show that this bill represents the spearhead of that program, which proposes to plunge the South again into that bloody and awful time, when men and women slept in terror, for they knew not what the night would bring, and rose trembling in the morning, for they knew not what would come with the morning sun. This bill is the first order on this Communist program, which holds out to the Negroes of the South the promise of this autonomous Negro soviet republic, the death, or liquidation, of all whites who had any part in the Government or anything to do with the Government, which will of course include voting, which will let them expropriate and confiscate, without one nickel of compensation, every acre of land in that section owned by a white man.

This bill is the spearhead of the Communist program, as I have already developed from articles I have read, and will show from a large number of other articles I propose to read in the near future.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. MCKELLAR. Did I understand the Senator to say that this bill, which no one has the courage to stand up and fight for, is on the program of legislation required by the Communist Party?

Mr. RUSSELL. Since the Senator seems to be interested in that phase of the matter, without going into all the program, I wish to show some of the propaganda that is being carried on now. I shall not be diverted except for one or two statements at this time, and I shall thereafter present this matter in sequence.

I have here an editorial from the Sunday Worker, which is the official organ of the Communist Party. This is headed "Where There Are No Filibusters." I read:

> There are no filibusters in the Soviet Union.

For a very good reason. If any person in the Soviet Union expressed the slightest view contrary to that of Mr. Stalin, that would be his last expression on this earth. They would not even give him time to say a word of prayer before they shot him down.

Mr. CONNALLY. They would make a point of order against him, would they?

Mr. RUSSELL. A point of order with a bayonet. I read from this Communist paper:

> Democracy and the people's will cannot be sabotaged in the Supreme Soviet of U. S. S. R., whose sessions opened Wednesday.
>
> We in America live in one of the freest capitalist democracies in the world. Yet how limited our democracy is.
>
> Two sessions of Congress have been held since the election. Yet with the exception of the housing bill—which, incidentally, was greatly mangled before it finally passed—

I had not noticed that. I am sorry the Senator from New York is not present in order that he might see how he has

mangled the housing bill. I found in the Daily Worker that the Senator from New York had wired the Communist Party in New York that he was going to pass this antilynching bill. He sent them a telegram, as they said, in quick response to a wire of the Communist Party in New York, and told them he was going to pass this antilynching bill. Of course, that was last November. The Senator from New York was a little optimistic. It has not been passed yet. We do not know what the future holds.

Mr. McKELLAR. I think we can safely say it is not going to pass.

Mr. RUSSELL. I know it will not pass tonight. [Laughter.]

Here is this article extolling the merits of the Communist form of government in Russia, as compared with the democratic form of government in the United States:

Two sessions of Congress have been held since the election. Yet with the exception of the housing bill—which, incidentally, was greatly mangled before it was finally passed—

Of course, it has not passed yet. The Senator from New York is so devoted to the pending measure that he will not bring out the conference report on the housing bill. He is afraid it might disturb the consideration of the pending measure.

Oh, yes; these great advocates of the "new order" here on the floor of the Senate, these great "progressives," who rise here and criticize a Member of the Senate because, perchance, he votes against one of the President's bills, we find so interested in this bill, which the President has never publicly endorsed, and no man on the floor of the Senate has ever said he has privately endorsed it, that they are willing to sabotage the President's entire program and hold the housing bill in their pockets, although it has priority under the rules of the Senate over the pending bill, in order to try to pass this indefensible, misnamed antilynching bill.

"Why is this?" this Communist paper asks, and answers:

Because a coalition of reactionary Republicans and Democrats in Congress * * * have ganged up against the people's mandate and succeeded in paralyzing the processes of democracy.

A case in point is the present filibuster against the antilynching bill.

The bill has been passed by the House. More than 70 Members of the Senate have declared themselves in favor of it. Yet a handful of reactionary southern Senators refuse to let it come to a vote, refuse to let democracy work, and by their filibuster are not only holding up this measure but all other legislation.

Mr. President, that statement is one which has been oft repeated. We are being charged with blocking other legislation when the rules of this body give the conference report on the housing bill the right-of-way and give any other bill which has been dealt with by a conference committee the right-of-way. But the chairman of the Senate members of the conference committee handling the housing bill, a measure designed to insure the expenditure of $16,000,000,000 in the durable-goods industry in order to provide work for thousands, holds that conference report in his pocket and does not present it to the Senate because he is so intent in having this iniquitous, misnamed, so-called antilynching bill passed.

Referring to the pending measure, this article continues:

The bill was passed by the House. More than 70 Members of the Senate have declared themselves in favor of it. Yet a handful of reactionary southern Senators refuse to let it come to a vote, refuse to let democracy work, and by their filibuster are not only holding up this measure but all other legislation.

Capitalist democracy works so imperfectly and must constantly fight for its life against the pro-Fascist big business groups because economic power is in the hands not of the people but of the dukes and earls of Wall Street.

How different is all of this in the Soviet Union, where socialism has been established. There the people are really masters of the country, and their elected deputies, coming from their own ranks, really are able to speak for them and to carry out their will. There the new Stalin constitution, the constitution of socialist democracy, with its guaranties of the right to work and the right to leisure, is a lighthouse of freedom pointing the way to oppressed humanity everywhere.

Yes; it is thanks to the Communist Party of the Soviet Union, thanks to the leadership of the immortal Lenin, of Stalin, that capitalism and its bloody offspring, fascism, have been forever destroyed over one-sixth of the earth's territory.

And it is thanks to the Communist Party, thanks to Lenin and Stalin, that the decisions of the supreme Soviet, meeting in the midst of a world racked with fascism and war, will prove a tower of strength not only to the Soviet people but to the millions in the capitalist countries who fight for peace and democracy.

Mr. President, while I am dealing with this subject from the present-day standpoint of the attitude of the Communist Party toward the first plank in their program as it affects the colored people, and the effort to draw them into the Communist Party, and to establish this soviet Negro republic in the South, we find here an article which creates, as they call it, a "roster of shame" which bears the names of those who have opposed this bill.

I find in this roster of shame, which the Soviet Party has engraved on the front page of the Daily Worker, that the name of the distinguished Senator from Texas [Mr. CONNALLY], like Abou Ben Adhem, leads all the rest. First comes TOM CONNALLY. Then comes JOSIAH W. BAILEY. I am proud, Mr. President, that my name appears next even though I am only an humble soldier in the ranks in this fight to preserve the democratic processes in this country, in this fight to preserve the dual system of government, in this fight to prevent having the South again baptized in blood as in the days of reconstruction. My name appears third on the list.

Let not the Senator from Tennessee [Mr. McKELLAR] look slighted. I find here on this roll the name of KENNETH McKELLAR, of Tennessee, beside the name of that great statesman, whose name and reputation will live forever in this country, the distinguished Senator from Idaho [Mr. BORAH].

Mr. President, those of us here in this country who are seeking to preserve our democratic institutions have been greatly heartened by the courage and the vision and the statesmanship of the distinguished Senator from Idaho. In this period, when men set their sails to catch every vote that might be borne along by a passing breeze; in this period, when men in public life ofttimes yield to demands of the moment made by groups, without looking into the principles involved; in this period, when we see one organization having the strength to take charge of the Senate of the United States and shove the program of the President of the United States into the ashcan; now, at a time when many of those who were nurtured at the warm breast of the South, who have never received aught save respect and kindness from the people of the South, have gone off and deserted us—at such a time we find one outstanding Senator who has the courage to voice his convictions on the floor of the Senate, and who has the understanding of problems that inspires that courage. The people of the South will ever revere the name of WILLIAM E. BORAH.

Mr. President, as I said earlier in the evening, in the past 70 years marvelous progress has been made in the South. Prostrate in 1865, it took 35 years for the tax values in my State to reach those of 1860, at the outbreak of the Civil War, whereas the tax values in those States which were not ravaged have trebled and quadrupled. Seventy years is but a brief day, but a short time, in the life of nations. Yet in those 70 years we have solved the question of two races living together, yet separately, two races living in the same State and in the same communities, with the very minimum of jarring clashes. But at this time we hear the voices of political organizations, we hear the voices of those who would attempt to pillory the sections that have made that marvelous record.

Mr. President, to show that the Communist Party has adopted the program which I have heretofore outlined and which it has been repeatedly charged on the floor of this body would be carried out in the South following the passage of this bill, a charge which no supporter of this bill has denied, I have here another editorial from this same Daily Worker with regard to remarks made on the floor of the Senate by the distinguished Senator from Mississippi [Mr. HARRISON]. This is from the Daily Worker, central organ of the Communist Party of the United States of America, sec-

tion of Communist Internationale, of January 12, 1938. The editorial is headed:

A SENATOR LETS THE CAT OUT

In the course of their filibuster in the Senate against the antilynching bill the opponents of the measure while away the hours with all sorts of phony arguments. One says the bill steps upon the toes of State rights.

Of course, that argument would not be very persuasive with a Communist, because a Communist does not believe in any States' rights. The Communists believe in having one government, and if it is operated as the government in Russia is operated, it is run by one man. I say that, so far as actual operation is concerned, there is no difference between fascism and communism. There is this difference, that if you object to Hitler's government in Germany, you are shot down with Fascist bullets, and if you object to Stalin's government in Russia, you are shot down with Communist bullets. There is very little real difference between the two. When a man is dead he is dead, and I do not think he would gather much consolation from the fact that he was shot by a Fascist bullet rather than by a Communist bullet, or vice versa.

One says the bill steps upon the toes of States' rights and therefore is unconstitutional. Another presents figures of the past 70 years with which he tries to prove that the States themselves have been dealing with the lynching problem.

Of course, we not only proved that, but we proved it so conclusively that every fair-minded man who was not tied lock, stock, and barrel by commitments with respect to this bill acknowledged there was no occasion for such a law as the measure before us. The able Senator from Arkansas cited facts and figures to show the Senate beyond any room for argument lynching was the only crime in the country that had been all but wiped out.

In the Senate of the United States, in night session, on the twenty-third day of this great crusade against crime, the great Senators who are supporting the bill, arrayed in their raiment of white, I might say furnished by Walter White, are out to strike down this dragon of crime and are undertaking to deal with 8 out of 12,000 murders in the United States in the name of dealing with crime.

They do not want to touch murders resulting from gangster killings in their own States. They put in a specific prohibition against that. It would in effect be equivalent to issuing a Federal license to all gangsters, "Get out and kill, murder, and maim, and your victim cannot recover any $10,000. We are here legislating against crime, and we are trying mighty hard to have this bill passed before lynchings are ended entirely. They are all but ended now, and if we do not get the bill passed before lynching is ended we are likely to be without an issue."

So they must be here day and night pounding away in this great crusade against crime and crusade against 8 out of 12,000 murders, against 8 out of 1,500,000 felonies in this country, in the name of dealing with the crime problem.

Mr. President, I say it is positively sickening to see the dignity of the Senate of the United States so prostituted and brought down to this level, dealing with only 8 of 12,000 murders, 8 of 1,500,000 felonies. Yet all other crimes are left alone, are allowed to continue unchecked, and nothing whatever is done about them.

I was digressing for a moment, Mr. President. However, my sense of justice and decency and fairness is so outraged when I think about a man coming here and saying that he is dealing with crime, and is going to stop crime in this country by means of any such outrageous proposition as this, that I shall probably digress to make practically the same statement again before this discussion is concluded.

Here is the reference to the distinguished Senator from Mississippi in this paper:

Every once in a while one of these gentlemen opens his mouth wide and lays bare the hideous soul of the lyncher.

That is a reference to the distinguished Senator from Mississippi, a man who is well known and who has had a long and distinguished career in this country, a man who has been honored by being made a Senator of the United States, a man who has been recognized as a wheel horse in the Democratic Party.

He has such remarks as that leveled at him by those supporting men who say they are members of the Democratic Party who are sponsoring this bill on the floor. We could say with more justice that any statement in behalf of this bill laid bare the hideous soul of a gangster, or a rapist, or a burglar, because the bill does not even undertake to punish any of those fast-increasing crimes. It exempts all of them.

When it comes to the gangster who shoots down innocent persons on the streets of New York, he is exempted. When it comes to some rapist defiling some innocent child in the great city of New York, he is exempted. I have shown heretofore that sex crimes are on the increase in New York. When it comes to burglary in New York City, the burglar is exempted. I have shown that even the people who were on their way to church in New York City on New Year's Eve had to go under police escort to keep themselves from being robbed, and had to carry arms in order to ward off the attackers who would beat and rob them.

It is said that Congress has no power to deal with such crimes. The proponents of the bill say, "Oh, no! Do not come into our States and try to deal with our gangsters or with our constituents. Do not fine our counties $10,000 for a gang murder. Let that be visited on some other section, but not in my State."

It is said that the Federal Government has no power in such cases. We might say with much more logic that the proponents of the bill favor all those crimes, rather than having it said that those who are opposed to the bill favor lynching.

The newspaper to which I have referred attempts to depreciate the speech of the Senator from Mississippi. It says:

Declaring that the backers of the antilynching bill would not be satisfied with its passage, but would come back for more, HARRISON said:

"They will come back here and seek the help of the majority party in power to take away from the States the right to say who shall vote in their elections, and to say that every colored man in every Southern State should take part in the primaries in the State."

That is a quotation from the speech of the Senator from Mississippi. Of course, the Senator from Mississippi might feel some little alarm about that, because if that part of the Communist program, of which this bill is the spearhead, should be adopted, it would mean that in the State of Mississippi, which has a large majority of Negro population, there would be a Negro Governor; there would be two Negro Senators in this body; there would be Negro Representatives; there would be Negro sheriffs. There would be Negro county officers, because there is a majority of Negroes in Mississippi; and, therefore, the Senator from Mississippi was naturally concerned when he saw this proposition to come into the State of Mississippi and have this powerful communistic central government threaten to take away the right of the State to say how its elections should be conducted and to prescribe the qualifications for voters.

As I have pointed out heretofore—and as I shall point out again—it has been charged that the supporters of the measure we are now considering are in favor of the Federal Government taking over the election machinery of the 48 States, and not a single supporter of this bill has denied it—not one.

The reaction of this Communist newspaper to this proposition shows that it is a part of this general scheme:

Here we have the reactionaries in the South who shout that the antilynching bill is unconstitutional, brazenly announcing that they will continue to violate the fifteenth amendment to the Constitution, which guarantees the franchise to the Negro people; that they will try to keep the Negroes in that condition of political slavery which makes them a prey to Jim Crowism, oppression, and lynching.

I have stated that this is a part of the program.

Here we also have revealed the importance of the antilynching bill as a step toward actual democracy in the South, and therefore greater freedom for America.

It is a step in the program. This Communist newspaper says that the program includes the other legislation to which I have referred, the fifth part of which is the Communist Party plank to liquidate or kill the whites, take their property away from them, and drive them out of the Southern States in order that the soviet Negro republic may be set up there.

As this picture unfolds, those who have never lived in a section that has had to bare its breast to every form of Federal legislation that scheming politicians could devise will be able to understand how some of us feel when we say that we will fight this monstrous and infamous measure as long as the breath of life is left in us and we have enough strength to stand on this floor and protest.

This article continues further:

HARRISON, the reactionary, has unwittingly given the most powerful argument for smashing the filibuster and enacting the bill into law.

Why has he given the argument? Because they say this bill is the spearhead of the program of legislation I have recounted here which will wipe out the civilization of the South and make it impossible for a white man to live there, because this program, which I shall discuss in a few minutes, shows that they intend to disfranchise any man who has heretofore voted in the South, and to expropriate and take away the farm or the home of any man in the South who owns one today.

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries to be more quiet.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is there anything in the rules that prevents the occupants of the galleries from enjoying the proceedings of the Senate? So few people do enjoy them that it seems to me those who do should be permitted to do so.

The PRESIDING OFFICER. Under the rules, the Chair is charged with maintaining order among the occupants of the galleries. The Chair hopes the occupants of the galleries will enjoy the session without interfering with it.

Mr. CONNALLY. It seems to me that if those in the galleries want to laugh or enjoy themselves for a few moments at something that transpires in the Senate, they ought to be permitted to do so. They are free American citizens. They are invited here, and they have a right to be here. So many people "cuss" the Senate that it seems to me that anyone who wants to approve or smile at us ought to be encouraged. [Manifestations of applause in the galleries.]

Mr. RUSSELL. Mr. President, inasmuch as the parliamentary inquiry of the Senator from Texas has been answered by the Chair, I shall continue the reading of this pamphlet, The Reds in Dixie, this being the program of the Communist Party to which I referred a few moments ago. I believe I had already dealt with the statement which shows that the Communist Party claims that it is the only organization which demands legislation to defend the Negro worker and give him an antilynching law. That is what it claims. Of course we know that is not true.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Do they exclude the authors of this bill?

Mr. RUSSELL. Let me read this again. The Senator from Texas perhaps was diverted when I read it a moment ago:

Only the Communist Party has called for the organization of defense groups of white and Negro workers to protect the Negro people from the lynch mobs of the bosses and demands the death penalty for lynchers.

It seems that not all the program is in the bill before us.

Only the Communist Party openly defies the Jim Crow laws and regulations of the southern ruling classes and smashes these bars between black and white wherever possible.

I should like again to invite the attention of the Senate to the fact that it has been charged here, and not denied, that following on the heels of this bill will be a bill to strike down the statutes of some of the Southern States which prohibit the intermarriage of whites and blacks. If such statutes were stricken down, the marriage of Negro men and white women and white men and Negro women would be permitted and encouraged in the suggested legislation.

Following up that idea, this is what the Communist Party says:

Does this mean that the Communist Party demands that white men must marry Negro girls and that Negro men must marry white women? Of course not.

In other words, they do not demand it.

The Communist Party does not attempt to order the personal lives of its members or any worker. Whom a worker shall marry is up to the man and woman involved and no one else. While forcing no white person to marry a Negro and no Negro to marry a white person, it demands the absolute right of white to marry Negro and Negro to marry white where both parties desire this. In other words, it demands and fights for complete and unrestricted social equality for the Negro people in every field of human relations.

There we have the third plank of the Communist Party, one of the planks of the program which, it has been charged here, would follow in the wake of this bill, and which would receive practically the same support as this bill, and which no Senator on this floor has challenged.

I shall now take up the program to establish the Soviet Negro republic. I may say that these articles have been scattered throughout the entire South. They have been disseminated from one end of the country to the other. The action of the Congress in taking up and passing this Communist program cannot do otherwise than to speed and lend impetus to this entire program, which will mean the destruction of southern civilization, the murder of all the southern whites, and the expropriation and confiscation without compensation of all property that is now owned by the white people of the South. They permit the Negroes to keep theirs.

A large part—

Says this pamphlet entitled "The Reds in Dixie," which sets forth the program of the Communist Party—

A large part of the Negro people live in what is commonly known as the Black Belt. This territory, including over 200 counties—

I have other literature here in which the area is extended considerably, and takes in 350 or 400 counties—

stretches thousands of square miles in a continuous line although crossing into several States. In this territory the Negro people are a majority of the population. * * *

The Communist Party believes that the Negro people in the Black Belt, if they are to be really free, should have the right to control and govern this territory—

"To control and govern this territory"—

and to develop their life and their culture in their own way. It believes that the Negro people in the Black Belt should be secure from interference either by the white bosses * * * or by the Wall Street gang and the Federal Government which they control.

This does not mean that we want to establish some sort of a Jim Crow state. On the contrary, the white croppers and workers in the Black Belt would be welcome to stay. They would have equal rights, would have a voice in the government, and their rights would be fully protected.

In other words, Mr. President, the Communists are going to be very kind to some of the white folk; they are going to let them stay; they are going to permit them to have an equal voice with the actual rulers of this Negro soviet republic who will be the Negroes.

Mr. POPE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. POPE. From what is the Senator now reading?

Mr. RUSSELL. I am reading from a pamphlet entitled "The Reds in Dixie."

Mr. POPE. Who is the author?

Mr. RUSSELL. The statement on the first page is "Who are the Communists, and what do they fight for in the

South?" It is "by Tom Johnson," and is published by the Workers Library Publishers, which is the publishing house of the Communist Party in New York City, for the Southern Worker, which is the southern publication, I assume. The Daily Worker is the organ of the Communist Party in the Nation.

I continue reading from the pamphlet:

It simply means that the Negro people, as the majority in this territory, would have the right to self-government, the right to determine what kind of government it is to have, and—

Listen to this statement, Senators who are here and who unwillingly, perhaps, have given support to the head of this Communist drive—

what connection, if any, this nation is to have with the United States Government.

In other words, they are going to set up a Negro soviet republic in the South from the Eastern Shore of Maryland around to Texas, and after they have gotten through "liquidating," which is a new Russian-Soviet-Communist word for just plain killing, which would apply to the lynching of a white man by Negroes or a Negro man by a white, then they are going to determine after taking over the land and all the civilization of the South what relation, if any, they will have to the United States Government.

The Negro people may not want to set up a separate nation from the United States and the Communist Party would never think of forcing it on them.

In other words, the Communist Party might be good to this Negro republic after they got through killing all the white people in the South and not force them to come into the United States, but if they do not want to do that, they are to have their separate government.

Moreover, if the Negro people in the Black Belt should get the opportunity of self-government at a time when the working class would be in power in the United States, the Negro Communists would undoubtedly advocate that this nation should remain a federated part of the Soviet United States. But the Communist Party will support and fight for, and calls upon the white workers to fight for, the right of the Negro people in the Black Belt to full self-government, their right even to establish a separate nation if they should wish to do so. This is what we mean—

Referring to the Communist Party—

This is what we mean by the demand for the right of the Negro people in the Black Belt to self-determination.

There, Mr. President, you have the picture. They have stated that the first bill they are going to have passed is the antilynching bill. The second step is going to be to take over the election machinery of the States; the third, the legislation permitting intermarriage of the blacks with the whites in the South; the fourth is a civil-rights statute; and the fifth is this soviet Negro republic. Then the author of this pamphlet proceeds to attack religion, which is a good old Communist custom. Of course the Communists say in all their works that religion is the opium of the people and stands in the way of progress. The mere fact that for some generations past in the United States that many good people have departed this world with a firm conviction sustained by faith that they were going to a better world means nothing.

Mr. President, I have been discussing the right of self-determination and self-government for the Negroes of the Black Belt, as set forth by this pamphlet. I now come to the issue of religion, continuing to read from The Reds in Dixie:

HOW THE BOSSES USE RELIGION TO DIVIDE THE WORKERS

There is one other issue which, although it is not so dangerous for the workers as the issue of white superiority, is frequently used by the bosses to divide the workers. That is the question of religion. This is just one more fake issue which the bosses use to divide the workers and prevent them from united struggle against wage cuts. The Pope may not be much good, he may even be harmful—and frankly we Communists think he is—but it is against the boss right here in America, who cuts the wages of both Methodist and Catholic, that we must direct the main fight. And the only way to do it successfully is for Catholic and Methodist to forget their religious differences and unite to fight their common enemy—the capitalist class.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. DUFFY. I was not present when the Senator began to read. What is the document from which he is reading?

Mr. RUSSELL. I am reading from a pamphlet entitled "The Reds in Dixie," which is a Communist Party publication which is being disseminated among the Negro race in the South and throughout the entire United States, for that matter, but it applies particularly to the South. It is published by the Workers' Library Publishers, of New York City, for the benefit of southern workers. This is a very mild one I may say to the Senator from Wisconsin. I will refer to some others after a while that really advocate stringent measures. I am starting on this one and gradually working up to the attitude of the Communist Party on this question and showing its connection with the pending bill.

After a further discussion of the religious issue the pamphlet inquires—

What about the question of revolution?

I have shown how, under the guise of assailing the bosses, they have undertaken to strike down the civilization of the South; they have undertaken to destroy religion; they have undertaken to confiscate the property of anyone who might own a little land; they have advocated the disfranchisement or death of any man who would deny the Negro the right of self-government. Then we come to the question of revolution.

What about the question of revolution?

Finally, the bosses try to frighten the workers away from the Communists by shouting that the Communists want a "revolution," that they are "against the Government," etc. They talk as if the Communists had invented the idea of revolution and had some kind of a patent on it, when every child knows that the United States was born and became a separate country as the result of a revolution—and a mighty bloody one at that.

Ah, Mr. President, advocating actual revolution; using the struggle for freedom in 1776 as an excuse for their scheme to overthrow the Government of the United States, to bathe this land in blood, when we have here a democratic form of government under which a majority of all the people in the United States have the right to express themselves and to adopt any form of government they may desire.

The article continues:

Of course that revolution, while it was a step forward in the development of the country, was a revolution of one set of bosses (American bosses) against another set (the British bosses).

[At this point Mr. RUSSELL yielded the floor for the day.]

Wednesday, January 26, 1938

Mr. RUSSELL. Mr. President, notice has been served here that following the most unusual legislative proceeding on this so-called antilynching bill, the extraordinary measure known as cloture or gag rule will be resorted to in an effort to bring the pending bill to a vote.

In the last parliamentary body in the world where freedom of debate is permitted today, in one of the few remaining democracies where the rights of minorities are recognized, notice has been given that an effort will be made by a two-thirds vote of this body to impose what is known as gag rule, and to prevent any further discussion of this bill, the proponents of which have never taken the floor in their own right to explain and to defend it.

Mr. President, I have no fear that this unusual gag rule will be adopted by the Senate of the United States. I am convinced, sir, that there is too much of righteousness and the spirit of fair play on both sides of the aisle to allow those who are sponsoring this effort to cut off all debate in this body, to which we sometimes refer as the "greatest deliberative body in the world," to carry out their plan. I predict here and now that the sponsors of this odious cloture proceeding will have a great deal of difficulty in securing even a majority of the Senate to vote in favor of cutting off debate, and that they will fall far short of securing a two-thirds vote for this motion.

Mr. President, if there is any one cardinal distinction between a democracy and a Communist form of Government or a Fascist form of government it is that in democracies the rights of the minority are protected, and that the minority

have some rights to express themselves. I have never been in favor of gag rule in the Senate of the United States. Since I have been a Member of this body it has been advocated on only one occasion, but I know, and all other Senators know, that there are times when a majority are swayed by passion or by prejudice, by partisanship, by misinformation or ignorance, or by some ulterior desire or purpose, when they will perpetrate great wrongs on minorities which are not justified by the facts, which are not justified by any condition which exists in the United States. On some occasions this country has been saved from detrimental measures by minorities, even as those of us here today are convinced of the righteousness of our cause and are carrying on this fight against the pending iniquitous so-called anti-lynching bill.

I was greatly heartened by the statement of the leader of the minority party in the Senate, the Senator from Oregon [Mr. MCNARY], that he would oppose the invocation of gag rule in the consideration of the pending bill. Those on the other side of the Chamber are under no obligation, political or otherwise, to those of us who are opposing the bill. I am under no illusions that the position of the Senator from Oregon, and perhaps others on the other side of the Chamber, is prompted or directed by any opposition to the bill. I know that if the bill should ever come to a final vote perhaps the Senator from Oregon and many others on the other side of the Chamber would cast their votes in favor of it.

Without regard to what prompts or moves the Senator from Oregon and others of the Republican Party to oppose the invocation of cloture in this case, I wish to say that I appreciate that action. I appreciate it just as a man whose home was on fire might appreciate the assistance and aid of his neighbors, with whom perhaps he was not on very good terms, in coming to his assistance and seeking to extinguish the flames because they might spread and consume the houses of the neighbors. So long as I am a member of this body I shall never vote to invoke cloture in the Senate. My experience in dealing with the pending bill, seeing the long line of bills which would be sure to follow, has convinced me that the application of cloture or gag rule is undemocratic and will destroy the function of the Senate as a democratic institution.

There has been a great deal of talk about the responsibility for tieing up the President's program. There has been argument as to whether the leadership which is sponsoring the pending bill, or the minority opposing the bill, are responsible for the delay in the consideration of the President's program, as to where rests the responsibility for stalling this fine program for the welfare of all the people of the United States which the President has advanced in his various messages to the Congress.

Naturally I feel that the leadership bringing this bill here is responsible, but I shall not enter into any argument as to who is responsible for the delay. For my part, I am perfectly willing to assume whatever part of that responsibility should be mine. Convinced as I am of the righteousness of the position of those of us who are opposing the bill, I am perfectly willing to commit myself to the program of stopping all legislation until this matter shall have been removed from the consideration of the Senate.

Mr. President, if by some chance, if by some circumstance which cannot now be foreseen, cloture should be invoked, I would be willing to be one of 20 Members of the Senate, one-fifth of this body, who would sit here and offer amendment after amendment to the bill, until 10,000 or 20,000 roll calls had been had, before I would ever see the bill passed. I realize how utterly unnecessary and futile it is, what a political gesture it is, and the consequences sure to follow in the wake of the legislation. So those who stake their hopes solely upon securing cloture, who would gag and silence those opposed to the bill, need not deceive themselves that this measure will be passed by the Senate merely because cloture is invoked. There are other methods of fighting the measure than speaking against it. We can resort to offering amendments until the Senate ceases to consider the bill and turns itself to the consideration of changes in the rules, which will be necessary to bring this matter to a vote. The Constitution guarantees us the right to a roll-call vote when one-fifth of the Senate demand it.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. RUSSELL. For a question only.

Mr. SMATHERS. If the Senator thinks that the cloture rule is so sacred that it should never be invoked, does not the Senator think that the rule ought to be removed from the Senate rules so that it could never be invoked?

Mr. RUSSELL. I will be delighted to join the Senator from New Jersey in removing the rule for cloture from the rule book. My experience in dealing with the pending measure has convinced me that the invocation of cloture in any event is wrong. I shall never vote for cloture under any circumstances. I say that if the minority in the Senate are willing to assume whatever responsibility goes with fighting to the bitter end any piece of legislation, that responsibility should be considered in protecting the rights of the minority to be heard and should be respected in this body.

Mr. President, Senators need not worry. Unlimited debate in the Senate will never be abused. In how many instances have measures which were of far-reaching importance and benefit to all the people of the United States been stopped here on the floor of the Senate by any minority? I challenge any Member of the Senate to point to any one bill of far-reaching and general importance, which would have benefited all the people of the United States, which has ever been stopped in this body, which has ever been defeated here because of the efforts of a determined minority in whose hearts and souls there was alive a spirit of confidence in the righteousness of their action, who were willing to go to any lengths in order to defeat a bill. Senators may look back at the records of the times when cloture has been invoked and consider the bills which have been passed under cloture, and I challenge those now sponsoring cloture to point to any good that has followed. When there is an honest difference of opinion there will be no opposition which will dedicate itself to stopping all bills until the measure in dispute is removed from consideration by the Senate. Men may differ in opinion as to the effect of ordinary legislation. When we see the general trend of legislation, such as the bill before us, striking down the rights of sovereign States, the first step, as I pointed out last evening, in the program of the Communist Party, who are seeking now to propagandize the entire South, I say we are fully justified in fighting it to the limit of our ability, to the end of our endurance, to the last word we are able to utter in protest. For my part, if any responsibility for this movement is mine, I shall take it gladly, and wear it as a badge of honor.

Mr. SMATHERS. Mr. President, will the Senator yield for one more question?

Mr. RUSSELL. I yield for a question.

Mr. SMATHERS. Does the Senator from Georgia assume any responsibility to the 4,000,000 citizens of New Jersey in preventing a vote from taking place on the pending measure?

Mr. RUSSELL. Mr. President, I do not exactly understand the question of the Senator from New Jersey. I did not know that the welfare of the 4,000,000 citizens of New Jersey was bound up, inextricably interwoven, in this measure. The Senator from New Jersey has not taken the floor in his own right, though the matter has been pending here day after day and week after week, to state how this measure is of great importance to the 4,000,000 citizens of New Jersey. I feel very kindly toward the 4,000,000 citizens of New Jersey. I would gladly support any legislation which would improve their economic well-being, which would advance the progress of New Jersey, and bring about a more abundant life to the citizens of that Commonwealth; but merely because groups in New Jersey, the Senator from New Jersey, or 4,000,000 people in New Jersey favor the abolition of State lines and the striking down of the powers of the States of this Republic, I shall never consent to the enact-

ment of such a measure as that before us. If this is the kind of a bill the Senator from New Jersey thinks essential to his people, I am willing to assume the responsibility for my efforts to defeat it.

Last evening, Mr. President, I was discussing the Communist program. I was attempting to show that if by any accident or chance there should be any Member of this body who was supporting this bill with the thought that it might react to his political advancement, that he need not place too much dependence upon that idea, because I pointed out that the Communist Party was seeking to capitalize on whatever credit might be claimed by those here in position of power in the Senate for the passage of this bill. I had shown by reading some articles in the Daily Worker, the official organ of the Communist Party, that that organ was the most vocal, the most voluble, and the most vicious of all the newspapers in the United States in supporting this measure and assaulting those who were opposed to its passage. I had read an article showing that requests had been printed in connection with the attack on the opponents of this bill, demanding that the various units of the Communist Party immediately telegraph the Senators who were opposing this bill and demand the immediate consideration and passage of this bill.

The distinguished Senator from Texas [Mr. CONNALLY], who has in such able manner been directing the forces of those of us who are opposed to this bill, has just handed me four telegrams from Brooklyn and from New York City with reference to this measure. I read one:

BROOKLYN, N. Y., *January 26, 1938.*

Senator TOM CONNALLY,
Washington, D. C.:

End shameful filibuster immediately. This is slander against Negro people of America. Pass Wagner-Van Nuys antilynching bill.

This telegram is signed "Communist Party, 28 Graham Avenue, Brooklyn."

Here is another telegram from New York, dated January 26, 1938:

Congressman TOM CONNALLY,
Washington, D. C.:

Evidently the Communist Party in its great leveling-off process here sought to demote the Senator from Texas to the House, or promote him, according to the views of the Senate or the House, or whether it is a Member of the Senate or the House who is viewing the question.

The twenty-fifth CD—

I am sorry, Mr. President, that my study of the Communist Party does not enable me to explain that "CD."

The twenty-fifth CD of the Eighth Assembly District of the Communist Party, New York, hereby register their protest against the outrageous filibuster being waged by you in violation of American democratic principles. We demand orderly procedure prevail and a vote allowed on the antilynch bill.

That one is not signed. There is no signature, but it states "the twenty-fifth CD of the Eighth Assembly District of the Communist Party." They evidently assume the responsibility for sending the wire.

Here is another one from New York dated January 25, 1938:

Hon. TOM CONNALLY,
House of Representatives, Washington, D. C.:

Vigorously protesting the undemocratic procedure of filibustering. Antilynch bill must be passed.

Mr. President, I stated last evening—and I shall go further into that question today—that this bill is No. 1 on the "must" list. It is No. 1 on the agenda of the Communist Party.

Vigorously protesting the undemocratic procedure of filibustering. Antilynch bill must be passed.

TWENTY-SIXTH ELECTION DISTRICT OF THE EIGHTH A. D.
NEW YORK COUNTY COMMUNIST PARTY.

Here is another one to the distinguished Senator from Texas, from New York, dated January 25, 1938:

We, Communist Party, twenty-ninth election district, eighth assembly district, New York County, protest vigorously your disgraceful filibuster against antilynching bill. We demand immediate end this filibuster and passage Wagner-Van Nuys antilynching bill.

This telegram is signed "Communist Party Election District 29."

Mr. CONNALLY. Mr. President, will the Senator yield for a question only?

Mr. RUSSELL. I am glad to yield for a question.

Mr. CONNALLY. Am I correct in understanding the Senator to have read five telegrams from the various branches of the Communist Party in New York State denouncing the Senator from Texas for opposing this bill?

Mr. RUSSELL. Mr. President, I have read four telegrams denouncing the Senator from Texas for opposing this bill; and, of course, as I have stated and read here from the Communist Daily Worker, the instructions went out to send these telegrams demanding the passage of the bill, but I imagine that most of these Communist organizations knew the Senator from Texas and decided not to waste their 35 cents or 50 cents; but four, which perhaps were headed by some foreigners who probably had just come into the country, thinking that the Senator from Texas might respond as other men in public life in other lands might do to these demands, very foolishly sent these wires to the Senator from Texas. I am delighted to note that the Senator from Texas seems unintimidated and not discouraged by these demands of the Communist Party that he cease his fight on this bill.

Mr. CONNALLY. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. I ask the Senator if it is not true, though, that when a Senator gets four or five telegrams of a threatening and intimidating character it is apt to cause him to quake in his political boots and tremble all over the place; and perhaps it is only after restoratives have been taken, after consulting the Senate physician, that I have been able to get over to the Senate this morning?

Mr. RUSSELL. Mr. President, it might be true that there have been Members of the Senate who in times past quailed and shook in their boots at the demands of the Communist Party or of any other organization; but I know the great heart and the indomitable courage of the Senator from Texas, and if the Senate Chamber were filled to overflowing with demands and threats from the Communist Party or any other party, from New York or from the entire United States, I know that the Senator from Texas would be unintimidated and unafraid. He would stand on this floor and discharge his duty as he sees it under his oath as a Senator of the United States and oppose this iniquitous measure to the bitter end.

I might say, however, that there has been some difference in the response by different Senators to these telegrams. I hold in my hand the Sunday Worker, which is the Sunday publication of the Daily Worker, the official organ of the Communist Party, and I shall read from this copy of November 28, 1937, about another Senator's wire to this party:

Antilynch bill passage pushed, WAGNER wires C. P.
"I feel confident of the passage—"

Mr. CONNALLY. Mr. President, what is C. P.?

Mr. RUSSELL. The article in the body thereof shows that that message is sent to the Communist Party.

"I feel confident of the passage of the antilynching bill," Senator ROBERT F. WAGNER, cosponsor of the measure, wired the New York County Communist Party, 381 Fourth Avenue, yesterday.

The Senator's telegram, a quick response to a wire sent him by a branch of the Communist Party, stated:

"Thank you for your wire. I shall continue to do my utmost to secure passage of the antilynching bill, and I feel confident of its passage.

"ROBERT F. WAGNER."

Mr. President, I imagine that the confidence of the Senator from New York has somewhat waned since that wire was dispatched on November 28 of last year. If it has not, the Senator from New York is indeed the most optimistic man who ever served in this body; and great will be the dashing of his hopes when the first day of the next session of Congress comes around, and Congress convenes on January 3, 1939, and this bill has never yet been reached for a vote.

I wish to say for the benefit of those whose duty it is to cover the news in this body that they had been scooped

on this question of the cloture rule by the Daily Worker. Whereas the regular news agencies of the Nation only knew on yesterday that this cloture rule was going to be invoked and submitted in the Senate, the Daily Worker had knowledge of that fact on Sunday, January 23.

Mr. President, I had always thought that the facilities for smelling out news by the correspondents of the various news agencies here in Washington were the very finest and most highly developed in the world. I have marveled that at times, even before the author of a proposal would know about it himself, these news hawks would have full information and know about procedure, or about appointments, or about other matters that were about to transpire. But I find that in this matter they have been scooped by the Daily Worker. I read an article from the Daily Worker, the official organ of the Communist Party, issue of January 24. The article is headed as follows:

DELEGATIONS TO VISIT CAPITAL THIS WEEK IN BATTLE ON FILIBUSTER

Negro Congress urges labor and progressive groups to send protests—New York delegation in Washington today for protest.

This is a "special to the Daily Worker."

I have not read all the newspapers recently, but I did not see this article in any other newspaper. This dispatch is dated Washington, D. C., January 23. It reads:

In a concerted effort to break the brazen 3-weeks-old filibuster of Tory southern Democrats and certain reactionary northern Republicans in the Senate, delegations from trade-unions, liberal and church organizations will pour in upon Washington during the next week.

It is the present week, Mr. President, to which the article has reference.

They will visit Senators and demand invocation of the cloture ruling ending "debate" and passage of the Wagner-Van Nuys antilynching bill.

There we have the Daily Worker announcing, on the 23d of January, that demand would be made this week for the invocation of cloture, or gag rule, cutting off all debate in this body, the last citadel of free expression in the parliamentary bodies of the world.

The article continues:

Progressive and labor organizations have been urged by the National Negro Congress, which is staunchly behind the campaign being led by the National Association for the Advancement of Colored People, to send letters and wires to Senators demanding passage of this legislation.

On Monday a large delegation from labor and liberal organizations and groups in New York will journey to Washington. The delegation will visit Senators WAGNER and VAN NUYS to congratulate them on their bill. It will also call on Senator BARKLEY, Senate floor leader, and demand that the cloture ruling be invoked to stop the filibuster on the bill.

The delegation is expected to visit Walter White, secretary of the N. A. A. C. P., in recognition of the powerful campaign his organization has waged for passage of this antilynching measure.

In the delegation will be representatives from the following unions: Transport Workers' Union; United Electrical and Radio Workers' Union; United Office and Professional Workers' Union; Joint Board, International Fur Workers' Union; Writers' Union; National Maritime Union; State, County, and Municipal Workers of America (Local 1). St. James and St. Marks Churches, with two of the largest congregations in Harlem, will also be represented on the delegation.

Those are the activities planned for Sunday, the first day, under this demand for cloture, the resolution for which now lies on the desk, and which, if adopted, would cut off all debate on this bill.

On Tuesday and Wednesday delegations will come to Washington from Richmond and Baltimore, respectively.

Here we have the campaign worked out to pursue the cloture petition. One unit is advancing to the attack in presenting its demands on Monday. Others are coming Tuesday, and I notice it is a coincidence, Mr. President, that the petition for cloture was presented to this body on Tuesday evening at 10:15 or 10:20 o'clock.

Others are expected throughout the week from Philadelphia and many other cities.

I know that someone who is interested in this bill will telegraph those who have not yet arrived here that they need not come, because the first delegations that arrived from New York and from other cities mentioned were powerful enough to see that the cloture petition was submitted; or else it was a mere coincidence that the authors of the bill saw fit to submit a cloture petition. This newspaper, however, was prophesying that it would be submitted as a result of these very activities of which it speaks. None of the great news-gathering agencies of this country, which are the marvel of our modern age, had this news story. None of them knew that such a drive was on to force a cloture petition to the clerk's desk in the Senate.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Does the Senator mean to intimate that the authors of the cloture resolution or the authors of the bill "tipped off" this newspaper without giving the same information to the great press services represented in the Senate press gallery? Or was it a sort of mental telepathy or intellectual radio which automatically, because of harmony of mind and harmony of outlook, transmitted the information from the authors of the bill or of the petition to the newspaper to which reference is made?

Mr. RUSSELL. I hope the Senator from Texas will not ask me to explain anything connected with radio, because the mystery of the radio is something I have never been able to understand. It is difficult for me to believe in it even yet when I see it in operation. But I will say, without making any intimations, that I was pointing out that this newspaper, the Daily Worker, had scored a "scoop" several days in advance on all the great press agencies of the country when it published the story to the effect that delegations would descend here in regular order in serried ranks, commencing Monday morning, to demand that a cloture petition be presented, and that on the second day they would converge on Washington from other directions to demand that a cloture petition be presented. It happened that on Tuesday evening there was a cloture petition presented at the clerk's desk in the Senate of the United States.

This Communist newspaper, the Daily Worker, contains other news items that might be of interest to some Members of the Senate. It says, for example, that—

Labor's nonpartisan league vigorously scored the filibuster of Tory southern Senators against the Wagner-Van Nuys antilynching bill and wholeheartedly came out in its support in a statement sent to all Senators this week end.

Then follows the letter a copy of which all Members of the Senate have received from this nonpartisan league.

There is some more news about the nonpartisan league and about the Senator from Texas. It says:

Senator TOM CONNALLY (D.), Texas, leader of the filibuster, indicated that he might make a motion about midweek to sidetrack the measure.

Despite the great news-gathering facilities of the Daily Worker, the official organ of the Communist Party, I know that it did the Senator from Texas great injustice when it said that he was expected to move to lay this bill aside. I know that the Senator from Texas desires to have the measure discussed fully and freely on the floor of the Senate in order that all the people of the United States may finally know the truth about it. Then it will not be necessary to lay it aside. It will fade away into the realm of the unknown when the explanation and debate of those of us here who are opposed to this measure have permeated into all parts of the country and all the people have been enlightened and their eyes have been opened to the awful iniquity of the proposed law.

This is what they were prepared to do so to combat the imaginary effort of the Senator from Texas to lay the bill aside:

Senators ROBERT F. WAGNER (Democrat), New York, and FREDERICK VAN NUYS (Democrat), Indiana, coauthors of the bill, were determined to beat such maneuvers and have summoned their supporters to meet tomorrow to form a "bodyguard" to protect the measure on the floor.

There is one little discordant note. It says that:

Labor protests over seating of Senator JOHN MILTON, appointed to succeed Senator A. Harry Moore (Democrat), New Jersey, may halt the filibuster temporarily.

In other words, the protest by the C. I. O. over the seating of the newest Member of our body, the Senator from New Jersey [Mr. MILTON] might break up the filibuster.

Labor's nonpartisan league was understood to have prepared charges against MILTON, friend of Mayor Frank Hague, of Jersey City, who is now fighting the Committee for Industrial Organization. These may be presented to Garner tomorrow in an effort to advance grounds for a Senate investigation of MILTON's qualifications.

I might say that that hope likewise was dashed. No hearing was had on the floor of the Senate on the protest referred to. I have not seen the protest and I know nothing about the nature of it or what it presents, but the thought that the protest might break this filibuster is expressed in this newspaper. I think there is a misconception. I think that the term "filibuster" is a misnomer. There is no filibuster so long as there is legitimate discussion of the question. No filibuster has yet commenced on the bill. There might be one later, but there has not been one as yet.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Does not the Senator know that quite a number of Senators who are entitled to express their views in debate on the pending bill have not as yet had an opportunity to speak once, to say nothing of two or three times? So far the discussion on the bill has been entirely legitimate and proper and in no sense a filibuster. I could name, if necessary, a number of Senators who feel that it is absolutely required that they speak, and yet they have been unable so far to obtain the floor.

Mr. RUSSELL. In response to the question of the Senator from Texas, let me point out that the Senator from Texas was engaged in conversation a moment ago when I stated that this newspaper, the Daily Worker, did him a great injustice in stating that he was going to make any motion to sidetrack this bill, because I know that the Senator from Texas believes in full and free discussion of the measure, and that there are Senators who as yet have had no opportunity to take the floor. A number of Senators who are opposed to this bill have been engaged in conference committees and in other work of the Senate, endeavoring to push forward the President's program which has been stalled by those who insist on the Senate considering the pending bill and to prepare that program which the President has brought to the attention of the people of the United States so that the Senate could consider it. Those Senators opposed to this bill have not been able to be here all the time and take the floor and express their opposition to this measure and to state their reasons why they think it should be defeated.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. May I ask the Senator whether it is true that the Senator from Texas as yet has not discussed this bill in his own time and has made no speech whatever on it; so he is entitled to make about six under the present status and the parliamentary situation?

Mr. RUSSELL. The Senator from Texas, with his usual self-abnegation and his usual generosity, has refrained from taking the floor, in order to permit other Senators who are opposed to the bill to discuss it before he did so. That was very kind and charitable of the Senator from Texas. But the Senator from Texas can well afford to wait, for all Senators know, despite the fact that this bill might be discussed by others of us who oppose it until January 1, 1939, that on January 2, if the Senator from Texas were to take the floor, the piercing light of his logic and reasoning would bring forth new arguments to demonstrate that this bill should not be enacted into law. The great ability of the Senator from Texas makes it possible for him to withhold his remarks and sacrifice his desire to speak to this bill in order that other Senators who have reasons to state in opposition to it may have an opportunity to address the Senate.

Mr. President, there is one other short article which shows the intensity of the fight which the Daily Worker, the official organ of the Communist Party, is making for this measure. This is the only publication I have ever seen that was so strongly for a bill that it could not confine all its articles in support of the bill to its news columns, its editorial page or to its comic section. The Daily Worker invades the sporting page in order to advance its propaganda for the passage of the bill. The streamlined headline at the top of the sporting page reads:

BASKETBALL CROWD ASKS ANTILYNCHING BILL

I thought perhaps when I read that headline that some difficulty had arisen during the course of the game; that the referee had been mishandled or perhaps some of the players had been mistreated, but I read the article and for the information of the Senate I will quote a brief extract from it; I shall not read it all.

Passage of the antilynching bill was demanded by a capacity crowd which watched Brooklyn College defeat Hampton Institute of Virginia, a Negro institution, 46-31, on the former's court Saturday night in the first intercollegiate basketball game to be played between Negro and white schools.

Between halves of the game, which marked another step in banishing Jim Crow from the athletic fields, the spectators unanimously approved a suggestion that a telegram be sent to Congress in the name of the assembled crowd demanding passage of the bill.

Just recently arranged, the game drew a packed house of both Negro and white fans to witness a fast-moving game.

I say, Mr. President, that substantiates my statement of a few moments ago that the most forceful and voluble, as well as the most vicious, support of this bill among all the press of the country comes from the Daily Worker. That newspaper has even invaded its sporting page, and in the account of the first collegiate game played between a Negro school and a white school in Brooklyn, N. Y., uses that as an opportunity to advance propaganda in favor of this misnamed but labeled antilynching bill.

Mr. President, I shall now undertake to resume the theme of my remarks of last evening, at which time I was discussing the fact that this bill was tremendously important to the Communist Party of this country, but not because there is any necessity for the bill, as that idea has long since been dispelled by Senators who have shown by unchallenged statistics that lynching has all but been abolished in the United States. We have shown that, whereas other crimes are increasing in number and in their heinousness and viciousness, lynching has all but been eliminated and wiped out. We have shown that last year there were in the United States only 8 murders by lynching, the only crime with which this bill even purports to deal, as compared with 12,000 murders in other forms.

I was pointing out, Mr. President, that the pending bill was No. 1 on the program of the Communist Party, to be followed by legislation to take over the election machinery of the several States, to prescribe the qualifications for suffrage, and to provide that some little Federal agent from Washington should sit at every ballot box throughout the United States and control the elections of the people within the States. I have shown, by reference to the Communist platform, that the Communist Party hoped to elect to the House and Senate members of the Negro race, and that at least one State would have immediately a Negro Governor, due to the fact that there was a majority of colored people in that State, and that that was to be the beginning of the establishment of a soviet form of government in the South, to be known as the Negro soviet republic.

I had stated that it has been repeatedly urged on the floor of the Senate by those opposing the pending bill that a

bill to provide for the regulation by the Federal Government of the exercise of the franchise by the people of the United States was to be followed by other so-called civil-rights legislation, which would pattern a Federal statute after the laws that have already been adopted in some of the States, whence come the sponsors of this bill, which would prohibit any segregation of the races on trains, or in hospitals, or in hotels or boarding houses or bathing establishments, or any other place that is open to the public for hire or free.

I had pointed out that there was already pending in a legislative body having jurisdiction over the people of the United States a bill which would give to the Federal Government the power to strike down all State laws preventing the intermarriage of the races; and that it has been charged here that, following in the wake of the pending bill, there would come about legislation repealing all State statutes that prevent the intermarriage of blacks and whites; that no sponsor of this bill had taken the floor to deny he would vote for all such legislation, if and when it was presented, despite the fact that it had been charged that that was their legislative program. I had shown that the pending bill was the first of four planks of the Communist Party in their effort to stir up racial discord where now there is peace and amity and bring about a horrible condition that would drench the South in blood, by seizing credit for this proposed legislation and other legislation to follow which would establish the fifth of the Communist Party's objectives, which is the establishment of a Negro soviet republic in the South.

Mr. President, I wish to submit some rather startling information to the Senate. I hold in my hand the Special Election Campaign Edition, issued by the Communist Party, entitled "Why Communism? Plain Talks on Vital Problems, by M. J. Olgin, With the 1934 Election Platform."

I wish to read certain extracts from this publication. I must say that I am not acquainted with Mr. Olgin, the author of this pamphlet; I know nothing about him; but it is presented through Worker Publishing Houses, that are the official agencies for the dissemination of Communist literature; it bears the Communist Party label and sets forth in part their creed.

I shall not undertake to read all of this interesting pamphlet to the Senate, but I commend it to the consideration of Senators. I think they will find it very entertaining to get it and read it. The pamphlet gives some reason for the fear that dwells in the hearts of those who live in sections where perhaps there are three or four colored persons to one white person when they hear that legislation of the kind I have described is to follow in the wake of this bill, which is aimed at a crime which already has almost vanished.

It is one thing for a Senator who lives in a segregated area in some large city, who has police protection, who never sees a Negro except at a political meeting, to make a pledge to vote for a bill of this kind. An entirely different situation confronts the person who lives in some remote and sparsely settled rural area when he faces the prospect of having all of his county officers Negroes, having a Negro judge and a Negro Governor of his State, and when he learns that coming behind that is this program to "liquidate" him—which is the new word the Soviet Republic has given the world for killings, murders, or massacres—and to confiscate and expropriate his property without any process of law and without any compensation, to cut it up and divide it. It is an entirely different proposition.

Mr. President, I turn to this pamphlet, and I read from page 65, which goes into what is described as the "oppression" of the Negro people. I shall show later, by reading from a very able report which was submitted by the president of the American Federation of Labor, Hon. William Green, that the established Communist policy for undermining and sapping from within is to appeal to any little measure of discontent that they can find anywhere; so of course the first movement of the Communist Party is to point out to the individual they are seeking to enlist behind their program that he has been "oppressed" and he is being "ground down", so that finally the man will begin to feel sorry for himself and will be inspired by the revolutionary spirit that they seek to cultivate.

Here is a declaration on page 65, after the authors of the pamphlet appeal to all the prejudice that is possible in the class to which they are directing this literature:

> We Communists declare that the cause of Negro liberation is the cause of all the white toilers, in first place, that of the working class. We take it as self-evident truth that every nation is entitled to freedom and equality and we know that the fable of "race superiority" was purposely invented by the exploiters to justify their oppression of other nations.

There, Mr. President, we have the support of this preliminary legislation to bring about amalgamation and miscegenation of races, and intermarriage, and the abolition of any segregation of the races.

> We proclaim that the American Negroes are a nation and that land, freedom, and equality, the demands that glowed on the banner of the fighting Negroes during the Civil War and reconstruction, must be the watchword of the struggle for Negro liberation today. By this is meant that the plantation system in the South should be destroyed; the land should be divided among the Negro farmers, croppers, and tenants; full economic, political, and social equality should be guaranteed for the Negroes in every section of the country; and that the Negro people be given full freedom to develop unhampered as a nation.
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> As to territory—

Here is the territory that they prescribe for this "nation"; and I am sure the Senator from Louisiana [Mr. OVERTON] will be interested in this statement, because the territory embraces the State of Louisiana:

> As to territory, there is a continuous stretch of land running from the Eastern Shore of Maryland down into Texas through 12 States, and embracing about 397 counties, in which the Negroes form the majority of the population. This territory, commonly known as the Black Belt, is the homeland of the Negroes. They have tilled that land virtually from the time it was first settled. It is one economic unit since it is identical with the old Cotton Belt of the South. It is there where 70 years ago the Negro masses valiantly fought for their liberation.

We down South have always thought that perhaps President Lincoln and General Grant had had something to do with that; but it seems that this book, in appealing to the Negroes, says that they fought for and gained their own liberation.

> It is there where today they have begun to battle for the new freedom. This new freedom we call national self-determination. Every nation has a right to live its own life, independent of other nations. Together with the most advanced and courageous fighters among the Negroes we Communists say that this territory, this Black Belt, which by right belongs to the Negroes, must be organized as a distinct political unit regardless of State lines that now cut across it. In this political unit the Negro majority must have full governmental control, which means the right to set up a government and to organize armed forces to defend their rights. This does not mean excluding and discriminating against the white toilers now living in this territory. On the contrary, they will have equal rights with Negroes and therefore more freedom than they have ever enjoyed under the dictatorship of the white ruling class. The Government and the armed forces of the white ruling class must be removed from the Black Belt.

I shall show from other articles which I shall read subsequently that if any man has ever had anything to do with government, even so much as having voted in an election, it is proposed that he be "liquidated," or shot and killed, that his lands be confiscated without any indemnity to his heirs or his estate, and that they be divided among the members of the Communist Party, whom it is hoped to ensnare with such stuff as this.

> This demand may be new to many American workers. Yet it is simple justice. It is in line with the general demand for the liberation of all oppressed nationalities everywhere in the world. The white workers in the South will fight for this demand of the Negro people, for this will be the only way they will be able to destroy the power of the ruling class.
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> American capitalism is oppressing not only the Negro people, although their oppression is the worst. American capitalism oppresses also a number of colonial and semicolonial peoples, like those of Hawaii, Puerto Rico, the Philippines, Cuba, and many others.

Mr. President, I am not going to read all of this pamphlet, but I do want to read the modus operandi by which these things are to be brought about. I want to show the plan and

the minute detail into which this book goes in giving advice as to how to bring about this "Negro nation" in the South.

How the fighting is to be done.

That is the subhead which goes over this part of the article.

How the fighting is to be done.

I shall not read all of this part of the pamphlet. It protests against the fact that the government in Cuba does not suit the author of this book, advises the readers of the pamphlet to violate all the "Jim Crow" rules, both in the North and in the South, and to unite in the same revolutionary unions and cultural and social organizations. It says:

Negro and white, fight side by side. Stop the lynch crimes.

I go over here to where the authors of the pamphlet have a picture of the day when the Communist revolution will come to pass, because the program which is headed by this bill supported by the Communist Party will have permitted them to set up Communist States in the South.

A time comes—

This refers to the time in the life of the people when the Communists shall have finally appealed to the spirit of discontent and shall have created a revolutionary feeling throughout the Nation—

A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old structure of society is tottering. There are actual insurrections; the army wavers. Panic seizes the rulers. A general uprising begins.

That, Mr. President, is the condition which it is confidently stated by the Communist Party will result with the passage of their program, the first portion of which is the bill now pending in the Senate of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield to the Senator from Texas.

Mr. CONNALLY. In the light of the very illuminating information the Senator has submitted to the Senate with regard to the activities of the Communist Party in New York, I desire to ask him this question:

Is it not entirely logical and consistent with the plan of the Communist Party, if it can be accomplished by a group of Communists in New York, to take over the Southern States and do away with white Governors and sheriffs and so on and substitute colored men, either by force of arms or by rapine or violence, that they should make the beginning in a measure of this kind, which takes over from the States the right to control their local government and the execution of their police powers, and vests it in the Federal Government, supposedly dominated by large States like New York, represented in part by the junior Senator from that State [Mr. WAGNER] and by others?

Is it not logical and consistent that they should begin in this way to chisel in and to get a toehold and then, from that springboard, go on to other measures of equality as to marriage between the races, and equality in boarding houses, and hotels, and theaters, and restaurants? Does not the Senator think that the Communist plan has been rather skillfully and adroitly composed, and if this goes over, will be on a fair way to accomplishment?

Mr. RUSSELL. Mr. President, I have stated repeatedly that the pending bill, which is designed to strike down the fundamental rights of the States, in fact, about the only right which is now reserved to the States, which has not suffered from whittling in the Congress, or from the trend of government, the police power of the States, is the first step in the program, to be followed by other legislation. Of course, we all realize that the Communists are the most skilled propagandists in the world. They would not think of coming here with one bill which would embrace all of their philosophy. They make every movement forward toward the Soviet Union and the Soviet Negro republic in the South step by step, sapping a bit here, striking down a little there, until finally, when they have abolished the dual system of government in the United States, at which this bill aims a fearful blow, there will be no reason why they cannot seize the Government and establish the reign of terror which they say they will bring about by legislation of this kind, in the pamphlet I am reading, an official document of the Communist Party, a campaign book.

Let us assume we have come to the time when they have finally stricken down the rights of the States, passed bills of this kind, and now the revolution has taken place.

Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles sharpened. Street fights become frequent. Under the leadership of the Communist Party, the workers organize revolutionary committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers, and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon, the army. The police as a rule continue fighting.

They seem to pay a tribute to the police forces of the United States. Recognizing that the police power vested in a State is the surest bulwark against communism, they imagine here that the police continue to resist this horrible, bloody page of American history which is predicted by the Communist Party in the event they can put through their legislative program, of which this bill is the first part, striking down, as it does, the police power of the States and taking into the Central Government the only power about which there is now no question of its being reserved solely and wholly and exclusively to the States.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I am always glad to yield to my friend the Senator from Texas. His contributions always illuminate what would otherwise be drab remarks.

Mr. CONNALLY. May I not ask the Senator, who has read widely in literature having to do with governmental affairs and historical conditions as to other governments, whether fundamentally under every government the primary power is not the police power, whether the first concern is not to preserve order in any government, regardless of its economic or other activities? The primary and the only excuse in the beginning for any government is the necessity for the exertion of the police power, and if the police power is taken away or impaired or infringed upon, are not the very roots of the very foundations of the government itself being sapped?

Mr. RUSSELL. Mr. President, the police power of the several States is in reality the symbol of sovereignty of the States. So long as the States or their subdivisions possess the police power, they are sovereign within their own domain; they are States, indestructible States; but when the police power of the States is taken away they become nonentities, they become satrapies of the Federal Government. When the police power of the several States is taken away, the emblem of power of the States removed, the States might as well be abolished and wiped out altogether; there is no excuse for their existence. The State would be an expensive and useless luxury if this last badge of sovereignty were taken away from it. The only excuse there could be for them would be to use them as geographical subdivisions for the election of Members of the Senate and of the House of Representatives, to come here and to centralize the powers of the National Government, until there could be brought about the kind of condition that is prophesied in this book, striking down all property rights, murdering and massacreing and burning, bringing about the horrible page in America which has been written in other lands which have adopted this program.

Of course, they go at it degree by degree, as the Senator from Texas has stated. In the time of Kerensky, in Russia, who would have prophesied the bloody page Lenin was to write so soon thereafter? They go forward step by step and degree by degree, because they know that if they should uncover at once the ugly form of the communistic form of government in its entirety, the people would be frightened away from it, so they uncover it bit by bit.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. The Senator was the distinguished Governor of one of our great States for a number of years, and in that office made an outstanding reputation, and is it not his opinion, from his observation and experience as Governor, the chief executive of the State, upon whom the constitution of the State usually imposes the responsibility of seeing that the laws are faithfully executed, that in every instance where local authorities are weakened or in any way their strength sapped, the whole body politic is affected, and the weakening of the local authorities has a destructive tendency upon their responsibility and their independence?

Mr. RUSSELL. A feeling of duty always accompanies a feeling of responsibility in the normal man. If we take away the responsibility of local authorities they feel they have no duty in the premises regarding any disorder, and that is one reason why this bill is so pernicious.

I appreciate the kindly references the Senator made to my term of service as Governor of my State. I am glad that term was ended before a measure of this kind was presented, which proposes to put a Governor in jail if perchance some mob should commit an act of violence somewhere in the State and the Governor did not go to the spot and confront the mob personally, and perhaps lay down his life, living up to the rule prescribed here of using every force and every power at his command. I am glad I had an opportunity to come to the Senate and oppose such a bill as this in order to make sure that in the future no Governor of a State will be put in the penitentiary for 5 years on account of an unlawful act of three citizens of a State of 3,000,000 people.

Mr. President, in my State the constitution contains a provision defining the purposes for which counties can levy taxes, and there is no provision in the constitution for the levy of a tax to enable a county to respond to a judgment in a tort case, as is sought to be provided in the pending bill, destroying the rights of the State. Suppose a judgment were obtained—and it is a very violent supposition, because everyone knows no judgment would ever be rendered under such a measure—suppose a judgment were rendered in my county for $10,000 and the constitution did not grant authority for the raising of the $10,000.

Under the provision of this bill, which directs the Federal district judge to jail for contempt everyone connected with the local subdivision or State government who fails to comply with his order, who fails to carry out his judgment, I suppose he can send a deputy to arrest the Governor and even the members of the State legislature and take them to the Federal court, where they could be sentenced for contempt of court because they did not amend the State constitution so as to permit the county to levy a tax to pay the $10,000 which the bill provides may be assessed against the county.

I have digressed somewhat from what I was reading with reference to the detailed plan for the revolution that is prophesied and sought after by the most active body which is supporting the pending bill.

The police, as a rule, continue fighting—

There we have the statement that the army has been defeated, and we have only the police body of the State continuing to protect it. Such protection should be welcomed even by the Communists in this happy day of the new freedom in the Soviet Republic, which with all of its blood purges is giving what they call freedom to the people of the world. From what I hear of some phases of the Russian practices it would indeed be a "freedom" if one could leave the world and escape them—

The police, as a rule, continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers.

Yes, Mr. President, I assume that all of the Army and Navy and all of the workers in the United States, if they were ever enlisted in one movement, could perhaps defeat the police force.

The revolution is victorious—

Here we have the revolution victorious. What is going to happen then?

Armed workers and soldiers and marines seize the principal governmental offices, invade the residences of the President and his Cabinet members, arrest them, declare the old regime abolished, establish their own power—the power of the workers and farmers.

Then it goes on to give the historic examples. It says:

Can it be done? It has been done more than once. A workers' revolution broke the backbone of tsarism in Russia in 1905, but was soon defeated. A workers' revolution abolished tsarism in March 1917, when a provisional revolutionary capitalist government was established. A workers' revolution was accomplished in Russia in November 1917, when the Soviet Government, which is the government of the workers and peasants, took power, to hold it to the present time.

I shall not read any further from these pages on the revolution. The book gives the condition which the Communist Party hopes to create in this country, taking step after step in a program, the first step of which is the pending bill that is here before the Senate for consideration. I shall show that the American Federation of Labor, after investigation of this question, found much evidence of propaganda of that type that was scattered throughout the entire United States. I have here a very interesting little brochure that I am sure many Members of the Senate have already seen, the Report on Communist Propaganda in America, as submitted to the State Department of the United States Government by William Green, president of the American Federation of Labor.

On page 62 of this report I find, under the heading "Samples of Communist Propaganda in the United States," the following extract from the Daily Worker of September 20, 1933. This is from the same periodical which published the article I read this morning with respect to the proposed mass movement on Washington to force the filing of a cloture petition and apply the gag rule in the Senate of the United States. This statement is by A. E. Berry. Writing from Kansas City territory, he says:

In this territory, with a large Negro population and strong southern traditions, agents of Japanese imperialism have become active organizing the Negro masses into a reactionary movement supporting Japan as the international spokesman of the darker races.

In that connection it is interesting to observe the quick change that has taken place in the attitude of the Communist forces in this country with reference to the position of America on preparedness. So long as the Communist forces apprehended that there was some possibility that the armed forces of the world might be employed to resist the movement of world revolution to establish the soviet form of government throughout the world, they were opposed to preparedness in any form. They wanted to sink the Navy; they wanted to disband the Army; they wanted to do away with all of the weapons or instrumentalities of national defense. But just as soon as it was seen that Japan was about to gain the upper hand in the East, overnight their views all changed. They then became the strong advocates of a big navy, hoping, of course, that they might hereafter be able to influence the use of that navy in a war with Japan which would redound to the benefit of the Soviet Republic. So here they justify this propaganda on the ground that they find that the agents of Japanese imperialism were also coming into this section to attempt to organize the Negroes.

I read further on page 62:

Refers to various shades of Negro misleaders preying on the national aspirations of the Negro people * * * for schemes all the way from establishing a separate national economy to begging for a colony "somewhere between Texas and Mexico."

Up to now we—

Referring to the Communist Party—

have raised the slogan of "Self-determination for the Black Belt. * * * Many comrades have argued that this slogan would not be understood and accepted by the Negro masses. But is it not time now? Are not the conditions of life for the Negro masses voting for the realization, the confirmation of this slogan, in life?

Are not the conditions of life for the Negro masses under American imperialism and the growing struggles of the workers sufficient evidence that now is the time to unleash on the robbers this giant mastiff, the Negro liberation movement? The Negro masses are answering this question, "Yes"; daily.

* * * We are now the only ones in the field with the demand for the Negro State in America.

The question faces us squarely, "Who will lead the Negro liberation movement? Will the Japanese imperialists and the petty bourgeoise reformists "lead" it into anti-Soviet channels, into the support of the robber—Japanese (and world imperialism's aim of attacking the Soviet Union)? Will it be led into the harmless channels of belly-crawling for a mesquite site "somewhere in Texas" to be used as a "buffer State" between Mexico and the United States?

Or will we develop this struggle for self-determination along revolutionary lines for driving out the white imperialist landlords and slavewhippers from the rich black belt soil as a fight against the capitalist system in America, as a part of the world revolutionary movement?

The time is ripe. But how shall we develop this movement? This movement must necessarily be loose. It must embrace large numbers of Negroes. It must have a central apparatus—dues, books, applications, field organizers, an executive committee.

I may say, Mr. President, that I have on my desk membership books of Negroes who belong to the Communist Party, showing that this program has been followed. It shows that they have dues and applications. I have a book of instructions for field organizers as to how to go about organizing this movement.

Now should we begin? By the present narrow League of Struggle for Negro Rights arranging a tour of two or three comrades for the purpose of explaining the program of the L. S. N. R. and setting up branches, utilizing, especially, the Scottsboro case (it would be well also if we could have one of the tenant farmers from the terror region in Alabama).

I live in a State which adjoins the great State of Alabama, and I do not know to what region that has reference, but it is stated here that that is the region from which they want to get this organizer.

After a 3-month period there could be another national convention—

And so forth.

Mr. President, that is what is advanced according to this report of Communist propaganda in America filed by the American Federation of Labor, and that is merely one sample of the Communist propaganda that the president of the American Federation of Labor thought was of sufficient importance to the future welfare of this country to submit to the State Department of the United States Government.

I also want to read a few more excerpts, because this statement of the American Federation of Labor gives a very fine picture of this entire situation.

They have a very clear understanding of the disaster and tragedy that lie in the establishment of any soviet form of government in the United States or the establishment of any soviet Negro republic in the South.

I read from page 5:

During all the years since the establishment of the Soviet regime in Russia propaganda in the United States has been conducted, not only through agencies directly set up by the Communist high command, but through agencies and organizations in which non-Communists of good standing and repute have been induced to participate.

We have such a situation here today, Mr. President. Men who would abhor the thought of communism have been beguiled, misled and deceived into supporting an iniquitous bill which is the No. 1 bill on the "must" list of the agenda of the Communist Party. The American Federation of Labor had evidently correctly analyzed the situation throughout the United States.

Continuing reading:

Throughout the whole period, Communists have made it a cardinal point to unite with every protesting minority and to engage in every effort directed against established institutions of our country. There has grown up a great group of organizations, Communist and semi-Communist. A careful study of these organizations shows that they are so related through interlocking directorates that apparently some hundreds of organizations are dominated by an interlocking group of directors numbering not more than 60.

It appears that not only are there "sixty families" in the United States about whom people write books, and conduct discussions over the radio, and who are called to the attention of the Members of the Senate; but there are 60 directors in the Communist Party who, by reason of interlocking directorates, control all the numerous Communist groups throughout the United States. It seems that the figure "60" has some kind of mystical significance, which heretofore had been supposed to be associated chiefly with the numbers 7 and 11. We have these 60 families who, as we have been told over the radio by well-known people in the United States, represent all that is bad in capitalism. The American Federation of Labor says that there are 60 directors of interlocking Communist agencies who represent all that is bad in the effort to overthrow our Government and establish in the United States, the last refuge of democracy in the world, the Communist form of government.

In this group of 60 perhaps 10 are sufficiently influential to dominate important situations.

I have not read America's Sixty Families, so I do not know whether it is claimed that 10 of them can dominate the whole number or not, but the American Federation of Labor says that 10 of the 60 directors on the interlocking Communist directorates dominate all the vast network of Communist and semi-Communist organizations scattered over the United States, organizations which are squarely behind this bill, and which this week are even demanding that the Senate adopt a gag rule and cut off all debate and proceed forthwith to pass the bill without any delay whatever. That is their demand.

Continuing the reading:

There is no essential Communist interest in the Mooney case, nor is there any communism in the freedom of the Filipino movement, nor in anti-injunction legislation. There is certainly none in the abolition of capital punishment, yet these are examples of the type of organizations in which there has been and is active Communist participation on a hundred or more fronts. Their tactics may perhaps be called the tactics of irritation, since the purpose is to create dissatisfaction as widely as possible and to bring into disrepute the authorities and the established institutions of the country.

How well did the American Federation of Labor do its work when it presented its analysis of the American scene today as it pertains to communism. The description in the analysis is absolutely on all fours with the pamphlets that I have read and a number of others which I intend to present to the Senate, showing how they seize on tactics of irritation to create dissatisfaction and to bring into disrepute the authorities and the established institutions of the country.

Continuing the reading:

As an example, the American Civil Liberties Union may be cited. Its announced purpose is the defense of those who fall afoul of laws when engaged in endeavors for which the law should offer protection. Its practice is almost exclusively the defense of Communists.

It goes on, then, to name certain organizations and certain men. I do not think all their names are worthy of being embalmed in the pages of the CONGRESSIONAL RECORD.

Reading further:

This, in turn is interlocked with the National Council for Prevention of War, which cannot be characterized other than as a pacifist organization. * * * To pursue the subject of interlocking directorates to its conclusion would require almost a volume. Evidence in extreme can be produced if desired. The facts of the situation are not disputed, though obviously there is no agreement as to their implications.

Anywhere the slightest spirit of discontent is found that might be capitalized by this revolutionary organization, the Communists immediately identify themselves with it.

I continue the reading:

The "United front" is fundamental in Communist agitation and propaganda tactics. It means unite with every dissident cause, and it is in pursuit of this aim that Communists have penetrated and infiltrated into organization after organization, in every case bending every effort to induce each organization to bear more and more to the left, to become more and more explosive and hostile in its utterances.

The Communist Party seeks to infiltrate even into the Senate of the United States, by coming down here and demanding the invocation of a cloture rule, in harmony with the

tactics explained in this report of the American Federation of Labor. Because those of us who are opposed to the pending measure undertake, in legitimate debate, to expose all the details of the forces back of such perfidious legislation, some people are so unkind as to charge us with conducting a filibuster.

I continue reading from the report of the American Federation of Labor:

When Moscow orders, "forward march!", the Communists in the United States execute the command like so many companies of disciplined troops. All over the Communist world the disciplined companies do likewise. For those who do not obey there is excommunication and sometimes the sentence of death. Sentence of death has happened, as eventually we shall see.

That does not refer, Mr. President, to a sentence of death in some bloody purge in Moscow or St. Petersburg, which I believe they now call Leningrad. It refers to a sentence of death without benefit of due process of law in the United States, imposed by the Communist Party which is supporting the bill under consideration.

I continue the reading:

That the Communists of America follow the orders of Moscow was clearly and candidly announced by William Z. Foster, then principal leader of communism in the United States, when he testified before the commission presided over by the Honorable HAMILTON FISH, by authority of Congress.

"You take your orders from the Third Internationale, do you?" Mr. FISH asked. And Mr. Foster replied:

"The question, 'Do we take our orders from the Communist International?' is a question which reveals the utter distance of the capitalist's conception of organization from that of the worker. The Communist International is a world party, based upon the mass parties in the respective countries.

"It works out its policy by the mass principles of these parties in all its deliberations. It is a party that conducts the most fundamental examination of all questions that come before it and, when a decision is arrived at in any given instance, this decision the workers, with their customary sense of proletarian discipline, accept and put into effect."

Those who are at all familiar with Communist circumlocution and somewhat orientalized terminology will grasp the significance of the Foster definition. But Mr. Foster elected to make the situation even clearer by quoting authority. He read to the congressional committee from page 34 of the Communist International program this explicit threat of extinction to all who support democracy, which the Communists habitually call capitalism.

My reading on this subject has not been as extensive as I should like because of the fact that the Senate has been in session such long hours that it is impossible for us to do much work in the quietitude of our homes or our offices, but I have found that the statement made in this report filed by Mr. William Green, president of the American Federation of Labor, is true. He says that the Communists habitually call those who support democracy capitalists, and refer to democracy as capitalism. In other words, they seek to appeal to the masses and to those who are unthinking, to catch the unwary and the unwitting by setting up some imaginary and very oppressive boss in this land, the freest land under the shining light of God's sun.

I continue reading:

The conquest of power by the proletariat does not mean the peaceful capturing of ready-made bourgeois State machinery by means of a parliamentary majority.

The statement I just read was a quotation from Mr. Foster's remarks.

The bourgeoisie resorts to every means of violence and terror to safeguard and strengthen its predatory property and political domination. Like the feudal nobility of the past, the bourgeoisie cannot abandon its historical position to the new class without a desperate and frantic struggle; hence the violence of the bourgeoisie can only be suppressed by the stern violence of the proletariat.

That is the end of the quotation from Mr. Foster's testimony before the congressional committee.

Then follows the statement of Mr. Green, representing the American Federation of Labor:

Translating the passage read by Foster, we observe that since those people that have and believe in democracy will fight to defend their freedom and their democracy—

And, Mr. President, the cornerstone of all our freedom and all our democracy is the preservation of the police power and the sovereignty of the several States—

just as they fought heroically to achieve it, they must be exterminated by the terrorism of red hosts. Because they defend their homes, they must be slaughtered.

That, Mr. President, would be the result of encouraging communism in this country, as discovered by the American Federation of Labor in their survey of the situation. It is made plain that, if eventually they triumph, the supporters of this Communist philosophy, which is a sort of an inverted absolute dictatorship, will slaughter those who defend their homes. I resume the reading.

That is the program for communism, not in Russia, nor in China, but in the United States * * * in Manhattan, in old Brooklyn, in Boston, where the famous tea party inspired patriots and still inspires them; in Chicago, in Fort Worth, in Indianapolis, in Oshkosh, Redwing, and Cheyenne.

That is the program toward the fulfillment of which every organized Communist in America looks, as once the steel-helmeted soldiers of Das Vaterland looked toward Der Tag. To gain as much light as possible, let us quote from the Foster testimony a few more illuminating sentences.

This is a quotation from Foster's testimony:

The workers of this country and the workers of every country have only one flag and that is the red flag.

Let me say to my friend from North Carolina [Mr. REYNOLDS] that the red color is very significant when we consider that enough blood has been spilled by this regime to dye red all the cloth that has been made since the beginning of time.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield only for a question.

Mr. REYNOLDS. Does the Senator understand that the Communists have their headquarters in the Western Hemisphere at Veracruz, Mexico?

Mr. RUSSELL. Mr. President, I always hesitate to speak on any subject in the presence of an expert or one who is familiar with all phases of the subject. I heard the Senator from North Carolina, during the course of his remarks the other day, if I recall, on the question of national defense, which is a very important question at this time and one that is large in the public eye due to the interest of the President of the United States in seeing that America is properly prepared to defend itself, state that organized communism on this hemisphere had its nerve center in the city of Veracruz, Mexico. I am confident that the Senator from North Carolina knew whereof he spoke when he made that statement.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from North Carolina?

Mr. RUSSELL. I yield for a question.

Mr. REYNOLDS. Has the Senator at any time seen copies of the Communist International?

Mr. RUSSELL. I have seen copies of it. As I understand, it is some kind of a periodical. I do not know that I have seen the issue which the Senator holds in his hand, but I have seen copies of it, and I hope before this bill shall finally be disposed of or laid aside the Senator from North Carolina will take up the thread of this argument and elaborate on it, as he is able to do by virtue of his long study of the subject, so as to show the people of the United States the great menace in the form of communism that threatens us and even now is gnawing at the vitals of our democracy. The Senator from North Carolina, I am sure, would render a distinct public service if he were to address himself for several hours to that subject.

I continue reading the quotation of the testimony of this man Foster, as found in the report of the American Federation of Labor:

The workers, the revolutionary workers, in all capitalist countries are an oppressed class who are held in subjection by their respective capitalist governments, and their attitude toward these governments is the abolition of these governments and the establishment of soviet governments. * * * I stated very clearly the red flag of the revolutionary class and we are part of the revolutionary class. * * * And all capitalist flags are flags of the capitalist class and we owe no allegiance to them.

I will now read a statement that comes from the master strategist of Communists in Moscow—Stalin—and this report says that "communism in this country is the pet child of Stalin, who is the dictator of Russian Soviet today:

I consider the Communist Party of the United States one of the Communist parties to which history has given decisive tasks from the point of view of the world revolution movement. The revolutionary crisis has not yet reached the United States, but we already have knowledge of numerous facts which suggest that it is approaching.

It is necessary that the American Communist Party should be capable of meeting the movement of crisis fully equipped to take the direction of future class wars in the United States. You must prepare for that, comrades, with all your strength and by every means; you must constantly improve and bolshevize the American Communist Party. You must forge real revolutionary cadres and leaders of the proletariat will be capable of leading the millions of American workers toward the revolutionary class war.

O Mr. President, here in a land that provides the machinery for the majority of the people every 2 years fully to express themselves and establish the form of government they choose by the exercise of the ballot, a land that is more blessed with liberties which ofttimes we do not consider because they have become commonplace, we find even here men who are not satisfied to go to the ballot box and peacefully, by the method devised by the framers of the Constitution, endeavor to establish a new form of government, but they demand revolutionary class war, and must come into power, if ever, with their hands dripping with the blood of the innocent. The framers of this Government when they established it provided means whereby a majority of the people of the country could have practically any form of government they desired. The Communists, however, are not willing to accept that. Even if they were to come into power through the method evolved and laid down by the Constitution, namely, the exercise of the franchise, they would not be content until they had waged a bloody class war that would wipe out the lives of thousands; and I have been showing by documentary proof that the pending bill is the first step in a program which is designed to establish in the South a soviet Negro republic, which would result in the "liquidation," or death, of any man who ever voted down there and the expropriation and confiscation of his land without one dime of compensation to his estate.

The report next refers to the significance of this speech of Stalin.

Not until January 30, more than 6 months after its delivery, was that speech made known to any save those who heard it.

At the same time there was read a detailed report, with reference to work in the United States. The occasion was the tenth session of the executive committee of the Communist International and the author of the report was Moltov, member of the presidium of that International.

Let us quote.

And here the report is quoted.

"The comintern has given particular attention to the situation in the Communist Party of the United States."

Here we are having the question of the Communist Party in the United States considered in Moscow, and doubtless that report showed that they were prepared to start a movement for the passage of bills such as I have indicated, to be led by the pending piece of legislation, the so-called but misnamed antilynching bill, which is No. 1 on the Communist agenda. Doubtless that report was read in Moscow.

A special delegation of the executive committee of the comintern was sent to the last congress of this party (Workers Party, United States). Afterward, for several weeks, there sat at Moscow a commission of the presidium of the executive committee of the Communist International which especially studied the situation in the Communist Party of the United States.

Mr. President, who knows but that the pamphlets which I have read here, and which I shall continue to read for a brief period, were directly inspired by this meeting which was held in Moscow, giving attention to the direction of the affairs of the Communist Party in the United States?

The presidium of the executive committee of the Communist Party radically renewed the direction of the American Communist Party and created within it the conditions of a real Bolshevist development of the party and a reinforcement of its authority among the working masses.

That is the end of the quotation from that report, which bolsters the statement made that the Communist Party in America was the "pet child" of Stalin and the Communist Government of Russia; that they were giving special directions to Communists in the United States, trying to overthrow our Government and bathe this land with blood, in order that they might come into possession of all the great heritage of the American people, and incidentally, while they were about it, establish a Negro soviet republic in the South as a separate part of the Government.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. RUSSELL. I yield for a question, Mr. President.

Mr. OVERTON. Does it not occur to the Senator from Georgia that before this Communist Negro movement will prevail in the South it is not at all improbable that it will prevail in some of the strongholds of the North, and that we shall, for instance, see seated in the Senate Senators from different Northern States who will represent this Negro Communist movement? We may, for instance, see a Negro Communist here representing the State of Pennsylvania before we shall see one here representing the State of Georgia.

Mr. RUSSELL. I, of course, agree with the inference which arises from the question submitted by the Senator from Louisiana. I think it is very likely that there will be Communists here from other sections of the country before they are here from the South, whether they be white or black. I say it is a tribute to the Negro people of the South that the wave of propaganda which I have been reading here, showing what the Communist Party is attempting to do, has fallen on deaf ears; and the fact that it has done so gives the lie to all these base and vile charges as to the way in which the Negro is treated in the South.

No, Mr. President; it will be a long time before communism gains any foothold in the South. There live people who believe in the American institutions of government. In my own State less than seven-tenths of 1 percent of the population are foreign born. They believe in the American system. They believe that through the machinery provided by the Constitution they can secure the redress of any just grievances; and it will be a long time before this movement, inspired by the Communist Party, will ever achieve any success. I know it will be a long time, Mr. President, because the pending bill is the first bill on the Communist program, and it will be a long time before the pending bill is ever voted on in the Senate of the United States.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. RUSSELL. I yield for a question.

Mr. OVERTON. May I suggest to the Senator that what I was endeavoring to bring out is that the proponents of the pending bill are perhaps more in danger than they realize from the movement which the Senator from Georgia has so clearly and so eloquently pointed out and described during his address to the Senate; that they are much more in danger than is the South from this movement at the present time, and that they will wake up to the realization of that fact before very long?

Mr. RUSSELL. Undoubtedly, Mr. President. I have books here which will doubtless be read at some later period in this debate—I shall not read them in the course of my remarks today, but perhaps on another occasion, in discussing some amendment to the pending bill, I shall do so—which will show that the Communists had achieved much more success in appealing to the devotees of Father Divine in his "Harlem heaven" than they have in appealing to the members of the colored race in the South. There is no question but that the Senator from Louisiana is right, and it is tragic that Senators who in their own States are threatened with communism, much more so than any State of the South could be, will not stay on the floor of the Senate and hear this exposé of some of the forces which are back of the pending bill, which are seeking to overthrow our form of government, in order that they may be on their guard, and withdraw the bill before it is too late, before their own States are taken over by the Communists, and they have a bloody purge there, perhaps, of all those who have ever taken any part in the Government or in the election of any officials, as it is proposed to do in the South.

Mr. President, this report of the American Federation of Labor goes on to show that while, as it states, the Communist Party in the United States is the "pet child" of the Moscow Government and of Stalin, this effort to propagandize and seize the existing governments is not confined to the United States, nor to Russia, nor to any one country, but this report of the American Federation of Labor shows that it is a world revolutionary organization. I shall read further from that report.

> Communism is not a sect, it is not a local political party, nor a national political party. It is a world revolutionary organization, united on one plan, knit around one philosophy, headed toward a single goal.
>
> When the Communists say revolution they mean precisely that and nothing else. They do not mean a national election, such as tore the American Government away from the Republican Party and gave it to the Democratic Party when you, Mr. Roosevelt, succeeded Mr. Hoover. Nor do they even, as we have seen, mean such an election as might tear the National Government away from you, Mr. President, and give it to Mr. Foster. Mr. Foster would not, under communism, have any use for such a government as he would inherit. He would have immediately to resign and win control all over again by force of arms.
>
> When the Communists say revolution they mean slaughter, destruction, terrorism, utter demolition, and the creation of a Communist dictatorship upon the ruins of democracy. To win the United States through revolution would be to add the territory, the resources, and the remaining population of the United States to the realm that now suffers under the dictatorship of which Mr. Joseph Stalin is the head. That there is no immediate prospect of such an eventuality does not change the intention of the Communists nor swerve them from their determination to achieve that object if they can find the way and the means for the doing of it. To have potential assassination in our midst is not consoling to say the least, quite apart from the Communist-instigated strikes under which our wage earners and their families have suffered privation and untold misery.

Naturally, Mr. President, Mr. William Green, the president of the American Federation of Labor—one who has devoted his life to the cause of labor—is concerned over the Communist-inspired strikes to which he refers, which have caused wage earners and their families to suffer untold misery.

I resume reading:

> And the fact that communism cannot achieve a successful revolution in the United States by no means indicates that it may not produce an abortive one. There is no reason whatever to assume that at what they consider an opportune moment they will not try.
>
> There is, on the contrary, every reason to assume that they will try. And they will try, if and when they do, around or under cover of some event which deeply stirs the people.
>
> * * * * * * *
>
> To what extent the Communists may be materially prepared for a thrust in violence, the non-Communist cannot know and does not know.
>
> Revolution, or the attempt thereat, in the United States, on the part of international communism, is distinctly a thing that can happen. It is on the program. It is the end-all and the cure-all as envisioned by the Communist Party in America, in harmony with and in unison with the Communist Party of Russia and its intimately related copartner, the Communist International.
>
> When the Communist International commands "Forward march" the Communists of all lands execute the command. If and when the Communist International, in response to the Russian Communist dictatorship, believing that the hour has struck, sends to American communism the command "Fire!" the guns of revolution will blaze upon our streets and the issue then will be settled in the blood of our people.

Mr. President, that is a part of this interesting survey made by the American Federation of Labor, and its analysis of communism as it affects the governmental structure of the United States. I shall not at this time read any further from this book; but perhaps at some later time in the debate, in explaining some other feature of this measure or of this Communist program, I shall find it necessary to resort to the reading of all of it.

Mr. President, as showing the promises which have been held out to the Negroes of the South, which heretofore have fallen on deaf ears, I have here a pamphlet entitled "The Negroes in a Soviet America."

One of the coauthors of this pamphlet was the Negro who was candidate for Vice President on the Communist ticket in the last national election. It is a phase of the propaganda being disseminated throughout the entire country, holding out these promises of a Utopia where none shall work hard, but all shall live well, which it is said will eventuate when and if this Negro soviet republic is established.

I have pointed out that the Communist program embraces the three bills which it has been repeatedly charged on the floor of the Senate will follow in the wake of the pending measure. I repeat, first is the bill to take charge of the election machinery of the 48 States; second, the so-called civil-rights bill, which would do away with any law providing for segregation on trains, in schools, in hospitals, and in any public place where any service is offered for hire or free; lastly, the one which would strike down the laws preventing the intermarriage of whites and blacks. All of that is presented as a part of the Communist program.

In our opposition to the pending bill it has been stated that those bills will follow the pending measure as a part of the Communist program, the pending bill being No. 1, and no person supporting the bill has as yet taken the floor in his own right to state that those bills would not follow, or that any persons who would vote for the pending bill would not vote for the entire program. The next step is the creation of the Negro soviet republic in America, promised in this piece of propaganda which is being disseminated.

It is probably unnecessary to read any further statement showing that that is all part of the Communist program, but this is so clearly in line with the program I am fighting I shall read a bit more from the Communist propaganda:

> We say that Negroes must have this right to vote as well as the other rights of citizenship. We must fight for these rights. We say that the workers and the oppressed masses should use the ballot * * * to elect their own representatives and create their own organizations. * * *
>
> But at the same time we emphasize that capitalism cannot be done away with by the ballot.

As I have said, Mr. President, the Communists, even if they had absolute control of this Government, say that it is necessary to use the bullet as well as the ballot to do away with what they call capitalism here, and as the report of the American Federation of Labor says, any man who believes in a democracy is a capitalist in the eyes of the Communists, and that means that even if the Communists captured the country in an election, they would resort to the bullet after their success by the ballot, wiping out in blood all those who believed in a democratic form of government in the United States. In other words, we would be "liquidated."

> We believe in using elections and our representatives in elected bodies to rally the people against capitalism. * * * But anyone who tells you to depend upon the ballot and civil rights for your defense is betraying you.

Only through blood can they have a good, clean, pure soviet government, only by shedding blood of thousands of innocent people, whose sole crime against this new society they would create has been that they believed in a democracy, or thought a democratic government was a pretty good kind of government under which to live and appreciated the liberties which we possess, just as they say that they cannot have a soviet

here merely because they have absolute charge of all the machinery of government in the United States, but must use the bullet and blood purge. Now, in this pamphlet, which is the promise of a Utopia for Negroes who will join the Soviet Party and establish this soviet Negro republic, and they make this statement:

Seventy-five years ago the North went to war in order to destroy the power of the slave owners.

This book does at least say that the North had something to do with freeing the Negroes. The one I read a while ago said that the Negro fought for his own freedom and finally gained it. As I said, I had been under the misapprehension for some years that General Grant, General Sherman, and a man by the name of Abraham Lincoln had something to do with it, but these Communists in the country say "no"; that the Negro did it.

That, too, was a revolution. But it was not finished. Our task is to finish it.

But the revolution will not stop with the seizure of the land. That will just be the beginning of a complete, really basic change in the homeland of lynch terror. For just consider where this land revolution will take place; precisely in the plantation country, where the Negroes are today the most oppressed section of the population and where they form the majority of the population. Let us imagine such a revolution taking place in the Mississippi River Delta. Here there are huge plantations. In some counties the Negroes are as high as 90 and 95 percent of the total population; throughout this area they are not less than 60 percent. With the power of the plantation owners destroyed a new kind of government will be set up by the farmers and the workers in this territory.

For the first time Negroes and oppressed poor whites will really enjoy democracy. The Negroes will play the leading role both in the land revolution and in the new revolutionary governments.

The same will occur throughout the plantation area—from southeastern Virginia, down through the Carolinas and central Georgia, across Alabama, Mississippi, and Louisiana, reaching even into Arkansas and parts of Tennessee and Texas. Now will be the opportunity to really establish the basis of Negro freedom. This land * * * can then be made into a free land. It can be proclaimed as a new country.

I do not desire to read all of this, Mr. President; I merely wish to show the nature and the extent of the various publications; so I pass on:

The old South will no longer remain. The Negroes will come into their own.

The real test of freedom for the Negro people in the Black Belt lies in their right to self-determination. Unless they can choose freely for themselves what the relationship of this new government will be to the United States as a whole, they will not be free.

Here we have the idea advanced that if, after they have established the soviet Negro republic in the South, they desire to secede from the Union, they will be told to go in peace.

Only one thing can do away with the basis for the existence of capitalism: The expropriation of the capitalists.

I turn now to page 31 of the same periodical. There is a good deal of speculation as to what will happen in the South when and if this Negro soviet republic is established, and as to whether or not it will be identified with the Government of the rest of the United States.

First. The revolution in the plantation country might mature sooner than the proletarian revolution in the country as a whole.

Then it proceeds to say that if they can have the revolution in the South before it occurs in the rest of the country, they will use that as a basis of operation to overthrow the Government in the remaining portions of the United States. Of course, as the Senator from Louisiana has pointed out, there will be Communist Parties in power in other sections of the United States years before communism will ever successfully rear its ugly head in any of the Southern States. But, as showing the program they have in mind, of which the pending bill is the first part, this pamphlet proceeds to state that the glorious reconstruction period is to symbolize the new republic they are to have in the South, and that great and glorious reconstruction era in the South, which nearly all the people—North and South—now refer to as the "tragic era," will be the same kind of government they will have in this soviet Negro republic.

The revolutionary way has not been strange to the Negro people in the United States. Revolutionary struggles have glorified their history. Have we forgotten the courageous struggles of the African people for life and liberty against the slave merchants of Europe and the American Colonies? Even the few incidents which have been preserved in written history testify to the determined struggle of the Negroes * * * from the very beginning. The Negro people can find inspiration in the revolutionary attempts of Gabriel, Denmark Vesey, Nat Turner, and untold thousands of fighters in the numerous slave revolts in the United States and in the underground railroad. The Civil War itself was a revolution in which the Negroes—those who were yesterday chattel slaves—fought for land and liberty.

That glorious Civil War decade when the embattled Negro fought with gun in hand against the bloodhounds of reaction for the rights of citizenship and of land is today a heroic, revolutionary, and living example firing the aspirations of the Negro people for freedom.

And in other parts of the world: The glorious tradition of the Haitian revolution—

Yes, Mr. President, the Haitian revolution is used here as an example of a glorious tradition. At the time of the Haitian revolution there were in Haiti about 10 blacks for each white. When the revolution occurred the blacks immediately massacred all the whites, and burned their property and their buildings. In my own State there are some families living in the coastal area to whom this Haitian revolution is a terrible tradition. It was really responsible for their settling in my State. Three or four of those French families managed to get away from their homes, and left Haiti in an open boat. They escaped from being massacred by Toussaint L'Ouverture and his followers. Those families escaping from Haiti in a small, open boat, carrying with them little food and water, managed to come to the shores of my State. They escaped from the massacres which occurred in this glorious revolution referred to in this pamphlet. They had no chart or compass to direct the course of their boat. It drifted around until some of their children had perished for want of water and food. Finally, some of the remaining survivors were washed ashore on the coast of my State, and they live there today. Those families have some reason to remember the Haitian revolution, but to them it is not so glorious a thing as it is pictured in this pamphlet.

of the Maroons of Jamaica—

That is another revolution with which I am not so familiar—

of the victorious rebels of Dutch Guinea, Scottsboro demonstrations in Cuba and Africa.

I will have to say that I am not very much impressed by Scottsboro demonstrations in Cuba and Africa as being successful revolutions. However, they are cited in this pamphlet along with other glorious revolutions.

Mr. President, I shall hasten on in order not to tire the Senate or to tax its patience. I will skip several pages and go to page 37 of this pamphlet. Here are some of the things held out by the Communist Party. As I stated, all these pamphlets put the pending bill first. Here are some of the other things the Communist Party hold out to the Negroes to bring about this horrible condition they relate here:

All this must be kept in mind when considering how the Negroes will fare in a Soviet America.

In the first place, all hindrances, barriers, discriminations will be removed. All the opportunities created by a Soviet America will be shared by the Negroes as well as the whites. Industry, agriculture, public and social service will be open to them on the same basis as to all other citizens of the Soviet Republic.

* * * * * * *

We assume here that the new Negro republic created as a result of the revolution for land and freedom is a Soviet republic and that this republic has settled the question of self-determination in favor of federation with the Soviet United States. Under such conditions, we will try to picture in its main features the transformation which can and will take place in this territory.

The actual extent of this new republic would in all probability be approximately the present area in which the Negroes constitute the majority of the population. In other words it would be approximately the present plantation area. It would be certain to include such cities as Richmond and Norfolk, Va.; Columbia and Charleston, S. C.; Atlanta, Augusta, Savannah, and Macon, Ga.; Montgomery, Ala.; New Orleans and Shreveport, La.; Little Rock, Ark.; and Memphis, Tenn. In the actual determination of the boundaries of the new republic, other industrial cities may be included.

Later on I may show what they are going to do with Birmingham to make it a real city when they take it over.

The actual settlement of the question of boundaries will depend largely on the steps taken to assure well-rounded economic development to the Negro republic. This question we will discuss shortly.

And then they go on to discuss it in the pamphlet. I skip a certain portion and continue to read:

As the gains of the revolution are consolidated these soviet territories will unite to form the new soviet Negro republic. The central Soviet body of the republic will be composed of the representatives of the same interests which are to be found in the local Soviets.

* * * * * * *

It must also be borne in mind that the present ruling class of the South is composed entirely of whites. The revolution will disfranchise and expropriate the present exploiting and ruling class. This, of course, will be done on the basis of class distinction and not race distinction. Nevertheless, it will result in cutting down the number of enfranchised white citizens.

Mr. President, we have heard that in one soviet republic they would cut down the number of enfranchised citizens by exactly the same number that voted against anything that Mr. Stalin proposed. In other words if there should be 400,000 Russians who were reckless enough to vote against one of Mr. Stalin's proposals, then within a few days the enfranchised citizens of that republic would be reduced by 400,000 voters, because they would be liquidated, they would be done away with in a blood purge, or whatever a mass murder of that many voters would be called.

I shall read only one more brief statement from this pamphlet in order to show the "Utopia" which the Communist Party presumes to dangle before the eyes of these people in order to enlist them in the Communist Party.

Among the first actions of a soviet government would be a decree recognizing the confiscation of the large landownings where this has taken place—

After they have confiscated them they are going to authorize the confiscation and recognize it—

or authorizing such confiscation if it has not yet taken place, converting all privately owned land into the property of the whole people without compensation, and the confiscation of all livestock and implements of the large landowners for the use of the people.

Thus would the destruction of the plantation system in the South be authorized according to revolutionary law.

That is the law, Mr. President, that they would substitute for the present processes of orderly government in the South, by which they would authorize the confiscation and division of all of the estate or all of the lands of the South without any compensation.

The land would now be the property of the people as a whole. Local soviets or land committees, composed of the poor farmers and the farm workers, could now determine the allotment of land to the former tenants and sharecroppers. While the land would remain the property of the Republic, it would be divided up among the poor farmers whose right to till their farms would be recognized.

* * * * * * *

All previous debts and obligations would be canceled. Financing, the banks and credit would now be in the hands of the soviet state. With the removal of all restricting forces, such as the old credit institution, and the plantation system, a complete transformation of agriculture in the South would now be possible.

I notice in this pamphlet, Mr. President, that they hold out as another one of the inducements to join the Communist Party, and to embrace this whole movement, of which the pending bill is the spearhead, that—

President Roosevelt's present estate in Georgia and the other resorts of the millionaires, can be turned into sanitoria, hospitals, clubs, etc. Palm Beach can become the haven of tired workers and toiling farmers. The pine woods can also be used as health-giving resorts. All the best spots and resorts of the present ruling class can become rest homes for the masses.

That among many other things is embraced within the promises which are made with respect to this "Utopia" which is proposed to be set up. It is proposed to encourage that movement by continuing to press the pending bill, and by submitting the question of cutting off of debate. That demand is coming from the same sources that are spreading such stuff as this around over the United States.

I wish now to address myself to an explanation of another pamphlet bearing on this question. I refer to a pamphlet which is published by an organization that lauds the soviet form of government to the skies, an organization which is mentioned in the report of the American Federation of Labor as being one of the interlocking organizations of the Communist Party in the United States. That organization is the so-called League of Struggle for Negro Rights which is practically the same thing as the Negro Congress, I understand.

The pamphlet to which I refer is entitled "Equality, Land, and Freedom." It purports, according to its own language, to contain a program for Negro liberation. The League of Struggle for Negro Rights, as I have stated, grew out of what was known as The National Negro Congress.

I am not opposed to legal meetings of Negroes or of any other race in an effort to seek ways and means of improving their condition by means within the Constitution, and to bring forward measures which will be of benefit to all people who are similarly situated throughout the United States. But I do not agree that an organization which advocates measures of the kind that I shall presently reveal should be yielded to when they publish in the Daily Worker of the Communist Party, in its issue of Monday, a statement to the effect that they are coming down to Washington to demand cloture, and pointing out how they are going to bring in other groups from each section, day after day, to "put the heat" on the Senate so as to compel it to vote to gag those of us who are opposed to the bill.

Following up that movement as predicted by the Daily Worker, we now have a cloture petition before us. One of the organizations which brought it about was the League of Struggle for Negro Rights, which has a program which I shall now read to the Members of the Senate. Lest I tax the patience of the Senate and tire some Members I shall not read all of this pamphlet, but merely extracts from it in order that Senators may realize what is going on in the United States.

I read from page 7:

We proclaim before the whole world that the American Negroes are a nation—a nation striving to manhood but whose growth is violently retarded and which is viciously oppressed by American imperialism.

Bear in mind that the American Federation of Labor in its report says that these forces of communism brand any man who believes in democracy as either a capitalist or an imperialist.

The program here presented outlines the only course of action which guarantees the development of the American Negroes to full nationhood, which will elevate them to that rightful place of equality before all and subservience before none.

Land, freedom, and equality—the watchword of the ex-slave during the period of civil war and reconstruction—still remains the watchword of the embattled Negroes today. The so-called emancipation of the slaves did not bring freedom, because without the means of livelihood, without land, there could be no freedom.

The ex-slaves fought heroically during the Civil War and the reconstruction period for the land, for citizenship, for equal rights. The northern Republicans took the Negroes as allies against the slave owners, and supported their demands only because they needed the help of the Negro people in order to defeat the slavocracy decisively. When the domination of the South had been assured to the northern capitalists they cast their Negro ally aside and deserted him to the tender mercies of the K. K. K. and his former masters. The proclamation of emancipation—

Mr. President, I think I shall pass over that.

I come now to the demands of this organization. The demands are stated in larger type than the remainder of the pamphlet.

The League of Struggle for Negro Rights therefore demands the confiscation without compensation of the land of the big landlords and capitalists in the South and its distribution among the Negroes and white small farmers and sharecroppers.

Without compensation, Mr. President! That is the same organization that the Daily Worker said was coming down

here on Monday to invoke cloture in the Senate and gag the Senate to prevent any debate. That is the same organization that had arranged this campaign of all these various groups converging in Washington on Monday and Tuesday to force cloture. We had a cloture petition presented at the clerk's desk at 10:15 on Tuesday night, the day when it was said these delegations would be here to force the Senate to cut off all debate and bring this bill to a vote.

Continuing the reading:

The League of Struggle for Negro Rights stands for the complete right of self-determination for the Negro people in the Black Belt, with full rights for the toiling white minority.

The pamphlet goes on to show how they are going to confiscate all the land in 350 counties in the South, without compensation, and turn it over to those to whom they refer as the oppressed.

I find this significant statement, bearing out the contention of the American Federation of Labor in its report that the League of Struggle for Negro Rights is a branch of the Communist Party. It pays high tribute to the soviet form of government:

The Soviet Union offers the shining example of the correctness of this program.

That is, the program of violence that they advocate.

There nations and races who, under the old czarist regime, suffered oppression equal to that of the Negroes of the United States, are now, under the new soviet government of the workers and farmers, enjoying complete freedom, equality, and the right of self-determination; there the workers and farmers of the varied nationalities have united in fraternal and harmonious union in the work of building up a Socialist society.

I ask, Mr. President, to have printed in the RECORD as a part of my remarks the matter found on pages 18 to 26, inclusive, of this pamphlet, being the immediate program of the League of Struggle for Equal Rights, the organization to which I have heretofore referred.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

IMMEDIATE PROGRAM OF THE LEAGUE OF STRUGGLE FOR NEGRO RIGHTS—THE STRUGGLE FOR EQUAL RIGHTS (COMPLETE ECONOMIC, SOCIAL, AND POLITICAL EQUALITY)

To obtain equal rights we must conduct a continuous fight against all forms of oppression suffered by the Negro people.

1. Against Jim-Crowism and discrimination in all forms and in every field, on jobs, in professions, public places, trains, boats, busses, all institutions, places of residence, etc.

2. A relentless fight to wipe out all forms of forced labor, chain gangs, forced work on roads and public works for payment of taxes, and all other hang-overs from chattel slavery.

3. A constant daily fight for ordinary human and civil rights for Negroes in all parts of the country, for the actual enforcement of their rights as human beings.

4. A determined fight against the whole system of social segregation in which Negroes are set apart from the rest of the population as a despised and outlawed people.

5. A ruthless combating of all ideas of "white supremacy" and "superiority" fostered by the white rulers to justify their enslavement of the Negro people.

To obtain these rights, the League of Struggle for Negro Rights calls upon the Negro people and white toilers to organize, and fight for the following vital and pressing needs of the Negro masses:

I. STRUGGLE AGAINST LYNCHING AND ALL FORMS OF TERROR, VIOLENCE, AND ABUSE AGAINST NEGROES WHETHER BY OFFICERS OF THE LAW, ORGANIZED MURDER GANGS, OR ANY INDIVIDUAL

1. For the enforcement of the death penalty for lynchers.

2. For the outlawing and disbanding of the Ku Klux Klan and all other anti-Negro, terroristic organizations.

3. For the formation of self-defense organizations of Negroes and white toilers for open defense and resistance to lynching and terror.

4. For the enforcement of the right of Negroes, and their white supporters, to keep and bear arms in self-defense.

5. For immediate unconditional release of all victims of white ruling class frame-up.

II. STRUGGLE FOR THE UNQUALIFIED RIGHT TO VOTE, TO ELECT OFFICIALS, TO HOLD PUBLIC OFFICE, AND TO SIT ON ALL JURIES

1. For the immediate abolition of all restrictions of these rights, whether legalized by "grandfather" clause, poll or property tax, literacy test, exclusion from primaries, or by direct or indirect intimidation or pressure.

2. Redistricting for the abolishment of artificial political boundaries established to split up Negro territories and so nullify their majority voting power.

III. ACTIVE SUPPORT TO THE STRUGGLES OF THE NEGRO WORKERS FOR IMMEDIATE IMPROVEMENT OF THEIR LIVING CONDITIONS

1. For complete equality of Negro wage workers with white workers in wages, hours of labor, and working conditions.

2. For the actual enforcement of the right of Negroes to work at any job, in all trades, industries, and professions.

3. For the admittance of Negroes to all trade unions on equal basis with white workers.

4. For the abolition of discrimination against Negroes in unemployment relief.

5. For unemployment and social insurance at the expense of Government and employers, without discrimination against Negroes.

IV. FULL AND ACTIVE SUPPORT TO THE STRUGGLES OF THE NEGRO SMALL FARMERS, RENTERS, AND SHARECROPPERS

1. For the abolition of all forms of debt slavery, peonage, landlord supervision of crops, overseeing, and the system of plantation stores.

2. For the right to sell crops independently, and against forced pooling of cotton and other crops.

3. For the abolition of oppressive taxes and rents and the cancelation of all debts and mortgages of the small farmers.

4. For mass resistance to eviction from land and against the seizure of tools and livestock for debts.

5. For immediate cash relief for the small farmers and tenants at the expense of the Government, landlords, and capitalists.

V. HOUSING AND LIVING CONDITIONS

To insure immediate relief of the Negro masses from frightful conditions of overcrowding, excessive rents, insanitary living conditions with resulting high sickness and death rates:

1. Abolition of residential segregation and the unrestricted freedom of Negroes to live wherever they choose.

2. For the enactment of Federal legislation to make restrictive clauses in property deeds which limit sale or rental to a certain racial or national group illegal. Mass disregard of such restrictive clauses.

3. For the abolition of the special high rentals in neighborhoods wholly or largely occupied by Negroes.

4. Mass resistance against evictions.

5. For mass boycott of proprietors who raise rents upon reletting from white to Negro tenants, or who neglect the upkeep and maintenance of sanitary conditions of their property after renting to Negroes.

6. For adequate facilities in neighborhoods wholly or largely occupied by Negroes for health, recreation, and culture. (The establishment of medical clinics, hospitals, playgrounds, parks, gymnasiums, baths, social centers, schools, libraries, and places of amusement.)

7. For the tearing down of dilapidated and untenable houses, tenements, and shacks now inhabited by Negroes, and their replacement by modern sanitary apartments and houses at the expense of municipal, State, and Federal Governments.

VI. EDUCATION AND CULTURE

In order to improve the cultural conditions of the Negro masses, to forward their fight against cultural backwardness and illiteracy, for a free and unrestricted development:

1. For enforcement of free, universal, compulsory education for all Negro children of school age, and unrestricted opportunity for Negro young people to secure secondary and higher education of their own choosing.

2. For the abolition of all forms of discrimination and segregation in education, and for the right of Negroes to attend and use, any and all public and private schools, libraries, museums, and cultural centers in any part of the country, North, East, South, or West.

3. For mass boycott of institutions withholding these privileges from Negroes.

4. For mass protest against and boycott of business concerns, publications, radio broadcasts, theaters that use the Negro in caricature to degrade and defame.

5. For the building of modern primary and secondary schools in neighborhoods where Negroes reside, and in the rural districts of the South, with equal equipment, curricula, staff, and appropriations.

6. For the condemning of shacks and firetraps as school buildings and against overcrowding; part-time sessions, and bodily punishment.

7. For the adoption of textbooks and histories that render a true account of the Negro, especially his contribution to American life, and to discard those that foster the slave and white superiority psychology.

8. For the widest popularization of the revolutionary traditions of the Negro people of the United States, Africa, West Indies, South and Central America.

VII. NEGRO PROFESSIONALS, STUDENTS, ARTISTS, WRITERS, CLERKS, SMALL BUSINESS PEOPLE, NURSES, ETC.

1. Abolition of discrimination of Jim Crowism against Negro nurses, internes, doctors, and dentists; adequate representation on staffs of all public and private hospitals and clinics.

2. Abolition of all discrimination and Jim Crowism in the civil service. Immediate discontinuance of the Federal Government requirements that photographs accompany applications for clerical positions.

3. For equal opportunities for all Negro chemists, pharmacists, engineers, and skilled workers to organize in craft organizations and unions without discrimination or Jim Crowism.

4. For Negro artists and writers to produce works of culture without obeying dictates of art galleries and publishers. No discrimination in exhibitions and publications.

5. For the right to do business without intimidation or violence wherever they choose; abolition of discrimination against small business people in rent and credit.

VIII. NEGRO WOMEN AND CHILDREN

1. For complete social, economic, and legal equality for Negro women.

2. For the right of Negro women to all jobs at equal pay.

3. For the organization of domestic workers to fight against long hours of work and low wages, for an 8-hour day whether living on or off the job, and a minimum wage.

4. For the abolition of night work, against restriction of Negro women to dangerous and unhealthy jobs.

5. For unemployment and maternal insurance (with leave of absence from work with full wages 1 month before and after childbirth, with free medical care included).

6. For the repeal of all laws prohibiting intermarriage which legalize the fiction of Negro inferiority and render Negro women helpless and unprotected.

7. For the legalization of all offspring, with property rights.

IX. NEGRO YOUTH

1. Abolition of all discrimination, Jim Crowism against Negro youth.

2. Equal pay for equal work for Negro youth.

3. Limitation of hours of work on farms, in factories, in shops, etc.

4. Against night work and work at dangerous occupations for Negro youth under 21.

5. No forced labor in military training camps.

6. Vocational training for Negro youth between 14 and 16 with full pay and under trade supervision.

7. Abolition of compulsory military training in schools.

8. The right of Negro athletes to participate in all athletic games with white athletes, including rowing, swimming, intercollegiate basketball, football, major-league baseball, etc.; against Jim-Crow policies of the A. A. U. in swimming pools, etc.

X. NEGRO SOLDIERS (REGULAR ARMY, NATIONAL GUARD) AND SAILORS

1. Abolition of all Jim Crowism and discrimination of Negro service men in all branches of service—Army, Navy, Marines, etc. Complete equality with whites in these respective branches of service.

2. For the right of Negroes to serve in all branches of military service on an equal basis with whites—Artillery, Navy, Marines, etc.

3. Right to enter and receive training in all military institutions.

4. Against the disarming and disbanding of Negro Regular Army regiments and their use as service or labor units.

5. No discrimination in the National Guard; no use of National Guard against the workers and Negro masses in strikes, demonstrations, etc.

6. Abolition of discrimination or Jim Crowism against Negro veterans in the payment of bonus, compensation, and hospitalization.

7. Freedom of fraternization between Negro and white soldiers.

XI. EFFECTIVE LEGAL PROTECTION FOR NEGROES IN ALL FIELDS OF OCCUPATION AND IN ALL WALKS OF LIFE

1. Immediate repeal of all discriminatory laws.

2. The adoption by the United States Congress and the enforcement of the bill of civil rights for the Negro people presented by the League of Struggle for Negro Rights.

XII. FREEDOM OF SPEECH, PRESS, ASSEMBLY; THE RIGHT TO PETITION

1. The right to openly advocate and conduct propaganda everywhere for the above rights, in public meetings, press, and through all possible mediums.

2. The right of the Negro people to organize in the struggle for these rights.

Mr. RUSSELL. The League of Struggle for Negro Rights has brought forward a so-called civil-rights bill for the Negro people. This was presented, it is said, to the President and to the Congress of the United States. Inasmuch as it escaped my attention when it was presented to the Congress, I am fearful lest it might have escaped the attention of some other Members of the Senate; and I shall therefore read it for their information in order that they may know just what is embraced in this civil-rights bill for the Negro people which was presented to the President and to the Congress:

Whereas the 13,000,000 Negro people of the United States, and especially those who reside in the Black Belt of the South, where they constitute a majority of the population, are denied the rights of citizenship and equality, and are deprived of their right to vote, to serve on all juries, and to enjoy equal rights in courts of law, and are held on the land in peonage and debt slavery, and because of their lack of political rights are habitually framed-up, and are enslaved in penal servitude for trivial offenses or no offense at all in the chain-gang system, and are otherwise subjected to intolerable discrimination and oppression—

Here we have the program of the Communist Party and the program to which the sponsors of this bill are lending aid and comfort, unwittingly or otherwise—

Therefore the following law is proposed:

1. In all States, Territories, or possessions of the United States and the District of Columbia no person shall be deprived of the right to vote or intimidated in an election or primary election or referendum by reason of color, nationality, race, or ancestry, nor for the nonpayment of any tax, nor on grounds of educational or property disqualification.

We can wipe out the rights of the States with a bill such as the bill before us, but the proposal which I have just read would be no more of a blow at the rights of the States than the bill under consideration, which seeks to take away the police power of the States, which is a guaranty of State sovereignty.

I read further:

2. No person shall be deprived of the right to serve on grand juries or petit juries or excluded from jury lists or panels for any of the above reasons nor by any device directly or indirectly to accomplish the same purpose.

3. No persons shall be excluded from any school or class maintained either by public or private funds, because of color, race, or nationality, nor by any device to accomplish the same purpose; nor shall there be any segregation or distinction made among students or among teachers of different color, race, or nationality, nor any difference or segregation in accommodations.

4. No teacher shall be excluded from a position as teacher in any school, public or private, by reason of color, nationality, or race, or for any reason, devised to prevent the holding of teaching positions by teachers of one color, race, or nationality in teaching pupils of another color, race, or nationality.

In other words, under this proposed law they would advocate and would allow Negro teachers in white schools. That is what they are asking for. The fifth item in this program is as follows.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. CONALLY. Is the Senator still reading from the platform of the party that advocates the pending bill?

Mr. RUSSELL. No; the Senator from Texas stepped out of the Chamber for a moment. I am now reading from the program of the organization whose representatives came to Washington to urge that cloture be invoked and that the pending bill be rushed through under a gag. I read from the Daily Worker that this organization, the League of Struggle for Negro Rights, was sending a delegation on Monday and Tuesday to urge the enforcement of cloture in the Senate. This is the same organization, but I am reading a memorial that was presented, as they say, to the Congress as to the legislation which they think should be enacted.

Mr. CONNALLY. May I ask the Senator another question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Is it true, then, that this organization that is urging cloture on the pending bill is the same organization that is advocating whites and blacks in the same schools and advocating colored teachers for white children?

Mr. RUSSELL. The Senator from Texas is correct, only that is a very small portion of the program.

Mr. CONNALLY. May I ask the Senator whether or not it is probably true that if the Congress gives in on the pending measure and grants the first step in their program later on they will probably be here with a bill providing for the control by the Federal Government of marriage and divorce and providing that there shall be no discrimination on account of color or race in the matter of marriage and divorce?

Mr. RUSSELL. I was pointing out that this was the first of a series of doses which were to be administered to the Senate. This program is broken up into doses, and the pending bill is the first part of it. Of course, if it should go through, the same forces that put it through will put the other through. That is the reason why I said at the outset of my remarks, if the Senate voted cloture, so that we could

not talk against this bill, that I knew I could stay here as long as anyone else, and I would be one of twenty to call for the yeas and nays and at least raise my hand and request a vote on from ten to twenty thousand amendments to assure that this bill never should come to a vote in this body.

The fifth item is:

No person shall be denied accommodation or be separated or segregated in any train, ship, motor vehicle, airship, trolley car, or other public conveyance because of color, race, or nationality, and no person shall be denied admission or equal service nor shall anyone be segregated in any inn, hotel, restaurant, cafe, theater, music hall, or other place of public resort because of color, race, or nationality, whether the accommodations be equal or not.

In other words, even if the accommodations were identical or the same, if the races were not put together, the one responsible could be punished and sent to jail under the law proposed by this organization that is supporting the pending bill.

The sixth item reads:

No person shall be denied the right to own, possess, rent, occupy, or otherwise enjoy any apartment, home, room, or other living or business quarters because of color, race, or nationality; and any apartment or rooming house proprietor or manager in any community in which residents or travelers of various colors, races, or nationalities are to be found, shall be judged prima facie to be violating this law if it appears that persons of any given color, race, or nationality are not regularly served on an equal basis in any such institution maintained by him; and it shall be unlawful to create or maintain any restrictions of neighborhoods or houses for purposes of distinction between colors, races, or nationalities; and it shall be unlawful to require any person to pay a larger price or rental than is paid by persons of any other color, race, or nationality.

7. No person shall be denied employment because of color, race, or nationality, and it shall be a prima facie violation if any employer of 20 or more persons shall deny employment to persons of a given color, race, or nationality, or shall segregate such persons or give them inferior kinds of employment; and it shall be unlawful to make any distinction in working conditions or character of employment in the amount of wages or salaries paid, on the basis of color, race, or nationality.

8. No person shall be discriminated against in unemployment relief or social insurance or assistance in any emergency or calamity of nature, flood, hurricanes, economic crisis, or unemployment; nor shall there be any requirement of forced labor by reason or on account of color, race, or nationality.

9. No person shall be charged higher or additional fees, prices, or rates for any kind of insurance on account of nationality, race, or color.

10. No person shall be denied the right to receive instruction for, enter into, or pursue any profession, service, trade, or occupation; nor be discriminated against in the pursuit or practice of such activity because of color, race, or nationality.

I do not know whether or not it is in this program, but there is another pamphlet which I have, and which I will probably read later on, which indicates that that section is aimed to compel white people to employ colored professional men, such as lawyers and doctors.

11. No person shall be denied membership in any organization, whether social, political, economic, fraternal, insurance, religious, or cultural, or any trade union or any benefit association or other organization or any local, branch, or any subdivision thereof because of color, race, or nationality.

12. No person shall be deprived of the right of appointment to any office or position or the right to take any examination for any such office or position or denied permanent appointment because of color, race, or nationality.

13. No person shall be excluded from or discriminated against or segregated in the armed forces of the United States on land, at sea, or in the air, or in any military schools maintained for the training of officers or enlisted men for the several branches of service, nor shall any person be assigned to separate regiments, companies, or squads against his will because of race, nationality, and color.

Mr. President, it strikes me that it would be highly subversive of discipline in the Army to permit a man to select the squad in which he would serve. That would be the effect of that part of the program which would permit any colored soldier to say in what squad or in what regiment he would serve.

14. No person shall be denied treatment and accommodations or segregated in any hospital, clinic, or other institution for treatment of ailments by reason of color, race, or nationality, and it shall be unlawful to make any distinction of nationality, race, or color in admitting any person, whether equal accommodations be furnished or not. Nor shall any discrimination be made against the inclusion on the staff of any such and employment in any institution of any person because of nationality, race, or color.

15. No person shall be forced to labor to pay a debt or obligation, or to remain on any job because of contract or agreement. It shall be unlawful for any private persons to employ convict labor or to have any control over convicts.

16. No person shall be deprived of the right to bear arms in self-defense or to keep such arms in his home or to use such arms by himself or in conjunction with others in defense of life by reason of nationality, color, or race.

17. Any person who aids or participates in a lynching or other act of violence directed against a person wholly or partly because of supposed "inferiority" of race, color, or nationality, or directed against a person because of alleged or suspected crimes associated in public tradition with supposed "inferiority" of race, nationality, or color shall be considered and adjudged guilty of a crime punishable by death.

18. Any person who shall violate any of the provisions of any of the sections of this title shall be guilty of a felony.

19. No State shall pass any law prohibiting any marriage because the parties thereto are of different races, and all laws making such marriages criminal or illegal are hereby declared null, void, and of no effect. All couples living together in relations of man and wife, but whose relations are considered illegal because of difference of color, race, or nationality, shall be deemed hereafter to be lawfully man and wife, and their children are legitimatized and entitled to inherit their property heretofore acquired.

Those are the planks of this organization which is sponsoring so vigorously the pending bill.

Mr. President, I do not wish to become tedious in presenting this matter and read unnecessarily at length to the Senate. I have merely read from a few pamphlets of this type and character to substantiate my contention that the pending bill is the first step in the program of the Communist Party and that the other steps which are proposed would follow, and in order that the Members of the Senate and the people of the country at large may understand the very good and substantial reasons for the very vigorous opposition on the part of some of us who still believe that the American States have some place in our scheme of dual government. I have here a number of other pamphlets of the same type and character advocating the same general ideas and philosophy but I shall not read them at this time.

Now, Mr. President, I desire to address myself, rather briefly, to the question of the constitutionality of the pending bill. It has been asserted here, by eminent lawyers, that the bill is palpably unconstitutional, but it seems that when we come to deal with matters of this peculiar type, whether it be in connection with a parliamentary question raised on the floor or whether it be in the consideration of the proposed legislation itself, the Constitution has very little appeal to Members of the Senate. They will discuss the Constitution on general issues, but when a bill that is being propelled by high-powered propaganda, and under the promise of securing votes for those who favor it or of political retaliation against those who do not support it, the Constitution of the United States seems to mean very little in this body.

I would not presume, Mr. President, to go at any length into the question of the constitutionality of the pending bill. I stated, in response to a question propounded by the Senator from Texas this morning, that this bill undoubtedly was a clear violation, if not the elimination, of the police power of the several States. But it has been said here that if the fourteenth amendment to the Constitution means anything this bill is constitutional, because it is designed to protect a citizen in the enjoyment of a constitutional right, namely, the right to life and liberty and happiness unless deprived thereof by due process of law.

Of course, it is very apparent that if the Congress of the United States has the right to invade the States under a bill of this kind, create an action in tort against the subdivisions of government of the States, and punish officers of States because a crime of murder, in the peculiar form of lynching, may be committed, then the Congress of the United States has a right to invade the several States, punish the peace officers of the States, and assess damages against the subdivisions of the States for the commission of any kind of

crime, whether it be murder or rape or arson or any other felony or even a misdemeanor.

Mr. President, I feel that the fourteenth amendment of the Constitution cannot serve as a peg on which to hang this bill. But the authors of the bill, in their fear that the Supreme Court might think that it drifted in through the window from some foreign land, from Germany, or some other authoritarian state, took the unusual precaution—something I have never seen done before in legislation—of saying on the face of the bill, "We claim this bill to be constitutional under the fourteenth amendment," so that the Supreme Court would not be surprised when they saw it there and would not think that it came from some other country, because it was so completely without any constitutional warrant or authority.

Mr. President, the fourteenth amendment to the Constitution was never intended to operate as against the acts of individuals. It is directed solely at State action. That is where the authors and proponents of this bill have become confused. They have confused the acts of individuals with State action.

There is no question that under the fourteenth amendment the Federal Government, the Congress, or the courts have the power and the duty to strike down any State law which would deprive any person of life, liberty, or property without due process of law; but it was never designed and never contended, except in this very remarkable bill, that that power could be extended to apply to the actions of individuals within the several States and within the subdivisions of government of the several States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. I desire to ask the Senator, because I am very greatly interested in what he is now discussing, if it is not true that when the fourteenth amendment was originally submitted by the Congress, it was aimed only at certain legislation in the various States which had been in the southern Confederacy—States which had enacted social legislation which made different provision with regard to colored persons and white persons—and that the fourteenth amendment was openly and avowedly aimed only at the nullification of those particular statutes by the State itself?

Mr. RUSSELL. Mr. President, if the authors of this proposal had not put this headline on it and described this bill as being presented in pursuance of the provisions of the fourteenth amendment, and if we could reach back into the pages of the past and present this bill to the authors of the fourteenth amendment and ask them under what provision of the Constitution this proposal is advanced, they would say, "We do not believe this proposal is being presented in consonance with any provision of the Constitution of the United States." No one of the authors of the fourteenth amendment to the Constitution ever contended, as I understand, or as I have ever been able to ascertain, that the fourteenth amendment delegated to the Congress any power to deal with individual action within the States. It was directed solely at State action.

Mr. CONNALLY. Mr. President, if the Senator will indulge me, I should like to ask him one more question.

Mr. RUSSELL. I shall be very glad to yield.

Mr. CONNALLY. In the light of the very interesting discussion by the Senator from Georgia of the purpose of the fourteenth amendment, I wish to suppose a hypothetical case.

Suppose the State of Missouri, let us say, through its legislature should pass a law providing that the offense of stealing chickens, for instance, if committed by a white man, should be punishable with a penitentiary sentence, but that in the case of a colored man it should be punishable only by a fine, let us say because of the natural inclination or greater urge in certain races than in other races to steal chickens. Would not that be a typical case of an invasion by the State of the fourteenth amendment? When a white man was charged with stealing chickens, and was threatened with being sent to the penitentiary, could he not consistently go to a Federal court under legislation of Congress which authorizes an appeal from a State court to a Federal court when a Federal right is infringed, and say, "This statute of Missouri which puts a white man in the penitentiary for stealing a rooster only assesses a small fine on a colored man for stealing chickens, and therefore it is a violation of the equal rights of the white man under the fourteenth amendment"; and would not the Federal court strike down the statute of the State of Missouri?

Mr. RUSSELL. Undoubtedly.

Mr. CONNALLY. Is it not true that that is the kind of a situation for which the fourteenth amendment was designed? The other day a discussion went on here as to how Congress could enact "appropriate legislation." Is it not true that if either Missouri or Indiana should pass a statute providing that a colored man who stole a chicken should only be finable, whereas if a white man should steal a chicken he should be put in the penitentiary, Congress by legislation has provided that an individual citizen has a Federal remedy by appealing to a Federal court and having the enforcement of that statute stricken down? Is not that what the fourteenth amendment was intended to mean?

Mr. RUSSELL. I think the hypothetical case presented by the Senator from Texas, while it may be a little exaggerated, clearly illustrates legislation of the type the Congress had in mind.

Mr. President, I do not pose as a constitutional lawyer, but I think I do have a faint understanding of the meaning of the English language; and if there is anything in the fourteenth amendment which would give any validity to a measure of this kind, I am unable to see it. I am always very loath to discuss constitutional questions in this great body, of which a great many ex-judges are Members, as well as those who have occupied judicial positions and those who will occupy them in the future, and other profound students of constitutional law. Therefore I shall not discuss the constitutional phase of the matter at any length; but I have been impressed by a reading of a very interesting book, A History of American Political Thought From the Civil War to the World War, by Edward R. Lewis, published in 1937, in which he deals at some length with the history of these various amendments.

After a very fine analysis of their history and a very clear statement of the purpose of these amendments and the powers which are conferred by them, Mr. Lewis states that the result of his study and conclusion is that the fourteenth amendment was directed only at State action, and that under no conception could it be made to apply to the acts of individuals; to punish communities or others in order to regulate the acts of individuals.

I shall not read at any great length from this book. It is a tremendously interesting discussion of this subject, and I commend it to Senators who are interested in the subject. I am sure all of them will enjoy it; but I shall read from the book for some little time this afternoon. While I do not wish to tire the Members of the Senate or weary them with much reading, I do want them to hear this statement from Mr. Lewis, who evidently is a very able constitutional authority. In several pages he gives the background of the fourteenth amendment, and then he says:

> We now have the background for a consideration of the decisions of the courts under the fourteenth amendment. We could take up the cases arising under the fourteenth amendment strictly in their sequence in time, but it seems preferable to consider them in the various divisions into which they fall.
>
> CASES UNDER THE CIVIL RIGHTS ACT
>
> The amendment was primarily designed, as we have seen, to protect the Negro in his civil rights. The Civil Rights Acts of 1870, 1871, and 1875, which we have outlined, show the kinds of rights which it was designed to secure. In *United States* v. *Cruikshank* section 6 of the Civil Rights Act of 1870 was involved—the anti-Ku Klux section. It was charged that the defendants had prevented Negroes from holding a public meeting and thereby deprived them of their rights under the Constitution and laws of the United States. It was contended that the Negroes had been denied the privileges and immunities of citizens of the United States and that they had been denied due process of law and the equal protection of the laws. But Mr. Miller held that they had

been denied no privileges and immunities as citizens of the United States.

The Slaughterhouse cases, which we shall consider later under the question of the power of the courts to regulate business and the activities of citizens, Miller had said that the Federal Government had no power over the privileges and immunities of citizens, save as expressly granted by the Federal Constitution. The fundamental privileges of the citizen were under the protection of the States, where they had always been. Only such privileges and immunities as had been expressly granted by the Federal Government, such as the right to deal in foreign commerce, to petition the Federal Government, the right to peaceable assembly, the right of habeas corpus, and now the suffrage without discrimination because of race, were Federal privileges.

He utterly rejected the theory that the privileges and immunities protected by the first part of section 1 of the fourteenth amendment, were the same as those which the States could not deny to citizens of other States under article IV, section 2, or the same as the Federal Government was forbidden from infringing by the first eight amendments.

There was vigorous dissent by Bradley and Field. They said that to limit the privileges and immunities to the few granted by the Federal Government, was to strip the clause of all force. It was intended to give the Federal Government the power to protect the same privileges as the States were prevented from denying to citizens of other States. Bradley, moreover, said that it was not difficult to tell what rights were protected: they were the same as those protected from Federal interference by the first eight amendments. And he said that to limit the privileges to those of a national character, was to take all the strength from the provision.

The decision caused great criticism. Boutwell and Howe declared that the Court had denied the amendment the scope that was intended for it. Years later Justice Moody said that criticism of the case had never entirely ceased.

The Supreme Court in the Cruikshank case followed the lead of the Slaughter House cases. It said that no rights under the Constitution or laws of the United States were involved. If the Negroes had attempted to hold a meeting to petition Congress the defendants could have been punished. But the right to peaceful assembly; the right to bear arms; the right of freedom from violence—these were rights protected by the States. No Federal right was involved. With the States lay the right and duty to protect the most sacred rights of men. The fourteenth amendment did not protect against violence by individuals. It protected only against interference with such rights by the State. Lastly it was not charged that the threatened denial was made on the ground of race. The Court added: "We may suspect that race was the cause of the hostility; but it is not so averred."

Again, in *United States* v. *Harris*, it refused to permit the National Government to take over the enforcement of the ordinary protection of citizens. It considered an indictment of 20 men who beat some Negroes while in the custody of the sheriff. The indictment was under section 2 of the Ku Klux Act of 1871, which made punishable a conspiracy to deprive any person of the equal protection of the laws. The Court held the statute void. It could not be sanctioned under the fourteenth amendment, because that amendment allowed Congress to act only against unequal State action, whereas the section in question punished individuals. It was not good under the thirteenth amendment, because the statute did not try to protect only Negroes from violence, but all persons, white and black. Besides, for a man to be subjected to violence and assault did not make him a slave.

Again, the Court made clear that the enforcement of the peace and order of the community belonged to the States.

Finally, the Court held that equal rights in inns and public conveyances could not be enforced by the Federal Government. We have already seen that the Supreme Court held that the Civil Rights Act of 1875, which granted equal rights in inns and public conveyances, could not be sustained under the thirteenth amendment. The rights were not essential to freedom. But it also held that it could not be sustained under the fourteenth. It said that the fourteenth amendment prohibited only State action. "It nullifies and makes void all State legislation and State action of every kind which impair the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to them the equal protection of the laws." It was State action which was prohibited, and the power to enforce the article was the power to prevent State action of a discriminating character. It granted that Congress could pass legislation to enforce the article, but that it was not general legislation upon the rights of the citizen but corrective legislation, counteracting the effect of State laws. But in the case at hand the State had not by law or custom sanctioned by the State denied equal rights in inns or public conveyances. The rights granted by the fourteenth amendment could not be impaired by wrongful acts of individuals. The State had no primary right to legislate under the fourteenth amendment, as it had under the thirteenth.

In conclusion, the Court questioned whether equal rights in inns and railroad coaches were rights which could be protected under the fourteenth amendment. The law was an attempt to enact a code of Federal law for the protection of equal rights, but the Court declared that if this were appropriate under the fourteenth amendment, "it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?" Why, it continued, could not "Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights [namely, life, liberty, and property], in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters?"

* * * * * * *

The Court proceeded to extend the principle of the Slaughterhouse cases that the amendment did not create a new code of Federal law of privileges and immunities. There was no new citizenship of the United States as distinguished from citizenship of the States. The only privilege and immunity granted by the amendment was freedom from the taking of life, liberty, or property without due process of law and the equal protection of the laws. So the Court held, in *Bradwell* v. *The State*, that a citizen of Vermont was not entitled to practice law in Illinois, if the laws of Illinois did not allow women to practice law. The right to practice law was a privilege granted by the laws of the State—not of the United States. In *Minor* v. *Happersett* it decided that the right to vote was not a privilege of women granted by the amendment. "The amendment," said Miller, "did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had." If women could not vote in the States before the amendment, they could not vote after it.

The tendency was strong to leave to the States the determination of the rights and privileges of citizens, save those specifically protected by the Federal Constitution.

UNEQUAL LAWS

But the Court showed, despite its tendency to cut down the power of the National Government, that it could speak vigorously against discriminatory action by the State authorities. In *Strauder* v. *West Virginia*, it reversed the conviction of a Negro because in that State no Negro could serve on a grand or a petit jury. A Federal statute provided that whenever a Negro was deprived of any right granted him by the Constitution, he could remove the case to a Federal court. The Court said that race prejudice existed; that the Negro had a right to be protected against it; and that consequently he had a right to a jury, not of Negroes or partly of Negroes, but to one from which Negroes were not excluded by law.

I shall not read all of this, but I conclude by reading this line:

The West Virginia law, excluding Negroes from juries, was such unfriendly legislation, and Congress could protect against it.

* * * * * * *

So the Negro is protected under the fourteenth amendment from discriminatory legislation, just as we all are, but he has no right to positive legislation for his protection, save to protect from the operation of discriminatory State legislation. The States are recognized as the local legislators; the Federal Government can act only to prevent discriminatory State action.

It goes on to show that this protection extends to all persons, and it cites the famous case of Yick Wo against Hopkins, which arose by virtue of an ordinance of the city of San Francisco, which was an attempt to freeze the Chinese out of the laundry business. That ordinance was stricken down because it represented affirmative action by a subdivision of a State which denied the equal protection of the law. I read further:

The court then refused to allow positive legislation to secure equal rights, but it announced that unequal State laws would be overthrown. The victory was a great one for State rights—for leaving with the States the protection of the fundamental rights of man. Fundamentally, the position is consistent with the principles of government. And yet the difficulty of proving discrimination in a State law, particularly in proving discrimination in the administration of a law equal on its face, is so great that the protection of equal laws has been of little avail.

Mr. President, the whole trend of this very able dissertation on the history of American political thought in considering the history and the scope of the fourteenth amendment is to the effect that legislation which can be sustained under the grant of power contained in the fourteenth amendment can only affect affirmative State action; in no event can it be sustained when it is directed to the acts of individuals, even though they be lawless individuals, as the pending bill attempts to do.

I shall conclude my remarks for the day in a very few moments. I have undertaken to point out some of the reasons why, as I see it, the fight on the pending bill is justified, and why the Senate should not pass this measure. It

is because it is sectional, because it can be considered as political, is aimed at one section of the country and at only one crime, and that crime one which is being reduced in number almost to the point of elimination.

I have shown the reasons which justify those of us who are opposed to the legislation going to the limit of our ability and human endurance in the effort to defeat the measure. We feel that we are justified in fighting cloture by every parliamentary method in order to defeat the bill and lay it aside, because we feel it is the first step in a program of such far-reaching importance and of such dire effect and consequence that it would strike down the civilization of the States which sent us to this body.

I feel that before this discussion is concluded the people in all parts of the Nation will see this bill stripped of the virtues claimed for it by its proponents and will realize that it is not a bill to punish the crime of lynching but a bill which deceives certain classes into thinking that its purpose is to punish the crime of lynching, when, as a matter of fact, the effect of it will be only to punish innocent people in counties where lynchings might occur.

Mr. President, I believe in the innate sense of fairness of the American people. I believe that when those opposed to this bill shall have discussed it for several weeks or perhaps months longer that then the sentiment of our people will react in these Halls, and the bill will be laid aside. If not, it will meet the fate that it deserves when it is finally put on its passage in this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Donahey	Lee	Reynolds
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Bone	Gerry	Lundeen	Smathers
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McGill	Steiwer
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	O'Mahoney	
Clark	Hughes	Overton	
Connally	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEA, Mr. CHAPMAN, Mr. PEARSON, Mr. WOLVERTON, and Mr. REECE of Tennessee were appointed managers on the part of the House at the conference.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. McKELLAR and Mr. WAGNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. WAGNER. I did not hear the Chair. I addressed the Chair.

Mr. McKELLAR. The Chair said he recognized the Senator from Tennessee, as I understood him.

The PRESIDING OFFICER. The Chair recognized the Senator from Tennessee before he saw the Senator from New York, the Senator from Tennessee having addressed the Chair first.

Mr. McKELLAR. Mr. President, the other day when I made a speech on the antilynching bill I undertook to show what remarkable progress had been made by the Negroes since the Civil War. I had not finished when that day closed and I lost the floor. Today I wish to add what I intended to say at that time. I wish to discuss, for a few moments, some figures which are taken from the Negro Year Book, published at Tuskegee, Ala., which show the progress of the colored race in the South and in the entire country since the Civil War. I read from division 10, which deals with the progress in the 64 years from 1866 to 1930; the years for which the Tuskegee Institute has the figures. Remember, I am reading from the Negro Year Book, a book which I have found to be most interesting indeed.

I first read the figures with respect to economic progress on the part of the Negroes. In 1866 the Negroes owned only 12,000 homes. In 1930 they owned 750,000 homes. In 64 years their gain was 738,000 homes—not an inconsiderable accomplishment, in my judgment.

In 1866 Negroes operated 20,000 farms. In 1930 they operated 1,000,000 farms, or an increase of 980,000. In 1866 they operated only 2,100 businesses, all told, in the United States. In 1930 they operated 70,000 businesses, an increase in the 64 years of 67,900 businesses.

Coming to the question of wealth accumulated, Mr. President, I should like to have every Senator listen to the figures. The progress in that respect has been remarkable. It is a progress of which I am indeed proud. The wealth of the Negroes in 1866 was $20,000,000; in 1930 it was $2,600,000,000, or an increase of $2,580,000,000. Think of a race that was in slavery in 1864, and which had accumulated only $20,000,000 up to that time, by those who were free, wherever they were in the country, and which now has accumulated $2,600,000,000 in wealth. I say that that speaks volumes for the colored race.

I have discussed the economic side.

The information which I am citing is taken from the Year Book to which I have referred. I come next to the educational progress.

The percentage of literacy—in other words, those who could read and write—in 1866 was only 10. In 1930, 90 percent of the colored people in this country were literate, representing an increase in the 64 years of 80 percent. I think that is marvelous progress.

Next I wish to call attention to the item of schools for higher training. In 1866 there were 15. In 1930 there were 800, or an increase of 785.

The figures are not given completely for students in public schools.

In 1866 the number of colored teachers in schools was 600; in 1930 there were 56,000 colored teachers in schools, or an increase of 55,400.

In 1866 there was only $60,000 worth of property devoted to higher education; in 1930 the figure was $50,000,000, or an increase of $49,940,000.

The annual expenditures for all education in 1866 were $700,000; in 1930 the figure was $61,700,000, or an increase of $61,000,000.

There was raised by the Negroes in 1866 only $80,000. In 1930 there was raised by the Negroes $3,500,000, or an increase of $3,420,000.

Let us consider the religious progress of the colored race. The number of churches in 1866 was 700; in 1930, 42,000. That represents a gain in 64 years of 41,300.

The number of communicants in churches in 1866 was 600,000; in 1930 the number was 5,200,000, or an increase of 4,600,000.

There were 1,000 Sunday schools in 1866; in 1930 there were 36,000, or an increase of 35,000 in 64 years.

The number of Sunday school pupils in 1866 was 50,000; the number in 1930 was 2,150,000, or an increase of 2,100,000.

The value of church property in 1866 was $1,500,000; in 1930 the figure was $200,000,000, or an increase of $198,500,000.

I desire to quote from the Year Book, heretofore referred to, in connection with property ownership:

Recent reports on property owning show that in 1928 Negroes in Georgia owned 1,444,294 acres of land assessed at $13,491,171. The value of their city property was $24,726,311. The total assessed valuation of all their property was $48,633,022.

The Negroes of Virginia, in 1928, owned 1,981,258 acres of land assessed at $29,663,190. The value of their city property was $29,452,629. The total assessed value of all their real estate was $59,115,819.

The Negroes of North Carolina, in 1928, owned 1,730,373 acres of land valued at $49,621,980. The value of their city property was $46,301,013. The total assessed valuation of all property, real and personal, of all North Carolina Negroes in 1928 was $110,869,405.

Along with the movement of the Negroes to cities has come a marked increase in the amount of city property which they own. Reports on property owning in Georgia, North Carolina, and Virginia indicate that there is a tendency for Negroes to purchase less farm lands than formerly. This decrease in the acquisition of farm lands is offset, however, by an increase in the acquisition of city property. It is still true, however, that the lands which they own amount to more than 22,000,000 acres, or 34,000 square miles, an area greater than that of the five New England States—New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

I do not believe these figures are known generally. The advocates of the antilynching bill have never had anything to say about the progress made by the colored race—the economic progress, the educational progress, the religious progress, or any other progress. They have just sat here and made it obligatory upon those of us who are the real friends of the Negro to point out the progress that has been made by the Negro race. I take a great deal of pleasure in pointing it out. Think of it! Since the Civil War they have acquired so many acres that it would cover all five of the New England States. It is a remarkable record.

The Negroes of Georgia in 1928 owned 187,569 less acres of land than they owned in 1923, when the number of acres owned was 1,632,863.

In North Carolina, where the number of city lots owned by whites and Negroes is shown in the published tax returns, it is found that in 1923 the number of city lots owned by Negroes was 46,065. In 1928 they owned 63,009 city lots, an increase in number of 16,944, or 36 percent.

Acres owned in Georgia in 1923, 1,632,863; in 1928, 1,444,294, or a reduction of 13 percent.

In North Carolina in 1923, acres owned, 1,652,389; in 1928, 1,730,378; or an increase of 4.7 percent.

In Virginia in 1923 the Negroes owned 1,920,485 acres, and in 1928, 1,981,258 acres, or an increase of 3.2 percent.

Now, as to the value of farm property owned by Negroes, taking only the three States mentioned: In Georgia in 1923 the value was $15,567,057, as against $13,491,117 in 1928; in North Carolina it was $48,343,205 in 1923, as against $49,621,980 in 1928; in Virginia in 1923 it was $28,899,656, and in 1928, $29,663,190.

As to the value of city property in the three States: In Georgia in 1923 the Negroes owned $20,179,465; in 1928, $24,726,311; in North Carolina in 1923 they owned $30,332,118, and in 1928, $46,301,013; in Virginia in 1923 they owned $20,065,409, and in 1928, $29,452,629. Taking all three States, the increase was more than 40 percent; and in the other States, no doubt, the figures show a corresponding increase.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the table and statement from which I have been quoting.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Progress in 64 years, 1866–1930

	1866	1930	Gain in 64 years
Economic progress:			
Homes owned	12,000	750,000	738,000
Farms operated	20,000	1,000,000	980,000
Businesses conducted	2,100	70,000	67,900
Wealth accumulated	$20,000,000	$2,600,000,000	$2,580,000,000
Educational progress:			
Percent literate	10	90	80
Schools for higher training [1]	15	800	785
Students in public schools	100,000		
Teachers in all schools	600	56,000	55,400
Property for higher education	$60,000	$50,000,000	$49,940,000
Annual expenditures for all:			
Education	$700,000	$61,700,000	$61,000,000
Raised by Negroes	$80,000	$3,500,000	$3,420,000
Religious progress:			
Number churches	700	42,000	41,300
Communicants	600,000	5,200,000	4,600,000
Sunday schools	1,000	36,000	35,000
Sunday school pupils	50,000	2,150,000	2,100,000
Value church property	$1,500,000	$200,000,000	$198,500,000

[1] Includes public high schools.

PROPERTY OWNING

Recent reports on property owning show that in 1928, Negroes in Georgia owned, 1,444,294 acres of land assessed at $13,491,171. The value of their city property was $24,726,311. The total assessed valuation of all their property, $48,633,022. The Negroes of Virginia, in 1928, owned 1,981,258 acres of land assessed at $29,663,190. The value of their city property was $29,452,629. The total assessed valuation of all their real estate was $59,115,819. The Negroes of North Carolina, in 1928, owned 1,730,373 acres of land valued at $49,621,980. The value of their city property was $46,301,013. The total assessed valuation of all property, real and personal, of all North Carolina Negroes, in 1928, was $110,869,405.

Along with the movement of the Negroes to cities has come a marked increase in the amount of city property which they own. Reports on property owning in Georgia, North Carolina, and Virginia indicate that there is a tendency for Negroes to purchase less farm lands than formerly. This decrease in the acquisition of farm lands is offset, however, by an increase in the acquisition of city property.

It is still true, however, that the lands which they own amount to more than 22,000,000 acres or 34,000 square miles, an area greater than that of the five New England States, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

The Negroes of Georgia, in 1928, owned 187,569 less acres of land than they owned in 1933 when the number of acres owned was 1,632,863. In North Carolina where the number of city lots owned by whites and Negroes is shown in the published tax returns it is found that in 1923 the number of city lots owned by Negroes was 46,065. In 1928 they owned 63,009 city lots, an increase in number of 16,944 or 36.8 percent.

Property owning

ACRES OF LAND OWNED, 1923 AND 1928

State	Acres owned		Increase	
	1923	1928	Amount	Percent
Georgia	1,632,863	1,444,294	[1] 187,569	[1] 13.0
North Carolina	1,652,389	1,730,378	77,984	4.7
Virginia	[2] 1,920,485	1,981,258	60,773	3.2

VALUE, FARM PROPERTY, 1923 AND 1928

State	Value		Increase	
	1923	1928	Amount	Percent
Georgia	$15,567,057	$13,491,117	[1] $2,075,940	[1] 15.4
North Carolina	48,343,205	49,621,980	1,278,775	2.6
Virginia	[2] 28,899,656	29,663,190	763,525	2.6

VALUE, CITY PROPERTY, 1923 AND 1928

Georgia	$20,179,465	$24,726,311	$4,546,846	22.5
North Carolina	30,332,118	46,301,013	15,968,895	52.6
Virginia	[2] 20,065,409	29,452,629	9,387,220	46.6

[1] Decrease.

[2] For year 1922.

Mr. McKELLAR. So, Mr. President, under the conditions which have been maintained in the Southern States, where the Negroes have largely predominated, in their economic condition, in their religious condition, in their physical condition, in their educational condition, and in every other condition, there has been a marked betterment; and while there has been this remarkable betterment under the State governments, the crime of lynching, as has so often been said here, has constantly decreased. It has decreased from a maximum in 1892 of 231 to only 8 in 1937; and I have no doubt the number will continue to decrease, just as white lynchings have decreased until there are no more such lynchings, and I hope the day will soon come when lynching will disappear altogether.

I digress here long enough to say that it looks to be absolutely certain that this bill is not going to pass at the present session, and if we are given just a little more time the State governments of the South will do away with lynching in its entirety, as it ought to be done away with and as every right-thinking man believes it ought to be.

By refusing to intermeddle in the affairs of the South we might not give to some of those who are in politics some votes in their States, but, so far as the Negroes are concerned, I believe this debate has shown that it is manifestly to their interest that the handling of the crime of lynching and the punishment for it shall be left in the hands of the States. It would be inhumane, it would be nothing short of cruelty to the colored race, to change jurisdiction over this crime and lodge it in the Federal Government.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield for a question; I cannot yield otherwise.

Mr. DIETERICH. I should like to submit a report from a committee.

Mr. McKELLAR. I cannot yield unless it is agreed that yielding will not take me from the floor. I will be glad to yield if it is understood that I will not thereby be taken from the floor.

Mr. DIETERICH. May I ask unanimous consent that the Senator yield to me for the purpose of allowing me to submit a report from the Committee on the Judiciary and by doing so that he will not lose his right to the floor?

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator from Illinois asks unanimous consent that he be permitted to submit a report from the Committee on the Judiciary and that the Senator from Tennessee shall not thereby be deprived of the privilege of continuing his speech. Is there objection? The Chair hears none.

Mr. DIETERICH. Out of order, from the Committee on the Judiciary, I ask unanimous consent to submit a report for the Executive Calendar.

The PRESIDING OFFICER. Without objection, the report will be received and placed on the Executive Calendar.

(The report submitted by Mr. DIETERICH appears elsewhere in today's RECORD under the appropriate heading.)

Mr. McKELLAR. Mr. President, much has been said in this debate concerning gang killings; indeed, much of the debate has been directed to that subject. I desire at this time to read from a book on the subject of homicides in the United States which gives the figures.

A type of murder that has attracted much attention is the so-called gang execution.

When a man is killed, Mr. President, it makes little difference in the degree of criminality whether he is killed by a gang or is lynched. I never saw a lynching in my life; I am happy to say that there have been none in the city in which I reside since I have lived there. I do not recall there a gang killing, although there have been some gangsters, and I do not remember ever seeing a killing by a gang or by a lynching.

In the pending bill, however, it was specifically undertaken, as we all know, to exclude gang killings from its terms. An amendment has been offered by the distinguished Senator from Illinois [Mr. LEWIS] to eliminate a portion of that provision, and I am now speaking to that amendment. Under the circumstances I think this quotation will be very enlightening:

A type of murder that has attracted much attention is the so-called gang execution. Such murders are generally confined to the large cities and are in marked contrast to the usual murder, which is characteristically an affair between individuals. These "gangsters" or "racketeers" are frequently engaged in occupations which are either illegal or disreputable. In particular, they often control the city's gambling dens, liquor business, vice resorts, and similar enterprises. Besides, they may carry on blackmail and other types of extortion. In Chicago in 1927 "over 90 legitimate businesses" were "dominated by gangsters" largely through contributions extorted upon some pretext.

When these gangs of freebooters come in conflict with each other there can normally be no appeal to the courts. Consequently they "fight it out." Rival leaders seek to destroy their competitors. When one slaying occurs reprisals follow, beginning a chain of murder that ends only with the surrender or extermination of one of the gangs.

I digress here long enough to say that I cannot imagine any private warfare that is much worse than the gangster feuds, and gangster killings are a hundred times more numerous than the particular crime aimed at in this bill. Yet it was desired to exclude gang killings from the provisions of the bill.

The spectacular nature of these "executions" is increased by the weapon employed—subcaliber machine guns and bombs, in many cases—and by the participants' apparent immunity from punishment.

Gangster killings in the great cities with immunity from punishment! Yet in the terms of the bill as originally presented and in its present form, if you please, gang murderers are exempted from punishment. Not only do the participants apparently have immunity from punishment, but if this bill were enacted as it was reported from the committee they would be excluded by the terms of the law.

In Chicago during 1926 to 1927 there were 130 slayings by gangsters, yet the Illinois Crime Survey reports, "There have been no convictions in gang murders in Chicago during the period covered by this analysis—1926 and 1927."

This immunity from punishment—

I return to the word "immunity." Immunity by whom? Immunity by the local authorities; absolute immunity. There were 130 of these slayings in 2 years. The 2 years seem to be joined together. Although there were 130 of them, this report says the slayers have been granted immunity by the local authorities and by the State authorities! That immunity, however, is no more than is granted in the bill as it is now before the Senate. If the bill were passed as it was reported out by the Senate committee, gangsters would be granted the same kind of immunity by the very terms of this law if it should be enacted.

This immunity from punishment is apparently due—

To what? This report says it is apparently due—

in part to collusion between "politicians" and "racketeers" and to the "rule of silence" required by the "underworld code of ethics."

It might be very "ethical" that all who take part in these gangster killings should be given immunity; but it is pretty hard on those who are killed, and there were 130 of them in one city during 1926–27, as against only 8 persons lynched in the entire country last year.

These gang slayings are not of great importance statistically, for they represent only a small proportion of the total number of homicides. Even in Chicago, where they are alleged to be most numerous, they did not account for one-seventh of the slayings during 1926 and 1927.

One-seventh! There were 130 of them. Seven times 130 is 910. That means that in Chicago there were 910 murders, 910 killings of human beings, in 1926–27, and we are doing nothing about it. We shall be giving the slayers immunity in this bill if it shall be passed as it has been reported out.

Their significance depends more upon the boldness with which they are committed, the freedom of the slayers from arrest, the spectacular methods employed, and the inability of the police to cope with the situation. In many ways these "gangsters" correspond to the "robber barons" of the Middle Ages, exacting tribute

from the defenseless public and engaging in bitter wars with one another.

Think of it, Mr. President. Let me read this again:

In many ways these "gangsters" correspond to the "robber barons" of the Middle Ages, exacting tribute from the defenseless public and engaging in bitter wars with one another.

Infinitely more numerous than lynchings were these crimes; and why? Because they were not prosecuted in those States; and yet, under the very terms of this bill, these gangster murders are specifically excused from any punishment.

I now come to another important part of this article. It is a survey, a report made after an investigation, and cannot be wrong:

In many parts of the United States an officer of the law is rarely thought of as a guardian of the peace, a representative of the public. If he is slain in the discharge of his duties, no one is aroused except his fellow officers and his family and friends. This attitude results in frequent slayings of policemen and in small punishment to the slayers.

Of 739 homicides in Atlanta, Birmingham, Memphis, and New Orleans during the years 1921 and 1922, police officers were involved in 6.6 percent of the total, furnishing the victim in one case out of seven. In Cook County, Ill., including the city of Chicago, 20 officers were slain during the years 1926 and 1927. In South Carolina from August 1, 1925, through July 31, 1928, one newspaper published accounts of the slaying of 11 officers of the law on duty, 5 of them at the hands of Negro men and 6 by white men. According to the census of 1920 there were in South Carolina at that time only 740 policemen, sheriffs, constables, detectives, etc. If this number had not been increased by the period 1925–28, and if the newspaper referred to above published accounts of all of the actual slayings of officers, the annual homicide rate for this occupation in this State was 495.5 deaths per 100,000 persons, one of the highest homicide rates ever published, approximately 40 times greater than the rate for the general population of South Carolina.

This attitude that the policeman is an unimportant, if not a menial servant and that he is a "fair mark" for the slayer is in striking contrast with the situation in Europe, where the policeman is often considered a respected public official, the defender of law and order. In London, for example, the officers do not usually carry revolvers while on duty, yet "the killing of a London policeman is practically unheard of."

Mr. President, I digress here long enough to say that one of the usual expressions of an American who travels in Europe is that he is very glad to get back to America, because America is a so much greater country than Europe, a so much better country than Europe; and in most respects that is true. There is just one respect, however, to which I wish to call attention, in which I doubt whether or not it is true.

Last fall I happened to travel over some 12 European states in an automobile. We interviewed policemen at every little town or village or city to which we came. Without a single exception every policeman to whom we talked was a polite, helpful, kindly sort of man, who gave the information that we asked for. If the driver of our automobile made a mistake in going up a street that he ought not to have gone up, a policeman would come out and stop us and say, "Gentlemen, this is a one-way street. Go on as you are, but turn at such a place, and I will go with you and show you where to turn and help you along." There was not a single word of the kind we frequently hear in this country: "Say! Where are you going? Don't you know you can't go there? I'll arrest you and take you to the police station if you go there." Nothing of that kind ever occurred. Nothing but kindness and gentleness and courtesy did I experience in the 30 days' trip that I made through 12 different European countries, and the policemen were of the same fine type in all the countries.

I hope our policemen may come to be men of that type. I think it would be a wonderful thing if they were. In that event we should have less of crime and killing in this country. That is one respect in which we could profitably follow the example of European police officers.

I continue to read:

The treatment accorded the policeman is also in marked contrast with that given the soldier. When a man is slain upon the field of battle, he is honored as a hero, and his family is pensioned. But when a policeman is killed by a desperado, he is quickly forgotten, his wife and children may soon be in want, and his slayer often escapes with little or no punishment.

This high homicide rate among law-enforcement officers not only reduces their zeal in the pursuit of desperate criminals and lowers the quality of the men available for such positions, but it also increases markedly the number of persons slain by the police. As one patrolman put it, "When I go out to my 'beat' in the morning and see those badges up there in memory of those of us who have been killed on duty, I think about my wife and children. Could you blame me if I should shoot to kill if I should see a 'mean one' reach for his gun?"

The number of persons slain by officers of the law—

Says this report—

is consequently by no means insignificant. In Chicago during 1926 and 1927 a total of 89 persons were reported as having been killed by the police.

I do not recall the exact number killed in Chicago during the labor trouble of last year, but I see on the floor the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], who was chairman of the committee which investigated the matter, and he probably can tell me. Last spring or summer there was a hearing before a committee, of which he was chairman. A number of labor people had gathered together at some point in Chicago, and moving pictures were taken of the fight between them and the police. A number of people were shot down by police officers. I ask the Senator from Wisconsin whether he recalls any prosecution of those officers by the State officials for that shooting?

Mr. LA FOLLETTE. My information is that there were no prosecutions. There was a grand jury investigation.

Mr. McKELLAR. But no true bills were found and there were no prosecutions. Does the Senator recall how many were shot?

Mr. LA FOLLETTE. I think 8 people were fatally injured, and 21 received bullet wounds.

Mr. McKELLAR. Does the Senator recall how many the pictures show were shot in the back?

Mr. LA FOLLETTE. An analysis of the injuries and fatalities sustained both by marchers and police was made by Dr. Lawrence Jacques, an experienced surgeon familiar with gunshot wounds, who had been retained by the union shortly after the outbreak of the strike. His testimony was based upon the coroner's reports, his personal examination of the marchers, including four of the fatalities, supplemented, in the few cases which he did not himself treat, by consultation with the physicians who did, and the police accident reports. He classified the gunshot wounds as "front," "back," or "side," according to their angle of incidence.

Ten marchers were fatally shot. Seven received the fatal wound in the back, three in the side, none in front. Some of those fatally shot also received severe lacerations and contusions. Thirty others, including one woman and three minors, received gunshot wounds. Nine of these thirty, it was testified, are probably permanently disabled. Twenty-eight marchers received lacerations and contusions of the head, shoulders, and back requiring hospitalization, and between 25 and 30 others received injuries requiring medical treatment. The 40 marchers who were shot received a total of 45 bullet wounds, 1 being shot as many as 4 times. Eight of those wounded by bullets also had lacerations and contusions of the head and body. Only 4 out of a total of 45 inflicted wounds are classified as "front wounds," and of these, 3 bullets entered the extremities and are arbitrarily so classified. Twenty-seven of the forty marchers who were shot received back wounds, and the remaining nine were wounded in the side.

Mr. McKELLAR. As I recall the picture—and if I am incorrect, I hope the Senator will correct me, because he saw the picture at the time—one was shot after he had fallen, or apparently was on the ground when he was shot. In other words, these men were not only shot while running, but at least one of them, according to the picture, was shot after he had hit the ground.

Mr. LA FOLLETTE. There was a conflict of testimony in that regard. The police contended that the man was shot after he was on the ground because he was reaching for a

gun, but there was also testimony by the eyewitnesses contradicting that contention, being to the effect that he had been shot while in a standing position.

Mr. CONNALLY. Mr. President, will the Senator from Tennessee yield to me for a question?

Mr. McKELLAR. For a question only.

Mr. CONNALLY. The Senator has investigated the pending bill and the authorities in connection with the incident in Chicago of policemen shooting down a number of strikers, or strikebreakers, or laboring people. Let me ask the Senator whether it is not true that the pending bill is meticulously and carefully drawn so as not to make those police officers liable under the law for shooting down men in circumstances such as that because they were not in custody.

Mr. McKELLAR. What the purpose is I cannot say, but by its wording the bill specifically excludes such persons from punishment, and it seems to me that any law of general application throughout the United States ought to provide for inclusion of those guilty of such killings, and prescribe punishment for such killings, if we are constitutionally authorized to do so.

Mr. CONNALLY. Is it not true that the bill is so drawn that if a sheriff should happen to have a man in custody and, through lack of zeal on his part, or something else, the man should be taken out of his custody and lynched, that officer would be subject to incarceration in the penitentiary for 5 years?

Mr. McKELLAR. Yes.

Mr. CONNALLY. But if a bunch of policemen shoot down an army of defenseless men——

Mr. McKELLAR. Gangsters.

Mr. CONNALLY. Anyone, strikebreakers, whether they are gangsters or laboring people, if the man killed is not in the custody of some officer, the policeman can shoot him down, and is not in anywise amenable under the pending measure.

Mr. McKELLAR. Absolutely.

Mr. CONNALLY. And the bill is meticulously and carefully drawn so as to exclude the punishment of police officers who shoot down laboring people in labor disturbances and labor strikes.

Mr. McKELLAR. That can be the only possible purpose of the language that is used in the bill. The Senator is entirely correct. I continue reading:

> In Chicago during 1926 and 1927 a total of 89 persons were reported as having been killed by the police. In New York City there were 152 killings by policemen during the period 1922–28, an average of 21.7 persons each year. In South Carolina a single daily newspaper reported during a 3-year period 33 deaths at the hands of officers of the law. Of the victims, 23 were Negro men and 10 were white men.

These quotations are taken from Homicides in the United States, by H. C. Brearley, written in 1932.

Mr. President, why this discrimination? Why limit this bill to one class of killings? When a man is killed he is dead, and so far as this world is concerned he has no more to do with it. Why should we take one class of killings out of the hands of the State? It has been shown by incontrovertible proof that State authorities are doing everything in their power to stamp out the crime of lynching, and the number has dwindled from 231 in 1892 down to 8 in 1934. Why should that crime be singled out by leaving in the bill an exemption against killings which are a hundred times greater in number than killings by lynching? There is but one answer, of course, and that is that the bill is a political bill. If course, it is a political bill. Everyone knows it to be. I imagine it is going to have some political effect, too.

Mr. President, a few years ago I had the pleasure of serving with a distinguished Senator from Missouri by the name of Harry B. Hawes. In January 1922 a bill exactly like the one now before us was being considered by the Congress of the United States, and Mr. Hawes at that time was a Representative from Missouri in the House of Representatives. On January 17, 1922, he made a speech. I do not know whether or not Missouri has changed a great deal since that time, but, as I remember, Mr. Hawes was afterward elected to the Senate and then voluntarily retired from the Senate, a very unusual occurrence.

Mr. CONNALLY. Mr. President, may I ask the Senator a question in that connection?

Mr. McKELLAR. If it does not take me from the floor.

Mr. CONNALLY. Just a question.

Mr. McKELLAR. I yield for a question.

Mr. CONNALLY. This speech of Senator Hawes, then Representative Hawes, was made in 1922 in the House of Representatives?

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that in 1924 Representative Hawes ran for United States Senator from Missouri, after making that speech, and having it sent all over Missouri, and that he was triumphantly elected, when other Democrats in Missouri fell by the wayside and were defeated?

Mr. McKELLAR. Yes; even including the Democratic Presidential candidate. As I remember, the Democratic Presidential candidate was overwhelmingly defeated in Missouri that year, but Mr. Hawes, who, by the way, made this speech, in substance, time and time again in his campaign, was overwhelmingly elected.

I desire to quote from this speech of Senator Hawes. He said:

> A scientist states:
>
> The resulting characteristics of the crowd are (a) a descent of several rungs in the ladder of civilization; (b) a general intellectual inferiority, as compared with the isolated individual; (c) loss of moral responsibility; (d) impulsiveness; (e) credulity; (f) exaggeration; (g) intolerance; (h) blind obedience to the leader of the crowd.
>
> Whenever a community reaches this hysterical stage it is injured just as an individual would suffer in nerves, physical exhaustion and depression following a nervous reaction.

We all know that to be true:

> The local community must apply the remedy. Our recourse will naturally be the removal of the cause. The remedy is, however, local, not national.
>
> Mr. Hollard Thompson, in a volume of the Yale University Press, gives a dispassionate statement upon this subject:
>
> * * * * * * *
>
> Rape is by no means the only crime thus punished; sometimes the charge is so trivial that one recoils in horror at the thought of taking human life as punishment.

That applies to gangster killings too. Sometimes such killings occur because there is a reduction in the price of liquor in the gangsters' district, sometimes because of enmity which grows up between two rival gangsters, and sometimes they grow out of personal altercations. It is so everywhere.

> Yet it must not be forgotten—

Said Senator Hawes—

> that over certain parts of the South a nameless dread is always hovering. In some sections an unaccompanied white woman dislikes to walk through an unlighted village street at night; she hesitates to drive along a lonely country road in broad daylight without a pistol near at hand; and she does not dare to walk through the woods alone. The rural districts are poorly policed, and the ears of the farmer working in the field are always alert for the sound of the bell or the horn calling for help, perhaps from his own home. Occasionally, in spite of all precautions, some human animal, inflamed by brooding upon the unattainable, leaves a victim outraged and dead, or worse than dead. Granted that such a crime occurs in a district only once in 10, or even 20 years; that is enough. Rural folks have long memories, and in the back of their minds persists an uncontrollable morbid dread. The news of another victim sometimes turns men into fiends who do not only take life but even inflict torture beforehand. The mere suspicion of intent is sometimes enough to deprive such a community of its reason, for there are communities which have brooded over the possibility of the commission of the inexpiable crime until the residents are not quite sane upon this matter. Naturally calmness and forbearance in dealing with other and less heinous forms of Negro crime are not always found in such a neighborhood. This fact helps to explain, though not to excuse, some of the riots that occur.

Mr. President, after all is said and done, the crime for which lynching is most frequently resorted to is one of the most heinous crimes that is known to civilization. We have spent about 6 weeks talking about this measure to date.

That time has been futilely spent. We are spending the people's money talking about a bill of which in their hearts not 10 Senators are in favor; which not a single Senator has defended on the floor. Some Senators may be for the bill, but they keep their position very much to themselves. They may be for it, but they are not talking about it.

No one can defend the crime of lynching. No one can defend the crime of rape, to punish which lynching is most often resorted to. I wish we could do away with both crimes, but the Federal Government cannot do it. There is only one government on the face of the earth that can do it, and that government is the local government, either the State government or the county government. Only the State or county government can do away with both these crimes, as both of them ought to be done away with.

Why should we spend 6 weeks of the time of the Senate of the United States to aid in the punishment of eight crimes committed in the United States last year when many hundred times that number of homicides go unpunished?

Mr. President, we should do everything we can to decrease the crime of lynching. I have appealed not only to the Governor of my State but to the Governors of every Southern State, and have received a favorable response from each of them. The Governor of my State said that he will use every effort in his power during 1938 and succeeding years, while he is Governor, to prevent such crimes; that, if necessary, he will call out the State militia, the State police force, and the constabulary, and use every means in his power to prevent these crimes. That is the only way the situation can be handled. Lynching is the only crime in the United States that has been lessened, and it is only by local efforts that we can get rid of it. We can help a great deal more by urging the colored people, against whom I have not one particle of prejudice, for whom I have nothing but the kindliest feeling, to control the ignorant members of their race, so that there will be an end to the crime of rape upon white women in this country; for so long as that crime is committed we know that passions will be so inflamed that we cannot be sure of what a community will do under such circumstances.

I read further from Senator Hawes:

> The better element in the South, however, opposes mob violence.

Remember, this was spoken in 1922.

> And this opposition is growing stronger and more purposeful. Associations have been formed to oppose mob rule and to punish participants. Where reputable citizens are lukewarm it is largely because they have not realized that the old tradition that lynching is the proper remedy for rape cannot stand. If sudden, sharp retribution were inflicted upon absolute proof, only for this one cause, it is doubtful whether such effective opposition could be enlisted. Yet wiser men have seen defiance of law fail to stop crime, have seen mobs act upon suspicions afterward proven groundless, have seen mob action widely extended, and have seen the growth of a spirit of lawlessness. Where one mob has had its way another is always more easily aroused, and soon the administration of the law becomes a farce.

Mr. President, that seems to be true with reference to gangster killings, that seems to be true with reference to the murders committed throughout the country, that seems to be true with reference to the crimes of rape throughout the country. They are constantly increasing.

The other day I produced figures showing that the number of homicides had increased manyfold in the last few years. I produced figures to show that the crimes of rape were constantly increasing in number. I produced figures to show that the number of burglaries and larcenies was constantly increasing throughout the country. The only crime that is not increasing is the crime of lynching, and that is steadily declining year by year. Yet the Senate of the United States has spent 6 weeks of its time in the discussion of a measure the purpose of which is to punish those who commit eight crimes a year.

Mr. President, the Senator from New York, in an undertone, says that I am filibustering. Will not the Senator say it out loud? I have been trying for 4 or 5 weeks to get the Senator from New York, who is one of the authors of this bill, to stand up and fight for it, but he has not done so.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield only if it will not take me off the floor.

Mr. WAGNER. Of course, from time to time I have made some statements concerning the pending measure. I was not going to do anything to aid the filibuster, but I am prepared to speak now if the Senator will yield.

Mr. McKELLAR. The Senator will speak now?

Mr. WAGNER. Yes; if the Senator will yield.

Mr. McKELLAR. Yes, Mr. President; the Senator will speak after he knows he has lost the battle, after he knows the bill is not going to pass.

Mr. WAGNER. I do not know anything of the kind.

Mr. McKELLAR. If the Senator from New York does not know it I think he is one of few who do not, because it is certain that this bill is not going to pass at the present session. The Senator wants me to yield. Why? Because we are going to have a vote on this question tomorrow. If the Senator has a sufficient number of votes, as is alleged, why does he rise to defend the bill at this late date after the fight has gone on for 6 weeks? After having sat mute in his chair for 6 weeks while this bill was being debated, why does he want to get up at the last minute and make the closing argument in favor of the bill?

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. McKELLAR. I will yield if I do not lose the floor.

Mr. CONNALLY. Let me ask the Senator from Tennessee if it is not true that the vote tomorrow will be on the question of cloture, and no defense of the bill itself that the Senator from New York could make would really be pertinent at the present time so far as the motion with respect to cloture is concerned. He has had opportunity to speak since last August. I ask the Senator if it is not true that this is the third time within a year that the Senate has been pestered and bedeviled and annoyed with this bill—last August during the regular session, in the special session which was called for other purposes, and now again in this regular session?

Mr. McKELLAR. That is true.

Mr. CONNALLY. Today is a late date for the Senator from New York, when we are going to vote on cloture, to come rushing wildly into the Chamber with a book in his hand and say, "I want to speak in defense of my bill," which is in the last stages of consumption. [Laughter.]

Mr. McKELLAR. Mr. President, I wonder if I may tell a story which, it seems to me, illustrates the situation of this particular bill. I mean no offense to anyone. I do not mean any offense to the authors of the bill, of course. I read the story when I was a boy. That was a long, long time ago.

The story is to the effect that many years ago in Virginia—I do not see either of the Senators from Virginia in the Chamber at the moment—there was a political party known as the readjustment party. I do not know what "readjustment" meant. I was not old enough to know at the time what the name of the party meant; but it seems that Gen. William Mahone—a man who had been a Confederate general and who afterward became a United States Senator—fell out with his party, or his party fell out with him. He left the Democratic Party and became a "readjuster," a member of the readjustment party.

The story was that General Mahone had a Negro servant who had formerly belonged to him as a slave before the war. Incidentally, I should explain that General Mahone was elected on the readjustment party ticket, composed of some whites but chiefly of colored persons. He was not only elected to the office for which he first ran but was afterward elected United States Senator.

The story was that he had a colored servant by the name of Sam Mahone who formerly belonged to him as a slave. Sam was a good boy and loved his employer, General Mahone. He looked after him as a body servant. He thought General Mahone was just the greatest man in all the world.

Sam dreamed he died and went to heaven. When he got to heaven he found that it was walled in by a marble wall, and that there was a long walk or driveway of marble from the

bottom of the hill for perhaps 2 miles up to the pearly gates, at which St. Peter presided. Sam approached the gates, knocked on the gates, and St. Peter opened them and said, "Who is there?"

"I am Sam Mahone, of Virginia."

"What did you do down in Virginia?" St. Peter asked.

"I was a body servant for many years of General William Mahone."

St. Peter said, "Sam, are you walking or are you riding?"

Sam said, "I am walking, sir."

St. Peter regretfully shut the gates on Sam and said, "I am sorry, Sam, but nobody can get in here who is walking."

So Sam turned sorrowfully away and walked down to the foot of the hill. Just as he got there he met the spirit of General Mahone. He said, "General, where is you goin'?"

The spirit of the general replied, "I am going to heaven, Sam. Why are you coming away?"

Sam said, "Well, you can't get in there, boss. They don't allow nobody to come in there that's walkin', and you is walkin'."

The spirit of the general said, "How do you know?"

Sam related his experience. General Mahone—who was a very, very able man, and a very fine man at getting out of difficulties, and a very fine man for using other people to help him get out of difficulties—said, "Sam, let us see about it." After a moment's thought he said, "Sam, I have this thing figured out. I will tell you how both of us can get in." He said, "Sam, you just get down on all fours. You are a big man, and I am a little man. Just get down on all fours, and I will get on your back, and we will just go right on up to the pearly gates; and when they ask me the question, 'Who is there?' I will tell them 'General Mahone', and when they say, 'Are you riding or walking?' I will say, 'I am riding,' and we will both go in together."

Sam said, "My god, boss, there's nothing like having a good mind. You sure has got sense. Of course I'll get down on all fours and take you in."

The boy got down on all fours, and General Mahone jumped on his back, and they went on up to the pearly gates. General Mahone knocked on the gates, and St. Peter came and said:

"Who is there?"

"General Mahone, from Virginia."

"Are you riding or are you walking?"

"I am riding."

St. Peter said, "Just hitch your horse on the outside and come right on in, General." [Laughter on the floor and in the galleries.]

I want to say to the colored people who may be in the galleries——

Mr. WAGNER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator will state it.

Mr. WAGNER. I have never before complained about the conduct of the occupants of the galleries, who are here only through the courtesy of the Senate. Those of us who are proponents of this legislation are sincere about it. We are seeking merely a fair trial, under a civilized form of government, of everybody accused of crime.

Mr. McKELLAR. Mr. President, I do not want to yield the floor for a speech by the Senator from New York.

Mr. WAGNER. Therefore, I say——

Mr. McKELLAR. I make the point of order that the Senator from New York has not raised a point of order.

Mr. WAGNER. I raise this point of order——

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. WAGNER. I make the point of order that the Presiding Officer ought to admonish the occupants of the galleries that they are here through the courtesy of the Senate, and that they ought not to indulge in levity and manifestations of amusement when a bill of this kind is under consideration.

The PRESIDING OFFICER. The Senator undoubtedly states the rule correctly. The occupants of the gallery are here as guests of the Senate, and the rules of the Senate expressly forbid any demonstrations of approval or disapproval on the part of occupants of the galleries.

The Chair did not feel free to admonish the occupants of the galleries of his own motion, because it is evident that the Senator occupying the floor has been deliberately exciting the occupants of the galleries, as other Senators have done, to a demonstration of levity. Therefore, the Chair thought it was perhaps unfair to admonish the occupants of the galleries for doing something that they might possibly be considered to have been invited to do.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. McKELLAR. I yield, provided I do not lose the floor.

Mr. CONNALLY. I ask the Chair first whether I may make a parliamentary inquiry without taking the Senator from the floor.

The PRESIDING OFFICER. The Senator may do that.

Mr. CONNALLY. The inquiry is with regard to the ruling which the Chair has just made. Is it not true that the human body is subject to certain involuntary reactions for which the person who possesses the body is not entirely responsible? If a story is told which convulses the occupants of the galleries, is it any crime for them to respond?

The PRESIDING OFFICER. The Chair rules that that is not a parliamentary inquiry, but involves physical facts upon which the Chair does not feel called upon to pass as Presiding Officer.

Mr. McKELLAR. Of course, the Chair is entirely right in admonishing the occupants of the galleries. I concur in the Chair's admonition, but we have been having a long, one-sided debate, which at times has been dry; and the occupants of the galleries ought not to be censured too severely if they occasionally express a little approval or disapproval.

While I agree with the Chair entirely in his admonition to the occupants of the galleries and in his statement with respect to the rules, I take great pleasure in thanking the galleries——

Mr. BARKLEY. For their irregularity.

Mr. McKELLAR. For their irregularity, as suggested by my distinguished colleague.

Mr. President, I still believe, beyond question of doubt, that this bill is dead, and that we are talking about something that will never occur. We are expending the money of the people by sitting here and considering this bill, and we are expending our own energies. This is the third fight I have made against this very proposal. Let us see what its progress has been since I first began fighting against it.

In 1922 when, according to the record, I fought this bill, 6 white persons and 51 Negroes were lynched in the entire country. That was when I first began fighting this bill. It was then known as the Dyer antilynching bill. I believe its name has been changed, but its language has been changed very little. In that year there were 57 lynchings in America. We did not pass the bill. Since that time the number of lynchings in a year has been reduced from 57 to 8. Under the present plan we have reduced the lynchings in America in a year 49 out of 57.

That is a tremendous decrease in that length of time. I am not very good at percentages, but anyone can take the figures and make the computation. 1922 was 16 years ago. If we reduced the number of lynchings 49 out of 57 since 1922, it is a plain matter of mathematics that in 4 or 5 years they will terminate entirely.

Why change such a system? Why go to a different system? Why turn this matter over to the Federal Government, when the States are making such remarkable progress with it? Why should we do it?

The Federal Government has jurisdiction here in the District of Columbia; and since I have been speaking somebody has sent me a newspaper showing the way in which crime is dealt with here by the Federal Government. We from the States are proud of the way in which the crime of lynching

has been reduced since 1922; but it is sought to take away from the States the enforcement of the laws against that crime, and turn it over to the United States Government, when right here in the city of Washington, under the eaves of the Capitol, the condition exists which I am about to describe.

I read from the Chicago Tribune of January 24, 1938, the following headlines:

Senate roused by crime wave in Washington. Record called worst of any United States city.

If the record in this city is the worst in any United States city, why should we turn over the prosecution of the crime of lynching to the Federal Government? Why should we take it away from the States, which are decreasing the crime virtually every year and have brought it down to just eight lynchings in the entire United States last year, and turn it over to the Federal Government, when this newspaper says that the city of Washington, where the Federal Government has exclusive jurisdiction, has the worst crime record of any city in the United States?

By the way, I do not think anyone will accuse this newspaper of being a southern newspaper. It is the Chicago Daily Tribune. In the past, at any rate, it has not particularly stood up for our section of the country. It is a great newspaper. I have no criticism of it.

This is a Chicago Tribune Press Service dispatch:

SENATE ROUSED BY CRIME WAVE IN WASHINGTON—RECORD CALLED WORST OF ANY UNITED STATES CITY

WASHINGTON, D. C., January 23.—A crime wave has struck the Nation's Capital with such sudden force that protests have been heard from the Senate floor denouncing the city's record as worse than in any State or city government anywhere.

Mr. President, I hope I shall not be regarded as losing the floor if I speak for a moment to our leader—my two leaders, in fact. I have one on either side.

Mr. BARKLEY. "Choose you this day whom ye will serve." [Laughter.]

Mr. McKELLAR. I am going to serve the Senator from Texas [Mr. CONNALLY] this day. As the Senator knows, I am always frank. I always say exactly what I mean.

Mr. KING. Mr. President, if the Senator from Tennessee will pardon me, I think he is serving his country.

Mr. McKELLAR. I desire to read this article:

Front page headlines in Washington newspapers this week have read: "Fifty District of Columbia crimes in 48 hours," "Shop robbed third time as policeman steps out," "More policemen needed in District of Columbia," and "Bandits defy extra police in new raids."

Mr. President, I digress here long enough to remark that in what I am saying about this matter I do not mean to criticize the Washington police. I think they are doing the best they can do under the circumstances. This article shows that at times crimes will be committed. The police in this city are not handling the crime situation as well as we are handling it in the South. They are not reducing crime in the ratio in which we are reducing it. For that reason I am making a comparison, in order to show that jurisdiction of crime should not be taken away from the States and turned over to the Federal Government.

Offenses range from purse snatching to armed hold-ups, kidnaping, safe crackings, assaults, thefts of automobiles, and housebreaking. In one police line-up of suspects this week more than 200 victims identified 11 men as robbers.

POLICE WORK OVERTIME

Maj. Ernest W. Brown, Chief of Police, says the situation is due to the inadequacy of his force in a rapidly growing city. The entire force is working overtime, officers on day duty often returning for extra night service.

One liquor store was robbed so often that a special policeman was assigned to guard it. When the policeman left the store to make a routine call from the corner police box the store was robbed again—the third time in 2 weeks.

A Government employee was forced into a car in front of his home, beaten, robbed, taken to Rock Creek Park, and dumped out.

SENATORS COMPARE CITIES

It was during debate of the antilynching bill in the Senate that Senator KENNETH MCKELLAR (Democrat, Tennessee), brought up the question of Washington's crime situation. After reading a newspaper account of the many hold-ups and robberies, he put the paper down and exclaimed, "I do not think there is a State or city government anywhere that surpasses that crime record!"

The record he referred to showed, among other things, that in the 24-hour period from midnight Monday to midnight Tuesday, 36 robbery cases had been reported to the police.

Senator ALLEN J. ELLENDER (Democrat, Louisiana), then took the floor to compare crime conditions here with those of New Orleans—a city with about the same population as Washington. He said that arrests for crime in Washington were nearly twice as many as in New Orleans.

RECORD OVERSHADOWS NEW YORK'S

Statistics show that Washington's record is worse even than that of New York City, whose crime-ridden condition was revealed by the successful racket prosecution of Thomas E. Dewey, now district attorney of Manhattan.

Washington's 1938 population is estimated at 637,000, while New York, with 7,428,135, is more than 10 times as large.

Despite this disparity in population, according to figures just made public by the Federal Bureau of Investigation, there were more burglaries committed in Washington than in New York during the first two quarters of 1937.

STATISTICS ARE COMPARED

In the first 3 months of 1937 there were reported to police in Washington 860 housebreaking cases. In New York, in the same period, 646 cases were reported. In armed hold-ups the two cities ran almost neck and neck—Washington 248, and New York 296. In the same period, 1,815 automobiles were reported stolen in New York, while 763 were reported stolen in Washington.

During the second 3 months of 1937, Washington reported 766 burglaries, while New York had 752. In the third quarter New York forged a little ahead, 866 places being broken into, while Washington's total was 768. Figures for the last quarter of 1937 are not available.

Mr. BARKLEY. Mr. President, is the Senator willing to yield at this point?

Mr. McKELLAR. I should like to go on for 5 or 10 minutes this afternoon or tomorrow, if the Senator prefers.

Mr. BARKLEY. I was about to propose a unanimous-consent agreement.

Mr. McKELLAR. I shall be glad to have the Senator make his request if it does not take me from the floor.

Mr. BARKLEY. No; I will take no advantage of the Senator.

Mr. McKELLAR. I am sure of that.

Mr. BARKLEY. When the Senate meets tomorrow there will be only 1 hour prior to the vote on the motion for cloture. In all fairness, I think no one Senator should obtain the floor and occupy the hour exclusively. Several Senators would like to speak briefly upon the matter before the Senate. Therefore I ask unanimous consent that during the hour from 12 to 1 o'clock tomorrow the time shall be equally divided between the proponents and the opponents of the pending measure or the motion which will be voted upon, and that the division of time shall be controlled by the Senator from New York [Mr. WAGNER], in favor of the bill and motion, and by the Senator from Texas [Mr. CONNALLY], in opposition.

Mr. McKELLAR. The time is to be divided equally; but how the speeches shall be made and how many may be made is a matter to be settled by agreement between the Senator from Texas and the Senator from New York?

Mr. BARKLEY. That is true; yes. That is my request.

Mr. McKELLAR. I have no objection to that, Mr. President.

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Without objection, the unanimous-consent agreement proposed by the Senator from Kentucky is entered into.

Mr. McKELLAR. Mr. President, that is with the understanding that the Senate is now to take a recess?

Mr. BARKLEY. Yes.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I will yield for a question.

Mr. MINTON. I thought the Senator had yielded the floor to the Senator from Kentucky.

Mr. McKELLAR. No.

The PRESIDING OFFICER. No; the Senator from Tennessee has not yielded the floor.

Mr. McKELLAR. Mr. President, if the Senator from Kentucky wants me to yield now for a recess, I shall be glad to do so.

Mr. BARKLEY. I think we might as well suspend at this point.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. CLARK. On Monday, at my request, the Senate granted permission for the insertion in the Appendix of the RECORD of a speech by the majority leader, the Senator from Kentucky [Mr. BARKLEY], at the dinner at Louisville, Ky., last Saturday night. Inadvertently, I omitted to ask unanimous consent at that time also to include a letter sent to the banquet by the President of the United States. I now ask unanimous consent that that letter may be inserted in the Appendix of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MINTON. Mr. President, tomorrow we are to hear something about cloture; perhaps something by way of excuse, explanation, extenuation, or what not. In order that we may have all the light possible upon the subject, so that we may understand the position of the Senators, I wish now to read into the RECORD a list of Senators who signed a cloture petition in 1933.

Mr. McKELLAR. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. I yielded to the Senator from Kentucky for the purpose of enabling him to move a recess; not to yield the floor to someone else to make a speech. I am sure the Senator from Kentucky will uphold me in that statement.

Mr. BARKLEY. The Senator yielded for the purpose of allowing me to make a motion that the Senate go into executive session, and then for a recess; but when in the late afternoon Senators ask that I yield to them, not being a mind reader, I cannot tell why they ask me to yield.

Mr. MINTON. I am not going to make a speech. It will take only a moment to read these names.

Mr. HARRISON. Mr. President, we will have an hour tomorrow; the Senator from Tennessee has the floor, I understand——

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee yielded the floor for the day.

Mr. McKELLAR. Oh, no; I yielded it to enable the Senator from Kentucky, our leader, to make a motion for a recess until tomorrow, or for the Senate to go into executive session, but not for the purpose of allowing debate to proceed.

The PRESIDING OFFICER. It has been customary for Senators to make brief remarks under similar circumstances.

Mr. McKELLAR. What is the request of the Senator from Indiana?

Mr. HARRISON. I suggest the absence of a quorum.

Mr. BARKLEY. I hope the Senator will not do that.

Mr. HARRISON. I withhold the suggestion a moment.

Mr. MINTON. I merely desire to show that the Senator from Tennessee was in favor of cloture in 1933, together with some other Senators who are probably opposed to it today.

Mr. HARRISON. I may say that I do not know what it is the Senator wishes to read, but we will divide the time tomorrow, and I am sure that with the Senator's influence and his standing with those who are the proponents of the pending legislation he will be permitted to secure sufficient time to read this matter into the RECORD. I object, if he has asked unanimous consent.

Mr. MINTON. I have not asked unanimous consent.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Does it not require unanimous consent for the Senator from Indiana to put this matter into the RECORD?

The PRESIDING OFFICER. The Senator from Indiana has not asked to have it put into the RECORD; he was merely speaking.

Mr. McKELLAR. He had not been recognized, because I yielded to the Senator from Kentucky to make a motion to go into executive session and then for a recess.

The PRESIDING OFFICER. The Chair is obliged to hold that the Senator from Kentucky still has the floor.

Mr. BARKLEY. I yielded to the Senator from Indiana. I think the matter he wanted to read would probably have been concluded by now if there had been no interruption. I do not know what it is except the names of some Senators who in the past have signed a petition for cloture. I do not know who they were or what the occasion was, and I do not see why there should be any difficulty about it.

Mr. HARRISON. If it is such wonderful information that is to be given, let us have a quorum. I suggest the absence of a quorum.

Mr. SCHWELLENBACH. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHWELLENBACH. The Senator from Kentucky has not yielded to the Senator from Mississippi to suggest the absence of a quorum.

The PRESIDING OFFICER. No; he has not.

Mr. HARRISON. I claim the right. I have the right.

EXECUTIVE SESSION

Mr. BARKLEY. I have the floor, and I do not yield to the Senator from Mississippi or to the Senator from Indiana. I will end the whole controversy. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of Emerich B. Freed, of Ohio, to be United States attorney for the northern district of Ohio, which was ordered to be placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the following nominations:

Ernest J. Kruetgen to be postmaster at Chicago, Ill., in place of E. J. Kruetgen; and

Frank J. Clark to be postmaster at Hines, Ill., in place of C. L. Neely. (Appointee not commissioned.)

The PRESIDING OFFICER (Mr. BULKLEY in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports, the clerk will state the nomination on the Executive Calendar passed over at the last executive session.

UNITED STATES ATTORNEY, WESTERN DISTRICT OF TEXAS

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

Mr. CONNALLY. I ask that this nomination go over.

The PRESIDING OFFICER. The nomination will be passed over. The clerk will state the next nomination on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Clinton R. Barry to be United States attorney for the western district of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MILLER. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

The legislative clerk read the nomination of Kinloch Owen to be United States marshal for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RECONSTRUCTION FINANCE CORPORATION

The legislative clerk read the nomination of Jesse H. Jones, of Texas, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of C. B. Merriam, of Kansas, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles B. Henderson, of Nevada, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Emil Schram, of Illinois, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Howard J. Klossner, of Minnesota, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

That completes the nominations on the Executive Calendar.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed legislative session.

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

DIXIE REJECTS LYNCHING—ARTICLE BY VIRGINIUS DABNEY

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Virginius Dabney appearing in the Nation for November 27, 1937, and entitled "Dixie Rejects Lynching."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation of November 27, 1937]

DIXIE REJECTS LYNCHING

(By Virginius Dabney)

A change has come over the South. Congress is almost sure to pass a Federal antilynching bill in the present session, but there is no excitement in Dixie. Twenty years ago the mere thought of such legislation would have caused Southern colonels to tear their mustachios with rage and southerners of lesser rank to implore the Deity to save Dixie for white supremacy and protect the fair name of southern womanhood. Fortunately such hysteria is no longer widely prevalent.

I do not mean to say that the South is anything like a unit in desiring Federal antilynching legislation. There are thousands who resent the impending passage of the Wagner-Van Nuys bill, and who doubtless will do all in their power to nullify its effects after it is on the statute books. At the same time there apparently is a much larger body of southerners who either favor such a law or are willing to give it a trial. The diehards are distinctly in the minority.

If such were not the case, the value of a Federal bill would be doubtful, since the hates and rancors engendered by its passage would probably overbalance the anticipated benefits. All too frequently southern juries, even in the Federal courts, would refuse to convict derelict officers, and Negroes would be subjected to all kinds of persecution and discrimination at the hands of resentful whites. This would mean, in all likelihood, that the Negro's lot would be made worse rather than better. But since so many southerners have awakened at last to the true nature of lynching, the Federal bill is expected not only to pass but to achieve a great reduction in the number of these crimes below the Potomac and the Ohio. There has been a gradual change in the attitude of thoughtful citizens of the South toward such legislation, an attitude largely conditioned by their judgment as to its probable effects. Symbolic of the change is the recent shift in the policy of the Commission on Interracial Cooperation, which includes 130 representative southerners from 13 States and has its headquarters in Atlanta. For years this body refused to endorse Federal antilynching legislation, but in 1935 it gave unanimous approval to the Costigan-Wagner bill and now similarly favors the Wagner-Van Nuys bill.

An incident which must have had enormous influence in swinging many citizens of Dixie over to the view that the time has come to stop playing around the fringes of the lynching problem was the sickening killing of Claude Neal. Taken from an Alabama jail in the autumn of 1934, Neal was carried to Florida and put to death with unspeakable savagery. In earlier days special trains were operated for men and boys who wished to take part in or to witness lynchings which had been announced in advance, but those in charge of the Neal affair carried the process a step further. Fifteen hours' notice was given the Nation in the newspapers and over the radio that Neal was to die. From 4,000 to 7,000 whites, including many children, came by automobile from various nearby States and witnessed his prolonged agony. No one was even arrested.

The Neal affair was convincing evidence to unbiased minds that some Southern States were wholly unwilling to proceed against lynchers. If any further demonstration was needed, it came soon after with the blowtorch barbarity at Duck Hill, Miss. Two Negroes accused of murdering a white storekeeper were taken in broad daylight by an unmasked mob from the custody of three officers and tortured to death with a blowtorch, while hundreds of men, women, and children looked on. The officers failed to recognize anybody in the mob, and no one was arrested.

At least six other persons have been lynched in the South so far this year, and State and local authorities have brought no one to justice for any of these crimes. The cumulative effect has naturally been to demonstrate once more that while a few Southern States are willing to take the steps necessary to eradicate mob murder, the official spokesmen for the others content themselves with pious declarations that they "hate lynching" and vociferous arguments that the States should be permitted to "manage their own affairs."

Southerners who are disgusted with this situation have concluded that lynchings will continue below the Mason and Dixon's line until a Federal law with teeth in it is placed on the books. This opinion is far more prevalent in the South today than it has ever been before. A survey conducted by the Institute of Public Opinion this month showed that 57 percent of all southerners favored such legislation. The validity of this poll might be challenged by skeptics, despite its astonishingly accurate prediction of the extent of Roosevelt's victory at the polls last year, if other evidence did not point to the same conclusion. Most significant is the fact that an increasing number of southern newspapers are advocating a Federal antilynching bill. Although Virginia has a strong law of its own against lynching—there has not been a lynching in the State since the law was passed in 1928—no fewer than eight Virginia dailies are advocating Federal antilynching legislation at the present time. These include the Norfolk Virginian-Pilot, the Richmond News Leader, and the Richmond Times-Dispatch. Other important southern papers taking a similar stand are the Chattanooga Times, the Miami Daily News, the Birmingham Age-Herald, the Greensboro Daily News, the San Antonio Express, the Columbia State, the Louisville Courier-Journal, and the New Orleans Tribune, as well as most of the Scripps-Howard chain, including the Knoxville News-Sentinel, the Birmingham Post, the Houston Press, and the Fort Worth Press. Just as remarkable is the fact that hardly a single leading southern daily is actively fighting the Wagner-Van Nuys bill.

It is also noteworthy that the papers which are urging Federal legislation have had no severe kick-back from their readers. The Richmond Times-Dispatch has carried a dozen editorials and cartoons this year strongly advocating the passage of a Federal bill and has reprinted several dozen editorials and cartoons of similar import from other papers. It has received exactly two letters of protest. To my query concerning the reaction of their readers, editors in Louisville, Greensboro, Miami, Birmingham, New Orleans, and San Antonio have replied that the volume of protest was negligible. What is more, when the Greensboro Daily News attacked Senator JOSIAH BAILEY for his filibuster against the Costigan-Wagner bill in 1935, the blast brought the heaviest batch of laudatory letters to the editor received by the paper in 7 years.

Despite these clear indications, the impression apparently still prevails among southern Congressmen that the South is violently opposed to interference in its affairs by G-men acting under the provisions of a Federal antilynching statute. Almost all the southerners in the House voted against the Gavagan bill when it was passed early this year by a vote of 277 to 119. MAURY MAVERICK, of Texas, who spoke and voted for the bill, reported several weeks later that he had not had a single protest from his district. But, with the exception of Representatives CREAL and ROSSION of Kentucky, and REECE and TAYLOR of Tennessee, the rest of the southern contingent went solidly against the bill. It is apparent that many southern Representatives and Senators are out of touch with the sentiment among their constituents on this issue.

Some southerners who see no objection to the other provisions of the Federal bill dislike the proposal to fine a county or city from $2,000 to $10,000 when negligence on the part of local officials is found to have led to a lynching. It is important to note, however, that 22 States now have laws under which fines ranging from $1,000 to $10,000 can be imposed on cities or counties where lynchings occur—and the provision has proved effective. The South Carolina law has been on the books since 1896. The minimum fine of $2,000 was assessed and collected in at least seven counties of the State between 1913 and 1931, and no lynching has occurred in any of the seven since the fine was imposed. Moreover, as James H. Chadbourn points out in his Lynching and

the Law, "the average number of lynchings per year in the State has declined sharply after the infliction of each penalty."

It is possible that the Wagner-Van Nuys bill, if passed, will be pronounced unconstitutional by the Supreme Court. It is also possible that if the measure is upheld by the Court, lynchings will continue on the same scale as before. But that seems unlikely. For the first time the bulk of southern opinion appears to be definitely favorable to Federal antilynching legislation, or at least not disturbed over the prospect of its passage. That fact should assure the public support which in the last analysis must determine the effectiveness of any law.

ANDREW FURUSETH

Mr. KING. Mr. President, one of the outstanding labor leaders of the United States was Andrew Furuseth. He was the organizer of the seamen's union, and for years devoted his energies to promoting the welfare of the seamen of the United States and the establishment of a sound merchant marine. He visited many countries for the purpose of promoting better conditions for seamen and bringing about proper and satisfactory cooperation among those employed upon the ships of the world.

I became acquainted with Mr. Furuseth in 1917, and introduced in the Senate measures sponsored by him calculated to improve the conditions of seamen and strengthen our immigration laws by denying entrance into the United States of persons who claimed to be seamen but who were seeking to evade the laws of the United States.

Mr. Furuseth was a man of character and ability, a patriotic American who devoted his life and his energies to the interests not only of the seamen of the United States but of those who belonged to the ranks of labor generally. He passed away a few days ago, and the funeral services were held day before yesterday.

There were gathered at the services hundreds of men and women who knew Mr. Furuseth in his lifetime and were familiar with his great heart and his great soul, and his important contribution to the cause of labor. Among those present were representatives of the Supreme Court of the United States, the Senate, the House of Representatives, and other branches of the public service. Representatives of the American Federation of Labor, to which Mr. Furuseth belonged, were present to pay tribute to one with whom they had served so many years.

The senior Senator from Wisconsin [Mr. LA FOLLETTE] delivered an address eulogistic of Mr. Furuseth, and as a part of it read a tribute written by his illustrious father, Robert M. La Follette, Sr. I ask unanimous consent that the remarks of the Senator from Wisconsin and the tribute by his illustrious father may be inserted in the RECORD as a part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ADDRESS BY ROBERT M. LA FOLLETTE, JR., AT THE FUNERAL SERVICE OF ANDREW FURUSETH, JANUARY 24, 1938

Andrew Furuseth was one of the truly great men I have known. I first met him as a boy when he enlisted my father in the struggle to make the sailor a free man. From that time until his illness he came every Sunday to our house for breakfast.

I have known many scholars, men with many degrees, but I have never known a man who made greater use of his knowledge than did Andrew Furuseth. To him history was not a study of civilizations which had crumbled into dust, but it was rather an instrument to be utilized in the daily work of life. He had a rare intimacy with the literature of the past and present. He was familiar with law. His interests were not narrow, but as wide as humanity.

He was a living justification of the principle upon which democracy rests. Sprung from the masses, he devoted his great intellect and indomitable courage to the advancement of their cause.

On this occasion I wish to read a tribute written by one who knew him best.

[From La Follette's Magazine, April 1915]

ANDREW FURUSETH AND HIS GREAT WORK

One morning in December 1909, there came into my office in the Capitol Building, a tall, bony, slightly stooped man, with a face bespeaking superior intelligence and lofty character. It was Andrew Furuseth.

He wanted to interest me in the cause of the American sailor. He was a sailor himself, he said, and he wanted to "be free." I did not know what he meant. I questioned him. Surely there were no slaves under the American flag. Bondsmen there were—but Lincoln changed all that. And it had been written in the amended Constitution. "Yes," he said, "but not for the sailor. All other men are free. But when the amendments were framed, they passed us by. The sailor was forgotten."

I asked him to tell me about it. Sitting on the edge of the chair, his body thrust forward, a great soul speaking through his face, the set purpose of his life shining in his eyes, he told me the story of the sailor's wrongs. He said little of himself, excepting as I drew him on to speak of the long, long struggle of which he was the beginning, and is now finally the end. He spoke with a strong Scandinavian accent, but with remarkable facility of expression, force, and discrimination.

He knew the maritime law of every country; the social condition, the wage level, the economic life of every seafaring nation. He was master of his subject. His mind worked with the precision of a Corliss engine. He was logical, rugged, terse, quaint, and fervid with conviction.

Born in Norway, the call of the sea came to him as a lad of 16. He stood upon the cliffs and looked out upon the infinite. The life of the sailor, like the ocean, must be wide and free. He felt its mysterious spell. He would be a "free seaman," with all the world an open door. New thoughts were stirring him. He sailed away, thrilled with the idea that his was to be a freeman's work.

His dream was shattered early by the hard realities of life before the mast. First in the boats of Norway and later on the decks of the merchant marine of every great maritime nation, he served as a seaman, and everywhere conditions were the same. He found himself a common chattel. He was owned by the master of the ship.

"I saw men abused," he said, "beaten into insensibility. I saw sailors try to escape from brutal masters and from unseaworthy vessels upon which they had been lured to serve. I saw them hunted down and thrown into the ship's hold in chains. I know the bitterness of it all from experience."

He had seen overinsured and undermanned ships go down at sea, with appalling loss of human life, all because greedy owners would not furnish skilled seamen to sail them or provide lifeboats for passengers and crew.

He had witnessed the blighting effects of the world-wide Shipping Trust upon the sea power of the white race. To swell its enormous dividends, he had seen this great monopoly supplant white sailors with the low-wage, cheaply fed orientals until they swarm the merchant marine of every maritime nation. And he had measured with the judgment of real statesmanship the future peril to Christian civilization as the sea power slowly but surely passes to the oriental races.

He would not submit to slavery. He could not abandon his beloved sea calling. His great spirit asserted itself. He studied the history of the sea. He found that there had been a time when the seamen of the northern countries were freemen; now they were bondmen. He sought the source of it all. He found it in the cruel statutes of privilege, enacted at the behest and for the benefit of the shipowners. These laws made the master of the ship absolute master of the seamen. The wrong to be uprooted was firmly embodied in the law and wrought into the traditions and life of all civilized nations. He had arrayed against him the powerful influence of those who owned the ships and were masters of the sea; behind them was the prejudice and public opinion of the world regarding the status of the seamen.

With unerring judgment, Furuseth selected the United States as his battleground. He wisely chose the Pacific coast as the place to begin the work. There were fewer ports on the Pacific coast. It was easier to organize. The influence of the International Shipping Trust was less potential there than upon the Atlantic coast.

Furuseth did not underestimate the magnitude of the undertaking. He revealed his purpose to the seamen. His task appeared hopeless to the body of the men. Few had faith in success. Their organization was limited in membership. It was limited in means. They could make no appeal to the press. The shipowners were powerful—powerful with commercial bodies, powerful with the newspapers through their advertising, powerful with politicians and public officials through combinations with railroads and allied interests. But Furuseth was undaunted. He believed that there were aspects which if properly presented would enlist the support of broadminded men and women of the United States and of Europe.

Fifteen years before he had brought his cause to Washington. He had lived with it, waking and sleeping. In the corridors of the Capitol, in the committee rooms of Congress, about the hotels and on the streets of Washington, wherever he went, he carried his appeal for freedom. With rare insight he knew when to speak, when to be silent. But his whole personality was articulate with the cry for justice that would not be denied. Beaten again and again, like all leaders who win final victories, he was only stimulated to better fighting by defeat.

In all the years of this historic struggle for human liberty, which finally culminated with President Wilson's signing of the seamen's law, March 4, 1915, Andrew Furuseth was the one man who had the faith, the vision, and the courage necessary to sustain the contest. He launched the movement. He kept it afloat. Every moment of the 21 years he was at the helm. Through legislative storms and calms, over the sunken reefs of privilege, across every treacherous shoal and past all dangers, he held his cause true to its course and brought it safely into port. Yet in all those long, disheartening years he has so effaced himself and lived his cause, that the public has had little opportunity to

know the man. When history forgets many who now fill the public eye, with all who know the story of the sea, he will be a great outstanding figure, from whose life others will gather hope and courage and inspiration to fight on and on to better living conditions and wider freedom.

In these days of electrotypes and halftones, with the newspapers eager to run cuts of anyone who does anything worthy of notice, without reference to the merit of the particular action, with the energetic and persistent press photographers ever alert, it is significant that Andrew Furuseth's face has never been seen in the public prints.

Mr. Furuseth is a keen observer. He saw men exalted above the cause they represented. He saw such men pass, and the cause for which they contended pass with them. And he determined to entirely submerge his personality in his cause. In the execution of that purpose he refused to be photographed, until the seamen's bill should become a law. "La Follette's" counts it a privilege to be first to give his picture to the public.

When Furuseth first came to Washington, the police, inspired by the Pacific coast shipowners, dogged his every move. He had been reported as dangerous, and was represented as an anarchist. Detectives were detailed to shadow him. It was several years before he lived down in the police mind of Washington the slanders of the shipowners, and was permitted to pursue his fight for the seamen, free from espionage.

For a quarter of a century, while he was secretary of the Pacific Coast Seamen's Union and president of the International Seamen's Union, serving them before the California Legislature, before the committee of Congress, and in trips over the world, advising with representative seamen, interviewing shipowners, investigating first hand the economic conditions affecting sea service in the principal ports of the world, he accepted as compensation the scant wage of an able seaman. He lived in sailors' boarding houses with the men of his calling. Whenever possible when he traveled, he shipped before the mast, working his way; otherwise he took steerage passage. Never until appointed by President Wilson as a representative of the United States in 1913 to the London Conference on Safety at Sea, had he traveled as a first-cabin passenger.

In all this service Furuseth has been true to his ideals. There were times when he could have obtained all he sought for the deck sailors, if he would do so at the expense of the fireroom men, or those in other departments of the ship, or if he would accept less adequate provision for the safety of the traveling public. But he refused to barter the interests of one class at the expense of another. Rather than compromise upon a halfway measure, he accepted delay and disappointment, confident of ultimate and complete success.

The present affords no perspective for a proper appreciation of the work of Andrew Furuseth and its far-reaching effect not only upon the lives of the seafaring men of the present and future generation, but also upon the merchant marine of the United States and of northern Europe. For the seamen's law not only brings freedom to American sailors, and a large degree of safety to the traveling public, but it will tend to equalize the cost of operating the merchant vessels of all countries which trade in American ports and aid materially in restoring the merchant marine of our country to the overseas trade.

Furuseth has done a great work. He has not acquired a monopoly of light, heat, or power. He has not endowed false educational foundations with money wrongfully extorted from an overpatient public. But he has won freedom for the American sailor, and made our country an asylum and a refuge for the oppressed seamen of the world. The gratitude of hundreds of thousands of human beings of this and future generations will accredit their liberty to his genius and devotion.

After the bill was signed by the President, in conversation with Furuseth one day, I touched upon his future. "When you can no longer work, what provision have you for old age?" I asked. "How much have you been able to lay up against failing power?" His keen eye mellowed, and a placid contemplative expression smoothed out the seams of his weather-beaten face as he said, "When my work is finished, I hope to be finished. I have no provision against old age, and I shall borrow no fears from time."

ROBERT M. LA FOLLETTE, SR.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 27, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Clinton R. Barry to be United States attorney for the western district of Arkansas.

UNITED STATES MARSHAL

Kinloch Owen to be United States marshal for the northern district of Mississippi.

RECONSTRUCTION FINANCE CORPORATION

Jesse H. Jones to be a member of the board of directors of the Reconstruction Finance Corporation.

C. B. Merriam to be a member of the board of directors of the Reconstruction Finance Corporation.

Charles B. Henderson to be a member of the board of directors of the Reconstruction Finance Corporation.

Emil Schram to be a member of the board of directors of the Reconstruction Finance Corporation.

Howard J. Klossner to be a member of the board of directors of the Reconstruction Finance Corporation.

UNITED STATES PUBLIC HEALTH SERVICE

John Hughes Chandler to be assistant surgeon.
John A. Lewis, Jr., to be assistant surgeon.
Wightman R. Duke to be assistant surgeon.
Dale C. Cameron to be assistant surgeon.
Charles G. Spicknall to be assistant surgeon.
John R. Heller, Jr., to be passed assistant surgeon.
Charles S. Sample, Jr., to be passed assistant surgeon.
Arthur B. Price to be passed assistant surgeon.
Henry A. Holle to be passed assistant surgeon.
Anthony Donovan to be passed assistant surgeon.
Paul E. Walker to be passed assistant surgeon.
Harry C. Knight to be passed assistant surgeon.
Theodore J. Bauer to be passed assistant surgeon.
Thorburn S. McGowan to be passed assistant surgeon.
Havelock F. Fraser to be passed assistant surgeon.
John W. Kennedy to be passed assistant surgeon.
Wilson T. Sowder to be passed assistant surgeon.
John W. Hornibrook to be passed assistant surgeon.
Roger E. Heering to be passed assistant surgeon.
Seward E. Miller to be passed assistant surgeon.
John E. Dunn to be passed assistant surgeon.
Floyd A. Hawk to be passed assistant surgeon.
Jonathan B. Peebles, Jr., to be passed assistant surgeon.
Edgar W. Moreland to be passed assistant surgeon.
Eugene A. Gillis to be passed assistant surgeon.
William H. W. Komp to be senior sanitary engineer.
Lawrence M. Fisher to be senior sanitary engineer.
Hubert H. Martin to be dental surgeon.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 26, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, may we wait upon Thee with hearts unsealed and with a conscience void of offense toward God and man. Let us feel how poor life is in itself and how glorious it may become when we have been fashioned and made meet for service in Thy kingdom. From all hardness of heart deliver us; unstop our ears that we may hear; clothe us with Thy spirit and fortify us with the zeal of entire consecration to our tasks. Lord God of hosts; look upon the great mass of human suffering that mutely appeals to Thee. Put the star of hope in their skies as Thou didst cause the star to hover above the plains of Bethlehem. In the hill of the Lord, may we have clean hands and pure hearts. Strengthen and inspire us each day with the upward gaze. Through Christ our blessed Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 1077) entitled "An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. WAGNER, and Mr. DAVIS to be the conferees on the part of the Senate.

CALENDAR WEDNESDAY

The SPEAKER. Today is Calendar Wednesday. The Clerk will call the committees.

RETIREMENT PAY OF ARMY, NAVY, AND MARINE CORPS OFFICERS

Mr. MAY (when the Committee on Military Affairs was called). Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8176) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.

CALL OF THE HOUSE

Mr. PATMAN. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. MAY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Allen, Del.	Ditter	Knutson	Phillips
Bates	Drewry, Va.	Kopplemann	Rankin
Bell	Fitzpatrick	Kramer	Richards
Biermann	Flaherty	Kvale	Rigney
Boylan, N. Y.	Fulmer	Lord	Robsion, Ky.
Buckley, N. Y.	Gamble, N. Y.	McSweeny	Ryan
Bulwinkle	Gavagan	Magnuson	Sabath
Burch	Hancock, N. Y.	Mead	Schuetz
Byrne	Hancock, N. C.	Mitchell, Ill.	Smith, Maine
Cannon, Wis.	Hennings	Mouton	Somers, N. Y.
Carlson	Hobbs	Nichols	Sullivan
Carter	Hoffman	Norton	Taylor, Colo.
Celler	Holmes	O'Brien, Mich.	Taylor, S. C.
Chapman	Hook	O'Connor, Mont.	Tobey
Citron	Houston	O'Toole	Transue
Claypool	Jarrett	Owen	Wearin
Cole, Md.	Johnson, L. B.	Parsons	Wene
Cooley	Johnson, Okla.	Patton	Whelchel
Costello	Keller	Peterson, Fla.	Wood
Crowther	Kelly, N. Y.	Peterson, Ga.	
Deen	Kirwan	Pettengill	
Delaney	Kniffin	Pfeifer	

The SPEAKER. Three hundred and forty-four Members have answered to their names, a quorum.

On motion of Mr. MAY, further proceedings under the call were dispensed with.

ELECTION TO COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

House Resolution 410

Resolved, That WILLIAM R. POAGE, of Texas, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Claims.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS, from the Committee on Appropriations, reported the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1721), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WIGGLESWORTH reserved all points of order on the bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table and following the legislative program of the day, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF REMARKS

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a resolution by the Conference of State and Provincial Health Authorities of North America.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OF THE FEDERAL TRADE COMMISSION ACT

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. LEA, CHAPMAN, PEARSON, WOLVERTON, and REECE of Tennessee.

RETIREMENT PAY OF ARMY, NAVY, AND MARINE CORPS OFFICERS

The SPEAKER. The chairman of the Committee on Military Affairs has called up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. PATMAN. Mr. Speaker, I make the point of order against the consideration of the bill (H. R. 8176) that the bill was not referred to the proper committee, the proper committee being the Committee on World War Veterans' Legislation. Instead, the bill was referred to the Committee on Military Affairs, and a report has been made by that committee.

In support of the point of order it is necessary I give just a little of the history of this legislation. In March 1928 the Committee on World War Veterans' Legislation by a vote of 8 to 7 voted in favor of the retired emergency officers' bill. This bill passed the House on May 24, 1928, I believe, and was enacted into law before the first of June. This law provides for the retirement of emergency officers according to their rank and all amendments to this law should be referred back to the committee which passed on the original bill.

I invite the attention of the Chair to the fact that even an amendment to the Clayton Act, which involves interstate commerce alone, is invariably referred to the Committee on the Judiciary, although one would think it would go to the Committee on Interstate and Foreign Commerce, for the reason the House Committee on the Judiciary is the committee which originally considered the Clayton Act. This same principle is involved here. I do not know the reasons the authors of the bill give for the bill being referred to the Committee on Military Affairs, but, having been a Member of the Committee on World War Veterans' Legislation for a number of years prior to last year, I know those who are supporting the bill, and they have an organized group supporting and lobbying for it here in Congress, could not get a favorable report from the Committee on World War Veterans' Legislation. Therefore, they wrote the bill in such a way, or in some way managed to get it referred for the first time in 1936 to an entirely different committee which had nothing to do with passing the law in 1928 and nothing to do with passing on the original bill.

The chairman of the Committee on World War Veterans' Legislation, the gentleman from Mississippi [Mr. RANKIN], is ill and unable to be here. There is pending before the gentleman's committee at this time a bill for the outright repeal of this law, and I understand the committee expects to have hearings on it. The author of the bill to repeal the law outright is the gentleman from Alabama [Mr. HOBBS], who is in Alabama today on account of the serious illness of his mother, and cannot be here. Certainly for these reasons the bill should not be brought up for consideration at this time. I will not urge my point of order if the chairman of the committee will agree to postpone the consideration of the bill until the chairman of the Committee on World War Veterans' Legislation can be here. Since the gentleman from Mississippi was on the committee which passed on the original bill, since the bill should have gone to his committee,

and since his committee is now considering the repeal of the law, certainly he and his committee should be given some consideration on this matter.

Mr. MAY. Mr. Speaker, I should like to give to the distinguished chairman of the Committee on World War Veterans' Legislation any consideration to which he would be entitled under the ordinary procedure of the House, but I make the point of order at this time against the point of order of the gentleman from Texas that it comes too late, because the committee to which the bill was referred has already had hearings on the bill and made its report.

The SPEAKER. The gentleman from Kentucky, the chairman of the committee reporting the bill, makes the point of order against the point of order made by the gentleman from Texas that the point of order comes too late, inasmuch as the committee to which the bill was referred has already made its report to the House and the bill is now pending on the calendar.

Does the gentleman from Texas desire to be heard on the point of order?

Mr. PATMAN. Yes; Mr. Speaker, I desire to be heard.

This is the first opportunity that a Member of the House who is not a member of the Committee on Military Affairs has had to make a point of order. It is true that if I had been on the committee I could have made the point before the committee and could have urged the committee not to consider it because it was not properly referred there and the gentleman knows he should not have considered it under the rules of this House, but they went ahead and considered it anyway, and this is the first time I have had an opportunity to urge a point of order against its consideration, today, when the bill is called up for consideration, and for that reason I believe the point of order of the gentleman from Kentucky [Mr. MAY] should be overruled.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a question?

Mr. PATMAN. If the Chair will permit.

The SPEAKER. Yes.

Mr. ANDREWS. Will the gentleman from Texas inform the House whether or not he is opposed to the provisions of the bill?

Mr. PATMAN. I am opposed to the bill. Is the gentleman from New York opposed to it?

Mr. ANDREWS. I am not.

Mr. PATMAN. Then, I hope the gentleman will let me have the minority time, because the gentleman is the ranking member of the minority on the Committee on Military Affairs, and since he is in favor of it I hope he will let somebody who is opposed to the bill have control of the time.

The SPEAKER. The Chair is ready to rule on the parliamentary situation.

Mr. DIES rose.

The SPEAKER. Does the gentleman from Texas desire to be heard on the point of order?

Mr. DIES. I want to ask the gentleman from Texas a question.

The SPEAKER. On the point of order?

Mr. DIES. What I want to ask the gentleman is this——

The SPEAKER. Is the question on the point of order?

Mr. DIES. No, Mr. Speaker.

The SPEAKER. The Chair is prepared to rule on the point of order.

The gentleman from Texas [Mr. PATMAN] raises the point of order against consideration of the bill, that it was not referred under the rules of the House to the Committee on World War Veterans' Legislation, to which, according to his contention, it should have originally been referred.

Pending that question the gentleman from Kentucky [Mr. MAY], the chairman of the Committee on Military Affairs, raises the point of order that the point of order made by the gentleman from Texas comes too late.

In view of that issue being raised the Chair feels it is his duty primarily to dispose of that question, because a disposition of that question, possibly, might settle the original point of order raised by the gentleman from Texas.

This is not a matter of first impression, the Chair will state, as there have been a number of decisions and precedents upon this particular question. The Chair refers especially to a decision made by Mr. Speaker Longworth, as reported in volume 7 of Cannon's Precedents of the House of Representatives, section 2113:

After a public bill has been reported—

Which, of course, means after it has been reported by a committee of the House—

it is not in order to raise a question of committee jurisdiction.

The Speaker said:

"The Chair recalls when this bill was before him for reference that he examined into the matter and it was quite clear that the reference was correct, in view of the fact this is an amendment of the Federal Reserve Act, and under the rules the Committee on Banking and Currency has jurisdiction of questions arising under the Federal Reserve Act; but whether that be true or not, the point of order is evidently made too late. The precedents are uniform that after a public bill has been reported, it is too late to raise the point of order as to the jurisdiction of the committee."

Mr. PATMAN. I have a further point of order, Mr. Speaker.

The SPEAKER. The Chair thinks it proper, however, in reply to the suggestion made by the gentleman from Texas that this is the first opportunity he has had to raise this point of order, to state that under the rules the chairman of a committee seeking jurisdiction, or any other Member of the House, has the privilege, after bills are introduced and referred, to raise the question of jurisdiction by proceeding under clause 3 of rule XXII.

For the reasons stated and in view of the precedents which to the Chair seem to be well reasoned, the Chair sustains the point of order made by the gentleman from Kentucky that the point of order made by the gentleman from Texas comes too late.

Mr. PATMAN. Mr. Speaker, I have a further point of order.

The SPEAKER. The gentleman will state it.

Mr. PATMAN. That is, that the Ramseyer rule is not complied with in the report of the committee in reporting the bill. Section 3 of the bill undertakes to amend existing law. The Ramseyer rule requires that a committee report shall disclose where there is an effort made specifically to change existing law and shall set out in parallel columns or in some way make it clear and plain to the Members of the House just exactly how the proposed amendment will affect existing law. I know that rule does not require any particular method to be used. I am aware of the fact that in the committee's report, although the committee's report says nothing about this amendment—that is, it is not set out specifically in italics, brackets, or otherwise—but in the letter from General Hines to the Honorable LISTER HILL, commencing on page 4 of the report, there is mention, on page 5 of the report, in that letter, that a certain amendment is proposed, but it does not say that that is the only amendment in that particular section. I do not know; I am unable to find out whether or not that is all or just a part that General Hines happens to be discussing. He does not say that is the only way that section is amended. He is just saying that it is amended to that extent. I submit that is not a compliance with the letter and spirit of the Ramseyer rule, which is part of the parliamentary rules of this House, and I make the point of order against the report on that ground.

The SPEAKER. The Chair is prepared to rule on the point of order. The gentleman from Texas makes the point of order that the report of the committee does not conform to the provisions of the Ramseyer rule, which was adopted January 28, 1929. That rule provides as follows:

Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and

italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

The Chair thinks it proper to state that when this rule was adopted the Chair was a member of the Committee on Rules, and the Chair very well recalls the arguments made in support of the rule. Those arguments in brief were that when an amendment to an existing statute was proposed for consideration on the floor of the House, all Members should have a fair and reasonable opportunity to know exactly what the proposed amendments to existing law were, and, therefore, this rule was provided.

With reference to the particular point of order made by the gentleman from Texas, the Chair has examined with some care the report of the committee which accompanies this bill, and, indeed, the gentleman from Texas has referred to the matter occurring in the letter on page 4 of the report, the letter from General Hines to the then chairman of the Military Affairs Committee, in which upon page 5 of the report in subsection (b) of section 212, there is set out in italics the only amendment to the existing law that is proposed in the bill, as the Chair understands it. The Chair is of opinion that if the rule itself had not provided that those changes might be incorporated in the report by citing an accompanying document, very probably the point of order made by the gentleman from Texas would be good, but the Chair feels, upon examination of this matter, inasmuch as the only amendment to existing law is set out in italics in an accompanying document to the report of the committee, that a substantial compliance with the rule has been made.

Mr. PATMAN. May I be heard further in regard to that?

The SPEAKER. Certainly.

Mr. PATMAN. I invite the attention of the Speaker to the letter of General Hines which is dated November 11, 1937, and to the report of the committee which is dated December 6, 1937. In order for the Speaker to hold that is a substantial compliance with the rule, I presume that would require Members of Congress to believe that General Hines was correct. In other words, possibly the bill was changed. We do not know. Perhaps they have included something else. Considerable time elapsed between November 11 and December 6, the time this report was made, and possibly General Hines was correct—I presume that he was—when he wrote this letter, but may we presume now that no changes were made. General Hines makes no statement. Further, I invite the Speaker's attention to the fact that something like that can happen. Changes were made after this letter was written by General Hines. On November 11, 1937, the committee made actual changes in the bill. It added an amendment to section 2.

The SPEAKER. Does the gentleman contend that there are any other amendments to existing law in the bill than those that appear in italics in the report?

Mr. PATMAN. I do not know. I am frank to tell the Speaker that I have not checked it, and I do not think I should be required to rely on General Hines, who wrote a letter practically a month before the bill was reported. And when I do know that after General Hines wrote that letter the committee did make changes in the bill. I do know that, and the committee knows it and will not deny it.

The SPEAKER. Were those changes made by committee amendments, the Chair will ask the gentleman from Texas?

Mr. PATMAN. In sections 1 and 2 the changes were made after General Hines wrote this letter. I do not think the Members of the House should be required to presume that a letter written a month before a bill was reported, written by someone not connected with the Congress, should in any way be binding upon the Members of this House.

The SPEAKER. If the gentleman from Texas can cite the Chair to any other changes in existing law that are covered by this bill, the Chair would be inclined to reconsider its decision.

Mr. PATMAN. At the end of section 2, on page 2 of the bill, there is a sentence:

> No beneficiary under this act shall receive any retirement pay for any period prior to the date of this act.

That was placed in the bill after General Hines wrote this letter.

The SPEAKER. But the Chair will state that the Ramseyer rule does not apply to committee amendments.

Mr. PATMAN. I am not suggesting it for that reason.

The SPEAKER. The Chair is not inclined to argue this matter with the gentleman from Texas. The Chair understands that section 3 of the bill is the only matter that involves any change in existing law.

Mr. PATMAN. I am citing these amendments in sections 1 and 2 as evidence of the fact that General Hines' letter should not be binding. We should not be required to rely upon a document prepared a month before the bill was reported to the House; and I offer in support of that the fact that changes were actually made in that bill after General Hines wrote this letter. I cite these changes in sections 1 and 2 made by the committee. We do not know whether they made changes in section 3 or not. General Hines' letter itself does not specifically say that is the only change in existing law; it does not say that. I invite the Speaker's attention to it. General Hines' statement does not say that that is the only change in existing law, he just infers it. Shall we be required to presume it?

The retired emergency officers' bill was passed by Congress in May 1928. The bill was referred to the Committee on World War Veterans' Legislation in the House. It was reported out of this committee on March 26, 1928, by a vote of 8 to 7. In a minority report filed by the Honorable Bird J. Vincent and the Honorable J. E. RANKIN, it is stated:

> Those of us, who are opposed to it, were again denied hearings on the proposition, and for that reason are unable to give the Members of the House the benefit of the information to which they are entitled.
>
> We are inserting a list of the beneficiaries of this discriminatory piece of legislation, which we ask Members to read and check up on before you vote to bind your country to the violent and unjust discrimination against the rank and file of the enlisted men of the World War, which this piece of legislation proposes, by granting pensions of from $93 a month to $375 a month to men many of whom are now drawing salaries from the Federal Government all the way up to $10,000 a year—and possibly more.
>
> First, we insert the minority views of the members of the World War Veterans' Committee in the Sixty-eighth Congress, to which we respectfully invite your attention. It is marked "Exhibit A."
>
> After that, a list of the beneficiaries of this bill, now employed by Veterans' Bureau showing the ranks, present salaries, extent of disabilities, amount of their monthly compensation, and the amount of the monthly compensation which they would receive under this bill, marked "Exhibit B."
>
> Next a list of all the beneficiaries, by States, giving their names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the Tyson-Fitzgerald bill, marked "Exhibit C."
>
> Read it; check up on it. If every ex-service man in the country knew what this bill means, there would be such a storm of protest against it that it would not stand the slightest chance of passage.
>
> Respectfully submitted.
>
> BIRD J. VINCENT.
> J. E. RANKIN.

This report is No. 1082, part 2, and accompanies Senate 777. Exhibit A of the report is as follows:

EXHIBIT A

MINORITY VIEWS—SIXTY-EIGHTH CONGRESS

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred a physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 percent permanent disability shall be placed upon the retired list at 75 percent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30-percent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30-percent disability will receive $30 a month.

Yet they tell us that the ex-service men are in favor of this measure. This is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the endorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 percent permanently disabled are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30-percent permanently disabled, the colonel would receive $250 a month, while the enlisted man would receive only $30 a month. But if they were both 29-percent permanently disabled they would both receive the same compensation, $29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed; their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict or who have died since the war closed would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities, they should receive the same treatment.

But the advocates of this bill argue that those disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 percent in order to correct what they consider discrimination and in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions, which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time or has reached a certain age or is disabled by injury or disease incident to the service he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces, the Solicitor General said:

" 'Chapter 2 of title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every "Army officer on the active list," it plainly refers to Regular Army officers. An Army officer on the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

" 'While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for 2 years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence and on his return resume his former work.' "

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the Volunteer Army of the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as Volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of Volunteer officers of the War with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of Volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of Volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be $1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjudged.

Those whose disabilities shall have increased to 30 percent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 percent, then to 10 percent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

This bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 percent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States, on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority and submit that this bill ought not to become a law.

J. E. RANKIN.
BIRD J. VINCENT.
J. L. MILLIGAN.
S. J. MONTGOMERY.

I am not inserting Exhibit C, which discloses the names of the beneficiaries under this bill. A list of these beneficiaries may be found in the bound volume of the CONGRESSIONAL RECORD for April 10, 1930, commencing at page 6862, in the remarks of the Honorable JOHN E. RANKIN, who is now chairman of the Veterans' Committee. This list discloses the names of the employees of the Veterans' Bureau who are on this list and the amount of salary drawn; also the amount of retirement pay that they draw under this bill. The list also includes by States, the names of the beneficiaries and the amount drawn by each.

The World War Veterans' Legislation Committee has at this time a list of all the present beneficiaries of this act.

House Document No. 269, Seventy-third Congress, second session, contains a revised list of emergency officers retired with pay, arranged by State of residence, showing accrued

amount, and amount of first check paid under the act of May 24, 1928, and the basic monthly payment.

House Document No. 802, Seventy-first Congress, third session, contains a list of the names of emergency officers retired, employed, and those not employed by the Veterans' Bureau as of date March 3, 1931.

Public, No. 2, known as the Economy Act, which was passed in March 1933, has eliminated all but about 2,000 of these beneficiaries. In other words, about 4,000 have been stricken off the list.

PRESIDENT NOW HAS POWER TO GRANT RELIEF PROPOSED IN H. R. 8176

It is claimed that H. R. 8176 should become a law because it will permit a reasonable interpretation of Public, No. 2, and reestablish on the rolls a number of those who have been stricken off because they could not show the type of service connection required under Public No. 2. In answer to this, however, it may be said that the President of the United States has the power now to grant the relief by Executive order that H. R. 8176 would grant. The President, however, is certainly not in sympathy with the proposal or he would grant the relief himself.

On June 16, 1934, 39 United States Senators petitioned the President of the United States to grant this relief, but the President has refused to do so. A copy of the letter addressed to the President by the 39 United States Senators and hearings before a Senate committee are contained in a booklet printed for the use of the Committee on Finance in the Senate, dated April 16, 1937, when the Committee was considering S. 423, H. R. 5331, and H. R. 5478, which were bills to amend the Retired Emergency Officers Act.

BILL UNFAIR TO ENLISTED MEN

Two wrongs do not make a right. It is contended that because 2,000 are on the list now that the law should be liberalized to include a few thousand more. If the law was based upon the right principle in the beginning, that argument would be unanswerable, but to my mind, it is absolutely wrong to give a colonel $250 a month, or a general $416 a month for a disability that a soldier who serves in the ranks receives $30 a month for.

Exhibit A of the minority views of the Veterans' Committee in the Sixty-eighth Congress discloses many good reasons why such a proposal should not be enacted into law.

PENSION BASED UPON RANK

When this bill was before the House of Representatives in 1928, the author of the bill, Congressman Fitzgerald, admitted to Congressman RANKIN, of Mississippi, that it provided for a pension based on rank. To my mind, such a proposal violates every principle of democracy. After this law was passed in 1928, a movement was soon definitely on foot in favor of pensioning the widows of these officers in the same proportion, and permitting them to draw compensation from the Government according to the rank that their deceased husbands held during their military service.

There was little difference in the pay during the war between what an officer received and what an enlisted man received, in view of the fact that the officer was compelled to furnish his clothing and certain equipment, and required to incur many other expenses that were not incurred by enlisted men.

The point is, if you attempt to remove what is pointed to as a discrimination between Regular Army officers and emergency officers during the World War by giving the emergency officers retirement pay the same as Regulars you create a great discrimination between the retired emergency officers and the enlisted men who served with them.

It is reasonable that officers who have selected the Army as their life's work, and who are not trained for a business occupation, should be retired with pay in the event they are disqualified from doing this work by reason of a service-connected physical disability because they are not trained for a business career, and not qualified to go out into civilian life and earn a livelihood in view of their limited training and physical inability. In the case of the emergency officers, however, they did not go into the Army for life; they only went into the Army for the emergency just like the enlisted men went into the Army for the emergency. If the emergency officer is disabled 30 percent and he is a doctor, a lawyer, as most of them are, he is not necessarily disqualified from engaging in his life's work, that of law, medicine, engineering, or whatever his profession happens to be. I was told of a case the other day where a lawyer who represents one of the large railway systems of the country receives $50,000 a year annual pay from this railroad company as its attorney, and yet he receives, or did receive, $375 a month as a retired emergency officer for the same disability that a private received only $30 a month for.

BAD PRINCIPLE ENACTED INTO LAW

The truth is, a bad principle was inadvertently enacted into law. The question is, Shall we enlarge upon this bad principle, but precedent, and a wholly wrong theory, or shall we vote against it? It will be recalled that tens of thousands of veterans were receiving disability-allowance pay—$12, $18, and $24 a month—prior to the passage of the Economy Act of 1933. The thousands of retired emergency officers who will get back on the rolls if this bill becomes a law were stricken off at the same time the disability allowance cases were stricken off. Can we justify amending the economy act by first restoring those who were drawing compensation based upon rank and who will receive from $106 a month to $416 a month and ignore the $12-, $18-, and $24-a-month veterans?

It is not right to pay emergency soldiers or officers a pension based upon the rank that they held during this service. It is fundamentally wrong. If seven men entered the service at the same time during the World War and they had the same training, went overseas on the same ship, fought in the same battles, and were injured in exactly the same way, which incapacitated them to the extent of 30 percent, under the retired emergency officer theory the one who was a private would receive $30 a month for life, the one who was a second lieutenant would receive $106.25 a month for life, the one who was a first lieutenant would receive $125 a month for life, the major $187.50 a month for life, the colonel $250 a month for life, the brigadier general $375 a month for life, and the general $416 a month for life. It occurs to me if a private loses an arm and a major loses an arm and each is disabled the same way the private is entitled to just as much pay per month for life as the major, presuming that both entered the service for the emergency.

This bill should never come up again; it cannot be justified, and no one can successfully defend it.

The SPEAKER. The Chair will state—and this is the final statement of the Chair upon this matter—that the Chair has examined the bill with considerable care. The Chair feels justified in saying that section 3 of the bill is, as a matter of fact, the only specific change in existing law proposed by the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I raise the question of consideration of the bill on Calendar Wednesday.

The SPEAKER. The question now is, Shall the House consider the bill?

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 82, noes 114.

So the House refused to consider the bill.

The SPEAKER. Has the gentleman from Kentucky any other bills to call up?

Mr. MAY. Mr. Speaker, the Committee on Military Affairs has no other bills they desire to call up today.

Mr. FISH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state it.

Mr. FISH. My inquiry goes to the question of jurisdiction. If a bill is sent to a committee and hearings are held on the bill but no report is made, would it be in order to raise the question of jurisdiction before a report is made?

The SPEAKER. The Chair, in order further to clarify the point of order raised by the gentleman from Texas, and in reply to the parliamentary inquiry of the gentleman

from New York, thinks it important at this juncture to read the rule respecting jurisdiction. Section 3 of rule XXII, provides as follows:

All other bills—

Which means public bills—

memorials, and resolutions may, in like manner, be delivered, endorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on report of the committee to which the bill has been erroneously referred.

The Chair is of the opinion that the reading of the rule itself answers the inquiry of the gentleman from New York.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made and to insert therein certain excerpts from committee hearings, CONGRESSIONAL RECORD, and other documents in explanation thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short statement from a London paper.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will call the committees.

FIXING OF ANNUAL COMPENSATION OF FOURTH-CLASS POSTMASTERS

Mr. ROMJUE (when the Committee on Post Offices and Post Roads was called). Mr. Speaker, I am directed by the Committee on Post Offices and Post Roads to call up the bill H. R. 2890, fixing annual compensation for postmasters of the fourth class.

The Clerk read the title of the bill.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. TABER. Mr. Speaker, I make a point of order against this bill on the ground the report from the committee does not comply with the Ramseyer rule, in that it does not state clearly so that anyone may see the difference between existing law and what the bill proposes.

The SPEAKER. The Chair understands the gentleman from New York to raise the point of order that the bill does not conform to the Ramseyer rule?

Mr. TABER. That is correct.

The SPEAKER. The Chair is ready to rule.

The Chair has examined the bill and report of the Committee and finds that in the report of the Committee, for the information of the Members of the House the existing law governing the compensation of fourth-class postmasters is reported below. The bill as reported does not specifically amend existing law. Therefore the Chair overrules the point of order.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2890, fixing annual compensation for postmasters of the fourth class, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Missouri is recognized for 1 hour.

Mr. ROMJUE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I call the attention of the Committee to the fact that for at least 10 years the Post Office Committee has worked diligently trying to solve this problem which deals with the pay or salaries of fourth-class postmasters. The Honorable Clyde Kelly, now deceased, was a very faithful and hard-working Member and rendered a valuable service along this line, as well as our present distinguished chairman, the gentleman from New York [Mr. MEAD].

Under the present law, the pay of fourth-class postmasters is fixed upon a cancelation basis. Some 2 years ago we had a bill providing for a minimum salary of $300 for fourth-class postmasters. However, since that time we have received figures on the cost to the Government, so far as fourth-class offices are concerned, and we find that the provisions of that bill were considered by the Post Office Department and others too high.

During the last regular session of Congress this bill was taken up and amended to establish a salary for each fourth-class postmaster. The salaries established by this bill will save the Government something over $400,000. In other words, the Government under this bill will pay out something over $400,000 less than it now pays. On the side of economy, that is a considerable saving. In addition to that, there will be a lot of governmental expense saved by this bill in the way of prosecutions.

Some 2 years ago I believe there were 5,000 cases among fourth-class postmasters throughout the United States who were charged with violation of the law in regard to false cancelation of stamps and improper bookkeeping methods. Some of these were cases of innocent mistakes and some were cases of wrongful acts. This is an important matter and has not been figured in the saving which I have already announced to the committee. Many of those cases, of course, were prosecuted and it cost the Government a great deal of money to conduct an investigation by the postal inspectors, the court processes, and the prosecution of these cases. A vast amount of money will be saved in addition to the saving I have already explained.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. If this bill becomes law, will the postmasters be required to furnish quarters, light, and heat?

Mr. ROMJUE. No. The postmasters are allowed 15 percent for heat, light, and water, perhaps, which remains the same.

Mr. TAYLOR of Tennessee. It remains the same under this bill?

Mr. ROMJUE. Yes.

Mr. TAYLOR of Tennessee. He is paid this salary in addition?

Mr. ROMJUE. He is paid this salary. He is allowed the same as he is now for the furnishing of those items.

Mr. DONDERO. Will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Michigan.

Mr. DONDERO. I am thinking of the little post offices in the out-of-the-way places throughout the country. Will the salaries of those postmasters be increased or decreased by fixing these minimum wages or this amount of annual salary?

Mr. ROMJUE. That depends, of course, upon the returns of the post office. The gentleman understands that under the present law they are based largely on cancelations.

Mr. DONDERO. Of stamps?

Mr. ROMJUE. Yes. Some offices will get a little more and some a little less.

Mr. DONDERO. This is to make the practice uniform throughout the country?

Mr. ROMJUE. As nearly so as we think it can be done. It is most satisfactory to the postmasters themselves for the reason that it saves a lot of accounting.

It saves the Government a lot of extra work on the part of the inspectors in connection with inspecting all of these offices, because, although the fourth-class postmasters are,

perhaps, as honorable as any other class of citizens of the country, yet there is a temptation, and as I stated a moment ago, Mr. Aldrich, of the chief inspector's department, stated they had 5,000 of these cases. There is a temptation there, and I am sure quite a number of the members of this Committee have had some experience with such situations.

Mr. DONDERO. Mr. Chairman, I believe we all feel if this bill is to lower the pay of the men who run these post offices, usually in connection with some little business, we would not be in sympathy with it, but if it tends to stabilize the pay and make it uniform throughout the country, I believe we would be for it.

Mr. ROMJUE. It is as nearly completely uniform as we can possibly make it, as Mr. Donaldson, of the Post Office Department, has stated:

> This has been a very troublesome question, and this solution would be better for the Government and better for the postmasters themselves.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I want to be a little clearer on what accounting this eliminates. Under this bill will the postmaster receive the cancellations?

Mr. ROMJUE. No; he will operate like the first-, second- and third-class postmasters. He will not have to keep track of all the cancellations.

Mr. CRAWFORD. That is where the accounting would be eliminated?

Mr. ROMJUE. Yes.

Mr. CRAWFORD. This makes it more acceptable to the postmasters themselves?

Mr. ROMJUE. Yes. This puts them under the same regulations as the postmasters of the other three classes. It also removes the temptation to pad the salary and further saves inspection expenses.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman mean to tell us the inspectors claim there are now 5,000 cases pending where there are frauds out of 31,000 offices altogether?

Mr. ROMJUE. No; that was some time back. I cannot give the gentleman the figures at the present time.

Mr. TABER. That was the number of frauds which had occurred since the fourth-class post offices had been established?

Mr. ROMJUE. That was the number pending at that time, I do not know how long ago, but only a very few years. These all called for inspector investigations, and some prosecutions and some were only innocent mistakes and some resulted in court convictions.

Mr. TABER. Then one-sixth of all the offices had fraud cases pending against them?

Mr. ROMJUE. The gentleman can figure it out for himself.

Mr. TABER. If so, it is a sad commentary upon the operation of the Post Office Department.

Mr. ROMJUE. I am just telling the gentleman this is the statement had from the inspectors.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Illinois.

Mr. MASON. Is it not a fact, according to the evidence brought out before our committee, that all the fourth-class postmasters in the lower brackets would have their salaries increased somewhat, but the fourth-class postmasters in the upper brackets might have some decrease in their salaries? However, the total would be approximately the same as is being paid out now, with the exception of about $400,000.

Mr. ROMJUE. Yes; that is practically true.

Mr. SNELL. Is it practically true or actually true? I am very much interested.

Mr. ROMJUE. The statement is of a fact. I cannot see how you can classify the fourth-class post offices, because they are just fourth-class postmasters. The gentleman speaks of the brackets. There really are no brackets in the fourth-class post offices.

Mr. SNELL. No; but there are some which are more or less large. The receipts of one office may be $200, for instance. What is the effect on that postmaster's salary as compared with the postmaster whose office has receipts of $800.

Mr. ROMJUE. I am sure the reduction would come more in the higher-paid offices within the fourth class.

Mr. SNELL. If I correctly understood the gentleman's statement, he said 2 or 3 years ago we passed a law increasing the pay of fourth-class postmasters.

Mr. ROMJUE. No; I did not make such a statement. The gentleman misunderstood me.

Mr. SNELL. What was the gentleman's statement about that?

Mr. ROMJUE. I did not make any statement at all about it. I stated a few years ago we had up for consideration a bill which fixed the minimum, but we did not pass that bill. We found on investigation the minimum was set too high and would cost the Government something more than seemed justified at the time. With the same purpose in mind, we later took up this measure and arrived at these figures, because we thought they were, in the first place, satisfactory to the fourth-class postmasters; and, in the second place, better for the Government. We placed the figures at such a sum per postmaster as would save the Government something and also be more satisfying to the employees under the bill.

Mr. SNELL. Does the gentleman state this is entirely satisfactory to the Fourth-Class Postmasters' Association?

Mr. ROMJUE. Some of them really take a little less money under this bill, but, as one postmaster stated in a letter a few days ago, he would rather have some less, and have a system whereby he would get his pay regularly, because he would not be under any kind of suspicion of fraudulent operations.

Mr. SNELL. However, the large majority of the more poorly paid postmasters would receive an increase?

Mr. ROMJUE. Yes, I should say so.

Mr. SNELL. My experience has been that it has been difficult to find people to perform the duties of a fourth-class postmaster in the offices throughout the country because there are so many technicalities to comply with, and the salary is not large enough to compensate them for the trouble involved. Does the gentleman believe this bill will to a certain extent meet that difficulty and give these people a little more pay?

Mr. ROMJUE. I am sure that is true. I am also sure, from my long study of this matter with Mr. Kelly, a former Member of the House from Pennsylvania, and the gentleman from New York [Mr. MEAD], this is the best possible plan that can be worked out. I believe it will not only save the Government money but will be satisfactory to the postmasters.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Not only will it be satisfactory to the fourth-class postmasters but it will be more businesslike and more systematic to handle it this way instead of having the cancelations and all of that sort of thing determine the pay of these postmasters.

Mr. ROMJUE. I believe the gentleman is correct.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman assures the Committee that under the terms of this measure the Government will pay less for fourth-class post offices than it is now paying?

Mr. ROMJUE. Than it is now; yes.

Mr. COCHRAN. If the gentleman will permit a further observation. The gentleman will recall that some years ago, and I may say to the gentleman from New York [Mr. TABER] it was not started under the Democratic administration, I exposed a racket among fourth-class postmasters showing

where they were increasing their cancelations by shipping eggs and other things through the parcel-post system and giving rebates to the patrons of their offices who would use that method. All of that will be out if any still exist under this proposed system, according to the sponsors of the bill.

Mr. ROMJUE. That will be eliminated; yes.

Mr. COCHRAN. It has practically been eliminated by the post-office inspectors who have saved the Government hundreds of thousands of dollars, and have collected from the fourth-class postmasters who violated the regulations money that they had received through this racket I referred to. I am pleased to hear all of this will be eliminated under this bill.

Mr. ROMJUE. Yes.

Mr. SNELL. I would like to ask the gentleman a further question. If they have had any malpractice in these offices, why do they not bring them to account for it?

Mr. COCHRAN. I will say to the gentleman from New York that 6 years ago we required them to account, due to the efforts of our committee and my efforts on the floor of the House.

Mr. SNELL. If anybody is not obeying the law, fire them out. General statements here do not amount to anything.

Mr. COCHRAN. They not only discharged them but they were prosecuted.

Mr. SNELL. The gentleman has just made a general statement that does not prove anything.

Mr. COCHRAN. They prosecuted some of them and they made many of them make refunds to the Government. That proves something.

Mr. SNELL. It is their business to do that, and that is what they are there for. The general statements you may make here that they all do it do not amount to anything.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Ohio.

Mr. SWEENEY. I seems to me an attempt is being made here to cast some aspersions on the postmasters of this class with respect to the matter of fraud due to the cancelation system. The gentleman from New York [Mr. TABER] made a statement a few moments ago with respect to this matter. I am reading now from an official report made back in 1907, when this system was condemned, when the Post Office was under Republican administration. Sixty-two percent of the cases pending then were for false cancelation, and Third Assistant Postmaster General Lawshe had this to say:

> In passing upon cases of this character the legal helplessness of the Department in dealing with these abuses, due to the faulty method of determining the compensation of fourth-class postmasters, is brought to life. A system which makes a postmaster his own accountant, compensation being determined by his own returns, with no means of verification available to the Department, is fundamentally wrong. Unfortunately, there is no adequate method whereby the returns may be correctly tested. By placing a count upon mail matter emanating from such offices a partial verification is secured, and upon these reports the Department is forced to rely. Matter for local delivery even then is unverified.

This was 30 years ago, so it cannot be applied to the present administration.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. TERRY. This legislation, no doubt, has been submitted to the Post Office Department?

Mr. ROMJUE. That is right; we had them before the committee.

Mr. TERRY. And they made a recommendation on this proposed legislation?

Mr. ROMJUE. They are for it. Of course, we first had them there on a pay bill which they were against because it required too much money, but we have met that situation and brought the payment within limitations whereby the Government is saved money.

Mr. TERRY. How much additional will this cost the Government?

Mr. ROMJUE. This will not cost the Government anything. It will save over $400,000 in comparison with what we are paying out now.

Mr. TERRY. And the Post Office Department approves the bill?

Mr. ROMJUE. Naturally they would have no objection to that.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. DONDERO. I think the question as to where the additional money would come from to pay the fourth-class postmasters is answered in your report in these two lines:

> To offset the increased cost in the proposed H. R. 2890, it is proposed that the first three salary grades be amended by reducing $20 each, the next four salary grades be reduced in the amount of $10 each.

That is where you get the money to pay the fourth-class postmasters.

Mr. ROMJUE. Yes.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Georgia.

Mr. TARVER. Why did the committee not obtain a report from the Department on this particular bill and incorporate that report in the committee's report?

Mr. ROMJUE. That was requested from the Department some time ago, but the man who had charge of that matter has been sick and has been unable to fix it up himself.

Mr. TARVER. Have the hearings about which you spoke where you say witnesses from the Department approved this bill been printed and are they available?

Mr. ROMJUE. Yes; I have a copy of the general hearings here. I do not know whether they have been generally printed or not. They were printed on this same legislation a couple of years ago and the only difference between that measure and this one, practically, is in the amount of salaries paid.

Mr. TARVER. I wondered to what source the Members might go, other than the verbal statement of the gentleman, to determine the attitude of the Post Office Department on this bill, and whether there are any hearings available or any written communication from the Department approving the bill?

Mr. ROMJUE. When Mr. Donaldson was before the committee he had this to say:

> I think universally that the officials of the Department feel that it would be much better if fourth-class postmasters' compensation was on the annual-salary basis. I know I feel that way about it personally.

In addition to that, further he says:

> I do not mean to be noncommittal, but I personally conducted a fourth-class post office for a long time, and as post-office inspector I inspected many. Not speaking for the Department, but for myself, if we can get some other method of fixing the salaries, it would be best. Whether it gave the postmaster much of an increase or if it gave him any, it would be better for the postmaster and better for the Department.

Mr. TARVER. Expressing approval of the salary method of paying fourth-class postmasters and approving this bill with the schedule of salaries fixed in the bill are two entirely different things.

Mr. ROMJUE. That testimony was on this particular bill.

Mr. TARVER. Did the gentleman have any testimony from the Post Office in regard to these particular salaries?

Mr. ROMJUE. He had this before him.

Mr. TARVER. Was he testifying to that?

Mr. ROMJUE. Yes.

Mr. TARVER. What did he say with regard to this particular salary schedule, as to whether it met the approval of the Department?

Mr. ROMJUE. There has not been any change in the bill. We did not have the second copy of the hearings published as I now recall, as we had a few years ago, because we did not think it necessary to go to that expense. The only question raised by the Post Office Department was as to the amount of money that it would take.

Mr. TARVER. What I am trying to get from the gentleman is some statement by the Department's witnesses showing that the Department approved the schedule of salaries fixed in this bill. The gentleman has not read such a statement as yet. If he has such, I think it would be well to have him read that statement.

Mr. ROMJUE. I would have to look it up, and it would take some time, but I am telling the gentleman that the bill that was before us for consideration when we had the Post Office Department officials there was amended by reducing the first of the salaries from $180 to $160.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TABER. Mr. Chairman, I wonder if the gentleman would not yield himself more time so that I may ask him one or two questions. I would like to have some explanation of what I regard as a very important matter so that we can figure this out.

Mr. ROMJUE. Mr. Chairman, I yield myself 5 minutes more.

Mr. TABER. How do cancelations compare with gross receipts as figured in the bill? Is there any evidence on that subject? Are they about the same or are they different? I ask that so that we can get at the basis that the gentleman is figuring on.

Mr. SWEENEY. Will the gentleman yield to me?

Mr. TABER. I have not the floor. The gentleman from Missouri has the floor.

Mr. ROMJUE. The receipts from the cancelations practically equalize the cost under this, except that they are more.

Mr. TABER. The cancelations are more than the gross receipts or less? I am trying to get a comparative basis, so that the House may see just what is being done by this operation.

Mr. SWEENEY. Will the gentleman permit me?

Mr. ROMJUE. Yes. They are more, in the neighborhood of $400,000.

Mr. TABER. The gentleman means the cancelations figure more?

Mr. ROMJUE. They constitute practically all of it, most of it. There are very little other items in there.

Mr. TABER. There would be money-order receipts.

Mr. ROMJUE. Yes; 3 cents, and such as that. Of course, that is very small.

Mr. TABER. Does the gentleman think that the cancelations and the gross receipts would be just about the same as they are now?

Mr. ROMJUE. They are a little more than that now.

Mr. TABER. Then, let me ask this: If anyone has cancelations at the present time amounting to $300, that would be on the basis comparatively of $75 a quarter, and that would make the postmaster entitled to 160 percent of each $75, according to the statute that appears on the bottom of page 2 of the report. That would be $480 a year for a postmaster having cancelations of $300.

Mr. ROMJUE. No.

Mr. TABER. If they have gross receipts of $300, the salary is fixed at $410. That would be $70 less. Is my deduction correct?

Mr. ROMJUE. No. I will tell the gentleman where he is in error. The pay is 160 percent on the first $75.

Mr. TABER. Seventy-five dollars per quarter, according to the statute, the way it is now.

Mr. ROMJUE. Yes. It carries less after that for the next $75.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. SWEENEY. May I say to the gentleman from New York [Mr. TABER] the information I think the gentleman desires is this, that the cost of the cancelation system at present is $19,430,000 in round figures.

The cost to the Government under the proposed legislation will be about $16,000,000, not including, of course, the money-order fees of 3 cents on each order which the fourth-class postmaster gets, as the gentleman knows, and the 15-percent allowance for equipment, fuel, and so forth. So there is really a savings of $400,000.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I have found the information I want. On the first $75, 160 percent is applied to the cancelations; then the next $100 is at 85 percent; and if he has any additional cancelation, it is at 75 percent.

Mr. TABER. The point I was getting at was that if the cancelations and gross receipts were practically the same the result, according to page 2 of the bill, would be that a postmaster with $300 gross receipts would receive $410 annual salary; whereas, at the present time if he has $300 of cancelations and it is split even into four quarters at $75 a quarter, he would get 160 percent of that $300, or $480; so, on the face of the $300 gross there would be a $70 reduction in salary. Is not that right?

Mr. ROMJUE. That is about right, except that the $410 salary applies to receipts of from $250 and less than $300 and gross receipts of $300 to $350 calls for $470 annual salary.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. MURDOCK of Arizona. I am very much in sympathy with the proposal to pay a fixed salary to fourth-class postmasters in lieu of the former arrangement; but what about the reduction of salaries in the first- and second-class offices? Is not that, too, a part of this plan to cut $20 off one class and $10 off the other annually to make up for this?

Mr. ROMJUE. The gentleman means to take that much off the pay of other postmasters?

Mr. MURDOCK of Arizona. Yes.

Mr. ROMJUE. No; the first- and second-class postmasters are not involved in this.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. HAINES].

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a short question before he starts his statement?

Mr. HAINES. I yield.

Mr. DONDERO. I think it would be helpful to the House if the gentleman could inform us how many postmasters of the fourth class will be affected by this bill; I mean how many will receive increases and how many will receive decreases in pay?

Mr. HAINES. Mr. Chairman, I am afraid I am unable to give the gentleman the information he seeks.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield? I have the figures.

Mr. HAINES. I yield.

Mr. SWEENEY. There are 30,329 fourth-class postmasters.

Mr. DONDERO. But how many receive increases and how many decreases?

Mr. SWEENEY. Some of them will receive a slight decrease; some will receive increases.

Mr. HAINES. Mr. Chairman, the objective of H. R. 2890, fixing annual salaries for postmasters of the fourth class is to standardize the payment of compensation to postmasters under one system. Postmasters of the first, second, and third classes are paid annual salaries, based upon gross postal receipts; while postmasters of the fourth class are paid commissions on stamps canceled. The bill, under consideration, will provide annual salaries for the fourth class on the same basis as that used for payment of compensation to other classes.

At the present time postmasters of the fourth class are paid commissions on the value of stamps canceled. This system has been in effect for more than 50 years, although unsatisfactory. It provides a complicated accounting system and is also subject to abuses resulting in possible losses

to the Government with no definite way of determining to what extent losses are sustained.

As further evidence that this has been a source of great concern for many years I quote from Third Assistant Postmaster General Lawshe, in 1907, who made a report of the growing frauds and false reports of cancelations and diversions of mail. In the report, he said:

> In passing upon cases of this character, the legal helplessness of the Department in dealing with these abuses, due to the faulty method of determining the compensation of fourth-class postmasters, is brought to life. A system which makes a postmaster his own accountant, compensation being determined by his own returns with no means of verification available to the Department, is fundamentally wrong. Unfortunately, there is no adequate method whereby the returns may be correctly tested. By placing a count upon mail matter emanating from such offices, a partial verification is secured, and upon these reports the Department is forced to rely. Matter for local delivery even then is unverified.

This report was made 31 years ago and this condition has been permitted to continue through all these years without any definite action being taken to remedy.

Third Assistant Postmaster General Britt, in 1912, reported that of the cases sent to the chief inspector for investigation, 62 percent were for diversions of mail matter at fourth-class offices. He said in the report:

> These depredations upon the postal revenue will continue so long as the present law for compensation of postmasters at offices of the fourth class remains in force.

This observation was made 26 years ago.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. MURDOCK of Arizona. Are there not numerous instances where fourth-class postmasters have been adjudged guilty of committing a wrong when it was merely a technicality due to the cumbersomeness of the system itself?

Mr. HAINES. Without a doubt that is true, and I know how difficult it is for some fourth-class postmaster in some little out-of-the-way country place to be his own auditor and compute the amount owing him by the Government for his services.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. GEARHART. Emphasis has been placed upon the question of fraud by various Members who have answered certain inquiries. It is not always a question of fraud; sometimes it is merely suspected fraud and investigations were made necessary because of the suspicion, but they turned out to be mere irregularities. The gentleman does not want any member of the Committee on the Post Office and Post Roads to spread upon the record of this Congress a statement that a vast majority of fourth-class postmasters are dishonest and are trying to defraud the Government. I am a member of that committee, and I know that nothing is farther from our thoughts. Is not that true?

Mr. HAINES. My colleague is correct; and let me say that from my own experience with the small postmasters I have in my district I can say that 99.9 percent of them are honest.

Chief Inspector Aldrich and Assistant Superintendent Davis, of the inspection department, in a statement before the subcommittee of the House Committee on Appropriations in December 1935, stated that there were 5,000 cases pending in the smaller post offices where the cancelations of the postmasters had exceeded their sales, and that it was apparent there was a loss of $774,000 in revenue during the fiscal year of 1936, resulting from inflation of compensation by postmasters of the fourth class.

It is a known fact that the cancelation system for the payment of compensation, which is dependent upon the count of the postmasters and clerks, with no means of verification, has, in many instances, encouraged dishonesty. The cancelation system, which has been found unsatisfactory to the Post Office Department because of possible abuses, is also unsatisfactory to the postmasters, because it is subject to bring or direct suspicion against the integrity of any postmaster. Therefore, the bill under consideration is almost unanimously approved by the 30,000 postmasters of the fourth class, although it does not provide any salary increase, but merely a change in the method of compensating.

Moreover, the cancelation system, now in effect, is objectionable because it is impossible for the postmasters in the higher grades to determine the earned compensation until the end of the 3-month period, since different portions of the total cancelations are figured at different rates of commission, making it absolutely necessary to determine the full cancelation of a 3-month period before the compensation can be accurately determined.

The salary bill would provide annual salaries based upon the gross postal receipts of the calendar year next preceding the adjustment for the fiscal year beginning July 1. This bill removes all guesswork, and will prevent shortages, which might result from overestimating the earned compensation. It will also provide for payment of salaries on a semimonthly basis, as other governmental employees are paid, and will simplify accounting, by eliminating the complicated commission basis, which is often misunderstood by the postmasters and results in thousands of corrections by auditors of the General Accounting Office.

The proposed bill is not a salary increase, nor will it prove a reduction to the postmasters, although the statement indicates a difference of approximately $400,000. This can be explained by the fact that the statement presented by the Department, as to the actual cost of the measure, was based upon the receipts of 1935, which have increased to such an extent that the amount indicated as a savings will be practically absorbed by increases in compensation, based upon increase in the gross postal receipts at the present time over that of 1935, but will incur no additional cost to the Government or any loss to the postmasters. The bill is simply a change of method of compensation, which is believed to be more progressive and satisfactory and will simplify the accounting in these small offices, and will, insofar as possible, eliminate the possible abuses.

We have a system that is so complicated to these men who are not accountants that it is impossible for them to make correct reports to the Post Office Department.

Mr. GEARHART. The system is complicated, and because irregularities have developed, it becomes necessary for the Government to maintain a very elaborate inspection service in order to keep the records right?

Mr. HAINES. Yes. I may say to the gentleman these offices are inspected but once in about 4 years, and then they go back over all these records, which are most complicated, indeed.

Mr. GEARHART. Is the total cost of the existing system of compensation of fourth-class postmasters more or less than would be paid under the salary system which this bill provides for?

Mr. HAINES. It is my understanding, in answer to the gentleman's inquiry, from information given by persons who appeared before our committee when we held hearings, that this would save possibly $400,000 annually. However, I do not think we want to lay much stress on that. We want to get rid of this complicated system that has proven unsatisfactory to the Department, not only under the present administration but under past administrations—a system that is even more objectionable and unsatisfactory to the postmasters themselves—a group of men upon whom we sometimes cast suspicion when they are innocent in 99 cases out of 100.

Mr. TABER. Will the gentleman yield?

Mr. HAINES. I yield to the gentleman from New York.

Mr. TABER. Assuming that the cancelations and the gross business would run about the same, I have figured out that under the present act the fourth-class office having an

income of $300 would call for a salary of $480, whereas under the bill that is now presented that office would receive $410. Assuming the same situation with reference to one with $900, I have figured out that the salary would be $970 under the present law and under the bill as now presented it would be $900. That would be a cut of anywhere from 10 to 20 percent in the compensation of these fourth-class postmasters. If the gentleman is going to bring in a bill cutting the compensation of fourth-class postmasters from 10 to 20 percent does he not believe that the same cut should apply to the entire Government service?

Mr. HAINES. May I reply to my colleague by saying I have not figured out just exactly what the difference is going to be between the present law and the provisions of this bill if enacted into law, but I do know that in the first three grades they take a lower compensation. They are very, very willing to take this reduced compensation. There is no intent on the part of the committee on which I have the honor to serve of taking anything away from this small-pay group.

[Here the gavel fell.]

The CHAIRMAN. Does any minority member of the Committee on the Post Office and Post Roads desire recognition in opposition to the bill?

Mr. GEARHART. Mr. Chairman, I rise in opposition to the bill.

I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, I believe we would all like to know what this bill proposes to do. If the section of the report which gives the present law is correct and works out as naturally interpreted, certainly the proposed bill is going to reduce the salary of most of the fourth-class postmasters.

Page 2 of the report accompanying the bill cites the present code as follows:

> On the first $75 or less per quarter the postmaster shall be allowed 160 percent of the amount. On the next $100, 85 percent, and on the balance 75 percent.

I have very hastily worked this out. My figures may not be absolutely correct, but under this section if 160 percent is paid for the first $75 per quarter, the salary that is based on totals running up to $300 would mean an office running $75 per quarter, and the postmaster with receipts up to $300 a year would receive $480 at the present time, whereas it is proposed to pay him only $410.

Mr. HENDRICKS. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Florida.

Mr. HENDRICKS. Before the gentleman goes through all of that, I believe the members of the Committee on Post Offices and Post Roads will bear me out when I say the fourth-class postmasters have written us urging that this bill be adopted, even though they know the effect. They are satisfied.

Mr. HAINES. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Is it not true that the Postmasters' Association has unanimously approved this bill?

Mr. HENDRICKS. That is right.

Mr. CASE of South Dakota. Have they approved it since the reducing amendments have been put in the bill?

Mr. HAINES. Yes.

Mr. CUMMINGS. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Colorado.

Mr. CUMMINGS. We reduce the salaries, but we also reduce the work a lot more than the salaries, and they get more per hour than they receive now. The object of the bill is to cut the work.

Mr. CASE of South Dakota. Let us see what the reduction in salary is.

Here is the table given in the report:

Statement showing actual cost under amended bill

Receipts	Post offices	Salaries	Compensation
$0.01 to $99.99	2,417	$160	$386,720
$100.00 to $149.99	2,809	220	631,180
$150.00 to $199.99	2,889	280	808,920
$200.00 to $249.99	2,651	350	927,850
$250.00 to $299.99	2,217	410	908,970
$300.00 to $349.99	1,943	470	913,210
$350.00 to $399.99	1,608	530	852,240
$400.00 to $449.99	1,383	600	829,800
$450.00 to $499.99	1,290	660	851,400
$500.00 to $599.99	2,102	700	1,471,400
$600.00 to $699.99	1,703	800	1,362,400
$700.00 to $899.99	2,814	900	2,532,600
$900.00 to $1,199.99	3,055	1,000	3,055,000
$1,200.00 to $1,499.99	2,726	1,100	2,997,500
Total	31,666		18,529,190

Receipts upon which salaries are based are reduced by 15 percent in accordance with the Revenue Act of 1932, which results in a reduction of 15 percent	$2,779,378
Net compensation of postmasters	15,749,812
15-percent allowance for rent, light, fuel, and equipment	2,362,471
Total	18,112,283
Money-order fees	908,967
Total cost of service under amended bill, H. R. 2890	19,021,250
Total cost of service under present cancelation system	19,430,006

And here is the existing law governing the compensation of fourth-class postmasters as quoted in the report:

UNITED STATES CODE, 1934 EDITION, TITLE 39, SECTION 57

The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards, stamps, on registry matter, including stamps to cover return receipts, insured and collect-on-delivery matter, canceled, on matter actually mailed at their offices, except the stamps affixed to pay the fees for special delivery service and special handling service, and on that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third- and fourth-class matter mailed under the provisions of section 295 of this title, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of section 273 of this title, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 percent on the amount; on the next $100 or less per quarter, 85 percent; and on all the balance, 75 percent, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That in adjusting the quarterly compensation of postmasters of the fourth class the General Accounting Office shall allow such compensation as may be shown by the quarterly returns to be due, not exceeding $275 for the quarter ending September 30, not exceeding $550 for the two quarters ending December 31, not exceeding $825 for the three quarters ending March 31, and not exceeding $1,100 for the whole fiscal year, exclusive of 3 cents commission on each money order issued.

It is difficult to make a comparison because one computation is based on cancelations and the other on receipts; but the estimated total costs show a reduction, and if that is correct, somebody must stand the reduction.

According to the table, it is proposed to pay postmasters with receipts up to $500 a salary of $600 a year. At the present time if the specified receipts and cancelations through the year run up to $500, averaged throughout the four quarters, he would get $650. If they run up to $400, it is proposed to pay him $530, whereas now he gets $565. For postmasters with receipts up to $550 it is proposed to give them $470, whereas for similar totals they now receive $525.

The postmaster with receipts up to $300 a year, that is between $250 and $299.99, inclusive, gets $480 now, and it is proposed to cut him to $410. The postmaster with receipts up to $250 now receives $400, and it is proposed to reduce him to $350. The postmaster with receipts up to $200 now gets $320, and it is proposed to reduce him to $280. The postmaster with receipts up to $150 now gets $240, and it is proposed to reduce him to $220. Is the work going to be reduced in any such proportion?

The fourth-class postmasters in my district are some of the most important postmasters we have. They serve a sparsely settled area. Their receipts are small at best. None of my correspondence with them would indicate they want any reduction in salary. What they are looking for is something which will really help them. Since their receipts are so small and their salaries are so small, I cannot understand how it is going to help them a great deal to give them a reduction in salary ranging from $70 to $50 a year.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Illinois.

Mr. MASON. Does the gentleman realize the total reduction in the entire $19,000,000 is only 2 percent, over the whole group, and that most of the 2-percent reduction is borne by postmasters in the higher brackets? The gentleman did not read this table correctly when he stated a postmaster getting up to $200 would get $280, because the $200 man would get $350. There is a division between the $199 man and the $200 man. The $200 man gets a $350 salary, which is more than he is getting now.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 3 additional minutes to the gentleman from South Dakota.

Mr. CASE of South Dakota. What we are trying to do is get information and find out what this bill really proposes to do. The great bulk of the fourth-class post offices are in the lower brackets and I want to be sure this so-called $400,000 saving is not to be at their expense.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. MASON. According to this table, which has been figured out by the experts of the Post Office Department, the postmaster of an office whose receipts were below $100 for the year would get a salary of $160. Under the present regime he receives less than that. The postmaster whose receipts were from $100 to $149 would get $220, and under the present regime he gets less than that.

Mr. CASE of South Dakota. He should get $240 under the present law.

Mr. MASON. How does the gentleman figure the $240?

Mr. CASE of South Dakota. Because he gets less than $75 per quarter. He should get 160 percent of his $150 gross for the year.

Mr. MASON. He would get 160 percent of the $75?

Mr. CASE of South Dakota. No; he is grossing up to $150, the gentleman states.

Mr. HAINES. I believe he would get 160 percent on the first $75 and 85 percent of the balance up to $100.

Mr. TABER. No; that is on a quarterly basis.

Mr. CASE of South Dakota. That is the case we would like to have made clear. The law says on the first $75 or less per quarter the postmaster shall be allowed 160 percent. If he has total receipts up to $300 for the year, then he would have receipts of approximately $75 per quarter, and he should get 160 percent of that $75 per quarter.

Mr. MASON. It is $480. Instead of getting $480 under the present plan he would get $470, which is only a $10 decrease.

Mr. CASE of South Dakota. No; the man who now gets $480 would get $410 under the proposal.

Mr. MASON. No; he would not get $410 under the pending proposal unless he gets less than $300. If he gets $300 he receives $470. There is $60 on which we differ, and the $60 difference is in connection with that last $1 of receipts.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, if I may make a personal observation, I may say that, coming from an industrial section, I am not affected by this bill. As is the case with many of my colleagues, I have no fourth-class postmasters in my district. Undoubtedly many Members are wondering how this bill will affect their fourth-class postmasters, and it is only fair that we hear from these postmasters on this subject.

Speaking before the committee, their representative, Mr. E. A. Meeks, whom many Members of the House know personally, since he has been coming here for years speaking for the fourth-class postmasters, had this to say, and I think it ought to disabuse your minds on whether or not they want this legislation. Mr. Meeks gives these reasons why this bill should be enacted into law:

First, it eliminates the objectionable cancelation system, which encourages dishonesty, and will remove the possibility of suspicion against the integrity of postmasters.

Second, it provides for payment of compensation on the same plan and basis as other postmasters are paid, which is desirable and necessary.

Third, it simplifies accounting, eliminates errors, and will result in savings of considerable expense and unnecessary work in accounting offices.

Fourth, it will make it possible to dispatch mail in many cases without additional cost or duplication of compensation.

Fifth, it will fix annual salaries, removing uncertainty as to compensation.

Sixth, it will remove the possibility of abuse of the Parcel Post System.

Seventh, it will result in a saving of thousands of dollars annually to the Department through abuses, errors, accounting, and overlapping of compensation, and will simplify the system in the fourth-class offices.

We believe, Mr. Chairman, that the enactment of this bill will be a forward step in the progress of the Service and will establish a principle that will not only be fair to the postmasters but will prove more satisfactory to the Post Office Department.

These are the views of the fourth-class postmasters, speaking through Mr. Meeks.

There should not be any concern on the part of any Member about how these postmasters feel about this legislation.

As my friend has pointed out, there is some variation in the amount of salary in the lower brackets. In some cases it is only $10 a year difference and spread among all the postmasters of the group so affected; you will find it is equalized in most of the cases. There is bound to be better and more efficient service rendered if we abolish the obnoxious cancelation system.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield.

Mr. HAINES. And is it not true that Mr. Meeks is one of the best posted men on this subject that the committee can confer with, and is it not also true that he is intensely interested in the group we are trying to help?

Mr. SWEENEY. There is no question about that. He is one of the best informed men in the country on this subject.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Iowa.

Mr. DOWELL. These postmasters are receiving a very small pay, and I want to know from the gentleman, who is a member of the committee, whether this bill, if adopted, will increase the pay or whether it will diminish it?

Mr. SWEENEY. As I tried to point out in my remarks, in the lower brackets it will decrease the pay of some postmasters by some small amount.

Mr. DOWELL. What does the gentleman mean "by the lower brackets"?

Mr. SWEENEY. I will give the gentleman the figures. Where the receipts are from $200 to $250 annually the proposed bill would pay the postmaster in lieu of cancelation a compensation of $350. The present amount he would get by virtue of the cancelation is $360. So there is only a difference of $10 in that lower bracket.

Mr. DOWELL. But that is a reduction of his pay.

Mr. SWEENEY. It is true that in that bracket there is a reduction of $10, but the gentleman must keep in mind

that, with few exceptions, the postmasters prefer the salary system to the obnoxious cancelation system.

Mr. DOWELL. That is true; but he should not have his salary reduced.

Mr. SWEENEY. Evidently he has agreed to it and thinks it is all right, because they favor this legislation.

Mr. DOWELL. That may be true, but his salary ought not to be lower than it is now, and my notion is it ought to be higher.

Mr. SWEENEY. I may also say that this reduces his work and does away with the possibility of temptation to commit fraud in connection with the present cancelation system. It does not disturb the 3 cents he gets from every money order issued, and it does not disturb the 15 percent for equipment, fuel, and light; if the fourth-class postmasters are satisfied with this proposed legislation, why cannot the gentleman go along?

Mr. DOWELL. I am merely trying to get information. I do not believe their salary ought to be reduced, but if this bill is favorable to them and if they would rather have it——

Mr. SWEENEY. There is also a saving in accounting, and that is a great factor. Another factor, as pointed out by the gentleman from Missouri [Mr. ROMJUE], is the fact there has been fraud, and quite a bit of fraud, not only under this administration but under preceding administrations.

Some men have the temptation to pad their accounts, and they do it, and this has cost the Government quite a bit of money, through the inspection service, the cost of presenting and prosecuting the cases and preparing them for trial. All of this will be eliminated if this proposed system is put into operation. In my opinion, there will be a tremendous saving in dollars and cents.

Mr. DOWELL. And the gentleman states to the House that this is recommended by them?

Mr. SWEENEY. I may state to the gentleman that I have searched the records, and I do not say the Department recommends this legislation, but they do not oppose it. We have a right to presume that the Department's attitude in not opposing it represents a friendly attitude.

Mr. DOWELL. But, as I understand, the gentleman stated the postmasters recommend this.

Mr. SWEENEY. I stated that based on the statement made by Mr. Meeks, who appears before our committee every year and who probably is known by the gentleman. He represents the third- and fourth-class postmasters, and he is emphatically for this bill; it has been approved by most of their conventions for the past 10 years.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield.

Mr. GIFFORD. I want to remind the gentleman of the fact that in these fourth-class post offices sometimes something unusual occurs. There may be a convention of some sort which causes an unusual amount of mail and it takes a whole year to determine what the salary of the preceding year should be. Another postmaster may have been installed in the meantime and the party who actually did the work loses out entirely with respect to this extra money. In the State of Florida this may happen fairly often, or something similar to it. This would be an instance where someone else might reap the benefit which really belongs to a preceding postmaster. Has the gentleman thought of this?

Mr. SWEENEY. I do not think there is any alarm there.

Mr. GIFFORD. There is no alarm; but it is an injustice, is it not?

Mr. SWEENEY. There may be a possibility of that, I grant the gentleman. It could happen under the present cancelation system.

Mr. GIFFORD. The bill makes so few changes in the actual result now, why suggest any departure from the present procedure?

Mr. SWEENEY. There is no question of jeopardizing any of their rights. For 10 years Congress has wrestled with this proposition. This is the first time we have brought it into the light of day seeking to get some action.

Mr. Chairman, I yield back the balance of my time.

Mr. GEARHART. Mr. Chairman, will the Chair kindly state how the time stands?

The CHAIRMAN. The gentleman from Missouri has 15 minutes remaining and the gentleman from California 52 minutes.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. JENKS].

Mr. JENKS of New Hampshire. Mr. Chairman, as a member of the Committee on the Post Office and Post Roads, while the hearings on this bill were going on I was on the Labor Committee during the time that committee was holding joint sessions with the Senate Labor Committee on the wage and hour bill, so that I was unable to attend any of the Post Office hearings on this bill before us. It seems to me, as a general proposition, inasmuch as the fourth-class postmasters, who comprise three-quarters of all of the postmasters of the United States, are favorable to this legislation, that there is no reason why it should not be passed; however, I believe the fourth-class postmasters are not overpaid, and I see no reason why any of them should lose any compensation on account of this bill. I believe the bill should be amended so that it would not cost the Government anything and still would not reduce the salaries of these postmasters who are affected. I do not want to see the salary of any fourth-class postmaster reduced, and I do not think other Members of this House do, and as long as there is some leeway, or a saving to the Government as the bill is written, I can see no reason why it should not be changed so that there would be no postmaster who would have to take less compensation for his services.

I yield back the remainder of my time.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I sat on the Post Office Committee when the hearings were held on this bill. The general program that we were considering when considering the bill was to adopt a more equitable system of paying fourth-class postmasters, but not to cut their salaries and not to raise their salaries, so that it would cost the Post Office Department more. After many long days of struggle we arrived at this program. This program does equalize and does make a more equitable distribution of money for the fourth-class postmasters. It does get rid of the obnoxious cancelation system under which they operate at the present time. It does relieve the fourth-class postmasters of a good deal of annoyance and unnecessary technical tedious work which they are glad to be relieved of. It is supported by the Postmasters Association, because they believe it is much better from their standpoint than the present bill. It does not reduce the salaries of the fourth-class postmasters in the lower brackets. It really increases the salaries of the postmasters in the lower brackets. Where the decrease comes in is from the middle upward and not from the middle downward. There is a saving to the Post Office Department as between the present cost and the cost that would be under this bill of approximately $400,000. There are thirty-thousand-odd postmasters in this division, which should make about $13 and a fraction on an average reduction from the 30,000, but the 5,000 in the lower brackets would receive more than they are getting, and the reduction that takes effect in the upper brackets would be more than offset by the reduction in the amount of work required by them. They want this; they are satisfied. It is not a program of reduction but a program of a more equitable method of distributing the salaries in this group, and I think the bill ought to pass.

Mr. GEARHART. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I made a remark a moment or two ago and I wish to enlarge upon it. Evidently no one here wants to reduce the salaries of the fourth-class postmasters, but some of us want to reduce the cancelation annoyance to which many of them are subjected. Because of certain conditions whereby they receive much more mail for cancelation than is represented by the postage stamps

they are able to sell they are constantly under surveillance and suspicion. Some fourth-class post offices often send their mail to a central post office. There it is checked up to see if the cancelations have been correctly stated, and we have all had conditions where it has been found that people have apparently padded their cancelations. I do not know the full effect of this bill. Does it remove that annoyance and that suspicion from those fourth-class postmasters? If it does, how are you to check up on padded cancelation receipts? Will the Government not still demand that the cancelations be carefully counted and reported? If that is still to be done, how is the annoyance removed? There is something contemplated here that the postmasters want that we cannot quite understand.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I know something about fourth-class postmasters and the way some of them operated. It so happens that I started an investigation some years ago through the Committee on Expenditures in the Executive Departments and succeeded in correcting a great number of abuses. It developed that in many instances fourth-class postmasters were padding their accounts in different ways. The investigation disclosed that they had even been sending through the mail, bricks, oyster shells, and such things. One wrote a letter on a plank and put stamps on it because he made more money through cancelation of the stamps than he had to pay for them. They shipped eggs by parcel post costing $1.50 and more a case, when they could have been shipped by express or truck over the same distance for 50 cents. I insist our committee was responsible for stopping those abuses. The investigation was over a long period. Men were prosecuted and a large number of fourth-class postmasters were required to reimburse the Government.

It is to be regretted that the committee brings in this bill without any kind of report whatsoever from the Post Office Department. There is no letter from the Postmaster General, no statement of any kind. I endeavored to get some information a few minutes ago from the Department and found that the figures in this report are based upon the number of offices in existence in 1935, not the number in existence in 1938. Instead of being 31,666 fourth-class offices now, we have only 30,000. Some have gone into the third class by reason of increases in postal receipts, others have been closed.

Frankly, I am a little suspicious when fourth-class postmasters support a bill that is going to take over $400,000 away from them. I never in my life ran into any Government employees who wanted to reduce their salaries or have compensation taken away from them. I cannot get that through my head. The Post Office Department tells me they did not get this bill until January 17th of this year. The bill was introduced on January 13, 1937. The Department says it will take 30 days before they can get the proper statistics to determine whether this is going to effect a saving or create an increase.

The Department would like to do away with the cancelation system, provided they could reduce some of the evils and provided it is not going to cost the Government any additional money; but they are in no position now to tell us whether this means an increase or a decrease, and I repeat it will be 30 days before they will be able to submit the statistics to the Congress. I obtained this information over the telephone. I was told they appeared before the committee in 1935 on a bill of this character and opposed it; why, I do not know; I am not a member of that committee. Some of the members of the committee should tell us about that.

As I say, I want to see the cancelation system done away with. I know the abuses that have occurred under it. As you all know, I vote for a reduction in Government expenses, but when 30,000 employees of the Government favor a bill that is going to take over $400,000 in compensation away from them, it just does not sound right to me.

Mr. HILDEBRANDT and Mr. MASON rose.

Mr. COCHRAN. I must yield first to the gentleman from South Dakota.

Mr. HILDEBRANDT. The gentleman's information as to the date the Post Office Department got this bill is incorrect. I do not believe the gentleman wants to make a misstatement. The bill went to the Post Office Department on February 19, 1937.

Mr. COCHRAN. I was told over the telephone a minute ago by a high official of the Post Office Department that the bill reached his desk on January 17 of this year. That is my information. If your records show to the contrary, I accept the correction. The bill must have been misplaced.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 2 additional minutes to the gentleman from Missouri.

Mr. MASON. Concerning the hearings, the Post Office Department was represented at the hearings held last spring.

Mr. COCHRAN. They said they appeared on the 1935 bill and they opposed the 1935 bill.

Mr. MASON. I was not here in 1935, but I was here last spring when this bill was before the Committee on the Post Office and Post Roads and the Post Office Department was represented.

Mr. COCHRAN. By whom?

Mr. MASON. I could not tell the gentleman, because I am not familiar with the officials of the Post Office Department; but the Post Office Department was represented.

Concerning the question of whether any Government employees will urge and recommend a bill that will cut their salaries in the aggregate $400,000 we can, of course, have suspicion; but I want the gentleman to understand that this $400,000 reduction comes from a very small group at the top whereas the very large group in the lower brackets will benefit. That is the reason, I presume, that the fourth-class postmasters may be said as a whole to favor this bill; and if they want it I am perfectly willing for them to have it.

Mr. COCHRAN. Replying to the gentleman I may say that the only way I could figure that the fourth-class postmasters decided to favor this bill was that just a few in the top brackets were going to suffer the reduction, as the gentleman states.

Mr. MASON. Yes.

Mr. COCHRAN. Those in the lower brackets probably outvoted those in the higher brackets.

Mr. MASON. The majority rules.

Mr. COCHRAN. That is undoubtedly the only way the resolution was or could be adopted. It is a case as I see it, if your information is correct, of taking care of the many at the expense of a few. Let us hope you are not mistaken.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, the gentlemen in their arguments may have proven too much.

The gentleman from Illinois objected to the salary figure I used for the $300 postmaster. The reason is that for easy figuring I referred to the postmaster with receipts up to $300, the postmaster with $299.99 in receipts, as a $300 postmaster. And the gentleman properly points out that the postmaster who gets one penny more in receipts is entitled to the next step in salary.

That seems to be true. When business goes from $299.99 to $300, the postmaster's salary is to go from $410 to $470. Of course, the postmaster will sell that extra stamp. But there is no need for him to stop there.

He can loan a friend $50 and the friend can buy $50 worth of stamps which will raise receipts from $300 to $350 and the postmaster's salary from $470 to $530 and the friend can repay the loan with the $50 worth of unused stamps. He can do that again and boost receipts from $400 to $450 and his

salary from $530 to $600, a $70 jump for $50 and have the stamps back, fresh and uncanceled.

If you will study the table given in the committee's report you will see that at any point below $600 in annual receipts a jump to the next bracket will pay for itself, and there seems to be no reason why any fourth-class postmaster should stop boosting his receipts until he achieves $600 in receipts and an $800 salary.

The jumps below that point are all $60 and $70 in salary and only require a $50 boost in receipts. And wherever the $60 and $70 jumps are together, a postoffice on the brink of the first jump can make one jump with a 1-cent stamp and the next with $50 so that an investment of $50.01 will produce a $130 increase in salary and the investment principal will itself be returned in unused stamps.

If that is the meaning of the bill, and if it really does mean an increase for the lower bracket fourth-class postmasters, I want my postmasters to know it and want them to get the benefit of it if they can do so without going to jail or having their offices closed out.

But in the face of this, we are told that the net result of the bill will be to reduce the cost of the fourth-class offices. There is to be a saving of $400,000. Now, of course, that cannot be done if salaries are to be increased by the subterfuge—or perhaps I should say by the device that has been brought out. And this, perhaps, may answer the inquiry made by the gentleman from Missouri [Mr. COCHRAN].

Statements have been made here about eliminating graft and suspicion but if that situation of stepping up $40, $50, or $60 by the expenditure of 1 cent more for a postage stamp is not going to invite suspicion in the fourth-class offices, what will prevent it?

My primary question about this bill was based on the table that indicated it reduced salaries in the lower brackets. Its sponsors said it would save money. If you will examine the figures below the table, you will find the amount—about $400,000. The great bulk of this so-called 2-percent, or $400,000, saving would be felt by the fourth-class postmasters in the lower brackets unless they resort to this practice.

If you examine the table, you will find 2,417 in the lowest-paid group of fourth-class post offices, 2,869 in the next group, 2,889 in the next group, 2,651 in the next, and 2,217 in the next.

The postmasters in those groups constitute eleven or twelve thousand, over one-third of the 31,000 fourth-class postmasters. Their salaries will be reduced by this bill unless they resort to the method I have described. There ought to be a better way, a clean-cut, direct, open, and above-board way of giving fourth-class postmasters the compensation they deserve.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, in my large district, the State of Arizona, which is chiefly rural, I have many fourth-class postmasters. I am, therefore, vitally interested in anything to aid them and much opposed to the proposition of reducing the pay of these postmasters. I regret as much as any of you gentlemen any reduction in pay these days but particularly in the postal branch of the Government service. A few days ago when the Post Office and Treasury Departments appropriation bill was pending before us for consideration, I took considerable pleasure in voting for an increase in pay under the Mead amendment for rural carriers and third-class clerks.

I hesitate to vote for the pending bill if it is going to reduce pay, but I really do not believe it will reduce pay. However, I certainly do want to see eliminated that bugaboo of stamp cancelations. I want to see that done away with as a system of paying. It has been an unsatisfactory practice for 50 years. It is the duty of the Government, in all regulations, to make it as easy as possible for citizens to do right and as difficult as possible for them to do wrong. I have on my desk right now papers concerning a few pathetic cases where fourth-class postmasters have been charged with misconduct in office, when as a matter of fact in some instances there was no intent of wrongdoing involved. It was simply due to the cumbersome system of which these postmasters were the victims.

I want to see the system changed. I want to see fixed salaries given to these fourth-class postmasters. If this should result, as the gentleman from Missouri [Mr. COCHRAN] stated, in a total increase, I should not disapprove of that. I would prefer to see the grand total of postal expenses increased, if we can do away with the cancelation system and put these fourth-class postmasters on fixed salaries.

Mr. GIFFORD. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. But do we do away with the cancelation system? We force them to keep track of it just the same, and we do not save them that suspicion. Their salaries are based upon the receipts, and they must report the receipts carefully. That cannot be what is wanted here.

Mr. MURDOCK of Arizona. I believe this bill will rid them of a lot of bookkeeping which many of them are not in position and do not have the ability to carry on. It is easier to compute the receipts on which their salaries are classified than to compute their pay through stamp cancelation. It seems to me the proposed change is wholesome.

They may be ever so honest in their intentions under the present plan, but they find themselves technically at fault. I know of some such cases, and this is why I am so much interested in the matter at this time. I am in favor of this bill, even if it increases the cost of the Postal Service.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER of Pennsylvania. Mr. Chairman, as I have listened to the debate on the bill this afternoon I could not help but think how far afield a great many of the Members have been misled in some of their conceptions of the import of this bill. It so happens some of my most trying and exacting experiences in the Postal Service arose when I was called upon to go out and investigate alleged false returns of cancelations in fourth-class post offices. No one who has failed to go through this experience can appreciate the amount of work, the amount of energy and patience involved, and the great amount of difficulty that is encountered in order to establish a case of this kind and go before a jury in a district court of the United States and prove the case.

There has long been agitation to get fourth-class postmasters off the cancelation system and onto a salary basis. In the many years I was associated with the Post Office Department I knew that to be the true situation and the desire of everyone concerned. I know many postmasters would welcome this change, based on my own personal experiences. I may say I was amazed in later years when I found the munificence of the Government had been extended to such extent that a 60-percent bonus had been given to the postmaster canceling $75 or less per quarter. As this occurs quarterly, it is repeated four times per year. I do not know of any increase in salary ever given in any branch of any service or by any industry that is in proportion to this enormous increase. It was vastly excessive and far beyond the most sanguine expectations of any fourth-class postmaster who ever looked forward to an increase in pay.

In connection with the remarks of my good friend, the gentleman from Missouri, I may say that I, too, called the Post Office Department this afternoon, and believe I contacted the same high official of the Department, who at one time was an inspector with me and is quite familiar with this type of work. He told me he is in favor of the principle of this bill. He also told me he did not have the matter placed before him until the 17th day of January, and in the time since then he has not been able to figure out the present basis of savings or economies as compared with what he figured out in 1935, because of the changes which have occurred due to the fact certain fourth-class

post offices have been discontinued, where, for instance, a country storekeeper may have bundled up and said, "I am through," and refused to carry on any longer at a cross-roads store, or where due to some exigency of the Service or the extension of a rural route the post office has been discontinued to the satisfaction of all concerned. He also told me, as I would well know from my experience, that other fourth-class post offices have been advanced to third-class, which takes them out of this group. Therefore, the figures he prepared in 1935 with great care would be inapplicable now, but would be comparatively the same, per fourth-class post offices operating now, although he would not say they could be accurate due to the changes which have occurred since he originally compiled the figures.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Is it not the opinion of the gentleman, who has had many years of experience as a postal inspector, that even though this bill may entail an additional cost of $100,000—and I do not believe it will cost us one penny additional; in fact, I believe it will save us money—it will finally save thousands and thousands of dollars to the Government by reason of the reduction in the amount of inspection service which is now necessary?

Mr. MOSER of Pennsylvania. It would unquestionably affect that type of expert time saving. From what rapid calculation I have had the time to make, I am certain of a cash saving.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Texas.

Mr. POAGE. I do not know the workings of the Postal System, so will the gentleman explain how one could arrive at these figures and know what a man was going to earn under this bill without keeping account of his cancelations? How does one determine his receipts?

Mr. MOSER of Pennsylvania. Under existing law, that is the only basis of determination.

Mr. POAGE. The gentleman is correct, but how is the basis of determination changed by this bill?

Mr. MOSER of Pennsylvania. Under this bill there is no determination of cancelations. His compensation is based on his receipts.

Mr. POAGE. Just what does the gentleman mean by "receipts"?

Mr. MOSER of Pennsylvania. The money he takes in from the sale of postage stamps, postage stamped paper, and box rents, if any.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Why is it necessary to inject such a considerable controversy as this into the consideration of this bill, when it effects such a comparatively small saving out of the $18,000,000 involved? Why did not the gentleman just let the situation stand as it was and give these men an increase in salary if it was so desired?

Mr. MOSER of Pennsylvania. The saving, as previously stated, is incalculable because of expert skill acquired only through long training, time, and court costs, as experienced under ancient existing cancelation pay basis. The gentleman from Pennsylvania is neither the author, sponsor of the bill, nor a member of the committee. Neither could he, under existing act of Congress, increase the salary of any postmaster if it was so desired.

[Here the gavel fell.]

Mr. MARTIN of Colorado. May I ask the gentleman from Missouri [Mr. ROMJUE] if he will not yield himself sufficient time to answer the question.

Mr. ROMJUE. The gentleman knows the Members of the House as well as I do, and knows that Members sometimes like to discuss things.

Mr. MARTIN of Colorado. I am asking why we should not leave expenses where they are, instead of cutting them $400,000, a comparatively small sum, and raising such a big fuss over it.

Mr. ROMJUE. It would probably have raised a bigger fuss if we had done it the other way.

Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1936, the compensation of postmasters of the fourth class shall be annual salaries, payable in semimonthly payments, to be ascertained and fixed by the Postmaster General on the basis of the gross postal receipts for the calendar year immediately preceding the adjustment of compensation for the fiscal year, at the following rates, namely:

Gross postal receipts of less than $100, $180 annual salary; gross postal receipts of $100 but less than $150, $240 annual salary; gross postal receipts of $150 but less than $200, $300 annual salary; gross postal receipts of $200 but less than $250, $360 annual salary; gross postal receipts of $250 but less than $300, $420 annual salary; gross postal receipts of $300 but less than $350, $480 annual salary; gross postal receipts of $350 but less than $400, $540 annual salary; gross postal receipts of $400 but less than $450, $600 annual salary; gross postal receipts of $450 but less than $500, $660 annual salary; gross postal receipts of $500 but less than $600, $700 annual salary; gross postal receipts of $600 but less than $700, $800 annual salary; gross postal receipts of $700 but less than $900, $900 annual salary; gross postal receipts of $900 but less than $1,200, $1,000 annual salary; and gross postal receipts of $1,200 but less than $1,500, $1,100 annual salary.

With the following committee amendment:

Page 1, line 10, strike out "$180" and insert in lieu thereof "$160."

Page 1, line 12, strike out "$240" and insert in lieu thereof "$220."

Page 2, line 1, strike out "$300" and insert in lieu thereof "$280."

Page 2, line 2, strike out "$360" and insert in lieu thereof "$350."

Page 2, line 3, strike out "$420" and insert in lieu thereof "$410."

Page 2, line 4, strike out "$480" and insert in lieu thereof "$470."

Page 2, line 6, strike out "$540" and insert in lieu thereof "$530."

The committee amendment was agreed to.

Mr. ROMJUE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROMJUE: Page 1, line 3, after the word "after", strike out "July 1, 1936" and insert in lieu thereof "July 1, 1938."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. All laws and parts of laws inconsistent with this act are hereby repealed.

Mr. ROMJUE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 2890) fixing annual compensation for postmasters of the fourth class, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROMJUE. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross?

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROMJUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ROMJUE. Mr. Speaker, this ends the business of the Committee on the Post Office and Post Roads in order today.

Mr. COCHRAN. Mr. Speaker, at the suggestion of the majority leader, who has been called out of the Hall for the moment, I ask unanimous consent that further business in order on today, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. REES of Kansas, Mr. CASE of South Dakota, and Mr. MURDOCK of Arizona asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address made last night by Boake Carter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DREWRY of Virginia (at the request of Mr. BLAND), indefinitely, on account of the death of his son.

To Mr. RICHARDS, indefinitely, on account of illness in his family.

To Mr. WILCOX, for 1 week, on account of important business.

To Mr. RUTHERFORD, for Thursday and Friday, on account of important business.

ADJOURNMENT

Mr. ROMJUE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p. m.) the House adjourned until tomorrow, Thursday, January 27, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, January 27, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Marchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10 a. m. Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Thursday, January 27, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia will meet Thursday, January 27, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Thursday, January 27, 1938, to resume hearings on H. R. 9016, Washington Airport. Caucus Room, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1029. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of side channels or basins at Eau Gallie, Fla., with a view to providing connections with the intracoastal waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 497); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1030. A communication from the President of the United States, transmitting a schedule of claims amounting to $659,374.37, allowed by the General Accounting Office, in compliance with section 2 of the act of July 7, 1884 (U. S. C. title 5, sec. 266) (H. Doc. No. 498); to the Committee on Appropriations and ordered to be printed.

1031. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damages to privately owned property in the sum of $37,949.75 which have been considered and adjusted under the provisions of the act of December 28, 1922 (U. S. C., title 31, sec. 215) (H. Doc. No. 499); to the Committee on Appropriations and ordered to be printed.

1032. A communication from the President of the United States transmitting an estimate of appropriation submitted by the Treasury Department to pay claims for damages by collision or damages incident to the operation of vessels of the United States Coast Guard, and in the sum of $930.57 which have been considered and adjusted under the provisions of the act of June 15, 1936 (U. S. C., Supp II, title 14, sec. 71) (H. Doc. No. 500); to the Committee on Appropriations and ordered to be printed.

1033. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1939, in the sum of $1,260 (H. Doc. No. 501); to the Committee on Appropriations and ordered to be printed.

1034. A communication from the President of the United States, transmitting, for the consideration of Congress, estimates of appropriations submitted by the Navy Department to pay claims for damages by collision or damages incident to the operations of vessels of the Navy, in the sum of $1,337.97, which have been considered and adjusted under the provisions of the act of December 28, 1922 (U. S. C., title 34, sec. 599) (H. Doc. No. 502); to the Committee on Appropriations and ordered to be printed.

1035. A communication from the President of the United States, transmitting, for the consideration of Congress, estimate of appropriation in the amount of $652.04, submitted by the Department of Justice to pay claims for damages to privately owned property caused by employees of the Federal Bureau of Investigation, which have been considered and adjusted under the provisions of the act of March 20, 1936 (49 Stat. 1184) (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

1036. A letter from the national president of the American War Mothers, transmitting a report, required by the

act of Congress, approved February 24, 1925, of the second year of his administration as national president of the American War Mothers, for the term ending October 2, 1937; to the Committee on World War Veterans' Legislation.

1037. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of side channels or basins at Courtenay, Fla., with a view to providing connections with the intracoastal waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 504); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLLINS: Committee on Appropriations. H. R. 9181. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1721). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEY: Committee on Interstate and Foreign Commerce. H. R. 8714. A bill authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; with amendment (Rept. No. 1722). Referred to the House Calendar.

Mr. O'BRIEN of Illinois: Committee on Interstate and Foreign Commerce. H. R. 8466. A bill authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa; with amendment (Rept. No. 1723). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DREW of Pennsylvania: Committee on Claims. S. 371. An act for the relief of William R. Kellogg; with amendment (Rept. No. 1712). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H. of Flensburg, Germany; without amendment (Rept. No. 1713). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committe on Claims. S. 1043. An act for the relief of A. C. Williams; with amendment (Rept. No. 1714). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald; with amendment (Rept. No. 1715). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. S. 2418. An act for the relief of John Prosser; with amendment (Rept. No. 1716). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; without amendment (Rept. No. 1717). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2841. A bill for the relief of Virgil O. Powell and others; with amendment (Rept. No. 1718). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6708. A bill for the relief of S. T. Roebuck; with amendment (Rept. No. 1719). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 6844. A bill to confer jurisdiction upon the United States District Court for the District of Kansas to determine the claim of Mrs. Mattie L. Carver; with amendment (Rept. No. 1720). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6419) to provide for the determination by the Special Mexican Claims Commission of the claim of Mrs. James D. McConaughey; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 8941) for the relief of Agnes Brodahl; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS: A bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. COFFEE of Nebraska: A bill (H. R. 9182) to authorize the erection of a Veterans' Administration hospital in the State of Nebraska; to the Committee on World War Veterans' Legislation.

By Mr. HAVENNER: A bill (H. R. 9183) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Fort Miley, Calif.; to the Committee on World War Veterans' Legislation.

By Mr. TOWEY: A bill (H. R. 9184) for the appointment of an additional circuit judge for the third judicial circuit; to the Committee on the Judiciary.

By Mr. FLETCHER: A bill (H. R. 9185) to provide for the purchase of a site and the erection of a public building at Carey, Wyandot County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 9186) to provide for covering into the reclamation fund payments to the United States in connection with certain Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. CALDWELL: A bill (H. R. 9187) to provide suitable accommodations for the district court of the United States at Panama City, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. CHURCH: A bill (H. R. 9188) authorizing the Secretary of War to grant a perpetual easement to the city of Highwood, Lake County, Ill., over certain portions of the Fort Sheridan Military Reservation for the purpose of constructing a waterworks system; to the Committee on Military Affairs.

By Mr. MAGNUSON: A bill (H. R. 9189) to amend subsection (c) of section 3 of the act entitled "An act to revise air-mail laws and to establish a commission to make a report to the Congress recommending an aviation policy," approved June 12, 1934, as amended, to authorize the Postmaster General to grant limited extensions to air-mail routes at any points thereon; to the Committee on the Post Office and Post Roads.

By Mr. BOLAND of Pennsylvania: A bill (H. R. 9190) to amend section 327 of the Liquor Tax Administration Act, approved June 26, 1936, relating to certain tax refunds to

brewers, and for other purposes; to the Committee on Ways and Means.

By Mr. RANDOLPH: A bill (H. R. 9191) to amend sections 1, 2, and 6 of the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on the Civil Service.

Also, a bill (H. R. 9192) to bring about uniformity in the application of holiday orders to Government personnel; to the Committee on the Civil Service.

By Mr. COLMER: A bill (H. R. 9193) to authorize the purchase and distribution of canned oysters and other canned sea foods; to the Committee on Agriculture.

By Mr. WOLCOTT: A bill (H. R. 9194) to extend the time for completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

My Mr. RICH: Joint resolution (H. J. Res. 574) directing the President of the United States to suspend commercial relations with the Empire of Japan during the occupation of Chinese territory by Japanese armed troops; to the Committee on Foreign Affairs.

By Mr. WHITE of Idaho: Joint resolution (H. J. Res. 575) to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 9195) for the relief of Charles Hance; to the Committee on Claims.

By Mr. FORD of Mississippi: A bill (H. R. 9196) for the relief of J. T. Burt and Alice Burt; to the Committee on Claims.

By Mr. GAMBRILL of Maryland: A bill (H. R. 9197) for the relief of James W. Rogers; to the Committee on Claims.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 9198) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

Also (by request), a bill (H. R. 9199) for the relief of Helen M. Krekler and Kemp Plummer; to the Committee on Claims.

Also (by request), a bill (H. R. 9200) for the relief of Filomeno Jiminez and Felicitas Dominguez; to the Committee on Claims.

Also (by request), a bill (H. R. 9201) for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby; to the Committee on Claims.

Also (by request), a bill (H. R. 9202) for the relief of certain disbursing officers of the United States and certain officers and employees of the Interior Department; to the Committee on Claims.

Also (by request), a bill (H. R. 9203) for the relief of certain postmasters and certain contract employees who conducted postal stations; to the Committee on Claims.

Also (by request), a bill (H. R. 9204) for the relief of certain employees of the Federal Emergency Administration of Public Works and the National Resources Committee; to the Committee on Claims.

Also (by request), a bill (H. R. 9205) for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 9206) for the relief of Herbert Frederick Field, deceased; to the Committee on Naval Affairs.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 9207) for the relief of Joseph Gorman; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 9208) granting a pension to Sylvia Holsapple; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3882. By Mr. BEITER: Petition of the Military Order of the Purple Heart, urging that the benefits of Senate bill 1516 be extened to that organization if this legislation is reconsidered in the House and Senate; to the Committee on Military Affairs.

3883. By Mr. COLDEN: Resolution adopted by the board of public works of the city of Los Angeles, Calif., urging that, as long as the Federal Government continues to levy a gasoline tax, the revenues therefrom be devoted to the Federal highway-aid program; to the Commitee on Ways and Means.

3884. Also, resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles, Calif., and vicinity, and endorsed by Bartenders Union Local No. 591, San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on the Judiciary.

3885. By Mr. FORD of California: Resolution of the board of public works of Los Angeles, Calif., concurring with the action taken by the City Council of Los Angeles in asking that so long as the Federal Government continues to levy gasoline tax the revenues therefrom be devoted to the Federal highway-aid program and that there be no modification of present allocations, at least until the beginning of a new budget period for the Department of Public Works for the State of California; to the Committee on Ways and Means.

3886. Also, resolution of the Southern California Federation of Women's Democratic Clubs, urging their Representatives and Senators to lend their earnest efforts to the successful carrying out of the President's program; to the Committee on the Judiciary.

3887. By Mr. HART: Petition of the New Jersey State Grange, Trenton, N. J., urging the discontinuance of the Federal gasoline tax at the close of the fiscal year ending on June 30, 1938; to the Committee on Ways and Means.

3888. Also, petition of the New Jersey Farm Bureau, Trenton, N. J., urging the discontinuance of the Federal gasoline tax at the close of the fiscal year ending June 30, 1938; to the Committee on Ways and Means.

3889. Also, petition of the New Jersey Highway Users Conference, Trenton, N. J., urging the repeal of the Federal excise taxes on gasoline, trucks, automobiles, accessories and parts, tires, tubes, and lubricating oil levied under the Revenue Acts of 1932 and 1934, as amended; to the Committee on Ways and Means.

3890. Also, petition of the New Jersey State Planning Board, Trenton, N. J., recommending that no action be taken on Senate bill 2555 and House bill 7365; to the Committee on Rivers and Harbors.

3891. By Mr. KEOGH: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning the enactment of new tax laws; to the Committee on Ways and Means.

3892. By Mr. LAMNECK: Resolution of the Franklin Post, No. 1, the American Legion, Department of Ohio, Columbus, Ohio, urging the passage of the universal service bill (H. R. 1954); to the Committee on Military Affairs.

3893. By Mr. MERRITT: Resolution of the Military Order of the Purple Heart, requesting that it be given the recognition it so rightfully deserves if Senate bill 1516 is reconsidered by the Senate and House of Representatives; and that the Military Order of the Purple Heart believes wholeheartedly in the ability and unimpeachable integrity of both the Senate and the House of Representatives with regard to the equal and proportionate distribution of the so-called Stars and Stripes fund of the sum of $294,852.97; to the Committee on the Judiciary.

3894. By Mr. WOLCOTT: Petition of Capt. Fred W. Thodey and some 25 other members of the International Shipmasters Association, Port Huron, Mich., lodge, protesting against any legislation which will operate to repeal or modify the existing Great Lakes pilot rules as may be proposed in the bill S. 1273; to the Committee on Merchant Marine and Fisheries.

SENATE

THURSDAY, JANUARY 27, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Monday, January 24, 1938, Tuesday, January 25, 1938, and Wednesday, January 26, 1938, was dispensed with, and the Journal was approved.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. A cloture motion on the pending bill having been filed under the order of the Senate yesterday, the time between now and 1 o'clock will be equally divided between the Senator from New York [Mr. WAGNER] and the Senator from Texas [Mr. CONNALLY]. The Chair does not know which one should first be recognized. They are both standing, and if they have made any arrangement as to how the time shall be divided, the Chair will be glad to know of it.

Mr. CONNALLY. Mr. President, I think that the Senator from New York should use the first half hour. He is the plaintiff, as it were, in this motion, and he ought to make out his case. We ask for the last 30 minutes.

Mr. BARKLEY. Mr. President, under all the rules of debate, the proponents of a motion are entitled to conclude the debate.

The VICE PRESIDENT. That is the usual course.

Mr. BARKLEY. I think that rule ought to be followed and applied in this instance.

Mr. CONNALLY. I think the rule is that the proponents shall open debate as well as close it. We think they should open this debate, as they are the proponents of the motion.

Mr. BARKLEY. I do not know what arrangement the Senator from Texas and the Senator from New York have made about it. I do not want to consume any of the hour in a discussion as to who shall proceed first and who shall come last, but it certainly is a rule, which all Senators will recognize, that the proponents of a motion have a right to conclude the argument.

The VICE PRESIDENT. The usual custom in parliamentary bodies is that those who propose a motion shall open and close the debate. The Senator from New York can open and then reserve the remainder of his time. There is no possible way for the Chair to compel a Senator to take the floor.

Mr. WAGNER. Mr. President, I was trying to enter into an arrangement with the Senator from Texas. I presume in this situation we might be able to agree about the matter, but I think, in view of the time that has been taken up, the proponents should take the last 30 minutes, because last night the understanding was that the senior Senator from Texas [Mr. SHEPPARD] was to proceed in the morning.

Mr. CONNALLY. No.

Mr. WAGNER. And that we would take the last 30 minutes. I had hoped there would be no objection to such an arrangement.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WAGNER. Certainly.

Mr. CONNALLY. There was no agreement about the senior Senator from Texas going on today. He was scheduled to proceed yesterday, but he did not get the floor. There was no agreement about that.

Mr. WAGNER. I do not think I divulge anything which is a secret. I went to the Chair yesterday and asked if I might be recognized immediately after the Senator from Tennessee [Mr. MCKELLAR] concluded his remarks. I was shown a list and was informed that I could not be recognized because the next Senator to be recognized was the senior Senator from Texas, and, with my usual courtesy, I said to the Chair, "Very well; then I will have to give way to the senior Senator from Texas." That was the understanding at that time.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Will the Senator permit the Chair to state just how he would interpret this agreement? The Senate authorized the division of time until 1 o'clock between the Senator from New York and the Senator from Texas. The Chair would interpret that to mean that they are to control the time. If the Senator from New York desired to address the Senate for 5 minutes and then yield to some other Senator, he would have a right to do that; and if the Senator from Texas desired 5 minutes and then wished to yield to some other Senator, he would have the right to do that. The time would be divided up equally in that way. The Chair repeats he cannot compel any Senator to take the floor. That is perfectly apparent.

Mr. JOHNSON of California. Mr. President, I am only interested, as a bystander, in the rules of the Senate. Do I understand the Vice President to say now that the Senators mentioned may parcel out the time as they see fit?

The VICE PRESIDENT. That was the order of the Senate last night, that the Senator from New York and the Senator from Texas were to control the time, and if they control the time undoubtedly they can parcel it out. If the Senator will glance at the RECORD, he will see that the Senator from Kentucky made that request and the Senate acquiesced in it.

Mr. JOHNSON of California. I am not questioning it, but that is a change of the rules of the Senate.

The VICE PRESIDENT. It was done by unanimous consent.

Mr. JOHNSON of California. I do not believe it can be done in that way.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry——

Mr. MCNARY. Mr. President——

The VICE PRESIDENT. The time is limited and the Senator from New York has the floor at the moment. If he wishes to yield he can do so. What is the parliamentary inquiry of the Senator from Wisconsin?

Mr. LA FOLLETTE. The parliamentary inquiry is based on the fact that already 7 minutes of the hour have been consumed. Against whose time does that count—the time of the proponents or the opponents of the measure?

The VICE PRESIDENT. The time comes from both sides, to be equally divided against them.

The Senator from New York.

Mr. WAGNER. Mr. President, I do not intend to consume the time of the Senate of the United States about this matter, and if the Senator from Texas insists that he shall have time at the end, very well.

Mr. MCNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MCNARY. What is before the Senate?

The VICE PRESIDENT. The Senator from New York has been recognized, and his time is now running.

Mr. WAGNER. Mr. President, before the Senator from West Virginia [Mr. NEELY] takes the floor, I merely wish to read into the RECORD the names of some Senators who in 1933 signed their names to a cloture petition. I wish also to read the names of some of the Senators—there were a great many—who voted in favor of cloture at that time. Among those who signed the cloture petition were the Senator from Virginia [Mr. GLASS], the Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. BYRNES], the Senator from South Carolina [Mr. SMITH], the Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Alabama [Mr. BANKHEAD]. There were some others, but I merely wanted to emphasize those particular names. Among the Senators who voted in favor of cloture were the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina

[Mr. BYRNES], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], the Senator from Utah [Mr. KING], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Michigan [Mr. VANDENBERG], the Senator from Oregon [Mr. STEIWER], and the Senator from South Carolina [Mr. SMITH].

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. WAGNER. I do not wish to consume any more time than is necessary.

Mr. HARRISON. I think, in fairness, the Senator ought to state to the Senate that the cloture motion in that case applied to a banking bill of great importance, and that the bill passed the Senate with only nine votes cast against it.

Mr. WAGNER. That is true. It was upon a banking bill, and the pending motion applies to a bill which I regard as of equal importance, if not of greater importance, because it involves the right of one accused to a trial by his peers before he is penalized for an offense.

I give way now to the senior Senator from West Virginia.

The VICE PRESIDENT. Does the Chair understand the Senator from New York to yield to the Senator from West Virginia the remainder of his time?

Mr. WAGNER. I yield.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. If the Senator from New York yields to the Senator from West Virginia the remainder of his time, can the Senator from West Virginia, if he does not consume it all, yield it to any other Senator?

The VICE PRESIDENT. The Senator from New York controls the time. The Chair should like to ascertain just how much time the Senator from New York desires the Senator from West Virginia to use of his time.

Mr. BARKLEY. He has yielded all his time, and that ends it.

The VICE PRESIDENT. If he has yielded all his time, the Senator from West Virginia controls it.

Mr. WAGNER. Mr. President, I understand the Senator from West Virginia will yield some of his time when he concludes.

The VICE PRESIDENT. The Senator ought to reserve his time; that is the parliamentary method.

Mr. WAGNER. Very well; I will reserve it.

Mr. NEELY. Mr. President, the friends of the antilynching bill are not foes of the South; they are not enemies of the southern people notwithstanding countless charges and innumerable insinuations to the contrary.

My parents and my grandparents were born in Southern States. My eyes first saw the light of day in a State which is situated south of the Mason and Dixon's line. Relatives of mine rode with "Jeb" Stuart at Antietam, followed Lee at Gettysburg, and fought with Stonewall Jackson in both the first and second battles of Manassas. It would be as impossible for me to harbor hatred against the South, or hostility to her chivalrous men or captivating women, as it would be for me to despise my own flesh and blood.

Edward B. Kenna, a famous West Virginia poet, whose father was once an illustrious Member of this body, beautifully expressed my sentiments for the South when he said:

Oh, Southland, thou art fair,
And for all thy beauties rare
Of mountain, vale or meadow, of river, sea or air
I hold thee in my breast—
A flower that is pressed
In the golden book of memory and cherished there as blessed.

But unhappily for the country and the Senate, there is in our southern paradise a serpent as loathsome as the one that contaminated the Garden of Eden, caused the fall of man, and launched against humanity an endless train of woe. This serpent we abhor with all our hearts. It symbolizes lynching—the premeditated maiming, mangling, and burning to death of helpless human beings in flagrant violation of constitutional guaranties and in brazen defiance of the most sacred laws of God and man.

The eradication of this indefensible crime is the object of the bill that is now before us. And what are the blighting provisions of this measure against which able Senators have so vigorously and so successfully filibustered ever since the present Congress convened? Let the bill speak for itself to a candid world.

Section 3 says that—

Any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect persons from lynching and shall have willfully neglected, or refused, or failed to make all diligent efforts to protect such persons from lynching, or shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon the conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Does any Senator think that the payment of a fine of not more than $5,000 would be an unreasonable punishment of an officer of the law who had willfully failed to prevent a prisoner in his custody from being burned at the stake? If so, he will, of course, vote against ending the filibuster and if the opportunity becomes available also vote against the bill.

Another of the penal sections provides that—

Every governmental subdivision of a State to which have been delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction, and shall also be responsible for any lynching occurring outside its territorial jurisdiction, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction. In this case the governmental subdivision in which the lynching or the abduction of the victim prior to the lynching occurs shall be liable to each person injured, or to his next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000. But the governmental subdivision may prove as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched.

The excerpts from the bill which have just been read explicitly state the extreme punishment that can be imposed upon an officer or a community for having willfully failed to prevent a lynching by a mob.

Can anyone who opposes this hideous crime successfully argue that the fines provided by the bill are excessive or that the punishments which it specifies are too severe?

It has been charged in debate that this is a political measure. But when those who have made this charge shall have completely recovered from the nerve-racking strain of the long filibuster, which has been carried on both by day and by night, they will, with their habitual generosity, do honor to themselves and justice to the supporters of the bill by admitting that the motives of those who seek to pass it are just as pure as the motives of those who are determined to defeat it.

The horrors of some recent lynchings are beyond the possibility of description by means of any language known to the children of men. Let me read from two reports that were written by prominent members of the white race. The first is that of the ceremonious butchery in the State of Mississippi of two colored men—Roosevelt Townes and "Bootjack" McDaniels.

The crime of which these men were suspected, but of which they were never convicted, was murder. It was entirely free from sexual complications. The alleged criminals never enjoyed the semblance of a trial. They had been arraigned and had pleaded not guilty. The sheriff, accompanied by two deputies, was in the act of taking them from the courthouse in which they had entered their pleas to the nearby jail, when 12 men emerged from the mob, seized the prisoners, who were handcuffed, and threw them into a waiting school bus, in which they were immediately driven away. It is reported that a thousand people can name the 12 men who are guilty of the abduction. It is also reported that the sheriff made no effort to resist the mob, or to follow the departing school bus, which he and everyone else present knew was carrying the prisoners to their funeral pyre. The sheriff did not even

notify the Governor of the abduction until after he knew that the prisoners had been tortured to death.

The report states that the district attorney, who had been in office for two decades, and consequently should have known his duty, quiescently watched the entire kidnaping from a window in the courthouse, but failed to recognize any of the members of the mob.

And how were these alleged criminals put to death? They were dragged from the school bus and with heavy chains securely fastened to sturdy trees. And then—

One of the 12 white men produced a blowtorch, applied a match, and a flame of fire tore into the breast of McDaniels. The blue-white flame leaped into the soft skin and the odor of burned flesh assailed the nostrils of Mississippi's first batch of 1937 lynchers. The piercing screams of the tortured man echoed among the hills and sent some of the wild-eyed children scurrying to their mothers' sides. Mingled with the agonizing cries of the condemned man was the steady purr of the flaming death that issued from the blowtorch. From the wracked body and crazed mind of the victim the mob wrung a confession of guilt. The torch was withdrawn, and a volley of bullets brought welcome death to the tormented prisoner chained to a lonely pine tree.

Roosevelt Townes who had been accused of firing the fatal shot which killed Groceryman Windham had been forced to watch the mob's savage way with his former friend. Now he became the object of the mob's ferocity. The mob's appetite for brutality had now reached a high pitch and the masters of lynchings' newest methods of torture determined to prolong the suffering of the next victim to the last possible moment. Again the hellish blowtorch was lighted and driven into the quivering flesh of Roosevelt Townes. The flaming torch swept into the heaving breast of the terrorized man and was momentarily withdrawn as the mob watched him writhe in agony and pain. After a few minutes had passed the torch was applied to Townes' sweating back and the searing flame produced hideous holes wherever it touched. From breast to back and from back to breast the devilish machine accomplished its horrible task. Fingers and ears were seared from the writhing body. From head to foot the white fire ate livid holes into human flesh.

Swaying and crying but held fast by heavy iron links, this truly strong man fed the mob's insatiable appetite for brutality and blood for one long hideous hour.

Growing weary of the groans of the stricken Townes a few members of the mob gathered wood and threw them down around his helpless feet. As five gallons of gasoline was thrown upon the heaving body, a match was lighted and Townes was covered instantly by a sheet of flaming fire.

Chained to their torture posts the dead men were left to the rain until the following morning although the lynching occurred in the early afternoon. The local county officials refused to remove the bodies. A white minister of a small congregation finally induced a Winona undertaker to secure the bodies and prepare them for burial, and McDaniels and Townes were placed together in a pine coffin and interred in the local cemetery.

The depraved people of four counties who participated in this ghastly affair apparently considered it a circus, and as such enjoyed it to the limit of their capacity.

This monstrous outrage against humanity was perpetrated more than 9 months ago by 12 red-handed murderers, whose identity and criminality could have been instantly and conclusively proved by more than a thousand witnesses. Yet not one of the guilty fiends has been punished; not one of them has been prosecuted; not one of them has been apprehended.

The willful failure of local authorities to enforce the law against mob murderers in this case and countless other cases similar to it demonstrates the necessity for the passage of the pending antilynching bill.

During the course of the filibuster my distinguished beloved friend, the senior Senator from Tennessee [Mr. McKELLAR], emphasized the fact that there had been only eight lynchings during the last year. Is it possible that the Senate would approve eight repetitions yearly of the horrifying crime which we have just considered? Even one lynching like that of Townes and McDaniels in a year, or one in a thousand years, is one too many.

And today the Senate has the opportunity by the adoption of cloture to render it improbable that there will be another lynching of any kind in the United States during the lifetime of anyone who is present on the floor or in the galleries this afternoon.

Let me now invite the attention of the Senate to the description of another lynching in another Southern State—the sickening details of which appear in the Senate report on the Costigan-Wagner antilynching bill, which was before this body in the months of April and May 1935. In this case the victim was accused of murder. But he was never convicted nor tried.

A slight deviation from the letter of the report will be necessary in order to avoid the possibility of offending or embarrassing those who are within the sound of my voice. As much of the narrative as can be appropriately read is as follows:

After taking the nigger to the woods about 4 miles from Greenwood—

They cut off a certain part of his body, compelled him to eat it, and made him say that "he liked it."

Then they sliced his sides and stomach with knives, and every now and then somebody would cut off a finger or toe. Red-hot irons were used on the nigger to burn him from top to bottom. From time to time during the torture a rope would be tied around Neal's neck and he was pulled up over a limb and held there until he almost choked to death, when he would be let down and the torture begin all over again. After several hours of this unspeakable torture "they decided just to kill him."

Neal's body was tied to a rope on the rear of an automobile and dragged over the highway to the Cannidy home. Here a mob estimated to number somewhere between 3,000 and 7,000 people from 11 Southern States was excitedly waiting his arrival. When the car which was dragging Neal's body came in front of the Cannidy home a man who was riding the rear bumper cut the rope.

A woman came out of the Cannidy house and drove a butcher knife into his heart. Then the crowd came by, and some kicked him and some drove their cars over him.

Men, women, and children were numbered in the vast throng that came to witness the lynching. It is reported from reliable sources that the little children, some of them mere tots, who lived in the Greenwood neighborhood, waited with sharpened sticks for the return of Neal's body, and that when it rolled in the dust on the road that awful night these little children drove their weapons deep into the flesh of the dead man.

The body, which by this time was horribly mutilated, was taken by the mob to Marianna, a distance of 10 or 11 miles, where it was hung to a tree on the northeast corner of the courthouse square. Pictures were taken of the mutilated form and hundreds of photographs were sold for 50 cents each. Scores of citizens viewed the body as it hung in the square. The body was perfectly nude until the early morning when someone had the decency to hang a burlap sack over the middle of the body. The body was cut down about 8:30 Saturday morning, October 27, 1934.

Fingers and toes from Neal's body have been exhibited as souvenirs in Marianna where one man offered to divide the finger which he had with a friend as a special favor. Another man has one of the fingers preserved in alcohol.

It is reported that announcements were made by radio to the people of 11 States of the time and place this lynching would be held in order that a vast crowd might be present to witness the elevating spectacle of a mob torturing a human being to death.

Never since the crucifixion of the sinless Savior has a human being expired in greater agony than the writhing bodies of Neal, Townes, and McDaniels endured.

The ghouls who prowl through graveyards at midnight and steal the jewels from the bodies of the defenseless and decaying dead are not as infamous or as loathsome as the monsters who, with flaming fagots and fiendish blowtorches, burned the living flesh from the bodies of these wretched, helpless Negroes for 2 hours before they finally put them to death.

Yet able Members argue that the Congress cannot enact a law that would forever rid the country of the abomination of desolation known as lynching without violating the Constitution of the United States.

At 1 o'clock today Senators will have an opportunity to say with their votes whether mob murder shall perish or continue to flourish as the green bay tree. A vote against the motion to close debate will be a vote against the antilynching bill.

Let no one lay to his soul the flattering unction that he can, upon any conceivable pretext, vote against cloture and thereafter convince the friends of the bill that he ever approved its purpose or favored its passage. Because the Senate knows and the country certainly will know that the opposition can, in existing circumstances, offer unnumbered additional amendments; that every amendment would be subject to endless debate; and that, without cloture, a final vote on the bill could not be had in 50 years.

Mr. President—

Once to every man and nation comes the moment to decide,
In the strife of Truth with Falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or blight,
Parts the goats upon the left hand, and the sheep upon the right,
And the choice goes by forever 'twixt that darkness and that light.
* * * * * * *
Then it is the brave man chooses, while the coward stands aside,
Doubting in his abject spirit, 'till his Lord is crucified,
And the multitude make virtue of the faith they had denied.

To the Members of the Senate will soon come the moment to decide in the strife of law with lynching whether they will be parted with the sheep or the goats; whether they will vote for the right or the wrong; whether they will choose the good or the evil side.

Senators, let us empower the Federal Government to wipe out the most diabolical crime of this country and obliterate the foulest blot on the escutcheon of this Republic. Upon the 1 o'clock roll call let us strike a death blow to lynching and mob murder and proclaim that law and order shall henceforth prevail all over the land.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. CONNALLY. Mr. President, I submit several amendments, and ask that they be printed and lie on the table.

The VICE PRESIDENT. Without objection, the amendments will be received, printed, and lie on the table.

Mr. GEORGE. Mr. President, I submit an amendment to be printed and to lie on the table.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Alabama?

Mr. CONNALLY. I yield to the Senator to submit an amendment.

Mr. BANKHEAD. I submit several amendments, and ask that they be printed and lie on the table.

The VICE PRESIDENT. The amendments will be received, printed, and lie on the table.

Mr. CONNALLY. Mr. President, I yield to the senior Senator from Virginia [Mr. GLASS] such time as he may see fit to use, and then I desire to yield 5 minutes to the Senator from Oregon [Mr. MCNARY]. I will reserve such time as may be left, if any.

Mr. GLASS. Mr. President, with the utmost reluctance I shall speak briefly upon the pending bill and the suggested motion for cloture. I am not speaking in order to consume the time of the Senate. I have never believed in filibustering. I would not know how to filibuster should I desire to do so. But the sinister nature of this bill and of the attempt to invoke cloture in its behalf is so transparent that I feel obliged to enter my protest against it.

I wish to say, in the first place, that the suggestion that those of us who oppose this unconstitutional invasion of the police powers of the States are in favor of lynching is not only impertinent, but it is a disgraceful aspersion on the integrity of Senators who oppose the bill.

Although, as I have said, I do not favor filibustering, I recall several occasions when filibustering was fully justified, as on this occasion it would have been had there been a filibuster. I remember when Sam Randall and other real Democrats of his type of the North saved the South by filibustering against legislative measures intended to invade the police powers of the States and to accentuate the horrors of reconstruction; and if they were justified at that period in filibustering against an unconstitutional invasion of State rights, certainly there would be complete justification for anything of the sort with respect to this miserable bill.

The bill itself is saturated with hypocrisy. It is merely for the purpose of aiding Negrophilists to gain Negro votes in the doubtful States. There is not a line or sentence in the bill from its caption to its end that undertakes to punish a lynching. I challenge the proponents of the bill to point to a line or sentence which undertakes to punish a mobster who engages in a lynching. What it does is simply to turn loose the Federal minions upon the State authorities on the assumption that they have not done their sworn duty. And this bill, doing what few other bills have ever undertaken to do, reverses the common practice in criminology and the courts, and assumes that public officials are guilty, and requires them to produce a preponderance of evidence of their innocence, instead of assuming that they are innocent and undertaking to prove they are guilty.

Virginia has a horror of lynching, and long ago it enacted a severe statute against lynching. More than a year ago I challenged one of the proponents of this bill, the Senator from New York [Mr. WAGNER] to point to one sentence in the criminal code of his own State against lynching. His State not only has no law against lynching, but the Senator comes here and seeks to exempt his mobsters from punishment.

I have before me the statute of Virginia against lynching. It provides:

> The "lynching" of any person within this State by a "mob" shall be deemed murder, and any and every person composing a mob and any and every accessory thereto by which any person is lynched shall be guilty of murder, and upon conviction shall be punished as provided in chapter 178 of the Code of Virginia.

Not only that, but the statute of my State is opposed to mob violence of all descriptions. Section 3 of the Virginia act provides:

> Any and every person composing a "mob", which shall commit an assault or battery upon any person without authority of law, shall be guilty of a felony, and upon conviction shall be confined in the penitentiary for not less than 1 year nor more than 10 years. * * *

Yet the Senator from New York, without a sentence being on the statute books of his State against lynching, comes here and seeks by this Federal invasion of State rights not only to send Federal minions into the various States of the Union—not merely into the Southern States of the Union, but into West Virginia, which has had its lynchings, and into other States in which recently lynchings have occurred and which, if I desired to be disagreeable, I could mention—but to exempt mobs which assault people who want to work. Three months ago the State of Virginia sent three men to the penitentiary for their murderous assaults upon people who wanted to work and who had been guilty of no other offense than wanting to work. Yet the Senator from New York presents to the Senate a bill which would practically supersede the law of Virginia against mob violence; for, as I understand, when there is a Federal law on the subject it supersedes State law.

As to the question of cloture. The Senator from New York read out my name as one who voted for cloture under given circumstances. There is no analogy between the two situations. In the instance mentioned by him there had been before the Senate for a period of nearly 6 months a most important banking bill that affected the entire business community of this country, and it was attempted to filibuster it to death. There were only 9 votes of the 96 Senators against the bill when the roll was called. With the utmost patience we endured the situation which then confronted us. The banking bill was not discussed as this bill has been discussed. Every conceivable parliamentary maneuver that could be indulged in was applied to defeat that banking bill, and it was only a few days before the adjournment of the Congress itself, when it was almost inevitable that no action would be taken, that we at last availed ourselves of the Senate provision for cloture under certain circumstances.

That is not the case here now. There has not been a speech made on this bill that did not apply to its merits. Many Senators want to speak against the bill on its merits. There is no justification whatsoever for this move for cloture, and the attempt to draw an analogy between the banking bill which was made subject to cloture and the pending bill—I was about to say is as disgraceful as this bill itself is disgraceful.

I have not wanted to speak at all, Mr. President, because I knew that I could not speak with my customary attempt at diplomacy. I am so infernally indignant at an attempt of this sort, directed by a Negro lobbyist who has dictated the procedure of the Senate of the United States, that I find it difficult to speak without giving offense to those who have lent themselves to a thing of this description. Therefore, I hope the Senate will not be deceived, either by the pretense that this is an antilynching bill—for there is not a sentence in it that provides punishment for a lyncher—or by the pretense that it is necessary to apply cloture when we discuss the infernal provisions of this infernal bill.

I think it is not necessary for me further to occupy the attention of the Senate. I have spoken reluctantly. However, I wanted to go on record as directing against the measure and against some of its proponents my indignant protest at their scheme, merely to get Negro votes. Had I come to the Senate of the United States through any expedient of that sort, I would rather myself go to jail than to occupy a seat upon this floor.

Mr. McNARY. Mr. President, I appreciate the thoughtful consideration of the able Senator from Texas in giving me a few moments to express my views concerning the proposition of cloture and its application. I had thought, because of the limitation of time, that no one on this side would be permitted to speak.

The entire Republican membership of the Senate, save two, sincerely desire to see the antilynching bill passed.

I shall not discuss the merits of the bill. The Republican Senators are willing, and have been willing, to remain here from sunrise to evening star and from evening star to sunrise in order to have the bill passed. It is my deliberate judgment that if the bill had been handled with more aggressiveness, if so much timidity had not been shown in pushing it forward, if night sessions had been held as expected, the bill by this time would have been enacted into law.

But, Mr. President, I am not willing to give up the right of free speech and full, untrammeled opportunity for argument. That right is the last Palladium; it is the last impregnable trench for those who may be oppressed or who are about to be oppressed; it may be the last barrier to tyranny. From that position of safety I shall not retreat. That right I shall not resign. This occasion does not call for a sacrifice of that nature.

My opposition to cloture being invoked against the right of a small minority has nothing to do with the merits of the bill. It is only a guise or alibi for those who are not willing to press forward to say that those who vote against cloture are not in favor of the bill. The responsibility for the failure to pass this bill lies with the Democratic administration. There are 77 Democrats enlisted under the banner of Democracy, 1 Independent, 1 Farmer-Labor, and 1 Progressive.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. Just for a question. I have only 2 minutes left.

Mr. BARKLEY. The Senator will recall that his own platform says——

Mr. McNARY. Mr. President, I do not yield for a discussion of platforms. I am going forward now.

Mr. BARKLEY. I am not asking the Senator to yield for that purpose. I want to ask the Senator a question based on that.

Mr. McNARY. I will not yield at this time.

Mr. BARKLEY. Not even for a question?

Mr. McNARY. I do not yield at this time. I have only 2 minutes left.

The VICE PRESIDENT. The Senator from Oregon declines to yield.

Mr. MINTON. Mr. President, will the Senator from Oregon yield?

The VICE PRESIDENT. The Senator from Oregon declines to yield.

Mr. McNARY. With 77 Democrats in the Senate, with a popular President in the White House, and with an adorable Vice President presiding over this body, one who knows all the complexities and intricacies of legislation, the proponents of the bill should not look to the attenuated minority of 16 Republicans to pass it, or blame that slender minority for the present situation. It is not good sportsmanship for the 77 Democrats to try to place the blame on the 16 Republicans here, all of whom, I repeat, are in favor of the bill save 2.

Mr. President, my time is up. I cannot take more of the time of the Senate, except to say that I would be unmindful of the rights guaranteed to us under the Constitution and under the rules of the Senate if I should join even an overwhelming majority in this body to suppress free speech and debate.

For the reasons I have stated, Mr. President, I shall vote against cloture.

Mr. CONNALLY. Mr. President, the issue here today is not the antilynching bill or an antilynching bill. The question before the Senate now is the fundamental question of the freedom of debate in this forum of the people of the United States.

Freedom of debate goes to the very heart of parliamentary government. When parliamentary government and the processes of constitutional government and institutions are being attacked all over the earth, it is no time for the Senate of the United States to attempt to smother debate in the Senate, the last free forum not only in this Government but in the world today.

Mr. SCHWELLENBACH. Will the Senator yield?

Mr. CONNALLY. I will yield for a question. I will not yield for a speech.

Mr. SCHWELLENBACH. Does the Senator contend that the right to freedom of debate carries with it the license to obstruct?

Mr. CONNALLY. That, of course, is not a question; but I shall answer the Senator. There are Senators on this floor who are anxious to debate this bill, who have not as yet had an opportunity to do so. The Senator from Virginia [Mr. GLASS] comes here today for the first time under serious handicaps to raise his voice in protest against the bill. He has been anxious and ready for some time to debate the bill at length. The senior Senator from Texas—my colleague [Mr. SHEPPARD]—has been in the Senate for 30 years. He has been anxious, during the pendency of the bill, to discuss it, but he has not as yet had opportunity to do so. The Senator from Alabama [Mr. BANKHEAD] has been engaged in the business of the Senate in connection with a conference report. He has been anxious to debate it and has not had the opportunity. The Senator from Florida [Mr. ANDREWS], a great lawyer, formerly a judge of the supreme court of his State, has not as yet had an opportunity to discuss the bill. The senior Senator from Idaho [Mr. BORAH] is prepared, when the opportunity presents itself, to make a constitutional argument—and we know it will be a great one—on the pending measure. Other Senators whom I might mention are also anxious and ready to debate the bill.

Is the Senate willing now to say that it will put on the gag rule and smother debate? The Senators to whom I have referred may not have the privilege of speaking on the merits of the bill. I do not believe that the Senate of the United States is as yet ready to pursue a course that involves suppression of debate.

Let me remind the Senators that the Senate of the United States is distinctive in its characteristics. Unlike the House of Representatives, the Senate is an assembly of representatives of the States. So jealous were the framers of the Constitution that each Senator should have his own right to speak on the floor of the Senate in behalf of his State that a special provision was inserted in the Constitution to the effect that no State, without its consent, should be deprived of its equal representation in the Senate. In other words, the little State of Delaware is entitled to two Senators in this body, a representation equal to that enjoyed by the great Commonwealth of New York.

Let me repeat, Mr. President, that this contest is over cloture. This contest is over the question whether we shall have debate on legislation pending before this body. If debate can be shut off after an hour or a month or a week, it can be shut off after a minute.

The other day we had the remarkable spectacle of a Senator stating upon the floor that he advocated a change in the Senate rules so that by a majority of one vote the Senate could smother and silence and squelch the voices of Senators who want to discuss legislation. Let each Senator remember that it may be his turn next to be shut off. He may be on his feet tomorrow, and be shut off, if we should adopt that sort of rule.

When Edward Gibbon came to write his great work on the fall and decline of the Roman Empire, he conceived it as he sat in the ruins of the Roman Forum. He did not envisage it when he looked at the Roman triumphal arches or other memorials of conquest; he did not conceive it when he looked at the tumbling ruins of their aqueducts, but, standing in the Roman Forum, Edward Gibbon envisioned that when it fell, freedom fell, and Rome fell.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, under rule XXII the Chair lays before the Senate the motion for cloture, signed by the requisite number of Senators, and directs the Secretary to read it.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Signed by Messrs. NEELY, LA FOLLETTE, WAGNER, CLARK, VAN NUYS, MINTON, BROWN of New Hampshire, MCGILL, SCHWELLENBACH, TRUMAN, BONE, BULKLEY, HITCHCOCK, COPELAND, THOMAS of Utah, GUFFEY, and MCADOO.

The VICE PRESIDENT. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lee	Reynolds
Bailey	Donahey	Lewis	Russell
Bankhead	Duffy	Lodge	Schwartz
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	Lonergan	Sheppard
Bilbo	George	Lundeen	Smathers
Bone	Gerry	McAdoo	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Glass	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Townsend
Bulkley	Hale	Miller	Truman
Bulow	Harrison	Milton	Vandenberg
Burke	Hatch	Minton	Van Nuys
Byrd	Hayden	Murray	Wagner
Byrnes	Herring	Neely	Walsh
Capper	Hill	Norris	Wheeler
Caraway	Hitchcock	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

Is it the sense of the Senate that the debate shall be brought to a close? Those in favor will answer "yea" when their names are called and those opposed will answer "nay." The clerk will call the roll.

The Chief Clerk called the roll.

Mr. DAVIS. The Senator from Nevada [Mr. MCCARRAN] and I would vote "yea" on this question. We are paired with the Senator from North Dakota [Mr. NYE], who, if present, would vote "nay."

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from Maryland [Mr. TYDINGS] are absent from the Senate because of illness.

The Senator from Nevada [Mr. MCCARRAN] is detained on official business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The roll call resulted—yeas 37, nays 51, not voting 8, as follows:

YEAS—37

Adams	Dieterich	Lonergan	Smathers
Barkley	Donahey	McAdoo	Thomas, Okla.
Bone	Duffy	McGill	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Truman
Brown, N. H.	Hatch	Minton	Van Nuys
Bulkley	Hitchcock	Murray	Wagner
Capper	Johnson, Colo.	Neely	Walsh
Chavez	La Follette	Pope	
Clark	Lee	Schwartz	
Copeland	Logan	Schwellenbach	

NAYS—51

Andrews	Caraway	Hill	Overton
Ashurst	Connally	Holt	Pepper
Austin	Ellender	Johnson, Calif.	Pittman
Bailey	Frazier	King	Radcliffe
Bankhead	George	Lewis	Reynolds
Berry	Gerry	Lodge	Russell
Bilbo	Gibson	Lundeen	Sheppard
Borah	Gillette	McKellar	Smith
Bridges	Glass	McNary	Steiwer
Bulow	Hale	Miller	Townsend
Burke	Harrison	Milton	Vandenberg
Byrd	Hayden	Norris	Wheeler
Byrnes	Herring	O'Mahoney	

NOT VOTING—8

Davis	Hughes	Nye	Tydings
Green	McCarran	Shipstead	White

The VICE PRESIDENT. On this motion the yeas are 37, the nays 51. Two-thirds not having voted in the affirmative, the motion is not agreed to.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the provisions of the rule may be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The rule is as follows:

RULE XXII

* * * * * * * *

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than 1 hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane, shall be in order. Points of order, including questions of relevancy and appeals from the decision of the Presiding Officer, shall be decided without debate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

SIMPLIFICATION OF ACCOUNTS OF THE TREASURER

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to simplify the accounts of the Treasurer of the United States, and for other purposes, which, with the accompanying paper, was referred to the Committee on Banking and Currency.

EXTENSION OF TIME FOR FILING APPLICATION FOR PAYMENT OF CERTAIN CLAIMS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928,

of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the war claims arbiter, which, with the accompanying paper, was referred to the Committee on Finance.

APPROPRIATIONS AND MISCELLANEOUS FEES, NATIONAL PARK SERVICE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to repeal the provision of the act of March 4, 1929, relating to the availability of appropriations made for the National Park Service; to authorize the collection of certain miscellaneous fees in the national parks and other areas under the jurisdiction of the National Park Service; and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

ISSUANCE OF CERTIFICATES BY INSPECTORS OR ASSISTANT INSPECTORS OF HULLS AND BOILERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States as amended, and for other purposes, which, with the accompanying paper, was referred to the Committee on Commerce.

CLAIMS ARBITRATED OR SETTLED, UNITED STATES MARITIME COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Maritime Commission, transmitting, pursuant to law, a report of claims arbitrated or settled by agreement from October 16, 1936, to October 15, 1937, as required by section 12 of the Suits in Admiralty Act (41 Stat. L. 525), which, with the accompanying report, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

Mr. LODGE presented a resolution adopted by the Home Owners and Taxpayers Association, of Chelsea, Mass., favoring the reduction of taxes and the balancing of the Budget through retrenchment rather than increased taxation, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Greenfield and vicinity, Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented resolutions adopted by Local Union No. 86, United Association of Journeymen Plumbers and Steam Fitters, of Mount Vernon, N. Y., favoring the enactment of legislation to encourage private initiative in the construction industry, which were referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of New York City and vicinity, New York, praying for the passage of the joint resolution (S. J. Res. 192) to repeal certain powers of the President and the Secretary of the Treasury relating to the issuing of $3,000,000,000 of greenbacks, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Cayuga County Petroleum Industrial Committee, at Auburn, N. Y., favoring the repeal of Federal gasoline and lubricating oil taxes, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Social Justice Study Council, of Yonkers, N. Y., favoring the adoption of measures looking to the preservation of peace, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Stanley B. Pennock Post, No. 2893, Veterans of Foreign Wars of the United States, of Solvay, N. Y., favoring a congressional inquiry relative to secret treaties and agreements and a full investigation of all forms of propaganda, particularly in connection with the Carnegie Foundation, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Larchmont (N. Y.) League of Women Voters, protesting against the enactment of the bill (S. 3022) to amend the law relating to appointment of postmasters, which was ordered to lie on the table.

REPORT OF COMMITTEE ON INDIAN AFFAIRS

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (S. 2853) to amend an act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States," approved September 3, 1935, reported it with amendments and submitted a report (No. 1315) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on January 25, 1938, that committee presented to the President of the United States the enrolled bill (S. 2463) to authorize an additional number of medical and dental officers for the Army.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of Otto S. Beyer, of Virginia, to be a member of the National Mediation Board for the term expiring February 1, 1941 (reappointment).

Mr. AUSTIN, from the Committee on the Judiciary, reported favorably the nomination of John D. Clifford, of Maine, to be United States attorney for the district of Maine.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of Robert A. Cooper, of South Carolina, to be United States district judge for the district of Puerto Rico.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER and Mr. McADOO:

A bill (S. 3325) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended; to the Committee on Banking and Currency.

By Mr. WALSH:

A bill (S. 3326) for the relief of J. Aristide Lefevre; to the Committee on Claims.

By Mr. LUNDEEN:

A bill (S. 3327) to authorize the erection of a domiciliary building and to provide appurtenances thereto at the existing Veterans' Administration Facility, Fort Snelling, Minn.; to the Committee on Finance.

By Mr. ANDREWS:

A bill (S. 3328) relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii, judges of the circuit courts of the Territory of Hawaii, and judges of the United States District Court for the Territory of Hawaii; to the Committee on the Judiciary.

By Mr. GLASS:

A bill (S. 3329) granting a pension to Mary Merrill Scott; ordered to lie on the table.

By Mr. COPELAND:

A bill (S. 3330) to amend section 3 of the act of May 27, 1936 (49 Stat. 1381), entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Investigation Board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes"; to the Committee on Commerce.

By Mr. BYRNES:

A bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes; to the Select Committee on Government Organization.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. EDWARD A. KENNEY, late a Representative from the State of New Jersey, and transmitted the resolutions of the House thereon; and also informed the Senate that the Speaker of the House had appointed Mr. SUTPHIN, Mr. HART, Mr. TOWEY, and Mr. SEGER members of a committee on the part of the House, together with such Members of the Senate as may be joined, to attend the funeral of the deceased Representative.

The message announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. CANNON of Missouri, Mr. WOODRUM, and Mr. TABER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 2890) fixing annual compensation for postmasters of the fourth class, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 2890) fixing annual compensation for postmasters of the fourth class was read twice by its title and referred to the Committee on Post Offices and Post Roads.

PARTY TENDENCIES IN THE UNITED STATES—ADDRESS BY SENATOR PEPPER

[Mr. HERRING asked and obtained leave to have printed in the RECORD an address entitled "Party Tendencies in the United States," delivered by Senator PEPPER on December 27, 1937, before the American Political Science Association in Philadelphia, which appears in the Appendix.]

ROOSEVELT RECESSION—ADDRESS BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address delivered by him on Tuesday, January 25, 1938, on Roosevelt's Recession, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. SHEPPARD. Mr. President, the bill before us is unique.

Mr. BARKLEY. Mr. President, I ask the Senator from Texas to yield to me for just a moment.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. SHEPPARD. I yield.

The VICE PRESIDENT. Under the technical ruling the Chair thinks he ought to say to the Senator from Texas that his remarks up to this time constitute one speech.

Mr. BARKLEY. I ask unanimous consent that the Senator from Texas may yield to me without that rule being invoked.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BARKLEY. Mr. President, inasmuch as a majority of the Senate has just voted against bringing to a close debate on this measure, has voted against the proposal presented to make it possible to vote on the bill, I wish to call the attention of the proponents of the measure to the fact that in the very near future the Senate will be called upon to determine how much longer it proposes to consume the time of the Senate in considering this measure.

I have done everything I could, as I thought it my duty to do, to bring to the Senate the consideration of this measure, just as I think it my duty to do that with respect to any other bill of importance which is reported to the Senate by a committee of the Senate. This measure now has been under discussion since August. It was put over from August to November, and from November to January. Now it is almost February; and in the very near future the Senate must pass upon the question whether it desires to consume any more of the time of this session in considering the bill.

I am going to put it up to the Senate in the very near future to decide whether it will continue the consideration of this bill without any prospect of a vote, or will take up for consideration other legislation which is on the calendar.

In view of the vote which has just been cast, I feel that I ought to make that statement to the Senate and to the proponents of the measure in order that they may govern themselves accordingly.

Mr. HARRISON. Mr. President, will the Senator who has the floor permit me to interrupt him?

Mr. SHEPPARD. With the same understanding, Mr. President.

Mr. CONNALLY. My colleague [Mr. SHEPPARD] has the floor.

Mr. HARRISON. I desire to say to the Senator from Kentucky, so far as a great many of us are concerned, that we thoroughly agree with the Senator; and the stand that he takes is a very courageous, manly, and statesmanlike one.

Mr. WAGNER. Mr. President——

Mr. CONNALLY. Mr. President, my colleague [Mr. SHEPPARD] has the floor. Unless he can yield without losing the floor, I shall object to his being interrupted.

Mr. SHEPPARD. Mr. President, I yield only on the condition that it does not cause me to lose the floor.

Mr. WAGNER. I ask unanimous consent that the Senator may yield without losing the floor, in order that I may make a brief statement.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that he may make a brief statement in the time of the Senator from Texas without the Senator from Texas losing the floor or having his rights impaired. Is there objection. The Chair hears none. The Senator from New York will make his statement.

Mr. WAGNER. Mr. President, so far as I am concerned—I cannot speak for my colleagues who favor this bill, but I think I know their sentiments—I shall stand firmly for the passage of this measure, which I regard as important and in which I believe, so long as a majority of the Senators who likewise believe in it will stand with me.

Mr. BYRNES. Mr. President, will the Senator from Texas yield to me?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from South Carolina in the same manner in which he has yielded to other Senators?

Mr. BYRNES. I rise to a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. BYRNES. When conferees are appointed by the Senate, and the House of Representatives has acted upon the conference report, is there any way in which the Senate can have presented to the Presiding Officer the conference report agreed upon by the conferees and acted upon by the House of Representatives?

The PRESIDENT pro tempore. The Senator having the conference report in hand may present the report at any time.

Mr. BYRNES. Mr. President, then the question I desire to ask is, Can any Member of the Senate take the conference report and keep the Senate from acting upon the papers?

The PRESIDENT pro tempore. No; he cannot.

Mr. BYRNES. Mr. President, I ask whether or not the conference report on the housing bill is upon the desk of the Presiding Officer.

The PRESIDENT pro tempore. The Chair is informed that the House report has been filed with the Senate, but that the Senate conferees have not filed any report, as is required under the rules.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. KING. May the chairman or representative of the conferees of the Senate put the conference report in his pocket, or lock it up in his desk indefinitely, and thus preclude the Senate from taking action upon it?

The PRESIDENT pro tempore. That is a matter which the Senate will have to decide for itself.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Kentucky will state it.

Mr. BARKLEY. The Senator realizes that yesterday I made an unsuccessful effort to get up the conference report to which reference has been made, but the parliamentary inquiry is this:

When a conference report has been agreed upon by conferees, and has been signed by all of them, and the report has been taken to the House which must first act upon it—which in this case was the House of Representatives—and they have acted upon it, and have reported their action to the Senate, does not that itself lay the matter before the Senate, or, at least, on the desk of the Vice President, subject to a motion that it may be taken up at any time, it being a privileged matter?

The PRESIDENT pro tempore. The Chair does not so understand. The report must be made by the Senate conferees.

The Senator from Texas is entitled to the floor.

Mr. SHEPPARD. Mr. President, this bill is of an exceptional and startling nature. If enacted into law it would differ radically from any other measure on the Federal statutes. It would present the spectacle of a Federal statute denouncing as a Federal crime and punishing in a Federal court the failure of State officers and employees to enforce a State criminal statute. It would also create a right of action against cities and counties in the State in which the crime had been committed, with provision for a judgment recoverable in a Federal court in an action to be instituted by the Attorney General of the United States.

Under section 3 of the bill the crime could be committed by willful neglect, refusal, or failure to protect from a mob either a person in the custody of the officer or a person not in custody, but suspected of or charged with a crime, or by wilful neglect, refusal, or failure to apprehend or keep in custody or prosecute the members or any member of a lynching mob. The crime is designated a felony, and would be punishable by a fine not exceeding $5,000, or by imprisonment for not exceeding 5 years, or by fine and imprisonment.

Section 5 (1) makes the governmental subdivision either in which a lynching has taken place or in which a victim has been seized by the mob, although lynched elsewhere, liable to the victim, if he has survived, or to his next of kin if he has died, for a sum not less than $2,000 and not more than $10,000. Such amount is to be awarded, in the words of the bill, "as monetary compensation for such injury or death." The bill states that the governmental subdivision "shall be responsible" for any lynching occurring within its territorial jurisdiction and for any lynching occurring outside its territorial jurisdiction if the victim has been seized within the jurisdiction. However, a proviso permits a governmental subdivision to avoid liability if it can prove by a preponderance of the evidence as an affirmative defense that its officers charged with the duty of preserving the peace, and citizens of the subdivision when called upon by any such officer, used—I quote from the bill—"all diligence and all powers vested in them for the protection of the person lynched." It is assumed by this bill that the city or county or other governmental subdivision within which a person is lynched, or seized by a mob and lynched elsewhere, was at fault. The bill not only destroys the usual strong presumption at law of official performance of duty, but raises a presumption that the officers failed to perform their duty to do everything they could to protect the victim from the mob.

The right of action given the victim or next of kin is novel. The amount of the award is not a penalty. It is described in the bill as compensation for the injury or death. The amount recoverable is not fixed, but may vary between $2,000 and $10,000. Although the theory is that the city or county is at fault for failure to protect the victim from the mob, there is no requirement of proof of damages.

The bill provides for the prosecution of the civil action by and in the name of the Attorney General of the United States. It further provides that the Attorney General shall cause an investigation to be made to determine whether there has been a violation of the act on submission to him of information on oath that an officer or employee of a State or governmental subdivision has willfully neglected, refused, or failed to protect a person from a lynching mob, or to apprehend, keep in custody, or prosecute the members or any member of such a mob.

Is this unique, novel, and unprecedented bill constitutional? Can the Federal Government constitutionally prosecute a State law-enforcement officer for failure to discharge a duty created by the State? Can the Congress constitutionally subject a division of a State to liability for failure of an employee to discharge his duty as such? Is there any justification under the fourteenth amendment for this obvious invasion of State sovereignty?

It is my belief that the bill is violative of the Constitution. It is in my judgment an unjustified interference by the Federal Government with the exercise by the various States of their sovereign powers. It is an unconstitutional effort to convert a State law-enforcement problem into a national problem under the guise of the fourteenth amendment. It is arbitrary, unreasonable, and capricious, and it goes counter to the due-process clause of the fifth amendment. As a criminal statute it is ambiguous and indefinite. It makes the Attorney General a censor of the State law-enforcement activities of sheriffs, constables, city police officers, and local prosecuting attorneys. It disregards the boundaries between Federal power and State power. It is inconsistent with local self-government, which is the foundation of our form of government. The theory that the Federal Government may penalize State local units for dereliction of duty of their employees is repugnant both to the letter and the spirit of our Constitution.

The status of the several States as separate sovereignties, except as to those portions of sovereignty granted by the States to the Federal Government, is implicit in the constitution. This basic principle of our constitutional law has frequently been emphasized by the Supreme Court John Marshall expounded the doctrine at length in the historic case of *McCulloch* v. *Maryland* (4 Wheat. 316) in which he announced the rule that, since both the United States and a State are sovereigns, neither can tax the other, because to hold otherwise would permit one sovereign to destroy another.

The same result would follow if one government had the right to punish the officials of another in connection with the performance of their duties prescribed by that other government. Clearly it would be equally destructive for one sovereignty to control the conduct of the other.

Chief Justice Marshall said further, in McCulloch against Maryland:

> The people of the United States have seen fit to divide sovereignty, and to establish a complex system. They have conferred certain powers on the State governments, and certain other powers on the National Government.

This dual sovereignty, or divided sovereignty, as it is sometimes called, is the result of the character of the Constitution of the United States as a grant of power to the Federal Government and a reservation to the States of powers not so granted. I quote again from McCulloch against Maryland:

> We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended.

The Supreme Court of the United States, in *Collector* v. *Day* (11 Wall. 124), discussed this question of sovereignty as follows:

It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments.

This principle of dual sovereignty is so well established that further citation is perhaps unnecessary, but because of the importance in the consideration of the antilynching bill of keeping clearly in mind the nature of State crimes as a subject of State sovereignty, as distinguished from Federal crimes as a subject of Federal sovereignty, I quote the following significant statement by the Supreme Court of the United States in *United States* v. *Tarble* (13 Wall. 397):

There are within the territorial limits of each State two governments restricted in their spheres of action, but independent of each other and supreme within their respective spheres. Each has its separate departments, each has its distinct laws, and each has its own tribunals for their enforcement. Neither government can intrude within the jurisdiction or authorize any interference therein by its judicial officers with the action of the others. * * *

The pending bill would be an interference on the part of the Federal Government with State officers acting under State laws and under State authority.

Continuing, the Court says further in the Tarble case:

In their laws and mode of enforcement neither is responsible to the other. How their respective laws shall be enacted; how they shall be carried into execution, and in what tribunals, or by what officers; and how much discretion, or whether any at all shall be vested in their officers are matters subject to their own control, and in the regulation of which neither can interfere with the other.

Dual sovereignty is fundamental in our American system of government. The doctrine that the National Government may exercise only those powers which it has been authorized by the States to exercise, and that the States have reserved to themselves the right to exercise powers not granted by them to the Federal Government, and that in the exercise of the reserved powers the States act as independent sovereigns is so firmly embedded in our constitutional system as to require neither argument nor citation.

We are told that Congress has been empowered to enact this legislation by the fourteenth amendment. It is pointed out that persons who are lynched are denied the benefit of the equal protection and due-process clauses of the fourteenth amendment, and it is urged that Congress, acting under section 5 of that amendment, can protect them in these respects through the enactment of the pending bill. Section 5 reads as follows:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Now, is the pending bill appropriate in a constitutional sense for the enforcement of the provisions of the fourteenth amendment on which the bill is predicated? So unusual is the proposal embodied in the bill that there is no precedent in law or in decision. Under general principles enunciated by the Supreme Court of the United States, however, there is no constitutional basis in the fourteenth amendment for this legislation.

The decision of the United States Supreme Court in the case of *United States* v. *Cruickshank* (92 U. S. 542) is significant. The Court clearly indicated that it deemed unconstitutional a Federal statute making it a Federal crime to engage in a conspiracy to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution of the United States. The case involved a conspiracy to deprive certain Negroes of the free enjoyment of their rights under the Federal Constitution. One of the counts charged conspiracy to commit false imprisonment or murder.

The Court restated the doctrine of dual sovereignty in the following words:

The people of the United States resident within any State are subject to two governments—one a State government, the other a National Government—but there need be no conflict between the two. The powers which one possesses, the other does not. They are different purposes, and have different jurisdictions.

And later in the opinion, the Court says:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States.

The Court applied the doctrine to the facts of the particular case in the following words:

The rights of life and personal liberty are natural rights of man. To secure these rights, says the Declaration of Independence, "Governments were established among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons in their jurisdiction in the enjoyment of these "inalienable rights with which they are endowed by their Creator." Sovereignty for this purpose rests alone with the States.

Because of its very significant bearing on the question before us, I repeat the last sentence of the quotation. "Sovereignty for this purpose," the Supreme Court declared, "rests alone with the States." Sovereignty for the purpose of protecting the rights of life and personal liberty is State sovereignty and not national sovereignty.

Therefore, not only the duty to protect persons from lynching, but likewise the power to do so, are the duty and the power not of the National Government but of State governments. Carrying its reasoning to its logical conclusion, the Court said, in effect, that it is neither the duty nor within the power of the United States to punish persons engaging in a conspiracy to falsely imprison or murder other persons within the territorial jurisdiction of a State.

The pending bill does not punish the members of a lynching mob. Its purpose, however, is to protect persons threatened with lynching in the free enjoyment of constitutional rights under the fourteenth amendment. This, the Supreme Court states in the Cruikshank case, is not within the scope of Federal power where the prevention of the offenses by which persons will be deprived of their constitutional rights is a State function, a duty which the State alone can perform, and a power which the State alone can exercise.

The United States Supreme Court considered section 5, fourteenth amendment, at length in the civil rights cases (109 U. S. 3). The case involved the constitutionality under the fourteenth amendment of a Federal statute making it a Federal crime to deny to any citizen, except for reasons by law applicable to citizens of every race and color, the full enjoyment of any of the accommodations, advantages, facilities, or privileges of inns, public conveyances, and theaters and other places of public amusement. The Court held the statute unconstitutional because it was not within the scope of Federal power. In rejecting the contention that the statute was a valid exercise of the power of Congress, under section 5 of the fourteenth amendment, to enforce the amendment by appropriate legislation, the Court emphasized the character of the amendment as a prohibition of State action and not a restriction on the action of individuals, and discussed section 5, as follows:

The last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and inocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights.

Also significant is the following statement:

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws

for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law, and the amendment itself does suppose this, why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every case, as well as to prescribe equal privileges in inns, public conveyances, and theaters?

The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. This assumption is certainly unsound. It is repugnant to the tenth amendment of the Constitution.

Let it be remembered in connection with the antilynching bill that the terms of no State law are shown to be in violation of the rights, privileges, immunities, and protections of the fourteenth amendment.

I desire at this point to refer at some length to the famous case of *United States* v. *Harris*, in 106 U. S. 629, which came before the Supreme Court of the United States in 1882, involving the constitutionality of section 5519 of the Revised Statutes, which reads as follows:

If two or more persons in any State or Territory conspire or go in disguise upon the highway or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, each of said persons shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment, with or without hard labor, not less than 6 months nor more than 6 years, or by both such fine and imprisonment.

This section was originally a part of section 2 of the act of April 20, 1871, chapter 22.

The facts as presented to the court in the Harris case showed as follows:

At the November term, 1876, of the Circuit Court of the United States for the Western District of Tennessee an indictment, based on section 5519 of the Revised Statutes, was returned by the grand jury against one R. G. Harris and 19 others. The indictment contained four counts. The first count charged as follows:

"That R. G. Harris" (and 19 others, naming them), "yeomen, of the county of Crockett, in the State of Tennessee, and all late of the county and district aforesaid, on, to wit, the 14th day of August, A. D. 1876, in the county of Crockett, in said State and district, and within the jurisdiction of this court, unlawfully, with force and arms, did conspire together with certain other persons whose names are to the grand jurors aforesaid unknown, then and there, for the purpose of depriving Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, then and there being citizens of the United States and of said State, of the equal protection of the laws in this, to wit, that theretofore, to wit, on the day and year aforesaid, in said county, the said Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, having been charged with the commission of certain criminal offenses, the nature of which said criminal offenses being to the grand jurors aforesaid unknown, and having upon such charges then and there been duly arrested by the lawful and constituted authorities of said State, to wit, by one William A. Tucker, the said William A. Tucker then and there being a deputy sheriff of said county, and then and there acting as such; and having been so arrested as aforesaid, and being then and there so under arrest and in the custody of said deputy sheriff as aforesaid, they, the said Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, were then and there by the laws of said State entitled to the due and equal protection of the laws thereof, and were then and there entitled under the said laws to have their persons protected from violence when so then and there under arrest as aforesaid. And the grand jurors aforesaid, upon their oaths aforesaid, do further present that the said R. G. Harris" (and 19 others, naming them), "with certain other persons whose names are to the said grand jurors unknown, did then and there with force and arms unlawfully conspire together as aforesaid then and there for the purpose of depriving them, the said Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, of their rights to the due and equal protection of the laws of said State and of their rights to be protected in their persons from violence while so then and there under arrest as aforesaid and while so then and there in the custody of the said deputy sheriff, and did then and there deprive them, the said Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, of such rights and protection and of the due and equal protection of the laws of the said State by then and there, while so under arrest as aforesaid, and while so then and there in the custody of the said deputy sheriff as aforesaid, beating, bruising, wounding, and otherwise ill-treating them, the said Robert R. Smith, William J. Overton, George W. Wells, Jr., and P. M. Wells, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States."

The second count charged that the defendants, with force and arms, unlawfully did conspire together for the purpose of preventing and hindering the constituted authorities of the State of Tennessee, to wit, the said William A. Tucker, deputy sheriff of said county, from giving and securing to the said Robert R. Smith and others, naming them, the due and equal protection of the laws of said State, in this, to wit, that at and before the entering into said conspiracy, the said Robert R. Smith and others, naming them, were held in the custody of said deputy sheriff by virtue of certain warrants duly issued against them to answer certain criminal charges, and it thereby became and was the duty of said deputy sheriff to safely keep in his custody the said Robert R. Smith and others while so under arrest, and then and there give and secure to them the equal protection of the laws of the State of Tennessee; and that the defendants did then and there conspire together for the purpose of preventing and hindering the said deputy sheriff from then and there safely keeping, while under arrest and in his custody, the said Robert R. Smith and others, and giving and securing to them the equal protection of the laws of said State.

The third count was identical with the second, except that the conspiracy was charged to have been with the purpose of hindering and preventing said William A. Tucker, deputy sheriff, from giving and securing to Robert R. Smith alone the due and equal protection of the laws of the State.

The fourth count charged that the defendants did conspire together for the purpose of depriving said P. M. Wells, who was then and there a citizen of the United States and the State of Tennessee, of the equal protection of the laws, in this, to wit: Said Wells having been charged with an offense against the laws of said State, was duly arrested by said Tucker, deputy sheriff, and so being under arrest was entitled to the due and equal protection of said laws, and to have his person protected from violence while so under arrest; and the said defendants did then and there unlawfully conspire together for the purpose of depriving said Wells of his right to the equal protection of the laws, and of his right to be protected in person from violence while so under arrest, and—

Did then and there deprive him of such rights and protection, and of the due and equal protection of the laws of the State of Tennessee, by then and there, and while he, the said P. M. Wells, was so then and there under arrest as aforesaid, unlawfully beating, bruising, wounding, and killing him, the said P. M. Wells, contrary to the form of the statute in such case made and provided—

And so forth.

The Supreme Court in this decision on the basis of these allegations which I have carefully set out in order that the issue might be plain, declared the Federal statute involved unconstitutional, and in passing on the constitutionality of the statutes stated in part as follows:

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the first and fifth sections of the fourteenth amendment.

In this case the man in the custody of a State officer was killed by private parties, and the Federal statute under which these parties were tried was declared to be unconstitutional, and it was decided by the United States Supreme Court that no proceedings could be brought under this statute, because under our constitutional system of government it involved a matter resting with the State alone to handle. Here is what the Supreme Court of the United States said:

The first section declares "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

Thus the Supreme Court sets out in terms the first section of the fourteenth amendment in proceeding to pass upon the case now under consideration.

The Court continued:

> The fifth section declares "The Congress shall have power to enforce by appropriate legislation the provisions of this amendment.
>
> It is perfectly clear from the language of the first section that its purpose also was to place restraint upon the action of the States, but, as we have seen, in a certain way.
>
> In *Slaughterhouse cases* (16 Wall., p. 36), it was held by the majority of the Court, speaking by Mr. Justice Miller, that the object of the second clause of the first section of the fourteenth amendment was to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States; and this was conceded by Mr. Justice Field, who expressed the views of the dissenting Justices in that case. In the same case the Court, referring to the fourteenth amendment, said that—
>
> If the States do not conform their laws to its requirements, then by the fifth section of the article of amendments Congress was authorized to enforce it by suitable legislation.
>
> The purpose and effect of the two sections of the fourteenth amendment just quoted were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank* (1 Woods 308), as follows:
>
> It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform.
>
> When the case of *United States* v. *Cruikshank* came to this Court the same view was taken here. The Chief Justice, delivering the opinion of the Court in that case, said:
>
> "The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guaranty" (92 U. S. 542).
>
> So in *Virginia* v. *Rives* (100 Id. 313), it was declared by this Court, speaking by Mr. Justice Strong, that—
>
> "These provisions of the fourteenth amendment have reference to State action exclusively and not to any action of private individuals."
>
> These authorities show conclusively that the legislation under consideration finds no warrant for its enactment in the fourteenth amendment.
>
> The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislative and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

In declaring this section of the statute unconstitutional, the Supreme Court also said:

> There is another view which strengthens this conclusion. If the Congress has constitutional authority under the thirteenth amendment to punish a conspiracy between two persons to do an unlawful act, it can punish the act itself, whether done by one or more persons.
>
> A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, in which one private person can deprive another of the equal protection of the laws is by the commission of some offense against the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the thirteenth amendment, we should, by virtue of that amendment, accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalog of crimes. A construction of the amendment which leads to such a result is clearly unsound.
>
> There is only one other clause in the Constitution of the United States which can, in any degree, be supposed to sustain the section under consideration; namely, the second section of article 4, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." But this section, like the fourteenth amendment, is directed against State action. Its object is to place the citizens of each State upon the same footing with citizens of other States, and inhibit discriminative legislation against them by other States (*Paul* v. *Virginia*, 8 Wall. 168).

Obviously, disregard of a State law by a sheriff or a constable or a city police officer is not State action against which the prohibition of the fourteenth amendment applies. The failure to protect a person suspected of a crime from a mob is not State action. The release of a person in custody is not State action. The failure to apprehend or to prosecute the members of a lynching mob is not State action. No exercise of State authority is involved. On the other hand, misconduct and dereliction of duty are matters of vital concern to the State. Punishment is a duty of the State and is solely within the power of the State.

The bill is objectionable from a constitutional standpoint in other respects. It does not satisfy the requirements of due process of law under the fifth amendment.

Mr. CONNALLY. Mr. President, would my colleague mind yielding for a question?

Mr. SHEPPARD. I am glad to yield.

Mr. CONNALLY. I desire to ask the Senator a question in connection with his very able and illuminating discussion of the matter upon which he has just touched in relation to the fourteenth amendment as being merely a prohibition on State action. I wish to emphasize the fact that the language of the fourteenth amendment to which he has adverted is as follows:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Is not that language in itself so plain that there can be no doubt that what is prohibited must be State action, and must be in the form of a law; not the action of some individual sheriff or some county judge; but what is prohibited here is the passage by a State, through its legislative machinery, of a law which seeks to abridge the privileges or immunities of citizens?

Mr. SHEPPARD. My colleague is correct.

Mr. CONNALLY. I thank the Senator.

Mr. SHEPPARD. I thank my colleague for his interruption.

It may be interesting to observe here that express authority to deal with the following crimes exist in the Constitution, namely, treason, felonies and piracies on the high seas, counterfeiting, crimes against international law, and the crimes and misdemeanors for which a Federal official may be impeached. All the other hundreds of Federal criminal offenses are handled as the result of an implied power essential to carry out the powers granted in the Constitution to the Federal Government.

It might be interesting to read the list of Federal criminal laws, to show that they relate to and are grouped around specific Federal powers and functions.

THE CRIMINAL CODE OF THE FEDERAL GOVERNMENT

PART 1. CRIMES

OFFENSES AGAINST EXISTENCE OF GOVERNMENT

Treason.
Same; punishment.
Misprision of treason; punishment.
Inciting rebellion or insurrection.
Criminal correspondence with foreign governments; redress of private injuries excepted.
Seditious conspiracy.
Recruiting for service against United States.
Enlisting to serve against United States.

OFFENSES AGAINST NEUTRALITY

Accepting commission to serve against friendly power.
Enlisting in foreign service; exceptions.
Arming vessels against friendly powers; forfeiture of vessel.
Augmenting force of foreign armed vessel.
Organizing military expedition against friendly power.
Enforcement by courts; employment of land or naval forces.
Compelling foreign vessels to depart.
Bonds from armed vessels on clearing.
Detention by collectors of customs.
Construction of chapter; transient aliens; prosecutions for treason or piracy.
Enforcement of neutrality; withholding clearance papers from vessels.
Same; detention of armed vessels.
Same; sending out armed vessel with intent to deliver to belligerent nation.
Same; statement from master that cargo will not be delivered to other vessels.
Same; forbidding departure of vessels.
Same; unlawful taking of vessel out of port.
Same; internment of person belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.
Same; enforcement of sections 25, 27, and 31 to 37, of this title.
Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.

OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS

Conspiracy to injure persons in exercise of civil rights.
Depriving citizens of civil rights under color of State laws.
Searches without search warrant; punishment.
Conspiring to prevent officer from performing duties.
Unlawful presence of troops at polls.
Intimidating voters by officers or other persons of the Army or Navy.
Army or Navy officers prescribing qualifications of voters.
Interfering with election officers by officers or other persons of the Army or Navy.
Additional punishment.

OFFENSES AGAINST OPERATIONS OF GOVERNMENT

Making, forging, counterfeiting, or altering letters patent.
Making, forging, counterfeiting, or altering bonds, bids, or public records; transmitting such papers.
Making, forging, counterfeiting, or altering deeds or powers of attorney; transmitting such papers.
Possession of false papers.
Officer making false acknowledgments.
Falsely pretending to be United States officer.
Illegal possession, etc., of official badge or other insignia.
Same; punishment.
Falsely representing to be officer, agent, or employee.
False personation of holder of public stocks or pensioner.
False demand on fraudulent power of attorney, etc.

OFFENSES RELATING TO OFFICIAL DUTIES

Such as—
Extortion.
Requiring receipts for larger sums than are paid.
Disbursing officers unlawfully using public money.
Failure of depositaries to safely keep public deposits, etc.

OFFENSES AGAINST PUBLIC JUSTICE

Such as—
Perjury.
Subornation of perjury.
Stealing or altering process; procuring false bail.
Destroying public records, etc.

OFFENSES AGAINST CURRENCY, COINAGE, ETC.

Such as—
"Obligation or other security of the United States" defined.
Counterfeiting securities.
Counterfeiting national-bank notes.
Using plates to print notes without authority; distinctive paper, etc.

OFFENSES AGAINST POSTAL SERVICE

Such as—
Definition.
Conducting post office without authority.
Illegal carrying of mail by officials.
Conveying mail by private express; delivery to post office allowed; etc.

OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE

Such as—
Violent interference with foreign commerce.
Carrying explosives; on vessels or vehicles with passengers for hire; explosives permitted; restrictions; military transportation.
Same; regulations for transporting made by Interstate Commerce Commission; effect; etc.

OFFENSES WITHIN ADMIRALTY, MARITIME, AND TERRITORIAL JURISDICTION OF UNITED STATES

Such as—
Places and waters applicable; on board American vessels on high seas or Great Lakes; on land under exclusive control of United States; guano islands.
Murder; first degree; second degree.
Manslaughter; voluntary; involuntary.
Punishment; murder; manslaughter; etc.

PIRACY AND OTHER OFFENSES UPON SEAS

Such as—
Piracy; punishment.
Mistreatment of crew by officers of vessel; flogging.
Inciting revolt or mutiny on shipboard.
Revolt or mutiny on shipboard, etc.

Mr. President, I think it will be interesting to have this list in the RECORD, because it will be found by one carefully reading it that every criminal offense under Federal statute is foreign to anything contained in the pending bill.

Mr. President, there is no reasonable relationship between the provisions of this bill and the evil of lynching against which it is directed. Again I say that lynchers themselves are not punished by the measure. Lynching, nowadays, is a rare occurrence. Without the drastic punishment which this bill would inflict on law-enforcement officers, and without the penalty which it would impose on governmental subdivisions, the number of persons lynched has fallen from 52 in 1914 to 8 in 1937.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. BULOW in the chair). Does the Senator from Texas yield to the Senator from Indiana?

Mr. SHEPPARD. I shall be glad to yield, if it does not take me from the floor. With that understanding, I yield.

Mr. MINTON. A great deal has been said about the eight lynchings last year. Was anyone prosecuted for participating in any of those lynchings?

Mr. SHEPPARD. I am not sufficiently familiar with the circumstances to answer the Senator.

Mr. MINTON. Is it not a fact that no one was prosecuted?

Mr. SHEPPARD. I would not say that; and we do not know how many lynchings have been prevented by the diligence of peace officers.

Mr. MINTON. Is it not a fact that no one was prosecuted in any of these eight cases of lynching, about which we have heard so much in the last few days, and no one was convicted, and enforcement was just a thousand percent nil?

Mr. SHEPPARD. I repeat that I do not have the desired information. I may say to the Senator from Indiana that the number of persons protected from lynch mobs has increased from 24 in 1914 to 79 in 1936. I did not recall that I had these figures a few moments ago. The ratio of persons lynched to the number protected from lynching has decreased from 2.17 in 1914 to 0.11 in 1936. These figures have been compiled by the Tuskegee Institute and are undoubtedly accurate. The decrease in lynching is the result of public sentiment against lynching in the communities in which lynching was formerly more prevalent, and the result also of greater protection afforded by police officers to persons threatened with lynching. The theory that the proposed legislation is necessary to prevent lynching is wholly unwarranted. Therefore, if the Congress had power to enact the legislation, the bill would not be a desirable exercise of such power.

The provision creating a presumption that cities and counties are responsible for lynching which occurs within their borders is particularly arbitrary. There is a presumption—a very strong presumption—that public officers perform their duty. The destuction of that presumption and the substitution of a presumption of nonperformance of duty are unreasonable.

The presumption that sheriffs, police officers, and other peace officers have neglected, refused, or failed to use diligence in protecting a person from a mob is without basis in reason. It is, in the words of the Supreme Court, "a purely arbitrary mandate."

The criminal provisions of the bill are in conflict with the sixth amendment. They are ambiguous and indefinite, and, therefore, unconstitutional under the provisions of the sixth amendment, which provide that an accused is entitled to be informed of the nature and cause of the accusation. Under this provision of the Constitution, the language of a criminal statute must be free from ambiguity and definite and certain in order that a person may know without speculation whether a certain act will be a crime under

the statute. A leading case in this connection is *United States* v. *Cohen Grocery Co.* (254 U. S. 81). The case involved the constitutionality of certain provisions of the Lever Act of 1917. The Court held the statute unconstitutional for failure to fix an ascertainable standard of guilt.

Likewise, in the pending bill there is an absence of an ascertainable standard of guilt. What constitutes "diligent efforts" to prevent lynching? What constitutes "willful neglect" as distinguished from refusal or willful failure to protect a person from lynching? When is a person "suspected" of having committed a crime within the meaning of provisions making unlawful the failure to protect such a person from lynching, although not in the custody of the officer? What must an officer do to protect such a person? What constitutes "diligent efforts to apprehend" or to "prosecute" a member of a lynching mob? I repeat that the indefiniteness of this language would make the bill, if enacted, unconstitutional under the sixth amendment.

This bill, as I have said, is contrary to both the spirit and the letter of the Constitution. It is manifestly unconstitutional. It invades the sovereign powers of the States. It ought never to become law.

Its passage would inflict a wound on our form of government which would outweigh the dangers of a crime problem now rapidly diminishing.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REYNOLDS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Duffy	Hitchcock	Pepper
Andrews	Frazier	Johnson, Colo.	Pittman
Barkley	George	La Follette	Radcliffe
Brown, N. H.	Gerry	Lodge	Reynolds
Bulkley	Gibson	Lundeen	Schwellenbach
Bulow	Guffey	McNary	Sheppard
Byrd	Hale	Maloney	Townsend
Byrnes	Harrison	Miller	Truman
Capper	Hatch	Milton	Vandenberg
Caraway	Hayden	Minton	Wagner
Clark	Herring	Norris	
Connally	Hill	O'Mahoney	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present.

The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BERRY, Mr. BILBO, Mr. BONE, Mr. BORAH, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BURKE, Mr. CHAVEZ, Mr. COPELAND, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. ELLENDER, Mr. GILLETTE, Mr. GLASS, Mr. HOLT, Mr. JOHNSON of California, Mr. KING, Mr. LEE, Mr. LEWIS, Mr. LOGAN, Mr. LONERGAN, Mr. MCADOO, Mr. MCGILL, Mr. MCKELLAR, Mr. MURRAY, Mr. NEELY, Mr. OVERTON, Mr. POPE, Mr. RUSSELL, Mr. SCHWARTZ, Mr. SMATHERS, Mr. SMITH, Mr. STEIWER, Mr. THOMAS of Oklahoma, Mr. THOMAS of Utah, Mr. VAN NUYS, Mr. WALSH, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

APPROPRIATIONS FOR SUGAR CONTROL ACT AND CROP PRODUCTION AND HARVESTING LOANS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, and Mr. HALE conferees on the part of the Senate.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. ANDREWS obtained the floor.

Mr. CAPPER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. ANDREWS. I will yield with the understanding that it will not take me from the floor.

Mr. CAPPER. I wish to have printed in the RECORD an address delivered last night.

Mr. CONNALLY. Mr. President, unless there is unanimous consent, that cannot be done, because under the ruling Senators cannot have matters inserted in the RECORD unless the Senator having the floor yields the floor. It cannot be done unless the Senator from Kansas asks and obtains unanimous consent.

Mr. CAPPER. I have asked unanimous consent.

Mr. MINTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. If unanimous consent is given, will it constitute the transaction of business, after the recognition of the Senator from Florida?

Mr. CAPPER. I ask also that my request shall not take the Senator from Florida from the floor.

The PRESIDING OFFICER. The only way by which the Senator from Kansas can have inserted in the RECORD the article to which he has referred is by unanimous consent. Does the Senator from Kansas ask for unanimous consent?

Mr. MCNARY. Mr. President, the Senator from Kansas has asked unanimous consent to have the article inserted in the RECORD, and has coupled with the request a further request that no rights be lost by the Senator from Florida; and that covers the whole matter.

The PRESIDING OFFICER. That was the understanding of the Chair. Is there objection to the request of the Senator from Kansas?

Mr. MINTON. If we can have the further reservation that the address of the Senator from Florida will constitute one speech, it will be all right; otherwise I shall object.

The PRESIDING OFFICER. Is there objection?

Mr. MINTON. I object.

Mr. ANDREWS. Mr. President, no one realizes more than I do at this time how difficult it is to try to present one's views on the question of the constitutionality of the pending bill.

I was very anxious, indeed, that I should follow some proponent of the pending measure who would attempt to maintain its constitutionality, and I held back in making any address to the Senate on this subject in the hope that such an attempt would be made. So far that has not been done. I am anxious to hear that kind of a speech. Those who are opposing this bill are opposing it on the ground of its unconstitutionality. That is the main question before the Senate. What has been said and what may be said are merely incidental to that important subject. Before I conclude I trust I shall be able to convince everyone who has an open mind upon the subject that this bill is a tacit invasion of State rights, which is the most important legislative subject that has been discussed in the past, that may be discussed at present, or that may be discussed in the future on the floors of the Houses of Congress.

This so-called antilynching bill, according to its preamble, bases its claim for constitutionality—and I say there is none—upon the "due process" and the "equal protection" clauses of the fourteenth amendment. Those clauses are usually invoked for what some have termed "window dressing," or to give the proposed act as much respectability as possible in the face of the States' rights features of the Constitution.

The second section of the bill provides as follows:

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of

preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act. Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act.

There is no legal objection to that definition; it may be legally sound; in fact, as I view it, it is the only constitutional sentence in the entire bill.

The same section, however, specifically exempts from the provisions of the bill all mob violence committed by gangsters and racketeers, even when innocent victims are murdered. The question naturally presents itself, Why exempt gangsters and racketeers when there are 10 times more homicides of that violent type—and the number is constantly increasing—committed by those criminal pirates in other parts of the United States than there are homicides caused by the horrible offense of lynching? That question has not been answered by the sponsors of this bill.

The third section imposes a severe penalty, fine, and imprisonment upon any peace officer "or employee of a State government or any governmental subdivision thereof."

That means any county or municipality of any State—

Who * * * shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person.

The fourth section of the bill authorizes the Attorney General of the United States, upon the ex parte affidavit of any person stating that some State peace officer having custody of such person accused of crime "has willfully neglected, refused, or failed to make all diligent efforts to protect such person" or "failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members" of such mob, "shall cause an investigation to be made to determine whether there has been any violation of this act."

The provisions of the third and fourth sections of the bill propose to authorize the National Government to enter into any State and take charge of and prosecute as criminals duly elected peace officers of the State, from the Governor down to constable. It should not be necessary to say anything in regard to those provisions. Such a power has never been attempted to be placed in the hands of the Federal Government, and I presume that it never will be unless we decide to throw the Constitution of the United States onto the scrap heap; and we trust there are sufficient loyal Americans in this country to make sure that that is not done.

The third and fourth sections even provide that the Federal Government shall be the sole judge of the guilt or innocence of State officers. No power, either by words or by implication, has ever been granted by the States to the Federal Government to enact such iniquitous provisions.

The fifth section provides that every governmental subdivision of a State—and that includes counties and municipalities—shall be held penally responsible for any lynchings occurring "within its territorial jurisdiction" or "outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction", and that any such governmental subdivision so failing shall be liable to each person injured, or to his next of kin if death occurs, in the sum of not less than $2,000 nor more than $10,000, as compensation. In other words, it is an insurance policy guaranteed by the Government to pay the principal of the policy over to the wife or next of kin of the rapist or murderer who is mobbed or lynched.

Section 5 also provides that the governmental subdivision shall bear the burden of proof to show affirmatively that the officers used all diligence and all the power vested in them to protect the person lynched, and that liability for compensation under the section may be enforced in a civil action in the United States district court for the use of the wife or next of kin of the person mobbed or lynched without prepaying the cost in any event. That reverses the order of proof in all civil cases by providing that the burden of proof shall be placed upon the defendant.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ANDREWS. I yield for a question.

Mr. McKELLAR. Does the Senator know of a single State in the Union where in any instance the burden of proof has ever been attempted thus to be changed and placed on the defendant?

Mr. ANDREWS. It never has, so far as I know, in a criminal case or in a case where a penalty is involved.

The fifth section further provides that if such judgment "shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such a governmental subdivision," and that "any judgment or award under this act shall be exempt from all claims of creditors." It is sacred money under this bill.

There is no sentence or clause in this bill that attempts to authorize the arrest or prosecution of any member of any mob or any person who engages in any lynching, even if the victim is murdered. It is not, therefore, an antilynching bill and cannot properly be so labeled.

So far as the discussion of this bill is concerned, I might as well stop at this point, because it seems to be an "antilynching bill" that we have been discussing and talking about. The pending bill cannot by any stretch of the imagination be called an antilynching bill any more than an ordinary statute providing punishment for murder can be called an antimurder bill, or a statute providing punishment for larceny can be called an antilarceny bill, or statutes providing punishment for a thousand and one other crimes may be called anticrime bills.

To bring it down to everyday language, the fifth section of this bill provides that every governmental subdivision of a State where any lynching occurs shall be held penally liable in a sum of from $2,000 to $10,000 as compensation for the wife or next of kin of the person killed, not only when the lynching occurs within a State but when it occurs outside the jurisdiction of a State. The section also places the burden of proof upon the governmental subdivision to show that it is not guilty.

This is the most brazen attempt to evade constitutional State rights that has ever been drafted or presented to any legislative body in this country. I challenge any Senator to refute that statement.

If this bill should be held valid by our Court of last resort it would sound the death knell of State rights and establish a precedent for the United States Government to enact criminal laws, and provide for their enforcement, to cover every known offense in every State from murder down to petty larceny. No one will refute that statement. If we turn over the prosecution of this crime to the Federal Government by the enactment of the pending bill, we shall have a right to expect that the prosecution of all crimes may be turned over to it. Every law touches the right to life, liberty, or property; and if this law be valid on that subject, the whole scope of the criminal law can be turned over to the Federal Government, which then can enforce it as efficiently as was done in the case of prohibition.

One of the reasons why prohibition was not a success was because the local State officials who had the responsibility formerly of enforcing prohibition under State law were so confused by Federal interruption that the local authorities gave up in despair and said, "Let them run this thing from Washington."

The national civil rights bill—or, as it is sometimes called, the force bill—enacted in 1875, during the reconstruction period, is so strikingly similar in its language to that used in the present bill that one wonders if the authors of the pending bill had the civil rights bill before them when they drafted the instant bill. In order to show the similarity of the two measures, I shall read the first and second sections of the so-called Civil Rights Act, sometimes referred to as the force bill. By the way, the Civil Rights Act was declared unconstitutional by a court sitting in the city of Washington during the reconstruction period; so, if that could happen, we need not be in any serious doubt as to what would happen to a similar law if it should go before a court more experienced on States' rights questions than even the learned Justices of those days.

The Civil Rights Act, among other things, provides as follows:

SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than 30 days nor more than 1 year.

In 1875, when the constitutionality of the Civil Rights Act—which contained language very similar to that of the present bill we are discussing—was being tested before the Supreme Court of the United States, that Court explained, answered, and overruled so completely every contention that can possibly be made in behalf of the constitutionality of the present bill that I think it necessary now to call attention to only a few extracts from that decision in proof of my assertion.

In view of the statement which was made earlier in the day, and especially in view of the statement made by the distinguished and honored senior Senator from Virginia [Mr. GLASS], I feel impelled to call attention more specifically to this opinion, because I believe it is one of the most historic opinions ever written by the Supreme Court of the United States. Mr. Justice Bradley wrote the opinion, and it was concurred in by all the Justices of the Supreme Court save one, Mr. Justice Harlan.

After quoting the section of the Civil Rights Act which I have just quoted, Mr. Justice Bradley said:

Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

The essence of the law is not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves.

Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa. The second section makes it a penal offense for any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the fourteenth amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this court; and we are bound to exercise it according to the best lights we have.

The first section of the fourteenth amendment, which is the one relied on by those favoring this so-called antilynching bill, after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States.

Mr. President, that portion of the fourteenth amendment on which the constitutionality of the pending bill would have to be based, if it is to be based on the Constitution in any sense, reads as follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The prohibition is against the State and officers acting affirmatively under the authority of the State. It is easy to see that the prohibition has nothing to do with the individual or a group of individuals acting without State authority. Congress cannot regulate individuals in a State as between each other. The State laws cover that, and the States have never surrendered that right to the General Government.

I quote again from the decision, the Court speaking of the fourteenth amendment:

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind.

No one has ever heard of a State or the officials of a State or of a county or of a municipality undertaking to lynch or mob anyone. They do exactly the opposite.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Florida yield to the Senator from Texas?

Mr. ANDREWS. I yield for a question to the able Senator from Texas.

Mr. CONNALLY. Is it not true, from a constitutional and legal standpoint, that if, under the pretense of going into a State and preserving the rights of individuals under the fourteenth amendment, it were possible, under a law embodying the provisions of the pending bill, an officer, sheriff, governor, or judge could be held responsible for acts which they did in carrying out their duties to the State and performing their functions under State law, why could not the Federal Government go in and regulate every activity of the State? Every act of a State affects either a man's person, or liberty, or property, and they are all covered in the fourteenth amendment, and if the Federal Government could exercise this kind of authority, why could it not go into every controversy between citizens and say, "The State did not give the defendant due process of law, or equality of treatment, in this case" and step in and supervise the conduct of all officials of the State with respect to practically every activity which they perform, and thus effectually destroy entirely State sovereignty and State power?

Mr. ANDREWS. That would certainly be possible if this bill can be considered constitutional, because there would be no way to prohibit the Federal Government taking charge of every crime and every infringement of life, liberty, or property. Not only that but the Governor of a State or the supreme court of a State could be investigated upon the ex parte affidavit of the sorriest citizen in the United States, under the pending measure. What a pitiful indictment of a sovereign State!

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ANDREWS. I yield for a question.

Mr. McKELLAR. Is it not somewhat like Japan going into China to supervise China and to give China liberty?

Mr. ANDREWS. It would be just as constitutional. I have serious doubts as to whether or not Japan really wants to give China "liberty"—but the comparison to this bill is well put. I read further from the Court's opinion:

It not only does this but in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts—

That is what the fourteenth amendment provides, prohibitions upon State laws and State acts—

and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to

legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibitions into effect, and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

The pending bill undertakes to operate directly upon individuals within a State as between themselves, as citizens or officers of the State, so the bill cannot be hung upon the provisions of the fourteenth amendment. It is certainly unconstitutional. We have a right to presume that the Supreme Court of the United States will hold as it always has held on this particular subject.

An apt illustration of this distinction may be found in some of the provisions of the Constitution. Take the subject of contracts, for example. The Constitution prohibits the States from passing any law impairing the obligation of contracts. This does not give the Congress the power to provide laws for the general enforcement of contracts nor power to invest the courts of the United States with jurisdiction over contracts so as to enable parties to sue upon them in those courts. It does, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected, and this power has been exercised.

Until some State law has been passed, or some State action, through its officers or agents, has been taken under the authority of the State adverse to the rights of citizens, no legislation of the United States under the fourteenth amendment, nor any proceeding under such legislation, can be called into activity for the enforcement of the amendment.

Lynching is not done under the authority of the State. Mob violence is not committed under the authority of the State.

There were 160 cases of mob violence, for instance, in one of the largest northern cities last year. In only one case, as I understand the record to show, was the guilty party prosecuted and sentence passed upon him.

When an innocent man, unconnected with any gangsters, is shot down on the streets of Chicago or New York, I wonder if the effect is not as harmful to society and to the man's family as would be the case where a man is unlawfully shot down after having committed the crime of rape or having taken the life of an officer while performing his duty. Those are the two offenses which we southerners know inflame to the highest point the feelings of the people affected. Lynching usually occurs, if at all, following the murder or assassination of an officer in the discharge of his duty, or for that hideous crime that we even dread to mention.

Earlier today, while the distinguished Senator from West Virginia [Mr. NEELY] was making his appeal, and drawing such terrible pictures of what had occurred to persons who had committed such offenses, I wondered how he would feel if he had to view some little girl 15 or 16 years of age who was found dead in the woods, after having been violated three or four times before she breathed her last.

Mr. President, I am as thoroughly and deeply and consistently opposed to lynching as is any other Senator. I am not speaking from theory. I speak as one who has had to sit on the bench in the highest trial courts of my State. I have presided in courts to assure to men charged with crime a fair trial, when the sheriff, standing to my right, had to keep his eyes on the crowd in front. He protected the defendant and the court. Many sheriffs have lost their lives trying to protect a man whom a mob threatened to lynch.

Of course, legislation may and should be provided, but it should be adapted to the mischief and wrong which the fourteenth amendment was intended to provide against, namely, a State law or State action adverse to the right of the citizen secured by that amendment. Such legislation cannot properly cover the whole domain of rights pertaining to life, liberty, and property, by defining them and providing for their vindication. It would require the establishment of a code, regulative of all private rights between man and man in society. It would require Congress to take the place of the State legislatures of 48 States.

That is exactly what this bill would ultimately lead to if passed by Congress and held to be constitutional.

Mr. President, it is absurd to contend that the right of life, liberty, and property, which includes all civil rights that men have, are by the fourteenth amendment sought to be protected against invasion on the part of the State.

In fact, the legislation which Congress is authorized to adopt in this behalf is not general legislation with respect to the right of the citizen, but corrective legislation; that is, as much as may be necessary and proper only for counteracting such laws as the State may adopt or enforce and which by the amendment they are prohibited from making or enforcing, or such acts and proceedings as a State may commit or take and which by the amendment they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt under the provisions of the fourteenth amendment. It is sufficient for us to examine whether the law in question is of such prohibited character. That is in conformity with the decision I read to the Senate a few moments ago. The Court said—that is a different part of that same law; that is the fourth section of the Civil Rights Act:

In *Ex parte Virginia* (100 U. S., 339), it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule. And it is against such State action, through its officers and agents, that the last clause of the section is directed.

That is the last clause of the fourteenth amendment.

This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris* (106 U. S. 629)), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the fourteenth amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The Civil Rights Act in question, without any reference to State legislation on the subject, provided that all persons shall be entitled to equal accommodations and the privileges of inns, public conveyances, and places of public amusement, and imposed a penalty upon any individual who denied to any citizen such equal accommodations and privileges. This is not corrective legislation—it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject is not now the question. What we have to decide is whether such plenary power has been conferred upon Congress by the fourteenth amendment; and, in our judgment, it has not.

We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the Territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of municipal regulation.

If Congress desires to test an act of this kind, let it be applied to the District of Columbia or any Territory of the

United States, and it will then be seen how it works. There is nothing in the Constitution which prohibits the passage of the measure as applicable to the District of Columbia.

Whether the law would be a valid one as applied to the Territories and the District is not a question for consideration in the cases before us, they all being cases arising within the limits of States.

It was not a question in that case, because it arose in a State.

And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

Discussing further the fourteenth amendment, this amendment has been interpreted, construed, and applied in many cases since this Government was founded, and our courts have again and again held that this reservation to the States—that is, under the tenth amendment—means the reservation of the rights of sovereignty which they respectively possessed before the adoption of the Constitution of the United States, and which they had not parted from by the terms of that instrument; and also, that any legislation by Congress beyond the limits of the power delegated by the States would be trespassing upon the rights of the States, and thus could not be the supreme law of the land, but would be null and void.

Later, in order to make it perfectly plain, the Supreme Court, in One Hundred and Ninety-fourth United States Reports, page 295, again held that—

The powers the people have given to the General Government are named in the Constitution, and all not there named, either expressly or by implication, are reserved to the people and can be exercised only by them.

One may search in vain to find any article, clause, sentence, or phrase in the Constitution which, by direct language or by implication, would permit Congress to legislate concerning individual actions or the rights of citizens as between themselves and the States in which they live.

That is the crux of the whole situation. The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The Federal Government, in its appropriate sphere, is supreme; but the States, within the limits of their powers not granted to the General Government—or, in the language of the tenth amendment, reserved—are as independent of the General Government as the General Government, within its sphere, is independent of the States.

At this point I desire to invite the attention of the Senate to the fact that every State in the Union has in its constitution an important provision which, in substance, provides that every person accused of crime shall have the right to a trial by a jury of his own peers in the county in which the offense was committed. Not only that, but the State constitution prohibits the grand jury of any other county, except that in which the offense was committed, from indicting the offender. Of the 67 counties in my native State of Florida, there are only 8 in which Federal courts are held.

Lynching is defined and punished as murder by all the States. It is so defined and punished in the State of Florida. All death caused by mob violence is murder, the penalty for which is death unless the jury recommends mercy. Our Federal courts have held that except as limited by the Constitution of the United States and the laws made in accordance therewith, it is within the powers of a State to determine the rights to be recognized or conferred by the State constitution, and to determine how and when and under what circumstances these rights may be asserted.

RECESS—VISIT OF LADY ASTOR

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The Senator will state it.

Mr. CONNALLY. If it be in order I should like to propound a unanimous-consent request that, without taking the Senator from Florida from the floor or interfering with his rights, the Senate take a recess for 5 minutes in order that the Members of the Senate may greet Lady Astor, who honors us with her presence today.

The PRESIDING OFFICER. In the absence of objection, the Senate will take a recess for 5 minutes, without taking the Senator from Florida from the floor. The Chair hears no objection.

Thereupon (at 3 o'clock and 58 minutes p. m.) the Senate took a recess for 5 minutes. On the expiration of the recess the Senate reassembled, and Mr. LEWIS took the chair.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ANDREWS. Mr. President, as to the offense named in this bill, the States, by appropriate legislation, have determined the rights of their citizens, under the powers reserved to the States, in all cases of mob violence. In other words, every State whose constitution and laws I have examined has passed laws, and they are on the statute books, protecting every right which could be protected under this bill if it should be enacted and held constitutional. As a matter of fact, there is no Federal statute now in existence which undertakes or purports to authorize the Federal Government to legislate concerning anything which relates to individual action, or to the rights of citizens as between themselves and the State.

For example, what is generally known as the Mann Act defines and punishes a certain crime only when committed in passing from one State to another, solely under the power delegated to Congress by the interstate commerce clause of the Constitution.

A few years ago Congress passed what is known as the Kidnaping Act. However, they did not call it the "anti-kidnaping act." Kidnaping has continued, and indeed has increased. That act is constitutional because it provides punishment for an interstate crime. It does not apply to kidnaping committed and consummated wholly within one State.

Mr. CONNALLY. Mr. President, will the Senator from Florida yield to me for a question?

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Florida yield to the Senator from Texas?

Mr. ANDREWS. I yield for a question.

Mr. CONNALLY. Let me ask the Senator why that act did not apply to kidnaping wholly within a State. Was it not because the authors of the act recognized that they had no constitutional power to apply it to a kidnaping wholly within a State, and is it not a fact that the same principle would negative and overcome this measure?

Mr. ANDREWS. That is true. There is no question that this measure, if it applied only to interstate mob violence, would be constitutional.

As I stated, the kidnaping act is constitutional because it provides punishment for an "interstate" crime. I am going to listen not only with attention but with much interest to the person who undertakes to defend this bill if it remains in its present form which applies wholly to offenses committed within States, between citizens of the same State.

The essential provisions of the Federal kidnaping act read as follows:

Whoever shall knowingly transport or cause to be transported, or aid or abet in transporting, in interstate or foreign commerce, any person who shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away by any means whatsoever and held for ransom or reward or otherwise—

Shall be punished by death, and so forth.

It bases its constitutionality upon the fact that it defines it as an interstate crime—and that only!

In 1934 an act was passed by Congress defining and punishing the larceny of any goods stolen and carried across State lines; also, an act which defined and punished all persons who should transport, or cause to be transported, in interstate or foreign commerce, stolen motor vehicles. The Federal courts and the Federal authorities obtained jurisdiction of those offenses because, and only because, the kidnaped person or the stolen goods, the motor vehicle or the victim of the white-slave traffic, was carried across State or Territorial lines.

This antilynching measure does not mention interstate movement or the carrying of persons across a State or Territorial line; and, as a result, it is not worth the paper upon which it is written so far as its constitutionality is concerned. In my judgment, there is not a lawyer on this floor who would undertake to say it is and sustain it by proof.

The bill now before us undertakes for the first time in history to define and punish by act of Congress an alleged offense committed wholly within a State. If that is true, we might just as well stop this discussion right here, because in no instance have the States granted to Congress the right to pass any act which would take jurisdiction of crime as between citizens or groups of citizens within the confines of a State.

The General Government, unlike that of the States, possesses no inherent power in respect of the internal affairs of any State—that is the language of the Supreme Court of the United States—and emphatically not with regard to legislation. Indeed, the language is so clear and convincing that it ought to settle here and now the question as to whether Congress has power to enact such a law as proposed by this bill.

I have read this afternoon from the decision in the Civil Rights case, in which it is several times stated that under the fourteenth amendment Congress can legislate only to the extent of prohibiting State legislation which would deprive persons of life, liberty, or property without due process of law. Assuming that by some stretch of the imagination this bill might be held constitutional if enacted, those persons having first-hand knowledge of conditions in the States at which the bill is aimed believe that it would have exactly the opposite effect, and, therefore, a tendency seriously to cripple and handicap the well-established efforts of the State peace officers in their determination to reduce and wipe out the crime of lynching.

Here are some of the reasons why we fear that this bill, if it should be passed, would have such a serious adverse effect upon the States which are using their efforts finally to eliminate that terrible crime from their States:

First, assuming that a sheriff or other peace officer has information that a rapist, for instance, is being pursued by a mob. Such officer would be less likely to take all of the immediate risk imposed by this bill on him and his county in taking the person into custody, for the reason that, for instance, if he is overpowered by the mob he may be liable to imprisonment or fine, or both. Furthermore, his county would be liable to the lynchee's wife or family in an amount of from two to ten thousand dollars in the event a lynching occurs. The tendency, then, might be to let the person remain at large.

"What would you do if you were sheriff?" My answer to that question is that if I had a reasonable chance to protect such an offender, I would go ahead and protect him at the risk of my own life, and many a man has done so; but I am talking about the tendency that might arise among a thousand sheriffs, or a thousand deputy sheriffs. I am afraid that this bill, if enacted, would have a tendency to put them in fear because they would, under this bill, be subject to prosecution for a felony, and their county or city would be liable to a fine or an indemnity up to $10,000.

Incidentally, no provision whatever is made in this bill for the payment of damages in any amount to the family of the little girl who has been violated or possibly killed.

We all know that when the Federal Government practically took over the enforcement of prohibition conflicts often arose between local State and county officers, on the one hand, and Federal enforcement officers on the other. The result was that prohibition failed, mainly for the reason that it could not be successfully enforced at long range from Washington. Neither can this bill be so enforced. Experience over many years has taught us that the enforcement of local criminal laws as between individuals can be best effected by local authorities and that enforcement seems to be doomed to failure when transferred to others outside the county or the State.

It is self-evident that a mob has no conscience. It is not guided by any rule of law, reason, or sentiment, except a desire for immediate violence. This bill, if passed, instead of lessening the crime of lynching, would have exactly the opposite effect. A mob would have no more fear of peace officers of the Federal Government hundreds of miles away than they would have of local sheriffs or peace officers, backed up by the State militia under orders of the Governor. The National Guard has very often been called out by the Governors of all the States of the South to assist sheriffs in enforcing the law against mob violence.

Many also believe that the sheriffs or local peace officers would have little opportunity to even arrest a rapist as the mob would very likely act stealthily, and before peace officers and the National Guard would have a chance to intervene. In this way the county might be relieved of paying an indemnity up to $10,000 to the family of the victim, as authorized by section 5 of the bill, if seized before the sheriff arrived.

The fifth serious reason why the bill should not be enacted is that officers of States, counties, and municipalities in the States against which the bill seems to be specifically aimed would, no doubt, seriously resent the Federal Government stepping in and solemnly informing them that they were not capable of governing themselves.

While debating this bill we cannot overlook the fact that, of the many terrible classes of crime committed in the United States daily, lynching is the only one that has continued to decrease in numbers year by year. The recession of the crime of lynching has been so perceptible and steady that it deserves the expressed admiration of all persons who are interested in seeing all horrible crimes reduced to a minimum. This bill is an insult to all those States which have been successful in their efforts to blot out this crime. Conscientious efforts of law-abiding citizens and officials are bringing about the eventual obliteration of the crime of lynching, and will, no doubt, continue those efforts—if let alone.

While lynchings were being reduced to only eight last year, there has been a steady increase in one of the most horrible crimes of the century. I have reference to the increase in the number of kidnapings to 20 last year.

No crime has ever been committed in this country over which more tears have been shed than when the little baby of Colonel Lindbergh was kidnaped. We all know that the parents of that little boy feel that they are not protected even now in this country; otherwise, they would not have moved to England. It is a serious indictment of law enforcement in this country.

Here, in the city of Washington, there were 75 hold-ups and robberies in one recent period of 24 hours—and the District of Columbia is governed directly by the Congress. That certainly does not encourage us to feel that the Government would be any more successful in executing a law like that proposed. Certainly it belies any assertion that the General Government can better enforce the law than the States can.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ANDREWS. I yield.

Mr. CONNALLY. Is not that theory exploded by our experience with the eighteenth amendment? Federal laws were passed to enforce that amendment, and the theory that if Congress pass a law crime will vanish it seems to me was demonstrated to be a fallacy by our experience with the eighteenth amendment. That amendment was repealed because the Government could not enforce it throughout the States, and the subject was turned back to the States to handle, on

the theory that they could enforce any law when and if there was public sentiment behind it. Is not that a graphic illustration of the fact that the Federal Government cannot successfully impose its will when State power ought to be exerted?

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ANDREWS. I should like to answer the question of the Senator from Texas, but I yield for a question.

Mr. MINTON. Would the Senator be willing then to vote for repeal of the Federal law against kidnaping, or the Mann Act, or the Narcotics Act?

Mr. ANDREWS. The kidnaping law is not the measure before us.

Mr. MINTON. I did not say it was.

Mr. ANDREWS. I certainly would not vote to repeal those laws. As quickly as a crime crosses State lines there are many complications. I know of a lynching which occurred when a man was carried across the State line, and there was much confusion as to which State had jurisdiction over the offense.

Mr. MINTON. Will the Senator yield further?

Mr. ANDREWS. I yield for a question.

Mr. MINTON. Does a kidnaping become any more a kidnaping because the kidnapers cross a State line?

Mr. ANDREWS. Not at all.

Mr. MINTON. Or the stealing of an automobile?

Mr. ANDREWS. Certainly not; but we intend to require that every law passed by the Congress shall respect State rights. If a crime is interstate, the Federal Government has power to define and punish. There are many laws on our statute books like that.

Mr. SMATHERS. Mr. President, as a matter of fact, what little enforcing there was of the eighteenth amendment was by the Federal courts under the Federal law, was it not?

Mr. ANDREWS. Yes; what little enforcement there was.

During the past year there have been hundreds of gangster hold-ups, robberies, and an enormous increase in sex crimes against white children. It has gotten so that a white female child over the age of 10 is not absolutely safe in this land of boasted freedom unless she has an armed bodyguard. It is unnecessary for me to mention the number of cases that have recently occurred right here in the District of Columbia, where Federal laws govern. While we were debating this bill last year, a beautiful widowed mother of two small children was murdered by a Negro yardman in the basement of her home, almost in the shadow of this Capitol.

Scarcely a day passes that some fiend does not assault and rob some white woman right here in Washington.

We all know that law enforcement against all crimes in the District of Columbia is under statutes enacted by Congress. There are many astounding figures illustrative of the fact that the Federal Government is less efficient in enforcing local laws against crime than the States and counties of the various States, except, possibly, when the crime is interstate in character.

About twice the number of Negroes were arrested in Washington than were arrested in New Orleans last year, although the Negro population in both cities is about equal. There is an apparent reason for this great difference. In fact, the colored people of the 15 Southern States as a whole rank among the most law-abiding people in the world.

No race ever made greater progress toward a higher civilization and the emulation of the teachings of the Christian faith, which is one of the principal bases of all good citizenship, than the Negroes of the South. There can be no question that they, with the aid of the white people of the South, have made greater progress toward good citizenship than could ever be shown under any similar racial conditions throughout the history of man. Brought from darkest Africa about a century and a half ago, unschooled, ignorant, and naked, they were sold into slavery, where they came under the supervision and tutelage of the Anglo-Saxons, which constituted mainly the white people of the South.

They not only had to learn the language of those whom they served but to conform to the ways and sentiments of a civilization to which they were not accustomed. Many of them received their training in stately homes, where they associated daily with the wives and children of their owners. Others were in the fields under the supervision, training, and environment of the owners of the plantations or their supervisors. It was natural that economically the Negroes would be more serviceable to their masters down in the warm South if they had sound bodies and clean minds. So it was that they had the best doctors to be procured in those days. The majority of them were required to attend church on Sunday, where the teachings of the Holy Bible were constantly dinned into their ears. So it was when the Civil War came on, and so it is today that there is a far greater percentage of churchmen of the Christian faith of both races in the 15 Southern States than in any other portion of the civilized world.

How some were led by a horde of carpetbaggers into a philosophy of disrespect and contempt of the few masters who returned from the battlefields at the close of the Civil War constitutes one of the blackest pages not only in American history but in the history of civilized man. It was years after reconstruction until even the more intelligent among our colored people were disillusioned and learned that the Government had never undertaken to reward them with the mythical "40 acres of land and a mule."

While struggling with these problems, there arose at Tuskegee, Ala., in the late nineties a Moses of their race who dedicated his life to the welfare of not only the Negro race but to the white people of the South as well. It so happened that his name was Booker T. Washington. Indeed, he is the Washington of his race. He taught them that social equality with the whites was not contemplated under our system of government nor by nature.

As an apostle of his race, he endeavored to induce his people to think little about questions relating to social and political equality.

It so happens that I knew Booker T. Washington, and I am prepared to say that he was one of the greatest men of his race and was a credit to the colored people and to the white people of the South. As to social equality, he said:

> The wisest among my race understand that the agitation of questions of social equality is the extremest folly, and that progress in the enjoyment of the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing. No race that has anything to contribute to the markets of the world is long in any degree ostracized. It is important and right that all privileges of the law be ours; but * * * vastly more important that we be prepared for the exercise of these privileges. The opportunity to earn a dollar * * * just now is worth infinitely more than the opportunity to spend a dollar. (Dabney's Universal Education in the South, p. 501.)

Those were his own words. I continue to quote from his address at the Atlanta Exposition in 1896:

> As we have proved our loyalty to you in the past in nursing your children, watching by the sickbed of your mothers and fathers, and often following them with tear-dimmed eyes to their graves, so in the future, in our humble way, we shall stand by you, with a devotion that no foreigner can approach, ready to lay down our lives, if need be, in defense of yours, interlacing our industrial, commercial, civil, and religious life with yours in a way that shall make the interests of both races one. In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress (Id., p. 504).

As to the political future of his race, he said:

> I am often asked to express myself * * * upon the political condition and future of my race * * *. My belief is, although I have never before said it in so many words, that the time will come when the Negro in the South will be accorded all the political rights which his ability, character, and material possessions entitle him to. I think, though, that the opportunity to freely exercise such political rights will not come in any large degree through outside or artificial forcing, but will be accorded to the Negro by the southern white people themselves, and that they will protect him in the exercise of his rights (Id., p. 501).

He also taught them that they should maintain their race integrity by refusing to amalgamate with any other race, otherwise they would become a mongrel race.

It is deplorable to compare the physical condition of the colored men preceding the Civil War, when they had become thoroughbreds of their race, with what it was at the

time of our entry into the World War. They had added much to their physical stature, their intellect, and their manners during the hundred years of tutelage and supervision of those who were directly interested in their health and welfare. Compare that record with the statistics compiled by those who examined many thousands of colored men for their entry into the World War in 1917. The records show, I am told, that a majority of those examined for World War service were found to be defective because of venereal diseases.

Judging from the recent efforts which have been put forth by the American Medical Association and the social welfare organizations of the United States and the States to deal with this dreaded scourge, little progress has been made since the World War.

In speaking on this bill during the recent special session, I pointed out, among other things, that the assumption that hatred existed as between the better class of the native whites and colored people of the South is a fallacy. I now repeat that statement. No two radically different races of men could ever live together with such harmony and understanding, nor with more genuine kindness toward each other, than have the white race and the colored race in the South. It must be remembered that the Civil War left thousands of the leading citizens of the South on the battlefields. The remaining population consisted of about 5,000,000 whites and 3,500,000 Negroes. The soldiers who returned from the battlefields found their homes destroyed or dilapidated, their farms grown up in weeds, and their families hungry and in rags. Without any money, livestock, or source of income remaining, they had to try to reestablish themselves in one of the most devastated regions ever ravaged by war.

That was not the worst of it, for those who had participated in the war on the side of the Confederacy were, under the fourteenth amendment, prohibited from holding any county, State, or Federal office. So it was that many of the State and county governments were turned over to an illiterate class of people who knew nothing of the intricate problems of administering government under a democracy. With little or no funds in their State and county treasuries, many of the best people of the new generation grew up without any education, except what they absorbed at home, as there were but few, if any, public schools or schoolbooks.

A more intricate problem followed. Citizenship was also thrust upon an illiterate and ignorant people; and the only salvation for the more intelligent race was the hope that the Negroes could be trained to understand something of their new duties and responsibilities. At the close of the Civil War the carpetbaggers, like vultures, swarmed over the South, organizing the colored people along with a very low class of white camp followers. In many instances they not only encouraged and spread dissension but took charge of most of the State and county governments. Gradually, year after year, the South began to chisel its way out of what seemed to be an almost impossible situation. The colored people had been set free with political rights, while the whites had been enslaved and their civil rights taken away by the fourteenth amendment.

It must be remembered that in many of the legislatures, including that of my own native State of Florida, illiterate Negroes were in the majority. Such a form of government, forced on a highly cultured white southern people, who the great Lincoln said should be considered as never having left the Union, brands the carpetbag period as the blackest page in American history. It was during this period that many helpless female white children and widows of Confederate soldiers were ravished and slain. That is history. It cannot be denied. It was done by those who were misled, not by the better element of the colored race. So it was that many hundreds of the best southern families migrated to Central and South America, never to return.

Then 3,500,000 illiterate colored people and their prolific offspring were to be educated by some magic process that no one could divine.

Northern critics continue to point out that in the South there are more illiterates than in any other section of the United States; and they have kept up that slogan so long that in many instances those of the present generation seem to feel that a great wrong is being perpetrated in Dixie by those now in charge of government in those States.

If the Federal pension money had been distributed over the South by billions—as it was distributed over the States of the North—no doubt we could long ago have provided a little red schoolhouse with an able teacher in every township for both races. Perhaps some superman, by some magic not yet revealed to us, could have led us out of this illiteracy wilderness under like circumstances; but it is obvious that no ordinary human being could have done so. Lynching and like crimes have almost disappeared in the South and the crimes which result in lynchings have diminished as education of both the white and colored races has increased. No one will deny that.

There can be no question that there is a better feeling between the colored people and the white people of the South than exists in other States of the Union. We have no race riots such as occurred at Springfield, Ill. In our section of the country we encourage the colored man to work out his own salvation. We help him to do so if he is honest and wants to earn an honest living. We understand each other and observe our respective places in the community. As a result, there is less crime in the South than is found among communities of comparable population in Northern States.

The pages of history record that the race question, whenever confounded with the social or political status, has always been one of the most serious in any land. Even Abe Lincoln recognized this to its fullest extent when, in a debate in Congress, he made this statement:

> There is a physical difference between the white and the black races which I believe will forever forbid the two races living together on terms of social and political equality.

Prior to that time, Thomas Jefferson had said:

> Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government.

In discussing the same question, the great European historian, De Tocqueville, said:

> There are two alternatives for the future: The Negroes and the whites must either wholly part or wholly mingle.

In more recent years, one of our greatest genealogical authorities, Madison Grant, said:

> If the purity of the two races is to be maintained, they cannot continue to live side by side, and this is a problem from which there can be no escape.

Over a century has passed since Abraham Lincoln, Thomas Jefferson, and De Tocqueville made the statements which I have read, and the two races are still living together politically under practically the same government, although no one of these great men ever dreamed that a fourteenth or fifteenth amendment would be placed in our Constitution. Some of the conditions which they termed impossible have been found possible. Much progress has been made toward participation in governmental activities; but it must be noted that political equality has been found troublesome and even impossible in instances where it has been used directly or indirectly to force social equality.

There are 15 States in the Union which by law encourage social equality of the races to the extent of permitting the intermarriage of whites and Negroes. Of course, none of those States is in the South. The laws of nature, like those of the Medes and the Persians, change not; and the experience of the ages and the history of man show that where the white and black races amalgamate such amalgamation tends adversely to affect both, but naturally more perceptibly the white race.

No one will successfully dispute these facts. The type of Anglo-Saxon race which inhabits the South will not now, tomorrow, or hereafter countenance amalgamation of the two races. It has been estimated that three-fourths of the colored people inhabiting some of the Northern States show

evidence of amalgamation, while only 1 in 100 of the colored inhabitants of the States of the South shows such evidence.

Those who have amalgamated deserve every thoughtful consideration. I am willing to help them in any way I can. That is one reason why I am opposed to this so-called antilynching bill. It will not help the colored man. It will create hatred and strife as the years go by; for if this bill is passed, I fear that the next one that will be brought forward by the paid propagandists to trade for votes will be a bill to encourage intermarriage between the races.

It has been pointed out by some that the apparent cause of the ever-recurring race question is the attempt to force social equality.

The Civil Rights Act, which provided that no discrimination should be made between the races at hotels, inns, or in railway cars, was held unconstitutional under the fourteenth amendment on the ground that the amendment applied to State laws, and regulations thereunder, and not to individuals.

If the Senators who are in favor of this measure succeed in reducing gangsterism, racketeering, kidnaping, and the unpunished violations of their women and children down to the minimum to which we in the South have brought lynching in recent years, we will gladly help them celebrate, and raise monuments in memory of their efforts. Certainly we will not hold them up before the world as incapable of enforcing their local State laws, as they are doing toward us who have the honor now to represent the South.

In a former speech on this subject I referred to the conditions existing at the close of the Civil War, which shows the cordial relations between the best class of colored people of the South and the best class of white people, and they constitute at least 90 percent of the total.

While the masters were away at the front fighting, the old black mammy and Uncle Joe remained at home, faithful to their charges, throughout that terrible conflict of 4 years. No story in history is more beautiful than that regarding the loyal old black mammy who shared the tender care incident to the bringing up of the children of the South, not only during the years preceding the Civil War but to a large extent down to the present time. No law will ever cause any true southerner to hate, mistreat, or turn his back upon the good colored people who looked after his welfare when a child.

During the 4 long dismal years of the War between the States, Aunt Mandy would place her cot between the front door of her master's home and the chambers where her mistress and the children lay, and no intruder—not even Federal soldiers—dared molest her charges without first passing over her dead body. It was the black mammy who had the care of the children of the South as nursemaid, and almost without exception she took her responsibilities seriously; and, being by nature religious, she was constantly found instructing the children in her charge that they should be clean in body, language, and soul. So it was, and so it is, that being constantly in her care, she not only had much influence over their lives but it was very largely from her that the southern girl and boy derived their southern accent.

Recently, Mr. President, you may have observed over the radio and on the stage that there has been an effort to make fun of persons who have what is termed the "southern accent." The quiet, smooth, subdued voice is largely the results of the constant, soft, mellow voice the southerners heard from the black mammy in their childhood.

I should like to see her statue placed on the public square of every capitol of the South. It should be fashioned in bronze, so that it could never rust or decay. It should be in the image of the typical old black mammy, with a snow-white kerchief crowning her brow, and a little boy and a little girl leaning upon her knee. I would have inscribed upon that monument: "The Black Mammy of the South."

Such a statute, to me and to the other white people of the South—and, for that matter, I believe, to the millions of white people of the North who do not understand the repercussions of this antilynching bill—would be more beautiful, more lasting, more symbolic of the true spirit of the people of the South, both colored and white, than the one which will be pictured in the heart and mind of every true southerner as the years go by, namely, States' rights being legislatively lynched by congressional representatives of their sister Northern States who, we fear, are trading the integrity of the loyal South and their own birthrights for a mess of pottage—namely, a few votes at election time.

Before I close, I desire to refer to something about which I fear not many people have as yet thought.

One of England's greatest statesmen once said, "If you will let me write the songs of a nation, I care not who shall write its laws." The people of the South sing as their folk songs Carry Me Back to Old Virginia, My Old Kentucky Home, Old Black Joe, and the State song of Florida, the Suwannee River. Those songs are sung not only by the white people of the South but by the white people of the North. They are sung in every civilized tongue. They are written in the dialect of the colored people, and they are our folk songs. No people ever sing the heart songs of their nation in the language of those they hated.

Reference has been made to the "Jim Crow" laws of the South. The Supreme Court has held that such laws do not violate any provision of the fourteenth amendment. Under those laws special cars are attached to every train, in which the colored people of our part of the country travel; and if any of the white people think they can ride in those cars, let them try it. The conductor has police power, and he will say to the white people, "This is a special car, a car set aside for the colored people, and you cannot ride in it." The result is that the worst element of the whites and the worst element of the colored people do not come in conflict and cause trouble or race riots, as was the case in East St. Louis, for instance.

Mr. President, there are 12,000,000 colored people in this country, which is equal to one-tenth of our population, and I should like to see one-tenth of the galleries of the Senate set aside for them, where they can come and feel perfectly at home, without the least embarrassment or inconvenience.

Mr. President, I had hoped to discuss—more in detail—the constitutionality of the pending measure, but I have not entirely confined my remarks to that feature because, as I stated in the beginning, I want to hear some Senator endeavor to demonstrate that the bill is constitutional. After such an argument has been made, I shall proceed to answer it fully in the RECORD. I thank the Senate for its attention.

APPROPRIATIONS FOR SUGAR CONTROL ACT AND CROP-PRODUCTION AND HARVESTING LOANS—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 5, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SENATE

"That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for expenses of the Senate, namely:"

And the Senate agree to the same.

ALVA B. ADAMS,
CARTER GLASS,
FREDERICK HALE
Managers on the part of the Senate.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
JOHN TABER,
Managers on the part of the House.

Mr. ADAMS. I move that the report be agreed to.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The Senator will state it.

Mr. CONNALLY. Is the motion debatable?

The PRESIDING OFFICER. The question of agreeing to the report is debatable.

Mr. ADAMS. Mr. President, I wish to say a word in explanation of the report. The amendment to Senate amendment numbered 2 is to correct a verbal inaccuracy in the joint resolution as it passed the Senate. In the amendment, in reference to the appropriation for the use of committees of the Senate, there was an omission, and it is being cured through the medium of this report.

Mr. CONNALLY. Cannot the Senator withhold this until tomorrow? I ask him to do that.

Mr. ADAMS. I have no objection.

Mr. CONNALLY. I prefer to have action deferred until tomorrow.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Colorado will not insist upon action this evening?

Mr. ADAMS. If the Senator from Texas would like to have the report go over, I consent. It is a privileged matter and will come up immediately tomorrow?

The PRESIDING OFFICER. Yes. The report will go over, by consent, until tomorrow.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

DEATH OF REPRESENTATIVE KENNEY, OF NEW JERSEY

The PRESIDING OFFICER. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
January 27, 1938.

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD A. KENNEY, a Representative from the State of New Jersey.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SMATHERS. Mr. President, lamenting the untimely death of New Jersey's distinguished citizen, EDWARD A. KENNEY, representing the Ninth Congressional District of the State of New Jersey, I send to the desk resolutions, which I ask to have read and immediately considered.

The resolutions (S. Res. 227) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD A. KENNEY, late a Representative from the State of New Jersey.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. The Chair appoints the senior Senator from New Jersey [Mr. SMATHERS] and the junior Senator from New Jersey [Mr. MILTON] as the committee provided for in the second resolution.

Mr. SMATHERS. Mr. President, as a further mark of respect to the memory of the late Representative KENNEY, whose death this morning has caused a distinct loss to the Congress of the United States, as well as to the State of New Jersey, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Friday, January, 28, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 27 (legislative day of January 5), 1938

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for promotion in the Foreign Service of the United States, effective as of January 3, 1938, as follows:

From Foreign Service officer of class 3 to Foreign Service officer of class 2:

Maynard B. Barnes, of Iowa.
William C. Burdett, of Tennessee.
Nathaniel P. Davis, of New Jersey.
John G. Erhardt, of New York.
Carol H. Foster, of Maryland.
Charles Bridgham Hosmer, of Maine.
Paul R. Josselyn, of Iowa.
Joseph F. McGurk, of New Jersey.
Robert D. Murphy, of Wisconsin.
Myrl S. Myers, of Pennsylvania.
Harold H. Tittmann, Jr., of Missouri.
Avra M. Warren, of Maryland.
Orme Wilson, of New York.

From Foreign Service officer of class 4 to Foreign Service officer of class 3:

Willard L. Beaulac, of Rhode Island.
William P. Blocker, of Texas.
Howard Bucknell, Jr., of Georgia.
Richard P. Butrick, of New York.
Cecil M. P. Cross, of Rhode Island.
Hugh S. Fullerton, of Ohio.
Edward M. Groth, of New York.
George D. Hopper, of Kentucky.
H. Freeman Matthews, of Maryland.
Rudolf E. Schoenfeld, of the District of Columbia.
George P. Shaw, of California.
Howard K. Travers, of New York.

From Foreign Service officer of class 5 to Foreign Service officer of class 4:

Hiram A. Boucher, of Minnesota.
Herbert S. Bursley, of the District of Columbia.
Curtis T. Everett, of Tennessee.
Raymond H. Geist, of Ohio.
Stuart E. Grummon, of New Jersey.
Loy W. Henderson, of Colorado.
Laurence E. Salisbury, of Illinois.
Lester L. Schnare, of Georgia.
Edwin F. Stanton, of California.
Fletcher Warren, of Texas.
Samuel H. Wiley, of North Carolina.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:

John H. Bruins, of New York.
Selden Chapin, of Pennsylvania.
Herndon W. Goforth, of North Carolina.
George F. Kennan, of Wisconsin.
Marcel E. Malige, of Idaho.
Samuel Reber, of New York.
Frederik van den Arend, of North Carolina.
Angus I. Ward, of Michigan.

SOLICITOR GENERAL

Robert H. Jackson, of New York, to be Solicitor General, vice Stanley Reed, resigned.

UNITED STATES MARSHAL

Benjamin B. Mozee, of Alaska, to be United States marshall for the second division, district of Alaska. (He is now serving under an appointment by order of the court.)

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Capt. Frank Richards, Coast Artillery Corps, with rank from November 18, 1928.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonel

Maj. Marvin Randolph Baer, Infantry, from January 21, 1938.

To be major

Capt. Lewis Morrell Van Gieson, Ordnance Department, from January 21, 1938.

MEDICAL CORPS

To be lieutenant colonels

Maj. Joseph Francis Gallagher, Medical Corps, from February 8, 1938.

Maj. John Murray Welch, Medical Corps, from February 9, 1938.

Maj. Harry Aloysius Bishop, Medical Corps, from February 9, 1938.

Maj. Luther Remi Moore, Medical Corps, from February 27, 1938.

To be major

Capt. James Ogilvie Gillespie, Medical Corps, from February 1, 1938.

To be captains

First Lt. Ronald Fisher Kirk, Medical Corps, from February 5, 1938.

First Lt. David Fisher, Medical Corps, from February 21, 1938.

DENTAL CORPS

To be lieutenant colonels

Maj. Thomas Floyd Davis, Dental Corps, from February 4, 1938.

Maj. John Nelson White, Dental Corps, from February 7, 1938.

Maj. William Ferdinand Scheumann, Dental Corps, from February 7, 1938.

Maj. Campbell Hopson Glascock, Dental Corps, from February 7, 1938.

Maj. William Frederic Wieck, Dental Corps, from February 7, 1938.

To be captain

First Lt. Arthur Julian Hemberger, Dental Corps, from February 17, 1938.

CHAPLAINS

To be chaplains with the rank of lieutenant colonel

Chaplain (Maj.) Albert Leslie Evans, United States Army, from February 18, 1938.

Chaplain (Maj.) Frank Pearson MacKenzie, United States Army, from February 28, 1938.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 27, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy, Lord God Almighty, heaven and earth are filled with Thy goodness; glory be to Thy holy name! Let us call to mind the grace of our Lord Jesus Christ, that though He was rich, yet for our sakes He became poor; that we, through His poverty, might become rich. O God, by whom the meek are guided in judgment and the light riseth up in darkness for the godly, grant us in all our doubts and uncertainties the spirit of wisdom. Save us from all false choices, and in Thy light may we see light and in Thy straight path may we not stumble. Heavenly Father, the muffled silence of death hovers about a fireside. The dense quiet of the night has come down; a Member of ability, zealous in performance of duty, has fallen. Oh, comfort the stricken loved ones; help them with Thy great peace to look forward to a higher and a better life. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937, and for crop production and harvesting loans.

ADMINISTRATION OF SUGAR ACT, 1937

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 571, making appropriations available for administration of the Sugar Act of 1937, and for crop production and harvesting loans, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table House Joint Resolution 571, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. TAYLOR of Colorado, Mr. CANNON of Missouri, Mr. WOODRUM, and Mr. TABER.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following communication, which was read:

JANUARY 27, 1938.

Hon. W. B. BANKHEAD,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the following standing committees of the House of Representatives: Committee on Accounts, Committee on Civil Service, Committee on Immigration and Naturalization, and Committee on Roads.

Very truly yours,

JOHN SPARKMAN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a. m. tomorrow.

The SPEAKER. Is there objection?

There was no objection.

DEATH OF REPRESENTATIVE EDWARD A. KENNEY

Mr. SUTPHIN. Mr. Speaker, it is with sincere regret that I announce the accidental death of my friend and colleague, Hon. EDWARD A. KENNEY, a Representative from the Ninth District of New Jersey. Mr. KENNEY'S death is a severe shock to me as well as to the other Members of the House. For three terms he represented his district in this body. He was well known for his untiring efforts in behalf of his district, his State, and the Nation, and he will be sorely missed by all who knew him.

The district which Mr. KENNEY represented is in the heart of a commercial and industrial area, and our late colleague devoted much of his time and energy to the interests of industry and commerce and its employees. As an active member of the Committee on Interstate and Foreign Commerce, he served ably and well.

An indefatigable worker, tireless in the service of his country, our late colleague endeared himself to his fellow Members and to the constituency he served so well. His loss will

be keenly felt by all who knew him or benefited from his service.

Mr. SEGER. Mr. Speaker, as dean of the New Jersey congressional delegation and ranking member on the minority side, I concur in the splendid tribute just paid our departed colleague by Representative SUTPHIN.

It hardly seems it was only last night that I had the pleasure of presenting him for a short address at the dinner tendered our State delegation by businessmen from New Jersey. He made a constructive presentation, and a high light was his personal tribute to many of his friends present around the table.

ED KENNEY represented a district adjoining mine, and he represented it well. Often our problems were mutual, and I am glad to say he never failed to cooperate with me whenever I asked such or he thought he could help.

A brilliant legal mind, Representative KENNEY applied himself to the serious issues facing the National Legislature, and everyone here knows how, when once he gave himself to a cause, he did so with a sincerity and a devotion rarely found.

I suffer a great personal loss in Ed's passing. So do all of us on this side of the House. We have lost a great friend, a worthy legislator, and a noble character.

Mr. THOMAS of New Jersey. Mr. Speaker, we of New Jersey mourn the sad loss of Congressman EDWARD A. KENNEY. As a resident of the same county in which Mr. KENNEY resided I am conscious of the high regard the people in his congressional district had for him. He was one who lived to serve. He was loyal, sincere, courageous, and a true friend.

Mr. WOLVERTON. Mr. Speaker, I am stunned by the news of the tragic death of our colleague from New Jersey [Mr. KENNEY]. It has been my privilege to be intimately associated with Mr. KENNEY in the work of the Committee on Interstate and Foreign Commerce of which we were both members. He was hard working, conscientious, and painstaking. He brought to the solution of every subject wise and conservative judgment. He was able and courageous. His counsel and advice in the many perplexing problems presented to that committee will be greatly missed. He had the confidence and respect of every member of the committee regardless of political affiliations. The same was likewise true of the attitude of the membership of the House toward him. He was held in high regard by all who knew him.

Mr. SUTPHIN. Mr. Speaker, I offer the following resolution which I send to the desk.

The Clerk read as follows:

House Resolution 411

Resolved, That the House has heard with profound sorrow of the death of Hon. EDWARD A. KENNEY, a Representative from the State of New Jersey.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Chair appointed the following Members on the part of the House to attend the funeral: Mr. SUTPHIN, Mr. HART, Mr. TOWEY, and Mr. SEGER.

The SPEAKER. The Clerk will report the remaining portion of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 14 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until tomorrow, Friday, January 28, 1938, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, January 28, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10 a. m. Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Friday, January 28, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia will meet Friday, January 28, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Friday, January 28, 1938, to resume hearings on H. R. 9016, Washington Airport. Caucus Room, House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1038. A letter from the Chairman of the United States Maritime Commission, transmitting a report on claims arbitrated or settled between October 16, 1936, and October 15, 1937; to the Committee on Merchant Marine and Fisheries.

1039. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed joint resolution to amend the Settlement of War Claims Act of 1928 for the purpose of extending for 2 additional years the time within which American nationals who have obtained awards from the Mixed Claims Commission, United States and Germany, or the Tripartite Claims Commission, Austria and Hungary, and the Hungarian nationals who have obtained awards from the

war-claims arbiter, may make application to the Treasury for the payment of such awards; to the Committee on Ways and Means.

1040. A letter from the Acting Secretary of the Treasury, transmitting a proposed bill to simplify the accounts of the Treasurer of the United States, and for other purposes; to the Committee on Banking and Currency.

1041. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to repeal the provision of the act of March 4, 1929, relating to the availability of appropriations made for the National Park Service; to authorize the collection of certain miscellaneous fees in the national parks and other areas under the jurisdiction of the National Park Service; and for other purposes; to the Committee on the Public Lands.

1042. A communication from the President of the United States, transmitting two drafts of proposed provisions pertaining to existing appropriations of the Department of Agriculture, for enforcement of the Commodity Exchange Act of June 15, 1936, and to permit the use of administrative funds provided under the act of July 11, 1916, for continuation of cooperation with the several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway (H. Doc. No. 506); to the Committee on Appropriations and ordered to be printed.

1043. A communication from the President of the United States, transmitting a proposed provision affecting an existing appropriation for the Post Office Department for the fiscal year 1938 (H. Doc. No. 507); to the Committee on Appropriations and ordered to be printed.

1044. A communication from the President of the United States, transmitting a proposed provision affecting an existing appropriation for the Navy Department for the fiscal year 1938 (H. Doc. No. 508); to the Committee on Appropriations and ordered to be printed.

1045. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1937 in the amount of $32,263.18, and supplemental estimates of appropriations for the fiscal year 1938, in the amount of $182,430.74, in all $214,693.92 (H. Doc. No. 509); to the Committee on Appropriations and ordered to be printed.

1046. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1937, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Mantua Creek, N. J., submitted in Rivers and Harbors Document No. 14, Seventy-third Congress, first session, with a view of determining if the existing project should be modified in any way at this time (H. Doc. No. 505); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TOWEY: A bill (H. R. 9209) to amend section 907 (b) of the Social Security Act; to the Committee on Ways and Means.

By Mr. SMITH of Washington: A bill (H. R. 9210) to authorize a preliminary examination and survey of Naselle River in Pacific County, Wash., with a view to providing flood protection for the Naselle River Valley; to the Committee on Flood Control.

By Mrs. O'DAY: A bill (H. R. 9211) to authorize State courts to designate officers to conduct preliminary hearings upon petitions for naturalization, to facilitate final action upon such petitions, to insure certificates of citizenship, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEA: A bill (H. R. 9212) to encourage travel to and in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: Joint resolution (H. J. Res. 576) proposing an amendment to the Constitution of the United States empowering the people by a national referendum to draft citizens and aliens for military service overseas; to the Committee on the Judiciary.

By Mr. MAAS: Joint resolution (H. J. Res. 577) providing for display of the United States flag on days of national thanksgiving; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Massachusetts: A bill (H. R. 9213) for the relief of Ame La Fernais; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 9214) for the relief of C. O. Hall; to the Committee on Claims.

By Mr. HAINES: A bill (H. R. 9215) for the relief of the Read Machinery Co., Inc.; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 9216) for the relief of Herbert Anthony Quigley; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3895. By Mr. FULMER: Concurrent resolution submitted by Hon. William P. Baskin, Jr., of the house of representatives, Columbia, S. C., requesting the Secretary of Agriculture for the United States to disburse funds due applicants for soil-conservation payments immediately upon the approval thereof, without waiting for receipt of 90 percent of said applications; to the Committee on Ways and Means.

3896. By the SPEAKER: Petition of the City of Chelsea (Mass.) Board of Aldermen, petitioning consideration of their resolution dated January 24, 1938, with reference to lynch laws; to the Committee on the Judiciary.

3897. Also, petition of the Brotherhood of Railroad Trainmen, Cleveland, Ohio, with reference to Senate bill 69, concerning length of railroad trains; to the Committee on Interstate and Foreign Commerce.